



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

August 24, 2018

Legislative Deadline

The Legislature has passed its second to last deadline—all bills may not be amended after August 24th. Now, bills await their final votes on the floors of the Senate and Assembly and must be moved to the Governor for signature or veto by August 31st.

Air Resources

The Air Resources Board (ARB) is developing regulations that will require annual emissions reporting of criteria pollutants and toxic air contaminants for many facilities, including some farms and agricultural processing businesses. These new reporting requirements are due to the passage of [AB 617](#) (Cristina Garcia, D-Bell Gardens) last year. Facilities required to submit emissions reports include those required to report their greenhouse gas emissions and those that have permits to operate issued by a local air district and that are within a community selected by ARB as one affected by a high cumulative exposure burden. Farm Bureau, along with other agricultural organizations, submitted comments to ARB expressing concern about the additional reporting requirements and requesting that any reporting be done in a manner that matches current reporting requirements. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

Commodities

[SB 965](#) (Mike McGuire, D-Healdsburg) would create the rules for the establishment of a California Cattle Council. If the bill passes cattle producers would be given the opportunity to vote on whether to create a California Cattle Council. The assessment would be set at \$1 per head and that money would all stay in California for research, promotion, and education. Additionally, any producer who pays into the Council would be eligible to ask for a refund of their payments if they do not want to support the Council. The California Cattlemen's Association is sponsoring the legislation. Farm Bureau supports SB 965 as a way to give cattle producers a choice as to whether they want to form and fund a Council. SB 965 passed off of the Assembly and Senate floors this week and the bill now goes to the Governor for his consideration. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

California would designate broad swaths of the state as habitat resilience areas and strongholds and require the state to protect and enhance these areas if [AB 2528](#) (Richard Bloom, D-Santa Monica) passes. The bill requires the state to designate “source watersheds,” which are water systems in the Cascade Mountains, Modoc Plateau, and Feather River headwaters that provide groundwater recharge; coastal estuaries over two acres in size; mountain meadows in the Sierra Nevada, Modoc Plateau, Warner Mountains, Southern Cascades, or Sierra or Cascade foothills; and “strongholds,” which are watersheds of the Smith River, Salmon/Mid-Klamath River system, Sacramento River, Mattole/South Fork Eel River system, Big Sur, and Santa Clara that support the largest populations of salmon, steelhead, and trout or populations of these fish with critical genetic diversity. Once these areas are designated, they are to be included in the state's climate adaptation strategy, “Safeguarding California.” Current law requires the state to protect and enhance species strongholds, which means if AB 2528 were to pass the state would

require additional protects for salmonids in the areas of the state the bill designates as strongholds. CFBF is working with a coalition of interests to oppose AB 2528 unless it is amended to call strongholds another term so that there is not a requirement for their protection and enhancement. The bill passed off of the Senate floor this week with a 23-12 vote. *Staff Contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

Environment

The Assembly Agriculture Committee held an informational hearing regarding the environmental benefits of California agriculture. Issues included carbon sequestration, agricultural land conservation, soil health practices, habitat benefits, water use efficiency and manure management (digesters and composting). *Staff contact: Jim Houston, jhouston@cfbf.com or 916-446-4647.*

Forestry and Timber

[AB 2889](#) (Caballero, D-Salinas), is awaiting further action by Governor Brown. The bill would establish timber harvesting plan submitter assistance and streamline the approval process for a timber harvest plan. Farm Bureau is supportive of the legislation and is part of a larger coalition of business, forestry and agricultural interests. *Staff contact: Robert Spiegel, rspiegel@cfbf.com or 916-446-4647.*

Industrial Hemp

The California Industrial Hemp Advisory Board met on August 22nd to discuss proposed approved cultivars and plant/seed sampling and testing protocols. No formal action was taken but task force reports were included as items of note for future regulatory action by the Department of Food and Agriculture, contingent upon funding and the passage of [SB 1409](#) (Scott Wilk, R-Antelope Valley). *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

Labor

Several bills related to labor and employment were voted off Senate and Assembly suspense files and are pending floor action:

[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 Senate 25-12 on October 12. Farm Bureau opposes. *Staff Contact: Bryan Little, blittle@cfbf.com or 916-446-4647.*

[AB 3081](#) (Lorena Gonzalez Fletcher, D-San Diego) would create parallel sexual harassment protections on the Labor Code that will in many cases duplicate protections already in the Government Code exposing employers to Private Attorneys General Act litigation liability, among other problematic provisions. AB 3081 was voted off the Senate Appropriations suspense file on August 16 by a 5-2 vote with minor amendments that do not address concerns to employers and is now pending Senate floor action. Farm Bureau opposes. *Staff Contact: Bryan Little, blittle@cfbf.com or 916-446-4647*

[SB 937](#) (Scott Wiener, D-San Francisco) will impose complex new requirements for employers to provide accommodations to lactating mothers. SB 937 was voted off the Assembly Appropriations suspense file on August 16 on a 13-3 vote and is pending floor action in the Assembly. 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. *Staff Contact: Bryan Little, blittle@cfbf.com or 916-446-4647*

[SB 1300](#) (Hannah-Beth Jackson, D-Santa Barbara) was voted off the Assembly Appropriations suspense file on Aug. 16 by a 12-5 vote and was later amended to delete some problematic provisions. Farm Bureau remains opposed due to the increased litigation the bill will encourage. *Staff Contact: Bryan Little, blittle@cfbf.com or 916-446-4647*

[SB 1284](#) (Hannah-Beth Jackson, D-Santa Barbara) was held on the Assembly Appropriations suspense file on August 16. AB 1284 required employers of 100 or more employees to submit annual an expanded version of U.S. Equal Employment Opportunity Commission-required EEO-1 reports to the Department of Fair Employment and Housing. Farm Bureau opposed. *Staff Contact: Bryan Little, blittle@cfbf.com or 916-446-4647*

Land Use

[AB 2447](#) (Eloise Gomez Reyes, D-Grand Terrace) would increase the notification requirements and scoping meeting obligations for projects subject to the California Environmental Quality Act (CEQA) if the siting for such a project occurs within one-half mile of a disadvantaged community and in an area zoned industrial. These new requirements may presumably apply to nearly all agricultural processing plants. Farm Bureau is leading a broad coalition of agricultural associations in opposition to the bill. *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

Friday Review readers will remember Farm Bureau's opposition to [SB 1029](#) (Mike McGuire-Healdsburg), which proposes to require the North Coast Railroad Authority (NCRA) to develop a closure plan and mandate the State evaluate NCRA's outstanding debts, liabilities, and make recommendations for future actions. The bill was amended formally, to also appropriate \$4 million from the Public Transportation Account to allow the Sonoma-Marín Area Rail Transit (SMART) district to acquire freight holdings from the Northwest Pacific Railroad Company (which operates under a lease with NCRA). Farm Bureau is watching this bill closely as the final version is negotiated. *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

Transportation

[SB 1236](#) (Monning, D-Carmel), a bill 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, passed in the State Assembly and awaits a final vote of the Senate. CFBF, along with Senator Monning, Assemblyman Jim Frazier and committee staff were able to reach a compromise that reduced the behind-the-wheel training time by half from that of the original proposal. Farm Bureau is neutral on SB 1236. *Staff contact: Robert Spiegel, rspiegel@cfbf.com or (916) 446-4647.*

Water

Farm Bureau sponsored [SB 579](#) (Cathleen Galgiani, D-Stockton) would require the State Water Resources Control Board to analyze and account for the contributions of non-flow measures and adaptive management towards achieving beneficial uses when considering a water quality control plan or amendment to a plan. The water board is proposing to require releases of 30 to 50 percent of water in the Merced, Tuolumne and Stanislaus rivers, and 45 to 65 percent of flows from the Sacramento River and its tributaries, and from the Eastside Delta tributaries. This measure would require the water boards to analyze the contributions that non-flow measures and adaptive management can provide to achieve relevant beneficial uses and ensure those contributions are accounted for before a water quality control plan or any amendment to a plan can be adopted that would have an impact on stream flow. SB 579 was referred this week to the Assembly Rules Committee and is likely to be heard next week in the Assembly Water, Parks and Wildlife Committee. Farm Bureau and a coalition of agricultural and business interests are in support. *Staff contact: Danny Merkley, dmerkley@cfbf.com, or 916-446-4647.*

Wildfire Preparedness and Response Legislative Conference Committee

Prior to the Summer Recess the Governor established the Wildfire Preparedness and Response Conference Committee to put forth legislation to strengthen disaster preparedness and develop appropriate policies to respond to increasing wildfire danger. The committee has held four hearings, which have discussed

various topics including: reforms to the California Public Utilities Commission; hardening of utility infrastructure; the implementation of wildfire mitigation plans; liability reforms (inverse condemnation); and forest management practices. The committee is comprised of 10 legislators, 5 each from the Senate and Assembly. Assemblymember Holden and Senator Dodd are the Co-Chairs.

[SB 901](#) (Dodd, D-Napa) provides the formal basis for convening the conference committee, and the legislation will ultimately contain elements related to utility and wildfire response. With only one week remaining in the legislative session, the committee has yet to produce any final or draft language. CFBF is part of a coalition of electric ratepayers addressing the multiple issues implicated in the discussions and continues to meet with legislators to address the topics from agriculture's unique perspective.