



August 10, 2018

Legislative Deadlines

The Legislature has reconvened as of August 6th and is now in the process of evaluating thousands of measures in the Appropriations Committee. Several items passed the Appropriations Committee and are to be heard on the Floor, but several other items were placed on the suspense file (meaning they yield a significant fiscal impact). Those suspense items will be heard next week and must pass Appropriations Committee by August 17th.

Air Resources

Many facilities, including some farms, will have to annually report emissions of criteria pollutants and toxic air contaminants under regulations proposed by the Air Resources Board (ARB). This week and last, ARB held workshops to explain and gather feedback on its [proposal](#) to require annual reporting of emissions from facilities throughout the state. These regulations are proposed under ARB's authority granted to it by the passage of [AB 617](#) (Cristina Garcia, D-Bell Gardens, 2017). The following facilities would have to report emissions annually:

- 1) Facilities that are required to report their greenhouse gas emissions under the state's Cap-and-Trade program,
- 2) Facilities in districts that have been designated as nonattainment and are authorized by their air district to emit more than 250 tons per year of applicable pollutants,
- 3) Facilities that are categorized by their air district as high priority for toxic emissions, and
- 4) Facilities that are permitted by their air district and are in a community selected by ARB to deploy a community air monitoring system.

Farm Bureau participated in the workshop and will provide comments to ARB by the August 23rd deadline to explain our concerns over the impact of additional reporting. *Staff Contact: Noelle Cremers, (916) 446-4647 or ncremers@cfbf.com.*

Cannabis

Following the passage of the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), various state agencies initiated the process of promulgating temporary, emergency regulations governing cultivation, processing, transportation, testing, and sale of commercial cannabis products. Those agencies are now in the process of drafting formal regulations that will serve as the long-standing requirements to implement MAUCRSA. Proposed regulations were released on July 13th and agencies will be taking comments until August 27th. The Department of Food and Agriculture have hosted four [public hearings](#), the final being held on August 28th from 1-3pm at CDFA's headquarters in Sacramento. *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

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 out of the Assembly Appropriations Committee this week with a 16-0 vote. The bill now goes to the Assembly Floor. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

Depredation

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 currently supports AB 2805, which was placed on the Senate Appropriations Committee's suspense file this week. There were numerous discussions over the summer recess regarding possible amendments to the bill to address concerns raised by the Department of Fish and Wildlife and some hunting groups. Farm Bureau will continue to work with Assemblymember Bigelow to ensure that amendments are not taken that harm private landowners. The fate of the bill will be decided next week by the Senate Appropriations Committee. *Staff contact: Noelle Cremers at ncremers@cfbf.com or (916) 446-4647.*

Endangered Species

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 is supporting AB 2421, which was placed on the Senate Appropriations Committee's suspense file this week. *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 "strongholds" 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 was placed on the Senate Appropriations Committee's suspense file this week. *Staff Contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

Forestry

[AB 2518](#) (Aguilar-Curry, D-Winters), a bill which would direct the Department of Forestry and Fire Protection (CAL-FIRE), in collaboration with the State Board of Forestry and Fire Protection, to identify barriers to in-state production of mass timber and other innovative forest products and develop solutions to those identified barriers, has been referred to Senate Appropriations' Committee Suspense Calendar. The fate of the legislation will be decided by the committee next week. Farm Bureau is supportive of the legislation as an effort to promote forest-products and biomass utilization which could help bring new economic prosperity to California's rural economies. *Staff contact: Robert Spiegel, rspiegel@cfbf.com or 916-446-4647.*

[AB 2889](#) (Caballero, D-Salinas) bypassed the Senate Appropriations Committee and is awaiting further action by the Senate. 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.*

Labor

The Senate Appropriations Committee sent two Farm Bureau-opposed bills to the suspense file on August 6, but both are expected to move to the Senate floor when the Appropriations Committee considers its suspense file on August 16:

- [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). Farm Bureau opposes.
- [AB 3081](#) (Lorena Gonzalez Fletcher, D-San Diego) would create parallel sexual harassment protections in the Labor Code that will in many cases duplicate protections already in the Government Code, permit employees to take job-protected leave over an allegation of sexual harassment with no requirement for a legal finding that sexual harassment occurred. This right to leave would be extended to a broad list of family members to take leave to support the allegedly harassed employee. AB 3081 exposes employers to new legal liability under the Private Attorneys General Act (PAGA), and the bill provides for a three year statute of limitation for claims under its Labor Code sexual harassment provisions, creates a rebuttable presumption that an employer has retaliated against an employee making a sexual harassment allegation if the employer takes any negative personnel action against the employee within 90 days of the allegation, and would make employers jointly liable for sexual harassment allegations against a contractor. Farm Bureau opposes.

The Assembly Appropriations Committee sent two Farm Bureau-opposed bills to its suspense file on August 8, both of which may proceed to the Assembly floor when the committee considers its suspense file on August 16:

- [SB 937](#) (Scott Wiener, D-San Francisco) imposes complex new requirements for employers to provide accommodations to lactating mothers, including 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. 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 1300](#) (Hannah-Beth Jackson, D-Santa Barbara) would vastly expand the parties who would have standing to sue an employer for allegations of harassment and discrimination. The plaintiff would be excused from having to prove he/she suffered any harassment or discrimination to sue an employer for failing to take any necessary actions to prevent harassment and discrimination. SB 1300 also significantly lowers the standard for proving harassment, allowing any harassment that may become severe or pervasive; current law requires harassment to actually be severe or pervasive to be actionable. The bill creates a new private right of action allowing an employee to sue an employer without having to suffer any actual injury. Farm Bureau opposes due to the increased litigation the bill will cause.

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Plant Health and Pest Management

Stephen Brown, Interim Director of the Department of Food and Agriculture’s Plant Health and Pest Prevention Services Division, has announced his retirement. Former Division Director and the Citrus Program Director, Nick Condos, will take Mr. Brown’s role and Victoria Hornbaker will be taking over management duties as the Interim Citrus Program Director. *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

Rural Crime

Governor Brown has signed [AB 3078](#) (James Gallagher, R-Yuba), which increases the criminal penalty for looting during states of emergency or under evacuation orders to 2nd degree burglary or grand theft. This bill stems from reports of burglaries of homes and stores vacated under evacuation orders during the February 2017 Oroville dam failure threat and the later fire season. *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

Transportation

[SB 1236](#) (Bill 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, passed in the Assembly Appropriations Committee and awaits a final vote of the Assembly. Farm Bureau, along with Senator Monning, Assembly Transportation Committee Chairman 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.*

Wildfire

Prior to the legislative summer recess, Governor Brown and legislative leaders established the Wildfire Preparedness and Response Conference Committee to put forth legislation to strengthen disaster preparedness and set forth appropriate policies to respond to increasing wildfire danger. The Committee is comprised of 10 legislators, 5 each from the Senate and Assembly. Assemblymember Chris Holden (D–Pasadena) and Senator Bill Dodd (D–Napa) co-chair the conference committee.

The Committee has held three informational hearings to-date addressing its designated responsibilities, including ensuring a safe and reliable electric grid and inverse condemnation reform as applied to electric utilities. We anticipate that subsequent hearings may address forest management practices and reforms, as well as mechanisms to pay for utility related wildfire damages, including how to assign costs to ratepayers in the future.

[SB 901](#) (the Wildfire Preparedness and Response Legislative Conference Committee vehicle) provides the formal basis for convening the conference committee, modifies elements related to the development of utility wildfire mitigation plans, and creates the opportunity to discuss other potential reforms to legal doctrine such as how damages from wildfires caused by utility infrastructure should be assessed. CFBB 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. *Staff contacts: Karen Mills, kmills@cfbf.com and Robert Spiegel, rspiegel@cfbf.com or (916) 446-4647.*