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**2005-06 Legislative Summary**  
**Assembly Committee on Agriculture**  
*Barbara S. Matthews, Chair*

**AB 85 (Maze) – Citrus fruit crops.**

Renames the Navel and Valencia Orange Advisory Committee, the California Citrus Advisory Committee (committee); increases committee membership from eight to 12 in order to include mandarin citrus and lemon growers; provides that the mandarin citrus assessment will be equal to that of the Valencia orange assessment (\$0.006 per carton) and the lemon assessment shall be \$0.005 per carton; consolidates the existing assessments; and, declares these provisions urgent.

**Status: Chapter 180, Statutes of 2005.**

**AB 105 (Cohn) – Food labeling: California Choice Seal Program.**

As introduced, this bill required the State Department of Health Services to establish a voluntary food inspection program to authorize the placement of a "California Choice Seal" upon, or in association with, food products the department deems to be compliant. Additionally, this bill authorized an assessment for qualified participants to cover the cost of the program. The assessments shall be deposited in a new special fund created for this program. *These provisions were removed and replaced with language relative to victims' compensation.*

**Status: Chapter 539, Statutes of 2006.**

**AB 365 (Salinas) - Local agencies: agricultural lands.**

Adds greenhouses to the Williamson Act definition of agricultural uses, clarifies that floricultural crops are governed by nursery production statute, declares that greenhouse production is the equivalent to open field production for floricultural products, and defines greenhouses as covered structures with controlled atmospheres for the purpose of growing agricultural commodities.

**Status: Chapter 605, Statutes of 2005.**

**AB 393 (Frommer) – Agriculture: California Walnut Commission.**

Revises the term of office for members by alternating to either their election date or a different date specified by the California Walnut Commission, and requires their continuation in office until their successors are qualified.

**Status: Chapter 409, Statutes of 2006.**

**AB 460 (Parra) – Contagious diseases.**

Permits the California Department of Food and Agriculture to enter into cooperative agreements with the United States Department of Agriculture for an avian influenza prevention and control program, and requires adoption of regulations to implement the program.

**Status: Chapter 609, Statutes of 2005.**

**AB 520 (Parra) – Civil administrative penalties: food and agriculture violations.**

Authorizes the Secretary of the California Department of Food and Agriculture, or a county agricultural commissioner, in lieu of civil prosecution, to levy a civil penalty of up to \$3000 per violation of an agriculture theft or violation of fruit, nut and vegetable standards or regulations promulgated pursuant to their provisions, as specified.

**Status: Chapter 220, Statutes of 2005.**

**AB 621 (Cogdill) – Milk.**

Provides that milk products plants that have been approved to use Hazard Analysis Critical Control Points (HACCP) procedures, under the auspices of the National Conference of Interstate Milk Shipments, or a state or federal regulatory agency, may adhere to HACCP inspection protocols instead of state protocols, and makes it a misdemeanor for a dairy cow farm that was marketing Grade A milk on August 1, 2005, or that begins operation on or after January 1, 2006, from marketing Grade B milk, unless specific de-pooling rules are met.

**Status: Chapter 222, Statutes of 2005.**

**AB 649 (Parra) – Tomatoes.**

Permits the California Tomato Commission, if authorized under a joint powers agreement with the California Department of Food and Agriculture, to establish a separate assessment of no more than ten cents (\$0.10) per 100 pounds, for tomatoes received from outside the state; requires tomatoes prepared for fresh market to comply with specified standards and regulations; provides that a violation shall constitute grounds for a civil action; requires records of daily activities involving the shipping and handling of tomatoes be prepared and retained for three years; and, provides that upon reasonable cause to believe that a person is in unlawful possession of tomatoes regulated under these provisions, the tomatoes may be seized, held, and sold or donated, if proof of lawful ownership is not provided in a timely manner.

**Status: Vetoed by the Governor.**

**AB 826 (Nava) – California Farm to School Child Nutrition Improvement Program.**

Creates the California Farm to School Child Nutrition Improvement Program; requires the State Department of Education (SDE), in collaboration with the California Department of Food and Agriculture (CDFA) and the California Department of Health Services, to implement the program; requires SDE to offer voluntary Farm to School workshops and training sessions to school food service providers; allows CDFA, to the extent funding is available, to provide outreach and technical assistance to farmers and others in the agricultural industry seeking to establish or participate in a local Farm to School program, or to work with the United States Department of Defense (DOD) to establish a DOD Farm to School program.

**Status: Vetoed by the Governor.**

**AB 924 (Canciamilla) – Ammonium nitrate.**

Requires ammonium nitrate fertilizer manufacturers, distributors, and retailers to obtain a license from the Secretary of the California Department of Food and Agriculture prior to manufacture or distribution, and requires licensees to maintain sales records.

**Status: Chapter 490, Statutes of 2005.**

**AB 984 (Laird) – Liability: genetically engineered plants.**

As heard in the Committee, this bill provided that the manufacturer of a genetically engineered plant was liable to specified plaintiffs in cases where the plant caused economic damage or loss, as defined, to the plaintiff; provided that the manufacturer is liable for damages, attorney fees and litigation costs should the plaintiff prevail in legal proceedings authorized by this bill; prohibited the manufacturer a defense to liability unless specific circumstances applied; provided that a manufacturer's liability may not be waived; established definitions; and, made legislative findings and declarations. *The contents were stricken and the bill now requires the Department of Water Resources to implement a plan to control or eradicate tamarisk plants, and to reestablish native vegetation, in the Colorado River watershed.*

**Status: Chapter 710, Statutes of 2006.**

**AB 1011 (Matthews) – Pesticide brokers.**

Expands the crime of selling pesticides in California without a broker's registration, to include non-agricultural products, deletes current broker registration fees, and eliminates the letter of authorization for pesticide data sharing, thereby creating a new process for data sharing, registration, payment, revocation, and appeal procedure. Additionally, it requires the Department of Pesticide Registration, with assistance of the Legislative Analyst Office, to study the impacts of this bill on the volume of "high hazard" pesticides sold in California.

**Status: Chapter 612, Statutes of 2005.**

**AB 1059 (Matthews) – Pesticide registration.**

As heard in the Committee, this bill created an alternative dispute resolution procedure for an aggrieved grower or licensee to contest claims of \$30,000 or less. *The contents were removed and the bill now codifies activities regarding unclaimed Motor Fuel Account funds between the Department of Pesticide Regulation and the California Department of Food and Agriculture. Also, the bill creates the Pest and Disease Urgency Account within the California Department of Food and Agriculture, sets an operative date of these changes to June 30, 2007, and requires counties to conform with specified criteria in order to receive funds.*

**Status: Held under submission in Senate Appropriations Committee.**

**AB 1061 (Committee on Agriculture) – Agriculture omnibus changes.**

Creates the Analytical Laboratory Fund within the Food and Agriculture Fund, into which all reimbursements collected by the California Department of Food and Agriculture for services rendered by its Center for Analytical Chemistry shall be deposited, with the intent of providing funding for the replacement and repair of laboratory equipment; updating existing laboratory facilities, building new Center of Analytical Chemistry laboratories; and, decreases the minimum mandatory meeting

requirement, from two to one per year, for the Agricultural Cooperative Bargaining Advisory Committee.

**Status: Chapter 613, Statutes of 2005.**

**AB 1065 (Matthews) – Kitchen grease: transporters.**

Authorizes the California Department of Food and Agriculture to establish a method for tracking inedible kitchen grease; defines "interceptor grease"; separates requirements for licensed renderers and transporters; requires transporters to be insured; changes the terms of suspension or revocation of a license or registration; expands the conditions that may lead to a suspension or revocation of a license or registration; and, makes related technical changes.

**Status: Chapter 533, Statutes of 2005.**

**AB 1147 (Leno) – Industrial hemp: growers and processors.**

As heard by the Committee, this bill authorizes the cultivation of industrial hemp in California under specified conditions. This language was substantially changed to revise the definition of marijuana to not include industrial hemp; define industrial hemp as an agricultural field crop as specified; that importation of seeds be in accordance with federal law; require random testing of crops prior to harvest; retention of test for 2 years; and, that test be made available to law enforcement and to purchasers.

**Status: Vetoed by the Governor.**

**AB 1291 (Pavley) – Food: state-certified logo.**

Requires the California Environmental Protection Agency to, by January 1, 2007, establish a state-certified logo that could be affixed to food products that are proven to be free of, or contain acceptable levels of, toxic substances that could harm a child's health, to establish a testing process for participating food products, and to conduct a public awareness program.

**Status: Died pursuant to Article IV, Section 10 (c) of the Constitution.**

**AB 1508 (Salinas) – Seed.**

As passed by the Committee, this bill permitted a seller of commercial feed to use volume, instead of net weight, to fulfill current labeling or packaging requirements. *These contents were removed in the Senate and replaced with language regarding the Natividad Medical Center.*

**Status: Amended and re-referred to Senate Committee on Health.  
Hearing postponed by the Committee.**

**AB 1548 (Pavley) – Rodenticide.**

As heard by the Committee, this bill permitted Ventura County to implement a pilot program that banned the sale and use of specified anticoagulants and report back to the Legislature. *These contents were deleted upon the bill's failed passage, and instead provides a pilot program until January 1, 2016, that requires the California Department of Education to authorize 12 schools to purchase and use electronic format instructional materials with state funding allocated for instructional materials.*

**Status: Chapter 717, Statutes of 2006.**

**AB 1587 (Saldaña) – Farmed Animal Reform Act.**

Creates a new crime for anyone who kills or attempts to kill, any cow, bull, calf, horse, mule, sheep, swine, goat, fallow deer, or poultry by specified methods and provides new definition for methods of slaughter.

**Status: Died pursuant to Article IV, Section 10(c) the Constitution.**

**AB 1598 (Committee on Agriculture) – Agriculture omnibus changes.**

Authorizes County Agricultural Commissioners to file certified copies of final decisions relative to civil penalty recovery; provides that equine event managers may collect a per horse fee that the Secretary of the California Department of Food and Agriculture deems to be necessary to carry out the equine drugging program; clarifies that vegetable seed packets shall contain the viability assurance statement indicating the year it is to be used; synthesizes terms of office for California Walnut Commission members; deleted Baja from the California Tomato Commission; and, updates the California Sea Urchin Commission to conform to current harvesting and marketing trends.

**Status: Chapter 499, Statutes of 2006.**

**AB 1730 (La Malfa) – Pesticide registration.**

Deletes the ability of the Director of the Department of Pesticide Regulation to require a registrant to provide efficacy data for antimicrobial pesticide products, and provides intent language that the Legislature will address the registrant's letter of authorization process for sharing data with third parties. Substantively similar language was also amended into AB 1059 and AB 1011, which was chaptered.

**Status: Died pursuant to Article IV, Section 10(c) of the Constitution.**

**AB 1790 (Cohn) – California Fresh Start Pilot Program.**

Replaces references to "nutritious" fruits and vegetables with references to "fresh" fruits and vegetables, for purposes of implementing the California Fresh Start Pilot Program.

**Status: Set, first hearing, Assembly Committee on Agriculture.**

**Hearing cancelled at request of author.**

**AB 1834 (Garcia) – The California Date Commission.**

Deletes provisions of existing law that limit the term of office of each member of the California Date Commission, and alternate member of the Commission, to four consecutive terms.

**Status: Chapter 83, Statutes of 2006.**

**AB 2121 (Nava) – Farm Fresh Schools Program.**

Creates the Farm Fresh Schools Program, which requires the California Department of Food and Agriculture and the California Department of Health Services to jointly administer the program, in consultation with the State Department of Education.

**Status: Held under submission in Assembly Committee on Appropriations.**



**AB 2297 (Ruskin) – Pests.**

Increases, from \$5.5 million to \$16.98 million, the amount of funds appropriated in the annual Budget Act to the Department of Food and Agriculture as local assistance for agricultural plant and animal pest and disease prevention that must be allocated to counties' high-risk pest exclusion activities.

**Status: Held under submission in the Assembly Committee on Appropriations.**

**AB 2332 (Agriculture) – Cattle.**

Removes provisions that require the Secretary of the California Department of Food and Agriculture to hold an annual meeting to determine modified point-of-origin livestock inspection stations, and instead provides that such a meeting would be held upon written request of at least 25 cattle producers in the affected area, and permits those producers to petition for point-of-origin regulations to be repealed. This law also makes changes relative to the disposal of dead animals.

**Status: Chapter 568, Statutes of 2006.**

**AB 2343 (Agriculture) – Milk Producers' Security Trust Fund.**

Requires cheese, butter and powdered milk processors (including specified cooperatives) to remit security charges to the Secretary of the California Department of Food and Agriculture, for the Milk Producers' Security Trust Fund; establishes a \$30 million threshold for security charges to be halted by January 1, 2007, until such time that the fund falls below that threshold; requires the Secretary to consult with the fund board prior to transferring fund surplus to the Dairy Marketing Branch; and, provides for enhanced security charges, to be collected from processors who conduct milk transfers that exceed the amount of the total fund balance.

**Status: Chapter 505, Statutes of 2006.**

**AB 2354 (Laird) – Agricultural and seafood industries.**

Permits commissions or councils to petition the Secretary of the California Department of Food and Agriculture to administer any authorized activity the commissions and councils are permitted to do, and as permitted by the California Marketing Act of 1937, for their respective commodity. Permits the Secretary to waive a referendum vote only after a hearing, if the Secretary determines there is no substantial question of opposition to the petition by the affected assessment payers. Requires administration of the activity by the Secretary shall be in accordance with the Act.

**Status: Chapter 844, Statutes of 2006.**

**AB 2425 (Matthews) – Apple pests.**

Requires the Secretary of the California Department of Food and Agriculture to appoint a committee of the California Apple Commission, for the general purpose of identifying and designating destructive pests, diseases, and regions the committee finds to be infested with apple destroying pests and diseases.

**Status: Set, first hearing, Senate Committee on Agriculture.**

**Hearing canceled at the request of author.**

**AB 2443 (Klehs) – Fertilizer.**

Requires the Secretary of the California Department of Food and Agriculture to increase mill assessments for fertilizers, in order to further address nitrate groundwater contamination throughout the state.

**Status: Died pursuant to Article IV, Section 10(c) of the Constitution.**

**AB 2479 (Cogdill) – Noxious and invasive weeds.**

Increases the maximum allowable administrative funds for the Noxious Weed Management Account within the California Department of Food and Agriculture Fund from 5% to 10%, and makes legislative findings and declarations relative to the detrimental impact of noxious and invasive weeds.

**Status: Chapter 323, Statutes of 2006.**

**AB 2543 (Bermudez) – California Exposition and State Fair Board of Directors.**

Authorizes the California Exposition and State Fair Board and officers to have independent hire and appoint authority as specified, to carry out its authorized provisions, and, authorizes the appointment of certified probation officers, as specified. Contains an urgency clause, allowing this bill to take effect immediately upon enactment.

**Status: Chapter 825, Statutes of 2006.**

**AB 2648 (Matthews) – Pesticides.**

This bill makes technical and clarifying changes to correct drafting errors for AB 1011 (Matthews), Chapter 612, Statutes of 2005.

**Status: Chapter 93, Statutes of 2006.**

**AB 2676 (Agriculture) – Farmers' markets.**

Extends the sunset date for the Certified Farmers Market operator fees collected by the California Department of Food and Agriculture and the enforcement article for civil penalties and appeal provisions to January 1, 2012.

**Status: Chapter 440, Statutes of 2006.**

**AB 2906 (Agriculture) – Agriculture.**

Captures independent bulk milk tanker cleaning facilities in the network of milk facilities that must be inspected by the California Department of Food and Agriculture; prohibits milk tankers from being cleaned by unlicensed facilities; establishes a cost related inspection fee; codifies the existing \$50 fee, collected every five years, for a dairy exemption number; and, establishes a penalty for violating provision under which the exemption numbers are provided.

**Status: Chapter 584, Statutes of 2006.**

**AB 2958 (Agriculture) – Food and agricultural programs.**

This bill makes various changes to the law that prescribes how commercial feed is sold and how license and tonnage fees are structured.

**Status: Chapter 285, Statutes of 2006.**

**ACR 125 (Matthews) – Agriculture Day.**

Proclaims the week of March 19 to 25, 2006, as National Agriculture Week and Monday, March 20, 2006, as California Agriculture Day and National Agriculture Day.

**Status: Resolution Chapter 16, Statutes of 2006.**

**ACR 135 (Matthews) – County agricultural commissioners.**

Recognizes March 14, 2006, as the 125th anniversary of the county agricultural commissioner system in California.

**Status: Resolution Chapter 25, Statutes of 2006.**

**AJR 45 (Villines) – Farming.**

Urges the federal government to support the priorities of the specialty crop industry in the federal Farm Security and Rural Investment Act of 2007, and makes declaratory findings regarding the importance of specialty crops.

**Status: Resolution Chapter 90, Statutes of 2006.**

**HR 33 (Houston) – National Zoonotic and Agricultural Research Center.**

Proclaims the establishment of a new National Zoonotic and Agricultural Research Center within the state to be of importance to the health and welfare of the people of the State of California.

**Status: Referred to the Assembly Agriculture Committee.**

**SB 281 (Maldonado) – Pupil nutrition.**

Creates the California Fresh Start Pilot Program to provide fruits and vegetables to K-12 pupils, appropriates \$400,000 from the Budget Act of 2005 for the program, and declares this measure an urgency.

**Status: Chapter 236, Statutes of 2005.**

**SB 284 (Maldonado) – Specialty crop funding.**

Appropriates \$2,200,000 from the \$63,800,000 specialty crop block grant (awarded to California in 2001) to the California Department of Food and Agriculture, in order to provide funding to California food banks for the purpose of supporting the marketing of specialty crops.

**Status: Set, first hearing, Assembly Committee on Agriculture.**

**Hearing canceled at the request of author.**

**SB 295 (Chesbro) – Pierce's Disease Management Program.**

Makes minor changes to provisions governing the Pierce's Disease Management Program at the California Department of Food and Agriculture. These changes clarify provisions guarding the confidentiality of proprietary information, standardize sunset dates, correct cross references, and delete a county elections cost reimbursement provision that is not applicable to the wine grape grower referendum process established under this program.

**Status: Chapter 12, Statutes of 2005.**

**SB 303 (Chesbro) – The Mendocino Winegrape and Wine Commission.**

Authorizes the creation of the Mendocino County Winegrape and Wine Commission, (Commission) and provides that the Commission, upon the California Department of Food and Agriculture's successful referendum of producers and processors, may establish and collect an assessment from Mendocino winegrape growers and producers in order to carry out the Commission's research development and marketing duties.

**Status: Chapter 597, Statutes of 2005.**

**SB 455 (Escutia) – Pest control: violations.**

Creates new definitions and enforcement requirements relative to how a county agricultural commissioner administers civil penalties for violations of pesticide laws and regulations.

**Status: Vetoed by the Governor.**

**SB 730 (Speier) – Organic products: aquaculture products.**

Prohibits any aquaculture, fish, or seafood product (including farmed and wild species) from being labeled or otherwise represented as "organic," until such time that the United States Department of Agriculture's National Organic Program, or the California Department of Food and Agriculture, implements formal certification standards.

**Status: Chapter 685, Statutes of 2005.**

**SB 859 (Poochigian) – Agricultural policy.**

Provides that California must maintain a formal agricultural policy, including ensuring food safety, sustaining rural agricultural infrastructure, and protecting California from biological pollution, as major principles of the state's agricultural policy.

**Status: Referred to the Assembly Committee on Agriculture.**

**SB 872 (Denham) – Vertebrate pest control research.**

Extends for 10 years the Vertebrate Pest Control Research Program and advisory committee; adds definitions for research; adds provisions for expenditures of funds; and, makes technical changes.

**Status: Chapter 176, Statutes of 2005.**

**SB 879 (Escutia) – Pest control: violations.**

Revises the procedures and requires mandatory penalties for the violations of pesticide application laws which result in harm to human health or the environment.

**Status: Set, first hearing, Assembly Committee on Agriculture. Failed passage.**

**Amended and re-referred to Assembly Committee on Rules.**

**SB 1041 (Denham) – District agricultural associations.**

Requires the Secretary of the California Department of Food and Agriculture to develop annual delegation authority for District Agricultural Associations and California Exposition and State Fair, with the Department of General Services approval.

**Status: Held under submission in Assembly Appropriations Committee.**

**SB 1056 (Florez) – California Seed Law.**

Provides that the California Seed Law is of statewide concern and all provisions contained therein regarding the registration, labeling, sale, storage, transportation,

distribution, notification of use, and use of seeds preempts local regulations. The bill also provides that, except as otherwise specifically provided in the California Seed Law, no ordinance or regulation of any political subdivision may prohibit or in any way attempt to regulate any matter relating to the registration, labeling, sale, storage, transportation, distribution, notification of use, or actual use of seeds.

**Status: Re-referred to Senate Committee on Rules.**

**SB 1329 (Alquist) – Community development: healthy food choices.**

Creates a new grant program within the California Department of Food and Agriculture to test marketplace innovations in low income communities for the purpose of increasing consumption of fruits, vegetables and other healthy food

**Status: Held under submission in Assembly Appropriations Committee.**

**SCR 26 (Agriculture) – National Agriculture Week and National Agriculture Day.**

Proclaims the week of March 20 to 26, 2005, as National Agriculture Week and Sunday, March 20, 2005, as National Agriculture Day.

**Status: Resolution Chapter 10, Statutes of 2005**