



October 5, 2018

Legislative Deadline

As of Sunday, September 30th, the Governor has signed or vetoed all bills that have passed the Legislature in the 2018 legislative session. The Legislature will be in recess until the start of the 2019-2020 legislative session.

Industrial Hemp

Governor Brown has signed SB 1409 (Scott Wilk, R-Antelope Valley), a bill which clarifies the state's Industrial Hemp Farming Act in a manner that may provide parity between state and federal law. The Department of Food and Agriculture, in consultation with the Industrial Hemp Advisory Board, will be responsible for promulgating regulations regarding registration, sampling, THC testing and approved cultivars. *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

Labor

Governor Brown vetoed several bills opposed by Farm Bureau:

[AB 1870](#) (Eloise Gomez Reyes, D-San Bernardino) would have extended the required period for reporting a harassment allegation under the Fair Employment and Housing Act from 1 year to 3 years, exposing employers to significant possible new liability for long-ago allegations of harassment. In his veto message, Governor Brown cited concerns that extending the reporting deadline could discourage prompt reporting of harassment. *Staff Contact: Bryan Little, blittle@cfbf.com or 916-446-4647.*

[AB 2732](#) (Lorena Gonzalez Fletcher, D-San Diego) would have required employers to furnish a lengthy written explanation of their immigration and anti-human trafficking rights, obtain written acknowledgement of receipt of the notice and to retain that record for 3 years. In his veto message, Governor Brown stated this requirement to furnish this notice to millions of California employees is too burdensome since most employers have nothing to do with human trafficking. *Staff Contact: Bryan Little, blittle@cfbf.com or 916-446-4647.*

[AB 3080](#) (Lorena Gonzalez Fletcher, D-San Diego) would have prohibited settlement agreements between employees and employers for labor and employment claims and prohibited arbitration and class action waivers for such claims (probably in violation of federal law). In his veto message, Gov. Brown specifically cited the Federal Arbitration Act which has been found by the U.S. Supreme Court to preempt state legislative attempts to restrict arbitration, like AB 3080. *Staff Contact: Bryan Little, blittle@cfbf.com or 916-446-4647.*

[AB 3081](#) (Lorena Gonzalez-Fletcher) would have created parallel sexual harassment protections on the Labor Code that will in many cases duplicate protections already in the Government Code and would have

made employers jointly liable for sexual harassment allegations against a contractor. In his veto message, Governor Brown specifically cited concern about duplicating harassment protections in the Government Code in the Labor Code: “Most of the provisions in this bill are already contained in current law and are therefore unnecessary. To the extent there are new provisions, they are confusing.” *Staff Contact: Bryan Little, blittle@cfbf.com or 916-446-4647.*

[SB 937](#) (Scott Wiener, D-San Francisco) would have imposed complex new requirements for employers to provide accommodations to lactating mothers, including new minimum space requirements, provision of a chair, electricity, and access to a sink and refrigerator in “close proximity” to the employee’s worksite, and a written explanation within 5 days if the employer cannot provide a compliant lactation location that must be retained for three years. Farm Bureau opposed SB 937 due to the complexity of bill’s lactation location requirements which would have been difficult to implement in agricultural fields. *Staff Contact: Bryan Little, blittle@cfbf.com or 916-446-4647.*

Governor Brown also signed bills opposed by Farm Bureau:

[AB 2751](#) (Mark Stone, D-Monterey Bay) requires the Agricultural Labor Relations Board (ALRB) to issue a final board order enforcing any back-pay or make-whole awards even if the underlying Board order triggering the monetary award is still under challenge or appeal and prohibits any stay of a Board order unless the employer can show by clear and convincing evidence that he will be irreparably harmed by implementation of the order. Farm Bureau opposed AB 2751 because substantially infringes an employer’s due process rights to appeal Board orders. *Staff Contact: Bryan Little, blittle@cfbf.com or 916-446-4647.*

[SB 1300](#) (Hannah-Beth Jackson, D-Santa Barbara) makes employers responsible for acts of non-employees for any act of harassment (not just sexual harassment), prohibits employers from requiring employees from signing a release or non-disparagement agreement connected to allegations of harassment. *Staff Contact: Bryan Little, blittle@cfbf.com or 916-446-4647.*

Land Use

Friday Review readers may remember Farm Bureau’s strong opposition to [AB 2447](#) (Eloise Gomez-Reyes, D-Grand Terrace). This bill would have expanded the noticing and scoping requirements for projects seeking CEQA compliance in areas zoned industrial as of August 1, 2018. This bill would have adversely impacted dairies, food processing facilities, packing houses and other agricultural-based industries within these zones. To that end, Farm Bureau led a large coalition of agricultural interests in opposition. In light of these concerns, Governor Brown has vetoed AB 2447. *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

Pest Management

The newly established California Invasive Species Advisory Committee (CISAC) will meet on October 10th at the Department of Food and Agriculture (1220 N Street, Sacramento) to discuss the CA Invasive Species list, hear a presentation regarding an action plan in response to invasive Shot Hole Borer. The agenda can be found [here](#) and the meeting will be webcast, accessible [here](#). *Staff contact: Jim Houston, jhouston@cfbf.com or 916-446-4647.*

Seed Management

The California Department of Food and Agriculture has announced three vacancies on the Seed Advisory Board. The Seed Advisory Board makes recommendations to the CDFA Secretary on all matters pertaining to seed law and regulations, enforcement, seed laboratory diagnostics and annual budgets

required to accomplish the purposes of the California Seed Law. The vacant positions are for two vegetable seed labelers/dealers from the southern California region and one agricultural seed labeler/dealer from northern California. Those interested should send a brief letter of interest and a completed [Prospective Member Appointment Questionnaire](#) with resume by October 16th to the following address:

CDFA, Pest Exclusion Branch
Attention: Carl Pfeiffer
1220 N Street, Room 344,
Sacramento, California 95814

Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.

Transportation

[SB 1236](#) (Monning, D-Carmel), a bill which requires the California Department of Motor Vehicles (DMV) to adopt entry-level driver training requirements for drivers of commercial motor vehicles, including a minimum of 15 hours of behind-the-wheel training, was signed by Governor Brown. CFBF, along with Senator Monning, Assemblyman Jim Frazier and committee staff were able to negotiate a compromise that reduced the behind-the-wheel training time by half from that of the original proposal. The development of the entry-level driver regulations will take several years, and final implementation can be no later than June 2020. Farm Bureau was neutral on SB 1236. *Staff contact: Robert Spiegel, rspiegel@cfbf.com or (916) 446-4647.*