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AB-1763 Food and agriculture: industry-funded standardization program: Cannella Environmental Farming Act of 1995: Noxious Weed Management Account. (2023-2024)

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Date Published: 09/22/2023 09:00 PM

Assembly Bill No. 1763

CHAPTER 208

An act to amend Sections 570, 7272, and 7272.5 of, and to repeal Section 42815 of, the Food and Agricultural Code, relating to food and agriculture.

[Approved by Governor September 22, 2023. Filed with Secretary of State September 22, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1763, Committee on Agriculture. Food and agriculture: industry-funded standardization program: Cannella Environmental Farming Act of 1995: Noxious Weed Management Account.

The Cannella Environmental Farming Act of 1995 requires the Department of Food and Agriculture to establish a grant program to provide funds to technical assistance providers, as defined, to provide technical assistance to applicants of the Healthy Soils Program, the alternative manure management practices programs, and the State Water Efficiency and Enhancement Program. The act requires the Secretary of Food and Agriculture to make available not less than 5% of the funds appropriated to the department for those programs, but not more than \$5,000,000, to the technical assistance grant program, as specified. The act limits the technical assistance grants to up to \$100,000 annually for no more than 3 years for a total grant of not more than \$300,000 per technical assistance provider. The act requires the department to establish criteria and guidelines for technical assistance providers to qualify to receive grants.

This bill would expand the definition of "technical assistance providers" to include qualified California public colleges and universities, groundwater sustainability agencies, and irrigation districts. The bill would name the technical assistance grant program the Climate Smart Agriculture Technical Assistance Grant Program. The bill would also change the \$5,000,000 cap on the moneys available for these technical assistance grants to 20% of the funds appropriated to the department for the programs subject to the technical assistance. The bill would change the technical assistance grant limit to \$250,000 annually for no more than 4 years for a total grant of not more than \$1,000,000 per technical assistance provider for each of the programs. The bill would authorize the department to establish criteria and guidelines for technical assistance providers to qualify to receive grants. The bill would authorize the recovery of reasonable costs for the grant program.

Existing law provides that there is within the Department of Food and Agriculture Fund the Noxious Weed Management Account, the funds of which are made available to eligible weed management areas or county agricultural commissioners for the control and abatement of noxious and invasive weeds. Existing law requires a weed management area, as defined, to be formed in a county or other geographic area as a condition of eligibility for funds from the Noxious Weed Management Account. Existing law requires each weed management area to create a cost-share integrated weed management plan for the management of noxious weeds within that area and requires the plan to be submitted to the Department of Food and Agriculture for review, approval, and funding.

This bill would eliminate the requirement that integrated weed management plans be cost sharing and instead require integrated weed management plans to prioritize a cost-share plan, if feasible, and would make a conforming change.

Existing law, until January 1, 2025, requires the Secretary of Food and Agriculture to create an industry-funded standardization program for purposes of implementing and enforcing provisions relating to fruit, nut, and vegetable standards. Existing law requires the secretary to adopt regulations reasonably necessary to carry out those provisions, including establishing assessment rates and procedures for payment of assessments. Existing law establishes specified assessment rates per container for commodities that are not otherwise subject to a mandatory inspection fee, and per container for commodities that are subject to a mandatory inspection fee, to be deposited in the Department of Food and Agriculture Fund and used for implementing and enforcing the provisions specified above. Existing law requires the secretary to exempt any commodity subject to those provisions if a petition representing a specified percentage of the producers is submitted to the secretary, as specified.

This bill would eliminate the January 1, 2025, repeal date of the standardized program provisions, thereby extending the program indefinitely.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 570 of the Food and Agricultural Code is amended to read:

570. (a) For purposes of this section, the following definitions apply:

(1) "Grant program" means the Climate Smart Agriculture Technical Assistance Grant Program, established pursuant to subdivision (c).

(2) "Programs" means the Healthy Soils Program established pursuant to Section 569, the Alternative Manure Management Program, and the State Water Efficiency and Enhancement Program established by the department from moneys made available pursuant to Chapter 2 of the Statutes of 2014.

(3) "Technical assistance" means outreach, education, project planning, project design, grant application assistance, project implementation, or project reporting assistance provided to a farmer or rancher to improve their successful participation in the programs.

(4) "Technical assistance providers" means nonprofit organizations, groundwater sustainability agencies, irrigation districts, resource conservation districts, the University of California Cooperative Extension, and California public colleges and universities with demonstrated technical expertise in designing and implementing agricultural management practices to achieve the purposes identified in subdivision (b).

(b) The secretary shall make available not less than 5 percent of the funds appropriated to the department for the programs, but not more than 20 percent for both of the following purposes:

(1) Providing technical assistance, pursuant to subdivision (c), to farmers and ranchers who apply for grants from the programs, prioritizing that technical assistance to farms and ranches that are 500 acres or less.

(2) Supporting annual information sharing among technical assistance providers, the department, and other relevant stakeholders for the continuous improvement of programmatic guidelines, application processes, and relevant climate change and agricultural research.

(c) The department shall establish a grant program to provide funds to technical assistance providers to provide technical assistance to program applicants, including, but not limited to, conducting initial program outreach to farmers and ranchers, and assisting farmers and ranchers to submit grant applications under the programs to the department and with project design, development, and implementation. The department may establish criteria and guidelines for technical assistance providers to qualify to receive grants to provide technical assistance. The department shall coordinate grant program outreach with the Natural Resources Conservation Service of the United States Department of Agriculture. In administering the grant program, the department shall do all of the following:

(1) Establish a process for technical assistance providers to apply to the department to receive grants to provide technical assistance. Grant applications shall include, at minimum, a work plan that identifies which of the purposes identified in subdivision (b) will be targeted by the technical assistance provider, specific activities that will be undertaken to maximize farmer and rancher program participation and project success, an estimate of the number of farmers and ranchers to be served by the technical assistance provider, and a statement of qualifications of its relevant staff and project partners. Technical assistance providers must demonstrate expertise in working with California farmers and ranchers on projects relevant to one or more of the purposes identified in subdivision (b).

(2) Ensure at least 25 percent of the grant program funds are used to provide technical assistance to socially disadvantaged farmers or ranchers, as defined in Section 512.

(3) Review grant program applications from technical assistance providers and recommend grant awardees to the secretary.

(4) Allow direct project costs and a percentage of overhead expenses, to be determined by the secretary, to be funded as part of the grant awards.

(5) Consult with the Scientific Advisory Panel on Environmental Farming on grant program design, guidelines, and outreach for the technical assistance to improve coordination and information sharing on technical assistance strategies and activities for the department's programs.

(d) The secretary shall award grants to technical assistance providers of no less than ten thousand dollars (\$10,000) and up to two hundred fifty thousand dollars (\$250,000) annually for no more than four years, for a total grant of not more than one million dollars (\$1,000,000) per technical assistance provider for each of the programs assisted by the provider. A technical assistance provider that demonstrates on its application that the majority of the persons it provides technical assistance to are socially disadvantaged farmers or ranchers shall receive priority consideration for additional grant program funding to cover translation services, the production of outreach materials, and additional outreach-related expenses.

(e) In administering the grant program established pursuant to this section, the department may recover reasonable costs from the funds appropriated to the grant program for administrative activities, including, but not limited to, providing staff resources for outreach, development and administration of grant solicitations, grant management, project verification, staff training, program evaluation, and other activities as required.

SEC. 2. Section 7272 of the Food and Agricultural Code is amended to read:

7272. (a) To be eligible to receive funding from the Noxious Weed Management Account pursuant to this article, a weed management area, as defined in subdivision (b), shall be formed in a county or other geographic area.

(b) A "weed management area" is a local organization that brings together all interested landowners, land managers (private, city, county, state, and federal), special districts, and the public in a county or other geographical area for the purpose of coordinating and combining their action and expertise to deal with their common weed control problems. The organization shall function under the authority of a mutually developed memorandum of understanding and subject to statutory and regulatory requirements. A weed management area may be voluntarily governed by a chairperson or a steering committee.

(c) Not more than 10 percent of the noxious weed management funds distributed to a weed management area subject to this section may be used by that local organization for meeting, travel, administration, and coordination costs.

(d) Each weed management area within the state shall create an integrated weed management plan for the management of noxious weeds within that area. The plan shall be submitted to the department for review, approval, and funding.

(e) The secretary and weed management areas shall consider the use of the California Conservation Corp and local conservation corps to assist in implementing integrated weed management plans pursuant to this article.

(f) If feasible, the integrated weed management plan established pursuant to subdivision (d) shall prioritize a cost-share plan.

SEC. 3. Section 7272.5 of the Food and Agricultural Code is amended to read:

7272.5. (a) To be eligible to receive funding from the Noxious Weed Management Account pursuant to this article, a county agricultural commissioner shall submit an integrated weed management plan to implement an aggressive control program for noxious weeds. The goals of the program shall include, but not be limited to, the following:

(1) Increase the profitability and value of cropland and rangeland.

(2) Decrease the costs of roadside, park, and waterway maintenance.

(3) Reduce the fire hazard and fire control costs in the state.

(4) Protect the biodiversity of native ecosystems.

(5) Maintain the recreational and aesthetic value of open space, recreational, and public areas.

(6) Increase water supply and flow.

(b) Funds dispersed pursuant to this section shall be allocated on the basis of the total number of infested acres in each county and the degree of infestation that exists in the counties, and shall only be used for the following purposes upon submission of a

plan approved by county boards of supervisors and the department:

- (1) Operation of programs by the county agricultural commissioner for control of noxious weeds along county roads and other local government owned property.
- (2) Matching funds for control of noxious weeds on city owned streets, parks, rights-of-way, and other public areas.
- (3) Disseminating biological control agents by the county agricultural commissioner for the long-term control of yellow starthistle or other noxious weeds.
- (4) Abatement of noxious weed infestations on land vital to the success of the program.
- (5) Not more than 10 percent of the noxious weed management funds distributed to a county agricultural commissioner subject to this section may be used by that commissioner for meeting, travel, administration, and coordination costs.

SEC. 4. Section 42815 of the Food and Agricultural Code is repealed.