

AMENDED IN SENATE JUNE 16, 2016

AMENDED IN ASSEMBLY MAY 6, 2015

AMENDED IN ASSEMBLY APRIL 9, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 629**

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**Introduced by Assembly Member Perea Gonzalez**  
*(Principal coauthor: Assembly Member Waldron)*

February 24, 2015

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An act to amend Sections 62070, 62071, and 62075 of the Food and Agricultural Code, relating to market milk; *add Section 12012.70 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 629, as amended, Perea Gonzalez. ~~Market milk: stabilization and marketing plans: minimum prices. Tribal gaming: compact ratification.~~

*Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law expressly ratifies a number of tribal-state gaming compacts, and amendments to tribal-state gaming compacts, between the State of California and specified Indian tribes.*

*The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion*

of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would ratify the tribal-state gaming compact entered into between the State of California and the Pala Band of Mission Indians, executed on May 6, 2016. The bill would provide that, in deference to tribal sovereignty, certain actions are not projects for the purposes of CEQA.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law authorizes the Secretary of Food and Agriculture to formulate stabilization and marketing plans that establish the prices to be paid by milk handlers for specified classes of market milk. Existing law provides that a stabilization and marketing plan may provide for, among other things, maximum charges for plant processing and transportation services, and minimum charges for the various services performed by a nonprofit cooperative association regarding class 1 market milk. Existing law authorizes the secretary to establish separate prices for various components of market milk other than class 1 market milk.~~

~~This bill would require the secretary to ensure that producers and handlers receive notice of the monthly prices for the various components of market milk, as specified. The bill would also make nonsubstantive changes to the provisions regarding maximum and minimum charges for services, as specified above.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 12012.70 is added to the Government
- 2 Code, to read:
- 3 12012.70. (a) The tribal-state gaming compact entered into
- 4 in accordance with the federal Indian Gaming Regulatory Act of
- 5 1988 (18 U.S.C. Secs. 1166 to 1168, inclusive, and 25 U.S.C. Sec.
- 6 2701 et seq.) between the State of California and the Pala Band
- 7 of Mission Indians, executed on May 6, 2016, is hereby ratified.
- 8 (b) (1) In deference to tribal sovereignty, none of the following
- 9 shall be deemed a project for purposes of the California

1 *Environmental Quality Act (Division 13 (commencing with Section*  
2 *21000) of the Public Resources Code):*

3 *(A) The execution of an amendment to the tribal-state gaming*  
4 *compact ratified by this section.*

5 *(B) The execution of the tribal-state gaming compact ratified*  
6 *by this section.*

7 *(C) The execution of an intergovernmental agreement between*  
8 *a tribe and a county or city government negotiated pursuant to*  
9 *the express authority of, or as expressly referenced in, the*  
10 *tribal-state gaming compact ratified by this section.*

11 *(D) The execution of an intergovernmental agreement between*  
12 *a tribe and the Department of Transportation negotiated pursuant*  
13 *to the express authority of, or as expressly referenced in, the*  
14 *tribal-state gaming compact ratified by this section.*

15 *(E) The on-reservation impacts of compliance with the terms*  
16 *of the tribal-state gaming compact ratified by this section.*

17 *(F) The sale of compact assets, as defined in subdivision (a) of*  
18 *Section 63048.6, or the creation of the special purpose trust*  
19 *established pursuant to Section 63048.65.*

20 *(2) Except as expressly provided herein, this subdivision does*  
21 *not exempt a city, county, or city and county, or the Department*  
22 *of Transportation, from the requirements of the California*  
23 *Environmental Quality Act.*

24 *SEC. 2. This act is an urgency statute necessary for the*  
25 *immediate preservation of the public peace, health, or safety within*  
26 *the meaning of Article IV of the Constitution and shall go into*  
27 *immediate effect. The facts constituting the necessity are:*

28 *In order to enhance the economic development, stability, and*  
29 *self-sufficiency of the Pala Band of Mission Indians and to protect*  
30 *the interests of the tribe and its members, the surrounding*  
31 *community, and the California public at the earliest possible time,*  
32 *it is necessary that this act take effect immediately.*

33 ~~SECTION 1. Section 62070 of the Food and Agricultural Code~~  
34 ~~is amended to read:~~

35 ~~62070. Each stabilization and marketing plan may further~~  
36 ~~provide for maximum charges for plant processing and~~  
37 ~~transportation service on the market milk or market milk~~  
38 ~~components that are transported to the area where sold. The~~  
39 ~~stabilization and marketing plan may enumerate the applicable~~  
40 ~~maximum charges, and may establish individual charges for each~~

1 ~~function enumerated. In establishing any maximum charges for~~  
2 ~~transportation services, the secretary shall base the maximum~~  
3 ~~charges upon the rates that are charged for actual or reasonably~~  
4 ~~similar services by highway carriers, as the term “highway carriers”~~  
5 ~~is defined in Section 737.3 of the Public Utilities Code.~~

6 ~~SEC. 2. Section 62071 of the Food and Agricultural Code is~~  
7 ~~amended to read:~~

8 ~~62071. Each stabilization and marketing plan may provide for~~  
9 ~~minimum charges for the various services performed or rendered~~  
10 ~~by a nonprofit cooperative association with respect to class 1~~  
11 ~~market milk sold or delivered to another handler. Handler services~~  
12 ~~include component testing for payment purposes, quality control,~~  
13 ~~producer payroll, and weighing and sampling of bulk market milk.~~  
14 ~~Each stabilization and marketing plan may also include, but not~~  
15 ~~be limited to, minimum charges for the handling of intermittent~~  
16 ~~or irregular deliveries of market milk and plant standby services.~~  
17 ~~The stabilization and marketing plan may enumerate applicable~~  
18 ~~minimum charges and establish individual charges for each service~~  
19 ~~enumerated or, in the alternative, the secretary may establish one~~  
20 ~~or more minimum charges covering one or more of the separate~~  
21 ~~handler services.~~

22 ~~SEC. 3. Section 62075 of the Food and Agricultural Code is~~  
23 ~~amended to read:~~

24 ~~62075. (a) The secretary shall establish the minimum prices~~  
25 ~~to be paid by handlers to producers for class 1 usage of market~~  
26 ~~milk upon a milk fat, solids-not-fat or the subcomponents thereof,~~  
27 ~~and fluid carrier basis. In establishing the minimum prices for~~  
28 ~~classes of market milk other than class 1, separate prices may be~~  
29 ~~established for any one or more of the following:~~

- 30 ~~(1) The milk fat contained in the milk.~~  
31 ~~(2) The solids-not-fat or subcomponents thereof contained in~~  
32 ~~the milk.~~  
33 ~~(3) The fluid contained in the milk.~~  
34 ~~(4) Any combination of the milk fat, the solids-not-fat or~~  
35 ~~subcomponents thereof, or the fluid contained in the milk.~~

36 ~~(b) The secretary shall ensure that producers and handlers~~  
37 ~~receive notice in writing, by posting on the department’s Internet~~  
38 ~~Web site, or by other means deemed appropriate by the secretary,~~

- 1 of the monthly price of each component specified in subdivision
- 2 (a):

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