

**Introduced by Senator Galgiani**February 21, 2014

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An act to amend Sections 52323, 52324, and 52325 of the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1399, as introduced, Galgiani. Agricultural seed: county seed enforcement subventions.

Existing law, the California Seed Law, provides for an optional subvention program under which a county may enter into a cooperative agreement with the Secretary of Food and Agriculture to receive an annual apportionment of funds from the secretary for maintaining a statewide compliance level on all seed within the county. Under those provisions, a county with no registered seed labelers may annually receive \$100, at the discretion of the secretary and upon recommendation of the Seed Advisory Board, and a county with registered seed labeler operations may annually receive a subvention based on enforcement activity generated by the registered seed labeler operations within the county, and upon the performance of enforcement activities, as specified. Existing law makes those provisions inoperative on July 1, 2016, except as specified, and repeals those provisions on January 1, 2017.

This bill would extend the operative date specified above to July 1, 2019, and would extend the repeal date to January 1, 2020.

Under existing law, the fees collected pursuant to the California Seed Law are continuously appropriated to the Department of Food and Agriculture to carry out its provisions.

By extending the operation of these subvention provisions, this 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. Section 52323 of the Food and Agricultural Code  
2 is amended to read:

3 52323. (a) The department's cost of carrying out this chapter  
4 shall be funded from money that is received by the secretary  
5 pursuant to this chapter. The secretary shall also pay annually, in  
6 arrears, one hundred twenty thousand dollars (\$120,000), to  
7 counties as an annual subvention for costs incurred in the  
8 enforcement of this chapter. The department's costs of  
9 administering this chapter shall be paid before allocating funds to  
10 the counties under this section.

11 (b) This section shall become inoperative on July 1, ~~2016~~, 2019,  
12 and, as of January 1, ~~2017~~, 2020, is repealed, unless a later enacted  
13 statute, that becomes operative on or before January 1, ~~2017~~, 2020,  
14 deletes or extends the dates on which it becomes inoperative and  
15 is repealed.

16 SEC. 2. Section 52324 of the Food and Agricultural Code is  
17 amended to read:

18 52324. (a) The subvention program under Section 52323 is  
19 an optional program available to counties. The subvention to  
20 counties under Section 52323 shall be annually apportioned as  
21 follows:

22 (1) At the discretion of the secretary and upon recommendation  
23 of the Seed Advisory Board, counties with no registered seed  
24 labelers may annually receive one hundred dollars (\$100).

25 (2) Counties with registered seed labeler operations shall receive  
26 subventions based upon units of enforcement activity generated  
27 by the registered seed labeler operations within the county and  
28 upon the performance of enforcement activities necessary to carry  
29 out this chapter. The units of activity shall be determined by the  
30 secretary, taking into consideration the number of lots and kinds  
31 of seed labeled by each registered seed labeler operation within  
32 the county. The rate per unit of activity shall be established by  
33 dividing the total statewide units of activity into the annual funds  
34 available to the counties under Section 52323 after deducting the  
35 amount required for subventions in paragraph (1). Apportionment

1 to individual counties shall be based upon the county’s total units  
2 of activity performed multiplied by the established rate.

3 (b) This section shall remain in effect only until January 1, ~~2017,~~  
4 2020, and as of that date is repealed, unless a later enacted statute,  
5 that is enacted before January 1, ~~2017,~~ 2020, deletes or extends  
6 that date.

7 SEC. 3. Section 52325 of the Food and Agricultural Code is  
8 amended to read:

9 52325. (a) Commissioners of counties that choose to participate  
10 in the subvention program shall enter into a cooperative agreement  
11 with the secretary, whereby the commissioner agrees to maintain  
12 a statewide compliance level, determined by the secretary, on all  
13 seed within the county. The cooperative agreement shall be in  
14 effect for a five-year period. The units of activity and  
15 apportionment calculated under paragraph (2) of subdivision (a)  
16 of Section 52324 to each individual participating county shall be  
17 established annually in a memorandum of understanding between  
18 the commissioner and the secretary.

19 (b) The secretary, upon recommendation of the board or upon  
20 the secretary’s own initiative, may withhold a portion of the funds  
21 designated to a county pursuant to paragraph (2) of subdivision  
22 (a) of Section 52324 if that county fails to meet the performance  
23 standards established by the secretary and set forth in the  
24 cooperative agreement with that county.

25 (c) The secretary shall provide a written justification to the board  
26 for any action taken by the secretary that does not fully implement  
27 a recommendation made by the board pursuant to subdivision (b).

28 (d) This section shall become inoperative on July 1, ~~2016,~~ 2019,  
29 and, as of January 1, ~~2017,~~ 2020, is repealed, unless a later enacted  
30 statute, that becomes operative on or before January 1, ~~2017,~~ 2020,  
31 deletes or extends the dates on which it becomes inoperative and  
32 is repealed.