



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

April 27, 2012

On Wednesday, April 25th, the Assembly Budget Subcommittee No. 3 on Resources and Transportation sent a clear message to the Department of the Forestry and Fire Protection and the Governor's Office that they are not going to rubber stamp the proposed State Budget provisions relative to the State Responsibility Area (SRA) fees. The governor's proposed budget includes \$15.3 million for 85 new personnel years for implementation of the SRA fee in 2012-13 and Department of Finance has proposed budget trailer bill language that would redefine "fire prevention" to include suppression of wildfires. Despite the subcommittee's staff recommendation to approve the appropriation and trailer bill language, the subcommittee left both items open due to pending legislative proposals. Specifically, Assembly Members Jeffries and Chesbro have bills to repeal or significantly modify the SRA fees, respectively. Subcommittee Chairman Rich Gordon (D-Menlo Park) indicated that this budget item would be considered once the May revision of the State Budget is released.

The measure that would have reformed California's Professional Engineering law by bringing it into line with most other states will not be heard in this legislative session. SB 1061 by Senator Mimi Walters (R - Laguna Niguel) would have given recognition to all engineering disciplines as being equal if properly educated, licensed and competent in their particular field of work. Senator Walters has carried this legislation, in its various forms since 2009 but has decided to drop the measure for this session due to opposition from unions representing government employed civil engineers. Farm Bureau is the sponsor.

Legislation that would designate the Department of Boating and Waterways as the lead agency for controlling the South American Sponge plant in the delta passed out of the Assembly Appropriations Committee unanimously. Current law gives the department authority to treat only water hyacinth and Egeria Densa, two invasive plants that have impacted the health of the delta water system. In many instances the South American Sponge plant, also a very aggressive invasive plant, has been found growing alongside the other treatable plants. AB 1540 (Joan Buchanan, D-San Ramon) will provide the necessary authority to also treat the spongeplant when it's found. The bill now goes to the Assembly Floor. Farm Bureau is in support.

Legislation sponsored by the Cattlemen's Association that would give regulatory relief for farmers and ranchers holding a class C license was passed out of the Assembly Transportation Committee on a 9-0 vote. AB 1516 by Luis Alejo (D-Salinas) would increase the weight limit of a vehicle or combination of vehicles that the class C license holder may operate to 28,500 pounds or less and would add a length limitation of 75 feet or less for that vehicle or combination of vehicles used exclusively in agricultural operations and not for hire. It would also exempt these vehicle combinations from the Motor Carriers of Property Permit Act (MCPA) which will reduce costs. The bill has met with vociferous opposition by the Teamsters Union, although they could not give any concrete reasons why they were opposed. The

committee members agreed to pass the bill out of committee with the promise from the author to amend it to address issues expressed by the CHP and committee members. The bill now goes to the Assembly floor for hearing. Farm Bureau is in support.

An exemption for agriculture, construction, forestry, lawn, and grounds-care equipment dealers from the California repossession licensure passed out of the Assembly Business and Professions Committee on an 8-0 vote. The author and sponsor of AB 1877, Fiona Ma (D-San Francisco) and John Deere, respectively, agreed to amend the bill with a sunset date of January 1, 2018. This was done in an effort to appease the representatives from the Repossession Association who testified in opposition and to allow time to assess the impact the bill has on their industry. AB 1877 will be heard next on the Assembly Floor. Farm Bureau is in support.

SB 971 (Anthony Canella, R-Ceres) which would expand the number of hydroelectric facilities that could be included as renewable generation was heard in the Senate Energy, Utilities and Communications Committee. CFBF supported the measure. The bill would revise the state's mandate for electric utilities to procure 1/3 of their electricity sales from renewable resources by changing the basis of electricity sales. Instead of basing the 1/3 on all sales, the 1/3 would be based on net program retail sales, which effectively subtracts out the power from hydroelectric facilities over 30 MW which currently do not qualify as renewable generation. There was strong support for the bill from several members on the Committee who recognized the importance of hydroelectric energy to the state. However, opposition from other committee members was just as strong, referencing that the matter of which hydroelectric facilities should be categorized as renewable had been addressed in the past and the 30 MW limit represents a long-standing approach. Ultimately the opposition prevailed and the bill failed passage on a 5 to 7 vote.

SB 1122 (Michael Rubio, D-Bakersfield) which would direct the Public Utilities Commission to require utilities to collectively procure at least 250 megawatts of electrical generating capacity from small renewable biomass and biogas electrical generating projects was heard in the Senate Energy, Utilities and Communications Committee. Farm Bureau supports the measure. Consideration of a separate procurement target for bioenergy facilities has been proposed in various proceedings at the PUC, but not implemented in a feasible manner. The bill was approved by the Committee on a unanimous vote. It will be heard next in the Senate Appropriations Committee.

SB 1221 (Ted Lieu, D-Torrance), which would prohibit the use of dogs when hunting bear and bobcat, passed on a 5-3 vote out of the Senate Natural Resources and Water Committee. Farm Bureau joined a number of hunting and agricultural organizations in opposition to the bill due to the negative impact bears have on California's beekeepers and forest landowners. During the hearing both Senator Wolk and Evans expressed concerns with the bill. Senator Evans abstained from voting, while Senator Wolk voted for it but told the author that she may change her vote when the bill is presented on the floor.

Farm Bureau's sponsored bill to address metal theft, AB 2298 (Fiona Ma, D-San Francisco), passed unanimously out of the Assembly Business, Professions, and Consumer Protection Committee. Currently the bill gives Agricultural Commissioners the authority to review records kept by recyclers and junk dealers, but Farm Bureau is working with stakeholders to develop additional solutions to address the metal theft plague impacting California. The bill now goes to the Assembly Floor.

AB 2284 (Wes Chesbro, D-Eureka), a bill to give law enforcement additional tools to combat illegal cultivation of marijuana on public lands and private timberland, was passed unanimously by the Assembly Water, Parks, and Wildlife Committee. The bill currently would provide the ability for law

enforcement agencies to stop vehicles transporting irrigation equipment or fertilizer into state parks, state forests, federal forests or private timberlands and take possession of these materials if they believe the individual is not in legal possession of the supplies. The bill also would increase penalties against illegal marijuana growers violating certain provisions of the Fish and Game Code. Farm Bureau testified in support of the bill and is working with the author to ensure that the bill will give law enforcement the proper tools to address this important issue. It now goes to the Assembly Appropriations Committee.

AB 2179 (Mike Allen, D-Santa Rosa) would dramatically expand the Department of Fish and Game's (DFG) ability to issue civil penalties against individuals believed to be in violation of any provision of the Fish and Game Code. Currently DFG has the authority to issue civil penalties of up to \$10,000 to individuals believed to be in violation of certain crimes against plants and wildlife; all other violations must be taken to court before penalties can be assessed. This bill would increase the penalties to \$20,000 and allow DFG to issue them against anyone they believe to be in violation of its code. Farm Bureau has significant concerns about giving DFG this authority because it eliminates due process for numerous violations. The Assembly Water, Parks, and Wildlife Committee passed AB 2179 on a party line vote of 9-4. The bill now goes to the Assembly Appropriations Committee. Farm Bureau is opposed.

The Senate Public Safety Committee heard SB 1302 (Anthony Canella, R-Ceres) which would have added arson at an animal feeding operation or livestock sales-yard causing more than \$100,000 in damages to the list of aggravating factors for the crime of aggravated arson. The Committee has instituted a policy regarding bills that it believes would impact the prison overcrowding issue in California. Therefore, any bills that increase prison time are held in the committee until the deadline and generally fail passage due to that policy. SB 1302 was believed to impact prison overcrowding because it increased penalties for arsonists targeting animal feeding operations and sales-yards. Farm Bureau supports SB 1302, but it failed passage on 3-3 vote, with Senators Anderson, Calderon, and Harmon voting in support.

The Assembly Public Safety Committee passed AB 2346 (Butler, D-Marian Del Rey) on a party-line 4-2 vote. AB 2346 imposes onerous and unreasonable heat illness requirements on agricultural employers; for instance, requiring provision of shade for all workers at all times with no temperature trigger and provision of shade within 200 feet of workers at all times. The bill also makes farm employers jointly liable for heat illness rule violations of farm labor contractors that they use, has a bounty hunter provision allowing for farm workers to file legal actions against their employers for violations of the rules and establishes significant new penalties in the case of heat illness deaths. Farm Bureau and others testified in opposition, but the committee disregarded those objections. Next stop for AB 2346 is the Assembly Appropriations Committee.

The Senate Labor and Industrial Relations Committee passed legislation to create a state-run pension plan for private sector workers whose employers do not provide pensions. SB 1234 (Kevin De Leon, D-Los Angeles) will create the California Secure Choice Retirement Savings Trust as a pension vehicle for workers without pensions. SB 1234 is opposed by the entire business community, but passed the Labor Committee on a 4-1 party line vote, and was sent to the Senate Appropriations Committee.

The Senate Budget Subcommittee No. 2 held open until next month the Governor's budget proposal to reduce the number of regional water boards. The proposal would also reduce the number of members on the regional boards and eliminate the specific categories for each board member of which irrigated agriculture is one. The chairperson of each regional water quality control board would be appointed by

the Governor under this proposal if approved. Farm Bureau is not in favor of the original proposal and is engaged in discussions with the administration about the proposal.

Three “Delta” bills were heard this week during a special order of business in the Assembly Water, Parks and Wildlife Committee. Farm Bureau has not taken a position on these bills.

1. AB 2000 (Allison Huber, D-El Dorado Hills) among other things would rewrite the Delta Stewardship Council make-up and redirect bond dollars. The measure failed 2 to 7.
2. AB 2421 (Bill Berryhill, R-Stockton) would require a cost and benefit analysis on the Bay Delta Conservation Plan (BDCP) be submitted to the Legislature before the BDCP’s inclusion in the Delta Plan, or by June 30, 2013. The measure passed 10 to 2 and will be heard next in the Assembly Appropriations Committee.
3. AB 2422 (Bill Berryhill, R-Stockton) would require a feasibility study on all water conveyance options through or around the delta. The measure passed 7 to 3 and will be heard next in the Assembly Appropriations Committee.

A measure that would create a Nitrate at Risk Area Fund for disadvantaged communities was heard in the Assembly Environmental Safety and Toxic Materials Committee this week. AB 1669 (Henry Perea, D-Fresno) is still a work in progress and has yet to identify the funding source it would create for economically disadvantaged communities. The measure was amended in the committee to designate the California Department of Public Health as the lead agency to identify those communities at risk using already available data. The measure passed 6 to 1 and will be heard next in the Assembly Appropriations Committee. Farm Bureau has a “watch” position.

A measure that would extend the time that point of use treatment could be used for public water systems with 20 or less residential connections was heard in the Assembly Environmental Safety and Toxic Materials Committee this week. AB 2056 (Wesley Chesbro, D-Eureka) would require the California Department of Public Health to allow usage of point of use water treatment systems beyond the current three year maximum when it is not economically feasible to build, operate and maintain a centralized treatment facility. The measure passed as amended 9 to 0. Farm Bureau has a “watch” position.

A measure that would expand usage of public water systems point of use treatment systems was heard in the Senate Environmental Quality Committee this week. SB 962 (Joel Anderson, R-San Diego) would expand the number of connections allowed to use point of use and point of entry service connections from 200 to 2,500 in a public water system. It would also extend the current emergency regulations two years to January 1, 2016, allowing more time for centralized treatment facilities to be built. The measure passed 7 to 0 and will be heard next in the Senate Appropriations Committee. Farm Bureau has a “watch” position.

A measure that would modify the Administrative Procedures Act was heard in the Senate Environmental Quality Committee this week. SB 964 (Roderick Wright, D-Los Angeles) would modify the Administrative Procedures Act as it applies to the State Water Resources Control Board, allowing greater participation in the rulemaking process while adopting regulations. The measure failed 2 to 5. Farm Bureau was in support.

A measure that would modify ex parte communications with the State Water Resources Control Board and regional water quality control boards was heard in the Senate Environmental Quality Committee this

week. SB 965 (Roderick Wright, D-Los Angeles) would change the ability for stakeholders to communicate on proceedings at the state and regional water boards that are of a statewide, regional, or industry wide nature. The measure passed 6 to 0 and will be heard next in the Senate Appropriations Committee. Farm Bureau is in support.

A measure that would add peer review requirements to the adoption of stormwater, general permit and conditional agricultural waiver regulations was heard in the Senate Environmental Quality Committee this week. SB 1306 (Sam Blakeslee, R-San Luis Obispo) would require the water boards to conduct external scientific peer review of the scientific bases for any proposed rule, including adoption of stormwater, general permits and conditional agricultural waiver regulations. The measure passed 5 to 1 and will be heard next in the Senate Appropriations Committee. Farm Bureau is in support.