



June 10, 2011

In order to be competitive, north coast ranchers need to use out-of-state haulers for movement of their product. [AB 349](#) (Wes Chesbro, D-Eureka) would extend the sunset of the Highway 101 exemption for livestock ranchers in Humboldt, Del Norte and Mendocino counties. The exemption would allow licensed carriers of livestock utilizing semi-trailer combinations, which do not exceed 70 feet in total length and kingpin to rear axle settings of 43 feet instead of the current 40 feet, access to Humboldt, Del Norte and Mendocino counties via Highway 101. AB 349 will be heard on June 14 in the Senate Transportation and Housing committee. Farm Bureau supports.

Currently, because of ambiguity in state law, California-based businesses that are insured with State Fund need to obtain a separate workers' compensation policy to cover their employees who work out-of-state. [AB 228](#) (Felipe Fuentes, D-Los Angeles) would streamline the insurance process for employers and brokers who are interested in getting a quote from State Fund in order to provide greater choice and stability to their businesses. Agricultural producers whose principal place of business is in California, but who also have locations and employees in other states, will be able to get coverage for all of their employees in a one-stop application process instead of going through the process with two or more insurance companies and brokers. Farm Bureau is in support.

Several Labor and Employment bills saw legislative action this week. Some to their success, others to their detriment:

[AB 51](#) (Mariko Yamada, D-Vacaville) would impose significant Labor Code restrictions on the use of payroll cards and likely make their use unattractive for employers, denying employees the convenience of payroll cards as an alternative to paying excessive check cashing fees or carrying large amounts of cash. Farm Bureau and others have opposed AB 51, and nearly secured the adoption of amendments that would have met many of our concerns. Those amendments were rejected at the last moment, and AB 51 passed the Assembly on a 51-27 vote. The bill awaits referral to committee in the Senate.

[AB 197](#) (William Monning, D-Santa Cruz) would allow a court to award an employee owed unpaid wages liquidated damages twice the amount of the unpaid wages plus interest. Current law allows employees to recover liquidated damages equal to the amount of unpaid wages, plus interest. In spite of strong opposition from the entire business community including CFBF, the bill is pending final action on the Senate floor. If approved, the bill will have to return to the Assembly for concurrence in the Senate amendments.

[AB 325](#) (Bonnie Lowenthal, D-Long Beach) would mandate employers grant up to four days of unpaid bereavement leave per year for death of a family member or domestic partner, prohibit adverse actions

against employees asking about or taking such a leave and create a private right of action with an automatic recovery of attorney's fees for violations of the law. CFBF and other employer groups oppose AB 325 because of the new leave mandate would be in addition to the extensive leave mandates provided under the federal Family and Medical Leave Act and the California Family Rights Act. We also oppose the creation of another private right of action. AB 325 has been re-referred to the Senate Appropriations Committee after a minor amendment in the Senate Labor & Industrial Relations Committee on June 8.

AB 400 (Fiona Ma, D-San Francisco), regarding mandatory paid sick leave, was held on the Assembly Appropriations suspense file and has failed the passage deadline under Assembly rules. Farm Bureau opposes.

AB 553 (William Monning, D-Santa Cruz) that would significantly tighten occupational exposure standards for hazardous chemicals by requiring Cal/OSHA to set tighter Permissible Exposure Standards (PELs) and Health-Based Occupational Exposure Limits for substances that may cause reproductive effects or increased risk of cancer, was also retained on Assembly Appropriations suspense file and has failed the passage deadline under Assembly rules.

SB 104 (Darrell Steinberg, D-Sacramento), card-check legislation, is still at the Senate desk awaiting movement to the Governor for his action. The United Farm Workers union is planning a rally in Sacramento on June 16 in support of SB 104, and there is some indication that the rally will be followed by a "march" to the state Capitol to "deliver" the bill to the Governor. It is unknown if the legislature will follow suit and officially deliver SB 104 to the Governor. If this occurs, he has 12 days to sign or veto it.

SB 810 (Mark Leno, D-San Francisco), that would have established a California Healthcare System as a single-payer healthcare system funded by the taxpayers, was held on the Senate Appropriations Committee suspense file. The bill failed to meet the passage deadline under Senate rules.