



June 30, 2017

As the legislature moves forward to their next deadline on July 14th, which is the last day for policy committees to hear and report fiscal bills for referral to fiscal committees, the following bills related to agriculture were acted upon:

Commodities:

AB 425 (Anna Caballero, D-Salinas) continues the efforts started by Doug LaMalfa and expanded last year by Assemblymember Dahle 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 Senate Natural Resources and Water Committee passed AB 425 this week with a vote of 7-0. Farm Bureau supports AB 425.

AB 822 (Anna 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 passed out of the Senate Governmental Organization Committee with a 13-0 vote.

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. Farm Bureau has opposed due to the implications of inserting the State Lands Commission into the process of federal land sales and transfers. However, the author took amendments in the Assembly Natural Resources Committee this week to exempt the transfer of federal lands from the provisions as long as the transfer is of equal value and requires a public process with recognition of current legal uses of the lands to determine future management of the lands. With these amendments, Farm Bureau removed its opposition and SB 50 passed out of the Assembly Natural Resources Committee with a party-line 7-3 vote this week.

Energy:

SB 100 (Kevin de Leon, D-Los Angeles) will be heard in the Assembly Utilities and Energy Committee July 5. SB 100 requires sellers of electricity to procure a minimum of 60% of their electricity products from eligible renewable energy resources by 2030; currently they must procure 50% by 2030. In addition, the bill sets aspirational goals of meeting 100% of retail sales of electricity with zero-carbon resources by 2045. The

implications for costs to customers and management of the electric grid from such requirements are significant. CFBF has submitted an “Opposed Unless Amended” position on the bill, joining with several other agricultural stakeholders in seeking amendments to clarify that any expansion of a RPS target include currently defined eligible renewable energy resources as well as zero-carbon resources and to limit the clean energy mandate to a goal to provide flexibility to implementing agencies to contain costs. Amendments to grandfather agricultural customers on existing TOU rates are also requested.

Labor:

AB 450 (David Chiu, D-San Francisco) passed the Senate Labor and Industrial Relations Committee on June 28 by a vote of 3 to 1 and was referred to the Senate Judiciary Committee. AB 450 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. Farm Bureau opposes.

AB 1008 (Kevin McCarty, D-Sacramento) passed the Senate Judiciary Committee on June 28 by a vote of 3 to 1. AB 1088 will restrict employers’ efforts to ascertain a job applicant’s past criminal history and elect to not hire the applicant due to that history. Farm Bureau opposes.

AB 1565 (Tony Thurmond, D-Richmond) passed the Senate Labor and Industrial Relations Committee by a vote of 3 to 1 and was referred to the Senate Appropriations Committee. AB 1565 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. Farm Bureau opposes.

SB 63 (Hannah-Beth Jackson, D-Santa Barbara) passed the Assembly Judiciary Committee on June 27 by a vote of 9-1 and was referred to the Assembly Appropriations Committee. SB 63 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. This additional state-level requirement for family and medical leave will complicate already complex leave administration requirements for small employers who are not now covered by most workplace leave requirements. Farm Bureau opposes.

SB 562 (Ricardo Lara, D-Bell Gardens) was ordered held in the Assembly Rules Committee by Speaker Rendon on June 23, rendering it a two-year bill. SB 562 would create a state-operated single-payer universal health insurance program intended to provide health care to all California residents. Speaker Rendon cited the fact that SB 562 includes no mechanism to pay for this program in his statement explaining his action. Farm Bureau opposes.

Natural Resources:

SB 49 (De Leon and Stern) 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. Specific to the Clean Water Act provisions, SB 49 requires the State Water Resources Control Board to ensure that all waste discharge requirements, permits issued, and water quality control plans adopted after January 1, 2018 to be at least as protective of the environment and public health as federal standards in place as of January 1, 2016, or 2017. SB 49 also would 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.

SB 49 was heard in the Assembly Environmental Safety and Toxic Materials Committee this week. The committee proposed amendments, which were accepted, to clarify a single date to determine the baseline federal law of January 1, 2016, clarify that each state agency would determine whether new federal law or regulation is more stringent than the baseline federal standard, and clarify that the state only has to adopt federal standards into state law if standards don't already exist in state law. Even with these amendments, Farm Bureau remains opposed to SB 49, which passed out of the Assembly Environmental Safety and Toxic Materials Committee with a 4-2 vote. SB 49 was referred to three policy committees so it will next be heard in Assembly Natural Resources Committee and Assembly Judiciary Committee.

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 measure passed out of the Senate Natural Resources and Water Committee 5-0-4 this week. 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 measure passed out of the Senate Natural Resources and Water Committee on consent this week. Farm Bureau supports.

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 measure passed out of the Assembly Water, Parks and Wildlife Committee 9-6 this week after the author accepted the committee amendments. Amendments included removing a section that would have changed California water law with regard to well interference actions. Farm Bureau and other agricultural organizations remain opposed to the measure and are working with the author and the Assembly Local Government Committee to address remaining concerns that the measure interferes with SGMA local control and public notification requirements.

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 drinking water standard. The measure was amended this week identifying agricultural operations as a funding source for the Safe and Affordable Drinking Water Fund, however has not yet included specifics, or other funding sources.