

Assembly Bill No. 1319

CHAPTER 623

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.

[Approved by Governor October 7, 2013. Filed with
Secretary of State October 7, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1319, 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 Transportation Agency headed by a secretary.

This bill would add the Secretary of Food and Agriculture 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.

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

SECTION 1. Section 10405 of the Food and Agricultural Code is repealed.

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

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

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

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

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 Section 10422 of the Food and Agricultural Code is repealed.

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

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

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

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

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

(b) From the United States Department of Agriculture, any sum that is authorized to be paid to the owner from any appropriation that is made by

the United States Department of Agriculture to assist in the eradication of brucellosis in cattle in this state.

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

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

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