

Assembly Bill No. 107

Passed the Assembly July 14, 2011

Chief Clerk of the Assembly

Passed the Senate July 7, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 19225 of, to amend and repeal Sections 19010, 19011, and 24744 of, to add Sections 19011.5, 19229, and 24745.5 to, and to repeal and add Section 24745 of, the Food and Agricultural Code, and to amend Sections 3401 and 5007 of the Public Resources Code, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL’S DIGEST

AB 107, Committee on Budget. Public resources.

(1) The California Meat and Poultry Supplemental Inspection Act requires each person to be licensed prior to operating a meat processing establishment or a custom livestock slaughterhouse, and establishes application fees for initial and renewal of licenses for livestock meat inspectors and processing inspectors, and licensing fees for the operation of slaughterhouses. Existing law requires the Secretary of Food and Agriculture to report to the Controller at least once each month the total amount of money collected pursuant to these provisions and to pay into the State Treasury the entire amount of the receipts that shall be credited to the General Fund.

This bill would, until January 1, 2017, increase the fees for licenses and renewal of licenses, impose specified penalties for the failure to pay the fee for renewal of a license prior to the expiration date of the license, and establish criteria for the fee for a license application submitted upon change of ownership of custom slaughterhouses, as specified.

(2) Existing law provides for the regulation, inspection, and licensing of poultry plants and poultry meat inspectors.

This bill would, until January 1, 2017, revise the licensing scheme and increase the fees for the licensing and renewal of licenses in connection with poultry plant operations and poultry meat inspections.

(3) Existing law requires the licensing of meat processing establishments, custom livestock slaughterhouses, poultry plants,

and pet food processors and importers, among other similar businesses, as specified.

This bill would provide that if a licensee has two or more licenses in effect at the same meat processing establishment, custom livestock slaughterhouse, place of business, poultry plant, pet food processor or importer, or other similar business, as specified, the license fee that is the highest amount shall be paid in full and each additional license fee shall be in an amount that is 50% of the fee that would otherwise be applicable.

(4) Existing law generally regulates the drilling, operation, maintenance, and abandonment of oil and gas wells. Existing law provides that the proceeds of charges levied, assessed, and collected upon the properties of every person operating or owning an interest in the production of a well shall be used exclusively for the support and maintenance of the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation.

This bill instead would provide that the proceeds of those charges shall be used exclusively for the support and maintenance of the Department of Conservation.

(5) The existing Tort Claims Act provides for the liability and immunity of a governmental entity for its acts and omissions that cause harm to persons. Under existing law, notwithstanding the Tort Claims Act, a public entity or public employee is not liable for injury or damage caused by a condition of public property located in, or injury or damage otherwise occurring in, or arising out of an activity in, a unit of the state park system that is designated as closed, partially closed, or subject to service reduction by the Department of Parks and Recreation for purposes of achieving budget reductions, among other things.

This bill would instead limit the liability of a public entity or public employee for injury or damage caused by a condition of public property located in, or injury or damage otherwise occurring in, or arising out of an activity in, a unit of the state park system that is designated as closed by the department. The bill would require the department to maintain, make available to the public, and post on the department's Internet Web site a list of closed units.

(6) This bill would appropriate \$1,000 from the General Fund to the Department of Food and Agriculture for administrative costs, thereby making an appropriation.

(7) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 19010 of the Food and Agricultural Code is amended to read:

19010. (a) Each person shall, before operating a meat processing establishment or a custom livestock slaughterhouse, file an application accompanied with an application fee, with the secretary for a license to operate the establishment. The application shall be in such form as the secretary may prescribe.

(b) Subject to Section 19011.5, the application fee for a meat processing establishment or a new, previously unlicensed custom livestock slaughterhouse is five hundred dollars (\$500) for a license for one year for each establishment which the applicant desires to operate. Each license shall expire on the last day of the calendar year for which it was issued. The fee shall not be prorated.

(c) The fee for a license application submitted upon a change of ownership of an existing, previously licensed custom livestock slaughterhouse shall be based on the number of head of livestock slaughtered by the custom livestock slaughterhouse during the preceding October through September time period as described in subdivision (a) of Section 19011.

(d) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 2. Section 19011 of the Food and Agricultural Code is amended to read:

19011. (a) Application for renewal of a license accompanied by a renewal fee shall be made on or before its expiration.

(1) Subject to Section 19011.5, the annual renewal fee for a custom livestock slaughterhouse is:

(A) Five hundred dollars (\$500) if the plant slaughtered 1,000 or fewer head of livestock during the preceding October through September time period.

(B) Seven hundred fifty dollars (\$750) if the plant slaughtered between 1,000 and 5,000 head of livestock during the preceding October through September time period.

(C) One thousand two hundred dollars (\$1,200) if the plant slaughtered over 5,000 head of livestock during the preceding October through September time period.

(2) Subject to Section 19011.5, the annual renewal fee for a meat reprocessing establishment is five hundred dollars (\$500).

(b) Applicants for renewal who have not paid the renewal fee by the expiration date of the license shall be assessed a penalty of 10 percent of the unpaid balance. Failure to pay the renewal fee plus the penalty within 90 days of expiration shall cause a revocation of a license.

(c) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 3. Section 19011.5 is added to the Food and Agricultural Code, to read:

19011.5. If a licensee has two or more licenses in effect at the same meat processing establishment, custom livestock slaughterhouse, place of business, or poultry plant, pursuant to Section 19010, 19011, 19240, 19260, 19280, or 24741, the license fee that is the highest amount shall be paid in full and each additional license fee shall be in an amount that is 50 percent of the fee that would otherwise be applicable.

SEC. 4. Section 19225 of the Food and Agricultural Code is amended to read:

19225. Subject to Section 19229, the annual fee for each license held is one hundred dollars (\$100).

SEC. 5. Section 19229 is added to the Food and Agricultural Code, to read:

19229. If a licensee has two or more licenses in effect at the same meat processing establishment, custom livestock slaughterhouse, place of business, or poultry plant, pursuant to Section 19010, 19011, 19240, 19260, 19280, or 24741, the license fee that is the highest amount shall be paid in full and each additional license fee shall be in an amount that is 50 percent of the fee that would otherwise be applicable.

SEC. 6. Section 24744 of the Food and Agricultural Code is amended to read:

24744. (a) Subject to Section 24745.5, the application fee for a new, previously unlicensed poultry plant is five hundred dollars

(\$500) for a license for one year for each poultry plant which the applicant desires to operate.

(b) The fee for a license application submitted upon change of ownership of an existing, previously licensed poultry plant shall be based on the number of poultry slaughtered by the poultry plant during the preceding October through September time period as described in subdivision (b) of Section 24745.

(c) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 7. Section 24745 of the Food and Agricultural Code is repealed.

SEC. 8. Section 24745 is added to the Food and Agricultural Code, to read:

24745. (a) Application for renewal of a license accompanied by a renewal fee shall be made on or before its expiration.

(b) Subject to Section 24745.5, the annual license renewal fee for a poultry plant is:

(1) Five hundred dollars (\$500) if the plant slaughtered 10,000 or fewer poultry during the preceding October through September time period.

(2) Seven hundred fifty dollars (\$750) if the plant slaughtered between 10,000 and 100,000 poultry during the preceding October through September time period.

(3) One thousand two hundred dollars (\$1,200) if the plant slaughtered over 100,000 poultry during the preceding October through September time period.

(c) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 9. Section 24745.5 is added to the Food and Agricultural Code, to read:

24745.5. If a licensee has two or more licenses in effect at the same meat processing establishment, custom livestock slaughterhouse, place of business, or poultry plant, pursuant to Section 19010, 19011, 19240, 19260, 19280, or 24741, the license fee that is the highest amount shall be paid in full and each additional license fee shall be in an amount that is 50 percent of the fee that would otherwise be applicable.

SEC. 10. Section 3401 of the Public Resources Code is amended to read:

3401. The proceeds of charges levied, assessed, and collected pursuant to this article upon the properties of every person operating or owning an interest in the production of a well shall be used exclusively for the support and maintenance of the department charged with the supervision of oil and gas operations.

SEC. 11. Section 5007 of the Public Resources Code is amended to read:

5007. (a) The department shall achieve any required budget reductions by closing, partially closing, and reducing services at selected units of the state park system. For purposes of this section, “required budget reductions” means the amount of funds appropriated in the annual Budget Act to the department that is less than the amount necessary to fully operate the 2010 level of 278 units of the state park system. The department shall select the units to be closed based solely on all of the following factors:

(1) The relative statewide significance of each park unit, preserving to the extent possible, parks identified in the department’s documents including “Outstanding and Representative Parks,” the “California State History Plan,” and the “California State Parks Survey of 1928.”

(2) The rate of visitation to each unit, to minimize impacts to visitation in the state park system.

(3) (A) The estimated net savings from closing each unit, to maximize savings to the state park system.

(B) For purposes of this subdivision, “net savings” means the estimated costs of operation for the unit less the unit’s projected revenues and less the costs of maintaining the unit after it is closed.

(4) The feasibility of physically closing each unit.

(5) The existence of, or potential for, partnerships that can help support each unit, including concessions and both for-profit and nonprofit partners.

(6) Significant operational efficiencies to be gained from closing a unit based on its proximity to other closed units where the units typically share staff and other operating resources.

(7) Significant and costly infrastructure deficiencies affecting key systems at each unit so that continued operation of the unit is less cost effective relative to other units.

(8) Recent or funded infrastructure investments at a unit.

(9) Necessary but unfunded capital investments at a unit.

(10) Deed restrictions and grant requirements applicable to each unit.

(11) The extent to which there are substantial dedicated funds for the support of the unit that are not appropriated from the General Fund.

(b) Notwithstanding Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, a public entity or a public employee is not liable for injury or damage caused by a condition of public property located in, or injury or damage otherwise occurring in, or arising out of an activity in, a state park system unit that is designated as closed by the department pursuant to subdivision (a), except for conduct that constitutes gross negligence or is wanton or reckless. This immunity shall apply notwithstanding the fact that the public has access, whether invited or uninvited, to the state park system unit, and notwithstanding that the department may take actions such as patrols, inspections, maintenance, and repairs necessary to protect the state park system unit facilities and resources from deterioration, damage, or destruction. This immunity shall apply only to units of the state park system that are designated as closed pursuant to subdivision (a) and shall not apply to units that are partially closed or subject to service reductions but not closure. The closed units shall be maintained in a list by the department and the list shall be made publicly available and posted on the department's Internet Web site. The list shall include the date the unit is considered closed. The immunity provided by this subdivision does not limit any other immunity or immunities available to a public entity or a public employee. The governmental immunity provided in this section does not apply to a third party or entity that has reopened a park listed as closed pursuant to subdivision (a). The immunity shall continue to apply to the state.

SEC. 12. There is hereby appropriated one thousand dollars (\$1,000) from the General Fund to the Department of Food and Agriculture for administrative costs.

SEC. 13. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

Approved _____, 2011

Governor