

AMENDED IN SENATE AUGUST 7, 2000

AMENDED IN ASSEMBLY MAY 8, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2690**

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Introduced by ~~Committee on Agriculture (Cardoza (Chair),  
Maldonado (Vice Chair) Briggs, Florez, House, Reyes,  
Thomson, and Wiggins)~~ Assembly Member Florez

February 25, 2000

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~~An act to add Section 58566 to the Food and Agricultural Code, relating to agricultural trade. An act to add Section 3334.1 to the Civil Code, relating to agricultural land.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2690, as amended, ~~Committee on Agriculture Florez. Agricultural trade~~ land: compensable damages.

*Under existing law, damages for the wrongful occupation of real property, except as otherwise provided, is deemed to include the value of the use of the property for the time of the wrongful occupation, not to exceed 5 years next proceeding the commencement of the action to enforce the right to damages, the reasonable cost of repair or restoration of the property to its original condition, and the costs, if any, of recovering possession.*

*This bill would make findings and declarations relating to the damages caused to agricultural land by reason of oil and gas exploration and production on that land. The bill would specify that the damages for the entry onto and the use and*

*occupancy of lands in agricultural production for oil and gas exploration and production would include the reasonably foreseeable value of all crops that would have been produced by the land but for the change in land use to oil and gas exploration and production, for as long as the change in land use continues, and for reimbursement for taxes, assessments, and all other charges fixed to or imposed on the land that are payable by the surface owner or occupant.*

~~Existing law, the N. Waters Nielsen Vuich Berryhill Foreign Market Development Export Incentive Program for California Agriculture Act, authorizes contracts between the Department of Food and Agriculture and a cooperator, as defined, in order to address constraints and encourage the marketing of agricultural commodities in foreign countries. Existing law authorizes the use of state funds, as defined, to pay costs that are essential to, and clearly identifiable with, carrying out activities specified in a cooperator's marketing plan approved by the Secretary of Food and Agriculture pursuant to the act. Existing law also requires the department to direct a portion of any specified additional funding to be used for conducting foreign market research, conducting personnel training, including the training of California foreign trade office personnel, and performing other existing duties of the department under the act.~~

~~This bill would require the Secretary of Trade and Commerce and the Secretary of Food and Agriculture to enter into a Memorandum of Understanding for the use of an Agricultural Trade Specialist located in the California Foreign Trade Office and considered a representative of the Department of Food and Agriculture. This bill would also require the Agricultural Trade Specialist to provide an annual report to the Secretary of Food and Agriculture regarding the activities of the specialist.~~

~~Vote: majority. Appropriation: no. Fiscal committee: —yes no. State-mandated local program: no.~~

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

- 1 SECTION 1. Section 58566 is added to the Food and
- 2 Agricultural Code, to read:



1 58566. ~~The Secretary of Trade and Commerce and~~  
2 ~~the Secretary of Food and Agriculture shall enter into a~~  
3 ~~Memorandum of Understanding for the use of an~~  
4 ~~Agricultural Trade Specialist located in the California~~  
5 ~~Foreign Trade Office. The Agricultural Trade Specialist~~  
6 ~~is to be considered a representative of the Department of~~  
7 ~~Food and Agriculture, and his or her activities should be~~  
8 ~~prioritized with that consideration. An annual report~~  
9 ~~shall be provided to the Secretary of the Food and~~  
10 ~~Agriculture by the Secretary of Trade and Commerce as~~  
11 ~~to the activities of the specialist.~~

12 *SECTION 1. The Legislature of the State of California*  
13 *finds and declares as follows:*

14 *(a) California leads the nation in agricultural*  
15 *production.*

16 *(b) The San Joaquin Valley of California is one of the*  
17 *world's greatest agricultural regions, in the variety,*  
18 *quantity, quality and value of crops produced.*

19 *(c) The San Joaquin Valley of California, and other*  
20 *valuable productive agricultural regions of California, are*  
21 *threatened by urban encroachment and other land uses*  
22 *incompatible with continued agricultural production of*  
23 *those lands.*

24 *(d) Among the incompatible land uses threatening*  
25 *the continued agricultural production of presently*  
26 *productive agricultural lands is oil and gas exploration*  
27 *and production.*

28 *(e) In some cases, productive agricultural lands have*  
29 *been purposely targeted for exploration and production*  
30 *operations, rather than undeveloped or nonagriculturally*  
31 *productive lands equally suitable for such operations, in*  
32 *order to avoid costs of environmental mitigation,*  
33 *including habitat conservation, of nonfarmed lands under*  
34 *the Endangered Species Act and other acts.*

35 *(f) It is in the best interests of the people of the State*  
36 *of California, and their descendants, that lands presently*  
37 *in agricultural production should be maintained in such*  
38 *production to the greatest extent possible.*

39 *(g) It is the intent of the Legislature, that if such*  
40 *agriculturally productive lands, or portions thereof, are*



1 converted to oil and gas exploration and production uses,  
2 the owner or occupant of those agriculturally productive  
3 lands shall be compensated for all damages incurred by  
4 reason of oil and gas exploration and production.

5 SEC. 2. Section 3334.1 is added to the Civil Code, to  
6 read:

7 3334.1. Notwithstanding any other provision of law,  
8 the surface owner or occupant of the land shall be  
9 compensated for the damages caused by the entry onto,  
10 and the use and occupancy of lands in agricultural  
11 production for oil and gas exploration and production  
12 uses. Those damages shall be measured by all damages  
13 proximately caused to the land thereby, including  
14 without limitation, the reasonably foreseeable value of all  
15 crops that would have been produced by that land but for  
16 the change in land use to oil and gas exploration and  
17 production for so long as the change in land use shall  
18 continue. Damages shall also include reimbursement for  
19 taxes, assessments, and all other charges fixed to or  
20 imposed on the land that are required to be paid by the  
21 surface owner or occupant notwithstanding dispossession  
22 of the surface owner or occupant by the change in land  
23 use. All damages shall be due to the owner or occupant of  
24 the agricultural land in possession at the time entry  
25 commences for oil and gas exploration and production,  
26 regardless of the claim of right under which the entry for  
27 oil and gas exploration and production is made.

28 SEC. 3. Section 3334.1 of the Civil Code shall apply to  
29 all actions or proceedings by an owner or occupant of  
30 agricultural land for damages arising from oil and gas  
31 exploration and production that are pending on the  
32 effective date of this act.

33 SEC. 4. Section 3334.1 of the Civil Code is declaratory  
34 of existing law.

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