

AMENDED IN ASSEMBLY APRIL 21, 1998

AMENDED IN ASSEMBLY MARCH 26, 1998

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 2341

**Introduced by Committee on Agriculture (Cardoza (Chair),
Battin, Bordonaro, Brown, Frusetta, House, Machado,
Prenter, and Thomson)**

February 20, 1998

An act to amend Sections 52291, 52292, 52296, 52323, 52324, and ~~52345~~ 52325 of, and to repeal Sections 52293 and 52294 of, the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2341, as amended, Committee on Agriculture. Agriculture: California Seed Law.

(1) Existing law, the California Seed Law, requires the Secretary of Food and Agriculture to pay specified sums to counties as a subvention for costs incurred in enforcing that law. Under existing law, the secretary is required to pay a total subvention of at least \$65,000 to the counties annually. Under existing law, the fees collected pursuant to the California Seed Law are continuously appropriated to the Department to carry out these provisions.

This bill would delete that requirement and, instead, would provide for an annual subvention of up to \$120,000, but that



in no case may an individual county receive less than \$100 annually, thereby making an appropriation. ~~Existing~~

Existing law establishes a Seed Advisory Board to make recommendations to the secretary on all matters pertaining to the seed law. Under existing law, a county agricultural commissioner who chooses to participate in the subvention program is required to enter into a cooperative agreement with the secretary in which the commissioner agrees to maintain a statewide compliance level on all seed within the county.

This bill would provide that ~~if a participating~~ *the secretary, upon recommendation of the board or on its own initiative, may withhold a portion of the funds designated to that county for subvention if that county fails to meet the performance standards established by the department and specified secretary and set forth in the cooperative agreement for that county, the board may direct the secretary to withhold all or a portion of the funds designated to that county for subvention.* *The bill would require the secretary to provide a written justification to the board for any action by the secretary that does not fully implement a recommendation by the board pursuant to that provision.*

(2) Existing law provides for the above provisions to become inoperative on July 1, 1999, and to be repealed as of January 1, 2000.

This bill would extend the inoperative date of those provisions to July 1, 2004, and the repeal date to January 1, 2005. The bill would make an appropriation by continuing in effect the subventions until July 1, 2004.

(3) Under existing law, the board consists of 7 members and 7 alternates, appointed by the secretary, as specified.

This bill would increase the number of board members to 11 and would eliminate the alternate positions.

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 52291 of the Food and
2 Agricultural Code is amended to read:



1 52291. There is in the department a Seed Advisory
2 Board consisting of 11 members appointed by the
3 secretary, nine of whom shall be labelers registered under
4 the provisions of this chapter and two of whom shall be
5 members of the public. The members of the board who
6 are labelers registered under the provisions of this
7 chapter shall be representative of the functions of seed
8 production, conditioning, marketing, or utilization.

9 SEC. 2. Section 52292 of the Food and Agricultural
10 Code is amended to read:

11 52292. The term of office for each member of the
12 board is three years. Vacancies shall be filled by the
13 secretary for an unexpired term.

14 SEC. 3. Section 52293 of the Food and Agricultural
15 Code is repealed.

16 SEC. 4. Section 52294 of the Food and Agricultural
17 Code is repealed.

18 SEC. 5. Section 52296 of the Food and Agricultural
19 Code is amended to read:

20 52296. The board shall be advisory to the secretary
21 and may make recommendations on all matters
22 pertaining to this chapter including, but not limited to,
23 seed law and regulations, enforcement, seed laboratory
24 diagnostics and annual budgets required to accomplish
25 the purposes of this chapter. The board shall be advisory
26 as to the scope of the program funded by industry and
27 recommend the dollar volume assessments, which, when
28 combined with the registration fee required by this
29 chapter, shall provide adequate funds to support the
30 program.

31 SEC. 6. Section 52323 of the Food and Agricultural
32 Code is amended to read:

33 52323. The department's cost of carrying out this
34 chapter shall be funded from money that is received by
35 the secretary pursuant to this chapter. The secretary shall
36 also pay annually, in arrears, 30 percent of the total
37 assessment received pursuant to Section 52354 up to one
38 hundred twenty thousand dollars (\$120,000), to counties
39 as an annual subvention for costs incurred in the
40 enforcement of this chapter. The department's costs of



1 administering this chapter shall be paid before allocating
2 funds to the counties under this section.

3 This section shall become inoperative on July 1, 2004,
4 and as of January 1, 2005, is repealed, unless a later
5 enacted statute, which becomes effective on or before
6 January 1, 2005, deletes or extends the dates on which it
7 becomes inoperative and is repealed.

8 SEC. 7. Section 52324 of the Food and Agricultural
9 Code is amended to read:

10 52324. The subvention program under Section 52323
11 is an optional program that the counties may choose to
12 participate in. The subvention to counties under Section
13 52323 shall be annually apportioned as follows:

14 (a) Counties with no registered seed labelers shall
15 annually receive one hundred dollars (\$100).

16 (b) Counties with registered seed labeler operations
17 shall receive subventions based upon units of
18 enforcement activity generated by the registered seed
19 labeler operations within the county and upon the
20 performance of enforcement activities necessary to carry
21 out this chapter. The units of activity shall be determined
22 by the secretary, taking into consideration the number of
23 lots and kinds of seed labeled by each registered seed
24 labeler operation within the county. The rate per unit of
25 activity shall be established by dividing the total
26 statewide units of activity into the annual funds available
27 to the counties under Section 52323 after deducting the
28 amount required for subventions in subdivision (a).
29 Apportionment to individual counties shall be based upon
30 the county's total units of activity performed times the
31 established rate. In no case shall a county receive less than
32 one hundred dollars (\$100).

33 This section shall become inoperative on July 1, 2004,
34 and as of January 1, 2005, is repealed, unless a later
35 enacted statute, which becomes effective on or before
36 January 1, 2005, deletes or extends the dates on which it
37 becomes inoperative and is repealed.

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



1 52325. (a) Commissioners of counties that choose to
2 participate in the subvention program shall enter into a
3 cooperative agreement with the secretary, whereby the
4 commissioner agrees to maintain a statewide compliance
5 level, determined by the secretary, on all seed within the
6 county. The cooperative agreement shall be in effect for
7 a five-year period. The units of activity and
8 apportionment calculated under subdivision (b) of
9 Section 52324 to each individual participating county
10 shall be established annually in a memorandum of
11 understanding between the commissioner and the
12 director.

13 ~~(b) If a participating county fails to meet the~~
14 ~~performance standards established by the department~~
15 ~~and specified in the cooperative agreement for that~~
16 ~~county, the board may direct the secretary to withhold all~~
17 ~~or a portion of the funds designated to that county under~~
18 ~~subdivision (b) of Section 52324.~~

19 ~~(c)~~

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

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

30 *(d) This section shall become inoperative on July 1,*
31 *2004, and as of January 1, 2005, is repealed, unless a later*
32 *enacted statute, which becomes effective on or before*
33 *January 1, 2005, deletes or extends the dates on which it*
34 *becomes inoperative and is repealed.*

