



April 15, 2011

Assembly Member Jim Nielsen (R-Gerber) has amended his AB 1265 to reinstate the programmatic provisions of SB 863 related to the 10 percent shorter Williamson Act contracts that was recently repealed in SB 80. SB 863 was the Farm Bureau-sponsored measure that was signed into law just last October. Repeal of SB 863 was part of the current state budget proposal. The expedited passage of AB 1265 is especially important to the eight counties that adopted SB 863 last year. The Counties of Madera, Mendocino, Merced, Kings, Stanislaus, Shasta, Tulare, and Yolo have expended precious general fund revenue to provide landowner notice and hold public hearings to implement this program and there are also at least 8 to 12 other counties who have expressed interest in the program. These counties and Farm Bureau watched with dismay to see this program repealed last month. AB 1265 will be heard in the Assembly Local Government Committee on Wednesday, May 4th. Farm Bureau supports the bill and is very appreciative of Assembly Member Nielsen's continued leadership in protecting the Williamson Act.

AB 292 (Cathleen Galgiani, D-Tracy) would require the High Speed Rail (HSR) Authority to develop policy to address the preservation of farmland where HSR lines are proposed for construction. The bill also will require the HSR Authority to give consideration to the displacement of water wells, irrigation systems, as well as future crop loss, land devaluations and any other impacts that are brought to the HSR Authority's attention during legislative committee hearings on the HSR. AB 292 will be heard in the Assembly Transportation Committee on April 25. Farm Bureau is in support.

Categorical flexibility in school funding has resulted in the closure of several adult education programs, as well as significant cuts to regional occupation center programs that provide career technical education programs. AB 189 (Mike Eng, D-Monterey Park) would ensure that all funds for adult education, regional occupation centers and career technical education programs could not be completely transferred for other purposes within the local school districts. This bill would prohibit a local school district from completely eliminating these programs and would instead require the local board to certify, in a public session, that it has retained enough funds in the categorical program to ensure that funding will be sufficient to fully restore these programs when flexibility expires. The bill passed out of the Assembly Education Committee and is now in the Assembly Appropriations Committee awaiting hearing. Farm Bureau is in support.

In an effort to address the inordinately high dropout rate in California, AB 1310 (Warren Furutani, D-Long Beach) would require state agencies and commissions to work together to develop a statewide strategic plan that connects workforce development and Career Technical Education (CTE). With the focus on the "No Child Left Behind" mandates CTE program offerings have been decimated as funding and focus has been directed to core academic courses. Although core academic courses are essential for

a sound educational foundation, the failure to acknowledge that not all students will choose to attend college has resulted in the narrowing of class offerings and the failure to prepare these students for meaningful employment. Some children have been left behind because the classes they would prefer, those that provide practical hands-on instruction and experience, have been eliminated in many public schools. AB 1310 passed out of the Assembly Higher Education Committee this week and will be heard next in the Assembly Labor and Employment Committee. Farm Bureau is in support.

California Rural Legal Assistance is the sponsor of a bill that would put such extreme restrictions on the Department of Pesticide Regulation (DPR) that the future use of pesticides would be put into jeopardy. AB 1176 (Das Williams, D-Santa Barbara) proposes four new 180-day deadlines to complete different steps in the risk assessment and management process. These complex scientific reviews take years to complete as additional data collection and water and air monitoring are usually needed. Placing arbitrary 180-day deadlines on these activities would make the process impossible and open to litigation by the environmental community when they do not complete their work in time.

AB 1176 elevates the role of the Office of Environmental Health and Hazard Assessment (OEHHA) by requiring DPR to accept their scientific decisions as conclusive instead of allowing DPR to make alternative findings based on their field application expertise. It also takes away DPR's sole authority to develop control measures by giving OEHHA a consultative role that they have never had before. This is easily one of the most onerous pesticide bills that has been introduced in recent years. AB 1176 will be heard on April 26 in the Assembly Environmental Safety and Toxic Materials Committee. CFBF is opposed.

AB 634 (Alyson Huber, D-El Dorado Hills), a Farm Bureau-sponsored bill, passed off of the Assembly Floor on the Consent Calendar this week. The Consent Calendar allows bills to be approved unanimously en masse without a presentation by the authors. AB 634 will legalize the use of carbon monoxide to control vertebrate pests, such as rodents. In the late 90's California passed a law prohibiting the use of carbon monoxide to kill any animal in response to concerns raised over its use to euthanize dogs and cats in animal shelters. When the original law was enacted, there was no consideration for the fact that carbon monoxide is a safe, humane, and effective control method for pests, such as gophers and ground squirrels. AB 634 now moves to the Senate.

Governor Brown has announced the appointment of new division heads for both the Division of Occupational Safety and Health and the Division of Labor Standards Enforcement. Ellen Widess, who served at Cal/OSHA during the last Brown Administration overseeing the agency's pesticide programs, has been named as the new Administrator to Occupational Safety and Health beginning on April 15. Julie Su was appointed to head Labor Standards Enforcement. She previously was Director of Litigation for the Asian Pacific Legal Center and has specialized in representing low-wage workers.

The past week has seen movement on several legislative items of interest to agricultural employers:

SB 104, card-check legislation by Senate Pro tem Darrell Steinberg (D-Sacramento), was passed by the Assembly Appropriations Committee on April 13 on a 12-3 party-line vote despite opposition from agricultural representatives. SB 104 will deny agricultural workers the right to a secret ballot to decide union representation. SB 104 now proceeds to the full Assembly after the spring recess.

AB 10 (Luis Alejo, D-Watsonville), which would raise the California minimum wage to \$8.50 per hour on January 1, 2012 and index it to inflation thereafter, was referred to the Assembly Appropriations Committee suspense file.

AB 51 (Mariko Yamada, D-Vacaville), which would impose significant Labor Code restrictions on the use of payroll cards and likely make their use unattractive for employers, was passed by the Assembly Labor and Employment Committee on April 13. It was re-referred to the Assembly Banking and Finance Committee.

AB 59 (Sandre Swanson, D-Oakland), legislation to broaden the California family and medical leave laws by permitting job-protected leave to care for additional persons beyond immediate family, has been referred to the Assembly Appropriations Committee suspense file.

AB 243 (Luis Alejo, D-Watsonville) which would facilitate litigation against farmers and ranchers by requiring farm labor contractors to disclose information about their clients on their workers' pay stubs, was re-referred to Assembly Appropriations on April 5.

AB 400 (Fiona Ma, D-San Francisco) would require employers to provide one hour of paid sick leave for every 30 days worked and allow employees to begin using accrued sick leave after 90 days of work, was passed by the Assembly Labor and Employment Committee on April 13th. The bill was re-referred to the Assembly Judiciary Committee.

AB 553 (William Monning, D-Santa Cruz) would significantly tighten occupational exposure standards for hazardous chemicals. The bill would require Cal/OSHA to set tighter Permissible Exposure Standards and Health-Based Occupational Exposure Limits for substances that may cause reproductive harm or increased risk of cancer. It was passed by the Assembly Labor and Employment Committee on April 13 and referred to the Assembly Appropriations Committee over strong objections from the employer community.

AB 1286 (Filipe Fuentes, D-Arleta) would prohibit any settlement of a class-action wage claim unless all parties are represented by counsel, the settlement is approved by the Superior Court as a reasonable and good faith settlement of the matter, or the settlement is approved by the Labor Commissioner. The bill is scheduled for hearing in the Assembly Labor & Employment Committee on May 4.

AB 1399 by the Democratic members of the Assembly Labor and Employment Committee would require employers to maintain any records associated with an employee's performance issues that may have contributed to an employer's dismissal of the employee for four years. Further, they must make the records available within 21 days of an employee's request. Failure to do so will subject the employer to a \$750 fine. AB 1399 is scheduled for hearing in the Assembly Labor and Employment Committee on May 4.

SB 129 (Mark Leno, D-San Francisco) would impose numerous restrictions on the ability of employers to take disciplinary actions against employees under the influence of medical marijuana in the workplace. SB 129 was passed by the Senate Judiciary Committee on April 5 and is scheduled for Senate third reading sometime after the spring recess.

SB 810 (Mark Leno, D-San Francisco) would establish a California Healthcare System funded by the taxpayers as a single-payer healthcare system for all Californians. The bill is scheduled for hearing at the Senate Health Committee on April 27.