

2004

2003-04 Summary of Legislation

Assembly Committee on Agriculture

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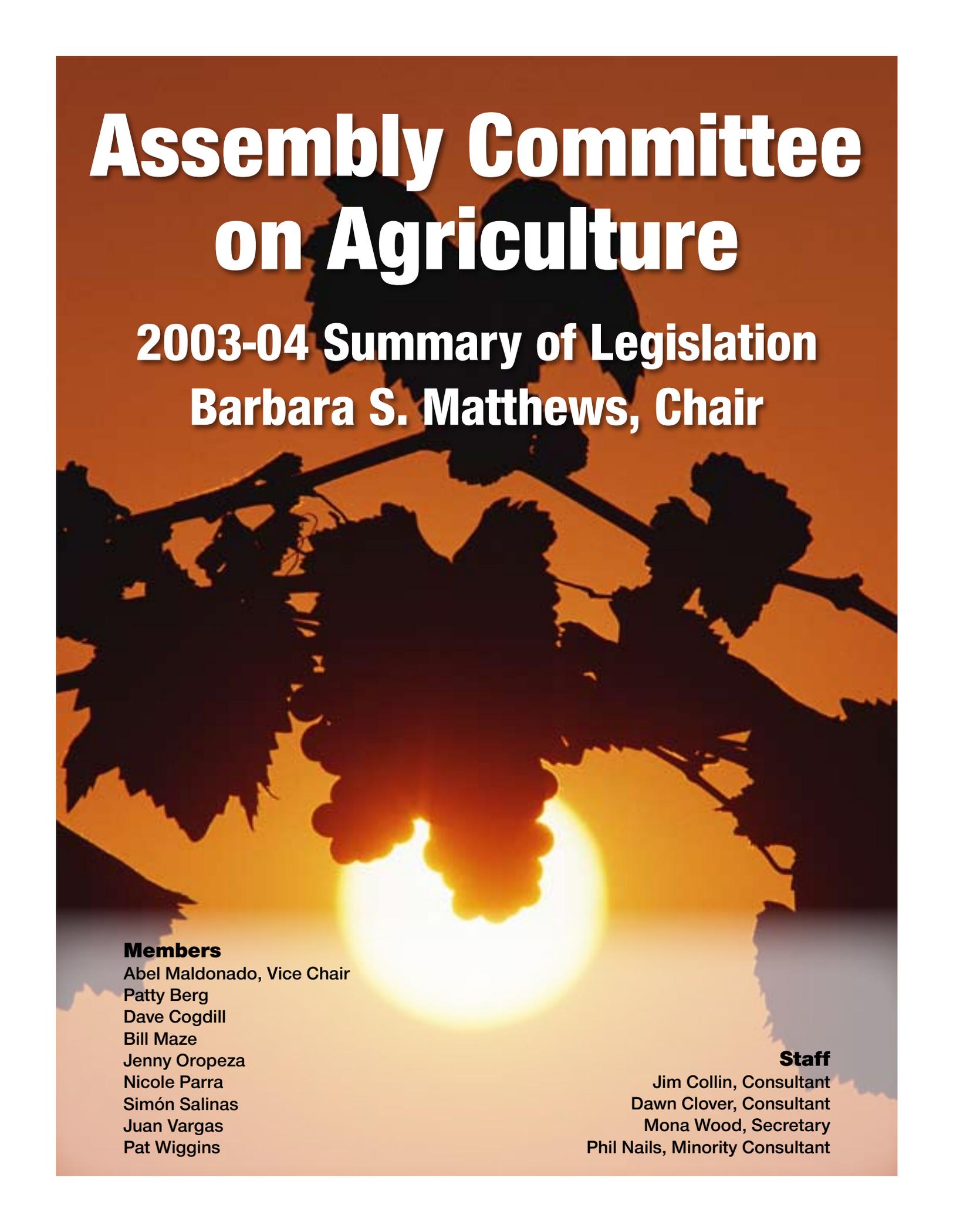


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Assembly Committee on Agriculture

2003-04 Summary of Legislation
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Dear Friends and Colleagues:

The 2003-2004 Legislative Session brought forth many issues of import to California's agricultural industry. Some of these issues deal with certain aspects of plant and animal safety that have emerged in recent years. Pierce's Disease continues to threaten California's world-renowned wine industry. The findings of a bovine in Canada that tested positive for bovine spongiform encephelopathy (commonly known as mad cow disease) brought widespread consumer attention to the animal food industry, and demonstrated that California's rigorous inspection and testing procedures are among the best in the world when it comes to ensuring safe and nutritious products reach the tables of consumers around the globe.

This report provides a summary of all legislation referred to the Assembly Committee on Agriculture. However, not all legislation of significance to the agricultural industry was heard by the Committee, for a variety of reasons, including double referred bills being held by the first Committee of reference, or simply because the legislation did not include provisions within the Committee's outlined jurisdiction. Due to the number of significant proposals introduced in the 2003-2004 Legislative Session that affect the agricultural industry, an appendix of this legislation has been included.

Should you wish to view the wide array of California grown commodities, and their corresponding significance to providing jobs, and economic stability to our state, please visit www.cdfa.ca.gov/card/card_new03.htm . For additional information concerning the legislation contained in this summary, please visit www.assembly.ca.gov, or www.leginfo.ca.gov.

As you peruse the following report, it is my hope that the additional information provided will demonstrate that each and every commodity grown and produced in our agriculturally rich state represents a significant contribution to the economy.

Sincerely,

Barbara S. Matthews
Chair, Assembly Committee on Agriculture

Introduction

During the 2003-04 Legislative Session, under the leadership of Chairperson Barbara S. Matthews, the Committee on Agriculture considered a broad range of issues, including commodity production, plant and animal disease, pest control and eradication, agricultural land conservation, advisory boards and commissions, fairs, pesticides, and administration of related state entities. The following are some of the critical issues affecting the agricultural industry in California that the Committee considered during the 2003-04 Legislative Session.

Agricultural Land Preservation

California agriculture needs viable agricultural land to produce a food supply for the ever-increasing population. The conversion of farmland to non-agricultural use, particularly in the San Joaquin Valley, is continuing to occur at an accelerated rate. During 2003, the chair and committee members worked tirelessly with the industry, environmentalists and other interested parties to restore funding for the Williamson Act – one of California's premier land conservation programs.

Plant and Animal Health

Ensuring that plant and animal health is not simply a matter of providing a safe food supply, but is also necessary to ensuring the health and safety of California, and indeed global citizens. In April of 2003, California lost its bovine tuberculosis-free status and was required to depopulate three herds. California is now classified as a tuberculosis modified accredited advanced state and, provided no new herds are infected with this disease, California may reapply for accredited free status in the spring of 2005. In addition to ensuring a disease-free food animal population, there are ongoing efforts to comply with microbial and drug residue standards for agricultural products, such as milk.

In December of 2003, Bovine Spongiform Encephelopathy (BSE), commonly known as "Mad Cow Disease," was first detected in the United States in a cow imported from Canada. With the heightened awareness of BSE, California's dairy industry remained a safe and reliable source of products for consumers, thanks to the Department of Agriculture's Milk and Dairy Foods Safety Branch. The branch is charged with ensuring milk products are safe and wholesome, and regularly inspect dairy operations and processing facilities to ensure public health and safety are not compromised.

Also in 2003, California's poultry industry was severely impacted by Exotic Newcastle Disease (END). Over three million chickens, and countless eggs, were destroyed in an effort to eradicate the disease from California. END was contained by November of 2003, and ongoing testing at poultry sale and exhibition venues continues to occur in an effort to prevent further introduction of highly contagious poultry diseases such as END.

On August 20, 2003, University of California Davis, and Department of Health Services officials found mosquitoes infected with West Nile Virus (WNV) in the Imperial Valley during routine testing. Despite the efforts of local mosquito and vector control districts, state departments, local governments, and the University of California, WNV had entered the state. Approximately one year after its detection, WNV had taken its first human victim in California in June of 2004. It is imperative that funding for public health programs be continuously appropriated, not only for the protection of human life, but for domestic and wild animals as well.

Mill Assessment

The committee participated in a joint hearing with the Assembly Budget Subcommittee #3, and the Assembly Committee on Environmental Safety and Toxic Materials to review funding of the Department of Pesticide Regulation (DPR). DPR relies on a funding stream separate from other state departments: it is funded by assessments related to the purchase and use of pesticides. Parties that sell and use pesticides in California pay a fee referred to as the mill assessment. The mill assessment is not a use tax, but rather a benefit assessment that supports the regulation of pesticides in the state. This year, the mill assessment was raised from 17.5 mills to 21 mills. While the agricultural industry did come to a consensus regarding the need for an increase, it will nonetheless further impact their cost of doing business in the state.

State Budget Impacts to Agriculture

The ongoing budget shortfall has impacted many agricultural programs, the operating budgets of which rely on state funding. Affected programs include pest and disease detection and eradication, state and local enforcement and inspection efforts, county agricultural commissioner activities, University of California cooperative extensions, and other various sustainable agriculture programs and special projects.

In response to budget cuts over the past two years, the University of California's Division of Agriculture and Natural Resources has proposed a mass consolidation of important statewide programs. These programs engage in cooperative research and development projects, and emphasize the promotion of efficient cultivation strategies for agriculture in California. Cuts to these important programs are badly timed in light of recent legislation that calls upon the agricultural industry to hastily develop more efficient and environmentally sound practices.

As we prepare for yet another challenging budget year, we must assess the current and future economic impact of budget cuts on California's agricultural activities and production. The future of California agriculture, as well as many other industries that are vital to sustain the population, is dependent upon lawmakers' sound policy decisions.

2003-2004 Legislative Proposals Presented Before the Committee on Agriculture

Assembly Bills

AB 105 (Wiggins) – Agricultural land preservation: appropriation.

As passed by the Committee, this bill repealed the California Environmental Quality Improvement Revolving Loan Program within the Department of Conservation (DOC), and repealed the Coastal Farmland Preservation Program, coordinated by DOC and the California Coastal Conservancy. Proposition 40, the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, was passed by the voters of California and authorizes \$75 million to be expended for agricultural preservation. AB 105 additionally directed \$48 million of those funds to the California Farmland Conservancy Program, to be expended by DOC accordingly. However, the \$48 million allocation was later removed from the bill, and provisions relative to water management plans were added.

Status: Chaptered by Secretary of State, Chapter 497, Statutes of 2004.

AB 185 (Jerome Horton) – Food and agriculture: cooperative agreements: inspector aides.

As passed by the Committee, this bill required local agricultural inspectors, as part of a cooperative agreement between the secretary of the California Department of Food and Agriculture (CDFA) and the Los Angeles county board of supervisors, to be classified as permanent employees (due to the unique pest and disease infestation risk factors in that region) and protected the inspectors from periodic layoff and re-employment designed to prevent them from achieving full time employment status. The bill was later amended in the Senate to delete the provision that protected the inspectors from periodic layoff and re-employment, and insure there are no additional General Fund costs to the state.

Status: Chaptered by Secretary of State, Chapter 832, Statutes of 2003.

AB 248 (Nuñez) – Advisory boards: nursery stock.

Deletes the sunset for the Fruit Tree, Nut Tree and Grapevine Improvement Advisory Board, permits members of the board to serve three consecutive two-year terms, and prohibits the secretary of CDFA from re-appointing more than eight (8) of the eleven (11) members within a two-year period.

Status: Chaptered by Secretary of State, Chapter 722, Statutes of 2003.

AB 315 (Salinas) – California Seed Law: funding.

Extends the sunset from 2004 to 2009 on reimbursement and mandated cooperative agreement provisions in the California seed law, and eliminates the subvention formula CDFA uses to reimburse counties for costs incurred by enforcing California seed laws, thereby making the statutory annual reimbursement \$120,000 per county. These

provisions continue the funding for testing activities, which verify seed sold to growers is disease free and ensures the seed quality matches the label's claim.

Status: Chaptered by Secretary of State, Chapter 349, Statutes of 2003.

AB 317 (Salinas) – Food and agriculture: tomatoes.

Allows cherry tomatoes and tomatoes grown in a greenhouse to be defined as a tomato in order for those engaged in all tomato production and handling to participate in self-assessed inspection activities. Prior to including those varieties of tomatoes for inspection and assessment, this bill requires the approval of those to be assessed through a referendum conducted pursuant to existing law.

Status: Chaptered by Secretary of State, Chapter 350, Statutes of 2003.

AB 329 (Parra) – Animal nutrition.

Establishes a licensure program for ruminant nutritionists, authorizes the secretary of CDFA to implement the licensure program, and provides that a portion of the commercial feed inspection tonnage tax be used for research and education related to commercial feed.

Status: In Senate Committee on Agriculture and Water Resources. Testimony Taken. Hearing Postponed by the Committee.

AB 347 (Kehoe) – District agricultural associations.

Authorizes the Board of Directors of the 22nd District Agricultural Association (Del Mar Fair) to pay employees that are exempt and excluded from civil service procedures and limitations up to 35% more salary to improve recruitment and retention.

Status: Vetoed by Governor. (Veto message located on page 21.)

AB 732 (Hancock) – Crime.

Provides that any person who confines a calf in an enclosure, or who tethers a calf, on a farm in a manner that prevents the calf from turning around in a complete circle or grooming itself completely or who does not feed a calf a daily diet containing sufficient iron to prevent anemia or sufficient solid food to prevent impairment of the development of its rumen is guilty of a crime punishable by imprisonment in a county jail for one year, a fine of \$1,000, or by both imprisonment and fine.

Status: In Assembly Committee on Agriculture. Set Second Hearing. Hearing Cancelled at Author's Request. Died Pursuant to Art. IV, Sec. 10(c) of the Constitution.

AB 776 (Matthews) – Agriculture.

As passed by the Committee, this bill clarified that all follow-up fees paid under the California Organic Products Act of 2002 (Established pursuant to AB 2823 (Strom-Martin) Chapter 533, Statutes of 2002) be based upon a schedule of fees. This bill was later amended to provide that a horse that receives non-steroidal anti-inflammatory drugs within a specified period shall not be eligible for show, competition, or sale; creates the Milk and Dairy Foods Safety Branch within CDFA; and, authorizes the secretary of CDFA to determine that milk shipments are not eligible for coverage under the Milk Producers Security Trust Fund if the milk handler fails to submit documentation to the

secretary, thereby proving a contractual relationship between the milk producer and handler.

Status: Chaptered by Secretary of State, Chapter 726, Statutes of 2003.

AB 806 (Wiggins) – State contracts: personal services.

As passed by the Committee, this bill authorized up to \$200,000 of the \$1 million appropriation of unclaimed gas tax funds, to be appropriated at the discretion of the secretary of CDFA for emergency pest eradication projects. These contents were later deleted and replaced with urgency language that clarifies the application of personal service contracts, as implemented by AB 1357 (Wiggins), Chapter 1132, Statutes of 2002.

Status: Chaptered by Secretary of State, Chapter 26, Statutes of 2004.

AB 815 (Wiggins) – Workers' compensation fraud.

As passed by the Committee, this bill classified horses as agricultural animals only for purposes of eligibility for grants under the federal Environmental Quality Incentives Program. These contents were later deleted and replaced with language relative to worker's compensation fraud.

Status: Referred to the Senate Committee on Labor and Industrial Relations.

AB 869 (Parra) – Civil administrative penalties: food and agriculture violations.

Authorizes the secretary of CDFA, or a County Agricultural Commissioner, to levy a civil penalty against any person violating provisions relative to fruit, nut, and vegetable standards. Penalties would be no more than \$3,000 for initial violations, and no more than \$5,000 for subsequent violations.

Status: In Senate Committee on Agriculture and Water Resources. Set First Hearing. Failed passage.

AB 887 (Committee on Agriculture) – Agriculture: grape rootstock.

Authorizes the California Grape Rootstock Improvement Commission to establish tiered assessment rates for rootstock cuttings, rooted rootstock cuttings, and grafted grape rootstock.

Status: Chaptered by Secretary of State, Chapter 179, Statutes of 2003.

AB 1069 (Committee on Agriculture) – Eggs

Defines a shipped egg as an egg produced outside of California, and shipped into the state for use or resale. In addition, this bill requires out of state egg handlers and producers to register with the secretary of CDFA, authorizes the secretary to establish regulations regarding commodity inspection and a five cent per thirty dozen assessment on shipped eggs. Should the assessment not be received by the secretary within the established time, the penalty for a late payment shall be triple the amount otherwise due, or five hundred dollars, whichever is greater. Eggs accompanied by the United States Department of Agriculture certificate and sold to the federal government and its agencies are exempt from these provisions.

Status: Chaptered by Secretary of State, Chapter 283, Statutes of 2003.

AB 1071 (Matthews) – Commercial feed: inspection tonnage tax.

As passed by the Committee, this bill authorized the secretary of CDFA to designate fifteen percent (15%) of the commercial feed tonnage tax for research and education on the safe handling and use of commercial feed once a finding and recommendation had been made by the Feed Inspection Advisory Board, and extended the sunset on the renderer enforcement program from 2006 to 2010. Provisions were later added to extend the sunset to 2011; permit the use of rendered products in accordance with United States Food and Drug Administration (FDA) guidelines; require a registrant to notify a county health officer when a rendering transportation contract is terminated or expires; and, authorize the delivery of inedible kitchen grease by a licensed transporter to a licensed rendering plant or collection center for suitable use, as determined by the FDA.

Status: Chaptered by Secretary of State, Chapter 929, Statutes of 2004.

AB 1075 (Matthews) – Local law enforcement expenses.

As passed by the Assembly Committee on Agriculture, this bill made findings and declarations with respect to the shipment of exotic pest species into California by out of state shippers, and stated legislative intent to prevent out of state shippers of agricultural products from placing themselves at an unfair advantage over California companies through shipping practices designed to avoid California laws. This language was later deleted, and replaced with provisions to reimburse Stanislaus County for all homicide prosecution costs incurred in a recent high profile case.

Status: Vetoed by Governor. (*Veto message located on page 21.*)

AB 1076 (Maldonado) – Regulations: low volume pesticide applications.

Requires the director of the California Department of Pesticide Regulation (DPR) to adopt regulations for the low volume application of pesticides in accordance with federal laws, regulations, and opinions on the subject.

**Status: In Senate Committee on Environmental Quality. Set Second Hearing.
Hearing Cancelled at Author's Request.**

AB 1080 (Committee on Agriculture) – California Seed Law: violation of federal plant law.

Makes any violation of the United States Plant Variety Protection Act a violation of the California Seed Law.

Status: Chaptered by Secretary of State, Chapter 282, Statutes of 2003.

AB 1085 (Committee on Agriculture) – Agriculture: pest control: curly top virus.

Requires the secretary of CDFA to determine whether to include or preclude from the assessment to fund a control program, any agricultural crop that may or may not be susceptible to the curly top virus.

Status: Chaptered by Secretary of State, Chapter 685, Statutes of 2003.

AB 1304 (Committee on Agriculture) – Cooperative bargaining associations: conciliation.

Replaces the current requirement to use the American Arbitration Association as the conciliator with the requirement that the Cooperative Bargaining Association Advisory

Committee shall recommend to CDFA a conciliation service in the event the parties in dispute cannot agree upon a conciliation service.

Status: Chaptered by Secretary of State, Chapter 145, Statutes of 2003.

AB 1335 (Matthews) – Pesticides: mill assessments.

As passed by the Committee, this bill required sales invoices for pesticides first sold into or within the state by a registrant, pesticide broker, or pesticide dealer to demonstrate payment by one of the responsible parties. The bill was later amended to prohibit mobile phone providers from selling or otherwise providing subscriber information without first obtaining the subscribers express authorization to do so.

Status: From Senate Committee on Energy, Utilities, and Commerce Without Further Action.

AB 1454 (Canciamilla) – Vector control.

As passed by the Committee, this bill required local mosquito and vector control agencies party to a cooperative agreement with the California Department of Health Services (DHS) to contract with federal, state, and/or local agencies responding to a vector or vector-borne disease outbreak in a collaborate abatement and surveillance program.

Language was later added to declare these provisions urgent, and include a 2009 sunset.

Status: Chaptered by Secretary of State, Chapter 41, Statutes of 2004.

AB 1492 (Laird) – Agricultural land conservation.

Prohibits a city or county from approving a lot line adjustment of land subject to a Williamson Act contract unless specified circumstances are met, and provides that certain nonagricultural construction or use of Williamson Act land is a breach of contract.

Status: Chaptered by Secretary of State, Chapter 694, Statutes of 2003.

AB 1521 (Parra) – Elections: municipal employees.

As passed by the Committee on Agriculture, this bill permitted the federal government to pay more than a matching amount in indemnity for property or animals destroyed due to a disease outbreak, and repealed duplicative provisions concerning the operation of bovine tuberculosis control areas. These contents were deleted and replaced with language governing municipal and special elections, including the provision that requires special mail-in elections to be held on specified dates.

Status: Chaptered by Secretary of State, Chapter 824, Statutes of 2003.

AB 1724 (Committee on Agriculture) – Pesticides.

Permits county agricultural commissioners and the Structural Pest Control Board to levy civil penalties on structural pest control operators for unlawful practices relative to structural fumigation; makes it unlawful for any party to operate a pest control business unless they are registered for the current calendar year; and requires that a completed investigation on pesticide law violations be brought to the Attorney General to be acted upon within one year of the violation's occurrence. However, in a case where the violation is for unpaid mill assessments, the case shall be commenced within four years.

Status: Chaptered by Secretary of State, Chapter 366, Statutes of 2003.

AB 1725 (Matthews) – Structural pest control: violations.

As passed by the Committee, this bill authorized the formation of Table Grape Pierce's Disease Abatement Districts. This language was later removed due to duplication of other efforts, and contents were inserted that provided for administrative fines of up to \$5,000 for violation of any law governing structural pest control licenses. The bill also creates new deadlines for parties to appeal suspension or fines, and clarifies that structural pest control operators may perform repairs permitted within the scope of their license.

Status: Chaptered by Secretary of State, Chapter 443, Statutes of 2004.

AB 1726 (Committee on Agriculture) – Agriculture: certified farmers' markets.

Creates a late charge for failure to pay the required fees to participate in Certified Farmer's Markets (CFM's), and extends the sunset to January 1, 2007 for county agricultural commissioners to levy civil penalties, and for CDFA and CFM's to collect fees.

Status: Chaptered by Secretary of State, Chapter 444, Statutes of 2004.

AB 1896 (Jerome Horton) – Agricultural inspectors.

Prohibits the secretary of CDFA from entering into a cooperative agreement with a county of the first class unless the agricultural inspector aides are afforded permanent status in the following manner: for 2004-05 and 2005-06 at least 50% of those employed during 2003-04; and by 2006-07, 100% must be afforded permanent status.

Status: Chaptered by Secretary of State, Chapter 631, Statutes of 2004.

AB 2054 (Wolk) – Biologically integrated farming systems: pilot projects.

Extends the sunset date relative to the commencement of new pilot demonstration projects for the Biologically Integrated Farming Systems program from December 31, 2005 to December 31, 2010.

Status: Chaptered by Secretary of State, Chapter 446, Statutes of 2004.

AB 2074 (Runner) – Fairs: report.

Changes the filing date for California fairs to submit their statement of operations to CDFA from January 20th of each year, to 90 days following the close of their fiscal year, in order to receive state financial assistance.

Status: Chaptered by Secretary of State, Chapter 341, Statutes of 2004.

AB 2095 (Bogh) – Vendorization rates.

As passed by the Assembly Committee on Agriculture, this bill, authored by Assembly Member Spitzer, permitted the secretary of CDFA to establish a quarantine, or other regulations, to prohibit the importation of the Red Imported Fire Ant (RIFA), and made findings and declarations relative to the threat of RIFA. The contents were later deleted to reflect Assembly Member Bogh as the author of legislation to require the California Department of Developmental Disabilities to grant a vendor's request to adjust a contract in order to compensate for increased worker's compensation premiums.

Status: Held in Senate Committee on Housing and Human Services.

AB 2257 (Salinas) – California Pepper Commission.

Provides that a marketing year for the California Pepper Commission (commission) begins in March 1 of any year and extends to the last day of February; authorizes the commission to re-establish district boundaries with a 2/3 vote of its members; eliminates provisions relative to the three-year terms of office for each member; permits the tonnage threshold for producers and handlers to be increased by a two-thirds vote of the commission, and conversely decreased if approved by referendum; adds two at-large members by appointment of the commission; and, permits the commission to re-define categories of pepper handling.

Status: Chaptered by Secretary of State, Chapter 167, Statutes of 2004.

AB 2478 (Cogdill) – Milk.

As passed by the Committee, this bill required CDFA to take into consideration the quality and age of buildings located on the fairgrounds when determining fair classifications. These contents were later deleted, and provisions were added to prohibit dairies that began operation on or after August 1, 2004, from marketing manufactured (Grade B) milk, and authorize milk product plants to adhere to inspection protocols of the Hazard Analysis Critical Control Points procedures established under the auspice of the National Conference on Interstate Milk Shipments.

Status: Joint Rule 61(b)(14) suspended. Re-referred to Senate Committee on Agriculture and Water Resources. Testimony taken.

AB 2745 (Strickland) – Animal diseases: quarantines: Contagious Equine Metritis.

Permits CDFA to license private facilities as approved quarantine facilities to prevent the spread of disease by imported animals, and requires CDFA to impose fees to cover the cost.

Status: In Assembly Committee on Agriculture. Hearing postponed by committee.

AB 2916 (Negrete McLeod) – Milk products: licensing fees.

Requires timely license renewal for butter handlers, milk samplers, and milk weighers; clarifies the authority for CDFA to continue license fee collection from milk product processing facilities; and, increases license fees for specified categories of licensees engaged in the milk and milk product industry.

Status: Chaptered by Secretary of State, Chapter 457, Statutes of 2004.

AB 2920 (Laird) – Nursery stock.

Extends the \$180 license fee for nursery stock sellers indefinitely, and removes provisions that require the secretary of CDFA to establish a minimum fee of \$100 or less.

Status: Chaptered by Secretary of State, Chapter 170, Statutes of 2004.

AB 2925 (Ridley-Thomas) – California State Fair and Exposition: African-American exhibitions.

Makes findings and declarations of the Legislature concerning California fairs and the California African-American Museum, and requires CDFA Division of Fairs and Expositions, the California Exposition and State Fair, and the California African-

American Museum to coordinate efforts to increase the availability, and quality of cultural exhibits and displays for use by fairs.

Status: Failed passage in Senate Committee on Agriculture and Water Resources.

AB 3023 (Matthews) – Disciplinary actions: reporting.

As introduced, this bill specified that the hearing required prior to a native plant's removal from a list that prohibits its harvest shall be conducted once every twenty-four months. These contents were deleted, inserted into AB 3025 (Committee on Agriculture), and language was inserted that requires specified health-related boards to report to state departments regarding license suspension and revocation.

Status: Chaptered by Secretary of State, Chapter 351, Statutes of 2004.

AB 3024 (Committee on Agriculture) – Seed law.

Removes the mandate that the county agricultural commissioners and their qualified representatives enforce the provisions of state seed law, and permits the secretary of CDFA to enlist assistance of each county agricultural commissioner and their qualified representatives in carrying out the provisions and requirements thereof.

Status: Chaptered by Secretary of State, Chapter 459, Statutes of 2004.

AB 3025 (Committee on Agriculture) – Agriculture.

As passed by the Assembly, this bill eliminated the requirement for CDFA to report on the status of the "Buy California" program, and specified that native plant hearings may be held once every twenty-four months prior to a species being harvested. Provisions were added in the Senate to restore provisions that require CDFA to report on the status of the "Buy California" program; designate the County Agricultural Commissioners and Sealers Association as the official representative of county agricultural commissioners; add water buffalo, sheep, and other hooved mammals to the definition of "dairy farm" animals and change the definition of milk to encompass milk from these animals; and, establish a withdrawal period of forty-five days after the use of fluphenazine and reserpine for a horse to be offered at a public sale or participate in competition.

Status: Chaptered by Secretary of State, Chapter 460, Statutes of 2004.

AB 3026 (Committee on Agriculture) – Agriculture: marketing of commodities.

States findings and declarations of the Legislature with respect to the importance of agricultural and seafood commodities, as well as their respective councils and commissions, and states the intent of the Legislature to establish a comprehensive marketing scheme for all agricultural commodities.

Status: Held in Assembly Rules Committee.

AB 3027 (Committee on Agriculture) – Canneries: inspection.

Diverts from the General Fund, to a dedicated cannery inspection fund, revenue generated by license fees and other charges imposed on canneries by DHS, and clarifies that women may serve on the Cannery Inspection Advisory Board.

Status: Chaptered by Secretary of State, Chapter 314, Statutes of 2004.

AB 3028 (Committee on Agriculture) – Pesticide mill assessment.

Directs DPR to investigate and determine the level of compliance with mill assessment reporting and payment statutes for licensed and unlicensed sellers and distributors of pesticides into or within the state.

Status: Held in Assembly Appropriations Committee, Suspense File.

AB 3029 (Matthews) – Medi-Cal provider reimbursement.

As introduced, this bill was authored by the Committee on Agriculture and repealed obsolete provisions relative to cattle testing within tuberculosis control areas. Due to duplicative efforts (see SB 1840, page 14), these contents were later removed and replaced with language that prohibits a health provider from using a beneficiary's social security number if DHS has issued the beneficiary an identification card.

Status: Chaptered by Secretary of State, Chapter 584, Statutes of 2004.

AB 3030 (Committee on Agriculture) – State Veterinarian Employees: continuing education.

Provides that state veterinarians shall be exempt from certain continuing education requirements for the purpose of license renewal, and permits the state veterinarian to establish such continuing education requirements for his or her employees.

Status: From Committee on Agriculture Without Further Action.

AB 3031 (Matthews) – Milk.

As introduced, this Committee on Agriculture bill contained language that was duplicative of AB 2916 (Negrete McLeod). These contents were later deleted, the author was changed, and provisions were added in the Senate to require raw milk sold to consumers to be tested again prior to sale for human consumption.

Status: In Senate Committee on Agriculture & Water Resources. Hearing Cancelled at Author's Request.

AB 3045 (Committee on Agriculture) – Milk: inspection fees.

Authorizes the secretary of CDFA to charge dairy farms a follow up inspection fee, not to exceed three mills (\$.003), for facilities found to be out of compliance with regulations in an initial inspection.

Status: Chaptered by Secretary of State, Chapter 352, Statutes of 2004.

AB 3046 (Committee on Agriculture) – Milk Inspection.

Provides that, in addition to current civil penalties, a dairy producer found to have produced milk in violation of drug residue provisions shall be liable to CDFA for reasonable investigation and enforcement costs, including attorney's fees.

Status: Chaptered by Secretary of State, Chapter 436, Statutes of 2004.

ACR 69 (Nakanishi) – San Jose State University Processed Food Institute.

Memorializes CDFA and DHS, to, whenever possible, support and collaborate with the San Jose State University Processed Food Institute.

Status: Chaptered by Secretary of State, Resolution Chapter 139, Statutes of 2003.

AJR 69 (Matthews) – Specialty Crops.

Requests Congress to support the passage of HR 3242, the Specialty Crop Competitiveness Act, and makes Legislative findings that recognize the importance of governmental partnerships in order to protect California's food and fiber from exotic pests and diseases.

Status: Chaptered by Secretary of State, Resolution Chapter 104, Statutes of 2004.

HR 18 (Matthews and Maldonado) – National Agriculture Week.

Honors all of the men and women of agriculture for their dedication and productivity, by observing the week of March 16 to March 22, 2003, as National Agriculture Week, and Friday, March 21, 2003, as National Agriculture Day.

Status: Adopted.

HR 44 (Matthews and Maldonado) – National Agriculture Week.

Honors all of the men and women of agriculture for their dedication and productivity, by observing the week of March 14 to March 20, 2004, as National Agriculture Week, and Saturday, March 20, 2004, as National Agriculture Day.

Status: Adopted.

Senate Bills

SB 403 (Florez) – California Clean Air Bond Act

Creates a \$5.15 billion general obligation bond, which, if approved by voters, would fund air quality improvement projects; makes legislative findings and declarations regarding the dangers of air pollution; requires the California Air Resources Board, CDFA, and DOC to adopt regulations in order to administer the respective programs and funding allocations; requires the programs created by successful passage of the bond to include monitoring and reporting; limits ten percent (10%) of allocated funds to be utilized for monitoring, research, planning, outreach and training; provides that administrative procedures for bonds be used to conform with existing statute; provides for proportional allocation to programs and funds are made available; and, does not specify a date for the bond to be presented to the voters.

Status: Re-referred to Committee on Rules at Author's Request.

SB 506 (Sher) – Pharmaceuticals: wholesalers and manufacturers' reporting requirements.

Beginning January 1, 2006, requires the Board of Pharmacy (board) and CDFA to collect certain information from wholesalers and manufacturers regarding the use of antibiotics in food animal production, and to notify the public that such information is available; and, permits the board and CDFA to increase license fees for manufacturers in order to cover administrative costs.

Status: Set, First Hearing. Held in Assembly Committee on Agriculture Under Submission.

SB 565 (Florez) – San Joaquin Valley Cotton District

Increases the San Joaquin Valley Cotton District's annual assessment on those engaged in

de-linting cottonseed, from \$4 to \$6 per hundredweight.

Status: Chaptered by Secretary of State, Chapter 236, Statutes of 2003.

SB 633 (Ashburn) – Pest control: Pierce's disease.

Authorizes the formation, operation, and dissolution of Table Grape Pierce's Disease Pest Abatement Districts in order to combat the threat of Pierce's disease to the table grape industry, and declares an urgency, thereof.

Status: Chaptered by Secretary of State, Chapter 244, Statutes of 2003.

SB 642 (Hollingsworth) – Pest control.

Requires that if the secretary of CDFA expends funds to study commodity treatment and processing protocols for crops to meet standards for transport out of quarantine areas, priority shall be given to crops that are most at risk from the imposition of a quarantine and for which treatment protocols do not currently exist; provides the secretary the discretion to consult with individuals from the agricultural and academic communities when developing these protocols; defines "commodity treatment" as any treatment to plants, plant products, and other materials capable of harboring pests; defines "crop" as something that is derived from a plant or animal and can be grown for animal or human consumption; and, defines "forage" as food for domestic or wild animals, which is consumed by grazing.

Status: Chaptered by Secretary of State, Chapter 414, Statutes of 2003.

SB 1026 (Machado) – Milk.

Provides that the division within CDFA formerly known as the Milk and Dairy Foods Control Branch, shall be renamed the Milk and Dairy Food Safety Branch. These contents were amended into AB 776 (Page 4.)

Status: To Assembly Committee on Agriculture. Hearing Canceled at Author's Request.

SB 1166 (Chesbro) – Pest control: Pierce's disease.

Eliminates the obsolete competitive grant program for Pierce's disease research, and extends the sunset for the Pierce's disease advisory task force from January 1, 2005 to January 1, 2010. This language is duplicative of provisions contained in SB 1650 (page 14).

Status: Placed on Assembly Inactive File. Died on File.

SB 1334 (Kuehl) – Oak Woodlands Conservation: environmental quality.

As referred to the Committee, this bill required a county with oak woodlands, in conjunction with agricultural and conservation organizations, to develop voluntary oak conservation mitigation alternatives for oak woodlands that are proposed to be converted to other agricultural uses; and, require the county to direct the county agricultural commissioner or another county officer or agency to monitor agricultural oak woodlands conversions. This legislation was removed from the Committee prior to hearing, and re-referred to the Assembly Committee on Rules, where the bill was amended to remove references to agricultural organizations and county agricultural commissioners.

Status: Chaptered by Secretary of State, Chapter 732, Statutes of 2004.

SB 1518 (Poochigian) – Agricultural policy.

States Legislative findings and declarations relative to food safety, economic and infrastructure development, and the protection of the state from pests and diseases.

Status: From Assembly Committee on Agriculture Without Further Action.

SB 1604 (Ashburn) – Pest control: Pierce's disease.

Renames the Table Grape Pest and Disease Control District Law; broadens the scope of the district's focus to include pests and diseases other than the glassy-winged sharpshooter and Pierce's disease; changes the requirements for district formation and assessment powers of a district; recasts provisions allowing an owner to be exempted from the district; and, makes other minor technical and conforming changes.

Status: Chaptered by Secretary of State, Chapter 400, Statutes of 2004.

SB 1650 (Chesbro) – Pest control: Pierce's disease.

Makes various technical and substantive changes to the Pierce's Disease Control Program (PDCP), and adds a referendum process for the continuance of PDCP and its related assessments to be approved by a majority of the referendum participants.

Status: Chaptered by Secretary of State, Chapter 485, Statutes of 2004.

SB 1826 (Poochigian) – Dead animals.

Clarifies the authority of a livestock owner to bury an animal on his or her own property, as long as it is within three miles of where the animal expired, and makes other technical and conforming changes.

Status: Chaptered by Secretary of State, Chapter 187, Statutes of 2004.

SB 1840 (Denham) – Diseased animals: bovine tuberculosis.

Revises, repeals and recasts state bovine tuberculosis law in order to update and conform to federal regulatory revisions and standards.

Status: Chaptered by Secretary of State, Chapter 246, Statutes of 2004.

SB 1910 (Committee on Agriculture and Water Resources) – Agriculture: fruit, nut, and vegetable standards.

Extends the sunset, from January 1, 2005 to January 1, 2010, on the industry-funded standardization program for fresh fruits, nuts, and vegetables.

Status: Chaptered by Secretary of State, Chapter 146, Statutes of 2004.

SB 1911 (Committee on Agriculture and Water Resources) – Milk handlers: bonds.

Clarifies that manufacturing milk handlers, as well as handlers that operate only one plant within the state, shall obtain a surety bond based upon the amount of milk purchased during a calendar year in which the handler was licensed.

Status: Chaptered by Secretary of State, Chapter 70, Statutes of 2004.

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AB 347 (Kehoe)

4

"I am returning AB 347 without my signature...This bill would bypass the existing authority for the Department of Personnel Administration to establish recruitment and retention differential in identified high cost-of-living areas. This issue should follow the existing administrative process so the Department can establish the appropriate level of pay differential and whether it is justified. Authorizing these differentials through legislation would establish a dangerous precedent others would be sure to follow. During these times of severe fiscal constraint, it is important that these issues be handled through the appropriate administrative process. Sincerely, Arnold Schwarzenegger."

AB 1075 (Matthews)

6

"I am returning Assembly Bill 1075 without my signature. This bill is inoperative due to the failure of the Legislature to pass Senate Bill 592 (Denham), thus this bill would just place inoperative statutes in law. I am therefore returning AB 1075 without my signature and without consideration of the policy it promotes. Sincerely, Arnold Schwarzenegger."

Notable Legislation Not Heard By the Committee on Agriculture

AB 395 (Koretz) - Surgical procedures: native, wild, or exotic cat species.

This bill was double referred to the Committee, but amended to exclude contents within its jurisdiction prior to re-referral. As introduced, this bill prohibited licensed veterinarians from performing or arranging surgical declawing, onychectomies, and tendonectomies on any domestic or exotic cat.

Status: Died Pursuant to Art. IV, Sec. 10(c) of the Constitution.

AB 895 (Steinberg) – Public contracts: competitive bidding.

Creates a new account for any additional proceeds resulting from a new harness racing lease at California Exposition and State Fair (Cal Expo) that are received by the existing lease; requires Cal Expo to carry-out specified actions if space is not provided at their site for the Sacramento County overflow homeless shelter; and, requires Cal Expo and all District Agricultural Associations to accept the highest bid for revenue generating agreements under specified circumstances.

Status: In Assembly. To Inactive File by Motion of Assembly Member Steinberg.

AB 923 (Firebaugh) – State taxes: health care.

As amended May 1, 2003, this bill repealed various agricultural tax exemptions and authorized a tax credit for employers that provide health care coverage to their agricultural employees. After several additional amendments, this bill's final version increased to \$6 the surcharge limit that air quality management districts and air pollution control districts may impose on motor vehicle registrations in order to provide funds for emission reduction programs.

Status: Chaptered by Secretary of State, Chapter 707, Statutes of 2004.

AB 944 (Matthews) – Agricultural lands: local plans.

Changed references from open-space lands to agricultural and open-space lands, renamed the open-space plan of a local general plan the agricultural and open-space element, and permitted the element to include a land inventory identifying the type and use of agricultural land. These contents were deleted in the Senate and replaced with language pertaining to special district formation.

Status: Chaptered by Secretary of State, Chapter 763, Statutes of 2003.

AB 1117 (Matthews & Cogdill) – Grazing lands – payments.

Makes clarifying statutory changes relative to federal grazing land payments, and insure federal moneys may be received and utilized in accordance with the goals of the program.

Status: Chaptered by Secretary of State, Chapter 131, Statutes of 2003.

AB 1178 (Wiggins) – California Office of Export Development

Establishes the California Wines to the World Export Program within the Office of Export Development in the Technology, Trade and Commerce Agency. The purpose of the program is to increase California wine exports to foreign markets.

Status: Died Pursuant to Art. IV, Sec. 10(c) of the Constitution.

AB 1312 (Bermudez) – Trapping licenses: structural pest control operators.
Exempts structural pest control operators from the licensing requirement for trapping animals.

Status: Died Pursuant to Art. IV, Sec. 10(c) of the Constitution.

AB 1404 (Wolk) – Working landscapes.

Declares the intent of the Legislature to authorize local governments or state agencies to compensate landowners for implementing working landscapes on their properties.

Status: Introduced. Died at Desk.

AB 1406 (Wolk) – Mosquito abatement: West Nile Virus.

Requires landowners to plan concerted irrigation plans and notify mosquito and vector control districts 24 hours prior to irrigation; requires mosquito districts to keep detailed records relative to mosquito outbreaks; and specifies that a concerted effort shall be made between landowners and state agencies, relative to mosquito surveillance and outbreaks.

Status: Died Pursuant to Art. IV, Sec. 10(c) of the Constitution.

AB 1672 (Cogdill) – Air Pollution: emission reduction credits.

Authorizes emission reduction credits for the diversion, to an alternative end use, of certain agricultural material from the annual inventory of burn acreage of an air pollution control district or an air quality management district.

Status: Died Pursuant to Art. IV, Sec. 10(c) of the Constitution.

AB 1723 (Koretz) – Agricultural employees: direct deposit.

Requires specified agricultural employers to implement payment of wages by direct deposit, upon the request of an employee to do so.

Status: Vetoed by Governor.

AB 1926 (Bermudez) – Trapping licenses: exemptions.

Exempts structural pest control operators from the licensing requirement for trapping animals.

Status: From Senate Committee on Natural Resources and Wildlife Without Further Action.

AB 2055 (Wolk) – General plan elements.

Provides that the conservation element may include the conservation of agricultural lands, and renames the open-space element the agricultural and open-space element.

Status: Vetoed by the Governor.

AB 2121 (Committee on Budget) – Water resources.

Requires the State Water Resources Control Board to prepare annually a written summary, in chart form, of pending applications to appropriate water in the counties of Marin, Napa, Sonoma, Mendocino, and Humboldt, and would require that information to be posted on the web site.

Status: Chaptered by Secretary of State, Chapter 943, Statutes of 2004.

AB 2206 (Firebaugh) – International trade.

Requires the Business, Transportation, and Housing Agency to be responsible for coordinating and conducting international trade and investment activities, and requires the secretary of the agency to devise an international trade and investment strategy by April 1, 2005.

Status: Set First Hearing. Failed Passage. From Senate Committee on Banking, Commerce, Finance, and Insurance Without Further Action.

AB 2389 (Koretz) – Retail and wholesale food: beef labeling and information.

Requires persons engaged in the sale of unprocessed imported or blended beef to indicate the beef's country of origin.

Status: Placed on Appropriations Suspense File. Held Under Submission.

AB 2504 (Maldonado) – Nutrition.

Requires the Department of Health Services to administer a two-year pilot program to make available free fresh and dried fruits and vegetables to pupils in 25 eligible elementary and secondary schools throughout the state.

Status: Vetoed by Governor.

AB 2631 (Wolk) – Natural resources: invasive species.

Establishes the invasive species council (council) and authorizes the council to prepare a statewide prevention plan and undertake other activities relative to the plan.

Status: Vetoed by Governor.

AB 2633 (Frommer) – Grease: solid waste.

Creates the Interceptor Grease Transportation, Recycling and Disposal Act of 2004; establishes a new registration process to transport and/or manage interceptor grease; creates a new crime to transport or manage interceptor grease unless by a registrant; designates who may receive interceptor grease; and, establishes penalties.

Status: Vetoed by Governor.

ACR 177 (Maze) – University of California: UC Cooperative Extension.

Requests the Regents of the University of California to make continued funding of the Cooperative Extension Program a top priority.

Status: Chaptered by Secretary of State. Resolution Chapter 152, Statutes of 2004.

SB 391 (Florez) – Pesticide drift exposure.

Makes any person who is found in violation of laws that result in illness or injury requiring emergency medical transportation or immediate medical treatment of any individual in a nonoccupational setting from any pesticide used in the production of an agricultural commodity, liable to the individual harmed or to the medical provider for the immediate costs of uncompensated medical care from acute injuries and illnesses of the exposed individual.

Status: Chaptered by Secretary of State, Chapter 913, Statutes of 2004.

SB 486 (Machado) – Agriculture: Department of Food and Agriculture Fund.
Authorizes up to \$200,000 to be held in reserve from the food and agriculture fund's \$1,000,000 appropriation until the end of the fiscal year, in order to be used for small emergency projects that would otherwise not be funded until the following fiscal year.
Status: Held in Assembly Committee on Appropriations.

SB 502 (Florez) – Dairy farms: sanitation.
Requires the secretary of CDFA, in conjunction with the California Environmental Protection Agency and the Scientific Advisory Panel on Environmental Farming, to establish a financial incentive program to encourage dairy farm owners to improve air and water conditions on dairy farms.
Status: To Senate Rules. Returned to Secretary of Senate Pursuant to J.R. 56.

SB 534 (Romero) – Employment rights.
Prohibits the use of short-handled tools and hand weeding, as specified, for weeding, thinning or hot-capping in agricultural operations.
Status: In Assembly. Refused Passage. Placed on Inactive File. Died on File.

SB 603 (Speier) – Dairy products.
Establishes a Consumer Dairy Price program within CDFA, for the purpose of reporting the retail price of milk and milk products.
Status: Held in Senate Appropriations Committee.

SB 622 (Morrow) – Agriculture related disasters: deductions for net operation loss.
Requires the standardized emergency management system to include in its framework for response and management, a plan that specifies the response to agriculture related disasters.
Status: Set, First Hearing. Hearing Cancelled at the Request of Author.

SB 643 (Aanestad) – Agricultural Land Protection Act.
Enacts the Agricultural Land Protection Act in order to provide a level of reasonable protection to landowners who own agricultural property adjacent to habitat and conservation lands.
Status: Set, Second Hearing. Failed Passage. Returned to Secretary of the Senate.

SB 700 (Florez) – Air quality: emissions: stationary sources: agricultural operations.
Requires each Air District designated as a "serious" federal nonattainment area for various types of particulate matter to adopt and implement best available control measures for agricultural stationary sources of air pollution.
Status: Chaptered by Secretary of State, Chapter 479, Statutes of 2003.

SB 923 (Sher) – Water quality: waivers.
Authorized state or regional water agencies to waive certain waste discharge requirements, if certain conditions are met.
Status: Chaptered by Secretary of State, Chapter 801, Statutes of 2003.

SB 1051 (Committee on Local Government) – Vectorborne Disease Account.
Changes existing statutory references to the Mosquitoborne Disease Surveillance Account to the Vectorborne Disease Account, and makes conforming changes.
Status: Chaptered by Secretary of State, Chapter 38, Statutes of 2004.

SB 1425 (Machado) – Unsafe food: bovine spongiform encephalopathy.
Allows a slaughterer that performs voluntary tests for bovine spongiform encephalopathy, to label the products "BSE tested."
Status: Set, First Hearing. Placed on Appropriations Suspense File.

SB 1520 (Burton)
Prohibits the force-feeding of birds, with the intent of enlargening the liver to create foie gras.
Status: Chaptered by Secretary of State, Chapter 904, Status of 2004.

SB 1585 (Speier) – Food safety.
Requires meat and poultry suppliers, distributors, and processors to notify DHS when meat or poultry that they sell in California has been subject to a voluntary recall by USDA, and provide DHS with a list of retailers that have or will receive the product.
Status: In Senate. To Unfinished Business. Died on File.

SB 1665 (Hollingsworth) – Trade and international trade offices.
Establishes a set criterion for the secretary of the Business, Transportation and Housing Agency to create an international trade and investment office.
Status: Placed on Senate Appropriations Suspense File. Held Under Submission.

SB 1732 (Hollingsworth)
Authorizes the secretary of CDFA to develop a voluntary program to promote the environmental quality of dairy lands, facilities and operations.
Status: Set, First Hearing. Held in Senate Committee on Environmental Quality.

SB 1857 (Hollingsworth) – Trade and international trade offices.
Authorizes the secretary of the Business, Transportation, and Housing Agency to establish additional overseas export offices, and requires the secretary to establish selection criterion for managers of those overseas offices.
Status: Referred to Senate Banking, Commerce, Investment, and Trade Committee.

SJR 33 (Poochigian) – West Nile Virus.
Memorializes federal officials to make federal funds available for the purposes of surveillance, prevention, abatement, and control of mosquitoes in California to aid in the fight against West Nile virus in order to protect the health and welfare of the public.
Status: In Assembly. Held at Desk.