

AMENDED IN ASSEMBLY APRIL 11, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 222

Introduced by Committee on Agriculture (Galgiani (Chair), Valadao (Vice Chair), Bill Berryhill, Hill, Ma, Mendoza, Olsen, Perea, and Yamada)

February 1, 2011

An act to amend Sections 221.1 and 492, 492, 31108, 31752, and 77067 of the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 222, as amended, Committee on Agriculture. Food and Agriculture Fund: Food Biotechnology Task Force: reporting.: omnibus bill.

Existing

(1) *Existing* law establishes the Department of Food and Agriculture Fund, a continuously appropriated fund used for specified purposes relating to enforcement of various provisions of law relating to various agriculture programs. Notwithstanding those provisions, existing law requires the Department of Food and Agriculture to establish all permanent positions with the Controller's office pursuant to standard state administrative practices, and to report to the chairs of the fiscal committees of the Legislature, no later than January 10, 2005, on the positions established and funded, as specified.

Existing law also establishes the Food Biotechnology Task Force and authorizes the task force to request particular agencies to lead the effort to evaluate various factors related to food biotechnology. Existing law requires the task force to report the issues studied, findings, basis for

their findings, and recommendations to the Governor and the Legislature by January 1, 2003.

This bill would delete the obsolete reporting requirements from these provisions.

(2) *Existing law requires that the holding period for a stray dog or a stray cat impounded in a shelter be 6 business days, not including the day of impoundment, with exceptions, as provided.*

This bill would define the term “business day” for purposes of these provisions as any day that a public or private shelter is open to the public for at least 4 hours, excluding state holidays.

(3) *Existing law establishes the California Walnut Commission, composed of 8 walnut producers, 4 walnut handlers, and one member of the public. Existing law requires the commission to elect alternate members, and provides for the appointment of ex officio members.*

Existing law provides that each member of the commission or each alternate member serving in place of a member, except for ex officio government members, and each member of a committee established by the commission who is a nonmember of the commission, may receive a per diem not to exceed \$100 per day, as established by the commission, for each day spent in actual attendance at, or in traveling to and from, meetings of the commission or committees of the commission, or on special assignment from the commission. Existing law also authorizes members of the commission to receive necessary traveling expenses and meal allowances, as approved by the commission.

This bill would delete the provision for a \$100 per diem for members, alternate members, and committee members, and would instead provide that members of the commission may receive an amount not to exceed the reasonable and necessary traveling expenses and meal allowances, as established by the commission.

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

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

- 1 SECTION 1. Section 221.1 of the Food and Agricultural Code
- 2 is amended to read:
- 3 221.1. Notwithstanding Section 221, the department shall
- 4 establish all permanent positions with the Controller’s office,
- 5 pursuant to standard state administrative practices.

1 SEC. 2. Section 492 of the Food and Agricultural Code is
2 amended to read:

3 492. (a) The Legislature hereby creates the Food
4 Biotechnology Task Force. The task force shall be cochaired by
5 the Secretary of California Health and Human Services, and the
6 Secretary of the California Department of Food and Agriculture.
7 The task force shall consult with appropriate state agencies and
8 the University of California. The Department of Food and
9 Agriculture shall be the lead agency.

10 (b) An advisory committee shall be appointed by the task force
11 to provide input on issues reviewed by the task force. The advisory
12 committee shall consist of representatives from consumer groups,
13 environmental organizations, farmers, ranchers, representatives
14 from the biotechnology industry, researchers, organic farmers,
15 food processors, retailers, and others with interests in the issues
16 surrounding biotechnology.

17 (c) The Department of Food and Agriculture shall make funds
18 available to other agencies to accomplish the purposes of this
19 article and shall contract, where appropriate, with the California
20 Council on Science and Technology, the University of California,
21 or other entities to review issues evaluated by the task force or
22 support activities of the advisory committee.

23 (d) The task force may request particular agencies to lead the
24 effort to evaluate various factors related to food biotechnology.
25 As funding becomes available, the task force shall evaluate factors
26 including all of the following:

27 (1) Definition and categorization of food biotechnology and
28 production processes.

29 (2) Scientific literature on the subject, and a characterization of
30 information resources readily available to consumers.

31 (3) Issues related to domestic and international marketing of
32 biotechnology foods such as the handling, processing,
33 manufacturing, distribution, labeling, and marketing of these
34 products.

35 (4) Potential benefits and impacts to human health, the state's
36 economy, and the environment accruing from food biotechnology.

37 (5) Existing federal and state evaluation and oversight
38 procedures.

39 (e) An initial sum of one hundred twenty-five thousand dollars
40 (\$125,000) is hereby appropriated from the General Fund for

1 disbursement to the Department of Food and Agriculture. It is the
2 intent of the Legislature to make further funds available to
3 accomplish the purposes contained in this article.

4 *SEC. 3. Section 31108 of the Food and Agricultural Code is*
5 *amended to read:*

6 31108. (a) The required holding period for a stray dog
7 impounded pursuant to this division shall be six business days,
8 not including the day of impoundment, except as follows:

9 (1) If the public or private shelter has made the dog available
10 for owner redemption on one weekday evening until at least 7:00
11 p.m. or one weekend day, the holding period shall be four business
12 days, not including the day of impoundment.

13 (2) If the public or private shelter has fewer than three full-time
14 employees or is not open during all regular weekday business
15 hours, and if it has established a procedure to enable owners to
16 reclaim their dogs by appointment at a mutually agreeable time
17 when the public or private shelter would otherwise be closed, the
18 holding period shall be four business days, not including the day
19 of impoundment.

20 Except as provided in Section 17006, stray dogs shall be held
21 for owner redemption during the first three days of the holding
22 period, not including the day of impoundment, and shall be
23 available for owner redemption or adoption for the remainder of
24 the holding period.

25 (b) Except as provided in Section 17006, any stray dog that is
26 impounded pursuant to this division shall, prior to the euthanasia
27 of that animal, be released to a nonprofit, as defined in Section
28 501(c)(3) of the Internal Revenue Code, animal rescue or adoption
29 organization if requested by the organization prior to the scheduled
30 euthanasia of that animal. The public or private shelter may enter
31 into cooperative agreements with any animal rescue or adoption
32 organization. In addition to any required spay or neuter deposit,
33 the public or private shelter, at its discretion, may assess a fee, not
34 to exceed the standard adoption fee, for animals adopted or
35 released.

36 (c) During the holding period required by this section and prior
37 to the adoption or euthanasia of a dog impounded pursuant to this
38 division, a public or private shelter shall scan the dog for a
39 microchip that identifies the owner of that dog and shall make

1 reasonable efforts to contact the owner and notify him or her that
2 his or her dog is impounded and is available for redemption.

3 *(d) As used in this division, a “business day” includes any day*
4 *that a public or private shelter is open to the public for at least*
5 *four hours, excluding state holidays.*

6 *SEC. 4. Section 31752 of the Food and Agricultural Code is*
7 *amended to read:*

8 31752. (a) The required holding period for a stray cat
9 impounded pursuant to this division shall be six business days,
10 not including the day of impoundment, except as follows:

11 (1) If the public or private shelter has made the cat available for
12 owner redemption on one weekday evening until at least 7:00 p.m.
13 or one weekend day, the holding period shall be four business
14 days, not including the day of impoundment.

15 (2) If the public or private shelter has fewer than three full-time
16 employees or is not open during all regular weekday business
17 hours, and if it has established a procedure to enable owners to
18 reclaim their cats by appointment at a mutually agreeable time
19 when the public or private shelter would otherwise be closed, the
20 holding period shall be four business days, not including the day
21 of impoundment.

22 Except as provided in Sections 17006 and 31752.5, stray cats
23 shall be held for owner redemption during the first three days of
24 the holding period, not including the day of impoundment, and
25 shall be available for owner redemption or adoption for the
26 remainder of the holding period.

27 (b) Except as provided in Section 17006, any stray cat that is
28 impounded pursuant to this division shall, prior to the euthanasia
29 of that animal, be released to a nonprofit, as defined in Section
30 501(c)(3) of the Internal Revenue Code, animal rescue or adoption
31 organization if requested by the organization prior to the scheduled
32 euthanasia of that animal. In addition to any required spay or neuter
33 deposit, the public or private shelter, at its discretion, may assess
34 a fee, not to exceed the standard adoption fee, for animals adopted
35 or released. The public or private shelter may enter into cooperative
36 agreements with any animal rescue or adoption organization.

37 (c) During the holding period required by this section and prior
38 to the adoption or euthanasia of a cat impounded pursuant to this
39 division, a public or private shelter shall scan the cat for a
40 microchip that identifies the owner of that cat and shall make

1 reasonable efforts to contact the owner and notify him or her that
2 his or her cat is impounded and is available for redemption.

3 *(d) As used in this division, a “business day” includes any day*
4 *that a public or private shelter is open to the public for at least*
5 *four hours, excluding state holidays.*

6 *SEC. 5. Section 77067 of the Food and Agricultural Code is*
7 *amended to read:*

8 77067. No member of the commission or ~~member of a any~~
9 committee established by the commission ~~who is a nonmember~~
10 ~~that may include nonmembers~~ of the commission shall receive a
11 salary. ~~Each member of the commission or each alternate member~~
12 ~~servng in place of a member, except~~ *Except for ex officio*
13 *government members, and each member of a committee established*
14 *by the commission who is a nonmember of the commission, may*
15 *receive a sum of not to exceed one hundred dollars (\$100) per day*
16 *the members may receive an amount not to exceed reasonable and*
17 *necessary traveling expenses and meal allowances, as established*
18 *by the commission. This per diem shall be paid to members, for*
19 *each day spent in actual attendance at, or in traveling to and from,*
20 *meetings of the commission or committees of the commission, or*
21 *on special assignment for the commission, as approved by the*
22 *commission. Members shall also receive the necessary traveling*
23 *expenses and meal allowances, as approved by the commission.*