

2012

2011-2012 Summary

Assembly Committee on Agriculture

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2011 - 2012 SUMMARY

CATHLEEN GALGIANI, CHAIR



MEMBERS:

Hon. David Valadao, Vice Chair
Hon. Bill Berryhill
Hon. Jerry Hill
Hon. Fiona Ma
Hon. Tony Mendoza
Hon. Kristin Olsen
Hon. Henry Perea
Hon. Mariko Yamada

STAFF:

Jim Collin, Chief Consultant
Victor Francovich, Senior Consultant
Mona Wood, Committee Secretary

MINORITY CONSULTANT:

Doug Haaland

ASSEMBLY COMMITTEE ON AGRICULTURE

CATHLEEN GALGIANI, CHAIR

2011- 2012 BILL SUMMARY

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October 30, 2012

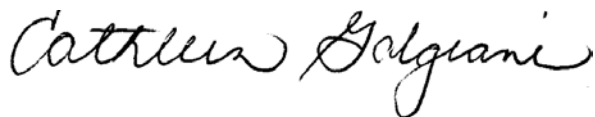
TO ALL INTERESTED PARTIES:

The following report summarizes legislation referred to the Assembly Committee on Agriculture during the 2011- 2012 legislative session and indicates the final status of each measure.

The Committee's primary jurisdiction extends to agricultural land use, commodity specific legislation, agricultural commissions and councils, the California Department of Food and Agriculture, the California Department of Pesticide Regulations, fairs and expositions, agricultural marketing, pesticides, and food safety and labeling.

For additional information regarding this summary, or other activities of the Assembly Committee on Agriculture, please contact the Committee staff at 916-319-2084.

Sincerely,

A handwritten signature in cursive script that reads "Cathleen Galgiani".

Cathleen Galgiani, Chair
Assembly Committee on Agriculture

Assembly Committee on Agriculture
Cathleen Galgiani, Chair

2011- 2012 Summary

ASSEMBLY BILLS:

**AB 74 (Ma) – Public Event Action Plans and Cooperataive Agreements
for Agricultural Inspector Services**

Requires that state agencies, including district agricultural associations (DAA), and joint powers agencies that include a DAA, must conduct a threat assessment for all events where the expected attendance is over 10,000 people. This bill also reinstates previous law related to California Department of Food and Agriculture's cooperative agreements for Agricultural Inspector Services.

Chaptered by Secretary of State, Chapter 666, Statutes of 2011.

AB 222 (Committee on Agriculture) – Food and Agriculture Omnibus Bill

Deletes obsolete reporting requirements that have passed for the California Department of Food and Agriculture (CDFA) and the Food Biotechnology Task Force; defines "business day" as it relates to the impoundment of dogs and cats in public or private shelters; deletes the \$100 per diem provision for California Walnut Commission (CWC) members, alternate members, and committee members, and instead provides that CWC members may receive an amount not to exceed reasonable and necessary traveling expenses and meal allowances, as established by CWC; and, specifies that for civil service employees working for the 50th District Agricultural Association (DAA) who choose to remain in state service, the joint powers agency may contract with the 50th DAA for the services of the employee rather than CDFA.

Chaptered by Secretary of State, Chapter 97, Statutes of 2011.

AB 258 (Hagman) – Rabies: Vaccinations

Allows exemptions from canine antirabies vaccination requirements to the owner of a dog that a licensed veterinarian determines has a compromised immune system or pre-existing condition that renders the vaccine dangerous to the animal's health.

Chaptered by Secretary of State, Chapter 542, Statutes of 2011.

AB 581 (John A. Pérez) – Public Health: Food Access

Creates the California Healthy Food Financing Initiative (CHFFI), the CHFFI fund and the CHFFI Council, for the purpose of expanding access to healthy foods in underserved communities. Requires the Secretary of the California Department of Food and Agriculture (CDFA), by July 1, 2012, to prepare recommended actions to be taken to promote food access within California. Authorizes CDFA to create an Advisory Group, as specified. This authority remains in effect until January 1, 2017.

Double Referred to Assembly Committee on Agriculture and Assembly Committee on Health.

Chaptered by Secretary of State, Chapter 505, Statutes of 2011.

AB 634 (Huber) – Vertebrate Pest Control: carbon monoxide

Allows the use of carbon monoxide for the control of burrowing rodent pest control, in accordance with existing pest control laws.

Chaptered by Secretary of State, Chapter 407, Statutes of 2011.

AB 691(Perea) – Agency Regulations and Economic Impacts

Designates the Secretary of the California Department of Food and Agriculture as an ombudsman responsible for providing assistance in obtaining permits expeditiously from the state and assist in policy development of agricultural related issues. The ombudsman is required to review and identify regulations that would impact agriculture within the state and other government agencies, and to initiate reviews of such. Additionally, this bill requires agencies developing regulations to evaluate and include additional information to the Office of Administrative Law for approval of proposed regulations.

In Assembly Appropriations Committee. Set, second hearing. Held under submission. Died pursuant to Art. IV, Sec. 10(c) of the Constitution. Filed with the Chief Clerk pursuant to Joint Rule 56.

AB 781 (John A. Pérez) – Local Government

As introduced February 17, 2011, this bill pertained to the Williamson Act, and was double-referred to the Assembly Committee on Agriculture and the Assembly Committee on Local Government. It passed the Assembly Committee on Agriculture on April 27, 2011, and the Assembly Committee on Local Government on May 12, 2011. The bill was amended in the Senate on June 20, 2011, and the subject matter changed to Local Government: counties: unincorporated areas.

Senate Inactive File.

AB 907 (Ma) – Processors of Farm Products

Authorizes the California Department of Food and Agriculture to impose sanctions three times the amount of unpaid or underpaid license fees and requires any bond or irrevocable guarantee, placed in lieu of proof of financial responsibility, to include both past and future debts owed, as a requirement of obtaining a processor's license.

Chaptered by Secretary of State, Chapter 465, Statutes of 2012.

AB 909 (Alejo) – Farm To School Program

Establishes the Farm to School program, which authorizes a school district to receive an additional \$0.05 per meal served if 80% of the district's expenditure for fresh produce in the school meal program is derived from California produce.

This bill was double referred to the Assembly Committees on Education and Agriculture. From Appropriations Committee. Died pursuant to Art. IV, Sec. 10(c) of the Constitution Filed with the Chief Clerk pursuant to Joint Rule 56.

AB 914 (Atkins) – State Commissions: Market Information

As passed by the Legislature, this bill makes changes to the Cut Flower Commission (CFC) and the California Avocado Commission (CAC), as specified. Specifically, this bill requires CFC to annually collect information relating to the type and varieties of cut flower's market price information based on sales to prevent unfair trade practices, and authorizes CAC to utilize the information provided to CAC for specified purposes, including food safety and communications. This bill would also revise the provision requiring CAC to reapportion those districts every five years by

determining the average number of pounds of fruit produced in each Zip Code area in the five, rather than two, crop years prior to a specified referendum.

Chaptered by Secretary of State, Chapter 322, Statutes of 2011.

AB 921 (Allen) – Agriculture Water Use Efficiency: compost Applications

This bill requires the California Department of Food and Agriculture, in conjunction with the Department of Water Resources, to oversee a study or studies conducted by the University of California Extension Service, in partnership with local water districts, agricultural interests and compost producers, to measure increases in water use efficiency through the use of compost in agricultural settings, and other potential benefits from the use of compost, with regard to climate change.

In Assembly Committee on Appropriations. Set, Second Hearing. Held in Committee. Died pursuant to Art. IV, Sec. 10(c) of the Constituion. Filed with the Chief Clerk pursuant to Joint Rule 56.

AB 1014 (Fletcher, Chesbro) – Food Facilities: Definition

Exempts premises set aside for the purpose of beer tasting, regardless of whether there is a charge for the tasting, from the definition of a food facility subject to the California Retail Food Code, if beer and prepackaged non-potentially hazardous beverages are the only beverages offered for sale for onsite consumption, and crackers or pretzels are the only food served.

Chaptered by Secretary of State, Chapter 159, Statutes of 2011.

AB 1154 (Bill Berryhill) – California Nursery Producers Commission

Exempts from the provisions relating to the California Nursery Producers Commission, crops that are subject to assessments imposed upon gross sales of fruit trees, nut trees, and grapevines by licensed nursery dealers, or imposed for the support of the California Citrus Nursery Board.

In Assembly Committee on Agriculture. Set, first hearing. Hearing canceled at the request of author. Died pursuant to Art. IV, Sec. 10© of the Constitution. Filed with the Chief Clerk pursuant to Joint Rule 56.

AB 1176 (Williams) – Pesticides: Toxic Air Contaminant

Requires the Director of the Department of Pesticide Regulation to complete at least one report per year on the health impacts of a pesticide which may be

determined to be a Toxic Air Contaminant (TAC). It also requires at least two pesticides per year go through the TAC determination process, and makes technical and conforming changes.

Double-referred to the Assembly Committee on Environmental Safety and Toxic Materials, and Assembly Committee on Agriculture. Failed Passage in Assembly Committee on Agriculture. Reconsideration Granted. From Committee without further action pursuant to Joint Rule 62(a).

AB 1204 (Dickinson) – Fairs: California Exposition and State Fair Authority

Adds two new areas of knowledge, in which Governor's appointees to the California Exposition and State Fair's board (board) are required to have general expertise. Specifically, this bill requires that public relations and marketing are subject areas that Governor's appointees to the board possess; requires board members to continue on the board past the expiration of their term, until a replacement is appointed and qualified; and, makes technical changes by deleting obsolete code.

In Assembly Committee on Appropriations. Held in Committee. Died pursuant to Art. IV, Sec. 10(c) of the Constitution. Filed with the Chief Clerk pursuant to Joint Rule 56.

AB 1265 (Nielsen) – Local Government: Williamson Act

Creates a temporary program that counties can use when the state's open space subventions are less than a specified level. This bill allows counties to increase the assessed values of Williamson Act contracted land and divert the resulting property tax revenues. The provisions of this bill become effective January 1, 2011, and sunset January 1, 2016.

Chaptered by Secretary of State, Chapter 90, Statutes of 2011.

AB 1266 (Nielsen) – Local Government: Williamson Act: Agricultural Preserves: Advisory Board

Allows Williamson Act advisory boards to advise a legislative body of a city or county, on matters as specified. Specifically, this bill allows an advisory board, in addition to advising on the administration of the agricultural

preserves in the county or city, to advise the city or county on any matters relative to Act contracts, including, but not limited to, the following: program benefits; costs; amendments; and, landowners participation. This bill also provides that the advisory board process is not the only means by which a board of supervisors or city council may address or receive advice regarding agricultural preserve matters.

Chaptered by Secretary of State, Chapter 529, Statutes of 2012.

AB 1625 (Allen) – Transition to Organics Act

Creates the "Transition to Organic Act" (Act) fund and program, to financially assist farmers who have transitioned from conventional farming practices to certified organic farming practices that are registered with the California Department of Food and Agriculture, with the first year of certification costs; provides definitions for "conventional farm" and "person;" creates a fund and source of funds, while prohibiting any state general funds; authorizes regulations be created for implementing the Act; and, makes related qualifiers for the Act.

Vetoed by Governor.

AB 1632 (Gordon) – Agricultural Product Marketing: Community Supported Agriculture

Encourages the California Department of Food and Agriculture to assist in organizing the marketing of community supported agriculture, along with current assistance in organizing certified farmers' markets, field retail stands, farm stands, and other forms of direct marketing.

In committee on Agriculture. Hearing postponed by Committee.

AB 2174 (Alejo) – Fertilizer: Reduction of Use

Prioritizes the funding for the Fertilizer Research and Education Program, and identifies specific entities to develop specialized technical education and research programs, resulting in more agronomically sound uses of fertilizer materials, including, but not limited to, reducing nitrates in groundwater, minimizing environmental impacts, and limiting emissions of greenhouse gases as stated.

Double-referred to the Assembly Committee on Health and Assembly Committee on Agriculture.

Chaptered by Secretary of State, Chapter 198, Statutes of 2012.

AB 2246 (John A. Perez) – Public Health: Food Access

Requires the California Healthy Food Financing Initiative (CHFFI) Council to establish and maintain an internet website with prescribed information, including information on actions that the CHFFI Council has taken and funding sources that are available to support access to healthy foods.

Chaptered by Secretary State, Chapter 446, Statutes of 2012.

AB 2345 (Ma) – Fairs: Sustainability

Creates a California Network of Fairs Commission to provide a new governance structure for fairs in California.

In Assembly Committee on Appropriations. Set, second hearing: Held under submission.

AB 2378 (Huber) – Rendering: Enforcement

Increases the fines for violations of the renderers and transporters of inedible kitchen grease statutes and regulations; provides court procedures for handling appeals and judgments; expands the requirements for keeping records for renderers, collection centers, and transporters of inedible kitchen grease; and, makes conforming changes to related codes.

Double-referred to the Assembly Committee on Agriculture and Committee on Judiciary.

Chaptered by Secretary of State, Chapter 303, Statutes of 2012.

AB 2403 (Valadao) – Agricultural Commodities: Fruits, Nuts, and Vegetables: Proof of Ownership

This bill requires that every person who sells or buys fruits, nuts, or vegetables that are the food product of any tree, vine, or plant, and that are marketed for commercial purposes, to either provide or obtain a record of proof of ownership. Existing law makes this requirement applicable to lots of over 10 pounds.

In Assembly Committee on Agriculture. Set, first hearing. Hearing canceled at the request of author.

AB 2536 (Butler) – Stray Animals: Ownership

Provides that when a person or private entity finds a stray live animal, the finder must immediately notify the owner if the owner's identity is reasonably ascertainable.

Double-Referred to Assembly Committee on Agriculture and Committee on Judiciary.

AB 2586 (Hueso) – The California Healthy Choices Program

This bill would require the California Department of Food and Agriculture to establish the California Healthy Choices Program to certify grocery stores, as defined, that promote healthy food choices.

In Assembly Committee on Agriculture. Set, second hearing. Hearing canceled at the request of author.

AB 2680 (Committee on Agriculture) – Agricultural Land: Williamson Act: Lot Line Adjustments: Contracts

Deletes the sunset date of January 1, 2013, for Williamson Act (Act) lot line adjustments. A lot line adjustment is allowed if it is agreed upon by a city or county and a landowner, to rescind an Act contract and simultaneously enter into a new contract to facilitate lot line adjustments.

Chaptered by Secretary of State, Chapter 128, Statutes of 2012.

AB 2681 (Committee on Agriculture) – Food Waste

Deletes provisions in state law relating to using garbage as feed for swine, and disposing of garbage from vessels and aircraft. This bill also prohibits the use of food waste as feed for swine, as specified, and prohibits vessels and aircraft from disposing of food waste into territorial waters or state lands.

Double-referred to the Assembly Committee on Agriculture and Committee on Natural Resources.

In Assembly Committee on Natural Resources. Set, first hearing. Hearing canceled at the request of author.

AB 2682 (Committee on Agriculture) – Agriculture Omnibus Bill

Changes the designation of the California Science Center's space age museum; makes a technical change to the assessment fee exemption for varieties of olive trees; adds kefir to the products that comprise Class 2

market milk; clarifies that properly licensed retail food facilities are not regarded as milk products plants; amends language relating to the Dairy Council of California; and, makes technical changes to the rules for how the California Walnut Commission would become non-operational.

Chaptered by Secretary of State, Chapter 323, Statutes of 2012.

ACR 119 (Galgiani/Valadao) – California Agriculture Day

Recognizes and honors the men and women of California agriculture for their dedication and productivity by observing the week of March 4, 2012, to March 10, 2012, inclusive, as National Agriculture Week, and designating Wednesday, March 21, 2012, as California Agriculture Day.

Chaptered by Secretary of State - Res. Chapter 52, Statutes of 2012.

AJR 29 (Allen) – Pollinators

Memorializes the United States Department of Agriculture, the United States Environmental Protection Agency, the California Department of Food and Agriculture, the California Department of Fish and Game and the California Department of Pesticide Regulation, to officially recognize the importance of pollinators to the food supply and the environment, declares the urgency of Colony Collapse Disorder, and promotes a healthy environment for pollinators.

Held In Senate Rules Committee.

HOUSE RESOLUTIONS:

HR4 (Galgiani/Valadao) – California Agriculture Day

Honors the men and women of California agriculture for their dedication and productivity by observing the week of March 13, 2011 to March 19, 2011, inclusive, as National Agriculture Week, and March 23, 2011 as California Agriculture Day.

Read and Adopted March 17, 2011.

SENATE BILLS:

SB 226 (Simitian/Vargas) – Environmental Quality

As introduced, this bill made technical changes to land use planning, streamlined the California Environmental Quality Act (CEQA) and added exemptions from CEQA for specific types of projects. As amended, the bill allowed changes in CEQA guidelines to exempt solar photovoltaic projects not more than 10 megawatts/100 acres located on marginal agricultural lands from CEQA review. On September 6, 2011, language related to solar projects on Agricultural land was removed from this bill. As chaptered into law, SB 226 revises CEQA scoping procedures by authorizing referral of a proposed action to adopt or substantially amend a general plan to a city or county to be conducted concurrently with the scoping meeting, and authorizes the city or county to submit its comments at the scoping meeting. **Double-referred to the Assembly Committee on Natural Resources and the Assembly Committee on Local Government; 77.2 - Double Referred to Assembly Committee on Natural Resources and Assembly Committee on Agriculture after the July 14, 2011 amendments.**

Chaptered by Secretary of State, Chapter 469, Statutes of 2011.

SB 249 (Yee) – Assault Weapons

As introduced, this bill pertained to District Agricultural Association 1-A (Cow Palace), and made changes to the appointment process of District Agricultural Association 1-A's Board of Directors by shifting some appointment authority to the mayors of San Francisco and Daly City. SB 249 was amended on July 14, 2011, to require the Cow Palace to submit a risk assessment plan to specified local governments before authorizing private exhibitor events. SB 249 was amended on August 7, 2012, deleting all reference to the Cow Palace and adding language related to the definition of "detachable magazine" for assault weapons.

In Assembly Committee on Appropriations. Set, first hearing. Hearing postponed by Committee.

SB 276 (Corbett) – General Acute Care Hospitals: Special Services

As introduced, SB 276 would allow the Executive Director of the California

Science Center to appoint specified security and safety personnel if there is no Exposition Park Manager. This bill was amended on September 2, 2011, and the subject matter changed to General Acute Care Hospitals: special services; the author changed from Senator Wright to Senator Corbett.

Re-referred to Assembly Committee on Rules pursuant to Assembly Rule 77.2.

SB 513 (Cannella) – Renderers and Farmers' Markets: Regulatory Fees

Creates the Rendering Industry Advisory Board (RIAB) within the California Department of Agriculture (CDFA). Specifically, this bill creates a seven member RIAB, appointed by the Secretary of CDFA, of which six must be renderers licensed by CDFA and one must be a member of the public; authorizes CDFA to adopt regulations and procedures to be used by RIAB to administer this statute. Pursuant to these regulations, CDFA is required to accept the recommendations of RIAB if they find them to be practicable and in the interest of the rendering industry and the public. Requires CDFA, within 30 days of receiving RIAB recommendations, to notify RIAB of their acceptance or provide a written statement of reasons they were not accepted; reinstates an additional fee, which sunsets on January 1, 2011, of not more than \$3,000 per year on each licensed rendering plant or collection center or transporter of inedible kitchen grease, to cover the reasonable cost of administering this statute. Unpaid fees are subject to a penalty of 10% per annum. This authority will sunset on July 2, 2016; and, extends the sunset for Certified Farmers' Market fees until January 2, 2014.

Chaptered by Secretary of State, Chapter 337, Statutes of 2011.

SB 549 (Rubio) – Eggs: Assessment Fees

Increases the assessment fee on in-state and out-of-state eggs from a maximum of \$0.05 per 30 dozen to a maximum of \$0.15 per 30 dozen. Specifically, this bill adds an assessment fee on out-of-state egg products brought into California of up to \$0.15 per 30 dozen eggs equivalent; requires the Secretary of the California Department of Food and Agriculture to establish a lower rate of egg assessment that reasonably covers the cost of administration and enforcement of the shell egg program; and, makes technical and non-substantive changes.

Chaptered by Secretary of State, Chapter 340, Statutes of 2011.

SB 618 (Wolk) – Local Government: Solar-Use Easement

Authorizes a city or county and a landowner to rescind a Williamson Act contract on agricultural lands of limited agriculture value and enter into a solar-use easement that restricts the use of land to photovoltaic solar facilities, as specified.

Double-referred to Assembly Committee on Agriculture and Assembly Committee on Local Government.

Chaptered by Secretary of State, Chapter 596, Statutes of 2011.

SB 625 (Hernandez) – Nursery Stock

Requires the Secretary of the California Department of Food and Agriculture to prescribe cleanliness standards for nursery stock in California and allows the Secretary to develop an audit-based certification system for nursery stock shipments.

In Assembly Committee on Appropriations. Set, second hearing. Held in Committee and under submission.

SB 668 (Evans) – Local Government: Williamson Act

Allows a city or county, to offset a reduction in state subvention payments for the Williamson Act (Act), to accept contributions from a nonprofit land-trust organization, a nonprofit entity, or a public agency, for specific land that is under an Act contract, to supplement the city or county's foregone property tax revenues.

Chaptered by Secretary of State, Chapter 254, Statutes of 2011.

SB 676 (Leno) – Industrial Hemp

As passed by the Legislature, this bill authorized an eight-year pilot project with respect to the cultivation and processing of industrial hemp.

Double referred to the Assembly Committee on Public Safety and the Assembly Committee on Agriculture.

Vetoed by Governor.

SB 707 (Cannella, Wolk) – Agricultural Development

Adds olive trees, except for ornamental olive trees, to the types of olive trees that a special assessment is paid on to fund research, provides virus tested and disease free stock, true-to-type validations and authorizes contracting for research. Further, it adds a licensed olive nursery representative to the

program's advisory board, reduces the pome fruit representation from two to one, and makes technical conforming changes.

Chaptered by Secretary of State, Chapter 343, Statutes of 2011.

SB 818 (Wolk) – Food labeling: Olive Oil

Redefines California's olive oil labeling requirements to conform to United States (US) labeling standards as outlined in the US Standards for Grades of Olive Oil and Olive-Pomace oil, published in the Federal Register, that took effect on October 25, 2010.

Chaptered by Secretary of State, Chapter 567, Statutes of 2011.

SB 899 (La Malfa) – Vehicles: License Plates

As introduced on February 2, 2011, this bill removed county fairs from the California Department of Food and Agriculture's (CDFA) duty to conduct fiscal and performance audits and for which the Legislature is authorized to appropriate specified revenue to CDFA. It was amended June 14, 2012, changing the subject matter from fairs to the vehicle code, relating to vehicle license plates.

Double-referred to the Assembly Committee on Agriculture and Assembly Committee on Business, Professions, and Consumer Protection.

In Assembly Committee on Agriculture. Set, first hearing. Hearing canceled at the request of author. Re-referred to Assembly Committee on Rules.

SB 1187 (Rubio) – California Seed Law

Adds "corporation" to the definition of a "person within the California Seed Law;" rewords parts of California Seed Law, making technical and conforming changes, and defines, for the purpose of this section, a "neighbor" as a person living in close proximity, not to exceed three miles, to another.

Ordered to Assembly inactive file.

SB 1253 (Runner) – 28th District Agricultural Association: Joint Powers Agreement

Allows the 28th District Agricultural Association (DAA) to enter into a Joint Powers Agency to operate, maintain and improve the 28th DAA.

In Assembly Committee on Appropriations. Set, second hearing. Held in Committee and under submission.

SB 1415 (Wolk) - Olive Trees: Annual Assessment: Exemptions

Specifies that the Secretary of the Department of Food and Agriculture may exempt varieties of olive trees from the 1% assessment of gross sales on all deciduous pome and stone fruit trees, nut trees, olive trees and grapevines if the assessment does not provide any benefit to the varieties.

In Assembly Committee on Agriculture. Hearing postponed by author. Held in Committee. This bill was incorporated into AB 2682 (Committee on Agriculture). AB 2682 was Chaptered by Secretary of State, Chp. 323, Statutes of 2012. (See AB 2682 in Assembly Bills Section)

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