



April 27, 2018

The deadline for policy committees to hear and report bills introduced in their house to fiscal committees is April 27th. Those bills that fail to meet this legislative deadline are no longer active. The results of that activity can be seen below.

Animal Welfare

Heard in Assembly Agriculture Committee this week, [AB 3159](#) (Thurmond, D – Richmond) would have required poultry to be rendered unconscious prior to being shackled for slaughter. Current California law allows for poultry to be shackled during the slaughter process before it is rendered unconscious, and is the industry standard across 99% of the poultry industry. For a decade or more, animal welfare advocates have argued that live shackling is inhumane, despite being unable to provide substantive evidence to support those claims. California Farm Bureau supports the humane treatment of animals through management practices developed through scientific research, industry-tested practices, or set forth in the Animal Care Series published by the University of California Cooperative Extension, and would never condone their mistreatment. AB 3159 would have impacted 50 to 60 slaughter or meat processing plants in California, some of which were California Farm Bureau Federation members, requiring these small businesses to purchase, install and operate new equipment to meet the new regulatory requirement on humane poultry slaughter. California Farm Bureau, along with the California Poultry Federation, defeated the legislation by a vote of 2 (aye) – 7 (no), with Assemblywoman Caballero (D-Salinas) and Assembly Jones-Sawyer (D- South Los Angeles) voting AYE. *Staff contact: Robert Spiegel, rspiegel@cfbf.com or (916) 446-4647.*

Cannabis

Several cannabis-related legislative measures have passed policy committees and are headed to appropriations for further consideration. Legislation of note includes AB 2555 [AB 2555](#) (Ken Cooley, D-Rancho Cordova), which would change the requirement that cannabis plant be tagged for track and trace purposes from upon flowering to 8 inches in height, SB 930 [SB 930](#) (Bob Hertzberg, D-San Fernando), which would establish a cannabis limited charter banking law to allow for cannabis credit unions, and [SB 1459](#) (Anthony Cannella, R-Ceres) which would allow cannabis production to be included in annual crop reports as an addendum. Farm Bureau is working with all authors on these measures. Also of note, [AB 2810](#) (Marc Levine, D-Marin), which would have created the Sun Grown Cannabis Commission failed passage. *Staff contact: Taylor Roschen at troschen@cfbf.com.*

Water

Requiring nursery growers and retailers to label all plants produced in California for their water use is one step closer to becoming a reality now that Assembly Bill 2371 has made it through Assembly policy committees. [AB 2371](#) (Wendy Carrillo, D-Los Angeles) would require the Secretary of the Department

of Food and Agriculture to adopt regulations to require nursery stock be labeled for its water use. The measure was amended earlier this week to remove requirements on state-owned property, thus removing the measure from hearing this week in the Assembly Accountability and Administrative Review Committee. The measure will next be heard in the Assembly Appropriations Committee. Farm Bureau is opposed unless amended. *Staff contact: Danny Merkley, 916-446-4647; dmerkley@cfbf.com*

A Farm Bureau sponsored measure that would add clarifying language to Section 1601 of the Fish and Game Code passed out of the Assembly Water, Parks and Wildlife Committee this week 8-4. [AB 2545](#) (James Gallagher, R-Yuba City) would define “stream” and “river” as a body of water that flows at least periodically or intermittently through a definite channel that supports fish or aquatic life. This change would narrow when a streambed alteration agreement would be required to activities only in the bed, bank, or channel rather than the entire floodplain. The measure would also clarify that artificial water conveyance infrastructures, including lined and unlined canals, flood control channels, irrigation ditches, and drainage ditches are excluded from requiring a streambed alteration agreement. The measure will next be heard in the Assembly Appropriations Committee. *Staff contact: Danny Merkley, 916-446-4647; dmerkley@cfbf.com*

Commodities

Following the passage of AB 822 (Anna Caballero, D-Salinas) last year which requires the State to prioritize the purchase of California produce in state bidding and contracts, [AB 2106](#) (Eduardo Garcia D-Coachella) proposes to increase the purchase preference from 5 to 10%. The bill passed Assembly Agriculture Committee 8-0 and will be heard in Appropriations Committee in the following weeks. Farm Bureau supports AB 2106. *Staff contact: Taylor Roschen at troschen@cfbf.com.*

Through the 2013 California Industrial Hemp Farming Act and the 2014 federal Farm Bill, California and federal law governing industrial hemp cultivation and research are inconsistent, leading to legal ambiguities for interested growers. In response, Senator Wilk (D-Antelope Valley) has introduced [SB 1409](#) to further clarify the process for implementing the California Industrial Hemp Law. Specifically, the bill would make minor amendments to the approved industrial hemp seed to be used in California, would allow for ornamental cultivation, pruning and tending to industrial hemp plants, and authorize a city or county to prohibit growers and seed breeders in their jurisdictions. Farm Bureau is actively engaged in discussions with the Department of Food and Agriculture and the author. *Staff contact: Taylor Roschen at troschen@cfbf.com.*

California producers who feed their livestock with byproducts from food processors will not be subject to waste hauler registration and reporting requirements if the legislature passes [AB 3036](#) (Ken Cooley, D-Rancho Cordova). Farm Bureau is sponsoring this bill, to address concerns over local solid waste authorities requiring livestock producers who are picking up byproducts from food processing to be licensed as waste haulers. CalRecycle will also be requiring all waste haulers to report the amount of waste they’re diverting to other uses in the near future. Both of these requirements place additional burdens on farmers who are helping divert these byproducts from the waste stream. AB 3036 will eliminate those requirements. The bill passed out of the Assembly Appropriations Committee on consent this week. AB 3036 now moves to the Assembly floor. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

Energy

The Legislature is entertaining several measures related to biomass, energy efficiency and energy-conscious facilities. Firstly, [AB 2208](#) (Cecilia Aguiar-Curry, D-Napa and Eduardo Garcia, D-Coachella)

l addresses biomass generation facilities to provide some certainty about their use as a resource in the state's Renewable Portfolio Standard (RPS). The bill was heard in the Assembly Natural Resources Committee on April 27 and passed out of the committee on a 7-2 vote with Acting Chairman Muratsuchi not voting. Concerns were expressed about a few issues by committee members, including the continuing lack of the specific percentage of additional generation that will be met with geothermal, biogas or biomass (deletion of the percentages occurred in the Utilities and Energy Committee) in the RPS, the Salton Sea geothermal specific requirement, and the emissions produced by the biomass facilities. Assembly Member Aguiar-Curry committed to working on amendments that would improve emissions at biomass facilities. There continues to be broad support for the bill as well as the opposition from competing renewable generation sources – wind energy and solar. AB 2208 will be considered in the Assembly Appropriations Committee next.

Secondly, [SB 1131](#) (Robert M. Hertzberg, D-Van Nuys) would clarify eligibility and the standard of review for energy efficiency improvements in the agricultural and industrial sectors. The author agreed to amendments that removed the requirement to measure efficiency savings by the overall reduction in normalized metered energy consumption instead of the current actual measurements. The bill now focuses on clarifying the CPUC's processes and timelines for reviewing agricultural and industrial efficiency projects. The bill was heard in the Senate Energy, Utilities and Communications Committee on April 25 and passed on a 10-0 vote. SB 1131 will be heard next in the Senate Appropriations Committee. CFBF is in support of both AB 2208 and SB 1131.

Finally, [AB 3232](#) (Laura Friedman, D-Glendale), as originally drafted, would require the California Energy Commission to establish a plan to achieve the goal that all new residential and nonresidential buildings built on or after January 1, 2030, to be zero-emission buildings and to develop a strategy to achieve the goal that the emissions of greenhouse gases from the state's residential and nonresidential building stock shall be reduced to at least 50% below 1990 levels by January 1, 2030, creating duplicative emission reductions requirements for buildings. Despite expectations that the bill would become a study bill, proposed amendments still contain language that directs the Energy Commission to develop load management standards and strategies. In the Assembly and Utilities Committee hearing on April 25 the author committed to continued work with opposition to ensure the bill provides for no mandates. The bill passed on an 8 to 5 vote and will be heard next in the Assembly Appropriations Committee. CFBF is part of a business coalition that will remain opposed to the bill until it is clear AB 3232 is limited to a study bill. *Staff contact: Karen Mills (916-446-4647 or kmills@cfbf.com)*

Forestry

Two bills of note, supported by the Farm Bureau, have passed unanimously in the Assembly Natural Resources Committee. Firstly, [AB 2889](#) (Caballero, D – Salinas) would establish timber harvesting plan submitter assistance. Secondly, [AB 2518](#) (Aguiar-Curry, D – Winters) would require the Department of Forestry and Fire Protection (CAL-FIRE) to explore markets for the expansion of innovative forest products and mass timber. AB 2518 is an effort to promote forest-products and biomass utilization which could help bring new economic prosperity to California's rural economies. This legislation should also facilitate an increase in-state manufacturing and in the demand for California's wood products, particularly those products produced from woody biomass. Both bills have been subsequently referred to the Assembly Appropriations Committee where they await further action. In the State Senate, [SB 1414](#) (Beall – D, San Jose) would fundamentally undermine the existing Timber Harvest Plan (THP) review process, and establish a new precedent that could be replicated and misused against other private land owners. SB 1414 passed the Senate Natural Resources and Water Committee by a vote of 7-2, and while amended in committee, the amendments fail to address the fundamental concerns raised by the California Farm Bureau Federation and other groups in opposition. SB 1414 has been subsequently referred to the Senate

Appropriations Committee where it awaits further action. Farm Bureau remains in opposition to the bill. *Staff contact: Robert Spiegel, rspiegel@cfbf.com or (916) 446-4647.*

Labor

Below is a summary of the details and disposition of important labor-related legislation. *Staff contact: Bryan Little (916-446-4647 or blittle@cfbf.com).*

[AB 1913](#) (Ash Kalra, D-San Jose) expands the foreign labor contractor registration program, intended to register and supervise contractors providing workers through guestworker visa programs like the H-1B high-tech worker program and the H-2b non-ag worker program to farm labor contractors providing workers through the H-2a ag worker program. Such farm labor contractors are currently licensed by the state, and are subject to rigorous licensing, training, bonding and other requirements. AB 1913 was referred to the Assembly Appropriations Committee suspense file on April 25. Farm Bureau opposes because AB 1913 would replicate many of the regulatory requirements for state-licensed and bonded farm labor contractors who use the federal H-2a program.

[AB 2841](#) (Lorena Gonzalez Fletcher, D-San Diego) will expand the existing paid sick leave mandate from 3 days each year to five days each year. AB 2841 was referred to the Assembly Appropriations Committee on April 25. Farm Bureau opposes.

[AB 2946](#) (Kalra, D-San Jose) will encourage litigation of employee whistleblower retaliation claims instead of investigation of these claims by the Labor Commissioner by awarding attorney's fees for successful retaliation claims. Many employees who believe they may have suffered whistleblower retaliation prefer the less-confrontational Labor Commissioner process; if attorneys can recover fees for pursuing whistleblower retaliation claims through litigation, attorneys will be incentivized to encourage employees to litigate whistleblower retaliation claims. AB 2946 passed the Assembly Judiciary Committee on April 24 on a 7-3 vote. Farm Bureau opposes.

[AB 1885](#) (Eduardo Garcia, D-Coachella) would direct the Department of Food and Agriculture and the Employment Development Department to convene a working group to report to the Governor on state government responses required to implement a program to create legal status for California agriculture's undocumented workforce. AB 1885 was heard by the Assembly Labor and Industrial Relations Committee on April 25, but the Committee did not vote on the measure. Farm Bureau supports.

[AB 2069](#) (Rob Bonta, D-Oakland) would require employers to provide a reasonable accommodation, as required by the Fair Employment and Housing Act, to employees using medical marijuana, though an employer would not be prohibited from refusing to hire or terminating an employee using medical marijuana if the employee cannot perform the essential duties of the job while using medical marijuana. AB 2069 passed the Assembly Labor and Employment Committee on a 5-1 vote on April 29.

[AB 3080](#) (Lorena Gonzalez Fletcher, D-San Diego) prohibits settlement agreements between employees and employers for labor and employment claims and prohibits arbitration and class action waivers for such claims (probably in violation of federal law). AB 3080 passed the Assembly Labor and Employment Committee on April 18 on a 6-1 vote. Farm Bureau opposes.

[SB 937](#) (Scott Wiener, D-San Francisco) will impose complex new requirements for employers to provide accommodations to lactating mothers. SB 937 would set new minimum space requirements, require provision of a chair, electricity, and access to a sink and refrigerator in "close proximity" to the employee's worksite. In addition, SB 937 requires an employer to provide a written explanation within 5 days if the employer cannot provide a compliant lactation location and to keep those records for three years. SB 937 passed the Senate Transportation and Health Committee on April 24 on an 8-1 vote. Farm Bureau opposes

SB 937 unless it is amended to address the difficulty farm employers will have in meeting the bill's lactation location requirements in agricultural fields.

[SB 1402](#) (Ricardo Lara, D-Bell Gardens) would make shippers to and from California ports joint employers of drivers employed by drayage companies, passing additional shipping costs back to growers. SB 1402 passed the Senate Labor and Industrial Relations Committee on April 25 on a 4-1 vote. Farm Bureau opposes.

Land Use

Following approval of the grant guidelines, the Strategic Growth Council (SGC), in conjunction with the Department of Conservation, is now accepting applications for the Sustainable Agricultural Land Conservation (SALC) Program. SALC includes both Agricultural Conservation Easement grants and Agricultural Land Planning Strategy and Outcome grants. Applicants must submit pre-proposals by May 22nd and the application deadline is August 1st. SGC staff is holding an educational webinar on May 2nd at 1pm. Landholders interested in placing an agricultural conservation easement on their property should contact a land trust in their area to begin the application process. Find your local land trust [here](#).

Though a Farm Bureau sponsored, priority bill, considering extenuating circumstances (disadvantageous committee memberships, unresponsive committee staff, and election year priorities), Assemblymember Marc Levine (D-Marin) has removed [AB 2754](#) from the Natural Resources Committee, which would have specified routine and ongoing agricultural activity are not “development” in accordance with the Coastal Act. This issue remains a significant priority for the Farm Bureau and we believe legislation will play a significant role in ensuring coastal agriculturalists can undertake practices without undue regulations by the California Coastal Commission. Farm Bureau will engage in local coastal plan updates for the time being, until an opportunity to reintroduce is offered. *Staff contact: Taylor Roschen at troschen@cfbf.com.*

Farm Bureau maintains there are still significant concerns regarding [SB 1029](#) (Mike McGuire, D-Healdsburg) which would dissolve the North Coast Railroad Authority (which maintains a 300-mile rail line from Marin to Fortuna) and then create two separate management entities for the northern and southern halves of the existing rail system to convert them to hiking, biking, riding and walking trails. The bill has passed Assembly policy committees and is slated to be heard in Appropriations in the following weeks. Farm Bureau has expressed their concerns to the author's office and is in active conversations to resolve these issues. *Staff contact: Taylor Roschen at troschen@cfbf.com.*

Nutrition

Following the inclusion of concerning language in [SB 1138](#) (Nancy Skinner, D-San Francisco) about the health benefits of plant-based meals over meals with animal protein, Farm Bureau was successful in working with the author to amend the bill to remove this unfounded assertion. Currently, the bill would require state prisons and health care facilities to provide plant-based meals for those with dairy and egg food allergies. The bill has passed Senate policy committees and is slated to be heard in Senate Appropriations Committee. *Staff contact: Taylor Roschen at troschen@cfbf.com.*

Rural Crime

Existing law allows for the creation of the Central Valley and Central Coast Rural Crime Prevention task forces aimed to coordinate county efforts to combat rural crime, and agricultural crimes specifically. [SB 1161](#) (Jeff Stone, R-Riverside) would allow for the creation of the Imperial Empire Rural Crime Prevention Program in the same vein to patrol San Bernardino and Riverside County. Farm Bureau is in

support. This bill is required to be heard in policy committee by May 11th. *Staff contact: Taylor Roschen at troschen@cfbf.com.*

Wildlife

California would create a fund to assist voluntary efforts to restore and enhance Monarch butterfly habitat if [AB 2421](#) (Mark Stone, D-Scotts Valley) passes. The bill would create a fund at the Wildlife Conservation Board to fund both overwintering and foraging habitat improvements to benefit the butterflies. Farm Bureau has been working with the author and Environmental Defense Fund, the bill's sponsor, to ensure the concept would be workable for interested farmers and ranchers. Farm Bureau is not officially in support of the bill yet, but testified in the Assembly Water, Parks, and Wildlife Committee that we supported the concept. AB 2421 passed out of committee with a 13-1 vote; the bill now goes to the Assembly Appropriations Committee. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

Assemblymember Mathis' presented his bill, [AB 3117](#), which would have given authority to the Fish and Game Commission to determine whether non-lead ammunition is available and exempt ammunition calibers where non-lead ammunition is not available from current restrictions. Farm Bureau testified in support of the bill in the Assembly Water, Parks, and Wildlife Committee this week. Unfortunately, AB 3117 failed passage with a 6-9 vote. Assemblymember Rudy Salas (D – Bakersfield) was the lone Democrat to vote in support of the bill. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

Farmers and ranchers will now need to follow best management practices to protect birds if they want liability protection from incidental take of migratory birds. [AB 2627](#) (Ash Kalra, D-San Jose) was amended last week to require the Department of Fish and Wildlife (DFW) to create best management practices for activities that may take migratory birds. It is unclear how take would be handled, particularly in timber harvest plans, before DFW has created best management practices. Additionally, the bill does not recognize the existing federal depredation orders that allow take of specific bird species that are a threat to agriculture. AB 2627 was heard in the Assembly Water, Parks, and Wildlife Committee and Farm Bureau testified in opposition to the bill. Unfortunately, it passed out of committee with a 9-5 vote. Assemblymember Rudy Salas (D – Bakersfield) was the sole Democrat who voted no. The bill now goes to the Assembly Appropriations Committee. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

Farmers and ranchers whose property is damaged by wild pigs would no longer need a depredation permit to take those pigs if [AB 2805](#) (Frank Bigelow, R-O'Neals) becomes law. There has been extended discussion by both the legislature and the Fish and Game Commission in recent years on how to improve the management of wild pigs and reduce their negative impacts on both public and private lands in California. AB 2805 is based on the outcome of these discussions and works to address the concerns of landowners, hunters, and other interested groups. Farm Bureau is supportive of the effort and will work to ensure that the elimination of the depredation permit requirement remains in the bill. The Assembly Appropriations Committee put the bill on its suspense calendar this week due to the Department of Fish and Wildlife's estimate of \$400,000 in lost revenues due to the change from tags to validations for hunters. The suspense calendar decisions will be made by May 25th. *Staff contact: Noelle Cremers at ncremers@cfbf.com or (916) 446-4647.*