



July 5, 2019

Appointments

Governor Brown announced a new appointment, Arturo Barajas, as Deputy Secretary at the Department of Food and Agriculture. Mr. Barajas, who previously served with Assemblymember Joaquin Arambula, will be managing fair issues on behalf of the State.

Air Quality

The Carl Moyer Program would allow for truck trade-ups under a bill being carried by Senator Cathleen Galgiani, SB 216. The bill would allow fleets that are using Carl Moyer funds to replace relatively new trucks to trade those newer trucks with fleets that have older heavy-duty vehicles. Instead of scrapping the newer trucks, those would be provided to another owner with older vehicles and the older vehicle would be scrapped. This is similar to the tractor trade-up program that is available in the San Joaquin Valley Air Pollution Control District. Farm Bureau is supporting SB 216, which passed out of the Assembly Transportation Committee with a vote of 15-0. SB 216 now goes to the Assembly Natural Resources Committee. *Staff Contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com*

SB 210, (Leyva) would create an inspection and maintenance program for heavy-duty diesel vehicles. This bill would essentially create a smog-check program for heavy-duty vehicles and prevent their use if a vehicles malfunction indicator light is illuminated. The Air Resources Board (ARB) is in the process of developing a similar program as part of the State Implementation Plan for San Joaquin Valley PM 2.5. ARB is expected to adopt a heavy duty "smog-check" program regardless of the outcome of SB 210. Farm Bureau is currently opposing SB 210 unless amendments are taken to reduce the impacts the proposed program would have on trucks agricultural operations depend upon. While Senator Leyva has taken some amendments to address Farm Bureau's concerns there are remaining amendments necessary to ensure that low-use trucks and trucks licensed and registered as Special Equipment can comply without jeopardizing their compliance. SB 210 passed out of the Assembly Transportation Committee this week with a vote of 12-2; and it now goes to the Assembly Natural Resources Committee. *Staff contact: Noelle Cremers at ncremers@cfbf.com or (916) 446-4647*

Forestry

SB 69, (Wiener, D-San Francisco) would make various changes to existing law relative to oceans, rivers, watersheds, and watercourses to improve water quality and better protect salmonid species. SB 69 contains several problematic provisions related to timber harvest plans, including new erosion and sediment control requirements and structurally modifies existing THP review processes. The bill passed the Assembly Water, Parks and Wildlife Committee by a vote of 9-3 and has been referred to the Assembly Natural Resources Committee. CFBF is part of a forest industry coalition opposing the legislation. *Staff contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647*

Housing

[AB 1783](#), (Robert Rivas, D-Salinas), prohibits the use of state funds to develop housing for H-2A farm employees and offers a streamlined, ministerial permit process for the development of farm employee housing but only if the landholder cedes control to a third party qualified affordable housing organization. Farm Bureau opposes this bill as a discriminatory prohibition of state funds for a particular subset of farm employees and as an unusable incentive that is not accessible to farm employers. The bill will be heard in Senate Governance and Finance Committee on Wednesday, July 10th. Staff contact: Bryan Little blittle@cfbf.com or (916) 561-5622 and Taylor Roschen, troschen@cfbf.com or 916-446-4647

Labor

[AB 170](#), (Lorena Gonzalez, D-San Diego) extends harassment liability for contractors' employees to the client employer. Governor Brown vetoed legislation for the same purpose in 2018. Farm Bureau opposes due to additional unnecessary litigation AB 170 will create. AB 170 was approved by Senate Judiciary Committee on July 2 by a 7-2 vote and proceeds to consideration by the entire Senate. Staff contact: Bryan Little blittle@cfbf.com or (916) 561-5622

[AB 418](#), (Kalra, D-San Jose) creates an excessively broad evidentiary privilege for union organizers even broader than that for attorney-client or doctor-patient privilege. Farm Bureau opposes because it will result in excessive litigation related to union representation issues. AB 418 passed the Senate Judiciary Committee on July 2 by a 7-2 vote and proceeds to consideration by the entire Senate. Staff contact: Bryan Little blittle@cfbf.com or (916) 561-5622

[AB 589](#), (Gonzalez) forbids employers from possessing or destroying an employee's immigration documents (something already forbidden under the Penal Code and federal law) and requires employers to post and notify employees of a new "Workers Bill of Rights;" one of these rights would be a "right to live where the employee chooses" and the right to not live at an employer-designated location. The bill is sponsored by the San Diego County District Attorney's office to combat human trafficking. Farm Bureau has opposed this bill and its 2018 predecessor ([AB 2732](#)) on the grounds that it creates new criminal liability for actions that are already against state and federal law, the new posting and notification requirements (which Governor Brown noted in his 2018 veto message on AB 2732 impose undue burdens on most law-abiding California employers) and the newly-created right to not live at an employer-designated location. AB 589 passed the Senate Judiciary Committee on July 2 by a 7-2 vote and was referred to the Senate Appropriations Committee. Staff contact: Bryan Little blittle@cfbf.com or (916) 561-5622

Natural Disaster

CFBF is supporting [AB 41](#), (Gallagher, R-Yuba City) and [AB 247](#), (Dahle, R-Beiber), two disaster relief bills that would require the State of California to reimburse local agencies for costs incurred for the 2018 Camp, Carr and Klamathon Fires. Under existing law, the California Disaster Assistance Act (CDAA), the state reimburses local governments for debris removal, emergency work, and repair or replacement of public facilities damaged by a disaster and upon a Governor's disaster proclamation. The state share of eligible expenses is typically 75%, and local jurisdictions are responsible for the remaining 25%. AB 41 and AB 247, respectively, would increase the state's contribution to 100% of the non-federal eligible disaster mitigation costs. The two legislative vehicles will assist the communities rebuild from these catastrophes without the attached financial burdens of all cleanup and post-fire needs. Given the magnitude of the damage and the impact of these wildfires on vital

public services, California's wildfires are in uncharted territory and stretch the capabilities of even the most prepared communities. *Staff contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647*

Pesticides

Two high profile bills have failed passage in the Legislature this week. [AB 916](#), (Muratsuchi, D-Torrance) would have prohibited the use of glyphosate within the State. This bill was not offered a hearing in Senate Agriculture Committee. Likewise, [SB 86](#), (Durazo, D-Los Angeles) would have prohibited the use of chlorpyrifos as of January 1, 2021. This bill failed passage in the Assembly Environmental Safety and Toxic Materials Committee. Farm Bureau joined other agricultural interests in strong opposition to both bills as a side-stepping California and the Federal EPA's robust risk assessment process for active ingredients. *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647*

Taxation

[SB 468](#), (Jackson, D-Santa Barbara) would create a new state entity, the California Tax Expenditure Review Board, that would direct the Legislative Analyst's Office (LAO) to review California's tax expenditures and make recommendations to the legislature. The concern with SB 468 is that the legislation could be used to eliminate California agriculture's partial sales and use tax exemptions. SB 468 will be heard in the Assembly Revenue and Taxation Committee next Monday. CFBF is in opposition to the legislation as part of a large coalition of business, manufacturing and tax organizations. *Staff contact: Robert Spiegel, at rspiegel@cfbf.com or (916) 446-4647*

Technology

[AB 488](#), (Aguiar-Curry, D-Winters), a bill which would add the Secretary of CDFA to the California Broadband Council, passed unanimously in the Senate Energy, Utilities and Communications Committee and has been sent to the Senate Floor for a final vote. AB 488 ensures that the California agriculture will have a dedicated representative when developing strategies to expand broadband connectivity. CFBF is supporting the legislation. *Staff contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647*

Transportation

[AB 1810](#), (Transportation Omnibus), is being jointly supported by the California Cattlemen's Association (CCA) and CFBF. AB 1810 contains beneficial provisions for rural counties and residents to access already appropriated state funding for the maintenance and removal of cattle guards on public roadways at their discretion. AB 1810 does not make a new appropriation from Highway Users Tax Account (HUTA) and does not require counties to use HUTA funds to maintain or remove cattle guards. AB 1810 simply allows a county, at their discretion, to utilize a larger pool of revenue to maintain or remove cattle guards, including local revenue and HUTA funds that have been or will be allocated. *Staff contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647*

Water

A measure that would establish the Safe and Affordable Drinking Water Fund passed out of the Assembly Environmental Safety and Toxic Materials Committee 8-1 this week. [SB 200](#), (Bill Monning, D-Carmel) would establish the fund to help water systems provide an adequate and affordable supply of safe drinking water. Beginning in fiscal year 2020-21 the measure requires five percent of the annual Greenhouse Gas Reduction Fund (GGRF), up to \$130 million, to be deposited into the Safe and Affordable Drinking Water fund. The General Fund will act as a backstop in the event that the Safe Drinking Water Fund falls short. The funding will sunset in 2030. *(As previously reported, the*

Budget Act of 2019 appropriates \$100 million from the GGRF and \$30 million from the General Fund this year.) SB 200 was also amended this week to add an urgency clause, therefore taking effect immediately if signed by the Governor. The measure was passed by the Assembly this week 67-0. Farm Bureau supports. *Staff contact: Danny Merkley at (916) 446-4647 or dmerkley@cfbf.com*

A measure that would provide funding for repairs on the Friant-Kern Canal, passed out of the Assembly Water, Parks and Wildlife Committee 10-0 this week, with committee members Kansen Chu, D-San Jose; Laura Friedman, D-Gleendale; Ash Kalra, D-San Jose; and Marc Levine, D-Marin County abstaining. SB 559, (Melissa Hurtado, D-Sanger) will move to a floor vote by the full Assembly. Farm Bureau supports the measure. Staff contact: Danny Merkley at (916) 446-4647 or dmerkley@cfbf.com

Wildfire

AB 1516, (Laura Friedman, D – Glendale) makes various changes to improve defensible space requirements, electrical transmission or distribution line vegetation clearance requirements within high fire risk areas, and CAL FIRE’s local government technical assistance requirements with the intent to improve the fire safety of California communities. The bill is fashioned around further reducing fire risk. Language in the bill restricts planting of vegetation near electrical distribution and transmission lines that could come within 10 feet of any line at any time which is the clearance requirement for the highest voltage in high fire threat areas; distribution line clearances are much less than 10 feet. The requirement could impact orchards that might be embedded within high fire threat areas, even though orchards are recognized as not posing fire risks. CFBF is in discussions with the author’s office to address our concerns about the potential impacts on orchard pruning requirements. The bill was heard in the Senate Natural Resources and Water Committee on June 25, where the author committed to resolving CFBF’s concerns by “pruning out the inclusion of orchards” in the language. CFBF has reviewed the author’s proposed amendments and with a small edit addresses CFBF’s concerns allowing it to become neutral on the bill. The bill will be heard in Senate Energy and Utilities on July 10, 2019, when the proposed amendments will be taken up. *Staff contact: Karen Norene Mills, kmills@cfbf.com, 916-561-5655*

Wildlife

Farmers and ranchers will continue to have liability protection if they accidentally take a species listed under the California Endangered Species Act if SB 62, (Dodd) passes. Farm Bureau is sponsoring SB 62 to ensure that the accidental take provision of the California Endangered Species Act remains in place. Accidental take provides liability protection for farmers and ranchers who take a listed species in a manner that is unintended or unforeseen. SB 62 passed out of the Assembly Appropriations Committee on consent this week. It now moves to the Assembly Floor. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com*