



FRIDAY REVIEW

Legislative and Governmental Update

JUNE 3, 2005

With the June 3rd legislative deadline to pass bill out of their house of origin, there were extended floor sessions in both the Senate and Assembly. The Assembly, with its electronic voting, moved at a snails pace with lengthy partisan debates. Whereas the Senate, which still uses the verbal roll call method for voting, move expeditiously through its file with little or no debate on most issues. Here are some highlights of the week's activities.

AFL-CIO sponsored legislation to increase the state's minimum wage and a UFW sponsored bill to impose an onerous heat stress requirement on agricultural employers have both been passed by the State Assembly over to the Senate. [AB 48](#) (Sally Lieber, D-Santa Clara) would increase the minimum wage to \$7.25 per hour on July 1, 2006 and to \$7.75 on January 1, 2007, thereafter increased yearly based on the California rate of inflation.

The Assembly vote on AB 48 was 43 to 28 as follows: "AYES" (43): Arambula, Baca, Bass, Berg, Bermudez, Calderon, Canciamilla, Chan, Chavez, Chu, Cohn, Coto, De La Torre, Dymally, Evans, Frommer, Goldberg, Hancock, J. Horton, Jones, Karnette, Klehs, Koretz, Laird, Leno, Levine, Lieber, Liu, Montanez, Mullin, Nation, Negrete McLeod, Parra, Pavley, Ridley-Thomas, Ruskin, Saldana, Salinas, Torrico, Umberg, Vargas, Yee, and Nunez. "NOES" (28): Aghazarian, Benoit, Blakeslee, Cogdill, Daucher, DeVore, Emmerson, Harman, Haynes, Houston, Huff, Keene, La Malfa, La Suer, Leslie, Maze, McCarthy, Mountjoy, Nakanishi, Niello, Plescia, Richman, Sharon Runner, Spitzer, Tran, Villines, Walters, and Wyland. NOT VOTING (9): Bogh, Garcia, Gordon, S. Horton, Matthews, Nava, Oropeza, Strickland, and Wolk.

[AB 805](#) (Judy Chu, D-Monterey Park) would require the adoption of a strict standard for heat illness prevention and response for agriculture only. Workplace temperature would have to be constantly monitored and evaluated and any time the temperature exceeded 90 degrees, breaks of at least 10-minutes in shaded areas would have to be provided.

The Final Assembly vote on AB 805 was 43 to 32 as follows: "AYES" (43): Arambula, Baca, Bass, Berg, Bermudez, Calderon, Chan, Chavez, Chu, Cohn, Coto, De La Torre, Dymally, Frommer, Goldberg, Hancock, Jerome Horton, Jones, Karnette, Klehs, Koretz, Laird, Leno, Levine, Lieber, Liu, Montanez, Mullin, Nation, Nava, Negrete McLeod, Oropeza, Pavley, Ridley-Thomas, Ruskin, Saldana, Salinas, Torrico, Umberg, Vargas, Wolk, Yee, and Nunez. "NOES" (32): Aghazarian, Benoit, Bogh, Canciamilla, Cogdill, Daucher, DeVore, Emmerson, Garcia, Harman, Haynes, S. Horton, Houston, Huff, Keene, La Malfa, La Suer, Leslie, Matthews, Maze, McCarthy, Nakanishi, Niello, Plescia, Richman, Sharon Runner, Spitzer, Strickland, Tran, Villines, Walters, and Wyland. NOT VOTING (5): Blakeslee, Evans, Gordon, Mountjoy, and Parra.

Farm Bureau ACTION ALERTS in opposition to AB 48 and AB 805 will be posted in the coming weeks when the measures are set for hearings in the Senate. Thank you to those County Farm Bureaus that contacted their Assembly members in opposition to these bills.

[SB 409](#) (Christine Kehoe, D-San Diego) was approved by the Senate on a vote of 22 to 14. This is the Attorney General's water supply planning bill that would require city and county general plans to "correlate" water supply in the conservation element with the land use element. This means that the water supply portion of the conservation component must be generally aligned with community's future growth plans, as reflected in the land use component. The bill is strongly opposed by homebuilders and the California Chamber of Commerce. Farm Bureau has long supported the integration of land use planning with water supply planning at the earliest stage in the local planning process. This would allow California's communities to face up to water supply issues in a productive way that will reduce disputes arising when water supply planning is done at the subdivision level on a project-by-project basis.

The roll call on SB 409 was as follows: "AYES": Alarcon, Alquist, Bowen, Chesbro, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Speier, Torlakson, and Vincent; "NOES": Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Margett, McClintock, Morrow, Poochigian, and Runner; ABSTAINING: Cedillo, Ducheny, Dunn, and Soto.

[SB 820](#) (Sheila Kuehl, D-Santa Monica) was narrowly approved by the Senate, despite bipartisan opposition. Voting against the bill were all Republican Senators, and Democratic Senators Denise Ducheny and Dean Florez. Recent amendments cured a few problems with the bill, but California Farm Bureau remains opposed. The bill meddles with existing powers of the courts to determine reasonableness of water uses, and imposes new reporting requirements for groundwater and surface water rights whose only purpose can be to inaugurate state regulation of those uses. The bill will face stiff resistance as it moves to the Assembly.

The Senate also narrowly passed [SB 113](#) (Mike Machado, D-Linden), again with Democratic Senators Florez and Ducheny joining Republicans in voting "NO". This bill would establish very vague standards for imposing water user fees on farmers all over the State to pay for a wide range of CalFED projects. We reported last week that the Governor has ordered an audit of CalFED operations, and that a new interim Director of the Bay Delta Authority has been appointed to develop a new finance plan. Under these circumstances, Senator Machado's CalFED fee bill is premature. Farm Bureau will continue to oppose the bill in the Assembly.

Assembly Majority Leader Dario Frommer (D-Los Angeles) moved [AB 528](#) to the inactive file rather than face an adverse vote in the Assembly Floor. AB 528 would have restored shakedown lawsuit tools to bounty hunter activists and lawyers that the people of California took away by their overwhelming approval of Prop 64 last fall. The bill would have allowed activists to sue landowners to privately enforce nearly every environmental statute in California law as a way of forcing settlements to fund their activities. Farm Bureau opposes the bill, and will remain vigilant for its revival in other forms during the remainder of the session.

The Assembly approved the designation of 31 miles of Cache Creek as part of the State Wild and Scenic Rivers system. [AB 1328](#) (Wolk, D-Davis) was amended to address several concerns about the impact of this designation. However, the bill still fails to protect existing and future upstream private water rights from the effects of maintaining natural flows in the designated stream reach, and Farm Bureau continues to oppose.

The vehicle for the Department of Water Resources flood control financing reform bill moved from the Assembly to the Senate while a wide variety of stakeholders continue meetings to see what reform measures can be broadly supported. California Farm Bureau has been participating in the discussions, and

will expect that any final language put forward will receive full policy hearings in the Assembly before final passage of the bill.

The Assembly voted 46 to 33 to approve Assemblymember Wolk's proposal on the Delta Protection Commission (DPC). [AB 797](#) would make a minor change in the state agencies membership on the commission and prohibit a local agency formation commission (LAFCO) from approving a proposal in the primary zone of the Delta that would allow specified facilities or services unless those facilities or services are consistent with DPC's Resource Management Plan. Farm Bureau supports the DPC and the implementation of their Resource Management Plan, but has remained neutral on AB 797 because the DPC has worked well with its current membership. The author's office has indicated that further amendments will be taken in the Senate to deal with the LAFCO issue.

A bill to require the reassessment of real property owned by legal entities when more than 50 percent of the ownership interests in the legal entity are transferred in an assessment year was quietly moved to the Inactive File in the Senate. [SB 17](#) (Martha Escutia, D-Whitter) is sponsored by the California Tax Reform Association, which is a organization representing public employees groups and their unions, will now become a two-year bill. The likelihood of the author being able to garner the 2/3's vote required for passage will be no better in January than they were this week. Farm Bureau is opposed.

In an underwhelming show of support, [AB 1685](#) (Johan Klehs, D-San Leandro) died on the Assembly floor. This bill would have banned the slaughter of animals on school campuses and termed animal husbandry practices as "harmful and destructive." The final vote was 21 to 43 with 16 not voting. Democrats know their bill is in trouble when even the Speaker won't vote for it. With a vote like this one, it's unlikely we'll see this bill return from the dead this session, but with California's legislature you can never say never. CFBF opposed this bill.

[SB 453](#) (Chuck Poochigian, D-Fresno) was passed unanimously by the Senate on Wednesday evening. This bill will extend the Central Valley Rural Crime Prevention Program through July 2009. CFBF supports this bill and is pleased to see it get out of the Senate with overwhelming support. However, the budget conference committee discussed funding of the program and kept the Governor's recommendation, which reduces program funding by \$1.9 million to a funding level of \$1.4 million. The committee felt it was unfair to fully fund a program that only provided assistance to a portion of the state. Assembly Member Keene was the one dissenting vote, as he supports full funding of the program.

[AB 1058](#) (Paul Koretz, D-Hollywood), a bill to create a country-of-origin labeling program for fresh beef products narrowly passed the Assembly on Thursday with a vote of 41 to 33. CFBF opposes this bill due to the federal preemption of state labeling programs. While CFBF strongly supports country-of-origin labeling on the federal level and is working to get the program implemented on that level, we did not want to see a state program that is technically illegal under the Federal Meat Inspection Act.

FARM TEAM allows you to easily take action to protect the farming way of life. Mobilizing our members via e-mail is a must in fighting off those who threaten our private property rights, water rights, and access to production practices. Click here: [Legislative Action Center](#)