

Senate Bill No. 1399

CHAPTER 277

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

[Approved by Governor August 25, 2014. Filed with
Secretary of State August 25, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1399, 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, 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.

Appropriation: yes.

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

SECTION 1. Section 52323 of the Food and Agricultural Code is amended to read:

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

(b) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

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

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

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

(2) Counties with registered seed labeler operations shall receive subventions based upon enforcement activity generated by the registered seed labeler operations within the county and upon the performance of enforcement activities necessary to carry out this chapter.

(b) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

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

52325. (a) Commissioners of counties that choose to participate in the subvention program shall enter into a cooperative agreement with the secretary, whereby the commissioner agrees to maintain a statewide compliance level, determined by the secretary, on all seed within the county. The cooperative agreement shall be in effect for a five-year period. The amount of the subvention designated to each individual participating county shall be established in a memorandum of understanding between the commissioner and the secretary, in consultation with the board.

(b) The secretary, upon recommendation of the board or upon the secretary's own initiative, may withhold a portion of the funds designated to a county if that county fails to meet the performance standards established by the secretary and set forth in the cooperative agreement with that county.

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

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

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