



June 1, 2018

The Legislature reached another significant deadline today—all bill introduced in one house must pass out of that house of origin to the second house (i.e. Assembly bills must pass to the Senate and vice versa). The Senate and Assembly Floors either approved bills to continue through the legislative process or held them (which means they are “dead” for the rest of this two-year session). The status of the bills of importance to agriculture that were acted upon by the two houses are listed below.

Passed House of Origin

Agriculture, Generally

Friday Review readers will remember that Farm Bureau supports [AB 2106](#) (Eduardo Garcia-D, Coachella), which would increase the purchase preference for state institutional purchases of California-grown produce from 5 to 10%. The most recent amendments impose this new standard as of January 1, 2021. Farm Bureau is in support. AB 2106 passed on a vote of 68 to 5 with 5 abstentions. *Staff contact: Taylor Roschen at 916-446-4647 or troschen@cfbf.com.*

Cannabis/Industrial Hemp

Several cannabis measures passed the Senate this week. [SB 930](#) (Robert Hertzberg, D-Van Nuys) would establish a state chartered cannabis banking system to accommodate commercial cannabis sales and business expenditures, given federal prohibitions on FDIC regulated banks. SB 930 passed on a vote of 32 to 6, with 1 abstention. In the hemp realm, [SB 1409](#) (Scott Wilk, R-Antelope Valley), which make various changes to Food and Agricultural Code to facilitate research and commercial production of industrial hemp passed with amendments that allow agricultural commissioners to recoup costs related to registration and enforcement. SB 1409 passed unanimously. *Staff contact: Taylor Roschen at 916-446-4647 or troschen@cfbf.com.*

Education

Given that career technical education funding sunsets this year, Assemblymember Patrick O’Donnell (D-Long Beach) has introduced [AB 1743](#), which would, among other things, increase the CTE incentive grants from \$200 million, as proposed in the Governor’s Budget, to \$500 million. Farm Bureau strongly supports continuing and sustainable funding that supports career technical education. AB 1743 passed unanimously. *Staff contact: Taylor Roschen at 916-446-4647 or troschen@cfbf.com.*

Energy

Farm Bureau has positioned on several bills within the energy and utilities sector. These bills all passed out of their House of Origin.

- Farm Bureau supports [SB 1131](#) (Robert M. Hertzberg, D-Van Nuys), which would clarify eligibility and the standard of review for energy efficiency improvements in the agricultural and industrial sectors. SB 1131 passed the full Senate unanimously.

- Farm Bureau is neutral on [AB 3232](#) (Laura Friedman, D-Glendale) which attempts to create new and unnecessary GHG emission standards on California buildings by directing the Energy Commission to open a proceeding regarding load management standards needed to optimize building energy use with the goal of developing a strategy to reduce GHG emissions by at least 40 percent below 1990 levels, potentially creating duplicative emission reductions requirements for buildings.. CFBF is part of a business coalition that opposed the bill; however, amendments were made on May 29 to remove the requirements for the opening of a proceeding and instead assessments and evaluations will be conducted. With the amendments CFBF along with the coalition removed its opposition and moved to a neutral position. The bill passed the full Assembly on a 53 to 23 vote.
- Farm Bureau is opposed to [SB 1088](#) (Bill Dodd, D-Napa) which would mandate an unreasonably abbreviated review process at the CPUC regarding utility rates that would lead to higher rates for agricultural customers. It the state’s investor owned utilities (IOUs) to prepare and submit to the CPUC a “safety, reliability, and resiliency plan” for review and approval every two years beginning January 2019 to address major events, although risks associated with routine operations would also be included beginning 2021. Safety plans to address wildfire mitigation and emergency preparedness are already required of the utilities. Estimated costs for the expenses related to the plans have not been provided, but are anticipated to be significant. The plans encompassed by this bill are expected to be part of a larger discussion about how property losses caused by utility infrastructure should be dealt with. SB 1088 passed the full Senate on a 36-2 vote.

Staff contact: Karen Mills, kmills@cfbf.com or 916-446-4647.

Forestry

The Assembly passed several bills relating to forestry that are supported by Farm Bureau. [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. Additionally, [AB 2889](#) (Caballero, D-Salinas), which would establish timber harvesting plan submitter assistance and streamline the approval process for a timber harvest plan. Both bills passed unanimously in the Assembly. *Staff Contact: Robert Spiegel at 916-446-4647 or rspiigel@cfbf.com.*

The Assembly and Senate also took action on [SB 1260](#) (Jackson, D-Santa Barbara) and [AB 2551](#) (Wood-D-Santa Rosa), two bills related to fire prevention and prescribed burning operations. Farm Bureau is currently neutral on the legislation, but generally supports increased management of the state’s forest lands, and increasing the pace and scale of forest management activities (i.e. use of prescribed fire, mechanical thinning, etc.). Several weeks ago, Governor Brown issued Executive Order (E.O.) B-52-18 in order to combat dangerous tree mortality, increase the ability of our forest to capture carbon and systematically improve the state’s forest management. Key elements of the EO highlighted increasing the land actively managed through vegetation thinning, controlled fires and reforestation from 250,000 acres to 500,000 acres; launching new training and certification programs to help promote forest health through prescribed burning; streamlining permitting for landowner-initiated projects that improve forest health and reduce forest-fire fuels on their properties. SB 1260 and AB 2551 will likely implement some portions of the Governor’s Executive Order. *Staff Contact: Robert Spiegel at 916-446-4647 or rspiigel@cfbf.com.*

Labor

The Assembly and Senate passed several bills of note to Farm Bureau. The Assembly approved three bills and the Senate approved three bills. These include the following:

- [AB 2613](#) (Eloise Reyes, D-Fontana) would repeal provisions related to penalties for failure to pay wages by employers and instead make an employer or other person acting individually or as an

officer, agent, or employee of another person who fails to pay or causes a failure to pay specified wages of each employee subject to a penalty of \$200, payable to each affected employee, per pay period where the wages due are not paid on time, as specified. Farm Bureau is opposed.

- [AB 3080](#) (Lorena Gonzalez-Fletcher, D-San Diego) would prohibit settlement agreements between employees and employers for labor and employment claims and prohibit arbitration and class action waivers for such claims (potentially in violation of federal law). Farm Bureau opposes. AB 3080 passed on a vote of 47 to 25 with 6 abstentions; Gray and Salas voted no.
- [AB 3081](#) (Lorena Gonzalez-Fletcher, D-San Diego) would prohibit an employer from discharging or in any manner discriminating or retaliating against an employee because of their status as a victim of sexual harassment; establish a rebuttable presumption of unlawful retaliation if an employer takes specific actions within 90 days following the date the victim provides notice or the employer has knowledge of status. The bill would apply these protections to state and local public employers and to the Legislature. Farm Bureau opposes. AB 3081 passed on a vote of 47 to 23 with 8 abstentions; Maischein voted yes; Arambula and Gray voted no.
- [SB 1038](#) (Connie Leyva, D-Chino) would make an employee, whose employer is subject to the California Fair Employment and Housing Act (FEHA), personally liable for retaliating against another because the person suffering retaliation opposes practices prohibited by FEHA or has filed a complaint, testified, or assisted in any proceeding under FEHA. Farm Bureau opposes. SB 1038 passed on a vote of 21 to 13 with 5 abstentions; Galgiani, Glazer, Newman, Roth and Wieckowski.
- [SB 1284](#) (Hannah-Beth Jackson, D-Santa Barbara) would require large employers incorporated in CA to report pay and job title information broken down by gender, race, and ethnicity, to DIR on an annual basis. Farm Bureau opposes. SB 1284 passed on a vote of 24 to 13 with 2 abstentions; Galgiani and Glazer.
- [SB 1300](#) (Hannah-Beth Jackson, D-Santa Barbara) would specify a plaintiff is not required to prove they endured harassment or discrimination in an action alleging that a defendant failed to take all reasonable steps necessary to prevent discrimination and harassment from occurring, but rather that the employer knew that the conduct was unwelcome to the plaintiff, would meet the legal standard for harassment or discrimination if it increased in severity or become pervasive, and the defendant failed to take reasonable steps to prevent conduct. Farm Bureau opposes. SB 1300 passed on a vote of 22 to 11 with 6 abstentions; Allen, Glazer, Hueso, Nguyen, Roth and Wilk.

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Land Use

The bill that would dissolve the North Coast Railroad Authority (NCRA) and transfer its assets to the Sonoma-Marín Rail Transit District (SMART) and the newly-created Great Redwoods Trail Agency, [SB 1029](#) (Mike McGuire, D-Healdsburg) passed the Senate unanimously with amendments to make actions contingent upon funding, removes the role of Caltrans and requires the Transportation Commission to evaluate the NCRA's outstanding debts, contractual obligations and right-of-way. Farm Bureau is opposed, unless amended. To note, Senator McGuire has requested \$4.1 million over the next two years to fund Caltrans' efforts to do an inventory of the NCRA's right-of-way and initiate an environmental assessment related to railbanking. *Staff contact: Taylor Roschen at 916-446-4647 or troschen@cfbf.com.*

Nutrition

In the nutrition realm, two significant bills have passed their houses of origin--[AB 2335](#) (Phil Ting, D-San Francisco) and [SB 900](#) (Scott Wiener, D-San Francisco). Friday Review readers will remember that AB 2335 would establish a grant program at the Department of Food and Agriculture to provide funds to corner stores looking to upgrade or install energy-efficient refrigeration units to showcase CA-grown produce for sale to low-income consumers. AB 2335 passed the Assembly on a vote of 62 to 16. Additionally, SB 900 (Wiener, D-San Francisco) would require the Department of Social Services to update the EBT technology platform to accept supplemental benefits and establish a pilot grant program

to test this new capacity at various retail settings. Farm Bureau supports SB 900 which passed unanimously. *Staff contact: Taylor Roschen at troschen@cfbf.com or (916) 446-4647.*

Pesticides/Pest Management

The Assembly passed several bills of note related to pest management, namely, [AB 2054](#) (Lorena Gonzalez-Fletcher, D-San Diego) and [AB 2470](#) (Tim Grayson, D-Concord). AB 2054 would codify the Invasive Species Advisory Committee and Council and charge them to develop a work plan to suppress or cure diseases associated with shot hole borers. Likewise, AB 2470 would also establish the Invasive Species Advisory Committee and Council to address the introduction and spread of invasive species in California. AB 2054 and AB 2470 passed unanimously. *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

With respect to pesticide reporting, [AB 2816](#) (Al Muratsuchi, D-Gardena) would require the Department of Pesticide Regulation to submit a report to the Legislature by 2020 to evaluate implementation of the Healthy Schools Act of 2000 and make recommendations on whether additional restrictions or prohibitions should be considered. Farm Bureau is watching this bill closely. AB 2816 passed the Assembly on a vote of 62 to 8 with 8 abstentions. *Staff contact: Jim Houston, jhouston@cfbf.com or 916-446-4647.*

Transportation

[SB 1236](#) (Monning, D-Carmel), which would require the California Department of Motor Vehicles (DMV) to adopt entry-level driver training requirements for drivers of commercial motor vehicles including specified minimum hours of behind-the-wheel training, is set to be heard in the Assembly Transportation Committee on June 11th. SB 1236 would require first time CDL applicants to complete 30 hours of behind-the-wheel (BTW) training for a Class A CDL and 15 hours of behind-the-wheel training for a Class B CDL. Farm Bureau believes that the minimum hour requirement is not only arbitrary, but creates an additional regulatory barrier for agricultural drivers and may have no impact on roadway safety in California. Farm Bureau has been working with the Senator Monning's office on amendments, but remains Opposed - Unless Amended. SB 1236. *Staff Contact: Robert Spiegel at 916-446-4647 or rspiegel@cfbf.com.*

Wildlife

Farmers and ranchers whose property is damaged by wild pigs would no longer need a depredation permit to take those pigs if [AB 2805](#) (Bigelow) 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 supports AB 2805, which passed out of the Assembly this week with a 74-1 vote. *Staff contact: Noelle Cremers at ncremers@cfbf.com or (916) 446-4647.*

[AB 2627](#) (Kalra), which would require anyone at risk of taking migratory birds to follow best management practices developed by the Department of Fish and Wildlife, squeaked out of the Assembly last night. Audubon California, the bill's sponsors, agreed to take amendments that would exclude ongoing and routine agricultural practices from the prohibitions in the bill, recognize the current federal depredation orders allowing take of certain birds damaging crops and other property, and agreed to work on amendments that would allow timber harvest to continue without being harmed by the bill. If those amendments are not taken, the Chair of the Assembly Water, Parks, and Wildlife Committee agreed to hold the bill in his committee when it returns to the Assembly. The final Assembly vote was 42-34. Farm Bureau will continue to work with the author and sponsors to ensure that all of our concerns are addressed in the Senate. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

Water

[AB 2545](#), a Farm Bureau sponsored measure, would add clarifying language to Section 1601 of the Fish and Game Code. The measure was amended this week with placeholder language to define “river” and “stream”, and offer water users the option to enter into general agreements with the Department of Fish and Wildlife. Farm Bureau and the author continue to negotiate a path forward with the department that will give clarity to when and where a Lake and Streambed Alteration Agreement is needed. The Assembly passed AB 2545 this week with a vote of 68-1, the bill now moves to the Senate. *Staff contact: Danny Merkley, 916-446-4647 or dmerkley@cfbf.com.*

Failed to Pass House of Origin

Cannabis

[SB 1302](#) (Ricardo Lara, D-Bell Gardens) would have prohibited a local government from prohibiting the transport of commercial cannabis within their jurisdiction failed passage in the Senate. *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

Labor

Two bills of note failed passed from the Assembly. [AB 1913](#) would have added foreign labor contractors who recruit or solicit agricultural workers to coverage under the State Labor Commissioner's foreign labor contractor registration program. AB 1913 failed to pass on a 28 to 32 vote, with 18 abstentions (all Democrats) and 8 Democrats voting no: Caballero, Daly, Frazier, Gray, Grayson, Irwin, Levine, and Salas. [AB 2946](#) (Ash Kalra, D-San Jose) would have encouraged 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. Farm Bureau opposed. AB 2946 failed to pass on a 19 to 30 vote with 29 abstentions (all Democrats) and Caballero, Grayson, Irwin, Quirk-Silva, and Salas voting no. *Staff contact: Bryan Little, blittle@cfbf.com or 916-446-4647*

Direct Marketing

The California Department of Food and Agriculture has announced 15 vacancies on the Certified Farmers’ Market Advisory Committee. The Committee’s responsible for advising the Secretary on issues related to direct marketing of agricultural products and certified farmers’ markets. Vacancies include active certified producers, market operators or representatives. Members serve two-year terms and receive traveling expenses. Interested parties should submit a [questionnaire](#) and letter of recommendation from industry to Thomas Osborn via email (thomas.osborn@cdfa.ca.gov) or by mail:

Thomas Osborn
CDFA Inspection and Compliance Branch
1220 N Street, Sacramento, CA 95814

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Industrial Hemp

The California Industrial Hemp Advisory Board met on Wednesday, May 30th. The Board heard issues related to legislation, product sampling for testing, agricultural commodity designation, and anticipated regulatory timelines. The Board approved a motion to make a recommendation to the Secretary that registration fees be set at \$1,800 (registration is valid for two years) and encouraged CDFa staff to initiate draft regulations. The meeting was webcast and archived [here](#). *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

Pesticides/Pest Management

The California Department of Pesticide Regulations has proposed a rulemaking package to amend the identification of groundwater protection areas (GWPA), an area that has been determined by DPR to be sensitive to the movement of pesticides to groundwater, leaching GWPA (areas where pesticide residues move from the soil surface downward through the soil matrix with percolating water to groundwater), and runoff GWPA (areas where pesticide residues are carried in runoff water to more direct routes to groundwater such as dry or drainage wells, poorly sealed production wells, soil cracks, or to areas where leaching can occur). Farm Bureau will be reviewing this regulatory package and potentially commenting in the following weeks. The draft regulation can be found [here](#).