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AB-1583 California Seed Law: subventions: sunset extension. (2023-2024)

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Assembly Bill No. 1583

CHAPTER 128

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

[Approved by Governor July 27, 2023. Filed with Secretary of State July 27, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1583, Committee on Agriculture. California Seed Law: subventions: sunset extension.

Existing law, the California Seed Law (the seed law), regulates the shipment, delivery, transport, and sale of agricultural or vegetable seed, as defined, within the state, as well as the investigation and prosecution of breach of contract or patent infringement claims against farmers for unauthorized possession or use of genetically engineered plants. The seed law is enforced by the Secretary of Food and Agriculture and by county agricultural commissioners and their qualified representatives, as provided. The seed law establishes a subvention program under which the secretary is required to annually apportion \$120,000, in aggregate, among counties that choose to participate in the subvention program as a subvention for costs that the counties incur in the enforcement of the seed law. Under the seed law, the provisions that establish and govern participation in the subvention program are inoperative on July 1, 2024, except as specified, and all provisions relating to the subvention program are repealed on January 1, 2028.

This bill would make these provisions inoperative on July 1, 2027, and would repeal it as of January 1, 2031.

Under existing law, the moneys collected pursuant to the seed law, including registration fees, assessments, and penalty revenues, 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: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

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, 2027, and, as of January 1, 2031, 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 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 become inoperative on July 1, 2027, and, as of January 1, 2031, is repealed.

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, 2027, and, as of January 1, 2031, is repealed.