

**Senate Bill No. 1280**

\_\_\_\_\_

Passed the Senate April 28, 2008

\_\_\_\_\_

*Secretary of the Senate*

\_\_\_\_\_

Passed the Assembly July 15, 2008

\_\_\_\_\_

*Chief Clerk of the Assembly*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_

*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 52291 and 52351 of the Food and Agricultural Code, relating to agriculture.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1280, Maldonado. Agriculture: seed: advisory board: registration.

Existing law, the California Seed Law, generally regulates seed sold in California to ensure that seed purchased by the consumer-buyer is properly identified and of the quality represented on the tag or label.

Existing law establishes a Seed Advisory Board to make recommendations to the Secretary of Food and Agriculture on all matters pertaining to the seed law. The board is required to consist of 11 members appointed by the secretary and 9 of those members are required to be registered labelers and 2 are required to be members of the public.

This bill would revise the composition of the board to consist of 7 registered labelers, 2 persons who receive or possess seed for sale in this state, and 2 members of the public.

Existing law requires every labeler of agricultural or vegetable seed offered for sale or sold in this state, or any person who receives or possesses for sale or sells in this state any such seed that is not grown in this state, to annually register with the secretary for authorization to sell agricultural or vegetable seed.

This bill would, instead, require every labeler of agricultural or vegetable seed offered for sale in this state, or any person who sells that seed in this state, to annually register with the secretary for authorization to sell agricultural or vegetable seed.

Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 52291 of the Food and Agricultural Code is amended to read:

52291. There is in the department a Seed Advisory Board consisting of 11 members appointed by the secretary, seven of whom shall be labelers registered under the provisions of this chapter, two of whom shall be persons who receive or possess seed for sale in this state, and two of whom shall be members of the public. The members of the board who are labelers registered under the provisions of this chapter shall be representative of the functions of seed production, conditioning, marketing, or utilization.

SEC. 2. Section 52351 of the Food and Agricultural Code is amended to read:

52351. Every labeler of agricultural or vegetable seed offered for sale in this state, or any person, as defined in Section 52256.5, who sells that seed in this state, shall annually register with the secretary to obtain authorization to sell agricultural or vegetable seed before engaging in this activity, except any of the following:

(a) An individual grower that conditions such seed exclusively for the grower's own planting use.

(b) A person using agricultural or vegetable seed, or both agricultural and vegetable seed, only for purposes of planting seed increase.

(c) Any person licensed to sell nursery stock pursuant to Chapter 1 (commencing with Section 6701) of Part 3 of Division 4, except when he or she also engages in activities as defined under Section 52257.5.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved \_\_\_\_\_, 2008

---

*Governor*