

AMENDED IN ASSEMBLY APRIL 11, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1389

Introduced by Committee on Agriculture

March 4, 2013

An act to add Article 13 (commencing with Section 52991) to Chapter 4 of Division 18 of the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1389, as amended, Committee on Agriculture. San Joaquin Valley Quality Cotton District.

Existing law establishes the San Joaquin Valley Quality Cotton District for the purposes of promoting, encouraging, aiding, and protecting the planting and growing of cotton in California. Existing law establishes the San Joaquin Valley Cotton Board, and establishes the powers of the board to include, among others, establishing quality standards and making recommendations to the Secretary of Food and Agriculture on all matters pertaining to the district. Existing law provides funding for the board and enforcement of the provisions through assessments, and requires that all moneys received pursuant to these provisions, which are deposited in the continuously appropriated Department of Food and Agriculture Fund, be expended only for purposes of the provisions relating to the San Joaquin Valley Quality Cotton District.

This bill would make these provisions and related regulations inoperative on ~~July~~ *January* 1, 2014, except as specified, unless a resolution is approved to continue the operation of these provisions, or the secretary receives a petition from members of the cotton industry

in the San Joaquin Valley, and makes a determination that it is in the best interests of the cotton industry and the state to continue these provisions. The bill would ~~require, if the secretary makes that determination, authorize~~ the secretary to establish an advisory committee, ~~and. The bill would require the Department of Food and Agriculture to post the operability of these provisions and related regulations on its Internet Web site if one of the conditions for operability occurs and~~ would specify that the secretary shall not be required to administer any of these provisions that are operative unless the secretary determines there are sufficient funds to pay the costs incurred by the secretary, as specified. Because the bill would authorize the use of continuously appropriated funds for a new purpose, the bill would make an appropriation.

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

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

1 SECTION 1. Article 13 (commencing with Section 52991) is
 2 added to Chapter 4 of Division 18 of the Food and Agricultural
 3 Code, to read:

4

5

Article 13. Operation

6

7 52991. (a) Except as specified in ~~subdivision (c)~~, Section
 8 52992, on and after ~~July~~ January 1, 2014, the provisions of this
 9 chapter, and any regulations adopted pursuant to this chapter, shall
 10 become inoperative unless either of the following occurs:

11

(1) A resolution is approved in accordance with the procedures
 12 specified in subdivision (c) of Section 52891.1, as that section read
 13 on January 1, 2013, to continue the operation of this chapter.

14

(2) The secretary receives a petition from members of the cotton
 15 industry in the San Joaquin Valley, and makes a determination
 16 that circumstances in the California cotton industry indicate that
 17 the operation of *specified sections* of this chapter is in the best
 18 interests of the cotton industry and the state. *If the secretary makes*
 19 *that determination, the secretary may establish a committee to*
 20 *advise the secretary. The committee shall be comprised of cotton*
 21 *growers, handlers of whole cottonseed, handlers of raw cotton*
 22 *fiber, and representatives of cotton ginning organizations.*

1 (b) *If the provisions of this chapter, and any regulations adopted*
2 *pursuant to this chapter, become operative as described in*
3 *paragraphs (1) and (2) of subdivision (a), the department shall*
4 *post this fact on its Internet Web site.*

5 ~~(b) The secretary shall establish a committee to advise the~~
6 ~~secretary. The committee shall be comprised of cotton growers,~~
7 ~~representatives of cotton seed processing organizations involved~~
8 ~~in seed crushing operations, handlers of raw cotton fiber, and~~
9 ~~representatives of cotton ginning organizations.~~

10 ~~(e) Notwithstanding subdivision (a), the following provisions~~
11 ~~shall remain operative and shall be administered by the secretary:~~

12 ~~(1) Section 52893.~~

13 ~~(2) Subdivision (b) of Section 52901.~~

14 ~~(3) Section 52981.~~

15 ~~52992. The following sections of this chapter shall remain~~
16 ~~operative and shall be administered by the secretary:~~

17 ~~(a) Section 52893 as it relates to certified cottonseed.~~

18 ~~(b) Section 52901 as it relates to certified cottonseed and~~
19 ~~colored cotton.~~

20 ~~(c) Section 52981 as it relates to colored cotton.~~

21 ~~52992.~~

22 52993. The secretary shall not be required to administer this
23 article or any provisions of this chapter that are operative pursuant
24 to ~~Section 52991~~ Sections 52991 and 52992 unless the secretary
25 determines that there are sufficient funds remaining in the
26 Department of Food and Agriculture Fund that were deposited and
27 authorized to be expended for purposes of this chapter, or from
28 other sources, including the California cotton industry, to pay the
29 costs incurred by the secretary.