

AMENDED IN SENATE MARCH 26, 2014

SENATE BILL

No. 1399

Introduced by Senator Galgiani

February 21, 2014

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 amended, 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~~ *in accordance with a method for calculating apportionments for participating counties based on units of activity, 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. *The bill would delete the provisions establishing a method of calculating*

apportionments based on units of activity, and would instead require the amount of the subvention designated to each participating county to be established in a memorandum of understanding between the county agricultural commissioner and the secretary, in consultation with the Seed Advisory Board.

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, 2019, and,
12 as of January 1, 2020, is repealed, unless a later enacted statute,
13 that becomes operative on or before January 1, 2020, deletes or
14 extends the dates on which it becomes inoperative and is repealed.

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

17 52324. (a) The subvention program under Section 52323 is
18 an optional program available to counties. The subvention to
19 counties under Section 52323 shall be annually apportioned as
20 follows:

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

24 (2) Counties with registered seed labeler operations shall receive
25 subventions based upon ~~units of~~ enforcement activity generated

1 by the registered seed labeler operations within the county and
2 upon the performance of enforcement activities necessary to carry
3 out this chapter. ~~The units of activity shall be determined by the~~
4 ~~secretary, taking into consideration the number of lots and kinds~~
5 ~~of seed labeled by each registered seed labeler operation within~~
6 ~~the county. The rate per unit of activity shall be established by~~
7 ~~dividing the total statewide units of activity into the annual funds~~
8 ~~available to the counties under Section 52323 after deducting the~~
9 ~~amount required for subventions in paragraph (1). Apportionment~~
10 ~~to individual counties shall be based upon the county's total units~~
11 ~~of activity performed multiplied by the established rate.~~

12 (b) This section shall remain in effect only until January 1, 2020,
13 and as of that date is repealed, unless a later enacted statute, that
14 is enacted before January 1, 2020, deletes or extends that date.

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

17 52325. (a) Commissioners of counties that choose to participate
18 in the subvention program shall enter into a cooperative agreement
19 with the secretary, whereby the commissioner agrees to maintain
20 a statewide compliance level, determined by the secretary, on all
21 seed within the county. The cooperative agreement shall be in
22 effect for a five-year period. ~~The units of activity and~~
23 ~~apportionment calculated under paragraph (2) of subdivision (a)~~
24 ~~of Section 52324~~ *The amount of the subvention designated to each*
25 *individual participating county shall be established annually in a*
26 *memorandum of understanding between the commissioner and*
27 *the secretary. secretary, in consultation with the board.*

28 (b) The secretary, upon recommendation of the board or upon
29 the secretary's own initiative, may withhold a portion of the funds
30 designated to a county ~~pursuant to paragraph (2) of subdivision~~
31 ~~(a) of Section 52324~~ if that county fails to meet the performance
32 standards established by the secretary and set forth in the
33 cooperative agreement with that county.

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

37 (d) This section shall become inoperative on July 1, 2019, and,
38 as of January 1, 2020, is repealed, unless a later enacted statute,

- 1 that becomes operative on or before January 1, 2020, deletes or
- 2 extends the dates on which it becomes inoperative and is repealed.

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