



CALIFORNIA



FARM BUREAU
FEDERATION

2019 Legislative Highlights

Air Quality

SB 210 (Leyva) creates an inspection and maintenance program, analogous to a Smog Check, for heavy-duty diesel vehicles. The Air Resources Board (ARB) is currently in the process of developing a similar program as part of the State Implementation Plan for the San Joaquin Valley PM 2.5, so that effort will now be incorporated into implementation of SB 210. Farm Bureau opposed SB 210 because the impacts were too significant on the trucks our agricultural operations rely on and the amendments taken did not mitigate those impacts enough. However, Farm Bureau will work with ARB as it implements the new program to limit impacts on heavy duty agricultural trucks, specifically by ensuring access to affordable mobile testing options for agricultural vehicles. Farm Bureau was successful at getting the following provisions to protect agricultural vehicles incorporated into SB 210:

- Trucks used exclusively in agriculture have 75 days, rather than 45, to correct violations or emissions system failures and are not prohibited from using them during that time; and
- Out-of-state trucks must have a way of establishing and verifying compliance prior to entering California (to ensure out-of-state trucks carrying agricultural commodities aren't turned away at the border).

Other provisions that will benefit all heavy-duty truck owners include:

- Capping the compliance fees at \$30;
- Allowing ARB to exempt vehicles from testing requirements if the cost of compliance outweighs the benefits of compliance; and
- Requiring ARB to adopt a pilot project and report the results to the legislature prior to full implementation of the law.

The Governor signed SB 210 into law.

SB 216 (Galgiani) would have allowed the Carl Moyer Program to fund truck trade-ups, meaning instead of scrapping newer trucks being replaced, those trucks can be traded to someone replacing an older, higher polluting vehicle. Farm Bureau supported SB 216, however it was held in the Assembly Appropriations Committee.

ARB Criteria Pollutant and Toxic Air Contaminant

Reporting: The ARB released further revisions to the proposed regulations requiring annual emissions reporting of criteria pollutants and toxic air contaminants this Summer. The revised version responds to concerns Farm Bureau had expressed about the impacts the proposed regulations would have on farmers by significantly narrowing who is required to report and reverting back to a reporting threshold of 250 tons per year. This change means that individual farms and ranches are unlikely to be subject to the new reporting requirements. However, ARB has stated that it plans to propose additional regulations in the near future that would require reporting from businesses with much lower emissions. Farm Bureau submitted comments expressing appreciation for ARB's changes to the proposed regulations and Farm Bureau will

remain engaged on the issue to continue to work to limit new requirements on California farms and ranches.

Agriculture, Generally

AB 419 (Asm Agriculture Committee) was an omnibus committee bill that extends various agricultural programs until July 1, 2025. These programs include licensing of renderers, collection centers and transporters of inedible kitchen grease; fruit, nut and vegetable standardization; and the California seed law. Governor Newsom signed AB 419.

AB 466 (Asm Ag Committee) is another omnibus committee bill that addresses a series of agricultural issues. AB 466 authorizes the Department of Food and Agriculture to designate bee colonies shipped to a port of entry with proper documentation be released without inspection or quarantine. The bill also allows for the labeling and marketing of 6% milk in California and extends the authority for the Department to manage the Office of Farm to Fork until January 1, 2025. Governor Newsom signed AB 466.

AB 488 (Aguiar-Curry) adds the Secretary of the Department of Food and Agriculture to the existing California Broadband Council. The Council is responsible for promoting the development and deployment of broadband in unserved and underserved communities. Farm Bureau supported this bill and it was signed by Governor Newsom.

SB 449 (McGuire) extends the authority for the Department of Food and Agriculture to enact the Pierce's Disease Control Program and the Pierce's Disease and Glassy-winged Sharpshooter Board until March 1, 2026. These programs are responsible for combating Pierce's disease and its vectors, including the glassy-winged sharpshooter, and for purposes relating to other designated pests and diseases. Governor Newsom signed SB 449.

Agricultural Education

AB 1586 (Kalra) would have prohibited any public or private K-12 school from performing an animal dissection. The bill included a prohibition for students to view animal dissection or dismemberment during the study of biological sciences. Farm Bureau led a coalition of agricultural interests and agricultural teachers in opposition to the measure arguing that agricultural education pathways and applied learning experiences depend upon experimentation and that the animals used during such classroom lessons are sourced humanely. The bill failed to pass the Assembly Education Committee.

Animal Welfare

AB 128 (Gloria) made numerous changes to protect horses from slaughter. Originally, the legislation would have required California livestock haulers and operations to pay for the enforcement of Proposition 6 (1998), modified trailing regulations and increased inspections of agricultural trailers and would have set minimum auction prices for horses at auction. Farm Bureau was the only agricultural organization to oppose the legislation and worked with the author, sponsor

and staff to reduce impacts to California livestock operations. The proponents of Proposition 6, an initiative opposed by Farm Bureau some twenty years earlier, opposed AB 128 and attempted to place new, costly mandates on California agriculture. Governor Newsom signed AB 128.

AB 1553 (Fong) made numerous changes to outdated terminology governing the seizure, rescue, adoption and euthanasia of abandoned or surrendered animals by animal shelters and rescue organizations. Specifically replaced the term “pound” with “animal shelter” “in various provisions of California statute. AB 1553 was signed by Governor Newsom.

SB 313 (Hueso) bans the use of bears, tigers, elephants, monkeys and other wild animals in circuses. Originally, the legislation would have banned additional animals not uncommon to agricultural operations, such as llamas, alpacas and camels. The legislation would have also prohibited the showing of these animals at fairs and expositions by members of the Future Farmers of America (FFA) and 4-H Clubs. Farm Bureau and San Diego County Farm Bureau effectively amended the bill to protect existing agricultural operations and agricultural education programs. Governor Newsom signed SB 313.

Proposition 12 (The Farm Animal Confinement Initiative, 2018). Farm Bureau submitted written comments to the California Department of Food and Agriculture (CDFA) to help inform CDFA on developing an effective implementation approach, including needed areas of clarification or greater specificity, and the economic impacts of initial and ongoing compliance.

Cannabis

SB 627 (Galgiani) would authorize a qualified veterinarian to recommend the use of medicinal cannabis on an animal patient, following the development of administration guidelines by the Veterinarian Medical Board’s (VMB). Farm Bureau successfully advocated for clarity to ensure cannabis administration is ineligible for food-producing animals and livestock. The bill, however, failed to pass the Assembly Appropriations Committee and is eligible for reconsideration in the next legislative session.

SB 657 (Monning) authorizes agricultural commissioners to include a separate crop report for the production of cannabis in their county, if they choose to do so, and remit it to the Department of Food and Agriculture. Though not supportive of the measure, Farm Bureau advocated that this cannabis information not be included in the conventional agricultural crop report mandated by law as cannabis is not an agricultural product. Governor Newsom signed SB 657.

Climate Change

AB 40 (Ting) would have required ARB to develop a strategy that would ensure light-duty vehicles sold after 2039 would be zero-emission. This policy would create a de facto ban on internal combustion engines for passenger vehicles and light-duty trucks. Farm Bureau opposed AB 40, which was

made a 2-year bill. However, the budget did include language providing ARB \$1.5 million to conduct a study to identify strategies to significantly reduce emissions from vehicles and to achieve carbon neutrality by transitioning passenger vehicles to zero-emission.

AB 1284 (Carrillo) would have required the Air Resources Board to adopt a regulation defining carbon neutrality. Farm Bureau expressed concern to the author’s office due to the potential for additional regulations on agricultural activities and potential increased costs for inputs. AB 1284 was made a 2-year bill.

AB 1445 (Gloria) would have created a policy for California to convert our economy to zero greenhouse gas emissions by no later than 2030 with an immediate phaseout of fossil fuels. Farm Bureau has significant concerns with the impacts of the proposal if actions are taken to implement the proposed policy. AB 1445 was made a 2-year bill.

Greenhouse Gas Reduction Fund. In January, Governor Newsom proposed \$25 million towards the Funding Agricultural Replacement Measures for Emission Reductions (FARMER) program at the Air Resources Board. The FARMER program provides financial assistance to replace diesel agricultural equipment with newer, cleaner burning equipment. A significant portion of these funds are being used to assist farmers in the San Joaquin Valley with replacing the 12,000 tractors by 2024 as required by the PM2.5 State Implementation Plan. In addition, he proposed \$18 million for the Healthy Soils Program and \$25 million for Methane reduction on Dairies. Citing a need for \$250 million annually for FARMER program and more in the Healthy Soils and Digester programs, CFBF and other ag groups urged the Governor to increase those amounts and in May, he proposed \$90 million for FARMER, \$28 million for Healthy Soils and \$35 million for Methane Reduction. After the Assembly proposed \$0 for the FARMER program, the hard negotiations began, and we ultimately ended up at the following final appropriations.

- \$65 Million – FARMER Program (Ag Diesel Engine Replacement)
- \$28 Million – Healthy Soils Program
- \$34 Million – Dairy Methane Reduction

Dairy

AB 590 (Mathis) is, in large-part, a cleanup effort to reconcile California’s milk marketing system with the changes necessary following the transition of California milk producers to a Federal Milk Marketing Order managed by the U.S. Department of Agriculture. The bill makes various changes including, updating how milk producers pay into the Milk Producers Security Trust (MPST) Fund; aligns definitions with the federal order; revises the responsibilities for the Dairy Council of California; allows the Department of Food and Agriculture to implement a new assessment structure to fund activities for the Council that had otherwise been paid through the State pooling plan; and authorizes the Department to adjust the rate of assessed milk to defray costs associated with administering the MPST Fund. Governor Newsom signed AB 590.

Economic Development

AB 417 (Arambula) was a Farm Bureau sponsored measure. This bill would have created a rural economic advisor position at the Department of Food and Agriculture to advise the Secretary and study issues related to agricultural economics in the State. This would have also included a potential study on the economic impacts of state policies, including the Sustainable Ground Water Management Act (SGMA). Despite passing the Legislature on Consent, the Governor ultimately vetoed AB 417, citing the need to utilize the Budget process to create such position. This desire of theirs was not communicated during the legislative process, but, nonetheless, we are currently working to have it included in next year's budget. The Governor's full veto message can be read [here](#).

Environmental Regulations

AB 939 (Frazier) would have lowered the threshold for "major regulations" from \$50 million to \$30 million. Current law requires any agencies adopting "major regulations," as determined by their cost to California businesses, to prepare a regulatory impact analysis of the proposed regulations. Farm Bureau supported AB 939, unfortunately it was made a 2-year bill.

SB 1 (Atkins) would have required state environmental and labor agencies to review changes to federal law and regulation and consider adopting state regulations that would ensure no labor or environmental protections are lost due to federal modifications. Just days before final passage by the legislature, the bill was amended to remove the problematic provisions in the Water Code defining "waste" and "waters of the state." However, the bill included language applying the California Endangered Species Act (CESA) to the operation of the Central Valley Project (CVP). This language would have led to the end of negotiations on the Voluntary Settlement Agreements because the CVP contractors would no longer have participated in the negotiations with the application of CESA to CVP operations. Opposing SB 1 was one of the Farm Bureau's top priorities and our work on this measure was a significant factor in the Governor vetoing SB 1. The full veto message can be found [here](#).

Forestry

AB 1160 (Dahle) extended the date of sustained yield plans from ten to twenty years. AB 1160 was supported by Farm Bureau and the bill was signed by Governor Newsom.

SB 69 (Wiener) makes numerous changes to existing law on oceans, rivers, watersheds and forestry resources to improve and protect the natural environments in response to climate change. This bill failed to pass the Assembly Appropriations Committee but is eligible to be a 2-year bill for the 2020 legislative session.

SB 462 (Stern) created a forest and woodlands restoration workforce curriculum and vocational programs to be offered by California's Community Colleges. Farm Bureau supported SB 462, but it unfortunately failed to pass the Assembly Appropriations Committee.

California Forest Improvement Program (CFIP). The purpose of the California Forest Improvement Program (CFIP) is to encourage private and public investment in, and improved management of, California forest lands and resources. The program provides cost share assistance for projects such as developing forest management plans, supervised reforestation, thinning, and conservation practices and habitat improvement. Farm Bureau submitted public comment requesting continual and ongoing funding for CFIP and statewide investment for small private forest landowners.

Hemp

SB 153 (Wilk) conforms state law on hemp cultivation with some of the provisions within the 2018 federal Farm Bill. This bill also requires the Department of Food and Agriculture and the Attorney General, with great expediency, to submit a proposed State Plan to USDA for imminent approval to allow for commercial production of hemp in California. This bill would also phase out the allowance for unregulated established agricultural research institutions to be exempt from registration. Farm Bureau supported this measure. This bill was signed by Governor Newsom.

AB 228 (Aguiar-Curry) would have created a regulatory framework for the sale of processed industrial hemp products. Specifically, it would have allowed a cannabis licensee to manufacture, distribute and sell industrial hemp products and its derivatives, cannabinoids and extracts. These products would have had to conform to new labeling requirements, require registration of such facilities and allow industrial hemp in food products. This bill was held in Senate Appropriations Committee and is now a 2-year bill.

Hemp Regulations. The Department of Food and Agriculture has released draft regulations regarding registration of commercial industrial hemp cultivators and seed breeders. These draft regulations seek to include a new obligation that registrants submit a planting and harvesting notification to County Agricultural Commissioners, adjust sampling protocols and standards for THC testing and requires laboratories performing such testing to be registered with the Department. Farm Bureau is in the process of evaluating and potentially commenting on these draft regulations in accordance with Farm Bureau policy. Draft regulations can be found [here](#). Likewise, the USDA has released an interim final rule regarding state obligations that is now open for public comment. Farm Bureau staff is in the process of reviewing the [draft rule](#).

Housing

AB 1783 (Rivas) established a streamlined development allowance for farmworker housing, but only if landholders worked with an independent third party operating under no oversight or accountability to the landholder. This bill also precluded the state from offering funding in the Joe Serna Farmworker Housing Program to agricultural employees developing and maintaining housing in which H-2A employees reside. The Farm Bureau and other agricultural groups opposed the measure because of the punitive treatment

of H2-A and the impractical conditions placed on acquiring a streamlined permit. AB 1783 was signed by Governor Newsom.

Labor

AB 5 (Gonzalez) codified the California Supreme Court's April 2018 Dynamex decision, which applies a rigid 3-factor test to allow an employer to claim a person rendering services is a contractor rather than an employee. AB 5 also provides "carve-outs" for various types of activities from application of the AB 5 test, including owner/operator truck drivers hauling construction materials, but no other cargos. AB 5 also includes an unworkable "business-to-business" general three-factor test exemption. Many other carve-outs were sought, including Farm Bureau supported carve-outs for all independent owner/operator truck drivers and those providing services to the forestry industry; neither was ultimately included. Governor Newsom signed AB 5.

AB 9 (Reyes) extends the Fair Employment and Housing Act filing deadline for harassment and retaliation claims from one year to three years. Farm Bureau opposed AB 9 because the extended time for filing will result in information being lost and memories of parties becoming less reliable with passage of time. Former Governor Jerry Brown vetoed a previous version of this bill; Governor Newsom signed AB 9.

AB 51 (Gonzalez) bans mandatory employment-related arbitration agreements and settlement agreements paying a party a financial settlement in exchange for waiving a discrimination or harassment claims. Gov. Brown vetoed similar legislation in 2018 because the arbitration ban is clearly preempted by federal law; however, Gov. Newsom signed AB 51.

AB 171 (Gonzalez) created a rebuttable presumption of retaliation due to a person's status as a victim of domestic violence, harassment or stalking should an employer take an adverse personnel action against such employee within 90 days of the employee providing notice of that victim status. Farm Bureau opposed AB 171 because it would hamper employers' ability to terminate poor performing employees, or employees harassing fellow employees. Governor Brown vetoed similar legislation in 2018 due to concerns that it needlessly duplicated in the Labor Code similar protections already available in the Government Code; Governor Newsom cited similar concerns in his [veto message](#).

AB 403 (Kalra) would have quadrupled (from six months to two years) the amount of time to for whistleblowers to file retaliation complaints with the Labor Commissioner and encouraged litigation of retaliation complaints by allowing courts to award attorneys' fees to a whistleblower complainant's attorney. Under current law, whistleblower complaints are handled through an administrative process managed by the Labor Commissioner. Farm Bureau opposed AB 403 because it would have encouraged litigation over administrative resolution of retaliation complaints, encouraged more complaints that will be harder to resolve because evidence and memories grow stale over time. In his [veto message](#), Governor Newsom indicated his belief that

prompt resolution of whistleblower complaints is not served by extending the filing deadline to two years.

AB 589 (Gonzalez) would have forbidden employers from possessing or destroying an employee's immigration documents (something already forbidden under the Penal Code and federal law) and required 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. Farm Bureau opposed AB 589 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 and the newly-created right to not live at an employer-designated location. In his [veto message](#), Governor Newsom cited concerns about undue burdens on law-abiding employers created by the bill's posting requirements.

AB 749 (Stone) forbids employment-related litigation settlement agreements including a prohibition against the employee seeking re-employment with the employer. Farm Bureau opposed this bill because settlement agreements to remove harassers and other problematic employees often include such agreements. Governor Newsom signed AB 749.

AB 1478 (Carrillo) created a blanket private right of action for Labor Code violations for conduct already illegal under the Government Code. Farm Bureau opposed due to the massive litigation that would likely result. Governor Newsom cited this duplication of requirements in his [veto message](#).

SB 218 (Bradford) allowed local jurisdictions to enact and enforce local anti-discrimination laws without being pre-empted by the state Fair Employment and Housing Act (FEHA). Farm Bureau opposed this bill due to massive litigation that would result. Governor Newsom cited concerns about confusion between local and state requirements in his [veto statement](#).

Land Use

AB 1644 (Levine) obligates the California Coastal Commission to consider external scientific data regarding agriculture if they fail to have the appropriate in-house expertise. This will allow the agricultural community to better inform the Commission on the impacts of coastal land use policies on California operations within the coastal zone. Farm Bureau sponsored this measure and it was signed by Governor Newsom.

SB 527 (Caballero) authorizes industrial hemp to be eligible as a qualifying use under the Williamson Act Program. Farm Bureau was successful in ensuring cannabis was not a qualifying use, but rather a compatible use pursuant to the Williamson Act, per our State policy. Governor Newsom signed SB 527.

Nutrition

AB 479 (Nazarian) would have established the California School Plant-Based Food and Beverage Program which would authorize a local educational agency to apply for additional \$0.20 per meal from the state for school meals that offered a

plant-based meal option, including a plant-based milk option. Farm Bureau argued that schools already offer vegetarian or vegan meal options and non-dairy milk for those eligible and additional state funding for school meals would be better served to pay for fresh, California-grown products. The bill was held in Senate Appropriations and is now a 2-year bill.

SB 499 (McGuire) would have established the California Grown for Healthy Kids Program which would require schools to increase the amount of fresh, California-grown fruits and vegetables in school meals along with universal school breakfast for low-income students. This bill would have provided an additional \$0.10 per meal that met these nutritional standards. Farm Bureau supported this measure. The bill was held in Assembly Education Committee and is now a 2-year bill.

Pesticides

Chlorpyrifos. The California Environmental Protection Agency has announced that all use of the pesticide chlorpyrifos in California will end next year following an agreement between the Department of Pesticide Regulation (DPR) and pesticide manufacturers. Earlier this year, DPR announced it was acting to ban use of chlorpyrifos by canceling the pesticide's product registrations. At the same time, DPR and the California Department of Food and Agriculture (CDFA) have established a cross-sector working group to identify, evaluate and recommend safer, more sustainable pest management alternatives to chlorpyrifos. The agreement with Dow AgroSciences and other companies means that use of chlorpyrifos will end sooner than anticipated had the companies pursued administrative hearings and potential appeals process, which could have taken up to two years. Under the settlement, the companies agreed that:

- All sales of chlorpyrifos products to growers in California will end on Feb. 6, 2020;
- Growers will no longer be allowed to possess or use chlorpyrifos products in California after Dec. 31, 2020;
- Until then, all uses must comply with existing restrictions.

A few products that apply chlorpyrifos in granular form will be allowed to remain on the market. The development of safe, more sustainable alternatives to chlorpyrifos is being supported through the current state budget, which appropriates more than \$5 million in grant funding for the purpose.

AB 916 and **AB 468 (Muratsuchi)**. Would have prohibited the use of glyphosate within the State. Farm Bureau opposed these bills and they were not offered a hearing in Senate Agriculture Committee.

SB 86 and **SB 458 (Durazo)**. Would have prohibited the use of chlorpyrifos as of January 1, 2021. These bills 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.

Pollinators

AB 450 (Arambula) amends the Apiary Protection Act to require an apiarist to notify a county agricultural commissioner of a new location for bee hives within 72 hours. This provision was a cleanup item to legislation in prior years about mandatory hive registration. The Governor signed AB 450.

Rural Crime

SB 224 (Grove) establishes a stand-alone crime for theft of agricultural equipment and specifies that penalty funds collected are to be allocated to the rural crime prevention task force representing the area in which the crime occurred. Farm Bureau supported SB 224 and Governor Newsom signed the bill.

Taxation

ACA 1 (Aguiar-Curry) authorizes a city, county, or special district to impose, increase or extend sales and use taxes, transaction and use taxes or parcel taxes by lowering the voter threshold to 55% of the electorate, instead of the two-thirds vote as required under current law. ACA 1 would allow the funds collected via the tax to be utilized for 12 various "public infrastructure" projects, affordable housing construction, homeless housing and housing for those suffering from mental health conditions. ACA 1 requires 2/3 approval by the Senate and Assembly and would also require the support of a majority of California voters at a statewide ballot election. Farm Bureau and other business leaders opposed ACA 1 and as it failed passage in the Assembly, it will be a 2-year bill eligible to be heard in the 2020 legislative session.

AB 614 (Eggman) expands the list of eligible items that qualify for the food donation tax credit program to include meat, dairy, poultry products, rice, beans and minimally processed foods. Farm Bureau supported this measure and Governor Newsom signed AB 614.

SB 378 (Weiner) would have authorized a statewide ballot measure to reinstate California's estate tax at a rate of 40%. Since 1982, California has enjoyed a voter approved prohibition on a state estate tax thanks to Propositions 5 and 6. In addition, SB 378 would likely have added a tax to independent legal vehicles, such as generation skipping trusts and gifts, beginning at an estate value of \$3.5 million. Farm Bureau opposed SB 378 and it was ultimately gutted and amended to address a different topic.

SB 468 (Jackson) would have created a new state bureaucratic entity to examine the effectiveness of California's tax credits, including those specifically benefiting California agriculture, with the intention of repealing numerous tax incentives to offset revenue losses to the state. The threat of repealing tax incentives poses a significant barrier to creating jobs, the ability of the state and businesses to retain and attract investment and would put California businesses at a competitive disadvantage to other states with similar tax credit programs. Farm Bureau

opposed SB 468 and the bill was vetoed by Governor Newsom. The Governor's veto message can be found [here](#).

SCA 5 (Hill) would have allowed school districts and community college districts to impose, extend or increase a parcel tax by lowering the voter threshold to 55% of the electorate, instead of the two-thirds vote as required under current law. Senator Hill has publicly stated that he intends to pursue a ballot measure instead of moving forward with the legislation. Farm Bureau opposed SCA 5 and it is now a two-year bill.

Transportation

AB 1135 (Eggman) would have created a specific agricultural exemption for the transportation of bees in California. This bill was held in Assembly Transportation Committee.

AB 1810 (Transportation Omnibus) authorizes rural counties to access already appropriated state funding for the maintenance and removal of cattle guards on public roadways. This language was included at the request of the Farm Bureau and California Cattlemen's Association. AB 1810 did 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. AB1810 was signed by Governor Newsom.

SB 415 (Grove) defines the terms "recreational trailer" for the purposes of transporting horses and other livestock for recreational purposes. It also provides that an individual with a valid Class C license would be authorized to tow a horse and/or stock trailer up to 15,000 pounds GVWR. Under existing law, an individual would need a Class A Commercial license for towing a horse or stock trailer above 10,000 GVWR in a recreational capacity. Farm Bureau supports SB 415, however as it was held in the Senate Transportation Committee, it is now a 2-year bill and will be eligible to be heard in the 2020 legislative session.

Utilities

AB 56 (E. Garcia) requires the California Public Utilities Commission to empower the California Alternative Energy and Advanced Transportation Fund to purchase power to address the state's resource planning goals and to meet reliability and renewable goals. The Fund would have been able to contract for energy on behalf of IOU, CCA, and ESP customers. Farm Bureau opposes AB 56 and it was held in Senate Energy, Utilities and Communications Committee, though it is eligible for reconsideration in the 2020 legislative session.

AB 235 (Mayes) authorizes an electrical corporation to securitize up to \$20 billion in wildfire victim recovery bonds to pay for claims related to the 2017 and 2018 wildfires. AB 235 was held in the Senate Energy, Utilities and

Communications Committee, but will be eligible to be heard in the 2020 legislative session as a 2-year bill.

AB 1054 (Holden) introduced major changes to the way California addresses wildfires in an effort to financially stabilize the State's electric utilities following the catastrophic losses from the 2017 and 2018 wildfires. AB 1054 was signed by Governor Newsom.

SB 515 (Caballero) expands biomass fuel eligibility to include feedstock from very high fire threat zones. SB 515 was held in the Assembly Appropriations Committee but will be eligible to be heard in the 2020 legislative session as a 2-year bill. Farm Bureau supports SB 515.

SB 524 (Stern) requires that a skilled and trained workforce must perform the work for energy efficiency projects of \$50,000 or more in ratepayer-funded incentives within the same building, facility or complex. Farm Bureau was opposed to SB 524 but suggested amendments. The bill was held on the inactive file in the Assembly but will be eligible to be heard in the 2020 legislative session as a 2-year bill.

California Energy Commission: SB 100 Joint Agency Report. Farm Bureau provided comments regarding the SB 100 Joint agency report, specifically regarding the California Renewable Energy Portfolio, highlighting ratepayer impacts, and encouraging increased renewable energy generation from large hydroelectric infrastructure and biomass.

California Public Utilities Commission. Farm Bureau provided comments to the PUC on several items including the dangerous conditions of power lines within the discussion of the Public Safety Power Shutoff (PSPS) (De-Energization) by PG&E. Farm Bureau also provided comments regarding electric utility wildfire mitigation plans pursuant to SB 901 (2018).

Water

AB 72 (Committee on Budget) was commonly known as the Emergency Drinking Water legislation and it provides \$51.3 million for urgent assistance to communities that have contaminated and unsafe water. The funds are divided up for:

- Emergency repairs to the Oxnard Waste Water Treatment Plant,
- Grants or contracts through the State Water Resources Control Board (Water Board) for lead drinking water testing at licensed child care centers,
- Water Board Safe Drinking Water Grant Program
- Emergency relief grants for households to fund well replacement, septic system replacement, permanent connections to public systems, and point of use and point of entry water treatment systems as a result of the drought,
- A Water Board pilot program to provide grants for wells and septic replacements in households affected by the wildfire and not covered by insurance,
- Grants or contracts to address urgent drinking water needs in disadvantaged communities and,

- Grants or contracts for administrators to provide administrative, technical, operational, or managerial services to water systems needing assistance in complying with current drinking water standards.

Safe and Affordable Drinking Water. After more than three years of attempts, the Legislature acted in June to make sure every Californian has access to safe and affordable drinking water. The Legislature approved and the Governor signed, \$130 million, annually, to pay for providing clean drinking water. \$100 million of this is from the Greenhouse Gas Reduction Fund and \$30 million from the General Fund this year. The General Fund portion will decrease annually, and the GGRF portion will rise a commensurate amount. The Farm Bureau’s positioning and work on this, and preceding failed measures, was instrumental in saving farmers and ranchers over \$450 million over the next fifteen years in avoided fees and taxes.

SB 200 (Monning) was a budget trailer bill that followed weeks later, provided the framework for the Safe Drinking Water Program and Fund. Additionally, SB 200 specified that five percent of the Greenhouse Gas Reduction Fund will be continuously appropriated beginning next year with an annual cap of \$130 million. 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. Farm Bureau supported this approach.

SB 559 (Hurtado) is a measure that would provide grant funding for repairs on the Friant-Kern Canal. This was put on the Assembly Appropriations Committee Suspense File and failed to meet the deadline to be heard on the Assembly Floor. Senate Bill 559 is now a two-year bill. Farm Bureau supports the measure.

Water Rights Permit and License Annual Fee. The base Water Rights Permit & License Annual Fee increased last year from \$150 to \$225, and the per acre-foot charge increased from \$0.069 per each acre-foot greater than 10 acre-feet to \$0.073 per each acre-foot greater than 10 acre-feet. The State Water Resources Control Board (Board) adopted a base fee increase from \$225 to \$300, and the per acre-foot charge increased from \$0.073 per each acre-foot greater than 10 to \$0.085 per each acre-foot greater than 10 for Permits & Licenses as well as Pending Applications. Staff anticipates the need for an incremental fee increase next year to cover standard budgetary expenditure increases related to employee compensation, retirement and pro-rata expenditures, and to build the reserve back up to 10 percent. The Board also voted to increase the non-refundable portion of the initial application fee from \$250 to \$500 as a base fee plus 10 percent of the actual application filing fee. The non-refundable portion of the filing fee would apply to: applications, temporary permit applications, small hydroelectric applications, temporary permit applications for small hydroelectric, and temporary permit applications to divert to underground storage during high flow events.

Waste Discharge Permit Fund. The Board also took the

following actions regarding water quality fees in the Waste Discharge Permit Fund:

The Confined Animal Facilities program is projected to fall short \$477,000 in the FY 2019-20 budget which translates to the need for an average 9.5 percent increase to all CAF fee payers, however staff determined that some inequities exist in the way fees are assessed to dairy facilities that contain both mature dairy cattle and bred heifers that are in excess of industry averages. The board voted to require dischargers to pay the higher of the two fees if there are multiple animal types at a facility. The board also voted to change the two lowest tiers in the Feedlot-Heifers fee schedule to align with the current orders regulating heifer facilities. The animal count for lowest tier was changed from 0-99 to 0-136 and the next tier up will change from 100-299 to 137-299.

The Agricultural Lands program is projected to fall short \$815,000 in the FY 2019-20 budget which translates to the need for an average 11.7 percent increase, however the board modified the current fee structure from a flat per acre fee to a per acre fee based on the agricultural activity as shown below.

Agricultural Activity	Group Enrollment: Per Acre Fee	Individual Enrollment New Per Acre Fee Structure
Tier A	\$1.08	\$27.00 per acre up to 300 acres plus \$13.50 per acre over 300 acres with a minimum fee of \$550
Tier B	\$0.87	\$21.60 per acre up to 300 acres plus \$10.80 per acre over 300 acres with a minimum fee of \$550

Tier A - All agricultural activities except those identified in Agricultural Activity Tier B.

Tier B - Discharger or group of dischargers whose agricultural activities are managed wetlands, irrigated pastures with no external nitrogen input, those belonging to the California Rice Commission third party group or are determined by the Regional Water Board or the Executive Officer to be exempt from the precedential requirement to develop an INMP.

Farm Bureau has attended all the Fee Stakeholder meetings over the past 12 years and along with many others have voiced our concerns about the impact to our members. This year was no exception. One Fee Stakeholder meeting after the Governor’s proposed budget is released in January, another after the May Revise and a third after the budget is adopted. Our concerns have been a lack of efficiencies by the SWRCB staff, a lack of general fund dollars to pay for part

of the programs and all of this with an understanding that the SWRCB cost increases include union driven salary and benefit increases. Farm Bureau anticipated these significant increases when the court of appeals ruled against us on the lawsuit against water right fees that we initially won. Farm Bureau and others were successful at getting board members to rule against staff recommended increases to all fee payers to cover fundamental cost shortfalls due to the cannabis program falling well short of predictions.

Wildfire

AB 41 (Gallagher) provided disaster relief assistance to the community of Paradise and victims impacted by the 2018 Camp Fire. Farm Bureau supported AB 41, but it failed passage in the Senate Appropriations Committee.

AB 247 (Dahle) provided disaster relief assistance to the Shasta and Trinity Counties for the 2018 Carr and Klamathon fires. Farm Bureau supported AB 247, but it failed passage in the Senate Appropriations Committee.

AB 1516 (Friedman) made various changes to defensible space requirements, created ember-resistant zones and developed statewide program to allow third party defensible space inspections. It also required CAL FIRE to develop a guidebook to provide landowners options for planting vegetation near or around electrical conductors. AB 1516 was vetoed by Governor Newsom; his full veto message can be found [here](#).

SB 632 (Galgiani). Requires Board of Forestry and Fire Protection to certify the California Vegetation Treatment Program (CalVTP) Environmental Document by February 2020. Farm Bureau supported SB 632 and it was signed by Governor Newsom.

California Vegetation Treatment Program (CalVTP).

Farm Bureau provided comments and various recommendations related to a statewide vegetation treatment program and programmatic environmental document. Farm Bureau provided comments in two rounds, including the Notice of Preparation and the Draft Programmatic Environmental Impact Report.

Commission on Catastrophic Wildfire Cost and Recovery (SB 901). Farm Bureau provided comments to promote changes to inverse condemnation, forest health, and ratepayer costs/recovery.

Wildlife

AB 44 (Friedman) will prohibit the sale of fur in California beginning January 1, 2023. The bill exempts the sale of leather, cowhides, deerskin, sheepskin, and goatskin but it would ban the sale of rabbit fur. The ban would also prohibit the recreational trapping of animals for the sale of their fur. Farm Bureau opposed AB 44 due to the prohibition on rabbit fur sales and the ban on recreational trapping. The Governor signed AB 44.

AB 273 (Gonzalez) prohibits, after January 1, 2020, the

recreational and commercial trapping of wildlife for fur. This means landowners will no longer be able to allow fur-trappers onto their property to help manage wildlife. The law continues to allow trapping specifically for depredation, but without recreational and commercial trappers it is likely that trapping costs will increase and fewer trappers will be able to help address wildlife damage to agricultural operations. Farm Bureau opposed AB 273. The Governor signed AB 273.

AB 454 (Kalra) would have given greater authority to the Department of Fish and Wildlife (DFW) to restrict the taking of birds. However, at Farm Bureau's urging, AB 454 (Kalra) was amended to remove the authorization for DFW to adopt regulations under the Migratory Bird Treaty Act (MBTA); instead it simply requires DFW to review any changes made to the MBTA and determine if they are consistent with existing California law. This provision will sunset in 2025. With those amendments Farm Bureau removed its opposition and took a neutral position. The Governor signed AB 454.

AJR 8 (Quirk) urged Congress to appropriate \$4 million to help eradicate Nutria in California. Assembly Joint Resolution 8 specifically urges Congress to add California to the Nutria Eradication and Control Act of 2003 and appropriate \$4 million towards a Nutria eradication effort in California. The Governor does not need to take action on resolutions; AJR 8 was put in the law books after both houses of the legislature voted unanimously to pass it. Farm Bureau supports AJR 8.

SB 62 (Dodd) provides farmers and ranchers continued liability protection if they accidentally take a species listed under the California Endangered Species Act. Farm Bureau sponsored 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. One change was included in the new law, farmers or ranchers who know they accidentally killed a species protected under CESA must report that take to the Department of Fish and Wildlife within 10 days. The Governor signed SB 62.

SB 474 (Stern) would have continued the Habitat Conservation Fund (HCF), which provides \$30 million annually for the acquisition of habitat for mountain lions and other wildlife as well as restoration and enhancement of natural lands. The HCF was created under Proposition 117 in 1990 and is set to expire in 2020. Farm Bureau is concerned with extending the fund due to the continued funding of land acquisition by the state. SB 474 was made a 2-year bill; however, language extending the HCF was adopted through a budget trailer bill, SB 85. The adoption of SB 85 provides an annual appropriation of \$30 million to the HCF through June 30, 2030.

Tricolored Blackbird Voluntary Local Program. Dairies that agree to protect Tricolored Blackbird colonies nesting in their grain fields will be protected from liability created by the California Endangered Species Act (CESA) under the Voluntary Local Program (VLP) adopted earlier this

year. Under the VLP, farmers who have a colony of Tricolors nest in their fields and agree to protect the colony can get paid for a significant portion of the lost value of the crop caused by the harvest delay through the Natural Resources Conservation Service's Environmental Quality Incentives Program. If a participating farmer wants incidental take protection to alleviate any liability from potential take while the birds are nesting, he or she can contact Farm Bureau to sign up under the VLP.

Mountain Lion CESA Petition. The Center for Biological Diversity and Mountain Lion Foundation submitted a petition to list mountain lions in Southern California and the Central Coast as threatened under the California Endangered Species Act (CESA). The Fish and Game Commission has formally accepted the petition. Farm Bureau testified in opposition to the potential listing and pointed out that current law prohibits the listing because it would prevent the Department of Fish and Wildlife (DFW) from issuing depredation permits for Mountain lions that injure or kill livestock. The Commission stated that it expects to receive DFW's petition evaluation at its December 11th meeting. Farm Bureau will remain engaged in this issue with both DFW and the Commission.

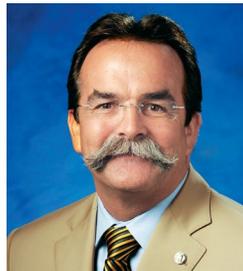
Bumble Bee CESA Petition. Farm Bureau joined several other agricultural organizations to file a suit against the Fish and Game Commission and Department of Fish and Wildlife over the decision to list four species of bumble bees under the California Endangered Species Act (CESA). The Commission voted in June to grant candidacy status for the Crotch bumble bee, Franklin's bumble bee, Western bumble bee, and Suckley Cuckoo bumble bee. Candidacy provides the full protections of CESA to those four bumble bee species. Farm Bureau testified in opposition to the candidacy listing at the Commission's June meeting. CESA does not provide the Commission authority to list insects and we are asking the court to reject the listing due to the lack of authority.



Jim Houston, CFBF Administrator
Governmental Affairs Division Manager



Noelle G. Cremers, Director
Natural Resources & Climate Change



Danny Merkley, Director
Water Resources



Robert Spiegel
Policy Advocate



C. Bryan Little, Director
Employment Policy



Karen Norene Mills
Energy Policy



Taylor Roschen
Policy Advocate

Governmental Affairs Division

1127 11th Street, Suite 626, Sacramento, CA 95814 • (916) 446-4647