



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

October 16, 2020

**NOTICE OF PUBLIC HEARING
TO CONSIDER PROPOSED MAJOR AMENDMENTS TO THE CALIFORNIA ALFALFA
SEED PRODUCTION RESEARCH PROGRAM**

HEARING DATE: NOVEMBER 19, 2020

TO ALL INTERESTED PARTIES:

At the request of the California Alfalfa Seed Production Research Advisory Board (Board), the California Department of Food and Agriculture (Department) is conducting public hearing to consider proposed major amendments to the California Alfalfa Seed Production Research Program (Program).

PROPOSED AMENDMENTS

Amend Section A of Article IV - Budgets and Rates of Assessment, and Section B of Article IV - Approval of Budgets and Fixing of Rate of Assessment by the Department. The current assessment provisions of the Program authorizes the Board to recommend an assessment rate of up to **twenty cents (\$0.20)** per hundredweight (cwt). This proposed amendment to the Program would allow the Board to recommend an assessment rate of up to **fifty cents (\$0.50)** per cwt. The Board meets every March to consider research priorities and recommend a rate of assessment to the Department for the upcoming season. The established assessment can vary from year-to-year according to industry needs and research priorities.

Amend Section A of Article XII - Effective Time. The Program is required to undergo a continuation hearing every five years. The next continuation hearing will be conducted during the 2022-2023 fiscal year. However, this proposed amendment to the Program would allow the timing for the next continuation hearing to be “reset”, and a hearing would not need to be conducted until the 2025-2026 fiscal year.

The proposed amendment language to the Program is attached to this notice as Exhibit “A”.

Due to COVID-19 California State public health directives, this hearing will be held online and via teleconference. There will be no physical meeting location for attendees. The public hearing is scheduled for the date and time indicated below. Please use the link provided below to join the hearing via Zoom or the telephone number provided below to join the hearing via teleconference. Please see the instructions attached to this notice as Exhibit “B” for detailed information regarding public participation.



Date and Time	Webinar/Teleconference
Thursday November 19, 2020 Beginning at 9:00 a.m. PT	Join Zoom Meeting: https://us02web.zoom.us/j/87410702112 Telephone: 1-669-900-6833 Meeting ID: 874 1070 2112

HEARING PROCEDURE

All affected California alfalfa seed producers and processors and interested persons are encouraged to attend and participate in this hearing. At the hearing, representatives from the Department will receive testimony and evidence, both oral and documentary, regarding the following:

1. The production, economic and marketing conditions affecting the California alfalfa seed industry and the potential effect of the proposed amendments to California Alfalfa Seed Production Research Program upon such conditions.
2. Whether the proposed amendments to the California Alfalfa Seed Production Research Program are reasonably calculated to attain the objectives and effectuate the declared purposes of the California Marketing Act (Act), which is Chapter 1 of Part 2, Division 21 of the Food and Agricultural Code.
3. Whether the proposed amendments to the California Alfalfa Seed Production Research Program further the interests of the residents of the State of California.

Testimony for this hearing may be provided in-person during the hearing on November 19, 2020 or may be submitted in writing. All written comments must be received by Department's Marketing Branch by 5 p.m. on Monday, November 16, 2020. Please send such correspondence by mail to:

CDFA Marketing Branch
Attn: Mirek Wilczek
1220 N Street
Sacramento, CA 95814-5603

Or by email to Mirek Wilczek at: mirek.wilczek@cdfa.ca.gov

The hearing transcript, written comments, and evidence submitted will form the official hearing record for this process. This record will be considered by the Department to determine whether or not to move forward with conducting the second phase of the major amendment implementation process, which is a referendum among alfalfa seed producers and processors. If the hearing record generally supports implementation of the proposed amendments to the Program, the Department may decide to conduct the industry referendum. However, if the Department finds from the hearing record that a substantial question exists as to whether the proposed amendments to the Program should be implemented, the Department may decide to

terminate the major amendment process, and the Program would remain operative according to its current term and provisions.

HEARING PREPARATION

Proponents of the proposed major amendments to the Program should provide testimony that communicates why they believe the Program's assessment rate cap should be increased. Proponents should explain and provide examples of how the proposed amendments will aid the industry and address future needs. Conversely, opponents of the proposed major amendments to the Program should provide testimony that communicates why they believe the Program's assessment rate cap should remain at its current level. Opponents should explain and provide examples of how the proposed amendments will not aid the industry in the future.

Following are some examples of questions that hearing witnesses may wish to consider in preparing their testimony:

- Would the proposed amendments to the Program assist in attaining the objectives that are sought by the industry and effectuate the purposes of the Act? If so, how? If not, why not?
- Is the Program's current assessment cap sufficient? Does the Program generate enough revenue to be effective and benefit the California alfalfa seed industry?
- What are the current research needs of the California alfalfa seed industry? Is the Program able to assist with meeting these needs under the current assessment cap?
- Is there additional research needed by the industry that cannot be funded without increasing the assessment cap?
- Will alfalfa seed producers and processors benefit from the proposed amendments to this Program? If so, how? If not, why not?
- Will the general public benefit from the proposed amendments to this Program?

AFTER THE HEARING

The Department will analyze the hearing record, after the record has been closed, to determine whether a referendum among affected alfalfa seed producers and processors will be conducted to consider implementing and making effective the proposed major amendments to the Program.

If you have questions about this hearing of the major amendment process, please contact Mirek Wilczek with the Department's Marketing Branch at 916-900-5018. For questions regarding the activities of the California Alfalfa Seed Production Research Program, please call JD Allen, manager of the Board, at 559-591-4862.

Sincerely,



Joe Monson, Branch Chief
Marketing Branch

Attachments

**Proposed Major Amendments to the
California Alfalfa Seed Production Research Program**

Please note: Additions are shown in **bold** and deletions are shown in ~~strikethrough~~.

A R T I C L E IV – BUDGETS AND RATE OF ASSESSMENT

Section A. BUDGETS AND RATES OF ASSESSMENT.

At the beginning of each fiscal period hereunder and as deemed necessary thereafter, the Board shall recommend to the Department a budget or budgets of estimated expenditures and reserves for the administration of this Program and the activities authorized hereunder. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray said proposed expenditures and provide for such reserves as set forth in said budget or budgets; provided, such rate of assessment shall not exceed ~~twenty~~ **twenty fifty** cents (~~20~~ **50** cents) per hundredweight (Cwt.); and provided, further, one-half (1/2) of said assessment rate shall be upon producers and one-half (1/2) of said assessment rate shall be upon processors.

Section B. APPROVAL OF BUDGETS AND FIXING OF RATE OF ASSESSMENT BY THE DEPARTMENT.

If the Department finds that the recommended budget or budgets and rate of assessment are proper and equitable and calculated to provide such funds as may be necessary properly to carry out the provisions of this Program, it may approve such budget or budgets and rate of assessment; provided, such rate shall not exceed ~~twenty~~ **twenty fifty** cents (~~20~~ **50** cents) per hundredweight (Cwt.); and, provided, further, one-half (1/2) of said assessment rate shall be upon producers and one-half (1/2) of said assessment rate shall be upon processors.

A R T I C L E XII – EFFECTIVE TIME AND TERMINATION

Section A. EFFECTIVE TIME.

This Program shall become effective on the date specified by the Department and shall continue in effect until suspended or terminated by the Department, or by operation of law in accordance with the provisions of the Act. **Successful passage of a major amendment substitutes for a continuation hearing and resets the timing for the next required continuation hearing.**

Instructions for Participating in the Hearing via Webinar and Teleconference

During the COVID-19 pandemic, the California Department of Food and Agriculture (Department) is conducting business remotely as we comply with State of California directives and orders for social distancing to mitigate the effects of this serious public health crisis. The Department is committed to ensuring that this hearing, to consider the major amendments to the California Alfalfa Seed Production Research Program, is accessible to the public and that all interested parties have the opportunity to observe and participate in the hearing by providing written and oral comments pertinent to the call of the hearing. During this extraordinary time, and as we explore new ways of doing business and new technologies, we ask that you remain patient with us. We encourage you to please contact us directly for technical support ahead of the scheduled hearing to ensure you are able to fully participate.

The instructions below provide additional information on how to join the hearing, how to provide testimony and evidence for the hearing, and the process used during the hearing. To access an electronic copy of the hearing notice and these instructions with embedded hyperlinks, please visit our website www.cdffa.ca.gov/mkt/mkt and click on “Marketing Branch Hearings”.

How to join the hearing:

You can join the hearing from a desktop computer, mobile device, or telephone.

1. To join the hearing via webinar (with audio and video):
 - a. Enter the following Zoom link in your web browser:
<https://us02web.zoom.us/j/87410702112>
 - b. When prompted, provide your name and email address to be placed in the meeting. You will automatically be muted when joining as an attendee.
 - c. We recommend that you test out your device, internet connection, and Zoom app compatibility well before attempting to join the meeting. You can learn more about joining a Zoom meeting by visiting the webpage:
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>
2. To join the hearing via teleconference only:
 - a. Dial 1-669-900-6833.
 - b. Follow the prompts given on the phone line. You will need to enter the following Meeting ID: 874 1070 2112 #. Your line will automatically be muted when joining as an attendee.

How to provide testimony and evidence for this hearing:

1. Submit written testimony and evidence to the Department's Marketing Branch by 5 p.m. on Monday, November 16, 2020.

- a. Mail correspondence to: CDFA Marketing Branch
Attn: Mirek Wilczek
1220 N Street
Sacramento, CA 95814-5603
 - b. Email correspondence to Mirek Wilczek at: mirek.wilczek@cdfa.ca.gov
2. Provide verbal testimony and evidence during the hearing by joining the hearing on Thursday, November 19, 2020 using one of the options above. If you participate in the hearing and would like to submit an exhibit to support your testimony and evidence, please email the document to the Hearing Officer for this hearing, Mike Francesconi at: mike.francesconi@cdfa.ca.gov following your testimony.
 - a. Witnesses providing verbal testimony may be questioned by members of the hearing panel.

Process used during the hearing:

1. At the beginning of the hearing, the Hearing Officer will determine the order for calling on participants. Participants will be giving their testimony via video or telephone depending on how they've chosen to participate. Participants will be sworn in by the Hearing Officer and will be asked to identify themselves by name and affiliation.
2. If you plan to participate, you will need to "Raise your hand" during the Zoom meeting. If you are calling into the meeting from a telephone, you can use "Star (*) 9" to raise/lower your hand.
3. Once your hand is raised and it is your turn to speak, the Hearing Officer or the meeting facilitator will unmute you and announce your name. You will then be able to provide verbal testimony for this hearing. Depending on how you are participating in this hearing, you may also need to unmute yourself.
4. A participant's time allotment in providing hearing testimony is at the discretion of the Hearing Officer and is dependent on the total number of participants – typically, each witness is allotted 20 minutes to provide verbal testimony. If the testimony you are providing verbally is in written form, it is recommended, though not required, that you submit your testimony in writing before the start of the hearing so it can be distributed to the hearing panel members. After your testimony, and following any questions from the hearing panel members, the Hearing Officer will place you back on "mute".