

ASSEMBLY BILL

No. 1976

Introduced by Assembly Member Irwin

February 16, 2016

An act to amend Sections 67051, 67052, 67052.3, 67059, 67081, and 67132 of the Food and Agriculture Code, relating to avocados.

LEGISLATIVE COUNSEL'S DIGEST

AB 1976, as introduced, Irwin. California Avocado Commission.

Existing law establishes the California Avocado Commission within the state government, and requires the commission to establish no fewer than 3 districts and no more than 5 districts within the state, each representing approximately the same percentage of avocado production in California. Existing law requires the commission to consist of a specified number of producers who are not handlers, based on the number of districts the commission establishes, 4 handlers who are elected on a statewide basis, one public member, and the Secretary of Food and Agriculture, and requires there to be 2 alternate handler members.

This bill would decrease the number of handlers on the commission to 2 members and the number of alternate handler members to one member.

Existing law provides that a quorum of the commission is 11 voting members if the commission consists of 3 or 5 districts, and is 10 voting members if the commission consists of 4 districts. Existing law authorizes the commission to recommend to the secretary that the operations of the commission be suspended upon a specified finding of 11 voting members if the commission consists of 3 or 5 districts, or 10 voting members if the commission consists of 4 districts.

This bill would instead provide that a quorum of the commission is 9 voting members if the commission consists of 3 or 4 districts, and is 10 voting members if the commission consists of 5 districts. The bill would make a similar change to the authorization of the commission to recommend suspension.

Existing law requires the secretary to establish a list of producers in each district and, in establishing the lists, requires handlers to file, within 90 days following receipt of a written request by the secretary, certain information about each producer from whom the handler purchased or handled avocados.

This bill would require handlers to file the information, including the grove location of each producer instead of district numbers, within 60 days.

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

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

1 SECTION 1. Section 67051 of the Food and Agricultural Code
2 is amended to read:

3 67051. (a) There is in the state government the California
4 Avocado Commission.

5 (b) The commission shall be composed of the following
6 members:

7 (1) (A) If the commission consists of three districts, nine
8 producers who are not handlers, three elected from each district.

9 (B) If the commission consists of four districts, eight producers
10 who are not handlers, two elected from each district.

11 (C) If the commission consists of five districts, 10 producers
12 who are not handlers, two elected from each district.

13 (2) ~~Four~~ *Two* avocado handlers elected on a statewide basis.

14 (3) One public member who shall be appointed to the
15 commission by the secretary from nominees recommended by the
16 commission.

17 (4) The secretary who shall be a nonvoting ex officio member
18 of the commission.

19 SEC. 2. Section 67052 of the Food and Agricultural Code is
20 amended to read:

21 67052. (a) Each district shall have one alternate producer
22 member, to be elected in the same manner as producer members.

1 (b) The alternate producer member shall, in the absence of a
2 producer member from the same district, sit in place of the *absent*
3 producer member on the commission and shall have, and be able
4 to exercise, all the rights, privileges, and powers of the producer
5 member when sitting on the commission.

6 SEC. 3. Section 67052.3 of the Food and Agricultural Code is
7 amended to read:

8 67052.3. (a) There shall be ~~two~~ *one* alternate handler ~~members~~
9 *member* to be elected in the same manner as the handler members.

10 ~~(b) Each alternate handler member shall be assigned to serve~~
11 ~~as the alternate to two handler members in accordance with~~
12 ~~commission election procedures.~~

13 ~~(c) An~~

14 ~~(b)~~ *The* alternate handler member shall, in the absence of ~~an~~
15 ~~assigned~~ *a* handler member, sit in place of the absent handler
16 member on the commission and shall have, and be able to exercise,
17 all the rights, privileges, and powers of the handler member when
18 sitting on the commission.

19 SEC. 4. Section 67059 of the Food and Agricultural Code is
20 amended to read:

21 67059. Unless otherwise specified, a quorum of the commission
22 shall be any ~~four~~ *nine* voting members if the commission consists
23 of three or ~~five~~ *four* districts and any 10 voting members if the
24 commission consists of ~~four~~ *five* districts. The vote of a majority
25 of members present at a meeting at which there is a quorum shall
26 constitute the act of the commission.

27 SEC. 5. Section 67081 of the Food and Agricultural Code is
28 amended to read:

29 67081. (a) The secretary shall establish a list of producers in
30 each district. In establishing the lists, the secretary shall require
31 that handlers in the state submit the names, mailing addresses,
32 ~~district numbers~~ *grove location*, and handled volume of each
33 producer from whom they purchased or handled avocados in the
34 preceding marketing season. The request for information from
35 handlers shall be in writing and shall be filed by the handlers within
36 ~~90~~ *60* days following receipt of the written request.

37 ~~Any~~

38 ~~(b)~~ *Any* producer of avocados whose name does not appear upon
39 the secretary's list of producers may have his or her name
40 established on the list by filing with the commission a signed

1 statement, identifying himself or herself as a producer. Failure to
 2 be on the list does not exempt the producer from paying
 3 assessments under this chapter.

4 SEC. 6. Section 67132 of the Food and Agricultural Code is
 5 amended to read:

6 67132. Upon the finding of ~~11~~ *nine* voting members of the
 7 commission if the commission consists of three or ~~five~~ *four*
 8 districts, or of 10 voting members of the commission if the
 9 commission consists of ~~four~~ *five* districts, that this chapter has not
 10 tended to effectuate its declared purposes, the commission may
 11 recommend to the secretary that the operations of the commission
 12 shall be suspended, provided that the suspension shall not become
 13 effective until the expiration of the current marketing season. The
 14 secretary shall, upon receipt of the recommendation, or upon a
 15 petition filed with him or her requesting the suspension, signed by
 16 15 percent of the producers by number who produced not less than
 17 15 percent of the volume in the immediately preceding year, cause
 18 a referendum to be conducted among the listed producers to
 19 determine if the operation of this chapter and the operations of the
 20 commission shall be suspended, and shall establish a referendum
 21 period, which shall not be less than 10 days nor more than 60 days
 22 in duration. The secretary is authorized to prescribe any additional
 23 procedure necessary to conduct the referendum. At the close of
 24 the established referendum period, the secretary shall tabulate the
 25 ballots filed during the period. If at least 40 percent of the total
 26 number of producers, on a list established by the secretary
 27 marketing 40 percent of the total volume marketed by all producers
 28 during the last completed marketing season, participate in the
 29 referendum, the secretary shall suspend this chapter upon the
 30 expiration of the current marketing season, if he or she finds either
 31 one of the following:

32 (a) Sixty-five percent or more of the producers who voted in
 33 the referendum voted in favor of the suspension, and the producers
 34 so voting marketed 51 percent or more of the total quantity of
 35 avocados marketed in the preceding marketing season by all of
 36 the producers who voted in the referendum.

37 (b) Fifty-one percent or more of the producers who voted in the
 38 referendum voted in favor of suspension, and the producers so
 39 voting marketed 65 percent or more of the total quantity of

- 1 avocados marketed in the preceding season by all of the producers
- 2 who voted in the referendum.

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