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May 10, 1977

77-05-199

Elizabeth K. Weller
Executive Secretary
California Floral Council
215 Market Street
San Francisco, California 94105

Dear Ms. Weller:

The Fair Political Practices Commission has received your letter dated May 5, 1977, enclosing a copy of the California Floral Council's newsletter, Council Comments, Vol. 1, No. 4, for review as a "mass mailing" under the Political Reform Act.

Under Government Code Section 84305, "[a] copy of every mass mailing in support of or in opposition to a state candidate or state measure shall be sent to the Commission on the same day on which it is mailed to the public generally." The term "measure" is defined in Government Code Section 82043 as:

... any constitutional amendment or other proposition which is submitted to a popular vote at an election by action of a legislative body, or which is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum or recall procedure whether or not it qualifies for the ballot.

[Emphasis added]

Since the measure which your newsletter supports is a Senate Bill, it is not a "measure" within the meaning of Government Code Section 82043. Therefore, copies of your newsletters do not have to be sent to the Commission unless they relate to state ballot measures.

However, you should be aware of the fact that any person who makes payments of \$250 or more in any one month to influence legislative or administrative action must file reports on Form 650 pursuant to Government Code Section 86108(b) and 86109.

Payments to influence legislative or administrative action (payments to influence) are defined in Section 82045 and include "Payment(s) for or in connection with soliciting or urging other persons to enter into direct communication with any elective state official, legislative official or agency official."

Since the costs of developing, printing and distributing that portion of your newsletter, that urges readers to contact state officials, are payments to influence, the council may have a filing obligation if these costs and other payments to influence exceed \$250 or more in any one month. It should be noted that the compensation of any employee who spends less than 10% of his or her compensated time devoted to such activities need not be included as a payment to influence. (2 Cal Adm. Code Section 18621) I am enclosing for your reference a copy of this regulation, the Form 650 and the instruction manual for this form.

If you have any further questions, please feel free to contact me at (916) 322-5660.

Sincerely,

Alan Herndon
Compliance Representative

AH:bw

Enclosures



California Floral Council

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Executive Secretary

May 5, 1977

Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804

Gentlemen:

On April 26, 1977, the California Floral Council forwarded, in compliance with Sec. 82041.5 of the Political Reform Act, a copy of our newsletter, Council Comments, Vol. I., No.4, to your offices.

This newsletter was returned to our offices on May 4th, accompanied by a form letter informing us that copies of mass mailings need not be sent to the Commission unless advocating support or opposition to State Candidates or measures.

We herewith return Vol. I, No. 4 of Council Comments to your attention, and ask that you review page 3 of this newsletter as it pertains to Floral Council's support of a current Senate measure and request to our readers to contact their State Legislator to voice their support of the measure. It is our understanding that this type of statement does, in fact, fall within the purview of Sec. 82041.5 of the Political Reform Act as "advocacy" of a measure. If it does not, we respectfully request enlightenment, so as to avoid errors in the future in our attempt to comply with the Political Reform Act.

Sincerely,

Elizabeth K. Weller
Executive Secretary

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encls.

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

To Whom It May Concern:

We are in receipt of a copy of your mass mailing literature and we presume you filed it intending to comply with the Political Reform Act of 1974.

The Act provides, however, that copies of mass mailings in support of or in opposition to state candidates or state measures must be sent to the Commission.

We appreciate your intention to comply with the Act, but you need not in the future file with the Commission unless your communication advocates support or opposition to State Candidates or measures.



MAY 2 9 05 AM '77

Dept. of Agriculture - 82041.5 - National Reform Act.

Council Comments

VOL. I, NO. 4

APRIL 25, 1977

OF SPECIAL INTEREST . . .

- . . . CFC Board Establishes Council Priorities
- . . . ITC Testimony from CFC Members
- . . . Council to Meet with Joint Legislative Committee on ALRB
- . . . Action Measures - Testimony and Exposure
- . . . ALRB - Recent Activities

CFC BOARD MEETING RECAP . . .

Board members met April 13th to review Council accomplishments over the past few months, and establish a clear-cut pattern for future activities. The results: Floral Council will tackle the following areas in order of priority, (1) increased membership to strengthen the viability of Council's voice; (2) labor - stepped up activity in all related areas such as the ALRB, legislation, etc.; (3) legislation/regulations, such as pesticide laws and requirements, Industrial Welfare Commission regulations; (4) foreign importation, import quotas of cut flowers, etc.; (5) energy problems in fuel and water allocations; (6) taxes, personal and real property; and (7) production practices, the hows, whys and wherefores of nursery operations, improvements and changes.

Implementation is already taking place, with stepped-up personalized membership contacts, and the beginning of a "labor library" in the CFC offices which will detail member firms involved in unfair labor practice cases, union elections, types of charges filed, defense utilized, and ultimate outcome. Members will be contacted by mail shortly to solicit this information -- to be used for the benefit of CFC members who might face similar problems in the future.

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INTERNATIONAL TRADE COMMISSION TESTIMONY - CFC INPUT . . .

Floral Council testimony at the recent International Trade Commission hearings in San Francisco on foreign importations of cut flowers was, according to Council President David K. Ninomiya, "well received by the Commissioners". Ninomiya and numerous other CFC Board members testified in a coordinated effort to present facts, statistics and projections of financial damages incurred by California flower growers as a result of increased influx of foreign imports.

Results of the hearings won't be known for a month or so, but, if governmental support of the findings is as positive as the reception from the Commission last week, growers may at least expect some type of resolution and relief in import quotas.

CFC MEETING SET WITH ALRB LEGISLATIVE OVERSIGHT COMMITTEE CHAIRMAN...

CFC members will meet with Assemblyman Floyd Mori on Saturday, June 11th, in the San Francisco Bay Area to air their views with Mori, the Chairman of the Joint Legislative Committee to Oversee the ALRB. Mr. Mori, prior to conducting Interim hearings in June and July throughout the state with more generalized agricultural input, has agreed to the meeting which would provide insight for the Committee specifically relating to the floral industry. To our knowledge, this is the only such specialized industry group with which the Assemblyman will meet during this time.

Council members who have experienced elections, unfair labor practice cases, unsatisfactory contacts with ALRB personnel, access problems, etc., are urged to immediately contact the CFC office in San Francisco (415) 543-8000. The meeting, which will be limited to approximately 30 persons, will be an informal discussion -- open to questions and answers on all sides. Details will follow. Let us know if you wish to attend -- this is a perfect opportunity for individual input to this legislative committee. Mr. Mori has indicated that he welcomes detailed accounts of personal difficulties with the ALRB, as well as comments and suggestions for improvements.

* * *

CFC ACTION MEASURES - TESTIMONY AND PARTICIPATION . . .

Board Member Ronald Enomoto testified on April 15th before the joint hearing conducted by the Assembly Committees on Agriculture and Water on the subject of water shortages throughout the state, and their effect on the floral industry. Enomoto stressed the economic importance of the floral industry in California (jobs provided, capital investments in land, product value in the marketplace, etc), and outlined suggestions for legislative efforts to alleviate the water shortage problem such as permits for construction of private reservoirs, dam construction, loans for improvements, tax credits, and grants for appropriate studies. Great emphasis was placed on appropriate action on behalf of floriculture and horticulture, should statewide priority allocations of water and well water be established.

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ALRB - RECENT ACTIVITIES . . .

--- Budget Cuts. Senate and Assembly subcommittees have recommended cuts amounting to \$840,000 total, in such areas as reduced costs for hearing transcripts and reduction of staff attorneys to assist Board members for the 1977-78 fiscal year budget for the ALRB. However, there is disagreement between the two subcommittees as to the specific cuts which should be made in the proposed \$8.8 million budget for the agency. Should such legislative disagreement continue, compromises will have to be made in a joint conference committee comprised of members from each legislative house.

ALRB - RECENT ACTIVITIES (Continued) . . .

--- Employee Lists. According to ALRB General Counsel Harry Delizonna, "deliberate" tactics by California growers to interfere with their employees rights to unionize will no longer be tolerated by the ALRB. Delizonna stated that growers are "withholding lists of employee names and addresses from the ALRB field offices" to delay and interfere with organizational efforts by labor unions. Beginning April 25th, Delizonna stated, ALRB agents will be dispatched to farms allegedly in violation to require workers to state their names and addresses, before they are allowed to begin work. Delizonna said, in part, "If they (the growers) won't cooperate willingly, then they leave us no choice but to go out and get the employee information our way."

--- ALRB Overrules General Counsel. The members of the ALRB have overruled the action of General Counsel Delizonna to not permit new unions formed by ex-Teamster members from appearing on ballots in worker secret ballot elections. The Board's opinion: If misrepresentation exists by a labor organization, it is "more appropriately resolved in post-election proceedings."

* * *

LEGISLATION OF INTEREST . . .

--- SB 20 (Stull) passed the Senate Committee on Industrial Relations by a vote of 4-1 on April 21st. The measure would substantially modify the ALRB's access and employee list regulations adopted last year by the Board.

If adopted, the bill would reverse the access regulations, allowing access to union organizers only in individual cases where it was clearly established no suitable alternative was available to communicate with workers.

→ SB 20 now moves to the full Senate for consideration. CFC strongly urges support of this measure. Write to your State Senator immediately, seeking his or her support of SB 20, at the State Capitol, Sacramento 95814.

* * *

A REMINDER: A number of CFC members have not yet forwarded their 1977 dues to the Floral Council offices. Please take a moment to do so now. Your active support is necessary if we are to succeed in our goal of establishing Floral Council as the representational voice of the California flower and living plant grower.