

California State Legislature Last Day of Session

The California State Legislature has had a busy month. Fiscal committees had until August 17, which was the last day, to congregate and report bills to the Floor. August 20 to August 31 has been Floor Session only for both houses. During this Floor Session the Legislature has been acting on bills. Committees will only be allowed to meet if the rules are waived and only for extraordinary circumstances. Listed below is a status of various bills of concern for the agriculture industry as of today. The last day of session is expected to be a long day with both houses having approximately 100 bills left to consider, as well as pension reform and possibly workers compensation reform.

AB 2346 (Butler) Heat Stress for Ag workers - This bill will place the “Heat Stress” regulation for agricultural field workers into statute and has several other provisions including a death benefit of \$1,000,000, and a private right of action allowing citizen suits similar to Proposition 65. A coalition of ag associations fought the measure in the Assembly where it barely passed on the final day of eligibility by the minimum of 41 votes. **Status: To the Governor’s Office**

AB 1313 (Allen) Overtime for Agricultural Field Workers – This measure would require agricultural employers to pay overtime for any employee who works more than 8 hours a day or 40 hours in a work week. The bill is currently pending action in Senate Labor Committee. **Status: Assembly Floor; Bill Held for Reconsideration**

AB 2676 (Calderon) Attempts to place a more consistent heat stress regulation in law and increase penalties for violations. The bill passed through Senate Public Safety this week on a bipartisan vote. The ag coalition is currently opposed but is working with the author to see if a compromise can be reached on this more modest approach to the heat stress issue. **Status: Sent to Governor**

AB 197 (Monning) Amended to include language that would provide authority for agencies to obtain funds for back wages to farm workers that were shorted pay by a Farm Labor Contractor from successors. It has occurred that a farm labor contractor shuts down one business and still owes back wages and then starts another, effectively preventing workers from obtaining earned wages. **Status: Senate Committee on Rules**

AB 916 (M. Perez) This measure would create a state run “Ag Jobs and Industry Stabilization Act” that would authorize the state to work with the federal government under their existing authority to declare the ag industry is “underserved” and allow the state to issue work permits to undocumented workers for California Agriculture. This is a novel approach to provide a more “legal” work force for agriculture. **Status: Senate Committee on Rules**

Nitrate Regulation – This spring, there was a report released that provided increased attention on nitrates in ground water. Preliminary reports from the UC and other entities have found that agriculture fertilizers and manure are being identified as major contributors. The industry is aware of the issue and working with regulators, the Governor’s office and stakeholders to

implement practices that minimize the impacts of nitrate on groundwater. Two bills have been introduced supported by ag interests and environmental activists to help address some of these issues:

AB 403 (Alejo) Provides \$2 million in funds from Prop 84 to provide clean drinking water options for people in the Salinas Valley. **Status: Committee on Environmental Quality**

AB 550 (Huber) Prohibits the construction of a peripheral canal unless expressly authorized by the Legislature. Died in Committee. Assembly member Berryhill is considering introducing a similar bill this year. **Status: Bill has died**

AB 685 (Eng) Would declare as state policy that every human being has a right to clean affordable water for cooking and sanitary purposes. The bill requires every state agency to consider the policy when making decisions. **Status: Sent to Governor**

AB 1798 (Perea) This bill is a spot bill being held to address any issues with “agricultural water management” plans for the industry. **Status: Assembly Committee on Water Parks and Wildlife**

AB 2421 (Berryhill) This bill would require the Legislative Analysts Office to complete an economic feasibility study on the peripheral canal prior to it being constructed. **Status: Held in Assembly Committee on Appropriations**

AB 2423 (Berryhill) This measure requires the Delta Stewardship Council to develop, adopt, and commence a comprehensive Delta Plan. **Status: Bill has died in Assembly**

SB 964 and SB 965 (Wright) AB 2063 (Alejo) These bills are intended to address regulatory reform at the regional water quality control board. Specifically the measures address ex parte communication with board members, align the conflict of interest provisions and address the adoption of regulation process.

Status:

-SB 964 (Wright) - Senate Committee on Environmental Quality

-SB 965 (Wright) - Assembly Floor

-AB 2063 (Alejo) - Senate Committee on Environmental Quality

SB 1146 (Pavley) Requires the Department of Water Resources to provide a report on wells, location and condition and would allow the department to charge a fee for the report. **Status: Bill has died in Senate**

AB 2238 (Perea) Expands the definition of “emergency” for drinking water grant programs allowing certain contamination events to qualify for grant funding from the Department of Public Health. **Status: Senate Environmental Quality**

Other bills of interest to Agriculture

AB 1516 (Alejo) Increase the weight for agricultural vehicle that can be operated with a class c license from 26,000 pounds to 28,500 and increase the length limitation to 75 feet. **Status: Assembly Appropriations**

AB 1518 (Perea) This measure would allow automated weighing systems for asphalt and paving materials. The author has asked agriculture if they would like to be included in this modernization of our weighmaster system. **Status: Sent to Governor**

AB 1581 (Wiekowski) This measure attempts to address unscrupulous marketing activities by out of state floral companies under cutting California flower shops and flower growers. **Status: Sent to Governor**

AB 1616 (Gatto) and AB 1915 (Alejo) SB 1106 (Strickland) These bills are attempting to provide a lower threshold on food safety requirements for “cottage food industries.” This would allow small food processors to operate out of their home but give expanded authority for inspection and oversight of these operations.

Status:

-AB 1616- Senate Appropriations

-AB 1915- Senate Appropriations

-SB 1106- Senate Environmental Quality

AB 1623 (Yamada) This bill would authorize local county boards of supervisors to raise weights and measures fees to cover the local county costs. **Status: Sent to Governor**

AB 1625 (Allen) This bill would provide financial assistance to growers who transition their conventional farms to certified organic farms during the transition period. **Status: Senate Appropriations**

AB 1632 (Gordon) Directs CDFA to “assist in organizing and marketing” community supported agriculture. **Status: Assembly Agriculture**

AB 1749 (Pan) Expand the definition of “pick-up truck” to include some larger flat-bed vehicles used by a farmer or rancher or his employees for agricultural operations. **Status: Assembly Transportation**

AB 1758 (Valadao) Adds “hay stack retrievers” to the classification of vehicles used exclusively for agriculture allowing them to qualify for some exemptions to fees and licensing requirements. **Status: Assembly Transportation**

AB 2378 (Huber) This measure will increase penalties for theft of certain commodities including inedible kitchen grease. **Status: Senate Appropriations**

AB 2609 (Hueso) Currently a spot bill which is intended to address ag commissioner oversight of ag chemicals, pesticides, fertilizers and livestock drugs. **Status: Senate Appropriations**

SB 1100 (Cannella) This measure is currently a spot bill but the author is holding discussions on how to find funding for agricultural pest exclusion and high risk pest programs within the Department of Food and Agriculture. **Status: Referred to Committee on Rules**

SB 1155 (Cannella) This bill would, until January 1, 2018, exempt from the length limitation a combination of vehicles coupled together, including attachments not more than 75 feet in total length that (1) consist of a motortruck and two trailers; (2) includes a trailer in the combination that does not exceed 28 feet 6 inches; (3) is used exclusively to transport agricultural products from the field to either the first point of handling and return or to a designated truck route and return, and each direction of transport does not exceed a specified amount of miles; (4) is not operated on a highway designated by the United States Department of Transportation as a national network route; (5) does not exceed a speed of 50 miles per hour when operating on a highway; (6) successfully completes a commercial vehicle safety alliance inspection conducted by the Department of the California Highway Patrol; and (7) operates on the highways only after the development of safe routing techniques, as specified. The bill would also limit the application of this exemption to the County of San Benito and to cities in that county upon adoption of the exemption by ordinance or resolution. **Status: Assembly Transportation**

AJR 19 (Allen) This measure would direct the California Department of Pesticide Regulation and US EPA to act expeditiously to protect pollinators by prohibiting the use, marketing or sale of neonicotinoid products deemed hazardous to pollinators. The content of this bill will impact the seed industry and pesticide industry. **Status: Assembly Revenue and Taxation**