

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 171

Introduced by Senator ~~Rubio~~ Hueso

February 5, 2013

An act to amend ~~Sections 52256.5, 52288, and 52452 of the Food and Agricultural Section 33139 of the Water Code~~, relating to ~~seed drainage~~.

LEGISLATIVE COUNSEL'S DIGEST

SB 171, as amended, ~~Rubio~~ Hueso. California Seed Law.

The County Water District Law governs the operations of the Coachella Valley County Water District. The County Water District Law authorizes a district to drain and reclaim lands within the district either by surface or underground works or both and to acquire, by appropriation or other lawful means, and divert, store, conserve, transport, or dispose of water resulting from these activities. Under existing law, the district is authorized to raise funds by special assessment on benefited land in proportion to the benefits derived by the benefited lands, as prescribed.

Article XIII C and Article XIII D of the California Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Existing law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Article XIII C and Article XIII D of the California Constitution.

This bill would specify that the district is authorized to raise funds by special assessment pursuant to the Proposition 218 Omnibus

Implementation Act, or by adopting prescribed property related fees and charges.

~~Existing law, the California Seed Law, regulates seed sold in California, and requires each container of seed that is sold within this state for sowing purposes to be labeled, unless the sale is an occasional sale of seed grain by the producer of the seed grain to his neighbor for use by the purchaser within the county of production. Existing law defines “person” for purposes of that law to mean an individual, partnership, trust association, cooperative association, or any other business unit or organization.~~

~~This bill would clarify that definition of “person” to include corporations. The bill would also clarify the term “neighbor” for purposes of the labeling requirements specified above to mean a person who lives in close proximity, not to exceed 3 miles, to another. The bill would revise a statement of legislative intent to include ensuring that the amount of seed represented on a tag or label is properly identified.~~

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

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

1 ~~SECTION 1. Section 33139 of the Water Code is amended to~~
2 ~~read:~~

3 ~~33139. Notwithstanding anything contained in this part, the~~
4 ~~surviving district may provide for and carry on the construction,~~
5 ~~operation, and maintenance of works, improvements, and functions~~
6 ~~authorized by the Storm Water District Act of 1909 either as~~
7 ~~authorized in that act or as authorized by this division. The district~~
8 ~~may raise funds for these purposes in any manner authorized or~~
9 ~~permitted by either the Storm Water District Act of 1909 or this~~
10 ~~division, and is specifically authorized to raise funds by special~~
11 ~~assessment on benefited land in proportion to the benefits derived~~
12 ~~by the benefited lands. benefited lands pursuant to Section 53753~~
13 ~~of the Government Code, or by adopting fees and charges pursuant~~
14 ~~to Section 6 of Article XIII D of the California Constitution.~~

15 ~~SECTION 1. Section 52256.5 of the Food and Agricultural~~
16 ~~Code is amended to read:~~

17 ~~52256.5. “Person” also means any individual, partnership,~~
18 ~~corporation, trust association, cooperative association, or any other~~
19 ~~business unit or organization.~~

1 ~~SEC. 2. Section 52288 of the Food and Agricultural Code is~~
2 ~~amended to read:~~

3 ~~52288. The Legislature hereby declares that it is the intent of~~
4 ~~this chapter to enable the seed industry, with the aid of the state,~~
5 ~~to ensure that seed purchased by the consumer-buyer is properly~~
6 ~~identified and of the quality and amount represented on the tag or~~
7 ~~label. The Legislature further declares that the success of~~
8 ~~agriculture and the seed industry in this state depends upon the~~
9 ~~continued commitment to industry-funded research in order to~~
10 ~~improve the quality and variety of seed available to the~~
11 ~~consumer-buyer.~~

12 ~~SEC. 3. Section 52452 of the Food and Agricultural Code is~~
13 ~~amended to read:~~

14 ~~52452. (a) Except as otherwise provided in Section 52454,~~
15 ~~each container of agricultural seed that is for sale or sold within~~
16 ~~this state for sowing purposes, unless the sale is an occasional sale~~
17 ~~of seed grain by the producer of the seed grain to his or her~~
18 ~~neighbor for use by the purchaser within the county of production,~~
19 ~~shall bear upon it or have attached to it in a conspicuous place a~~
20 ~~plainly written or printed label or tag in the English language that~~
21 ~~includes all of the following information:~~

22 ~~(1) The commonly accepted name of the kind, kind and variety,~~
23 ~~or kind and type of each agricultural seed component in excess of~~
24 ~~5 percent of the whole, and the percentage by weight of each. If~~
25 ~~the aggregate of agricultural seed components, each present in an~~
26 ~~amount not exceeding 5 percent of the whole, exceeds 10 percent~~
27 ~~of the whole, each component in excess of 1 percent of the whole~~
28 ~~shall be named together with the percentage by weight of each. If~~
29 ~~more than one component is required to be named, the names of~~
30 ~~all components shall be shown in letters of the same type and size.~~

31 ~~(2) The lot number or other lot identification.~~

32 ~~(3) The percentage by weight of all weed seeds.~~

33 ~~(4) The name and approximate number of each kind of restricted~~
34 ~~noxious weed seed per pound.~~

35 ~~(5) The percentage by weight of any agricultural seed except~~
36 ~~that which is required to be named on the label.~~

37 ~~(6) The percentage by weight of inert matter. If a percentage~~
38 ~~by weight is required to be shown by any provision of this section,~~
39 ~~that percentage shall be exclusive of any substance that is added~~
40 ~~to the seed as a coating and shown on the label as such.~~

- 1 ~~(7) For each agricultural seed in excess of 5 percent of the~~
2 ~~whole, stated in accordance with paragraph (1), the percentage of~~
3 ~~germination exclusive of hard seed, the percentage of hard seed,~~
4 ~~if present, and the calendar month and year the test was completed~~
5 ~~to determine the percentages. Following the statement of those~~
6 ~~percentages, the additional statement “total germination and hard~~
7 ~~seed” may be stated.~~
- 8 ~~(8) The name and address of the person who labeled the seed~~
9 ~~or of the person who sells the seed within this state.~~
- 10 ~~(b) All determinations of noxious weed seeds are subject to~~
11 ~~tolerances and methods of determination prescribed in the~~
12 ~~regulations that are adopted pursuant to this chapter.~~
- 13 ~~(e) For purposes of this section, “neighbor” means a person who~~
14 ~~lives in close proximity, not to exceed three miles, to another.~~