



February 23, 2018

The Legislative introduction deadline has passed and the bills are in. Below is a summary of pertinent legislation that has been introduced. Many bills that were introduced were spot bills (no substantive change to statute), however, and their ultimate purpose has yet to be revealed. Legislators now have until March 12th to submit substantive language in order for their bills to proceed. As those become known and are relevant, they will be included in future issues.

Climate

In response to concerns regarding the complexity of CDFA's Cap and Trade incentive program applications, [AB 2377](#) (Anthony Cannella, R-Merced) would require CDFA to establish a technical assistance grant program using Cap and Trade Funds for the Healthy Soil, Alternative Manure Management (AMMP), and the State Water Efficiency and Enhancement Programs (SWEEP).

The Air Resources Board is developing guidelines for its new Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program. The FARMER Program has \$135 million in state funds for distribution to agricultural operations to replace vehicles and equipment to reduce emissions. The proposal would allow funds to be used to replace agricultural vehicles and equipment under current Carl Moyer Program Guidelines, zero-emission agricultural utility terrain vehicles, and the Off-Road Mobile Agricultural Equipment Trade-Up Pilot Project in the San Joaquin Valley. Earlier this month ARB held workshops throughout the state to gather input on development of the FARMER Program and the distribution of funds under the program. Farm Bureau participated in these workshops to provide guidance on implementation of this important program and to request adjustments in the allocation of funds outside of the San Joaquin Valley. ARB made significant changes to the fund allocations by decreasing funds in predominantly urban air districts and increasing funds in air districts with significant agricultural equipment. ARB will be adopting guidelines and final funding allocations at its Board Meeting on March 23rd in Riverside. CFBF will be testifying in support of the revised allocation. The new allocation and guidelines can be found [here](#).

Commodities

Senator Richard Pan (D-Sacramento) has introduced [SB 1039](#) to allow for the production and sale of ultra-filtered milk products. This would allow products like Fairlife, which have been operating on a temporary variance, to be marketed permanently in California as specified.

California producers who feed their livestock with byproducts from food processors will not be subject to waste hauler registration and reporting requirements if the legislature passes [AB 3036](#) (Ken Cooley, D-Rancho Cordova). Farm Bureau is sponsoring this bill, which was introduced last week to address concerns over local solid waste authorities requiring livestock producers who are picking up byproducts from food processing to be licensed as waste haulers. CalRecycle will also be requiring all waste haulers

to report the amount of waste they're diverting to other uses in the near future. Both of these requirements place additional burdens on farmers who are helping divert these byproducts from the waste stream. AB 3036 will eliminate those requirements.

Forestry

Following the predominance of dead and dying tree waste, [AB 2518](#) (Cecilia Aguilar-Curry, D-Winters) would require CAL FIRE to explore markets, including export markets, for milling, development and expansion of innovative forest products and mass timber. Additionally, [AB 2091](#) (Timothy Grayson, D-Concord) would promote the expanded use of prescribed fire as a beneficial forest management practice. The bill establishes a multi-jurisdictional board which will develop standards for training, certification and insurance requirements to ensure that prescribed fires are conducted appropriately. AB 2091 also provides liability protection for landowners utilizing a certified prescribed burn manager, with adequate insurance and in accordance with other applicable standards.

Labor

Several labor-related bills have been introduced. IN the absence of a federal solution on immigration, [AB 1885](#) (Eduardo Garcia, D-Coachella) requires the Employment Development Department and the Department of Food and Ag to convene a working group to discuss issues that implementation of a federal program to document undocumented workers might present for the state government. The working group is required to report their findings to the Legislature and Governor no later than Aug. 1, 2019, and the Governor is then required to use the information in that report to support a request to the federal government to establish a program to provide documentation to undocumented workers. Likewise, [AB 1913](#) (Ash Kalra, D-San Jose) expands the foreign labor contractor registration program, intended to register and supervise contractors providing workers through guestworker visa programs like the H-1B high-tech worker program and the H-2b non-ag worker program to farm labor contractors providing workers through the H-2a ag worker program. Such farm labor contractors are currently licensed by the state, and are subject to rigorous licensing, training, bonding and other requirements.

With respect to sick leave and employee benefits, [AB 2841](#) (Lorena Gonzalez-Fletcher D-San Diego): proposes to expand employers' paid sick leave obligation as established in [AB 1522](#) in 2014. AB 2841 requires employers to ensure their accrual methods provide workers with no less than 40 hours of sick leave by the 200th day of employment (up from 24 hours by the 120th day of employment); require employers choosing to provide paid sick leave in a lump sum to provide at least 40 hours or five days of paid sick leave (increased from 24 hours or three days); allow employees to carry over at least 40 hours or five days (increased from 24 hours or three days) of accrued but unused paid sick to the year after that in which it was accrued; and increases the maximum accrual cap from 48 hours and 6 days to 80 hours and 10 days. Additionally, [AB 2857](#) (Marc Levine, D-Marin County) would prohibit employers from requiring employees to use up to two weeks of vacation before receiving state disability insurance benefits.

Finally, regarding harassment and discrimination, [AB 1867](#) (Eloise Gomez-Reyes, D-San Bernardino) would require employers with 50 or more employees to create and maintain records of employee sexual harassment complaints for 10 years from the date of filing. No such records are currently required. Also by Assembly member Gomez-Reyes, [AB 1870](#) proposes to extend the deadline for reporting allegations of discrimination and harassment to the Department of Fair Employment and Housing from one year to 3 years. [AB 2946](#) (Ash Kalra, D-San Jose) extends the deadline for filing a complaint with the Labor Commissioner alleging a violation of any prohibition of discrimination or discharge in violation of any law enforced by the Labor Commissioner from 6 months to three years. [SB 1284](#) (Hannah-Beth Jackson, D-Santa Barbara) requires employers of 100 or more employees to submit annual U.S. Equal Employment Opportunity Commission-required EEO-1 reports to the Secretary of State, the Department of Fair Employment and Housing, and the Commission on the Status of Girls and Women. And finally, [SB 1343](#) (Holly Mitchell, D-Los Angeles) requires employers of 5 or more employees to provide at least 2 hours

of sexual harassment training to all employees by Jan. 1, 2020 and every two years thereafter. State law currently requires employers to provide such training to supervisory employees every two years.

Land Use

Likely due to limited affordable housing stock in major metropolitan areas, [AB 3037](#) (David Chiu, D-San Francisco) was introduced as a spot bill but state's the intent to re-establish redevelopment agencies to finance housing and infrastructure projects in future amendments.

Natural Resources

In response to increasing pest pressures, [AB 2470](#) (Tim Grayson, D-Concord) would establish the Invasive Species Council and Advisory Committee to prevent the introduction of invasive species. This bill would also appropriate \$10 million in Cap and Trade funds to accomplish this.

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 was introduced last week. It is based on the outcome of these discussions and works to address the concerns of landowners, hunters, and other interested groups. Farm Bureau is supportive of the effort and will work to ensure that the elimination of the depredation permit requirement remains in the bill.

The Wildlife Conservation Board would be able to issue grants to landowners interested in improving habitat for Monarch Butterflies if [AB 2421](#) (Mark Stone, D-Scotts Valley) becomes law. The bill would create a grant program to improve habitat for Monarchs and other pollinator species. Farm Bureau has not yet taken a position on AB 2421, but is currently working on other efforts to improve conservation and prevent the need for listing Monarchs under the Endangered Species Act.

Nutrition

Due to limited affordability and access to fresh produce and increasing childhood hunger rates in the Chino area, [AB 2360](#) (Freddie Rodriguez (D-Chino Hills)) would require school districts to partner with local food banks to increase students' access to fresh produce during non-school hours (i.e. summer meals, dinner).

Transportation

Senator Bill Monning (D-Carmel) has reintroduced a proposal from last year to require the Department of Motor Vehicles (DMV) to adopt regulations related to entry-level driver training requirements for commercial operators. As introduced, [SB 1236](#) would require a minimum of 30 hours of behind-the-wheel training (BTW) to obtain a Class A commercial driver's license (CDL). The bill would also require for those seeking to obtain a Class B commercial driver's license to complete a minimum of 15 hours of BTW with at least 7 hours being conducted on a public road. Last year, the Farm Bureau worked with the California Cattlemen's Association (CCA) to amend SB 158 to exempt agriculture from all the training provisions until 2024.

Farmers and ranchers with trucks driven less than 15,000 miles annually will have another opportunity to sign-up these trucks under the Air Resources Board's Diesel Truck and Bus Rule if the legislature passes [AB 2940](#) (Anna Caballero, D-Salinas). Farm Bureau is sponsoring this bill, which was introduced last week to allow as many farmers and ranchers to extend the use of their diesel trucks until 2023 before they have to upgrade them to 2010 model year engines. The bill will also allow trucks driven less than 5,000 miles annually to be used indefinitely.