



March 31, 2017

Air Quality:

SB 174 (Ricardo Lara, D-Bell Gardens) would require that all on-road diesel road vehicles over 14,000 gross vehicle weight must be confirmed by the California Air Resources Board (CARB) that they are in compliance with the Truck and Bus rule prior to initial registration, transfer of ownership or registration renewal by the Department of Motor Vehicles (DMV). If your truck/s are enrolled in the Agricultural Mileage provision or any other compliance extension, then CARB would confirm your compliance with DMV and you should be able to get your registration or transfer. But many folks who have enrolled with CARB and provided their annual agricultural mileage have experienced numerous problems with their database and lack of adequate staff to resolve the kinks in the reporting process.

Farm Bureau has been in discussions with bill's sponsor, California Trucking Association, as well as Senator Lara and CARB to seek some flexibility in this draconian measure that will delay or prevent registration of many trucks used by the agricultural community. We have asked that the farmers and ranchers have another opportunity to register with CARB's Agricultural Mileage provision so ag vehicles can be kept until 2023. Currently ag registered trucks can only drive 15,000 miles annually, it will drop to 10,000 miles annually in January 1, 2020. We have also asked that the Low-Use provision be kept at 5,000 miles permanently. It is slated to drop to 1,000 miles as of January 1, 2020. A ninety-day temporary permit is to be issued by DMV if you cannot register your truck because of being noncompliant with the CARB Truck and Bus rule. We asked that this permit be available within forty-eight hours.

Senator Lara has been willing to discuss our requested amendments but is awaiting air emissions impact analysis from CARB before deciding. While there was sympathy from committee members on our concerns, the Senate Transportation and Housing Committee approved SB 174 with an 8-0 vote, with five Senators abstaining. Farm Bureau opposes.

Transportation:

SB 1 (Jim Beall, D- San Jose) is the legislative vehicle for a deal announced this week between Governor Brown and legislative leaders to raise gas taxes and vehicle fees to generate more than \$7.4 billion annually for repairing California's system of streets, highways and bridges, as well as to increase mass transit. Here are some highlights regarding the proposed fee and tax increases in the bill:

- \$7.3 billion by increasing diesel excise tax 20 cents
- \$3.5 billion by increasing diesel sales tax to 5.75 percent
- \$24.4 billion by increasing gasoline excise tax 12 cents
- \$16.3 billion from an annual transportation improvement fee based on a vehicle's value
- \$200 million from an annual \$100 Zero Emission Vehicle fee commencing in 2020.

- \$706 million in General Fund loan repayments.
- \$165 annual fee for zero-emission vehicles

It is estimated that together these tax increases represent over a 60% increase from currently assessed excise taxes and a 500% increase in the sales tax collected for diesel.

The legislation also extends the usable life of commercial motor vehicles by not requiring replacement or retrofitting of diesel engines for 13 years from the model year the engine and emission system were first certified or 800,000 miles whichever occurs later. If 800,000 has not been reached by the 13th year the vehicle can be operated for up to 18 years.

The bill also requires the Department of Motor Vehicles as of January 1, 2020 to confirm that commercial motor vehicles are compliant with or exempt from the Truck and Bus rule prior to initial registration, transfer of ownership or registration renewal. This is similar to the requirement found in SB 174 (Ricardo Lara- D- Bell Gardens) above.

The California Chamber of Commerce is supporting the bill and the California Trucking Association is expected to with the latest amendments. However, some environmental groups are concerned about the language extending the usable life of commercial vehicles as outlined above. California Farm Bureau is opposed and other agricultural groups are also expected to be opposed. The bill will be voted on Monday, April 3rd, in the Senate Appropriations Committee.

Commodities:

[AB 1219](#) (Susan Talamantes Eggman, D-Stockton) would clarify and expand on existing protections for good faith food donors to encourage increased food donations. Food is the single most prevalent material in California's waste stream, with over 5.5 million tons of food landfilled every year. Much of the food currently going to landfills is wholesome and edible. Many food manufacturers, retailers, and restaurants cite fear of liability as a top barrier to donating food. AB 1219 provides clarification and expands on the scope of current food donor protection laws, which will assist the state in meeting organic waste diversion and food recovery goals and encourage more donations to organizations who seek to redistribute food to individuals in need. AB 1219 was heard in the Assembly Judiciary Committee who requested several amendments but unanimously approved it 11-0. Farm Bureau supports.

[AB 290](#) (Rudy Salas, D-Bakersfield) would indefinitely extend the exemption from licensing as a repossession agency for a dealer when acting on behalf of a manufacturer that holds title to equipment or vehicles purchased through the dealer designed primarily for agricultural use. When repossession of agricultural equipment becomes necessary, dealers would prefer taking back the property themselves rather than involving a stranger from a repossession agency. Maintaining good relationships with their customers is especially important for dealers who live and operate their business in rural agricultural communities. The measure passed unanimously out of the Assembly Business and Professions Committee and was referred to the Assembly Appropriations Committee. Farm Bureau supports.

Education:

[AB 445](#) (Jordan Cunningham, R-San Luis Obispo) would extend the current Career Technical Education Incentive Grant program, including its statutorily established, high-quality performance criteria and local match prerequisites. California's public school system was once a model for providing students with the opportunity to acquire training, skills, and technical expertise for meaningful employment in a wide variety of career areas. But student access to career technical education (CTE) in California has been in a downward trajectory since the late 1980s, as policymakers have prioritized theoretical academics instead

of hands-on, industry-relevant skills. This is leaving a serious skills gap for California companies wanting to expand operations or backfill thousands of highly skilled retirees. Until federal and state policymakers figure-out how to encourage schools to build and maintain industry-relevant CTE programs on their own, the only thing that will keep these life-equipping programs afloat are funding incentives that are tied to high-quality performance standards, which AB 445 seeks to continue. This measure will be hard next week in the Assembly Education Committee. Farm Bureau supports.

Environment:

[SB 602](#) (Ben Allen, D-Santa Monica and Scott Wiener, D- San Francisco) would require the labeling of commercially available seeds and plants sold at retail establishments that have been treated with a neonicotinoid pesticide. The label would have to clearly include the words “STATE OF CALIFORNIA SAFETY WARNING: MAY HARM BEES”. Instead of normal oversight and enforcement by the Department of Pesticide Regulation, SB 602 will make it an unfair and unlawful business act if the seeds and plants sold at retail establishments treated with neonicotinoids are not labeled. Thus, groups or individuals who oppose the use of pesticides could bring a private action against a retailer who had treated but unlabeled plants for sale.

SB 602 would also prohibit consumer sale or use of neonicotinoids by January 1, 2019 which would threaten the fight to stop the spread of the Asian Citrus Psyllid that transmits Huanglongbing for which there is no cure and has decimated the citrus industry in Florida, Texas, Mexico and Brazil. SB 602 was heard by the Senate Environmental Quality Committee and was approved on a 5-2 vote. Farm Bureau opposes.

Labor:

[AB 450](#) (David Chiu, D-San Francisco) was substantially amended on March 23 to add language forbidding an employer from granting federal immigration enforcement authorities access to their place of business without a search warrant or providing employee-related records to federal immigration enforcement authorities without a subpoena. All new amendments in AB 450 are predicated on not being required if doing so would be prohibited by law including requiring an employer to provide notice to employees of known future enforcement action by a federal immigration agency. It would also require the employer to provide to employees any written notice of the findings of a federal enforcement audit or inspection, and of any actions required of the employer by the federal immigration enforcement agency. AB 450 requires an employer to notify the Labor Commissioner of any federal immigration agency action or any action by the employer to check the work authorization documents of current employees within 24 hours. AB 450 also prohibits an employer performing any self-audit or inspection of Forms I-9 for current employees unless required by federal law. Penalties for violations would range from \$10,000 to \$25,000 per violation. Farm Bureau opposes.

[AB 912](#) (Jay Obernolte, R-Big Bear Lake) would require state regulatory agencies to render assistance to regulated small businesses to facilitate compliance with the agency’s regulatory requirements. AB 912 would also require regulatory agencies to reduce civil penalties based on mitigating factors including that the violation did not pose an imminent danger to health, safety, or the environment. The Assembly Jobs, Economic Development and the Economy Committee approved AB 912 on 6-0 vote. It will be heard next in Assembly Accountability and Administrative Review Committee. Farm Bureau supports.

[AB 978](#) (Monique Limon, D-Santa Barbara) requires employers, upon receipt of a written request, to provide a paper or electronic copy of the employer’s Injury and Illness Prevention Plan (IIPP) to a current

employee or his/her authorized representative. AB 978 was approved by the Assembly Labor and Employment Committee on a 5-1 vote and was referred to the Assembly Appropriations Committee. Farm Bureau opposes.

[SB 240](#) (Bill Dodd, D-Davis) raises the per-acre assessment on vineyard land paid by Napa County wine grape producers to support farmworker housing provided by the county. SB 240 increases that assessment from \$10 per acre to \$15 per acre. It is supported by several wine grape and agricultural organizations in Napa County and the Napa County Farm Bureau. SB 240 was approved 6-1 by the Senate Governance and Finance Committee. Farm Bureau supports.

[SB 555](#) (Mike Morell, R-Rancho Cucamonga) would have required state regulatory agencies to review regulations every five years that were adopted after Jan. 1, 2018, evaluating several factors including the cost/effectiveness of the regulation and to publish that review on the agency's website. SB 555 failed passage in the Senate Government Organization Committee. Farm Bureau supported.

Natural Resources:

[AB 1126](#) (Committee on Agriculture) would allow the continued use of carbon monoxide to control burrowing rodent pests. In 2011, Farm Bureau sponsored legislation to legalize the use of carbon monoxide for rodent control. However, that bill included a sunset that eliminated the use in January 1, 2018. AB 1126 (Committee on Agriculture) will extend the allowance indefinitely. The bill was placed on the Assembly's consent calendar this week, where it passed with a 74-0 vote. Farm Bureau is the sponsor of AB 1126.

[SB 473](#) (Robert Hertzberg, D-Van Nuys) would make several changes to the California Endangered Species Act (CESA). The changes include both positive and negative adjustments. There are two changes that could be beneficial to Farm Bureau members. First, SB 473 would give authority to the Department of Fish and Wildlife (DFW) to determine that any incidental take allowance provided by the federal Fish and Wildlife Service (FWS) could be deemed consistent with CESA and allowed under state law. Obtaining a consistency determination means that a permit applicant wouldn't have to apply for a separate permit from DFW after they've been granted the authority to take by FWS. The bill would also allow an incidental take permit process for multiple lands owned by a single owner. The intent behind this change is to allow utility or railroads to obtain an incidental take permit across all their properties, however it could also help farmers who own multiple properties.

The bill also includes several problematic provisions. While the bill allows for more consistency determinations to be issued by DFW, the section authorizing consistency disappears if any changes are made to the federal Endangered Species Act (ESA) or its implementing regulations. Thus, if Congress decided to change how grants are distributed under the ESA, DFW would lose its authority to issue any consistency determinations. SB 473 also includes a provision that prohibits allowing take for candidate species if allowing take would jeopardize the continued existence of the species. It would be nearly impossible to make this determination, because while a species is designated as a candidate, DFW is gathering data and reviewing the status of the species. Without a clear scientific understanding of the status of a species it would be nearly impossible to determine whether an action could jeopardize a species; meaning that allowing take would always be subject to litigation questioning whether jeopardy was occurring. The bill also further defines "conservation" to mean that a species isn't conserved until it can survive in the wild in California, which could limit the tools available to help recover listed species. Finally, the bill prioritizes safe harbor agreements on land with a conservation easement. Farm Bureau has expressed our concerns to the author and will work with him to amend the bill to eliminate the

problematic provisions. The Senate Natural Resources and Water Committee approved SB 473 on a 7-1 vote, but the author committed to further amending the bill based on concerns.

Water:

[AB 594](#) (Jacqui Irwin, D-Thousand Oaks) would exempt large solar or wind energy generation projects from preparing a water supply assessment if they would demand no more than 50 acre feet of water annually. It indefinitely exempts these projects from identifying their water supply under the California Environmental Quality Act. Assembly Member Irwin introduced a similar measure (AB 2561) at the very end of the legislative session last year. Farm Bureau was opposed unless the measure was amended to extend the sunset for only one year to allow time to work with the sponsors on a solution. Farm Bureau is working with the sponsors and the author to address concerns that large-scale projects could compete with agricultural water supplies because of AB 594.

[AB 947](#) (James Gallagher, R-Yuba City) would clarify that “streambed, bank, or channel” only means the land containing the river, stream, or lake during its ordinary course. This change would narrow when a streambed alteration agreement would be required to activities only in the bed, bank, or channel rather than the entire floodplain. This Farm Bureau sponsored measure will be heard in the Assembly Water, Parks and Wildlife Committee next week.

[AB 975](#) (Laura Friedman, D-Glendale) would expand the extraordinary values for 1,362 miles of rivers designated as wild and scenic under the California Wild and Scenic Rivers Act. It would also expand current protections to include the river and adjacent lands within one-quarter mile on each side of the river. The measure will be heard in the Assembly Appropriations Committee next week. Farm Bureau opposes.

[AB 1605](#) (Anna Caballero, D-Salinas) would assist those who voluntarily provide alternative drinking water to participate in an alternative compliance project or program or contribute to a fund to pay for alternative drinking water to those whose MCL exceeds the drinking water standard for nitrate. This Farm Bureau sponsored measure would provide liability protection to farmers and landowners who provide alternative drinking water. It will be heard in the Assembly Environmental Safety and Toxic Materials Committee next week.

[SB 252](#) (Bill Dodd, D-Napa) would require new water well permit applicants in critically over drafted groundwater basins to provide information about their application to their neighbors. It would require cities and counties overlying critically over drafted basins to publicly notice new well permit applications. SB 252 was approved by the Senate Natural Resources and Water Committee along party lines 7-2. Farm Bureau and other agricultural organizations oppose the measure as written.

[SB 506](#) (Jim Nielsen, R-Gerber) originally would have eliminated the requirement to obtain a lake and streambed alteration agreement (LSAA) when an individual is simply exercising his or her water right by diverting water. The bill also would have exempted maintenance of water diversion facilities from the requirement to obtain an LSAA. Senator Nielsen carried an identical bill last year and it didn’t receive enough votes to pass out of the Senate Natural Resources and Water Committee. This time the Committee worked with Senator Nielsen to amend the bill to delete the language changing what activities were subject to LSAA and, instead require the Department of Fish and Wildlife to update the information on its website regarding its LSAA program to provide clearer information to the public regarding compliance. DFW will also be required to better facilitate individualized guidance to the public regarding LSAA. With those changes, the bill was placed on the Committee’s consent calendar and it passed with a 9-0 vote.

[SB 623](#) (Bill Monning, D-Carmel) would establish the Safe and Affordable Drinking Water Fund and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board (SWRCB). Recent amendments include requirements that the SWRCB annually adopt an implementation plan while working with a multi-stakeholder advisory group that shall include representatives of those paying into the fund, nongovernmental organizations and others. The measure has yet to identify a funding source for the Safe and Affordable Drinking Water Fund. SB 623 will be heard in the Senate Environmental Quality Committee on April 19.

[SB 778](#) (Robert Hertzberg, D-Van Nuys) would establish the Safe Drinking Water Fund and continuously appropriate moneys in the fund to contract for administrative and managerial services to designated public water systems and order those designated public water systems to accept these services. This measure has yet to identify a funding source for the fund it establishes. As recently amended it will be heard in the Senate Environmental Quality Committee on April 19th.