



April 25, 2014

[AB 2312](#) (Brian Nestande, R-Palm Desert) would require all junk dealers and recyclers to participate in an online metal theft alert system in order to receive their weighmaster certificates. The purpose of the bill is to improve communication within the recycling industry about stolen metal and alert recyclers when metal is stolen to help reduce metal theft. The bill was placed on the Assembly Business, Professions and Consumer Protection Committee's consent file this week and passed with a vote of 14-0. CFBF supports AB 2312, which now goes to the Assembly Appropriations Committee.

[AB 2313](#) (Brian Nestande, R-Palm Desert) would create a Metal Theft Task Force to provide additional resources to local law enforcement to focus on metal theft. The bill provides funding for the Task Force through a one percent assessment on junk metal sold to recyclers. This bill is patterned after legislation that CFBF sponsored in 2012 and 2013. The 2012 legislation was gutted by the Senate Appropriations Committee and the 2013 legislation was vetoed by the Governor for lack of funding identified for the Task Force. Despite the Institute of Scrap Recycling Industry's (ISRI) support of the legislation in 2012 and 2013, they are opposing AB 2313 as unnecessary. Despite ISRI's opposition, the bill passed out of the committee 6-0. CFBF is sponsoring AB 2313.

The Assembly Budget Subcommittee on Resources and Transportation met this week to hear budget proposals for a number of agencies including the Department of Fish and Wildlife. Two of the issues presented were a budget increase of \$1.5 million for the Department of Fish and Wildlife to hire seven additional staff and \$1.8 million for the State Water Resources Control Board to hire 11 additional staff to increase enforcement of environmental laws being broken by marijuana growers. The Governor included this recommendation in his budget. Farm Bureau testified in support of the proposal, but stressed that including funding for clean-up of trespass marijuana grows was just as high a priority as enforcement and that enforcement should focus on trespass marijuana grows. Like the Senate Budget Subcommittee that also heard this issue, the Committee decided to defer its decision until late April. This decision was based primarily on concerns raised about using some of the funds from the Timber Regulation and Forest Restoration Fund, the fund that comes from the assessment on lumber sales to pay for California's timber harvest regulatory program.

Currently agricultural commissioner's already have broad authority to regulate pesticide applications in any situation, especially within ¼ mile of any school. [SB 1411](#) (Hannah-Beth Jackson, D-Santa Barbara) would have unnecessarily added further specificity to this authority by explicitly stating that agricultural commissioner's can develop regulations to completely prohibit pesticide use within ¼ mile of any school. It also would have mandated that a pesticide applicator give written detailed notification one week prior to occupants of schools, residences, hospitals, onsite employee housing or similar sites that

are within 1,200 feet of the perimeter of any aerial or air blast application of Category I and II pesticide products or any soil fumigation. The notice would have been required to contain the date of the application and must be reissued at least 24 hours in advance if the proposed application date changes. Signs posted to warn that a restricted entry interval for the application applies would have been required to include the telephone number of the agricultural commissioner and the pesticide applicator. The applicator's number was to be available to be answered 24/7. SB 1411 was rejected by the Senate Agriculture Committee on a 4-1 vote. Farm Bureau, agricultural commissioner's and a large number of agricultural associations opposed.

Another effort to create a California-only labeling mandate for food that has been genetically modified was approved by the Senate Judiciary Committee on a 4-2 vote. [SB 1381](#) (Noreen Evans, D-Santa Rosa) is the bill moving through the state legislature that virtually duplicates Prop 37. SB 1381 will increase food costs for California families and raise liability and compliance costs for farmers, grocers and food manufacturers. It will confuse consumers with a label that lacks scientific basis and stigmatizes food that is safe and healthy. It requires packaged and raw agricultural commodities supplied for retail sale to be conspicuously labeled with the words "Genetically Engineered" on the front or back of the package or on the shelf, container or bin.

SB 1381 has now been approved by two committees and will be heard on April 29th in the Senate Agriculture Committee. If you can contact Chair Cathleen Galgiani (D-Stockton); Vice Chair Anthony Cannella (R-Ceres); Tom Berryhill (R-Modesto); Lois Wolk (D-Davis) and Ted Lieu (D-Torrance) by email or phone before the 29th and ask that they OPPOSE SB 1381, it would be greatly appreciated. It does not matter if they are your representative or not, the proponents are contacting all the members regardless of where they live in the state. CFBF is working with a large coalition to oppose SB 1381.

[AB 2033](#) would appropriate \$4,134,000 from the General Fund to the Department of Education to provide funding for the Agricultural Career Technical Education Incentive Program. Assembly Member Rudy Salas (D-Bakersfield) has received strong bipartisan support from thirty-six members who have joined on the bill as coauthors. AB 2033 is in response to the 2014 state budget proposal to eliminate the designated Proposition 98 funds from the Agricultural Career Technical Education Incentive Grant Program from the state budget by transferring it to the Local Control Funding Formula Program. The funds appropriated by this bill would be applied toward the minimum funding requirements for school districts with the districts providing matching funds for the programs. The Agricultural Education Incentive Grant funding program has led to the development of standards within secondary agriculture programs, raising the performance of these programs on a statewide basis. It has given school administrators and local boards clear direction in establishing benchmarks for success, and the financial incentives to help ensure that resources are available to maintain that level of performance. Local advisory committees and boards still make the call on how funds are spent locally, based on the programmatic needs of the community. Since none of these funds can be charged off to overhead or salaries, literally every dime is used to improve the instructional program for students enrolled in the local program. AB 2033 is scheduled for hearing April 30 in the Assembly Education Committee. The Farm Bureau is in support.

On Tuesday, April 22nd, the Senate Natural Resources and Water Committee unanimously approved [SB 1410](#) (Lois Wolk, D-Davis and Jim Nielsen, R-Gerber) relative to the Department of Fish and Wildlife and payment-in-lieu of taxes (PILT). This bill would resolve a longstanding issue with the department when it has acquired private property for an enterprise operation. Under existing law, the department is required to annually pay the county where the property is located an amount equal to the property taxes

levied at the time it was transferred to the state. The department has not fulfilled this statutory requirement to over a decade. The purpose of the PILT was to offset the loss of property tax revenue when the private land is removed from the counties' tax roll.

Farm Bureau believes that the state should obey the law just like private citizens. SB 1410 would appropriate \$19 million for the outstanding PILT obligations and appropriate \$2 million annually to the department beginning with the 2014-15 fiscal year for the annually required payments. This Farm Bureau-supported measure will next be heard in the Senate Appropriations Committee.

The Assembly Labor & Employment Committee considered several measures of interest of agricultural employers on April 23:

- [AB 1792](#) (Jimmy Gomez, D-Los Angeles) passed the Committee 5-1 and moves to the Assembly Appropriations Committee. AB 1792 would require the Department of Finance, in consultation with other state departments, to develop and publish a list of private employers whose employees receive public assistance, and the amount the state pays when their employees utilize public assistance programs including Medi-Cal, CalFresh, CalWORKS, and WIC. Representatives of employers have raised concerns about the bill's purpose, the utility of the information it will disseminate, and the cost to state agencies to compile and publish the information. Farm Bureau is opposed.
- [AB 1897](#) by Assembly Labor & Employment Committee Chairman Roger Hernandez (D-West Covina) passed 5-2 and has been referred to the Assembly Appropriations Committee. AB 1897 is a California Labor Federation-sponsored bill to impose liability on a "client employer" for violations of labor laws committed by a "labor contractor" who furnishes the client employer with workers to perform work in the client employer's "usual course of business." AB 1897 is not specific to any particular industry and is very broad in scope. The bill has been designated a "job killer" by the California Chamber of Commerce; Farm Bureau is opposed.
- [AB 2416](#) (Mark Stone, D-Monterey Bay) passed on a 5-2 vote and will be heard next in the Assembly Judiciary Committee. The Stone bill would allow employees to record a wage lien on an employer's real and personal property for wages, other compensation and penalties for wages an employee claims were unpaid. This lien would be superior to most other types of liens and could be imposed by a worker merely claiming non-payment of wages; the worker is not required to provide any proof of non-payment and no neutral third party reviews the placement of the lien. Because of the loose requirements for recording liens and the vague procedure for satisfying and removing liens provided in AB 2416, associations representing the real estate industry have expressed concern that AB 2416 liens will severely disrupt real estate markets by making it difficult to establish clear title to complete a real estate transaction. AB 2416 has been designated a "job killer" by the California Chamber of Commerce; Farm Bureau is opposed.
- [AB 2448](#), flexible workweek legislation offered by Assembly member Brian Jones (R-Santee) was rejected by the Committee 2-5. AB 2448 would have permitted employers to allow workers to opt for a 4 day, 10 hour per day work schedule without the employer incurring daily overtime liability. While employer groups supported AB 2448, labor organizations strongly opposed it on the grounds that it undermined the 8 hour work day. Farm Bureau supported AB 2448.

- [AB 2079](#) by Labor & Employment Committee Vice-Chair Shannon Grove (R-Bakersfield) would have permitted employers to correct errors in itemized employee wage statements required by the California Labor Code within 33 days and avoid civil liability under the Private Attorneys' General Act (PAGA). The Committee rejected AB 2079 on a 2-5 vote after hearing objections from organized labor and employee advocates that giving employers a "right to cure" errors in employee wage statements would create a disincentive for employers to comply before they sued for the alleged error. AB 2079 was supported by Farm Bureau.
- The Labor & Employment Committee passed [AB 2095](#) by Assembly Member Don Wagner (R-Irvine) on a 6-1 vote. AB 2095 will allow employers to recover attorneys' fees in a civil claim related to employee wage statements required by the California Labor Code in which the employer prevails and the court finds the action was brought in bad faith. Organized labor and employee advocates objected that allowing employers to recover fees would be a disincentive to employees' seeking relief under the Labor Code's wage statement requirements. The Committee was persuaded that the requirement for a court to find bad faith would offset any negative impact on employees' rights.
- On April 24, [SB 1087](#) (Monning, D-Carmel) was approved by the Senate Labor & Industrial Relations Committee on a 4-1 vote. The bill has been referred to the Appropriations Committee. SB 1087 increases costs and burdens to farm labor contractors seeking to obtain or renew a state license; including doubling the size of the required surety bond and increasing the required number of annual continuing education hours. SB 1087 also makes payroll records and contracts between growers and farm labor contractors automatically discoverable, stripping growers and FLCs of their due process rights to contest the discoverability of documents that may contain sensitive business-related information. SB 1087 also allows the Division of Labor Standards Enforcement to deny, revoke or decline to renew a license for an FLC if that FLC or any supervisor employed by that FLC has been found to have committed sexual harassment within the previous three years. Farm Bureau opposes SB 1087 unless amended.

Four measures that would repeal provisions of the \$11.14 billion Safe, Clean, and Reliable Drinking Water Supply Act currently scheduled to go before California voters November 4th this year are scheduled to be heard in Assembly and Senate committees next week.

- [AB 2043](#) (Frank Bigelow, R-O'Neals and Connie Conway, R-Tulare) will be heard in the Assembly Water, Parks and Wildlife Committee next week. The measure would authorize the issuance of \$7.935 billion in general obligation bonds, including \$395 million for drought relief, \$800 million for clean and safe drinking water, \$2.24 billion for regional water projects, \$1.5 billion for delta sustainability and \$3 billion continuously appropriated for new water storage. Farm Bureau has a conditional support position.
- [AB 2554](#) (Anthony Rendon, D-Lakewood) will be heard in the Assembly Water, Parks and Wildlife Committee next week. The measure was amended this week and would authorize the issuance of \$8.5 billion in general obligation bonds, including \$1 billion for clean and safe drinking water, \$1.5 billion for protecting rivers, lakes, streams and watersheds, \$2 billion for climate change preparedness for regional security, \$1 billion for delta sustainability, and \$3 billion continuously appropriated for new water storage. Farm Bureau has a conditional support position.

- [AB 2686](#) (Henry Perea, D-Fresno; Frank Bigelow, R-O’Neals; Adam Gray, D-Merced; Rudy Salas, D-Bakersfield; Coauthors Dan Logue, R-Marysville and Senator Anthony Cannella, R-Ceres) will be heard in the Assembly Water, Parks and Wildlife Committee next week. The measure was amended this week and would authorize the issuance of \$9.25 billion in general obligation bonds, including \$1 billion for clean, safe and reliable drinking water, \$1.5 billion for protecting rivers, lakes, streams and watersheds, \$1.5 billion for climate change preparedness for regional security and drought preparedness, \$2.25 billion for delta sustainability, and \$3 billion continuously appropriated for new water storage. Dollar amounts have yet to be finalized in the measure for water recycling and groundwater sustainability. While many aspects of the bill are supportable, Farm Bureau still has some concerns regarding how funds appropriated for storage projects are rolled out under the measure. Farm Bureau will continue to work with the author to improve the bill.
- [SB 1250](#) (Ben Hueso, D-San Diego) will be heard in the Senate Natural Resources and Water Committee next week. The measure was amended this week and would authorize the issuance of \$9.45 billion in general obligation bonds, including \$900 million for clean, safe and reliable drinking water, \$1.3 billion for protecting rivers, lakes, streams and watersheds, \$1. billion for water supply reliability and drought preparedness, \$2.25 billion for delta sustainability, \$500 million for groundwater sustainability, \$500 million for water recycling and \$3 billion continuously appropriated for new water storage. Farm Bureau has a conditional support position.

[SB 927](#) (Anthony Cannella, R-Ceres and Andy Vidak, R-Hanford) was heard in the Senate Natural Resources and Water Committee this week. The measure would repeal provisions of the \$11.14 billion Safe, Clean, and Reliable Drinking Water Supply Act and instead authorize the issuance of \$9.217 billion in general obligation bonds, \$327 million for drought relief, \$1 billion for groundwater protection, \$2.64 billion for regional water projects and recycling, \$2.25 billion for Delta sustainability and \$3 continuously appropriated for water storage projects. The measure failed to pass out of committee on a vote of 3 to 6, but has been granted reconsideration. While supportive of the water storage elements, Farm Bureau has a conditional support position and is working with the authors to address additional key elements.

[SB 1168](#) (Fran Pavley, D-Agoura Hills) that would enact the Sustainable Groundwater Management Act passed out of the Senate Natural Resources and Water Committee this week 7-2. The measure would require all groundwater basins to be managed sustainably by local entities and for those entities to develop groundwater management plans. In the absence of such local efforts the state would be authorized to develop, adopt and implement a plan. Specific conditions and timelines have yet to be specified in the measure. Farm Bureau has not yet taken a position on the bill as it is to be amended with new language soon, however we are actively engaged in multiple efforts under way by the Legislature, the Administration and others regarding groundwater management.

[AB 1739](#) (Roger Dickinson, D-Sacramento) was amended this week and would require a sustainable groundwater management plan to be adopted by a local agency for high and medium priority groundwater basins. Groundwater basins are identified and prioritized in the Department of Water Resources Bulletin 118. The measure would also provide for the Local Agency Formation Commission (LAFCO) to provide assistance in forming a local or regional groundwater management agency where one does not exist. Additionally, AB 1739 defines “sustainable groundwater management,” establishes timelines and milestones for accomplishing sustainable groundwater management. The measure will be

heard next week in the Assembly Water, Parks and Wildlife Committee. Farm Bureau has not yet taken a position but has some concerns about some of the provisions and is working with the author and others on the language in the measure to be certain property and overlying groundwater rights are protected.

[SB 1199](#) (Loni Hancock, D-Berkeley) would designate segments of the Mokelumne River as wild, scenic, or recreational. This measure would include segments of the main stem of the Mokelumne River from the confluence of the North and South Forks to the upper extent of Pardee Reservoir. SB 1199 will be heard this week in the Senate Natural Resources and Water Committee. Farm Bureau opposes.

[AB 1707](#) (Scott Wilk, R-Santa Clarita) would require the State Water Resources Control Board to post external scientific peer reviews for basin plan amendments and implementing processes on their website. The measure will be heard in the Assembly Environmental Safety and Toxic Materials Committee next week. Farm Bureau supports.

[AB 2071](#) (Marc Levine, D-San Rafael) would allow highly treated recycled water to be used to water livestock will be heard in the Assembly Natural Resources Committee this week. It would require the Department of Public Health to approve the use of tertiary treated recycled water for pasture animals unless the department determines that it would harm public health. Farm Bureau supports.

[AB 2353](#) (Marie Waldron, R-Escondido) would exempt from the California Environmental Quality Act a project to expand the storage capacity of an existing surface water storage facility, or to replace an existing surface water storage facility, that is owned and operated by a public entity. This measure allows expansion of local water storage facilities after an initial environmental review to file a negative declaration under California Environmental Quality Act. AB 2353 will be heard next week in the Assembly Natural Resources Committee. Farm Bureau supports.