

**Introduced by Senator Wolk**February 24, 2012

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An act to amend Section 6981 of the Food and Agricultural Code, relating to olives.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1415, as introduced, Wolk. Olive trees: annual assessment: exemptions.

Existing law imposes an annual assessment of 1% on the gross sales of all deciduous pome and stone fruit trees, nut trees, olive trees, and grapevines, including seeds, seedlings, rootstocks, and topstock, including ornamental varieties of apple, apricot, crabapple, cherry, nectarine, peach, pear, and plum, produced and sold within the state or produced within and shipped from the state by any licensed nursery dealer. Existing law provides that the Secretary of Food and Agriculture may exempt from the assessment certain species of pome and stone fruit, nut trees, olive trees, grapevines, or ornamental varieties of apple, apricot, crabapple, cherry, nectarine, olive, peach, pear, and plum if it can be demonstrated that no benefit is derived by these species from specified programs established by existing law concerning pome and stone fruit trees, nut trees, olive trees, and grapevines, as provided.

This bill would remove species of olive trees from the plants that the secretary may exempt from the assessment and instead allow the secretary to exempt certain varieties of olive trees from the assessment. The bill would also make a clarifying change.

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 6981 of the Food and Agricultural Code  
2 is amended to read:

3 6981. (a) An annual assessment of 1 percent shall be levied  
4 on the gross sales of all deciduous pome and stone fruit trees, nut  
5 trees, olive trees, and grapevines, including seeds, seedlings,  
6 rootstocks, and topstock, including ornamental varieties of apple,  
7 apricot, crabapple, cherry, nectarine, olive, peach, pear, and plum,  
8 produced and sold within the state or produced within and shipped  
9 from the state by any licensed nursery dealer. For packaged or  
10 containerized stock, the assessment shall be levied on the  
11 producer’s bareroot price of the plants.

12 (b) The secretary, as appropriate, and on the recommendation  
13 of the board established pursuant to Section 6988, may exempt  
14 from the assessment certain species of pome and stone fruit, nut  
15 trees, ~~olive trees~~, grapevines, *or varieties of olive trees*, or  
16 ornamental varieties of apple, apricot, crabapple, cherry, nectarine,  
17 olive, peach, pear, and plum if it can be demonstrated that no  
18 benefit is derived by these species *or varieties* from programs  
19 described in subdivision (d).

20 (c) The assessment shall be applied at the point of sale where  
21 the nursery stock is sold by a producer to persons other than  
22 California producers of nursery stock that is subject to assessment  
23 under subdivision (a).

24 (d) The secretary may set the assessment at a lower percent to  
25 cover the costs necessary to implement and carry out all department  
26 programs established pursuant to Article 7 (commencing with  
27 Section 5821) of Chapter 8 of Part 1 concerning the registration  
28 and certification of pome and stone fruit trees, nut trees, olive trees,  
29 and grapevines; the University of California foundation plant  
30 materials service activities concerning pome and stone fruit trees,  
31 nut trees, olive trees, and grapevines; and other activities related  
32 to the development of planting materials for pome and stone fruit  
33 trees, nut trees, olive trees, and grapevines.

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