

Legislative Update Key Priorities for Rural Communities

HEALTHY & SUSTAINABLE COMMUNITIES

SB 194 (Florez) Community Equity Investment Act of 2009

Over 1.5 million Californians live in disadvantaged, unincorporated communities. Residents of these communities experience high levels of poverty and lack basic infrastructure and services such as: safe drinking water, sidewalks, adequate waste-water disposal systems, streets and street lights, parks, adequate housing and public transit.

Disadvantaged, unincorporated communities- some of the oldest communities in our state have been systemically neglected since the arrival of their first residents.

SB 194 would build equity and opportunities for greater prosperity by providing much needed investment in the communities with greatest need. This proposal would implement a plan to ensure that residents of unincorporated communities enjoy basic infrastructure and services by:

- Incentivizing the development of local community equity investment plans by linking state planning funds to the adoption of a local plan of action to identify and address infrastructure deficits and housing inequities in unincorporated communities;
- Reprioritizing existing funding streams to ensure that limited public infrastructure funds are directed to the poorest communities in our state;

STATUS: PASSED Senate Local Government Committee

AB 537 (Arambula) Food Access

Existing law authorizes the Secretary of Food and Agriculture to adopt regulations to encourage the direct sale by farmers to the public of all types of California agricultural products. Current law allows farmers to sell the agricultural products they produce directly to the public at certified farmers markets, field retail stands and farm stands. Certified Farmers' Markets allow California farmers to sell their fresh-picked crops directly to the public in over 500 communities throughout the state. Certified farmers markets are a great link between farmers and consumers providing fresh and quality products.

If by January 1, 2012, a market described in subdivision (a) does not have a system in place for its produce sellers to accept electronic benefit transfer (EBT) for purchases, the Department of Social Services may designate or assign the market shall allow a an interested Food and Nutrition Service (FNS)-authorized third-party organization to operate an EBT acceptance system in the market on behalf of the market's produce sellers. The market shall reasonably allow and accommodate the assigned or designated FNS-authorized third-party organization in a reasonable manner that aids in the creation, implementation, and operation of the EBT acceptance system.

STATUS: AMENDED; PASSED Assembly Agriculture Committee

PESTICIDES

AB 835 (Monning) Reducing Pesticide Air Pollution

Pesticides, especially fumigants are toxins that poison communities and cause air pollution that poses a public health risk. In addition, fumigants are used to 'kill' organisms in the soil this results in an unhealthy soil that prevents the ability to capture carbon. In addition, many pesticides and fumigants emit volatile organic compounds (VOCs). The Department of Pesticide Regulation (DPR) has the responsibility to ensure that VOC emission reductions are achieved.

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The California Air Resources Board (CARB) is the designated state agency for adopting and enforcing the California State Implementation Plan (SIP), the federally required compilation of rules and regulations that will achieve federal health-based air quality standards. In 1996, CARB modified California's SIP to include a pesticide element, under which DPR was to adopt and implement regulations necessary to reduce pesticide VOC emissions by 20% from 1990 levels by 2005. This did not occur, and has not occurred as of 2009.

AB 835 will require that DPR use accurate science in determining the emission reductions are met. CARB in a public hearing is to update annually the pesticide VOC emissions inventory in consultation with DPR and would require CARB and DPR to disclose active and inert pesticide ingredients of all pesticide products registered for use in California.

AB 835 also prohibits DPR from registering new chemicals that can be more toxic.

STATUS: HELD in Assembly Agriculture Committee

TRANSPORTATION

SB 716 (Wolk) Local Transportation Funds: Investment in Vanpool Services

Existing law requires that ¼% of the local sales and use tax be transferred to the local transportation fund of the county and be allocated, as directed by the transportation planning agency, for various transportation purposes.

This bill would authorize a county, city, county transportation commission or transit operator to file a claim for an allocation of funds for farmworker vanpool service capital improvement expenditures.

STATUS: AMENDED; POSTPONED from Hearing, in Senate Transportation & Housing Committee.

WATER

AB 626 (Eng) Integrated Regional Water Management Planning for Disadvantaged Communities

In 2006 a water initiative bond act was approved by the voters which authorizes the issuance of bonds in the amount of \$5,388,000,000, of which 1,000,000,000 is generally required to be allocated by Department of Water Resources to specified regions for projects to meet the long-term water needs of the state in accordance with adopted integrated regional water management plans. This bill would state that at least 10% of these funds shall fund disadvantaged communities in each hydrological region of the state.

STATUS: PASSED Assembly Water, Parks & Wildlife Committee

AB 1438 (Conway) Safe Drinking Water State Revolving Funds

Currently, the California Safe Drinking Water Act requires the State Department of Public Health to administer provisions related to the regulation of drinking water to protect health, including, but not limited to, conducting research, studies, and demonstration programs relation to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adoption of enforcement regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies. Under current law, the Safe Drinking Water State Revolving Fund is to be continuously appropriated for the provision of grants and revolving fund loans to provide for the design and construction of projects for public water systems that will enable suppliers to meet safe drinking water standards.

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This would allow the department to establish a wellhead protection account within the fund. Under existing law, the funding grants for the planning and preliminary engineering studies, and design and construction of a single project are set at a maximum of \$1,000,000. This bill would allow DPH to increase the maximum grant amount for the planning, preliminary engineering studies, design, and construction of a single project, annually through their US EPA Intended Use Plans. This bill may also be used that disadvantage communities receive adequate attention in the prioritization of stimulus funds.

STATUS: PASSED Assembly Water, Parks & Wildlife, PASSED Environmental Safety & Toxic Materials

LABOR

AB 854 (Arambula) Suspension of Licenses for Farm Labor Contractors and Garment Manufacturers Who Fail to Satisfy Final Judgments on Unpaid Wages

In 2003, the California State Contractors License Board (SCLB) sponsored legislation creating a mechanism for automatic suspension of licensed state contractors licenses if they failed to satisfy final judgments by customers, equipment suppliers, sub-contractors or employees. If judgments aren't satisfied, the contractors' license to do business is automatically suspended.

AB 854 adopts the SCLB's general approach and updates it to adapt to the farm labor contractor system and the garment manufactures. AB 854 would only apply to final judgments or labor commissioner orders involving "unpaid wages."

STATUS: PASSED Assembly Labor & Employment Committee; to Appropriations Committee.

AB 527(Fuentes) Disregard for Falsified Pay Records Submitted by Employers in Any Labor Commissioner Wage Hearing

In previous years, the California Legislature has responded to evidence of widespread pay record falsification in the underground economy by enacting AB 2075 which made it a misdemeanor for an employer to require an employee, as a condition being paid, to execute a statement of hours worked which the employer knows is false. AB 2075 provides that each such false statement is "null and void."

AB 527 would mandate that once a single pay record submitted in connection with a Labor Commissioner wage action is deemed to be falsified, then all pay records submitted in connection with that claim are deemed to be false and disregarded. AB 527 would require that the Labor Commissioner disregard the false pay records (while not disallowing admission and consideration of the correct records or correct portions of the pay records). AB 527 gives the Labor Commissioner a broad mandate to protect these workers, regardless of industry from unscrupulous employers use of falsified pay records in Labor Commissioners wage hearings.

STATUS: Passed Assembly, REFERRED to Senate committee on Labor & Industrial Relations

SB 789 (Steinberg) Labor Representatives: Elections

Existing law prohibits employers from engaging in unfair labor practices, including interfering in the election by agricultural employees of labor representatives to engage in collective bargaining for the designated bargaining units. SB 789 would give farmworkers an alternative way to form a union: Instead of holding an election with secret ballots, workers could submit cards, signed by a majority of the workers asking for representation, to state labor authorities. The cards could be filled in at workers' homes with a union organizer present and helping, and could be collected by the organizers.

STATUS: PASSED Senate. REFERRED to Assembly Labor & Employment Committee.

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HOUSING

AB 494 (Caballero) Improved Housing Opportunities for Farm Workers

AB 494 would help remove one barrier to the development of safe, decent housing for farmworkers, by limiting restrictive zoning rules that prevent the development of farmworker housing close to where they work. Increasingly growers are interested in providing housing to their workers and turning to nonprofits experienced at providing these services. Some growers are willing to provide a small portion of their agricultural land as a site on which to develop the housing. However, even under circumstances in which there is a willing housing provider with access to land set aside by a grower, another barrier remains that precludes development of farmworker housing—local zoning restrictions. These local rules often mandate a minimum parcel size that is far too large to develop affordable farmworker housing.

To overcome this problem, AB 494 would establish a very limited exception to local zoning restrictions requiring a minimum parcel size, by requiring a local government to allow a parcel split for the limited purpose of providing farmworker housing, even if one of the parcels is smaller than the minimum parcel size required under the zoning code. The requirement to allow the creation of this smaller parcel would be subject to several important limitations that would balance the need for housing with the objective of preserving agricultural land.

STATUS: Passed Asm. Local Government and Asm Agriculture, REFERRED to Assembly Appropriations

SB 575 (Steinberg) Local Planning: Housing Element

Existing law requires that every city, county, and city and county revise the housing element of its general plan as frequently as is appropriate to reflect the results of the periodic review. This bill will require that jurisdictions revise their housing element of the general plan no later than an unspecified period of time.

STATUS: REFERRED to Senate Appropriations.