

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

May 7, 2021

■ Agricultural Employment

AB 616 (Mark Stone, D-Monterey Bay) creates a new “ballot card” election option for labor unions seeking to unionize employees under the Agricultural Labor Relations Act (ALRA). The “ballot card” procedure amounts to “card check,” allowing union organizers to coerce, intimidate, or otherwise induce agricultural employees to sign “ballot cards.” AB 616 denies agricultural employees the right to an Agricultural Labor Relations Board-supervised secret ballot election that protects employees from intimidation from any party with an interest in the outcome (the reason secret ballot elections were strongly advocated by civil rights icon Cesar Chavez). AB 616 was passed by the Assembly Appropriations Committee on May 5 and is awaiting Assembly floor consideration. Farm Bureau opposes. *Staff Contact: Bryan Little; 916-561-5622 or blittle@cfbf.com.*

AB 857 (Ash Kalra, D-San Jose) is a re-tread of **SB 1102** (Monning, 2020), which was vetoed by Governor Newsom. AB 857 requires the DIR to create a duplicative notification requirement for H-2A employers and mandates a notification template the mis-characterizes the existing requirement for employers to compensate travel time at the employee’s regular rate of pay rather than the minimum wage. AB 857 passed the Assembly Appropriations Committee on April 21 and passed the Assembly on May 6 on a vote of 43-21 with 14 Assembly members not voting. *Staff Contact: Bryan Little; 916-561-5622 or blittle@cfbf.com.*

SB 331 (Connie Leyva, D-Chino) would severely restrict the use of non-disparagement clauses as part of agreements employers and employees frequently use to facilitate payment of a severance financial package for the employee. The inability to include non-disparagement clauses in severance agreements will discourage their use, to the detriment of both employers and employees. Farm Bureau opposes this bill. SB 331 passed the Senate on May 6, 29-8. *Staff Contact: Bryan Little; 916-561-5622 or blittle@cfbf.com*

■ Animal Health

AB 888 (Marc Levine, D-Marin) recently passed in the Assembly Agriculture Committee and awaits further action in the Assembly Appropriations Committee. AB 888 would expand the utilization of on-farm slaughter by a registered mobile slaughter operator (MSO) to also include goats, sheep and pork. AB 888 is a Farm Bureau sponsored bill. *Staff Contacts: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647 and Katie Little at klittle@cfbf.com or (916) 446-4647.*

■ Budget

The Senate Budget Subcommittee on Resources, Environmental Protection and Energy released their “Agricultural Relief” Proposal for consideration in lieu of the Governor’s proposed 2021 State Budget. The proposal includes the following:

- Convert the Department of Pesticide Regulation's Pesticide Mill Proposal (establish a "tiered" mill assessment based on toxicity) from an increase to the mill assessment to a General Fund appropriation of \$45 million over two years to enact the same activities (IPM grants, air monitoring, state/local enforcement, community engagement and structural deficit assistance).
- \$170 million General Fund to the Air Resources Board for the Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program.
- \$180 million General Fund (\$60 million annually for three years) for the Air Resources Board and local air districts to administer grants for alternatives to agricultural burning.
- \$12 million General Fund to the Department of Food and Agriculture to create a DNA barcode reference library for California insects.
- \$50 million General Fund to the Department of Food and Agriculture for the Alternatives Manure Management Program (AMMP).

These funds are in addition to the multi-billion-dollar drought relief package the Senate presented the week prior. The items were discussed in Committee this week, but no official votes were taken, meaning items are still open for consideration and amendments. Farm Bureau staff testified with concerns that temporary General Funds for DPR activities will lead to an increased mill assessment when funds expire, that agricultural burn alternative funding should be specific to the districts experiencing the mandate to phase out burning by the Air Resources Board, and for technology neutrality on methane emission reduction projects. It is expected this item will be heard again following the May Revision. *Staff Contacts: Taylor Roschen, troschen@cfbf.com and Robert Spiegel, rspiegel@cfbf.com or 916-446-4647.*

■ Commodities

A Farm Bureau supported bill, **AB 239** (Carlos Villapudua, D-Stockton) has successfully passed the Assembly and is now awaiting assignment in the Senate. This bill would allow a licensed winegrower to sell or deliver wine in containers provided by the customer at an offsite tasting room. This allowance is currently operational under a temporary standard and common-place at breweries. *Staff Contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

■ Crop Protection

SB 489 (John Laird, D-Santa Cruz) would increase the membership of the Agricultural Pest Control Advisory Committee at the Department of Pesticide Regulation with two additional public members. The author has stated his intention is to empower consumer voices about environmental issues related to pesticide use that is discussed by the Advisory Committee. The bill has passed the Senate and is now awaiting assignment by Rules Committee in the Assembly. *Staff Contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

■ Grant Opportunity

The Department of Food and Agriculture has released a request for proposals for the California Underserved and Small Producers Program. This grant would provide grants to (1) technical assistance providers that help farmers and ranchers apply for relief grants and providing business planning and marketing strategies for recovery; and (2) to underserved farm and ranchers to aid in their relief activities. Grants would range from \$25,000-\$100,000 for the former and up to \$150,000 for the latter. Technical assistance funds are available to non-profits, tribal governments and resource conservation districts with demonstrated experience. The Request for Proposal can be found [here](#). Applications are due May 10th by 5pm. *Staff Contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

■ Natural Resources

A bill which would apply to every future natural resource general obligation bond, [AB 1099](#) (Robert Rivas, D-Salinas), was held in the Assembly this year without a policy committee hearing. This bill would establish a set of environmental equity principles, such as set asides for disadvantaged communities and technical assistance, that would apply to every general obligation bond related to natural resources under consideration by the California voters on or after January 1, 2022. This bill can be reconsidered in 2022. *Staff Contact: Taylor Roschen, troschen@cbbf.com or 916-446-4647.*

Assemblymember Eduardo Garcia (D-Coachella) has introduced, [AB 1500](#), a bill which would place a \$6.95 billion general obligation bond on the June 7th, 2022 general election ballot. Among its various appropriations, the bond, if approved, would provide \$50 million to the Department of Food and Agriculture for soil health, carbon sequestration and water quality improvements, \$40 million for on-farm water efficient, \$40 million for methane emissions management (dairy digesters are specifically excluded), and \$100 million for agricultural infrastructure (food systems, market access, and worker equipment and training). The bond would also include various funds for groundwater and surface water, wildfire abatement, climate planning, fairgrounds, and wildlife. Farm Bureau is discussing the specifics of the measure with the author's office. *Staff Contact: Taylor Roschen, troschen@cbbf.com or 916-446-4647.*

■ Nutrition

[AB 558](#) (Adrin Nazarian, D-Sherman Oaks), a bill which would establish the School Plant based Food and Beverage Program at the Department of Education has failed to pass a major legislative deadline to be heard in policy committee this week. This bill would have created a program allowing for additional funding reimbursements per meal for schools that choose to offer students plant-based meal and beverage options and grants for schools to make related trainings, and equipment purchases related to these products. Farm Bureau had discussed this bill with the author's office noting that plant-based options are already available, at the discretion of the school, for those students choosing to access these products and that school meals are woefully underfunded, regardless of the nutritional preference. This bill will no longer be heard for the remainder of this year but may be in 2022. *Staff Contact: Taylor Roschen, troschen@cbbf.com or 916-446-4647.*

The Senate Budget Subcommittee on Education met this week to discuss the Department of Education and specifically funding for school meals. The subcommittee discussed various actions taken by the U.S. Department of Agriculture and activities schools have taken to date to adjust their feeding programs due to COVID restrictions. The subcommittee also discussed the concept of universal school meals (lunch and breakfast), State cost implications and integration into the federal school meals systems. The item was left open and not voted upon. *Staff Contact: Taylor Roschen, troschen@cbbf.com or 916-446-4647.*

■ Taxation

[AB 80](#) (Autumn Burke, D-Inglewood) a Paycheck Protection Program (PPP) tax conformity bill has passed in the legislature and was recently signed by Governor Newsom. The passage of AB 80 now ensures that business who received a PPP loan during the COVID-19 pandemic would not be forced to pay state taxes on the loan. *Staff Contact: Robert Spiegel at rspiegel@cbbf.com or (916) 446-4647.*

■ Utility

Assemblymember Lorena Gonzalez (D-San Diego) has entered into the debate on net energy metering with [AB 1139](#). As amended on May 4, 2021, the bill would require that a net metering customer taking service from the large investor-owned utilities (PG&E, SCE, SDG&E) that receives service pursuant to the existing

net energy metering tariffs be transferred to the successor tariff no later than 5 years from the date that customer first received service pursuant to those existing tariffs. The transfer would apply even to customers, who put in place their systems under the original net metering tariffs and pursuant to a CPUC decision in 2014 authorized customers to remain on the original tariff parameters for 20 years. CAFB is assessing AB 1139 but will likely oppose it. There is also an open CPUC proceeding that is considering how to develop the successor net metering tariffs for 2024 and beyond. Any successor tariff is anticipated to have significantly higher ongoing costs than what are currently in place. AB 1139 is currently in Appropriations Committee and is expected to move on to the Assembly Floor, given that Assemblymember Gonzales is Chair of the Committee. *Staff Contacts: Karen Mills at kmills@cfbf.com and Robert Spiegel at rspiegel@cfbf.com.*

■ Water

The Assembly Water, Parks and Wildlife Committee held an informational hearing this week entitled, “Is California Ready for Another Drought?” The Legislative Analyst’s Office began by giving an overview of the 2012-16 drought response by the state. Next, a panel with the Department of Fish and Wildlife, the Department of Water Resources, the Division of Water Rights from the State Water Resources Control Board, and the Division of Drinking Water also from the Water Board, presented an overview of current conditions, planned responses and lessons learned from the last drought. The final panel presented their perspectives and how the drought impacts regions differently. Presenting were Sonoma County Supervisor David Rabbitt, Environmental Justice advocate and Community Water Center Executive Director Susana De Anda, Doug Obegi, Senior Attorney with the Natural Resources Defense Council, Joe Del Bosque of Del Bosque Farms and a former California Water Commissioner, and Sandra Kerl, General Manager of the San Diego Water Authority. Hearing background material, the agenda, the California Natural Resources Agency “Report to the Legislature on the 2012-16 Drought”, the LAO’s handout and other materials are available online [here](#). *Staff Contact: Danny Merkley, dmerkley@cfbf.com or (916) 446-4647.*

As previously reported, a measure that would provide grant funding for repairs on the Friant-Kern Canal, the State Water Project and the Delta Mendota Canal is scheduled in the Senate Appropriations Committee next week. **SB 559** (Melissa Hurtado, D-Sanger), would establish the Canal Conveyance Capacity Restoration Fund to support subsidence repair costs, for the Friant-Kern Canal, the Delta-Mendota Canal and the California Aqueduct. Local and federal funding has also been identified, and the state funds provided in the measure are contingent upon those local and federal funds being provided. Farm Bureau supports the measure. *Staff Contact: Danny Merkley, dmerkley@cfbf.com or (916) 446-4647.*

■ Wildfire

AB 926 (Devon Mathis, R-Visalia), a bill which would provide greater transparency and accountability to CalFire’s Fire Prevention Grant Programs and further prioritizes wildfire mitigation projects that do not require CEQA, or have a completed or nearly completed CEQA document, recently passed in the Assembly Natural Resources Committee. AB 926 further incorporates project criteria that were utilized in the CalFire 45 Day Report (2019) to expedite wildfire mitigation projects near high-risk communities. The bill awaits further action in the Assembly Appropriations Committee and is a Farm Bureau sponsored bill. *Staff Contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647.*

AB 1431 (Jim Frazier, D-Fairfield), a bill which would codify various objectives and goals established in California’s Forest Carbon Plan (2018) and would bring greater accountability to fuel treatments and vegetation management activities conducted within the state, recently passed in the Assembly Natural Resources Committee. Assembly Bill 1431 will hold the state respective agencies accountable for increasing

the pace and scale of these forest management activities to not only protect our environmental resources, but also the lives and private property of Californians. The bill awaits further action in the Assembly Appropriations Committee and Farm Bureau is in support of the legislation. *Staff Contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647.*