



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

April 12, 2019

Air Quality

California would have to reduce emissions from medium- and heavy-duty vehicles by 40 percent by 2030 and 80 percent by 2050 under SB 44, (Skinner). The bill requires the Air Resources Board to identify regulations to help meet these reduction goals. SB 44 also includes funding for incentives to help transition medium- and heavy-duty vehicles to cleaner burning vehicles, but once regulations are adopted incentives are no longer available and the costs of many of the specialty vehicles used in agriculture are much higher than many of the incentive programs cover. Farm Bureau has expressed these concerns to the author and presented the concerns to the Senate Environmental Quality Committee where the bill was heard this week. The bill passed out of committee with a 5-2 vote. SB 44 will be heard next in the Senate Transportation Committee. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com*

Animal Welfare

SB 313, (Hueso, D-San Diego), The Circus Cruelty Prevention Act, passed in the Senate Natural Resources and Water Committee this week with a 7-0 vote. While the bill no longer impacts agricultural education or other commercial agricultural operations, CFBF will continue to monitor the legislation as it moves forward. Again, CFBF is appreciative of Senator Hueso, his staff and committee staff for working with our organization to find a balanced solution. CFBF is neutral on SB 313. *Staff contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647*

AB 128, (Gloria, D-San Diego), a bill which would ban the buying, selling, giving away, or possessing any equine if it is known that the animal will be killed for any commercial purpose, and would require the state to establish a reserve price for any horse sold at a public or private auction. AB 128 Passed in the Assembly Water, Parks and Wildlife Committee by a vote of 10-1 and CFBF testified in committee as Opposed, Unless Amended. CFBF worked with Assemblyman Gloria, the sponsors and committee staff to delete language that would have expanded transportation inspections and regulatory requirements for any equine purchased at auction in California. While the amendments were a significant improvement to the overall legislation, CFBF still objects to the creation of a “reserve bid price” that would be based on the market value of horsemeat and the expansion of existing law to include equine slaughtered for any commercial purpose. AB 128 will be heard next in the Assembly Appropriations Committee and CFBF will continue to work with the author, sponsor and staff on language that will address the concerns of our membership. *Staff contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647*

Last year, California voters approved Proposition 12 – the *Farm Animal Confinement Initiative*. The initiative requires that covered animals (egg-laying hens, pigs and veal calves) be housed in confinement systems that comply with specific standards. The California Department of Food and Agriculture (CDFA)

is in the process of developing the regulatory framework that would provide the enforcement mechanisms authorized by the initiative. Specifically, CDFA is examining and seeking input on issues such as production facility registration, certification and verification audits or inspections, border station inspections, and penalties associated to violations of the initiative. The department has extended its original Request for Information from 5:00pm on May 3, 2019 to 5:00pm on June 3, 2019. CFBF intends to submit comments to CDFA on Proposition 12 implementation, and further information can be found [here](#). *Staff contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647*

Energy

AB 56, (Eduardo D. Garcia, D – Coachella) had its first hearing in the Assembly Utilities & Energy Committee on April 3rd. As it was heard it would have established the California Clean Electricity Authority that could purchase power to address the state’s resource planning goals to meet reliability and renewable goals. The committee amended the bill to expand the scope of the California Alternative Energy and Advanced Transportation Fund (CAEATFA) to contract for energy on behalf of IOU, CCA, and ESP customers if a resolution is adopted by the CPUC based on need as determined by integrated resource plans or to meet resource adequacy or reliability needs instead of establishment of the new entity. It also struck the provisions allowing for energy purchases on behalf of publicly owned utility customers. The amendment language is not available yet and the bill is clearly a work in progress. The committee members expressed many reservations with establishment of a separate entity to purchase energy for customers, but recognized the discussion needs to move forward. The bill was approved on an 11 to 1 vote (3 not voting) and will be heard in the Natural Resources Committee next. *Staff contact: Karen Norene Mills, kmills@cfbf.com, 916-561-5655*

SB 247, (Dodd, D – Napa) is a union sponsored bill that requires CalFire to provide a “trim list” to each investor owned utility that identifies all trees and other vegetation in the vicinity of electrical lines or equipment owned by the utility to be removed or trimmed, including the extent of trimming required. The bill is fashioned around further reducing fire risk. The language in the bill is very broad and would include orchards as well as trees and vegetation in fire prone areas. CFBF has discussed the broad reach of the bill with the author, pointing out the fact that fires are not caused by vegetation contact with orchard trees and the many regulations that recognize the lack of fire risk and is continuing to discuss language that would address the concerns. The bill was heard in the Senate Energy, Utilities and Communications Committee. Despite concerns raised about the broad reach of the bill, increased and duplication of costs, and potential liability for CalFire the bill passed out of Committee on a vote of 11 to 1 (1 not voting). It will be heard in the Senate Natural Resources and Water Committee next. *Staff contact: Karen Norene Mills, kmills@cfbf.com, 916-561-5655*

Environmental Regulations

SB 1, (Atkins) would require state environmental and labor agencies to review changes to federal law and regulation and consider adopting state regulations that would ensure no labor or environmental protections are lost due to federal modifications. The law gives specific authority to the California Air Resources Board, State Water Resources Control Board, Fish and Game Commission, Occupational Safety and Health Standards Board, and Department of Industrial Relations. The bill also gives individuals the authority to sue to enforce the federal standards as they were in place in January 2017. SB 1 was heard by the Senate Natural Resources and Water Committee this week. Farm Bureau testified against the bill and pointed out the impacts the bill would have on operation of California’s water system and management of species that listed under the Endangered Species Act. The bill passed with a vote of 7-2; it now moves on to the Senate Judiciary Committee. *Staff contact: Noelle Cremers at ncremers@cfbf.com or (916) 446-4647*

Forestry

Timber harvest would have significant new restrictions under provisions included in SB 69, (Wiener). The bill would give Regional Water Quality Control Boards control over the Timber Harvest Plan (THP) review process, rather than allowing them to provide input as part of the THP review team. SB 69 also prohibits approval of a THP if there would be any discharge of sediment into an impaired waterbody. The bill also creates strict canopy closure requirements within riparian areas. Farm Bureau along with organizations representing forest landowners are opposing SB 69 and testified in opposition when the bill was heard by the Senate Natural Resources and Water Committee this week. SB 69 passed out of committee with a 6-2 vote and the bill now goes to the Senate Environmental Quality Committee. *Staff contacts: Noelle Cremers or Robert Spiegel at (916) 446-4647, ncremers@cfbf.com, or rspiegel@cfbf.com*

Labor

AB 9, (Eloise Reyes, D-San Bernardino) extends the filing deadline for harassment and retaliation claims from one year to three years. Farm Bureau opposes because the extended time for filing will result in information being lost and memories of parties become less reliable with passage of time. Governor Brown vetoed a previous version of this bill. AB 9 was approved by the Assembly Labor and Employment Committee on March 6 and was referred to the Assembly Appropriations Committee suspense file on April 3.

AB 51, (Lorena Gonzalez, D-San Diego) bans settlement agreements paying a party a financial settlement in exchange for waiving a discrimination or harassment claim and prohibits arbitration of employment claims. Gov. Brown vetoed similar legislation in 2018 because the arbitration ban is clearly preempted by federal law. Farm Bureau opposes because it will discourage settlement of claims and encourage litigation. The Assembly Labor and Employment Committee approved AB 51 with minor amendments on March 6, the Assembly Judiciary Committee approved on March 19 and was referred it to the Assembly Appropriations Committee suspense file on April 10.

AB 170, (Gonzalez) extends harassment liability for contractors' employees to the client employer. Governor Brown vetoed legislation for the same purpose in 2018. Farm Bureau opposes due to additional unnecessary litigation AB 170 will create. AB 170 was approved by Assembly Labor and Employment Committee in March 6 and was referred to the Assembly Judiciary Committee, which approved the bill on March 28. AB 170 is pending third reading in the Assembly.

AB 171, (Gonzalez) creates a rebuttable presumption of retaliation due to a person's status as a victim of domestic violence, harassment or stalking should an employer take an adverse personnel action against such employee within 90 days of the employee providing notice of that victim status. Similar legislation was vetoed by Gov. Brown in 2018. Farm Bureau opposes because it will hamper employers' ability to terminate poor performing employees, or employees harassing fellow employees. AB 171 passed the Assembly Judiciary Committee on March 26 and was referred to the Assembly Appropriations suspense file on April 10.

AB 418, (Kalra) creates an excessively broad evidentiary privilege for union organizers even broader than that for attorney-client or doctor-patient privilege. Farm Bureau opposes because it will result in excessive litigation related to union representation issues. AB 418 passed the Assembly Judiciary Committee on March 12 and is pending third reading in the Assembly.

AB 589, (Gonzalez) forbids under the Labor Code employers from possessing or destroying an employee's immigration documents (something already forbidden under the Penal Code and federal law) and requires employers to post and notify employees of a new "Workers Bill of Rights;" one of these rights would be a

“right to live where the employee chooses” and the right to not live at an employer-designated location. The bill is sponsored by the San Diego County District Attorney’s office to combat human trafficking. Farm Bureau has opposed this bill and its 2018 predecessor ([AB 2732](#)) on the grounds that it creates new criminal liability for actions that are already against state and federal law, the new posting and notification requirements (which Governor Brown noted in his 2018 veto message on AB 2732 impose undue burdens on most law-abiding California employers) and the newly-created right to not live at an employer-designated location. AB 589 was passed by the Assembly Judiciary Committee on April 2 and was referred to the Assembly Appropriations Committee.

[AB 628](#), (Rob Bonta, D-Oakland) will expand leave for employees and family members by adding sexual harassment to the list of reasons an employee may take job-protected leave under California law. Current law requires employers to offer job-protected leave to victims of domestic assault, sexual assault, and stalking. AB 628 expands the right to job-protected leave to family members to assist the victim in receiving help. AB 628 also creates a new sexual harassment definition in the Labor Code that is somewhat broader than the current-used definition from the Government Code. Farm Bureau opposes due to expanded job-protected leave that is inconsistent with California Family Rights Act leave and federal Family and Medical Leave Act leave, and the new Labor Code definition of sexual harassment that conflicts with the long-stand Government Code definition. AB 628 passed the Assembly Labor and Employment Committee on April 3, the Assembly Judiciary Committee on April 9, and has been referred to the Assembly Appropriation Committee.

[AB 749](#), (Mark Stone, D-Monterey Bay) forbids employment-related litigation settlement agreements including a prohibition against the employee seeking re-employment with the employer. Settlement agreements to remove harassers and other problematic employees often include such agreements, which is why Farm Bureau is opposed. AB 749 passed the Assembly Judiciary Committee on April 9 and is pending Assembly third reading.

[AB 1224](#), (Adam Gray, D-Merced) creates new 12-week post-child birth leave outside California Family Rights Act leave available to employees working 900 hours in a 12 month period that an employer cannot require be taken concurrently with California Family Rights Act leave. Farm Bureau opposes due to the expansion of leave mandates. AB 1224 passed the Assembly Labor Committee on April 3 and has been referred to the Assembly Insurance Committee.

[SB 688](#), (Bill Monning, D-Carmel) expands the prohibition against paying less than the minimum wage to paying wages less than that contractually agreed to by the employer and imposes personal liability for such failure to “any other person” acting on behalf of the employer whose actions result in underpayment. Farm Bureau opposes due to the unnecessary expansion of wage non-payment liability. SB 688 passed the Senate Labor, Public Employment and Retirement Committee on April 10 and is pending with the Senate Judiciary Committee.

Staff contact: Bryan Little, blittle@cfbf.com, or 916-561-5622

Marketing

The California Department of Food and Agriculture has been conducting a referendum to determine the implementation of the proposed Cattle Council. As of April 8th, the Council received 68% approval from eligible producers and is now effective. The Council will perform research aimed at the development of best management practices to improve sustainability and efficiency of California’s beef industry; assist with regulatory compliance; and develop consumer education programs. In the next following weeks, the Department will be conducting a nomination process. Interested applicants should visit the website to

access instructions for nomination [here](#). Staff contact: Taylor Roschen, troschen@cbbf.com, or 916-446-4647

Pesticides

[SB 458](#), (Maria Elena Durazo, D-Los Angeles) has introduced a bill that would ban the use of chlorpyrifos, an active ingredient used for citrus, wine grapes, almonds and other commodities, statewide. Currently, the Department of Pesticide Regulation has interim restrictions that limit use to critical time periods and stipulate methods of application. SB 458 was heard in and passed Senate Health Committee and is now slated to be heard in Senate Environmental Quality Committee. The bill will soon be amended to include the caveat that the prohibition on use stands until and unless the state can make findings on certain neurological impacts on children. Farm Bureau is in opposition along with a broad coalition. Staff contact: Taylor Roschen, troschen@cbbf.com, or 916-446-4647

Rural Crime

[SB 224](#), (Shannon Grove, R-Bakersfield), a Farm Bureau, supported bill, passed the Senate Public Safety Committee unanimously and is now slated for Appropriations Committee. The bill was also amended to remove the \$50,000 valuation of agricultural equipment; this will now specify that theft of any agricultural equipment above \$950 in value will constitute agricultural grand theft. Fines collected will be directed to Rural Crime Taskforces, exclusively. Thank you to Mr. Mike Hall from Yolo County Farm Bureau for testifying at the bill's hearing. Staff contact: Taylor Roschen, troschen@cbbf.com, or 916-446-4647

Technology/Career Technical Education

[AB 488](#), (Aguiar-Curry, D-Winters), a bill which would add the Secretary of CDFA to the California Broadband Council, passed unanimously in the Assembly Communications and Conveyance Committee. CBBF provided lead testimony on the legislation at the hearing and the bill has been re-referred to the Assembly Appropriations Committee. AB 488 ensures that the California agriculture will have a dedicated representative when developing strategies to expand broadband connectivity. Staff contact: Robert Spiegel at rspiegel@cbbf.com or (916) 446-4647

Water

[AB 1086](#), (Rebecca Bauer-Kahan, D-San Ramon) was recently amended with the intent to codify the State Water Efficiency and Enhancement Program (SWEET) managed by the Department of Food and Agriculture. SWEET is a widely popular program to financially incentivize growers to implement water use and energy use efficient irrigation systems on farm. As the bill is drafted, it proposes to make material changes inconsistent with the existing Program, including reducing the grant amounts available, replacing the Scientific Advisory Panel who advises on the technical aspects of the bill with a new politically-motivated advisory committee and prohibits an applicant from transitioning to a higher water use crop the year prior to grant submission or within three years after the new system is implemented. While the former two issues will be removed in the next round of amendments, the latter regarding crop rotation has not been. Based on this provision, Farm Bureau will remain opposed. Staff contact: Taylor Roschen, troschen@cbbf.com, or 916-446-4647

A measure that would appropriate \$400,000,000 to the Department of Water Resources to restore the Friant-Kern Canal to its full capacity passed out of the Senate Natural Resources and Water Committee this week. [SB 559](#), (Melissa Hurtado, D-Fresno) would provide \$400,000,000 from the General Fund to the department for a grant to the Friant Water Authority to restore the capacity of the Friant-Kern Canal after subsidence has severely diminished its capacity. The measure passed out of the committee 7-0. Farm Bureau testified in support. Contact: Danny Merkley, dmerkley@cbbf.com or (916) 446-4647

One of four measures introduced this session to create a drinking water fund was heard this week in the Senate Environmental Quality Committee. [SB 669](#), (Anna Caballero, D-Salinas) would establish a Trust Fund with a one-time contribution of State General Fund dollars while the state budget is flush, using the interest earnings each year for a Drinking Water Fund. The measure passed out of the committee 7-0. Farm Bureau has not formally positioned on the measure at this time. Contact: Danny Merkley, dmerkley@cxbf.com or (916) 446-4647

Wildlife

Landowners would no longer be able to allow fur-trappers onto their property to help manage wildlife if [AB 273](#) (Gonzalez) or [AB 44](#), (Friedman) passes. AB 273 (Gonzalez) bans the recreational and commercial trapping of wildlife for fur and AB 44 (Friedman) bans the sale of furs. The bills both continue to allow trapping specifically for depredation, but without recreational and commercial trappers it is likely that trapping costs would increase and fewer trappers would be able to help address wildlife damage to agricultural operations. Farm Bureau is opposed to AB 273 and AB 44. AB 273 passed out of the Assembly Appropriations Committee this week with a 12-3 vote and now moves to the Assembly Floor. AB 44 was placed on the committee's suspense file this week. The fate of bills on the suspense file will be determined in mid-May. Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cxbf.com

The Department of Fish and Wildlife (DFW) would be given greater authority to restrict the taking of birds if [AB 454](#), (Kalra) were to pass. AB 454 (Kalra) provides DFW with the authority to adopt regulations to protect birds included in the Migratory Bird Treaty Act (MBTA). Currently DFW has the authority to enforce the federal MBTA but cannot adopt regulations that are more protective than the federal law. AB 454 (Kalra) gives the authority to adopt stricter rules and regulations. Farm Bureau is opposed to AB 454, which was placed on the Assembly Appropriations Committee's suspense file. The committee will determine whether bills will pass out of committee in mid-May. Staff Contact: Noelle Cremers at (916) 446-4647 or ncremers@cxbf.com