



March 2, 2012

Like most individuals, including public and private institutions, the Legislature is driven by its deadline calendar. So it was no surprise that nearly 1100 new bills were “put across the desk” in the last two days prior to the February 24th bill introduction deadline for the second half of the 2011-2012 session. There were 392 bills introduced on the 23rd and another 693 on the final day bringing the total number of Assembly Bills to 2661 and 1573 in the Senate for the whole session.

According to the California Constitution, no regular session bill, other than the budget bill, may be heard or acted on by a committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by three-fourths majority. The intent of the constitutional requirement is to give Legislators, staff and members of the public time to study and analyze the proposed new laws prior to consideration in the first policy committee. This safeguard is commonly avoided by introducing “spot bills” that make unsubstantial technical changes in law but hold a spot in the appropriate code. The author of such bills will subsequently amend those bills with the actual substantive proposed change in law, often a week or less before the first hearing. So while some legislators and bill sponsors prefer this approach to avoid well organized opposition at the first hearing, others use the extra time to negotiate with potential opponents. Needless to say, many of the 1100 new bills either make “technical, non-substantive” changes to a law or make legislative findings and declarations regarding amendments yet to come. Below are some the new bills that Farm Bureau is now following for its members. In next week’s Friday Review we will provide another installment of recently introduced legislation of interest to agriculture.

Land Use and Taxation:

AB 1966 (Fiona Ma, D-San Francisco) Natural resources: oil and gas: drilling. This legislation is aimed at dealing with the rights of surface landowners with regard to mineral rights owned by others.

AB 2351 (Gordon) Local Planning: open-space plan. Spot bill in the Planning and Zoning Law regarding local open-space plans that require jurisdiction to provide a comprehensive and long-range preservation and conservation strategy for the protection of open-space land, including agricultural land.

AB 2474 (Wes Chesbro, D-Eureka) Fire prevention fee: state responsibility areas. Spot bill that currently makes findings and declarations regarding the implementation of the SRA fees in a fair and equitable manner.

AB 2540 (Mike Gatto, D-Burbank) Sales and Use Tax on Specified Services. Imposes a sales and use tax on 27 specific services, including astrology, tarot, and palm reading; carpet cleaning; access to the facilities of a country club; the provision of personal, private lessons on any topic; pool maintenance; access to the facilities of a ski resort; limousine rental; marina services; access to storage facilities, not including food storage facilities; watch repair; cosmetic surgery; support activities for metal mining; boat repair; charter bus services for travel within the state; high net worth estate planning; private aircraft pilot services for travel within the state; pet grooming where the buyer is charged fifty dollars (\$50) or more for the grooming and more.

AB 2629 (Mike Morrell, R-Redlands) Land Use: mitigation lands. Spot bill regarding the use of conservation easements for the purpose of environmental mitigation.

SB 1241 (Christine Kehoe, D-San Diego) Land use: general plan: safety element: fire hazard impacts. This is not the first attempt by Kehoe to strengthen the safety element of city and county general plans to include greater consideration of wildfire hazard risk. The bill would also amend the Subdivision Map Act to require three specific findings designed to improve a proposed subdivision's fire protection services.

SB 1266 (Ellen Corbett, D-San Leandro) Resource Conservation Lands: appraisal process. Spot bill that would require appraisal reports prepared for the acquisition of any land or interest therein by or with funding from an acquisition agency, include specified information, and meet specified requirements to be considered for appraisal review by the state. For example, the appraisal report must include more than nominal value for specialty interests, including, but not limited to, timber, water, minerals, or carbon credits, shall include a separate valuation prepared and signed by a certified or registered professional qualified in the field of specialty interest. This valuation shall be reviewed and approved by a second qualified, certified or registered professional, considered by the appraiser, and appended to the appraisal report.

SB 1305 (Sam Blakeslee, R- San Luis Obispo) Regional open-space district: County of San Luis Obispo. Allows the creation of an open space special district with an independently elected board for the purpose of agricultural and open space land conservation.

SB 1498 (Bill Emmerson, R-Riverside) Local Agency Formation Commission: powers. This bill would allow LAFCo's to approve extending municipal services outside a city's sphere of influence.

Transportation:

AB 1516 (Luis Alejo, D-Salinas) Creates a farming exemption for class C license holders. It 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. The bill is sponsored by the Cattlemen's Association. Farm Bureau is in support.

AB 1566 (Bob Wieckowski, D-Fremont), shifts oversight of the Above Ground Petroleum Storage Act to the Office of the State Fire Marshal. Cal EPA is currently responsible for oversight of the Above Ground Petroleum Storage Act, the program that regulates storage of oil and other petroleum products in California. The program will continue to be enforced by the Certified Unified Program Agencies (CUPA) at the local county level. The measure does nothing to change the conditional exemption

currently provided for farms and ranches. Farm Bureau will monitor the bill's progress to make certain the exemption is not altered.

AB 1758 (David Valadao, R-Hanford) will add haystack retrievers as an implement of husbandry to the vehicle code. An implement of husbandry is a vehicle used exclusively in an agricultural operation, driven by the farmer or employee, for a distance of not more than a mile on the road and not used for compensation. Farm Bureau is in support.

AB 1877 (Kristin Olsen, R-Modesto & Fiona Ma, D-San Francisco) Exempts agriculture, construction, forestry, lawn, and grounds care equipment dealers from the California repossession licensure law. AB 1877 would be beneficial for customers and dealers by overall reduction of costs. The legislation would also expedite and provide a more, "customer friendly" repossession process. Farm Bureau is in support.

AB 2111 (Nora Campos, D-San Jose) will add the shade trailer and the Utility-Terrain Vehicle (UTV) implements of husbandry section of the vehicle code was recently introduced. AB 2111 is a spot bill in its present form and will be amended with the new language. Farm Bureau is the sponsor.

SB 1155 (Anthony Cannella (R-Ceres) will allow vehicle combinations of 75 feet on certain roads in San Benito County. It will exempt a combination of vehicles coupled together of not more than 75 feet, with two trailers of not more than 28 ½ feet each in length used exclusively to transport agricultural products from the field to the first point of handling or to a designated truck route. The vehicle combinations would have to comply with certain requirements outlined in the bill. SB 1155 would require the San Benito County Supervisors in consultation with the California Highway Patrol to grant the exemption. Farm Bureau is in support.

Labor:

AB 1675 (Susan Bonilla, D-Concord) Authorizes the Labor Commissioner to issue citations and impose civil penalties for violations of the requirement for farm labor contractors to register with the State of California. Under present law, such violations are referred to the local District Attorney for prosecution. Penalties in AB 1675 would start at \$100 per farm worker employed by the unlicensed farm labor contractor plus \$100 for each calendar day the violation occurs, to a maximum penalty of \$10,000. For second and third violations, these same penalties escalate by farm worker, day and total to \$200/\$200/\$20,000 and \$500/\$500/\$50,000. Bonilla's bill is an apparent attempt to discourage unlicensed FLC activity, but it is unclear if an unlicensed FLC could correct his situation by seeking registration or if a citation for unlicensed FLC activity would disqualify him from applying for an FLC license.

Marketing:

AB 1625 (Michael Allen, D-Santa Rosa) The Transition to Organics Act. Would create an account from which payments could be made to farmers transitioning to certified organic production systems. No general fund dollars can be contributed to the fund and payments are limited to \$250 per farm with a maximum of \$1,000 per person.

AB 2403 (David Valadao, R-Hanford) Explains the intent of the legislature to create a pilot program in Kings County that would require nut and fruit tree wholesale purchasers to maintain logs containing information regarding each person offering to sell nut and fruit trees.

Natural Resources:

AB 1961 (Jared Huffman, D-San Rafael) Creates a streamlined permitting system at the Department of Fish and Game for restoration projects to improve Coho salmon habitat.

AB 2168 (Wesley Chesbro, D-Eureka) Requires coordination between the Department of Forestry and Fire Protection and other agencies to ensure that all members of the interdisciplinary review team are present for the initial inspection of a timber harvesting plan.

Rural Crime Prevention:

AB 2003 (Norma Torres, D-Pomona) requires payments for scrap metal by junk dealers and recyclers be made by check and mailed to the seller.

AB 2298 (Katcho Achadjian, R-San Luis Obispo and Fiona Ma, D-San Francisco) This Farm Bureau sponsored bill will be used as a vehicle to enhance current metals theft laws.

SB 1302 (Anthony Cannella, R-Ceres) This bill, sponsored by the California Cattlemen's Association, would add arson at a feedlot or livestock sales-yard causing more than \$100,000 in damages to the list of aggravating factors for the crime of aggravated arson.

Energy:

SB 594 (Lois Wolk, D-Davis) Allows all Net Energy Metering (NEM) customers with multiple electrical accounts to aggregate the electrical load of all the meters located on the property where their renewable energy system is located or on property contiguous to the renewable system. This will allow a customer to install one renewable energy facility sized to serve their entire on-site load (up to one megawatt) instead of installing separate facilities at each meter. This is particularly important for agricultural customers who commonly have several meters.

Environment:

AB 1922 (Ricardo Lara, D-South Gate) An effort sponsored by the California Trucking Association to exempt commercial motor vehicles with a gross vehicle weight rating (GVWR) of 14,000 or higher from the Periodic Smoke Inspection Program if they are a 2007 and newer engine beginning January 1, 2013. All commercial trucks greater than 14,000 GVWR would be exempt from the PSIP beginning January 1, 2023.

AB 2174 (Luis Alejo, D-Salinas) Fertilizer: reduction of use. A spot bill sponsored by the environmental justice community that authorizes a portion of the current assessment on the sale of fertilizer to be used to support University of California Extension programs that advise farmers on measures to reduce fertilizer use, programs that reduce impact of fertilizer use on groundwater quality and programs to address drinking water contamination associated with fertilizer use.

AB 2506 (John Perez, D-Los Angeles) A bipartisan bill that contains a variety of tax credits and regulatory reforms. Most noteworthy is the requirement that state agencies to submit all proposed emergency regulatory actions to the Legislature for their review and action. The legislature could make recommendations to the agency that has proposed the regulation or send the proposed regulation to the floor of either house, which could reject the regulatory action by a majority vote.

SB 1119 (Tom Berryhill, R- Stanislaus) Pesticides: civil penalties. A spot bill regarding pesticide violations.

Water:

AB 1578 (Dan Logue, R-Chico) Creates the Indian Valley Watermaster District. It would create a special watermaster district to provide watermaster service to water right holders within the district boundaries. AB 1578 would specify the powers and purposes, as well as the boundaries, of the district. It would require the new district to provide watermaster service on behalf of water right holders previously served by the Department of Water Resources.

AB 1884 (Joan Buchanan, D-San Ramon) Sacramento-San Joaquin Delta Reform Act of 2009: covered actions. Spot bill to address “covered actions” under the authority of the Delta Stewardship Council.

The UC Davis Center for Watershed Science will publicly release a study of nitrate in groundwater for the Tulare Lake Basin and Salinas Valley on March 13th. SBx2 1 (Don Perata, D-Oakland) requires the State Water Board, in consultation with other agencies, to develop pilot projects in the Tulare Lake Basin and the Salinas Valley. The bill directed the State Water Resources Control Board to create an interagency task force, as needed, to oversee the pilot projects to study nitrate contamination and identify remedial solutions and funding options to recover costs associated with cleanup or treatment of groundwater and to report to the Legislature within two years. The report release will coincide with a panel discussion and overview of the study. Farm Bureau will continue to monitor this effort closely. For more information go to the State Water Board website at:
http://www.swrcb.ca.gov/water_issues/programs/nitrate_project/index.shtml