

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY APRIL 11, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1389**

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**Introduced by Committee on Agriculture**

March 4, 2013

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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 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, *if the secretary makes that specified determination*, would, ~~if the secretary makes that determination~~, authorize the secretary to establish an advisory committee. The bill would require the Department of Food and Agriculture to post ~~the operability of whether~~ these provisions and related regulations *have become operative* on its Internet Web site ~~if one of the conditions for operability occurs~~ and would ~~specify that prohibit~~ the secretary ~~shall not be from being~~ required to administer any of these provisions that ~~are~~ *have become 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  
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7 52991. (a) Except as specified in Section 52992, on and after  
 8 January 1, 2014, the provisions of this chapter, and any regulations  
 9 adopted pursuant to this chapter, shall become inoperative unless  
 10 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

1 advise the secretary. The committee shall be comprised of cotton  
2 growers, handlers of whole cottonseed, handlers of raw cotton  
3 fiber, and representatives of cotton ginning organizations.

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

8 52992. The following sections of this chapter shall remain  
9 operative and shall be administered by the secretary:

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

11 (b) Section 52901 as it relates to certified cottonseed and colored  
12 cotton.

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

14 52993. The secretary shall not be required to administer this  
15 article or any provisions of this chapter that are operative pursuant  
16 to Sections 52991 and 52992 unless the secretary determines that  
17 there are sufficient funds remaining in the Department of Food  
18 and Agriculture Fund that were deposited and authorized to be  
19 expended for *the* purposes of this chapter, or from other sources,  
20 including the California cotton industry, to pay the costs incurred  
21 by the secretary.