

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2682

Introduced by Committee on Agriculture

March 8, 2012

An act to amend Sections 4103, 6981, 61933, and 77191 of the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 2682, as amended, Committee on Agriculture. Agriculture.

(1) Existing law establishes the Sixth District Agricultural Association, which is known as the California Science Center, and authorizes it to establish a space-age museum at its building in Exposition Park in the City of Los Angeles.

This bill would instead authorize the California Science Center to establish an air and space center at that location.

(2) Existing law imposes an annual assessment of 1% on the gross sales of all deciduous pome and stone fruit trees, nut trees, olive trees, and grapevines, including seeds, seedlings, rootstocks, and topstock, including ornamental varieties of apple, apricot, crabapple, cherry, nectarine, peach, pear, and plum, produced and sold within the state or produced within and shipped from the state by any licensed nursery dealer. Existing law provides that the Secretary of Food and Agriculture may exempt from the assessment certain species of pome and stone fruit, nut trees, olive trees, grapevines, or ornamental varieties of apple, apricot, crabapple, cherry, nectarine, olive, peach, pear, and plum if it can be demonstrated that no benefit is derived by these species from specified programs established by existing law concerning pome and stone fruit trees, nut trees, olive trees, and grapevines, as provided.

This bill would remove species of olive trees from the plants that the secretary may exempt from the assessment and instead allow the secretary to exempt certain varieties of olive trees from the assessment. The bill would also make a clarifying change.

(1)

(3) Existing law empowers the Secretary of Food and Agriculture to formulate a stabilization and marketing plan which includes, among other things, establishing the price to be paid by milk handlers for various classes of market milk. Class 2 market milk consists of, among other milk products, any market milk, market skim milk, or market cream used in the manufacture of market cream, homogenized market cream, sour cream, sour cream dressing, sour half-and-half or light sour cream, uncreamed, creamed, or partially creamed cottage cheese, soft fresh cheese (fromage frais), buttermilk, and yogurt. A violation of any provision regarding the stabilization and marketing of market milk, or any provision of any stabilization and marketing plan, is a misdemeanor.

This bill would add kefir to those products that are class 2 market milk. Because this bill would expand the scope of a crime, it would create a state-mandated local program.

(2)

(4) Existing law establishes the California Walnut Commission, and requires that the commission become inoperative at the end of any marketing year in which targeted export assistance funds provided by the federal government have been permanently terminated, unless a referendum vote conducted among walnut producers approves the continuation of the commission. Existing law provides that funds are considered to be permanently terminated when the federal government does not provide targeted export assistance funds in 2 consecutive budget years.

This bill would change when funds are considered to be permanently terminated to when the federal government does not provide targeted export assistance funds in 3 consecutive budget years.

(3)

(5) 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.

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

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

1 **SECTION 1.** *Section 4103 of the Food and Agricultural Code*
2 *is amended to read:*

3 4103. The California Science Center may establish a space-age
4 ~~museum~~ *an air and space center* in its building at Exposition Park
5 in the City of Los Angeles.

6 **SEC. 2.** *Section 6981 of the Food and Agricultural Code is*
7 *amended to read:*

8 6981. (a) An annual assessment of 1 percent shall be levied
9 on the gross sales of all deciduous pome and stone fruit trees, nut
10 trees, olive trees, and grapevines, including seeds, seedlings,
11 rootstocks, and topstock, including ornamental varieties of apple,
12 apricot, crabapple, cherry, nectarine, olive, peach, pear, and plum,
13 produced and sold within the state or produced within and shipped
14 from the state by any licensed nursery dealer. For packaged or
15 containerized stock, the assessment shall be levied on the
16 producer's bareroot price of the plants.

17 (b) The secretary, as appropriate, and on the recommendation
18 of the board established pursuant to Section 6988, may exempt
19 from the assessment certain species of pome and stone fruit, nut
20 trees, ~~olive trees~~, grapevines, *or varieties of olive trees*, or
21 ornamental varieties of apple, apricot, crabapple, cherry, nectarine,
22 olive, peach, pear, and plum if it can be demonstrated that no
23 benefit is derived by these species *or varieties* from programs
24 described in subdivision (d).

25 (c) The assessment shall be applied at the point of sale where
26 the nursery stock is sold by a producer to persons other than
27 California producers of nursery stock that is subject to assessment
28 under subdivision (a).

29 (d) The secretary may set the assessment at a lower percent to
30 cover the costs necessary to implement and carry out all department
31 programs established pursuant to Article 7 (commencing with
32 Section 5821) of Chapter 8 of Part 1 concerning the registration
33 and certification of pome and stone fruit trees, nut trees, olive trees,
34 and grapevines; the University of California foundation plant
35 materials service activities concerning pome and stone fruit trees,
36 nut trees, olive trees, and grapevines; and other activities related
37 to the development of planting materials for pome and stone fruit
38 trees, nut trees, olive trees, and grapevines.

1 SECTION 1.

2 SEC. 3. Section 61933 of the Food and Agricultural Code is
3 amended to read:

4 61933. Class 2 comprises any market milk, market skim milk,
5 or market cream used in the manufacture of market cream,
6 homogenized market cream, sour cream, sour cream dressing, sour
7 half-and-half or light sour cream, uncreamed, creamed, or partially
8 creamed cottage cheese, soft fresh cheese (fromage frais),
9 buttermilk, kefir, and yogurt. Class 2 also comprises any market
10 milk, market skim milk, or market cream used in the manufacture
11 of any product for which a definition and standard is prescribed
12 in Division 15 (commencing with Section 32501), except any
13 product that is included in class 1, class 3, class 4a, or class 4b.

14 ~~SEC. 2.~~

15 SEC. 4. Section 77191 of the Food and Agricultural Code is
16 amended to read:

17 77191. This chapter shall become inoperative at the end of any
18 marketing year in which targeted export assistance funds provided
19 by the federal government have been permanently terminated,
20 unless, pursuant to the procedures described in Section 77193, the
21 producers approve the continuation of the commission. Funds are
22 permanently terminated within the meaning of the previous
23 sentence when the federal government does not provide targeted
24 export assistance funds in three consecutive budget years.

25 ~~SEC. 3.~~

26 SEC. 5. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.