



March 23, 2012

This week the Senate sent 39 budget related spot bills to the Assembly, who likewise sent 37 similar measures to the Senate, which led to [heated partisan floor debates](#) in both chambers regarding the abuse of the legislative process. All of the bills were identical and simply say, “It is the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.” Many of these provisions will likely be negotiated behind closed doors in the Capitol and not shared with the public until minutes before passage. As it stands now, there will be no policy or fiscal committee hearings on these budget details that will dramatically change the laws of California. The Department of Finance has a long [list](#) of budget trailer bill ideas and the Democratic majority in Legislature also has a well-guarded supply.

In the pre-Proposition 25 era, the majority party had to work with the minority party because a two-thirds vote was required for the State Budget Act. This included the implementing trailer bills because they generally need to take effect immediately to allow the spending changes. Now that [Article IV, Sec 12 \(e\)](#) has been added to the California Constitution, only a majority vote is required for the budget and “other bills providing for appropriations related to the budget bill,” and the process is ripe for exploitation. For example, the new charge on homeowners in the State Responsibility Area (SRA) for fire prevention activities was contained in a trailer bill, [AB 29X](#) Robert Blumenfield (D-Van Nuys) which included a \$1000 appropriation from the General Fund to the Department of Forestry and Fire Protection for administrative costs to implement this new law. As noted below, the cost is just a tad higher: \$15.3 million. This year, the Department of Finance is proposing to change the SRA fire prevention definition in yet another budget trailer [bill](#) to include “the prevention of the expansion of wildland fires during emergency situations,” i.e. fire suppression. This “through the looking glass” definition would allow the new charge on homeowners in the SRA to be used to foot the bill for all fire suppression activities by CDFFP, which was the real purpose all along.

Ironically, this process could come back to haunt many incumbent legislators in this dramatically different election year with new, more competitive districts and an open primary process. Since the trailer bills never have a hearing and can be jammed through in minutes, oftentimes legislators do not fully realize the impacts of the significant policy changes buried in the 100+ page measures. This year with opponents and voters watching, they may subsequently wish they had been given time to read, think about, thoroughly debate and consider these changes in law.

[AB 1506](#) Kevin Jeffries (R-Riverside and Paul Cook (R-Yucaipa) to repeal the \$150 “fee” for dwellings in the State Responsibility Area (SRA) will be heard on Monday in Assembly Natural Resources Committee. This Farm Bureau-supported bill is benefiting from growing support due, in part, to the astronomical costs of administering and collecting the fee that are contained in the governor’s proposed budget. For example, the Department of Forestry and Fire Protection (CDFFP) expects to spend \$9.3 million in 2012-13 and \$6.1 million in future years for 29 new positions to deal with the deluge of appeals from landowner. The Board of Equalization needs \$6 million for 56 new positions to establish the fee base and collect the charge.

The hearing will be held in Room 447 of the State Capitol at 2:30 pm on March 26th. Landowners in the SRA are encouraged to attend to show their support for AB 1506. We are fortunate that two longtime experts on this subject have agreed to testify in support: Len Lindstrand, a forester and land manager from Shasta County and Jim Little, a Mendocino County forester and Fire Chief of the Laytonville Fire Department. Chief Little’s [Op-Ed](#) for the *Ag Alert* on March 7th. They will give testimony on how the fire prevention “fee” will actually increase the risk of wildfires in the SRA which has been a center piece for our lobbying efforts on this issue.

In a related matter, it appears inevitable that the Howard Jarvis Taxpayers Association will be challenging the SRA charge based on the fact that the fire prevention levy is a tax and not a fee; and as a tax, it failed to receive a two-thirds vote in the Legislature under provisions of Proposition 13.

[AB 2346](#) by Betsy Butler (D-Salinas) has been extensively amended to create a private right of action under the Labor Code allowing workers to sue their employers for failure to provide shade and water under the Heat Illness Prevention Standard. AB 2346 as amended this week will also confer responsibility for violations of the water and shade requirements by a farm labor contractor on the farmer or rancher who retained the FLC. No hearing has been scheduled yet on AB 2346. Farm Bureau and organizations representing agricultural employers oppose AB 2346 as amended.

Assemblymember Luis Alejo (D-Salinas) has introduced a fertilizer bill to address fertilizer impacts on groundwater. [AB 2174](#) is a work in progress (a spot bill) with additional clarifying language to be developed, but would direct the Department of Food and Agriculture to use fertilizer assessment dollars currently collected from fertilizer sales to support University of California Agriculture Extension programs. Programs would include those that advise farmers on measures to reduce fertilizer use, reduce the impact of fertilizer use on groundwater quality, and address drinking water contamination associated with fertilizer use. Farm Bureau is reviewing the possible impacts of this bill and is closely monitoring new language as it becomes available from the author. The measure is not yet scheduled to be heard.

This week the State Water Resources Control Board released a final draft of their newly proposed policy regulating Onsite Wastewater Treatment Systems (OWTS). [AB 885](#) Hannah-Beth Jackson (D-Santa Barbara), which became law in 2000, requires the State Water Resources Control Board to develop a policy for permitting and operation of onsite wastewater treatment

systems. In response to public comment on the first draft three years ago, the board directed staff to rewrite the policy. The new proposed policy has a tiered approach for addressing the wide variety of conditions and septic systems throughout the state and leaves much of the control with the existing local. Written comments on the latest draft must be received by 12:00 noon on Friday May 4, 2012. The board will hold three public meetings, a workshop, a hearing and finally an adoption hearing. The proposed Policy and information on the upcoming workshops and hearings is available at:

http://www.swrcb.ca.gov/water_issues/programs/owts/index.shtml

Three public meetings are scheduled as follows:

<p>Staff Workshop Wednesday, April 4, 2012 10:00 AM Joe Serna Jr. –Cal/EPA Headquarters Building Coastal Hearing Room 1001 I Street, Second Floor Sacramento, CA 95814</p>	<p>State Water Board Hearing Wednesday, May 2, 2012 9:00 AM Joe Serna Jr. - Cal/EPA Headquarters Building Coastal Hearing Room 1001 I Street, Second Floor Sacramento, CA 95814</p>	<p>State Water Board Adoption Meeting Tuesday, June 19, 2012 9:00 AM Joe Serna Jr. - Cal/EPA Headquarters Building Coastal Hearing Room 1001 I Street, Second Floor Sacramento, CA 95814</p>
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Farm Bureau has been and will continue to be actively engaged in commenting throughout the process.