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SB-335 Nursery Advisory Board. (2017-2018)

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Senate Bill No. 335

CHAPTER 234

An act to add Chapter 3 (commencing with Section 6990) to Part 3 of Division 4 of the Food and Agricultural Code, relating to nurseries.

[Approved by Governor September 11, 2017. Filed with Secretary of State September 11, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 335, Cannella. Nursery Advisory Board.

Existing law provides for the regulation of nursery stock and generally requires that nursery stock comply with certain standards and be subject to specified labeling requirements. Existing law makes it unlawful for any person to sell nursery stock without a license.

This bill would establish the Nursery Advisory Board within the Department of Food and Agriculture to advise the Secretary of Food and Agriculture and make recommendations on all matters relating to nurseries and nursery stock. The bill would require that the advisory board consist of 12 voting members, appointed by the secretary, representing persons licensed to sell nursery stock, and that the term for each member be 4 years. The bill would prohibit a member from receiving a salary but would authorize a member to receive a per diem for meetings and other advisory board meetings, as specified. The bill would authorize the advisory board to adopt and amend bylaws as it deems necessary.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 3 (commencing with Section 6990) is added to Part 3 of Division 4 of the Food and Agricultural Code, to read:

CHAPTER 3. Nursery Advisory Board

6990. (a) There is in the department a Nursery Advisory Board.

(b) The advisory board shall be advisory to the secretary and may make recommendations on all matters pertaining to the portions of this code relating to nurseries and nursery stock, including, but not limited to, the provisions of law identified in Section 6781.

(c) The advisory board may adopt and amend bylaws as it deems necessary to administer this chapter.

6991. (a) The Nursery Advisory Board shall consist of 12 voting members, appointed by the secretary, representing persons licensed to sell nursery stock pursuant to Chapter 1 (commencing with Section 6701).

(b) The advisory board or secretary, or both, may appoint ex officio nonvoting members who do not have a financial interest in the nursery industry.

6992. (a) (1) The term of office for each member of the Nursery Advisory Board shall be four years.

(2) In the event of a vacancy, the secretary shall appoint a replacement member, who shall fulfill the vacancy for the unexpired term.

(b) No more than approximately one-half of the terms for individual seats on the advisory board shall expire in a given year.

6993. (a) The Nursery Advisory Board shall annually elect a chairperson from its membership.

(b) The advisory board may, from time to time as it deems appropriate, elect other officers.

6994. Members of the Nursery Advisory Board shall not receive a salary but may receive a per diem in accordance with the Department of Human Resources rules for attendance at meetings and other advisory board activities authorized by the advisory board and approved by the secretary.

6995. It is hereby declared, as a matter of legislative determination, that voting members appointed to the Nursery Advisory Board pursuant to this chapter are intended to represent and further the interest of a particular agricultural industry concerned, and that the representation and furtherance of that representation is intended to serve the public interest. Accordingly, the Legislature finds that, with respect to persons who are appointed to the advisory board, the particular agricultural industry concerned is tantamount to, and constitutes, the public generally within the meaning of Section 87103 of the Government Code.