



CALIFORNIA FARM BUREAU FEDERATION

# FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

February 26, 2016

The Department of Water Resources recently released the Groundwater Sustainability Plan (GSP) Draft Emergency Regulations and a schedule of public meetings and the public comment process. Farm Bureau is reviewing the draft regulations and will submit comments. The public meetings are scheduled as follows:

Monday, March 21, 2016 4:00 p.m. to 6:00 p.m. Visalia Convention Center 303 E Acequia Ave., Visalia	Tuesday, March 22, 2016 1:00 p.m. to 3:00 p.m. Delhi Community Center 505 E. Central Ave., Santa Ana	Friday, March 25, 2016 9:00 a.m. to 11:00 a.m. Secretary of State Building 1500 11th Street, Sacramento
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Additionally, an online webinar will be held Thursday, March 24, 2016 from 1:00 p.m. to 3:00 p.m. Register ahead of time for the webinar at:

<https://attendee.gotowebinar.com/register/2515354223176908292>

After registering, you will receive a confirmation email containing information about joining the webinar.

Comments on the draft GSA regulations may be submitted electronically to: [SGMPS@water.ca.gov](mailto:SGMPS@water.ca.gov) with the Subject: Draft GSP Emergency Regulations Public Comment.

Or mailed to:

California Department of Water Resources  
Attn: Lauren Bisnett, Public Affairs Office  
P.O. Box 942836  
Sacramento, CA 94236.

Comments must be received electronically, or postmarked by March 25, 2016.

DWR is required to adopt the emergency regulations by June 1, 2016

More information on the draft GSA regulations is available at:

<http://www.water.ca.gov/groundwater/sgm/gsp.cfm>

Since the beginning of the 2016 legislative session, 2,105 new bills have been introduced. The Assembly has 1,396 bills to contemplate and the Senate has 709. Many of the bills are just place holders with limited language and details at this time. While not exhaustive, we have provided a brief review of many of the key bills that we believe are of importance to the agricultural community. Work has just

begun on all the newly introduced legislation thus no positions are listed at this time. In next week's Friday Review we will provide information on an additional batch of new bills recently introduced.

**Climate Change:**

[AB 2066](#) (Tom Lackey, R- Palmdale) requires every service station to display the average per-gallon cost of gasoline and diesel fuel to comply with the California Global Warming Solutions Act of 2006. This cost would be calculated by the Energy Commission across the industry of refiners producing transportation fuels.

[AB 2146](#) (Jim Patterson, R-Fresno) appropriates \$200,000,000 from the Greenhouse Gas Reduction Fund to the Department of Forestry and Fire Protection for activities that reduce greenhouse gas emissions from uncontrolled forest fires.

[AB 2223](#) (Adam Gray, D-Merced) continuously appropriates \$100,000,000 annually from the Greenhouse Gas Reduction Fund to the state board to make manure digester market development payments for electricity produced from California-generated manure by state-based manure digesters.

[AB 2292](#) (Rich Gordon, D-Menlo Park) requires that population density be added as an indicator by the Office of Environmental Health Hazard Assessment when they update the California Communities Environmental Health Screening tool. The tool is used to identify disadvantaged communities for purposes of allocating the Greenhouse Gas Reduction Funds. It must be updated no later than January 1, 2018.

[AB 2702](#) (Toni Atkins, D-San Diego) states the intent of the Legislature to enact legislation that would continue the work with local governments, state agencies, and others to meet the goals set forth in Governor Brown's Under 2 MOU. It brings together subnational governments willing to commit to either reducing the emissions of greenhouse gases 80 to 95 percent below 1990 levels by 2050 or achieving a per capita annual emissions target of less than 2 metric tons of carbon dioxide equivalent by 2050.

[AB 2715](#) (Eduardo Garcia, D- Coachella) requires the Department of Community Services and Development to develop and administer the Agricultural Working Poor Energy Efficient Housing Program and appropriate \$25 million from the Greenhouse Gas Reduction Fund to improve energy efficiency in farmworker housing,

[SB 1247](#) (Hannah Beth-Jackson, D-Santa Barbara) would prioritize incentive funding from the Greenhouse Gas Reduction fund to the Department of Food and Agriculture to be spent in agricultural innovation zones defined as being one mile from school or day care center where farmers use organic practices that do not rely on synthetic inputs. It would give special priority if these zones are in disadvantaged communities.

[SB 1350](#) (Lois Wolk, D-Davis) establishes the Healthy Soils Program as part of the Department of Food and Agriculture's Scientific Advisory Panel on Environmental Farming that upon appropriation from the Greenhouse Gas Reduction Fund will provide \$20,000 in voluntary incentives to farmers whose management practices contribute to healthful soils and result in net long-term on-farm greenhouse gas

benefits. The State Air Resources Board will consult with the panel and Secretary in developing the quantification methods to demonstrate and quantify on farm greenhouse gas emissions reductions.

[SB 1383](#) (Ricardo Lara, D-Bell Gardens) requires the State Air Resources Board no later than January 1, 2018 to approve and implement a comprehensive short-lived climate pollutant strategy to achieve a reduction in the statewide emissions of methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030.

[SB 1386](#) (Lois Wolk, D-Davis) declares it to be the policy of the state that the protection and management of natural and working lands are a key strategy in meeting the state's greenhouse gas reduction goals and requires all relevant state agencies, departments, boards, and commissions to consider this policy when revising, adopting, or establishing policies, regulations, expenditures, and grant criteria relating to the protection and management of natural and working lands

### **Commodities:**

[AB 1810](#) (Marc Levine, D-San Rafael) exempts noncommercial seed sharing and distribution from the California Seed Law's labeling and registration requirements. The bill also exempts seeds sold from a farm that grows and sells less than \$5,000 of seeds from labeling and registration requirements.

[AB 1826](#) (Mark Stone, D-Scotts Valley) is a spot bill sponsored by California Certified Organic Farmers (CCOF) with the original intent of eliminating the California Department of Food and Agriculture's oversight of California's organic program. It remains to be seen what specific proposals will end up in the legislation.

[AB 2324](#) (Susan Eggman, D-Stockton) revises the California Department of Food and Agriculture's Certified Farmers' Market program including a specific record keeping requirement for farmers to keep records on the identity, variety, and quantity of products sold at markets.

[AB 2487](#) (Patrick O'Donnell, D-Long Beach) requires the Seed Advisory Board to complete a comprehensive review of California's seed program and report its findings to the Secretary of the Department of Food and Agriculture.

[AB 2496](#) (Kansen Chu, D-San Jose) would declare the intent of the legislature to establish Standard Pacific Time as the standard time in the state throughout the year, thereby eliminating Daylight Savings Time.

[AB 2504](#) (Committee on Agriculture) provides the Seed Advisory Board at the Department of Food and Agriculture the authority to assess alfalfa seed sales to fund research. This bill is sponsored by CFBF.

[AB 2714](#) (Jim Cooper, D-Elk Grove) appropriates an unspecified amount of General Funds to the Pierce's Disease Control Program in the Department of Food and Agriculture. Historically, the Pierce's Disease Control Program has been considered a model for how state, federal, and industry funds could be used in collaboration to tackle issues important to agriculture. State funding was eliminated during

the 2011-12 the economic downturn and this bill recommits state funding to combat Pierce's disease and other pests and diseases that affect winegrape production In California.

[SB 822](#) (Richard Roth, D-Riverside) increases the assessment on citrus fruit for citrus disease management from \$0.09 per carton to \$0.12 per carton.

### **Drones:**

[AB 1662](#) (Ed Chau, D-Arcadia) requires drone operators involved in accidents that result in personal injury or property damage to land the drone and provide identifying and contact information to the injured person or owner of the damaged property.

[AB 1724](#) (Marie Waldron, R-Escondido) requires drones to have identifying information to allow individuals the ability to locate the owner of the drone.

[SB 810](#) (Ted Gaines, R-El Dorado Hills) makes it unlawful to knowingly, intentionally, or recklessly operate a drone in a way that interferes with firefighting efforts.

[SB 868](#) (Hannah Beth-Jackson, D-Santa Barbara) creates the State Remote Piloted Aircraft Act, which develops standards of operation for drones and includes prohibitions around where drones can operate. The bill proposes to prohibit the use of drones immediately above private property without the landowner's consent.

### **Labor and Employment:**

[AB 1676](#) (Nora Campos, D-San Jose) would prohibit an employer from seeking salary history information about an employment applicant and would require an employer to furnish an employment applicant with a "pay scale for a position to an applicant applying for employment."

[AB 1843](#) (Mark Stone, D-Monterey Bay) would prohibit an employer from asking an employment applicant to disclose or to consider in "any condition of employment" information concerning juvenile court actions.

[AB 1948](#) (Donald Wagner, R-Irvine) provides that the penalty of one additional hour of pay to an employee who missed a meal or rest period, as provided in Labor Code 226.7, would be the sole penalty that could be imposed on the employer for that missed meal or rest period. This would disallow recovery otherwise available to the employee under the Labor Code or the Business and Professions Code.

[AB 2197](#) (Cristina Garcia, D-Bell Gardens) would delete a provision from the Unemployment Insurance Code that requires that the first week of a maximum of two weeks' vacation that an employer may require an employee to take before receiving Paid Family Leave benefits be applied to the seven day waiting period for receiving Paid Family Leave benefits.

[AB 2757](#) (Lorena Gonzalez, D-San Diego) would eliminate the current 10 hour per day overtime threshold for agricultural workers by deleting the provision of Labor Code Section 554 exemption agricultural workers covered by Industrial Welfare Commission Wage Order 14. AB 2757 would add a new Section 852 to the Labor Code to phase-in a requirement for overtime after 8 hours in a work day or 40 hours in a work week over a four-year period beginning January 1, 2017 and ending on January 1, 2020.

[SB 1167](#) (Connie Leyva, D-Chino) requires Cal/OSHA to propose to the Cal/OSHA Standards Board a standard protecting indoor workers from heat illness no later than July 1, 2017.

### **Land Use:**

[SB 313](#) (Bill Monning, D-Carmel) is a Farm Bureau sponsored measure that will help improve coordination and communication between school and local governments by encouraging more transparency. SB 313 insures that findings already contained in existing law must now be provided in writing to local governments 30 days prior to exercising the 2/3s vote trigger to make local zoning inapplicable.

### **Marijuana:**

[AB 1575](#) (Rob Bonta, D-Alameda; Ken Cooley, D-Rancho Cordova; Reginald Jones-Sawyer, D-Los Angeles; Tom Lackey, R-Palmdale; Jim Wood, D-Healdsburg) is clean-up legislation to last year's legislation to regulate medical marijuana. One of the provisions included in the bill clarifies that increased fees assessed by the Department of Fish and Wildlife for its Streambed Alteration Agreement program are only to be assessed on marijuana operations, rather than on "any entity."

[AB 2243](#) (Jim Wood, D-Healdsburg) creates a tax on the distribution of medical marijuana flowers, leaves, and immature plants and specifies how those tax moneys should be spent.

[AB 2300](#) (Jim Wood, D-Healdsburg) authorizes local governments to prohibit the smoking of medical marijuana within 1,000 feet of the grounds of a school, recreation center, or youth center, unless the use occurs within a residence.

[AB 2545](#) (Rob Bonta, D-Alameda) is a spot bill to create regulations governing the sale and transportation of marijuana grown on tribal lands but distributed elsewhere.

[SB 987](#) (Mike McGuire, D-Healdsburg) creates an excise tax of 15 percent on the sales price of medical marijuana. The bill also specifies how the money generated shall be distributed.

### **Natural Resources:**

[AB 2087](#) (Marc Levine, D- San Rafael) authorizes the Department of Fish and Wildlife to approve regional conservation frameworks that allow for pre-approved mitigation by project proponents. The author's goal is to improve the mitigation process for project impacts to fish, wildlife, and plants.

[AB 2162](#) (Kansen Chu, D-San Jose) creates the Oak Woodlands Protection Act which requires anyone who wants to remove certain oak trees from their property to create an oak removal plan and obtain a permit from the Department of Fish and Wildlife.

[AB 2511](#) (Marc Levine, D-San Rafael) defines and includes biochar as a product intended to be used for influencing soils, plant growth, or crop or plant quality for the purposes of the definition of auxiliary soil and plant substances. It would remove soil amendments as a substance excluded from the definition of auxiliary soil and plant substances.

[AB 2596](#) (Richard Bloom, D-Santa Monica) creates the California Natural Predator Protection Act of 2016 that prohibits the use of anticoagulants in California except for agricultural activities.

[SB 1026](#) (Jim Nielsen, R-Gerber) eliminates the requirement to obtain a streambed alteration agreement from the Department of Fish and Wildlife for water diversions and exempts routine maintenance and repair of facilities for instream agricultural irrigation diversions from the requirements of the program.

[SB 1246](#) (Janet Nguyen, R-Garden Grove) requires pest control operators, pest control businesses, and mosquito abatement and vector control districts, at least 7 days before administering pesticides by aircraft or unmanned aerial vehicle over a residential area, to notify various people and entities, including, but not limited to, affected governmental agencies, school districts, and chambers of commerce. The bill would specify the information required to be included in the notice.

[SB 1282](#) (Mark Leno, D-San Francisco) requires the Department of Pesticide Regulation by July 1, 2017 to require labeling of commercially available seeds and plants sold at retail establishments, excluding noxious weed seeds and plants, that have been treated with a neonicotinoid pesticide. It also requires that neonicotinoid pesticides be designated through regulations as restricted materials by January 1, 2018.

### **Rural Crime:**

[AB 1909](#) (Patty Lopez, D-San Fernando) increases the value of property damage necessary to make vandalism a crime from \$400 to \$950.

[AB 2059](#) (Cristina Garcia, D-Bell Gardens) exempts junk dealers and recyclers with a surety bond of at least \$100,000 from the requirement that they delay payment for scrap metal purchases by three days.

[AB 2755](#) (James Gallagher, R-Nicolaus) creates civil penalties for the theft of or damage to beehives for three times the amount of their value plus fair compensation for the time and money expended towards recovering or replacing the bees.

[AB 2805](#) (Kristin Olsen, R-Modesto) is a spot bill to create a cargo theft prevention program.

### **Water:**

[AB 1244](#) (Adam Gray, D-Merced) facilitates the registration process for small on-farm water storage facilities. It is a two year bill sponsored by Farm Bureau that was approved by the Assembly earlier this

year and will be heard next in the Senate Natural Resources and Water Committee. The measure enables farmers' ability to construct small on-farm ponds to accommodate water storage during periods of excess flows for irrigation purposes during dry periods. AB 1244 expands the State Water Resources Control Board's ability to expedite permitting of small (25 acre feet or less) on-farm water storage and addresses significant financial and bureaucratic impediments to developing such projects. In 2011, [AB 964](#) was enacted to address this situation with a focus on the north coast region. AB 1244 would afford farmers in other regions of the state the same opportunities.

[AB 1704](#) (Bill Dodd, D-Napa) makes minor changes to the small off stream storage projects application process enacted in 2011 through the passage of the above mentioned AB 964. This measure would improve the procedures in the application process expediting reviews by the State Water Resources Control Board and in particular the Department of Fish and Wildlife in the north coast region.

[AB 1755](#) (Bill Dodd, D-Napa) enacts the Open and Transparent Water Data Act, requiring the Department of Water Resources to establish a public benefit corporation that would create an online water transfer information clearinghouse. The clearinghouse would house, manage and oversee a statewide water information accounting system. The system would integrate existing federal, state, local and academia water data information and thus make this data more easily accessible to the public.

[AB 2304](#) (Marc Levine, D-San Rafael) establishes the California Water Market Exchange Act of 2016. The Exchange would be governed by a five-member board composed of the Secretary of Natural Resources Agency and four individuals appointed by the Governor. The Exchange would "create water sustainability, resiliency and adaptability to drought and climate change; provide benefits and opportunities for disadvantaged communities and environmental resources; integrate data collection and reporting by increasing transparency; and establish a centralized exchange platform to facilitate water transfers."

[SB 554](#) (Lois Wolk, D-Davis) makes changes to the Sacramento-San Joaquin Delta levee maintenance subvention program created in 1996 which provides reimbursement funds to local agencies for costs of maintaining or improving project or non-project levees. The 75 percent reimbursement rate of any costs incurred in excess of \$1,000/mile was to be in effect for 10 years, at which time it would drop to 50 percent. The legislature has extended the 75 percent reimbursement rate three times. SB 554 eliminates the sunset and makes the 75 percent rate permanent. The measure was amended and approved by the Senate 39-0 and will be heard next in the Assembly. Farm Bureau supports.

[SB 1317](#) (Lois Wolk, D-Davis) requires a city or county overlying a high or medium priority water basin to establish a process for issuing a conditional use permit for new well construction "in order to prevent a new groundwater extraction facility from contributing to or creating an undesirable result." Additionally, the measure would prohibit the issuance of a conditional use permit for a new well in probationary basins, or basins subject to critical overdraft.