

**Assembly Bill No. 2354**

CHAPTER 844

An act to amend Section 63905 of the Food and Agricultural Code, relating to agricultural and seafood industries.

[Approved by Governor September 30, 2006. Filed with  
Secretary of State September 30, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2354, Laird. Agricultural and seafood industries.

Existing law authorizes any promotional commission or council to petition the Secretary of the Department of Food and Agriculture for the commission or council to adopt and administer any activity authorized pursuant to the California Marketing Act of 1937.

This bill would authorize any promotional commission or council to petition the Secretary of the Department of Food and Agriculture to administer any activity that the commission or council is authorized to engage in and that is authorized pursuant to the California Marketing Act of 1937. This bill would provide that the secretary may waive referendum after a hearing, as specified.

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

SECTION 1. Section 63905 of the Food and Agricultural Code is amended to read:

63905. (a) Any commission or council may petition the secretary to adopt and administer any activity authorized pursuant to the California Marketing Act of 1937 (Chapter 1 (commencing with Section 58601) of Part 2 of Division 21) relating to the commodity that is covered by any commission or council. Adoption and administration of the activity by any commission or council shall be in accordance with the act.

(b) Any commission or council may petition the secretary to administer any activity that the commission or council is authorized to engage in, and that is authorized pursuant to the California Marketing Act of 1937 (Chapter 1 (commencing with Section 58601) of Part 2 of Division 21), relating to the commodity that is covered by any commission or council. If the secretary accepts the petition, the commission or council shall reimburse the secretary for his or her actual cost for administering the activity. The secretary may waive referendum under the act if, following a hearing, the secretary determines that there is no substantial question of opposition to doing so among affected assessment payers. Administration of the activity by the secretary shall be in accordance with the act.

(c) As determined by the secretary, the governing body of the commission or council may serve as the advisory board with respect to any activity recommended and approved pursuant to this section.

(d) As used in this section, “substantial question of opposition” means opposition to the substance of the petition among currently affected assessment payers, and is not intended to mean a particular number of assessment payers.