



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

APRIL 10, 2008

Both the Senate and Assembly Budget Subcommittees with jurisdiction over the Department of Forestry and Fire Protection (CDF) budget considered the Legislative Analyst's "Alternative Budget" that includes onerous new fee proposals on landowners. The fee proposals included \$310 per structure in the State Responsibility Areas (SRA) to raise \$465 million for the wildland firefighting costs and \$23 million in added costs for timberland owners to cover the cost of timber harvest plan (THP) reviews. While neither committee took action on the proposals it was clear from the testimony and discussion among committee members that the SRA fees have strong support only among Democratic members and the THP fees garnered little support from either political party due to the devastating impact they would have on an already struggling timber industry.

SRA fees were imposed by a majority vote of the Legislature in 2003 in SB 1049 and CFBF sued to stop their implementation because we believed fee was a special tax that required a 2/3 vote under Article XIII A of the California Constitution. The \$35 per parcel charge on all land in the SRA was subsequently repealed following the recall of former governor Gray Davis and the election of Governor Schwarzenegger. The representatives of the Legislative Analyst's Office (LAO) argued that the Legislature could learn from its previous proposal and structure a fee on structures in the SRA that would stand up under judicial review.

Farm Bureau, the California Forestry Association and the Regional Council of Rural Counties, as well as local Farm Bureau members from Mendocino and Humboldt Counties all testified in opposition to the LAO's proposals.

SB 1617 (Christine Kehoe, D-San Diego), which would impose graduated fees on structures in the SRA, was approved by two committees this week in the Senate. Both the Senate Natural Resources and Water Committee and the Senate Revenue and Taxation Committee approved SB 1617 with the understanding that it is going to be amended significantly in the Senate Appropriations Committee. Farm Bureau has been working with Senator Kehoe and her staff to address issues of resource landowners in the SRA. Farm Bureau remains adamantly opposed to any fee per acre or per parcel. We have been assured that Senator Kehoe has no intention of proposing fees on unimproved land. We have also discussed a number of other issues that we believe must be included if any new fees on structures in the SRA are proposed:

- Only those structures that require a certificate of occupancy would be included;
- Structures currently within a county or special district that provides structural fire protection would be exempt;

- Any fee schedule must be capped at a level based on the average of the cost of providing fire protection;
- The proposal must include a “return to source” provision so that revenue in rural areas stays in those areas.

SB 1617 currently contains a “buy-down” provision that would allow any fee to be reduced to a minimum of \$100 per structure if they are in compliance with certain building codes with respect to materials and construction methods for exterior exposure to wildfire and if adequate defensible space is maintained.

Farm Bureau also reminded the Senate Budget Committee on State Administration, General Government, Judicial, and Transportation that protecting the \$39 million in Williamson Act subventions was a good investment for the state not only because it protects our family farmers and ranchers, but also because it saves the state money. Since the state is constitutionally mandated to reimburse jurisdictions for the Homeowner’s Exemption (\$70 per home), we pointed out that if just one percent of Williamson Act land was converted to homes at 5 units to the acre, it would cost the state an additional \$56 million in Homeowner Exemption subventions. This brought a big smile to Senator Machado, chair of the subcommittee, and a strong supporter of the Williamson Act. This testimony also resulted in a call from the Department of Finance as their staff prepares for a similar hearing in the Assembly on April 15th.

AB 2724 (Benoit, R-Palm Desert) passed out of the Assembly Public Safety Committee on a unanimous vote this week. This bill seeks to increase the fines imposed upon people convicted of metal theft, with the increased fines going to local law enforcement to pay for metal theft investigations and prevention. Assembly Member Benoit carried a similar bill last year, which was signed by the governor, to increase fines against people convicted of illegal dumping. CFBF supports AB 2724.

The Senate Labor and Industrial Relations Committee heard SB 1539 (Calderon, D-Whittier) this week. Originally this bill would have clarified what it means for an employer to provide meal and rest periods. Currently employers are at risk of litigation if they don’t police their workforce to ensure meal periods are taken on time and last a full 30 minutes. Surprisingly, committee members were sympathetic to concerns raised; however they weren’t sympathetic enough to allow the bill to move out of the committee in its current form. Instead all provisions of the bill will be deleted and instead the bill will only contain language expressing the intent of the legislature to clarify current confusion surrounding meal and rest periods. The amended bill passed out of committee and now moves onto the Senate Appropriations Committee. CFBF supports this bill.

The Senate Natural Resources and Water Committee passed SB 1436 (Ducheny, D-San Diego) on consent. This CFBF sponsored bill seeks to continue accidental take allowances for routine and ongoing agricultural practices under the California Endangered Species Act. Currently that provision is set to expire January 1, 2009. Originally the bill sought to completely eliminate the sunset, but environmental groups were only comfortable allowing it to continue for another two years. The bill now moves to the Senate Appropriations Committee.

[SB 1663](#) (Denham, R-Merced) will be heard in Senate Environmental Quality Committee on April 14th. Farmers and ranchers are required under current law to register as a "Waste Tire Hauler" business with the CA Integrated Waste Management Board in order to haul more than nine tires at one time. Agricultural businesses are penalized by the currently restrictive waste tire hauler registration requirement originally intended to regulate those who illegally dump waste tires on agricultural land. Passage of SB 1663 will aid in the proper disposal of illegally dumped tires by allowing landowners to haul those tires as needed for disposal.

The one-day permit for waste tire amnesty days has been helpful, but the restriction to 20 tires per load at some of the disposal sites has posed a problem for those who have many more tires to be disposed of and must make multiple trips to the site. If the intent of the law is to encourage the proper disposal of waste tires, then the program must be simplified in order to remove the obstacles that now exist in current law. SB 1663 is a good step in that direction. CFBF is in support.

[AB 2714](#) by Assemblymember Rick Keene (R-Chico) will address the loss of load issue presented by the incidental loss of hay or straw chaff when being transported on the highway. Over the past year Farm Bureau and a coalition of agricultural organizations has worked with the Federal Motor Carriers Safety Administration (FMCSA), the CHP and the Department of Food and Agriculture to address the many difficulties that resulted from the adoption, on January 1, 2008, of Title 49 of the Federal Code of Regulations (CFR) 393.100 - 393.102 for Cargo Securement. It has been an involved process with a lot of cooperation from the CHP and FMCSA toward achieving the goal of creating uniform cargo securement standards for California agricultural haulers. In addition, it has aided the FMCSA in determining standards for all 50 states.

AB 2714 will be complimentary to Title 49 CFR. FMCSA is expected to release draft regulation in April 2008 concerning incidental blow off of chaff and the CHP have agreed to enforce the draft regulation. However, Farm Bureau is concerned that it may take up to five years for the final regulation to be released by the FMCSA, thus the need for the legislation. The passage of this bill will enable the CHP to enforce the draft regulation without being in conflict with the existing California Vehicle Code. AB 2714 will be heard in the Assembly Transportation Committee on April 14th.

[AB 2402](#) authored by Doug La Malfa (R-Biggs) and sponsored by the California Trucking Association will remove the inconsistency between California law and federal regulations concerning hours-of-service requirements for truckers. Federal Motor Carrier Safety Administration requires a 10-hour rest period for truckers, current California law only allows for parking in a rest area or similar location for 8 hours before towing or citation. This bill will change the law to enable truck drivers to get the rest required by federal law without the threat of being cited or having their vehicle towed. Farmers and ranchers depend upon the trucking industry to transport much of their product in the state and across the country. Ensuring the safety of truckers and the driving public is a priority. AB 2402 will be heard in the Assembly Transportation Committee April 14th. CFBF is in support of this bill.

The Secretary of State's office announced Wednesday that the Treatment of Farm Animals initiative sponsored by animal activist groups has qualified for the November statewide ballot. The measure would require that an enclosure or tether confining specified farm animals allows the animals for the majority of every day to extend fully their limbs or wings, lie down, stand up and turn around. The animals specified in the initiative include calves raised for veal, egg-laying hens and pregnant pigs. The measure makes exceptions for transportation, rodeos, fairs, 4-H programs, lawful slaughter, research and veterinary purposes. Violators would be subject to misdemeanor penalties including fines of up to \$1,000 and/or up to 180 days of jail time. CFBF will be part of a coordinated and cooperative response with other agricultural groups seeking defeat of the initiative. A group called Californians for Sound Farm Animal Agriculture has been formed to urge defeat of the initiative. Watch for updates on the initiative in future Friday Reviews.

AB 2065 authored by Hancock (D-Berkeley) and sponsored by the East Bay Municipal Utility District was amended this week. This bill would require any private entity, state or local agency, district, authority, or other governing body that owns or manages a water storage reservoir or waterway to assess the vulnerability of the reservoir or waterway for the introduction of nonnative mussel species and to develop and implement a monitoring and control program to prevent the introduction of that species, thereby imposing a state-mandated local program. While controlling non-native species of mussels is a worthwhile goal, CFBF has concerns about recent amendments to the measure that would impose new unnecessary requirements on owners of small private stock ponds and irrigation reservoirs. CFBF has contacted the author's office to offer amendments to resolve these concerns.

AB 1404 authored by Lowenthal (D-Long Beach) was amended this week. This bill would require wholesale nurseries and distributors to label plants with watering requirements specific to the place of sale. This bill does not take into account the wide range of climate and soil conditions throughout the state, or labeling information already used by the nursery industry that specifies growing requirements, including watering needs. This bill does not consider who would enforce this measure at the retail level. CFBF is working with other agricultural representatives and the author to address concerns.