



August 24, 2012

Farm Bureau's sponsored bill to address metal theft, AB 2298 (Fiona Ma, D-San Francisco), was amended by the Senate Appropriations Committee. Originally the bill created a framework for regional metal theft task forces. The ultimate goal was to follow the examples of the Rural Crime Prevention Programs and High Technology Crimes Task Force where the state provides grant funding for local law enforcement to target metal theft. Unfortunately, Senate Leadership decided to strip the bill of its provisions and instead turn it into a bill that would require the Department of Justice to conduct a study on metal theft in California. With these amendments, Farm Bureau has dropped its support of the bill due to the fact that we are well aware of the impacts metal theft is having on Californians and need to create solutions rather than study the problem. With these amendments the bill will no longer be moving forward and Farm Bureau will start again next year to address the issue.

The Assembly approved SB 1221 (Ted Lieu, D-Torrance) which prohibits the use of dogs when hunting bear and bobcat. Farm Bureau joined a number of hunting and agricultural organizations in opposition to the bill due to the negative impact bears have on California's beekeepers, forest landowners, and livestock owners. The bill was amended to allow certain exemptions when dogs may pursue bears, but the exemptions were not enough to address any of the oppositions' concerns. The final vote was 46-30. Interestingly, Assembly Member Jared Huffman (D-San Rafael) opposed SB 1221. This was likely because the amendments were not those that were agreed to in his Water, Parks, and Wildlife Committee. SB 1221 now goes back to the Senate for a final vote.

The Assembly approved SB 1480 (Ellen Corbett, D-San Leandro) which expands the regulation of licensed trappers and limits the use of certain traps in California. The bill is co-sponsored by Born Free USA and the San Francisco Wildlife Center. Farm Bureau is opposed unless the bill is amended to eliminate the restrictions the bill places on certain traps that are necessary for farmers and ranchers to protect their livelihoods. The bill has been amended to eliminate the restrictions on traps for beavers and muskrats, but still restricts the use of larger conibear traps on land. SB 1480 passed 47-28 and now returns to the Senate Floor for a final vote.

Legislation to strengthen California's processors law to ensure that farmers delivering products to California food processors and wineries are financially protected was approved by the Assembly. AB 907 (Fiona Ma, D-San Francisco) makes two specific changes to the processors law. First, it would allow a surety bond, or other guarantee, to cover payments owed to farmers for products they have already delivered and processed. Currently, when CDFA requires these guarantees, they are only for products delivered in the future. The bill also authorizes CDFA to levy up to three times the amount of

unpaid license fees as a condition for a processor to get licensed by the Market Enforcement Branch. Farm Bureau supports AB 907. It was approved on a 79-0 vote and now goes to the Governor's desk.

Going into the final week of the 2012 legislative session, several labor measures Farm Bureau has been working on are still being pondered by the legislature. Farm Bureau opposes the following bills:

[AB 2346](#) (Bonnie Butler, D-Los Angeles) no longer includes requirements for provision of shade every 200 feet or water within 10 feet of every worker – requirements that would have made compliance impossible. As amended on August 21, AB 2346 would still increase farm employers' litigation exposure with "bounty-hunter" lawsuit provisions allowing workers to sue employers for violations of the Cal/OSHA Heat Illness Prevention Standard and to make farmers and ranchers jointly liable for violations of their farm labor contractors. A revision portrayed as an attempt to narrow farmers' exposure to litigation in the form of a "repeat violator" restriction for joint liability has also proved illusory. Either a farmer or a farm labor contractor could be a "repeat violator" if there is a violation as minor as failure to bring the heat illness prevention plan to the field or running out of paper cups if those violations occur on any two days in a three year period. Once a farmer or farm labor contractor is a repeat violator, there is no way to escape that status, and no court or agency needs to make the repeat violator finding; the mere allegation in a lawsuit is enough to trigger repeat violator status. Farm Bureau remains adamantly opposed to AB 2346 which is pending final passage in the Senate.

The agricultural overtime legislation, [AB 1313](#) (Michael Allen, D-Santa Rosa) was approved 22-15 by the Senate on Monday. Senators Evans, Pavley, and Rubio did not vote. The bill is now awaiting Assembly concurrence in the Senate's amendments; the bill was gutted in September 2011 to transform it from an Agricultural Labor Relations Board reporting bill into its present form. Because the bill was so dramatically changed in the gut-and-amend process, AB 1313 will be heard in the Assembly Labor and Employment Committee on August 28. AB 1313 will change agricultural employers' overtime obligations to require payment of one-and-one-half times the employee's regular rate of pay for hours worked after eight hours in any day or 40 hours in a week and double-time for hours worked after 12 hours in a day. Farm Bureau also adamantly opposes AB 1313.

An effort to expand heat stress penalties awaits Assembly concurrence in Senate amendments. [AB 2676](#) (Charles Calderon, D-Whittier) began life as a bill regulating how information about workers and unemployment insurance could be used; in June it was substantially amended to create legislation that requires farm employers or farm supervisors supervising outdoor work of agricultural employees to provide those employees with both continuous and ready access to an area of shade sufficient to allow the body to cool. It also requires potable water that is suitably cool and available in quantities sufficient to allow employees to drink one quart of water per hour throughout their work shift. A violation of this law would be a crime punishable by potential jail time and monetary fines. If an injury results from the failure to provide shade and water, the fines would be increased. Farm Bureau and other agricultural employers urged committee members not to pass AB 2676. Farm Bureau continues to oppose.

[SB 1234](#) (Kevin DeLeon, D-Los Angeles) would create a state-operated pension system for workers whose employers do not offer pension programs. It was amended on August 16 to stipulate that its requirements are waived if it is found that the plan it creates is subject to federal jurisdiction. SB 1234 is scheduled for final passage in the Assembly. Farm Bureau remains opposed.

[AB 1450](#) (Michael Allen, D-Santa Rosa) originally expanded California's already extensive discrimination protections to unemployed workers by making the practice of advertising jobs as open

only to presently employed workers a discriminatory practice under state law. On August 22, the author drastically amended his bill to apply the ban on such advertising only to web-based advertising, and removing any impacts on any other personnel-related actions. The business community coalition opposing the original bill, including Farm Bureau, has moved to a neutral position on the bill.

AB 2039 (Sandre Swanson, D-Oakland) failed to meet legislative deadlines on August 17 so it will not move forward in the legislative process. The bill would have expanded the state's family and medical leave law to extend employment-protected leave to caregivers of non-dependent adult children, parents-in-law, grandparents, siblings, grandchildren, or domestic partners. Farm Bureau opposed.

AB 1999 (Julia Brownley, D-Santa Monica) also failed to meet legislative deadlines on August 17 and is dead for this session. AB 1999 would have expanded employment discrimination protection to employees who have "family caregiver status," a very broad category that overlaps many discrimination protections already in place. Farm Bureau opposed.

Some labor-related legislation Farm Bureau supports is successfully moving forward:

AB 1675 (Susan Bonilla, D-Concord) would authorize the Labor Commissioner to issue citations and propose civil money penalties to unregistered Farm Labor Contractor in an effort to discourage irresponsible FLCs from offering services. AB 1675 was approved by the Assembly on a 37-1 vote. Farm Bureau supports.

AB 916 (V. Manuel Perez, D-Coachella) has now been amended to become a re-configuration of legislation Assembly Member Perez offered earlier in this session that sought to create a state program for workers for agricultural and service industries. Perez's new approach will require the California Department of Food and Agriculture and the Employment Development Department to convene a working group comprised of legislators, representatives of both Departments and the Attorney General, and stakeholders to determine the legal roles and responsibilities of federal and state agencies in creating a guest worker program for undocumented persons in California. The working group will submit its report to the Governor by January 31, 2013 and the Governor will decide by August 31 to either petition the federal government to implement a worker program or make recommendations to the legislature for how such a program could be created by the state. Farm Bureau and other farm organizations are supporting AB 916.