



April 26, 2013

[SB 757](#) (Tom Berryhill, R-Modesto) would exempt secondhand dealers from regulations pertaining to junk dealers and recyclers. Senator Berryhill plans to amend SB 757 to include improvements to the current record keeping and payment requirements for junk dealers and recyclers that were put in place by his AB 844 in 2008. Potential improvements are being discussed by stakeholders, including Farm Bureau. The bill passed out of the Senate Business, Professions, and Economic Development Committee this week with a 10-0 vote. Farm Bureau supports the bill, which now moves to the Senate Floor.

[AB 933](#) (Nancy Skinner, D-Berkeley) would allow distilled spirit and brandy manufacturers to provide tastings of their products as long as certain guidelines are followed. This bill was heard by the Assembly Governmental Organization Committee this week and it passed out of the committee on an unanimous, bipartisan 17-0 vote. Farm Bureau testified in support of AB 933 as it will help expand opportunities for distilleries in California. The bill now moves to the Assembly Appropriations Committee.

[SB 485](#) (Ron Calderon, D-Montebello) would give County Agricultural Commissioner's and Sealers the authority to inspect the records of junk dealers and recyclers and issue citations if they are found to be in violation of the law. It also allows additional fees to be charged to cover the costs of these inspections. The intent of SB 485 is to ensure that recyclers and junk dealers are complying with current law and are properly permitted to operate their businesses. There is a proliferation of "illegal" recyclers and this bill will help stop those activities. SB 485 was approved by the Senate Business, Professions, and Economic Development Committee on a 10-0 vote. Farm Bureau supports this bill, which now goes to the Senate Appropriations Committee.

Another bill to modify the homeowners' fire prevention fee on those living in the State Responsibility Area (SRA) was defeated on Tuesday, April 23, in the Senate Natural Resources and Water Committee.

[SB 125](#) (Ted Gaines, R-Rocklin) would have fully exempted homeowners from the \$150 "fee" for fire prevention if they already pay a tax for local fire protection. According to the Department of Forestry and Fire Protection more than 95 percent of parcels in the SRA are also in a local fire district. Under current law, homeowners only get a \$35 reduction in the fee if they also pay for local fire protection.

The roll call on SB 125 was as follows: "Ayes:" Cannella, Evans, and Fuller; "Noes:" Pavley, Jackson, Monning, and Wolk; and "No Vote Recorded:" Hueso, and Lara.

Senator Gaines has agreed to make his other SRA fee bill, SB 147, a two year bill. This measure would exempt homeowners from the fire prevention fee if their household income is below 200 percent of the federal poverty level.

[SB 591](#) (Anthony Cannella, R-Ceres) was heard in the Senate Appropriations Committee on April 22 and was moved to the suspense file for later deliberation due to state costs. It would acknowledge hydroelectric generated electricity as renewable energy, but limits the applicability to Merced Irrigation District's New Exchequer Dam, a 94 MW project. (Under state law any hydroelectric generation over 30 MW is not counted as renewable.) It will allow Merced to calculate the renewable energy it needs to purchase based on its energy need above what New Exchequer produces, rather than its total retail sales.

[AB 793](#) (Adam Gray, D-Merced) is the companion legislation on the Assembly side and would accomplish the same result as [SB 591](#). It passed out of the Assembly Utilities and Commerce Committee on April 15 without any "no" votes and will be heard next in the Natural Resources Committee on May 6. CFBF is in support.

[AB 762](#) (Jim Patterson, R-Fresno) was another bill addressing hydroelectricity as renewable generation, but it was not approved by the Assembly Utilities and Commerce Committee this week. It would have reclassified all hydroelectric generated electricity as renewable energy, regardless of the size of the generation source. Although some recognition was voiced for the arbitrary nature of the standards that exclude hydroelectric generation over 30 MW from renewable status, the bill failed on a 5 to 4 vote. CFBF supports [AB 762](#).

The Senate Labor & Industrial Relations Committee defeated legislation offered by Senator Tom Berryhill (R-Modesto) to allow employers and employees greater flexibility in scheduling work times and days without incurring overtime liability. [SB 607](#) would have allowed employers and employees to agree to a four-day work week featuring 10 hour work days without a requirement for overtime for the last two hours of those four days. The bill would have required payment of overtime after 10 hours in a day or 40 hours in a week. Most major business groups including CFBF supported [SB 607](#), which failed on a party-line vote.

The Assembly Labor & Employment Committee passed [AB 10](#), minimum wage legislation by Assemblyman Luis Alejo (D-Salinas). [AB 10](#) will raise the state's minimum wage to \$8.25 per hour on January 1, 2014; to \$8.75 on January 1, 2015; and to \$9.25 on January 1, 2016. Beginning on January 1, 2017, [AB 10](#) will index the minimum wage to the California Consumer Price Index and prohibits any future reduction in the minimum wage should consumer prices go down rather than up. Farm Bureau and most other business groups opposed [AB 10](#), which passed on a party-line vote. [AB 10](#) will be heard next in the Assembly Appropriations Committee.

Three measures that would reduce and restructure the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 will be heard in the Assembly Water, Parks and Wildlife Committee next week. The April 30th committee hearing will include a special order of business on [AB 142](#) (Henry Perea, D-Fresno), [AB 295](#) (Rudy Salas Jr., D-Bakersfield) and [AB 1331](#) (Assembly Water, Parks and Wildlife Committee). These bills require a report on the need for bond funding for water infrastructure, safe drinking water and the Delta ecosystem and watersheds. Farm Bureau has a support position for the current water bond as approved in 2009 and will continue to monitor this and all efforts to impact the size and structure of the water bond.

A measure that would increase enforcement authority for the Central Valley Flood Protection Board was heard in the Senate Natural Resources and Water Committee this week. [SB 753](#) (Darrell Steinberg, D-Sacramento) would grant additional enforcement authority to the Central Valley Flood Protection Board, including cease and desist and fine authority. The measure was passed on party lines this week and will

next be heard in the Senate Appropriations Committee. The author has agreed to address concerns raised by the Farm Bureau and the Flood Board in Appropriations. Farm Bureau is working with the author to define 1) a clear path early in the informal phase of the enforcement process to allow a landowner to fix any encroachment violations prior to the Flood Board imposing penalties; 2) a well defined structure for penalty actions and amounts; and 3) a fair and reasonable process to address the removal of existing lawful encroachment permits approved by the Flood Board, as opposed to “illegal encroachments.” Farm Bureau is opposed unless amended.

A measure that would provide additional recycled water for agriculture irrigation will be heard in the Assembly Environmental Safety and Toxic Materials Committee next week. [AB 1200](#) (Marc Levine, D-San Rafael) would provide additional water security in the Los Carneros winegrape growing regions of Sonoma and Napa valley’s by authorizing a pilot project that facilitates the use of high quality recycled water for agricultural irrigation purposes. Farm Bureau supports.

An oversight hearing on “Finding Alternatives to the Use of Fumigants in Strawberry Production” was held this week in the Assembly Environmental Safety and Toxic Materials Committee. Chairman Luis Alejo (D-Salinas) presided over the two and a half hour hearing that included regulators, academics, growers, academics and environmentalists. The Strawberry Commission discussed their extensive efforts to develop fumigant alternatives. While alternatives have been developed, none are yet economically viable. The environmental representatives asked for buffer zones and a ban on fumigants starting in 2020. Farm Bureau testified that buffer zones already exist and that an arbitrary 2020 ban on fumigants would cause significant economic disruption.

A specific formula that the Secretary of Food and Agriculture would be required to use when establishing the minimum producer price for class 4b market milk will be heard in the Assembly Agriculture Committee on May 1. The formula in [AB 31](#) (Richard Pan, D-Sacramento) includes a dry whey value factor that could be no less than 80 percent of the dry whey value used in federal milk marketing orders. In addition, each handler’s plant in California that purchases milk for class 4b utilization may deduct a dry whey credit for quantities of solids-not-fat processed for up to 264,480 pounds solids-not-fat produced per month. Farm Bureau supports.

[SB 478](#) (Anthony Cannella, R-Ceres) enables semitrailers used exclusively to haul livestock no longer than 53 ft. in total length to be operated on major California highways and those routes designated as federal primary aid highways or “STAA” routes. Current law enables 53 ft. semitrailers to be operated on major highways or “STAA” routes, but because of restrictions requiring the king-pin of the trailer to be no farther than 40 feet from the rear axle, makes most commonly used livestock semitrailers in the West ineligible to be operated on major highways in California. Ranchers depend on interstate commerce and the ability to access buyers in other states. Because livestock trailers have a belly which extends between the front and rear axles, the operator is precluded from moving the rear axle forward to achieve the 40 ft. king-pin-to-rear-axle setting. Buyers and haulers will not purchase trailers that are “California compliant” just to operate in California which has different standards than other states in the West and Midwest. The Cattlemen’s Association is the sponsor of the bill. Farm Bureau supports.

[AB 298](#) (Richard Pan, D-Sacramento) was formerly legislation that would have implemented the agricultural commercial motor vehicle provisions in the federal highway bill known as MAP-21. The bill was recently gutted and amended into a healthcare bill. It was decided after discussion with the author that the original MAP-21 language will be amended into another bill at a later date to allow more time for in depth discussion between the author, Farm Bureau, the CHP and the California Department

of Transportation to determine how it could be implemented in California in order to meet the federal requirements. Farm Bureau is the sponsor.

[AB 1369](#) (Katcho Achadjian, R-San Luis Obispo) is the same flat bed pick-up bill that failed passage in the Assembly Transportation Committee last year due to strong opposition by the CHP and the Teamsters Union. Sponsored by the Cattlemen's Association, this bill would define a pickup truck used exclusively by a farmer or rancher in a not-for-hire capacity that is operated solely in California with a manufacturer's gross vehicle weight rating of less than 14,000 pounds, equipped with a bed, including, a flat bed, that does not exceed 9 feet in length, as a farm pickup truck. Opposition from the CHP and Teamsters is expected this year as well. Farm Bureau supports.