

AMENDED IN SENATE AUGUST 12, 2013

AMENDED IN SENATE JUNE 26, 2013

AMENDED IN SENATE JUNE 19, 2013

AMENDED IN ASSEMBLY MARCH 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1319**

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**Introduced by Assembly Member Eggman**

February 22, 2013

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An act to add Section 10422.5 to, and to repeal and add Sections 10405 and 10422 of, the Food and Agricultural Code, and to amend Section 75121 of the Public Resources Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1319, as amended, Eggman. Agriculture.

(1) Existing law provides for the regulation of animals and pests for the prevention and control of disease. Existing law requires that any bovine animal in a brucellosis control area that reacts positively to a test for brucellosis be immediately identified pursuant to the regulations of the Secretary of Food and Agriculture and requires that the animal be slaughtered within 30 days in accordance with the regulations of the secretary. Existing law also authorizes the secretary to identify nonreacting animals in the same herd and to require the slaughter of those animals if certain requirements are satisfied.

Existing law requires that if an animal in a brucellosis control area is slaughtered pursuant to these provisions, or under regulations of the secretary which are made pursuant to these provisions, the owner shall receive compensation, as specified. Existing law also provides

indemnity, as provided, to the owner of a nonreacting animal that is slaughtered.

This bill would revise and recast these provisions to delete any compensation from the state and would provide that if a nonreacting animal is slaughtered pursuant to these provisions the owner would receive the same compensation as the owner of an animal that tested positive for brucellosis. The bill would require that the value of a nonreacting animal that is slaughtered be determined by appraisal by a representative of the Department of Food and Agriculture, or a representative of the Agricultural Research Service of the United States Department of Agriculture, and by the owner or his or her agent. The bill would also require that if these persons do not agree on the valuation of the animal, the animal be appraised by the chief appraiser of the Department of Food and Agriculture or his or her representative and that determination is final.

(2) Existing law establishes the Strategic Growth Council and requires it, among other things, to provide, fund, and distribute data and information to local governments and regional agencies that will assist in developing and planning sustainable communities. Under existing law, the Strategic Growth Council consists of the Director of State Planning and Research, the Secretary of the Natural Resources Agency, the Secretary for Environmental Protection, the Secretary of Business, Transportation and Housing, the Secretary of California Health and Human Services, and one public member appointed by the Governor.

Existing law and the Governor's Reorganization Plan No. 2 of 2012, effective July 3, 2012, and operative July 1, 2013, assigns and reorganizes the various functions of state government among executive officers and agencies by, among other things, creating the ~~Business, Consumer Services, and Housing Agency~~ and Transportation Agency; each headed by a secretary.

This bill would add the Secretary of Food and Agriculture ~~and the Secretary of Business, Consumer Services, and Housing~~ as members *as a member* of the Strategic Growth Council. The bill would enact other statutory changes necessary to reflect the changes in law made by the Governor's Reorganization Plan No. 2 relating to the Transportation Agency.

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 10405 of the Food and Agricultural Code  
2 is repealed.

3 SEC. 2. Section 10405 is added to the Food and Agricultural  
4 Code, to read:

5 10405. If an animal is slaughtered pursuant to this article, and  
6 indemnity funds are available, the owner of the animal may receive  
7 part or all of the following:

8 (a) The proceeds of the sale of the salvage of the animal.

9 (b) From the United States Department of Agriculture, any sum  
10 that is authorized to be paid to the owner from any appropriation  
11 that is made by the United States Department of Agriculture to  
12 assist in the eradication of brucellosis in cattle in this state.

13 SEC. 3. Section 10422 of the Food and Agricultural Code is  
14 repealed.

15 SEC. 4. Section 10422 is added to the Food and Agricultural  
16 Code, to read:

17 10422. The value of a nonreacting animal that is slaughtered  
18 shall be determined by appraisalment by a representative of the  
19 department or a representative of the Agricultural Research Service  
20 of the United States Department of Agriculture, and by the owner  
21 or his or her agent. If these persons do not agree on the valuation  
22 of the animal, the animal shall be appraised by the chief appraiser  
23 of the department, or his or her representative. In either event, the  
24 value that is determined is final.

25 SEC. 5. Section 10422.5 is added to the Food and Agricultural  
26 Code, to read:

27 10422.5. If a nonreacting animal is slaughtered pursuant to this  
28 article, and indemnity funds are available, the owner of the animal  
29 may receive part or all of the following:

30 (a) The proceeds of the sale of the salvage of the animal.

31 (b) From the United States Department of Agriculture, any sum  
32 that is authorized to be paid to the owner from any appropriation  
33 that is made by the United States Department of Agriculture to  
34 assist in the eradication of brucellosis in cattle in this state.

35 ~~SEC. 6. Section 75121 of the Public Resources Code is~~  
36 ~~amended to read:~~

37 ~~75121. (a) The Strategic Growth Council is hereby established~~  
38 ~~in state government and it shall consist of the Director of State~~

1 ~~Planning and Research, the Secretary of the Natural Resources~~  
 2 ~~Agency, the Secretary for Environmental Protection, the Secretary~~  
 3 ~~of Transportation, the Secretary of California Health and Human~~  
 4 ~~Services, the Secretary of Business, Consumer Services, and~~  
 5 ~~Housing, the Secretary of Food and Agriculture, and one member~~  
 6 ~~of the public to be appointed by the Governor. The public member~~  
 7 ~~shall have a background in land use planning, local government,~~  
 8 ~~resource protection and management, or community development~~  
 9 ~~or revitalization.~~

10 ~~(b) Staff for the council shall be reflective of the council's~~  
 11 ~~membership.~~

12 *SEC. 6. Section 75121 of the Public Resources Code is*  
 13 *amended to read:*

14 75121. (a) The Strategic Growth Council is hereby established  
 15 in state government and it shall consist of the Director of State  
 16 Planning and Research, the Secretary of the *Natural Resources*  
 17 *Agency, the Secretary for Environmental Protection, the Secretary*  
 18 ~~of Business, Transportation and Housing,~~ *Transportation,* the  
 19 Secretary of California Health and Human Services, the Secretary  
 20 of Business, Consumer Services, and Housing, ~~and the Secretary~~  
 21 *of Food and Agriculture, and one member of the public to be*  
 22 *appointed by the Governor. The public member shall have a*  
 23 *background in land use planning, local government, resource*  
 24 *protection and management, or community development or*  
 25 *revitalization.*

26 (b) Staff for the council shall be reflective of the council's  
 27 membership.