



Farm Bureau at work

California Farm Bureau's government affairs team is at the Capitol, advocating for farmers, ranchers and agriculture's future. Here are some key issues Farm Bureau is focused on this week.

June 28, 2024

Agricultural Employment Policy

The Legislature passed two bills to implement a previously agreed Private Attorneys' General Act (PAGA) reform package on June 27; the Governor is expected to sign both bills on June 28. The PAGA reform initiative that triggered negotiations leading to the agreement has been withdrawn from the November ballot. The reform agreement features several PAGA revisions, including requiring that a PAGA plaintiff must actually suffer the alleged harm caused by the accused employer, and limiting PAGA monetary recoveries against employers who make efforts to correct alleged Labor Code violations. *Staff: Bryan Little, blittle@cfbf.com*

Other legislation of interest continues to move through the legislative process ahead of the July recess:

The Senate Judiciary Committee passed [AB 2738](#) Assemblymember Luz Rivas (D Sylmar) on June 25 on an 8-1 vote with two absences/abstentions and was referred to the Senate Appropriations Committee. AB 2738 will encourage local prosecutor litigation against employers for alleged Labor Code violations (permitted for the first time by Farm Bureau-opposed AB 594, Maienschein, 2023) by requiring a California court to award attorney's fees to a public prosecutor prevailing in a Labor Code related civil action. Farm Bureau opposes. *Staff: Bryan Little, blittle@cfbf.com*

The Senate Labor, Public Employment and Retirement Committee passed [AB 2421](#) Assemblymember Evan Low (D Campbell) on June 26 on a 5-0 vote, referring it to the Senate Judiciary Committee for further consideration. AB 2421, though limited in scope to public employment in California, sets a terrible precedent of conferring an attorney-client-like privilege on communications between an employee and a union or union representative, potentially hampering an employer's ability to investigate safety problems, harassment allegations and to engage in other employee communications that could result in disciplinary action against an employee, setting a bad precedent that a future Legislature could expand to private sector employers. Farm Bureau opposes. *Staff: Bryan Little, blittle@cfbf.com*

Also on June 26, the Assembly Insurance Committee passed [SB 1299](#) Senator Dave Cortese (D San Jose), on a 12-3 vote, referring it to Assembly Appropriations for further consideration of its fiscal impacts. SB 1299 creates a rebuttable presumption that heat illness suffered by an agricultural employee during a workweek or pay period during which the employee performed work under conditions that would trigger the Heat Illness Prevention standard is work-related and compensable through workers compensation. Farm Bureau opposes. *Staff: Bryan Little, blittle@cfbf.com*

Later in the same hearing, Assembly Insurance failed to pass [SB 1116](#) Senator Anthony Portantino (D Burbank) which allows striking workers to collect unemployment insurance benefits and is a retread of Portantino's SB 799 from the 2023 session, which was vetoed by Governor Newsom. Five committee members voted "not voting" with the roll was called, citing objections that participants in Israel-Hamas War-related protests characterized as strikes could receive benefits, causing SB 1116's failure to pass. Farm Bureau opposes SB 1116 due to its likely negative impact on the fiscal health of the state's unemployment insurance trust fund. *Staff: Bryan Little, blittle@cfbf.com*

Energy and Utilities

[AB 2797](#) authored by Assemblymember Tina McKinnor (D Inglewood) will be heard in the Senate Energy, Utilities and Communications Committee on July 2. The bill, which Farm Bureau submitted a letter in opposition to, would usurp the thoughtful and pragmatic final decision of the California Public Utilities Commission (CPUC) addressing legacy copper network installations or landlines. AT&T lost their request to discontinue their obligations associated with Carrier of Last Resort at the CPUC earlier this month and responded with the proposed legislation, which was spliced into a completely different piece of legislation that had already been through the Assembly, so that full consideration of its ramifications is truncated. Farm Bureau members are concerned about the practical impacts of terminating support for landlines and being forced to rely on the unpredictable reliability of cell phone service or internet service. A substantial number of our members reside in rural areas, including high fire threat areas, and for safety purposes must have access to reliable communication methods. Residents from Yolo County, Mendocino County, Sonoma County, Yuba County, and others have all provided specific instances of when it has been essential to rely on landlines for safety reasons. The bill also provides for a process that gives the utility unfettered control over which areas it would withdraw its support for landline service. There was tremendous opposition to the request at the CPUC and significant opposition to AB 2797 is anticipated as well.

Staff contact: Karen Mills, kmills@cfbf.com

Forestry and Wildfire

[SB 945](#) authored by Senator Marie Alvarado-Gil (D Jackson) and sponsored by the California Farm Bureau passed from the Assembly Committee on Health on the Consent Calendar. The bill moves onto the Assembly Committee on Natural Resources next week and is a proposed Consent Calendar item. This means the bill has no formal opposition and has not received a single no vote. SB 945 tasks the Department of Public Health to advance a data platform connecting wildfire smoke events, health outcomes, and state investments in wildfire fuels mitigation. The goal is to create a data driven approach to those maximizing those fuel mitigation investments for improved health outcomes, and enjoys support from a large coalition including agriculture, rural government, and medical associations.

Staff: Peter Ansel; pansel@cfbf.com

Insurance

[AB 2996](#) authored by Assemblymember David Alvarez (D San Diego) and supported by the California Farm Bureau passed from the Senate Business and Professions Committee and the Senate Insurance Committee this week. AB 2996 will leverage the state's iBANK to support the ability of the FAIR Plan to maintain solvency as the number of policies continues to grow. The bill is not a solution to the insurance markets problems but is a prudent backstop to FAIR Plan total insolvency, which would drag down the entire statewide market fully. Farm Bureau supports depopulating the volume of FAIR Plan policies and simultaneously encourages the FAIR Plan to utilize a resource like iBANK if feasible to better maintain its economic position.

Staff: Peter Ansel; pansel@cfbf.com

The Department of Insurance conducted a virtual workshop regarding its draft regulations for catastrophe modeling and rate plan setting. As mentioned recently, these are the next set of regulations from the Department to restore competitiveness to California's insurance market. As part of that process, insurers will be permitted to use catastrophe modeling and reinsurance cost pass through (often determined by underwriting parameters of the reinsurers) in exchange for commitments to write policies again in distressed areas of the state. Farm Bureau submitted written public comments to the draft regulations and participated in the virtual workshop. *Staff: Peter Ansel; pansel@cfbf.com*

Pesticides

Ag strikes a compromise on boosting mill fee

A broad coalition of farm groups and chemical manufacturers have dropped their opposition to a [proposed increase to the mill assessment](#) after securing new amendments.

The Legislature recently rejected the Newsom administration's mill proposal and instead rallied behind a policy bill that would do the same but with critical legislative oversight.

After hearing concerns over accountability from both ag and environmental justice advocates, Assemblymember Eduardo Garcia (D Coachella) has added a set of guardrails within [AB 2113](#). This week he tightened up that language ahead of a Senate Ag hearing.

The administration's proposal would have enabled the Department of Pesticide Regulation to enact additional increases in four years. AB 2113, however, would cap such increases, unless DPR returns to the Capitol for prior approval. The bill would also require DPR to meet certain timelines for registering new products and to report annually on that process. Farm groups have worked closely with Garcia as well as the administration and legislative leaders on the bill.

The measure has gained bipartisan support and in August faces the Legislature's fiscal gauntlet with a key appropriations vote.

Staff: Chris Reardon, creardon@cfbf.com