



May 11, 2012

The Assembly Natural Resources Committee approved [AB 1966](#) by Assembly Member Fiona Ma this week which would expand current pre-notification requirements required of mineral rights owners wanting to access the property of surface land owners to develop and extract oil or gas. Under the provisions of the bill, operators of oil and gas wells would be required to provide surface owners a ten day written notice of their intent to enter a surface owner's property for the purpose of extracting oil, gas or minerals. The notice requirement would begin January 1, 2014.

Both proponents and opponents of the bill appeared before the committee indicating that they would continue to work on additional bill language. It is likely that a longer pre-notification period will ultimately be included in the bill along with guidance and means for resolving conflicts between oil and gas companies and landowners. California Farm Bureau supports the bill and testified on the measure in committee. The Kern County Farm Bureau and various other agricultural organizations and landowners also support the measure. The vote on the bill was 8-0 with one abstention. It now goes to the Assembly Floor for a vote.

[SB 1221](#) (Ted Lieu, D-Torrance), which would prohibit the use of dogs when hunting bear and bobcat was approved 5-2 by the Senate Appropriations Committee. 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 and forest landowners. Despite the Department of Finance's official opposition to the bill and its estimate that the state will lose about \$350,000 in hunting license revenues, the Appropriations Committee did not deem SB 1221 a candidate for the suspense file. Supposedly, any bill that costs the state over \$150,000 is automatically put on the suspense file. Senator Walters moved that it be placed on suspense, but her motion failed 2-4.

An effort to create an electronic reporting system for pawnbrokers, secondhand dealers, recyclers, and junk dealers and creates a fee to pay for the reporting system was approved by the Senate Public Safety Committee on a 7-0 vote. Currently junk dealers and recyclers are required to report their purchases to local law enforcement on a daily basis. The law requires that these reports be made electronically and follow the standards for pawnshops and secondhand dealers. However, despite this requirement, there is no statewide electronic reporting system. [AB 391](#) (Richard Pan, D-Sacramento) creates this reporting system and would improve law enforcements' ability to obtain and review these records. Farm Bureau supports AB 391 that now goes to the Senate Appropriations Committee.

The Assembly Public Safety Committee approved an increased fine against recyclers who accept material they should have known came from transportation systems, utilities, or local governments without ensuring that the person had a legal right to sell the material. [AB 1971](#) (Joan Buchanan, D-San Ramon) was put on consent and passed 6-0. Farm Bureau supports AB 1971 which now goes to the Assembly floor.

A bill that would have made it state policy to give equal consideration to timber production and environmental values when reviewing timber harvest plans was pulled from its scheduled committee hearing this week. Anthony Portantino (D-Pasadena) recognized he did not have the votes necessary for [AB 2424](#) to be approved by the Assembly Natural Resources Committee and requested that it not be heard. AB 2424 is dead for the year due to today's deadline for bills to be passed out of policy committees. Farm Bureau opposed this bill.

A bill to preserve local control of solar photovoltaic (PV) power plants was unanimously approved by the Assembly Natural Resources Committee on May 7<sup>th</sup>. [AB 2075](#) (Paul Fong, D-Mountain View) would repeal an outdated section of the Public Resources Code that authorizes "facilities" other than solar thermal power plants to submit to the California Energy Commission (CEC) a notice of intent to file an application for certification. The Warren-Alquist Act, enacted in 1974, limited CEC jurisdiction to solar thermal facilities in excess of 50 MW but "grandfathered" in other facilities that might have been in the permitting process at the time. Now, 38 years later there are no projects still in the pipeline so the repeal simply clarifies that local governments have the permitting authority for solar PV facilities. This Farm Bureau supported bill will next be heard on the Assembly Floor.

Another measure to reform the State Responsibility Areas (SRA) fire prevention "fee" was approved by the Assembly Natural Resource Committee on a 5 to 0 vote. [AB 2474](#) (Wesley Chesbro, D-Eureka) was recently amended to include an urgency clause so it is exempt from the April 27<sup>th</sup> policy committee deadline for fiscal bills. Committee Chair Chesbro reminded the committee that he supported [AB 1506](#) (Kevin Jeffries, R-Riverside) that would provide an outright repeal of the fees because he believes they are unfair to homeowners in the SRA that already pay for fire protection at the local level. He added that his AB 2474 is a more targeted approach that would simply allow homeowners to deduct the full amount of the local fire protection taxes from the newly imposed state SRA fee. As noted previously, the fire prevention "fee" was imposed with a simple majority vote and it most certainly will be challenged as an illegal tax because there is a little or no nexus between the charge imposed and any proportional landowner benefit.

On a partisan 6 to 3 vote with the Republicans voting "NO," the Assembly Local Government Committee approved [AB 1897](#) (Nora Compos, D-San Jose). This Farm Bureau-supported bill would authorize the Governor's Office of Planning and Research to prepare amendments to the guidelines for city and county general plans to include ways of increasing access to healthy affordable food. This advice may include information on how a city or county might provide greater access to full and discount grocery stores, urban farming opportunities, community or school gardens, or farmers' markets. This modest proposal has been tagged a "job killer bill" by the California Chamber of Commerce even though most urban areas would benefit economically by the siting of new grocery outlets that serve as anchors for other retail store.

The Assembly Agriculture Committee approved a bill that would direct fertilizer assessment funds to UC Ag Extension programs to advise farmers on methods to reduce the impacts of fertilizer use. [AB 2174](#) (Luis Alejo, D-Salinas) passed out of the Assembly Agriculture Committee with amendments that removed Farm Bureau's opposition. Farm Bureau along with our agricultural colleagues worked actively with the author and the bill sponsors from the environmental justice community on clarifying the amendments that broadened the language to focus on efficient and agronomically sound fertilizer use.

Legislation that would have added a person's employment (or unemployed) status to the list of characteristics that could trigger an employment discrimination charge was consigned to the Assembly Appropriations suspense file on May 9. The Appropriations Committee will further consider its suspense status later in May. [AB 1450](#) (Michael Allen, D-Santa Rosa) authored the bill in response to media attention in the wake of reports of companies placing "help-wanted, unemployed need not apply" ads. CFBF and a large coalition of California business associations opposed AB 1450, saying that California's anti-discrimination laws are already complex and encourage excessive litigation.

The Assembly Judiciary Committee approved legislation to close a small but important loophole in the state's "vexatious litigant" statute on May 8. Under current law, the actions of a "vexatious litigant" who has a history of filing numerous frivolous claims and motions is subject to additional scrutiny by the presiding judge, but that "vexatious litigant" can avoid that scrutiny by dismissing his attorney after filing the claim. [AB 2274](#) (Ricardo Lara, D-South Gate) closes that loophole. Farm Bureau, along with, the California Chamber, the Civil Justice Association of California and other employer groups supported AB 2274.