



June 2, 2017

The Assembly and Senate each met this week's deadline to move their bills from their respective houses to the other for further deliberation. The status of the bills of importance to agriculture that were acted upon by the legislature are listed below. The bills that were approved and will continue to be considered by the legislature are listed first, followed by those that were not approved and are now two year bills. If a bill was not approved it will not be considered for the remainder of this legislative year unless it is put into an entirely different bill that is moving through the process, a switch that happens more than just occasionally.

Approved:

Commodities:

[AB 822](#) (Ana Caballero, D-Salinas) would require state agencies and institutions to purchase California grown agricultural products so long as the price is no more than five percent higher than outside products. School districts would be required to purchase California grown products so long as they didn't cost any more than outside products. California farmers have significantly higher costs of production due to California's stringent regulations and our state should support our farmers and farm employees by purchasing products from farmers meeting those high regulatory standards. Farm Bureau is sponsoring AB 822, which was approved 76-0 by the Assembly.

[AB 1163](#) (Jacqui Irwin, D-Thousand Oaks) would appropriate \$1 million from the General Fund to provide grants to the California Grown Program. The grants would have a requirement that they be matched with non-state funds at a rate of \$2 of non-state funds for every \$1 of state funds. This money would be used to increase the promotion of California grown agricultural products. AB 1163 was approved 76-0 by the Assembly. Farm Bureau supports.

[SB 782](#) (Nancy Skinner, D-Berkley) creates a fund at the California Department of Food and Agriculture to provide grants to schools for the purchase of California-grown food for school meals. Grant funds could also be used to purchase equipment or training employees to facilitate the use of fresh California-grown food in school meals. The Senate approved on a 39-0 vote. Farm Bureau supports.

Energy:

[AB 920](#) (Cecilia Aguiar-Curry, D-Napa) addresses baseload electric generation facilities (biomass and geothermal) and requires the California Public Utilities Commission to determine what types of generation resources investor owned utilities must procure to serve their customers. The Assembly approved on a 75-0 vote. Farm Bureau supports.

Labor:

[AB 450](#) (David Chiu, D-San Francisco) requires employers to demand search warrants for ICE enforcement and to notify the Labor Commissioner and employees and their representatives about ICE enforcement and its results. AB 450 was amended to remove worksite ICE enforcement from the bill's notice requirements and to reduce penalty levels to \$2000 to \$5000 for a first violation, and \$5000 to \$10,000 for a subsequent violation. The Assembly approved on a 50-24 vote with six abstentions. Farm Bureau opposes.

[AB 1008](#) (Kevin McCarty, D-Sacramento) will restrict employers' efforts to ascertain a job applicant's past criminal history and elect to not hire the applicant due to that history. The Assembly approved on a 41-33 vote with six abstentions. Farm Bureau opposes.

[AB 1209](#) (Lorena Gonzalez-Fletcher, D-San Diego) would require employers to collect and publish on its website broad information concerning the compensation of male employees and female employees in equivalent job classifications and titles. The Assembly approved on a 48-19 vote with 13 abstentions. Farm Bureau opposes.

[AB 1565](#) (Tony Thurmond, D-Richmond) immediately increases the minimum salary that must be paid to an overtime-exempt employee to \$3956 monthly, immediately implementing the minimum salary threshold for overtime exempt employees that would have been in effect because of the upcoming minimum wage increase in 2020 for employers of 26 or more employees, or in 2021 for employers of 25 or fewer employees. The Assembly approved on a 43-27 vote with 10 abstentions. Farm Bureau opposes.

[SB 63](#) (Hannah-Beth Jackson, D-Santa Barbara) requires an employer with 20 or more employees within a 75-mile radius to provide 12 weeks of protected parental leave to bond with a new child after that child's birth, adoption or foster care placement. The Senate approved on a 25-13 vote with 2 abstentions. Farm Bureau opposes.

[SB 562](#) (Ricardo Lara, D-Bell Gardens) would create a state-operated single-payer universal health insurance program intended to provide health care to all California residents. SB 562 includes no mechanism to pay for this program. The Senate approved on a 23-14 vote with three abstentions. Farm Bureau opposes.

Land Use:

[SB 50](#) (Ben Allen, D-Santa Monica) would prohibit the filing or recording of a deed for property sold by the federal government unless the State Lands Commission was provided the right of first refusal to purchase the land or the right to arrange for the transfer of property to another entity. Anyone who files or records a deed in violation of this would be subject to civil penalties. The Senate approved on a 26-13 vote. Farm Bureau opposes.

Natural Resources:

[AB 425](#) (Ana Caballero, D-Salinas) continues the efforts started earlier by other legislative members exempting forest fuel reduction projects meeting specified requirements from the requirement to obtain a Timber Harvest Permit. This bill would allow road building under specified conditions when using the exemption for fuel reduction projects. The Assembly approved on 75-1 vote. Farm Bureau supports.

[AB 1066](#) (Cecilia Aguiar-Curry, D-Napa) would expand the definition of demolition projects to include tree removal for the purposes of paying prevailing wage. This change would mean any government project or

state funded project removing trees would now require employees on the project to be paid prevailing wage. Farm Bureau is opposed unless the bill is amended to eliminate the prevailing wage requirement on private lands when using state grant funds. The Assembly approved on a 51-24 vote.

[AB 1133](#) (Brian Dahle, R-Bieber) allows the incidental take of species listed as experimental populations under the federal ESA and listed under CESA if federal regulations are in place that allow incidental take under federal law. This bill is being considered to address concerns surrounding the planned introduction of Winter-run Chinook Salmon in the McCloud River. Farm Bureau is supportive of the concept of granting state experimental population designations, but is working with the author and Department of Fish and Wildlife on amendments to ensure other permits and agreements are not affected by introduction of an experimental population. The Assembly approved on a 77-0 vote.

[SB 49](#) (Kevin De Leon, D-Los Angeles and Henry Stern, D-Agoura Hills) would require California to enforce the federal Clean Air Act, Clean Water Act, Endangered Species Act (ESA), and their implementing regulations and policies as were in place on January 1, 2016 or January 1, 2017, whichever version is the most stringent. Additionally, the bill would create a private right of action in state law for citizen enforcement of the Clean Air Act, Clean Water Act, and ESA if the citizen suit provisions are removed from these federal laws. SB 49 would also add all species native to California that are listed under the federal ESA to the list of species protected by the California Endangered Species Act. The Senate approved on a 24-13 vote. Farm Bureau opposes.

[SB 473](#) (Bob Hertzberg, D-Van Nuys) would make several changes to the California Endangered Species Act (CESA). The changes include both positive and negative adjustments to the effects CESA has on Farm Bureau members. Farm Bureau is working with the author to narrow the potential harms created by the bill while expanding the potential positive aspects of the bill. The Senate approved on a 28-11 vote.

[SB 730](#) (Richard Pan, D-Sacramento) requires the Department of Education to enforce the federal requirements that schools purchase American food products for school meals. This is in response to a number of school districts purchasing canned fruit from China, which is against federal law requiring American grown food purchases. The Senate approved on a 40-0 vote. Farm Bureau supports

Water:

[AB 313](#) (Adam Gray, D-Merced) would establish a division of water rights within the Office of Administrative Hearings (OAH). Complaints against persons violating provisions of their water diversions would be heard by an administrative law judge in OAH, however decisions would not be final until accepted by the executive director of the State Water Resources Control Board. The Assembly approved 64-12 with 12 abstentions. Farm Bureau supports.

[AB 589](#) (Frank Bigelow, R-O'Neals) would authorize those who divert more than 100 acre feet of water per year to certify their water measuring devices are installed and operating properly if they take a course taught by the University of California Cooperative Extension. Current law requires those individuals to have devices installed and certified by an engineer, contractor, or license professional at considerable cost. The Assembly approved on a 76-0 vote with 4 abstentions. Farm Bureau supports.

[AB 1420](#) (Cecilia Aguiar-Curry, D-Winters) would streamline the State Water Resources Control Board permitting process for farmers applying to divert water into a small irrigation pond. The measure would require the State Water Board to give priority to adopting general conditions for water diversions to small

irrigation ponds during periods of high streamflow in exchange for reduced diversions during periods of low streamflow. Additionally, AB 1420 exempts registrations from the lake or streambed alteration program if the Department of Fish and Wildlife has provided conditions on the approved registration. The Assembly approved on a 76-0 vote with 4 abstentions. Farm Bureau supports.

[AB 1667](#) (Laura Friedman, D-Glendale) would increase agricultural water management planning requirements beyond those imposed last year by the Governor's Executive Order B-37-16. The measure was amended to address significant concerns from a large agricultural coalition this week, thus removing opposition. The Assembly approved on a 52-10 vote with 18 abstentions. Farm Bureau removed opposition, but will closely monitor the measure for any attempts to include State Water Board enforcement provisions.

[SB 252](#) (Bill Dodd, D-Napa) would require new water well permit applicants in critically overdrafted groundwater basins to provide their application information to neighbors. It would require cities and counties overlying critically over drafted basins to publicly notice new well permit applications and require these cities and counties to make specific new well permit information available to groundwater sustainability agencies. The Senate approved on a 23-14 vote with 3 abstentions. Farm Bureau and other agricultural organizations oppose the measure as written.

[SB 623](#) (Bill Monning, D-Carmel) would establish the Safe and Affordable Drinking Water Fund and insure that monies in the fund are continuously appropriated to the State Water Resources Control Board to provide water to those whose drinking water exceeds the standard for nitrates. The measure has yet to identify a funding source for the Safe and Affordable Drinking Water Fund. The Senate approved on a 39-0 with 1 abstention.

Not Approved/ Two-year Bill:

Climate Change:

Two bills were being considered as possible legislative vehicles to eventually contain the authorization to extend the cap and trade component of the state's greenhouse gas (GHG) program. [AB 151](#) (Autumn Burke, D-Inglewood and Jim Cooper, D-Elk Grove) was the one favored by many agriculture, business and labor groups, including Farm Bureau. Unfortunately, the Speaker of the Assembly decided that a competing bill, [AB 378](#) (Christine Garcia, D-Bell Gardens), that was opposed by these same groups, but was supported by environmental justice groups, had to also be approved or AB 151 would not be allowed to move to the Senate. Despite serious arm twisting and what had to be a record breaking long roll call to round up the votes, AB 378 failed passage on a 35-39 with 6 abstentions. Therefore, AB 151 was never brought up for consideration.

Thus, there is currently no legislative vehicle for extension of the cap and trade program. Governor Brown has indicated he wants this authority to be approved in the next several weeks with a 2/3 vote to insure there is no legal question about how the GHG funds can be spent. It is anticipated that once the Governor returns from his China trip, negotiations will begin to get a resolution. Farm Bureau is actively involved in these efforts. We will continue to work with other agriculture, business and labor groups who believe that given the state's mandate to reduce GHG emissions to 40% below 1990 levels by 2030, that the flexibility provided by a cap and trade program is an absolute must. Unless a market based approach is continued, as has been in place, there would have to be direct emission controls which is favored by the environmental justice groups. Direct GHG facility reductions are strongly opposed by the food processors, energy and fuel providers who would have no cost-effective way to make those reductions and would have to dramatically increase their prices or move their facilities out of California. Production agriculture needs to insure that these sources that

are mandated to reduce their GHG emissions can do so in the most economical way possible as we cannot thrive without these value-added activities and inputs which are important to agricultural operations.

Environment:

[SB 602](#) (Ben Allen, D-Santa Monica and Scott Wiener, D- San Francisco) would have required the labeling of commercially available seeds and plants sold at retail establishments that have been treated with a neonicotinoid pesticide. The label would have had to clearly include the words “STATE OF CALIFORNIA SAFETY WARNING: MAY HARM BEES”. Instead of normal oversight and enforcement by the Department of Pesticide Regulation, SB 602 would have made it an unfair and unlawful business act if the seeds and plants sold at retail establishments treated with neonicotinoids are not labeled. Thus, groups or individuals who oppose the use of pesticides could have brought a private action against a retailer who had treated but unlabeled plants for sale. Neonicotinoids are key in the fight to stop the spread of the Asian Citrus Psyllid that transmits Huanglongbing for which there is no cure and has decimated the citrus industry in Florida, Texas, Mexico and Brazil.

Due to opposition from many agricultural groups, including contacts made by many County Farm Bureaus, Senator Allen put SB 602 on the inactive file making it a 2-year bill. Continue to voice opposition to this effort with your representatives as they could try to move this legislation next year. Farm Bureau opposes.

Taxation:

[SB 567](#) (Ricardo Lara, D- Los Angeles) would have made various changes to California tax law including a provision to eliminate basis step-up on inherited property for property for taxpayers with more than \$2 million dollars (joint)/\$1 million (single) in income in the year that the property is inherited. The bill was moved to the inactive file as the author felt he did not have the votes for passage.

Water:

[AB 975](#) (Laura Friedman, D-Glendale) would have expanded the extraordinary values, such as scenic, recreational, fishery, wildlife, historical, cultural, geological, ecological, hydrological, botanical, or other similar values to preserve rivers in their free-flowing state designated as wild and scenic under the California Wild and Scenic Rivers Act. AB 975 was not brought up for a floor vote and is now a two-year bill. Farm Bureau opposes.