



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

August 17, 2012

The Governor's timber reform package was heard by the Senate Budget Committee this week. [AB 1492](#) (Budget Committee) limits wildfire liability for landowners neighboring government owned lands; extends the length of a timber harvest plan (THP) from five years to seven years; requires accountability from agencies that review THPs; and pays for THP review through a 1% assessment placed on lumber sold in California at the retail level. The committee had a lengthy discussion of the proposal, with concerned members led by Senator La Malfa (R-Butte), expressing numerous objections with the bill despite the huge benefits it would provide to the landowners and timber producers in his district. The committee chair, Senator Leno (D-San Francisco), made strong points in favor of the bill including repeating witness testimony that the current wildfire liability risks faced by California landowners is like an "economic death sentence." Ultimately the bill passed out of committee 11-0 with all the Republicans abstaining. The bill now moves to the Senate Floor where it has until August 31st to be approved.

[AB 1313](#) (Michael Allen, D-Santa Rosa) will change agricultural employers' overtime obligations to require payment of one-and-one-half times the employee's regular rate of pay for hours worked after eight hours in any day or 40 hours in a week and double-time for hours worked after 12 hours in a day. AB 1313 is pending a vote on the Senate floor. Farm Bureau continues to oppose.

UTVs & shade trailers used exclusively in an agricultural operation will now qualify as implements of husbandry and will not have to be registered. Farm Bureau sponsored bill [AB 2111](#) (Nora Campos, D-San Jose) was recently signed by the Governor. The UTV, more widely known as a 'mule' or 'gator' is equipped with four wheels, a steering wheel, side-by-side seating for two people and a small, enclosed bed. The shade trailer is a portable shade structure deployed to provide a shaded rest area for employees working in the field. AB 2111 will be enacted into law January 1, 2013.

[AB 1966](#) (Fiona Ma, D-San Francisco) would require mineral owners to provide surface owners of the overlying property with a 60-day notice prior to activity that would cause disturbance to the property and a 5-day notice for non-disturbing activity prior to entering the surface owner's property. The notice would be required to contain the extent and location of the prospecting, mining, or extraction operation and the approximate time or times of entry and exit upon the real property for disturbing activities. The bill is awaiting a vote on the Senate floor. Farm Bureau is in support.

[AB 1540](#) (Joan Buchanan, D-San Ramon) that adds the South American Spongeplant to the list of invasive aquatic plants for treatment and control by the Department of Boating and Waterways (DBW) in the Delta was enrolled and sent to the governor for his approval. DBW has also been the lead agency

in treating and controlling water hyacinth and Brazilian elodea in the Sacramento-San Joaquin Delta, its tributaries and the Suisun Marsh. Farm Bureau supports AB 1540.

AB 1877 (Fiona Ma, D-San Francisco) would exempt the requirement for authorized dealers of agricultural, forestry, construction and lawn care equipment to register as a repossession agency in order to repossess equipment. The exemption would enable them to better maintain good customer relations, save costs to both parties and remove the requirement to notify law enforcement when equipment has been repossessed. California law does not allow anyone other than a repossession agency to perform this function unless they are licensed or are a financial institution that holds title to the property. AB 1877 is in the Senate awaiting a floor vote. Farm Bureau supports.

SB 1513 (Gloria Negrete McLeod, D-Chino) would expand the State Compensation Insurance Fund's authority for investments. The bill will enable diversification of investments by allowing State Fund to invest in the same manner as private insurance carriers further improving its efficiency, productivity and service. SB 1513 is awaiting a vote on the Senate floor to concur amendments made in the Assembly. Farm Bureau is in support.

AB 685 (Mike Eng, D-Monterey Park) would establish state policy that every human being has the right to clean, affordable, and accessible water for human consumption, cooking, and sanitary purposes that is adequate for the health and well-being of an individual and family. It would require all relevant state agencies, including the Department of Water Resources, the State Water Resources Control Board, and the State Department of Public Health to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria. Farm Bureau is opposed.

The State Water Resources Control Board will hold a public hearing on their "Draft" Policy for Toxicity Assessment and "Control" on August 22, 2012. The draft proposes numeric chronic and acute toxicity objectives. The policy would apply to NPDES permits and conditional waivers of waste discharge requirements. Written comments are due by noon on August 21, 2012. The Board will take no action, but will take public comment. Farm Bureau will submit comments and testify at the public hearing.

Both the Assembly and Senate Appropriations Committees made their final decisions this week about which bills were worthy of fiscal costs to the state. The following bills were approved by the Assembly Appropriations Committee and will next be up for a vote on the Assembly floor:

SB 843 (Lois Wolk, D-Davis) would facilitate off-site renewable energy projects for cities, counties, school districts, state colleges, the University of California, as well as federal agencies, such as the military. The bill is a very significant policy shift that could lead to the conversion of thousands of acres of prime farmland to industrial land uses such as solar photovoltaic (PV) facilities. SB 843 was approved despite the \$400,000 in costs to the Public Utilities Commission to implement and monitor this new program, including two regulatory analysts plus an administrative law judge for the first two years. Farm Bureau worked diligently with the author and her staff to draft amendments to provide some farmland protection, but to no avail. CFBF remains opposed to SB 843.

SB 1221 (Ted Lieu, D-Torrance) would prohibit the use of dogs when hunting bear and bobcat. 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, forest landowners, and livestock owners. SB 1221 was approved on a party line 12-5 vote and will be amended. Based on the description of the amendments, they are not the same as were agreed to by the Assembly Water, Parks, and Wildlife

Committee. After an Assembly floor vote, SB 1221 will have to return to the Senate for a final vote due to the recent amendments.

SB 1148 (Fran Pavley, D-Agoura Hills) provides a private right of action for California citizens to protect wildlife and creates strict liability for all violations of the Fish and Game Code. Additionally, the bill would allow the Department of Fish and Game to increase fees for streambed alteration agreements. Farm Bureau is opposed to these provisions and has built a large coalition to join us in opposition. Giving private citizens the ability to sue individuals they suspect of harming wildlife is extremely problematic. Creating strict liability removes an accused individual's ability to argue extenuating circumstances in a case. The private right of action and strict liability portions of SB 1148 are to be amended. Farm Bureau remains opposed, but will analyze the amendments when they are made public.

SB 455 (Fran Pavley, D-Agoura Hills) that originally would have created a voluntary watershed timber harvest permit (WTHP) was amended to turn it into a timberland conversion mitigation bill. Senator Pavley introduced SB 144 in 2009, which would have required mitigation and fees for any conversions of California forestland to replace lost carbon sequestration caused by the conversion. Farm Bureau opposed SB 144 and the bill was not moved by the author when no agreement could be reached on a mitigation program.

In 2011, Senator Pavley introduced SB 455, which would have created a 20-year WTHP in return for timberland owners maintaining their lands in timber production and managing them in a way to increase carbon sequestration. The bill also required mitigation for carbon losses from timberland conversions greater than one acre. When the author and interested forest landowners could not work out the details of the WTHP, Senator Pavley amended SB 455 into a bill that requires timberland conversions to fully mitigate impacts to wildlife, habitat values, forest type, loss of carbon in above and below-ground biomass, and loss of future carbon sequestration. The bill requires approval of the conversion by both CalFire and the Department of Fish and Game (DFG). Additionally it requires that fees be paid to fully cover the costs to CalFire and DFG. DFG alone estimates its review costs of between \$3,000 and \$8,000 per conversion permit application. Farm Bureau remains opposed to the bill. SB 455 was approved on a party line vote with Assembly Member Isadore Hall (D- Los Angeles) abstaining.

SB 1480 (Ellen Corbett, D-San Leandro) would expand the regulation of licensed trappers and limit the use of certain traps in California. The bill is co-sponsored by Born Free USA and the San Francisco Wildlife Center. Farm Bureau is opposed unless the bill is amended to eliminate the restrictions the bill places on certain traps that are necessary for farmers and ranchers to protect their livelihoods. SB 1480 has been amended to eliminate the restrictions on traps for beavers and muskrats. Farm Bureau will analyze the committee's newest amendments once they are made public to determine whether or not they address our concerns.

SB 1234 (Kevin DeLeon, D-Los Angeles) would create a state-operated pension system for workers whose employers do not offer pension programs. It was amended on August 16 to stipulate that its requirements are waived if it is found that the plan it creates is subject to federal jurisdiction. Farm Bureau remains opposed.

The following bills were approved by the Senate Appropriations Committee this week and are now awaiting a vote on the Senate floor:

[AB 2179](#) (Michael 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 if the local District Attorney or Attorney General agrees. All other violations must be taken to court before penalties can be assessed. This bill would expand DFG's authority to issue penalties against anyone they believe to be in violation of its code or regulations without approval by the District Attorney or Attorney General. Farm Bureau has significant concerns with giving DFG this authority because it eliminates due process for numerous violations. The bill also allows DFG to keep all of the fine revenue it generates giving it significant incentive to issue numerous fines. The author amended the bill to include a sunset and to eliminate the requirement that hearings to review issued penalties be before an administrative law judge. Instead, hearings would be conducted by agency staff. These amendments allowed the bill to be released from the Senate Appropriations Committee under Rule 28.8, providing bills with minimal costs to be released without a hearing or vote by the committee. Farm Bureau and a large coalition of organizations oppose the bill.

[AB 2402](#) (Jared Huffman, D-San Rafael) would transfer the authority to list threatened and endangered species under the California Endangered Species Act (CESA) from the Fish and Game Commission to the Department of Fish and Game (DFG). Farm Bureau is opposed to the bill because DFG has not proven itself successful in managing public processes and giving it the authority to list species under CESA would be problematic for California agriculture. AB 2402 will be amended to limit changes to CESA. Farm Bureau will analyze the amendments to determine whether or not they address our concerns.

Farm Bureau's sponsored bill to address metal theft, [AB 2298](#) (Fiona Ma, D-San Francisco), creates a framework for regional metal theft task forces. The ultimate goal is to follow the examples of the Rural Crime Prevention Programs and High Technology Crimes Task Force where the state provides grant funding for local law enforcement to target metal theft. By creating the framework there is an opportunity to capture funds from federal or other sources to help begin the program.

[AB 1888](#) (Mike Gatto, D-Burbank) would amend the law to allow a driver who holds a commercial A, B, or C vehicle license to attend Traffic Violator School (TVS) for minor infractions received while driving a non-commercial vehicle. Commercial drivers could then attend TVS for the purpose of removing routine traffic violations from their records thus maintaining their commercial licenses in good standing. AB 1888 is co-sponsored by the California Trucking Association and the Teamsters Union. Farm Bureau is in support.

[AB 2346](#) (Bonnie Butler, D-Los Angeles) would make drastic revisions to the current heat illness law. AB 2346 was just recently amended and those amendments are still being reviewed by Farm Bureau. However, the bill would still make farmers explicitly responsible for the conduct of farm labor contractors in certain situations and allow farm employees to file lawsuits against their employers. The author's new amendments remove the substantive heat illness requirements from AB 2346 in favor of referencing the existing Cal/OSHA heat illness requirements. Those amendments also slightly narrow the private right of action provisions making these provisions applicable to farm employers who are "repeat violators" within a three year period. Farm Bureau is still strongly opposed to the measure.