

AMENDED IN SENATE APRIL 16, 2001

SENATE BILL

No. 866

Introduced by Senator Costa

February 23, 2001

An act to amend Sections 64591, 64593, 64600, 64601, and ~~64605~~ of, and to repeal Section ~~64663~~ of, ~~64605, 64663, 64691, 64691.5, and 64702~~ of the Food and Agricultural Code, relating to the California Beef Council.

LEGISLATIVE COUNSEL'S DIGEST

SB 866, as amended, Costa. California Beef Council.

(1) Existing law establishes the California Beef Council, and specifies the entities eligible for membership on the council.

This bill would change references from "slaughterers" to "packers and processors." The bill would eliminate a provision for a \$10 per diem payment, and would prohibit members of the council from receiving compensation, as specified.

(2) Existing law prohibits the expenditure of beef council funds for the advertising of brand name beef products.

This bill would ~~delete those provisions of law~~ *permit the advertising expenditures if approved by a 2/3 vote of the council with the concurrence of the secretary.*

(3) Existing law provides that a fee of \$1 per head shall be paid on each sale of cattle and calves, except as specified.

This bill would make an additional exception to this fee for the sale of any calves weighing less than 300 pounds.

(4) Existing law provides that a fee greater than \$1 per head on the sale of cattle and calves shall not be charged unless the secretary finds,

as specified, that the producers in this state have approved the greater fee.

This bill would specify that the secretary shall find that the producers in this state have approved the greater fee if he or she finds that 60% of the producers voting in the referendum voted in favor of charging the greater fee. The bill would make a conforming change to a related provision.

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

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

1 SECTION 1. Section 64591 of the Food and Agricultural
2 Code is amended to read:
3 64591. There is in the state government the California Beef
4 Council which consists of 20 members and 20 alternates, all of
5 whom shall be citizens and residents of this state and producers,
6 packers, or processors.
7 The secretary shall appoint to the council six range cattlemen,
8 six cattle feeders, and six dairymen nominated as producers and
9 two packers or processors as hereinafter provided for, giving due
10 regard to proper geographic distribution. This requirement shall
11 not, however, operate to remove from office any member of the
12 council. Subject to the provisions of this section and of Section
13 64592, present members of the council shall be eligible for
14 reappointment.
15 SEC. 2. Section 64593 of the Food and Agricultural Code is
16 amended to read:
17 64593. With or without recommendations or other
18 nominations from the council or otherwise, during September and
19 October of each year, the secretary may, if deemed appropriate or
20 necessary by him or her, provide notice of, and hold, producer
21 nomination meeting or meetings or may prepare and mail
22 nomination forms to producers, for the purpose of receiving
23 nominations for producer membership on the council. When
24 nomination forms are mailed, the secretary shall utilize existing
25 department lists of producers, packers, or processors. The
26 secretary may also provide notice of, and hold, packer or processor
27 nomination meeting or meetings or otherwise receive nominations
28 for packers or processors, as deemed appropriate by him or her,



1 including, but not necessarily limited to, nominations received by
2 mailing similar nomination forms to the packers or processors on
3 existing department lists. Notwithstanding other provisions of this
4 section, the secretary may, whenever and in any manner deemed
5 necessary and appropriate by him or her, obtain nominations of
6 producers , packers, or processors for membership on the council.

7 SEC. 3. Section 64600 of the Food and Agricultural Code is
8 amended to read:

9 64600. The members of the council shall be reimbursed for
10 necessary traveling and other expenses incurred in the
11 performance of their official duties.

12 SEC. 4. Section 64601 of the Food and Agricultural Code is
13 amended to read:

14 64601. No member of the council shall receive compensation
15 .

16 SEC. 5. Section 64605 of the Food and Agricultural Code is
17 amended to read:

18 64605. It is hereby declared, as a matter of legislative
19 determination, that producers , packers, or processors appointed to
20 the council pursuant to this article are intended to represent and
21 further the interest of a particular agricultural industry concerned,
22 and that such representation and furtherance is intended to serve
23 the public interest. Accordingly, the Legislature finds that, with
24 respect to persons who are appointed to such council, the particular
25 agricultural industry concerned is tantamount to, and constitutes,
26 the public generally within the meaning of Section 87103 of the
27 Government Code.

28 ~~SEC. 6. Section 64663 of the Food and Agricultural Code is~~
29 ~~repealed.~~

30 *SEC. 6. Section 64663 of the Food and Agricultural Code is*
31 *amended to read:*

32 64663. The council shall not expend beef council funds for the
33 advertising of brand name beef products , *unless the expenditures*
34 *are approved by a two-thirds vote of the council with the*
35 *concurrence of the secretary.* The council may expend beef council
36 funds to conduct cost-sharing advertising with nonbeef brand
37 name products.

38 *SEC. 7. Section 64691 of the Food and Agricultural Code is*
39 *amended to read:*



1 64691. (a) In order to carry out the programs and administer
2 the activities which are conducted pursuant to this chapter, except
3 as specified in Sections 64691.5 and 64702, a fee of one dollar (\$1)
4 per head shall be paid on each sale of cattle and calves as specified
5 in Section 64691.7. The fee shall be charged on all cattle and
6 calves, except the following:

7 (1) Hides, skins, or reduction animals.

8 (2) Any cattle that are transported for purposes other than for
9 sale or slaughter and without a change of ownership.

10 (3) Any cattle custom slaughtered exclusively for the owner,
11 members of the owner's household, or the owner's nonpaying
12 guests or employees.

13 (4) *Any calves weighing less than 300 pounds.*

14 The fee shall not be charged or collected more than once from
15 each owner upon the same animal and is nonrefundable.

16 *SEC. 8. Section 64691.5 of the Food and Agricultural Code*
17 *is amended to read:*

18 64691.5. A fee greater than one dollar (\$1) per head on cattle
19 and calves prescribed by Section 64691 shall not be charged
20 pursuant to that section under a mandatory fee payment program,
21 unless and until the greater fee is approved by the producers in this
22 state, by a referendum to be submitted to the producers by the
23 ~~director~~ secretary. The ~~director~~ secretary shall find that the
24 producers have approved any greater fee, if he or she finds ~~both of~~
25 ~~the following:~~

26 ~~(a) That at least 40 percent of all producers, as determined from~~
27 ~~a list to be established by the director, have voted in the~~
28 ~~referendum.~~

29 ~~(b) That at least 65 percent of total producers that produced not~~
30 ~~less than 51 percent of the volume of the commodity in the state,~~
31 ~~or at least 51 percent of the total producers that produced not less~~
32 ~~than 65 percent of the volume of the commodity in the state, voting~~
33 ~~in the referendum favor charging of the greater fee that 60 percent~~
34 ~~of the producers voting in the referendum voted in favor of~~
35 ~~charging the greater fee. Ballots shall be provided to producers~~
36 ~~from a list provided by the council and approved by the secretary,~~
37 ~~and to other producers who request a ballot that provide proof of~~
38 ~~eligibility.~~

39 *SEC. 9. Section 64702 of the Food and Agricultural Code is*
40 *amended to read:*



1 64702. The following shall apply to this chapter so long as the
2 federal Beef Promotion and Research Act of 1985 (7 U.S.C. Sec.
3 2901 et seq.) and any resulting regulations are in effect. If the
4 federal act is terminated by subsequent statute or in the manner
5 specified in the act, this fact shall be certified by the director and
6 this section shall be void and have no force and effect.

7 (a) A fee shall not be collected pursuant to this chapter on the
8 sale of cattle or calves that originated from out-of-state and for
9 which a federal assessment was paid in the originating state in
10 accordance with the requirements of the federal act. When no
11 federal assessment on the sale was paid in the originating state, the
12 director shall ensure that any federal assessment due is paid. This
13 subdivision shall not prevent the collection of fees by the director
14 on subsequent sales of the cattle or calves.

15 (b) No fee shall be collected on the sale of cattle or calves if the
16 sale is exempt from the federal act and regulations adopted
17 pursuant thereto.

18 (c) (1) No person shall be liable for more than a total of one
19 dollar (\$1) per head per sale of cattle or calves under this chapter
20 and the federal act.

21 (2) *This subdivision does not apply to any fee increases*
22 *approved by the secretary pursuant to Section 64691.5.*

