



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

June 1, 2012

The Assembly passed [AB 2346](#) (Betsy Butler, D-Marina Del Rey), heat illness legislation strongly opposed by Farm Bureau and other agricultural and business groups on a bare minimum 41-28 vote, with 11 members not voting. Democratic “no” votes included: Alyson Huber (El Dorado Hills), Fiona Ma (San Francisco), Joan Buchanan (San Ramon), and Bob Wieckowski (Fremont). Democrats not voting included: Toni Atkins (San Diego), Jared Huffman (San Rafael), Henry Perea (Fresno), Wesley Chesbro (Eureka), Anthony Portantino (Pasadena), and Cathleen Galgiani (Tracy). The bill makes substantial changes to the Cal/OSHA’s heat illness prevention regulation, allows farm workers to sue their employers for violations of the standard, and makes farmers and ranchers responsible for non-compliance by farm labor contractors. All of these changes would be codified into the Labor Code, taking away Cal/OSHA’s ability to revise the standard to meet future needs as it did on 2010. AB 2346 now moves to the Senate.

The Assembly also approved the following three Farm Bureau opposed labor bills:

[AB 1450](#) (Michael Allen, D-Santa Rosa) expands California’s already extensive discrimination protections to unemployed workers.

[AB 1999](#) (Julia Brownley, D-Santa Monica) expands employment discrimination protection to employees who have “family caregiver status,” a very broad category that overlaps many discrimination protections already in place.

[AB 2039](#) (Sandre Swanson, D-Oakland) expands the state’s family and medical leave law to extend employment-protected leave to caregivers of non-dependent adult children, parents-in-law, grandparents, siblings, grandchildren, or domestic partners.

The Senate approved [SB 1234](#) (Kevin DeLeon, D-Los Angeles) that would create a state-operated pension system for workers whose employers do not offer pension programs. A broad employers’ coalition, including Farm Bureau, has opposed SB 1234 because of concerns about the impact both on the retirement systems already operated by the state and the impact on the financial services industry that already provides retirement management services to workers. SB 1234 proceeds to the Assembly.

The Assembly failed to pass [AB 1544](#) (V. Manuel Perez, D-Imperial), which would have created a worker legalization program operated by the state.

The Assembly Budget Subcommittee No. 3 heard a revised Governor's budget proposal this week that would have reduced the number of regional water boards from nine to eight. Due to concern raised by stakeholders, including Farm Bureau, the Administration revised their proposal that would have eliminated the Colorado River Basin Region, dividing it between the Lahontan and San Diego regions. The proposal also included reducing the number of members on all regional water quality control boards from nine to seven, six of whom are required to have a proven ability in the field of water quality and an understanding of water pollution control, or in the beneficial use of water by the region's nonpublic economic sectors. Additionally, the chairperson of each regional water board would be appointed by the Governor. The proposal also included an increase in the per diem compensation for each board member from \$100 per day to \$500 per day and addressed conflict of interest rules by requiring the Political Reform Act be applied to the board in the same manner as other state officials. Subcommittee staff recommended denial of regional water board consolidation, per diem increases for board members and appointment of the chair by the Governor, but urged approval of conflict of interest rules. The committee voted in favor of staff's recommendations. Farm Bureau continues to work with the Administration and others to resolve regional water board issues.

AB 2514 (Steven Bradford, D-Inglewood) tees up the question of how to calculate the limit placed on the total amount of net metering that must be offered by the utilities. Although couched as a study bill to assess the costs of net metering, the language clouds the debate as it focuses on a different methodology that the CPUC adopted for determining the limit and could very well undermine the CPUC's ability to follow through with broadening the availability of net metering. CFBF joined with others in opposing the language in the bill addressing the capping methodology, because of the potential to undermine the CPUC's ability to act. The May 24th CPUC decision mandating the same type of study as required in AB 2514 clearly did not sufficiently address all the legislature's concerns as the bill was approved by Assembly on a 55-9 vote.

AB 1961 (Jared Huffman, D-San Rafael) that creates a much simpler permitting process for projects to benefit Coho Salmon habitat was approved by the Assembly on a 74-3 vote. Farm Bureau supports this bill as a way to reduce the permitting burden for voluntary habitat improvement projects.

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 agrees; 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 or regulations without approval by the District Attorney. Farm Bureau has significant concerns with giving DFG this authority because it eliminates due process for numerous violations. Farm Bureau organized a large coalition of groups opposed to this bill and succeeded at raising significant concerns when the bill was heard on the Assembly floor. AB 2179 garnered the bare minimum vote necessary for passage, 41-28, and now moves to the Senate.

AB 2284 (Wesley Chesbro, D-Eureka) gives law enforcement additional tools to combat illegal cultivation of marijuana on public lands and private timberland was approved by the Assembly. The bill would provide the ability for law enforcement agencies to stop vehicles transporting irrigation equipment or fertilizer onto 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 supports this bill as a way of giving law enforcement additional tools to address this important issue. AB 2284 was approved 53-18 with 9 abstentions and now goes to the Senate.

[SB 1221](#) (Ted Lieu, D-Torrance) prohibits the use of dogs when hunting bear and bobcat was approved by the Senate 22-15. 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 now moves to the Assembly.

[SB 1480](#) (Ellen Corbett, D-San Leandro) expands the regulation of licensed trappers and limits the use of certain traps in California was approved by the Senate 22-14. 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. Farm Bureau will continue to work with the author and sponsors to address our concerns. SB 1480 now moves to the Assembly.