



CALIFORNIA FARM BUREAU FEDERATION

# FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

May 10, 2013

A measure that would increase enforcement authority for the Central Valley Flood Protection Board was heard in the Senate Appropriations Committee this week. [SB 753](#) (Darrell Steinberg, D-Sacramento) would grant additional enforcement authority to the Central Valley Flood Protection Board, including cease and desist and fine authority. The measure was moved to the suspense file for later deliberation due to state costs. Farm Bureau continues to work with the Flood Protection Board and the author to define a clear path early in the informal phase of the enforcement process to allow a landowner to fix any encroachment violations prior to the Flood Board imposing penalties; a well defined structure for penalty actions and amounts; and a fair and reasonable process to address the removal of existing lawful encroachment permits approved by the Flood Board, as opposed to “illegal encroachments.” Farm Bureau remains opposed unless amended.

The Natural Resources Committee approved allowing Merced Irrigation District to calculate its renewable energy needs in a manner that accounts for its ownership of New Exchequer Dam hydroelectric generation on a 7-0 vote. The language in [AB 793](#) (Adam Gray, D- Merced) has continued to evolve to clarify the amount of generation MID needs to serve its customers, how much of that amount is met by New Exchequer and how the renewable requirement calculation aligns with those amounts. Amendments were taken to acknowledge that MID is not required to procure additional renewable energy if the portion of its retail sales supplied by its own large hydroelectric generation exceeds the applicable renewable target. The amendments seemed to resolve much of the opposition to the legislation. The bill will be heard in the Appropriations Committee next. Farm Bureau supports.

[AB 976](#) (Toni Atkins, D-San Diego) that would grant the California Coastal Commission administrative fine authority was approved by the Assembly Appropriations Committee. The bill was sent to the Assembly Floor on a vote of 7 to 5. Prior to the hearing, Assembly Member Atkins reached out to Farm Bureau and the California Cattlemen’s Association through her staff to discuss possible amendments to “tighten it up” so that only the most egregious violations would be subject to administrative penalties. We restated our position that the commission’s long history of abusing its authority both with landowners as well as cities and counties in the coastal zone did not qualify it for any new or increased authority. We suggested that the bill be made a 2-year bill and that oversight hearings on the commission be held so that members of the Legislature can hear from landowners and local officials regarding their treatment by the commission. The author’s staff would not commit to such an approach but did indicate a willingness to amend the bill to only allow administrative penalties for the egregious violations and to address the bounty hunter issue. In committee the bill was amended to send all of the fine revenue to the Coastal Conservancy and the author agreed to a 3 year sunset for the administrative fine authority.

The roll call on AB 976 was as follows: “AYES:” Gatto, Bocanegra, Bradford, Ian Calderon, Campos, Eggman, Gomez, Hall, Ammiano, Pan, Quirk, and Weber; “NOES:” Harkey, Bigelow, Donnelly, Linder, and Wagner.

On Wednesday, May 8<sup>th</sup>, Farm Bureau testified before a Joint Select Committee hearing of the Select Committee on Sustainable and Organic Agriculture and the Select Committee on Agriculture and the Environment. We provided the committees a summary of a proposal to fund Williamson Act subvention and agricultural conservation easements with cap and trade auction revenue. Farm Bureau is participating in the Working Lands Coalition (WLC), a coalition of agricultural, environmental, land trust organizations, and Resource Conservation Districts, to develop a tiered open space subvention program that incentivizes stronger agricultural land protection policies; provide funding to assist counties in the development and adoption of those policies; and create new funding for the Farmland Conservancy and Rangeland Protection programs as well as the Farmland Mapping and Monitoring Program. The primary focus of the proposal is to fund the Williamson Act program that has been at serious risk since the state subventions were essentially eliminated in 2009. Farm Bureau also provided written support and testimony to the California Air Resources Board to encourage the inclusion of funding for agricultural resource protection in the soon to be released Investment Plan. The plan will be included in the governor’s May revision of his proposed State Budget due to be released next week.

Two bills of interest to agricultural employers showed movement this week:

A revision to the Occupational Safety and Health Act to expand Cal/OSHA’s citation authority was put on the suspense file in Assembly Appropriations Committee. [AB 1277](#) (Nancy Skinner, D-Berkeley) also requires Cal/OSHA to give priority treatment to complaints received for workers, unions, and workplace safety advocates; vastly expands the number of parties who can intervene or otherwise participate in Cal/OSHA Appeals Board’s adjudication of appeals to include certain family members, unions and safety advocates; and allows any person to petition the Board for reconsideration of a Board decision even if that person was not a party to the original decision. Farm Bureau and many other employer groups oppose AB 1277.

[AB 1165](#), also by Assembly Member Skinner, will change current law so that abatement of a serious, willful, or repeated violation of a Cal/OSHA standard, or a failure to abate a prior violation cannot be delayed by an appeal of the citation by the employer. It was approved by the Assembly Labor and Employment Committee on May 8. Farm Bureau and other employer groups oppose AB 1165.