

AMENDED IN ASSEMBLY MARCH 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1346

Introduced by Assembly ~~Member Berman~~ Members *Berman and Lorena Gonzalez*

(Coauthors: Assembly Members *Bauer-Kahan, Carrillo, Gabriel, Cristina Garcia, Eduardo Garcia, Low, Mullin, Reyes, Robert Rivas, and Ting*)

February 19, 2021

~~An act to add Section 14299.5 to the Elections Code, relating to elections.~~ *An act to add Section 43018.11 to the Health and Safety Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1346, as amended, Berman. ~~Elections: ballots.~~ *Air pollution: small off-road engines.*

Existing law imposes various limitations on the emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law assigns the responsibility for controlling vehicular sources of air pollution to the State Air Resources Board.

This bill would require the state board, by July 1, 2022, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, as defined by the state board. The bill would require the state board to identify and, to the extent feasible, make available funding for commercial rebate or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management

districts to implement to support the transition to zero-emission small off-road equipment operations.

~~Existing law requires an elections official to deliver to a precinct additional ballots if the precinct board is unable to furnish a ballot to a qualified voter because there is an insufficient number of ballots. Existing law requires the precinct board to provide each voter with the option of casting a vote immediately using an alternative procedure, as specified. Existing law requires, in the case of an election for a state or federal office, for each polling place using a direct recording electronic voting system, the elections official to also provide paper ballots equivalent to specified percentages of voters depending on the type of election and to establish procedures for the use of the paper ballots in the event the direct recording electronic voting system becomes nonfunctional.~~

~~This bill would require an elections official to establish an alternative procedure for the use of paper ballots in the event that a ballot marking system, a ballot on demand system, or, except as specified, a voting system becomes nonfunctional. The bill would require the elections official to submit the alternative procedure to the Secretary of State for approval. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (1) *Small off-road engines (SORE), which are used primarily*
- 4 *in lawn and garden equipment, emit high levels of air pollutants,*
- 5 *including oxides of nitrogen (NOx), reactive organic gases (ROG),*
- 6 *and particulate matter (PM). NOx and ROG together contribute*
- 7 *to formation of ozone, a criteria pollutant with a national ambient*

1 *air quality standard set by the United States Environmental*
2 *Protection Agency (U.S. EPA) and a California ambient air quality*
3 *standard and that has adverse impacts on health. Currently,*
4 *California exceeds U.S. EPA and state standards for ozone in*
5 *many areas, including the South Coast Air Basin, the San*
6 *Francisco Bay area, and the County of Sacramento. NO_x also*
7 *contributes to formation of PM, which, along with directly emitted*
8 *PM, has direct negative health impacts. PM also has an air quality*
9 *standard set by the U.S. EPA and the state. Many areas in*
10 *California also currently fail to meet PM standards, including the*
11 *South Coast Air Basin and the San Joaquin Valley Air Basin.*

12 *(2) In 2020, California daily NO_x and ROG emissions from*
13 *SORE were higher than emissions from light-duty passenger cars.*
14 *SORE emitted an average of 16.8 tons per day of NO_x and 125*
15 *tons per day of ROG. Without further regulatory action, those*
16 *emission levels are expected to increase with increasing numbers*
17 *of SORE in California. Regulations of emissions from SORE have*
18 *not been as stringent as regulations of other engines, and one hour*
19 *of operation of a commercial leaf blower can emit as much ROG*
20 *plus NO_x as driving 1,100 miles in a new passenger vehicle.*

21 *(3) Currently, there are zero-emission equivalents to all SORE*
22 *equipment regulated by the State Air Resources Board. The battery*
23 *technology required for commercial-grade zero-emission*
24 *equipment is available and many users, both commercial and*
25 *residential, have already begun to transition to zero-emission*
26 *equipment.*

27 *(4) The Governor's Executive Order No. N-79-20 of September*
28 *23, 2020, directs the state board to implement strategies to achieve*
29 *100 percent zero emissions from off-road equipment in California*
30 *by 2035, where feasible and cost-effective. The state will not*
31 *achieve that goal without further regulation of SORE, including*
32 *a mandate to transition all sales of new equipment to zero-emission*
33 *equipment.*

34 *(b) It is the intent of the Legislature to encourage the state board*
35 *to act expeditiously to protect public health from the harmful effects*
36 *of emissions of small off-road engines.*

37 *SEC. 2. Section 43018.11 is added to the Health and Safety*
38 *Code, to read:*

39 *43018.11. (a) By July 1, 2022, the state board shall, consistent*
40 *with federal law, adopt cost-effective and technologically feasible*

1 *regulations to prohibit engine exhaust and evaporative emissions*
2 *from new small off-road engines, as defined by the state board.*
3 *Those regulations shall apply to engines produced on or after*
4 *January 1, 2024, or as soon as the state board determines is*
5 *feasible, whichever is later.*

6 *(b) Consistent with the regulations adopted pursuant to this*
7 *section and relevant state law, the state board shall identify, and,*
8 *to the extent feasible, make available, funding for commercial*
9 *rebates or similar incentive funding as part of any updates to*
10 *existing, applicable funding program guidelines for districts to*
11 *implement to support the transition to zero-emission small off-road*
12 *equipment operations.*

13 ~~SECTION 1. Section 14299.5 is added to the Elections Code,~~
14 ~~to read:~~

15 ~~14299.5. (a) An elections official shall establish an alternative~~
16 ~~procedure for the use of paper ballots in the event that a ballot~~
17 ~~marking system, a ballot on demand system, or, except for a direct~~
18 ~~recording electronic voting system governed by Section 14300, a~~
19 ~~voting system becomes nonfunctional.~~

20 ~~(b) The alternative procedure required by this section shall be~~
21 ~~subject to approval by the Secretary of State. The elections official~~
22 ~~shall submit the alternative procedure to the Secretary of State for~~
23 ~~approval by a date to be determined by the Secretary of State.~~

24 ~~SEC. 2. If the Commission on State Mandates determines that~~
25 ~~this act contains costs mandated by the state, reimbursement to~~
26 ~~local agencies and school districts for those costs shall be made~~
27 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
28 ~~4 of Title 2 of the Government Code.~~