



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

January 13, 2012

[SB 22](#) (Doug La Malfa, R-Richvale) that would eliminate any further expenditures authorized by the High-Speed Passenger Train Bond Act failed passage in the Senate Transportation and Housing Committee on party-line vote 3-6 with the Republicans supporting the suspension of funding and the Democrats opposed. Senator La Malfa reminded the committee that the original \$9.95 billion bond act was approved by a slim margin back (52.7 percent) in 2008 to construct a high-speed rail system in California and that approval was based on limited information, some would say misinformation, about the overall cost of the project, the cost of tickets, and train travel time versus air travel time. Since the original authorization, the overall cost of the project has nearly tripled from the original \$33 billion projection to \$98.5 billion now. The senator also previously voiced concerns the project would require widespread use of eminent domain in both rural and urban areas and the construction of large infrastructure that would disrupt communities.

Despite voting to kill the bill, the committee chairman Mark Desaulnier (D-Concord) promised that his committee and the Legislature in general was committed to yet another in-depth look at the entire High-Speed Rail Authority (HSRA). This additional legislative review will come on the heels of several extremely critical reports including the [University of California's Institute of Transportation Studies](#) that states the HSRA used an unreliable model to forecast ridership; the [California State Auditor](#) reported the HSRA has made payments that did not reflect the terms of its agreements, thus risking its ability to hold contractors accountable for their performance; the [Legislative Analyst's Office](#) confirmed that the HSRA's draft business plan is incomplete, imbalanced, and portrays the project more favorably than may be warranted; and finally the [California High-Speed Rail Peer Review Group](#) recently concluded that it "cannot at this time recommend that the Legislature approve the appropriation of bond proceeds for this project." Thus, Senator La Malfa may have lost this battle but appears to be winning the war against the project. This opinion was bolstered somewhat on Thursday afternoon when the HSRA's chief executive officer, Roelof van Ark, announced that he is quitting.

Farm Bureau confirmed this week that Senator Noreen Evans (D-Santa Rosa) has decided to drop her [SB 588](#) that would have granted the California Coastal Commission civil fine authority. The bill was parked in the Senate Judiciary Committee last May and that apparently is where it will stay. The bill was strongly opposed by at the state, county, and individual Farm Bureau members along with a broad coalition of business and landowner groups.

An effort to set deadlines on how the Department of Pesticide Regulation (DPR) reviews pesticides failed passage in the Assembly Agriculture Committee. Despite accepting numerous amendments that relieved the concerns of DPR, Farm Bureau and the other agricultural associations, [AB 1176](#) (Das Williams, D-Santa Barbara) still did not satisfy half of the committee members. Assembly Member Fiona Ma (D-San

Francisco) believed the bill was premature and led the arguments against the bill. It failed on a 4-4 bipartisan vote. Farm Bureau is neutral.

A measure that would have reduced the funding in each chapter of the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 (Water Bond) failed passage in the Assembly Water, Parks and Wildlife Committee this week. [AB 157](#) (Kevin Jeffries, R-Riverside) would have reduced the bond by 25 percent, including reducing the \$3 billion for new water storage by \$750 million. The measure only got one vote, failing 1-10. Farm Bureau was opposed.

The State Water Resources Control Board heard a Colorado River Basin Regional Water Quality Control Board Basin Plan amendment to establish a conditional prohibition for agricultural wastewater discharges in the Palo Verde Valley. The regional board adopted the basin plan amendment a year ago after working with farmers in the Palo Verde Valley and the Irrigation District to develop the conditional prohibition in a manner that would protect water quality while remaining reasonable for farmers. The State Water Board must approve any Basin Plan amendment before it becomes effective. The State Water Board did not approve the amendment and remanded the matter back to the regional board to adopt a conditional agricultural waiver of waste discharges that would require a fee assessed on the growers and landowners consistent with others in the state. Farm Bureau testified in support of the regional board's conditional prohibition, as did Imperial County Farm Bureau and other agricultural organizations.

Large timberland owners saw a concept they have been supporting move one small step closer to reality this week through the Senate Natural Resources and Water Committee's passage of [SB 455](#) (Fran Pavley, D-Agoura Hills). This bill would create a voluntary watershed timber harvest permit (WTHP) allowing timberland owners to obtain 20-year permits to harvest their lands in return for maintaining their lands in timber production and managing them in a way to increase carbon sequestration. The bill is a work in progress and discussions will continue between the sponsors of the bill, The Nature Conservancy and Pacific Forest Trust, and the forest products industry and environmental opponents. In addition to the issues to be negotiated in regards to a WTHP, the bill also includes a requirement for mitigation for carbon losses from timberland conversions greater than one acre. Farm Bureau has expressed concerns over this new requirement and has asked for the conversion permitting requirements to be consistent with the existing requirement to obtain a timberland conversion permit for conversions of three acres or above. The bill now moves to the Appropriations Committee.

[AB 1005](#) (Roger Dickinson, D-Sacramento), which originally would have added new fees for timber harvest permits (THP), was amended to instead mandate the creation of a working group to address the current problems with the state's THP review process. Assembly Member Dickinson, as chair of the Assembly Accountability and Administrative Review Committee, held a hearing during the legislative recess on the topic of THP review and expressing his belief that the state needed to charge additional fees to cover the cost of that review. During that hearing there was bipartisan opposition expressed to the idea of increasing THP fees and instead a working group was formed to improve efficiencies for THP applicants and reviewing agencies. Despite the language included in AB 1005 the bill is really just a vehicle for proposals that may come from the existing working group.

AB 1005 was heard by both the Assembly Natural Resources Committee and the Assembly Water, Parks, and Wildlife Committee this week and passed out of both committees. Assembly Member Chesbro, chair of the Assembly Natural Resources Committee, made it clear that the bill would come back to his

committee if it was amended with recommendations from the working group and that the bill was supposed to only include solutions that were reached through consensus. With the bills amendments, Farm Bureau removed its opposition and is now neutral. The bill now moves to the Assembly Appropriations Committee.

A measure that would recognize all engineering disciplines as equal and grants the authority to practice engineering if an individual is properly licensed, competent and proficient was heard in the Senate Business, Professions and Economic Development Committee this week. [SB 692](#) Senator Mimi Walters (Laguna Niguel) failed passage with two yes votes from the Republican Senators and all Democrat members declining to vote. The measure was completely amended to reflect findings in a new Legislative Council opinion on the California Professional Engineering Act. The amended language would make competence the standard under which all engineering services can be performed, as is the case in almost every other state. Current law arbitrarily classifies civil, electrical and mechanical engineers as “Practice Act” and gives any person who holds a civil engineering license authority for responsible charge over the work of all of the other engineering disciplines. Agricultural, chemical, control system, fire protection, industrial, metallurgical, nuclear, petroleum, and traffic engineering are classified as “Title Act” and are not allowed by law to be in charge of engineering work performed in their field of training and competence. The bill was granted reconsideration and will be heard again before the January 31 deadline. Farm Bureau is in support.