

Introduced by Senator CannellaFebruary 17, 2011

An act to amend Sections 47021 and 47026 of, and to add and repeal Section 19227 of, the Food and Agricultural Code, relating to fees, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 513, as introduced, Cannella. Renderers and farmers' markets: fees.

Existing law requires every person engaged in the business of rendering or of operating a collection center to obtain a license from the Department of Food and Agriculture for each rendering plant or collection center operated, as specified. Existing law requires licensees to keep specified records and authorizes the department to suspend or revoke a registration certificate under specified circumstances. Existing law regulates transporters of inedible kitchen grease. Law operative until January 1, 2010, and repealed as of January 1, 2011, authorized the collection of administrative fees, as specified, from renderers and collection centers in connection with rendering. Other provisions of existing law require the funds collected to be deposited into a special fund, the continuously appropriated Food and Agriculture Fund.

This bill would reenact the provisions repealed as of January 1, 2011. The bill would make these provisions inoperative as of July 1, 2015. By reenacting these provisions requiring collection and deposit of funds into a continuously appropriated fund, this bill would make an appropriation.

Existing law requires, until January 1, 2012, that every operator of a certified farmers' market remit to the department a fee equal to the number of agricultural producers participating on each market day for

the entire previous quarter which shall be used by the department upon appropriation by the Legislature, as specified.

This bill would extend these provisions until January 1, 2017.

Existing law provides that California farmers may transport for sale and sell California-grown fresh fruits, nuts, and vegetables that they produce directly to the public at a certified farmers’ market, as specified. Existing law provides that it is unlawful for any person operating under these provisions to commit certain acts related to the conduct of farmers’ markets. Existing law, until January 1, 2012, provides that in lieu of prosecution, but not precluding suspension or revocation of certified producer’s certificates or certified farmers’ market certificates, the secretary or the county commissioner may levy a civil penalty against a person who violates these provisions or any regulation implemented pursuant to these provisions, as specified.

This bill would extend the provision authorizing the civil penalty until January 1, 2017.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 19227 is added to the Food and
2 Agricultural Code, to read:
3 19227. (a) In addition to the license fee required pursuant to
4 Section 19225, the department may charge each licensed renderer
5 and collection center an additional fee necessary to cover the costs
6 of administering Article 6 (commencing with Section 19300) and
7 Article 6.5 (commencing with Section 19310). The additional fees
8 authorized to be imposed by this section may not exceed three
9 thousand dollars (\$3,000) per year per each licensed rendering
10 plant or collection center.
11 (b) The secretary shall fix the annual fee established pursuant
12 to this section and may fix different fees for renderers and
13 collection centers. The secretary shall also fix the date the fee is
14 due and the method of collecting the fee. If an additional fee is
15 imposed on licensed renderers pursuant to subdivision (a) and an
16 additional fee is imposed on registered transporters pursuant to
17 subdivision (a) of Section 19315, only one additional fee may be
18 imposed on a person or firm that is both licensed as a renderer
19 pursuant to Article 6 (commencing with Section 19300) and

1 registered as a transporter of inedible kitchen grease pursuant to
2 Article 6.5 (commencing with Section 19310), which fee shall be
3 the higher of the two fees.

4 (c) If the fee established pursuant to this section is not paid
5 within one calendar month of the date it is due, a penalty shall be
6 imposed in the amount of 10 percent per annum on the amount of
7 the unpaid fee.

8 (d) This section shall become inoperative on July 1, 2015, and,
9 as of January 1, 2016, is repealed, unless a later enacted statute,
10 that becomes operative on or before January 1, 2016, deletes or
11 extends the dates on which it becomes inoperative and is repealed.

12 SEC. 2. Section 47021 of the Food and Agricultural Code is
13 amended to read:

14 47021. (a) Every operator of a certified farmers' market shall
15 remit to the department, within 30 days after the end of each
16 quarter, a fee equal to the number of certified producer certificates
17 and other agricultural producers participating on each market day
18 for the entire previous quarter. The fee shall be established by
19 January 1 of each year by the department upon the receipt of a
20 budget recommendation from the advisory committee. The fee
21 shall not exceed sixty cents (\$0.60) for each certified producer
22 certificate and other agricultural producers participating on each
23 market day. A certified farmers' market may directly recover all
24 or part of the fee from the participating certified and other
25 agricultural producers.

26 (b) Any operator of a certified farmers' market who fails to pay
27 the required fee within 30 days after the end of the quarter in which
28 it is due, shall pay to the department a monthly interest charge on
29 the unpaid balance and a late penalty charge, to be determined by
30 the department and not to exceed the maximum amount permitted
31 by law.

32 (c) All fees collected pursuant to this section shall be deposited
33 in the Department of Food and Agriculture Fund. The money
34 generated by the imposition of the fees shall be used, upon
35 appropriation by the Legislature, by the department, to carry out
36 this chapter, including all of the following actions undertaken by
37 the department:

38 (1) The coordination of the advisory committee.

39 (2) The evaluation of county enforcement actions and assistance
40 with regard to multiple county enforcement problems.

1 (3) The adoption of regulations to carry out this chapter.

2 (4) Hearing appeals from actions taken by county agricultural
3 commissioners to enforce this chapter.

4 (5) The review of rules or procedures established by a certified
5 farmers’ market and the issuance of advisory opinions and the
6 provision of informal hearings pursuant to Section 47004.1 as to
7 whether the rules or procedures are consistent with this chapter
8 and implementing regulations.

9 (6) The maintenance of a current statewide listing of certified
10 farmers’ markets with schedules of operations and locations.

11 (7) The maintenance of a current statewide listing of certified
12 producers.

13 (8) The dissemination to all certified farmers’ markets
14 information regarding the suspension or revocation of any
15 producer’s certificate and the imposition of administrative
16 penalties.

17 (9) Other actions, including the maintenance of special fund
18 reserves, that are recommended by the advisory committee and
19 approved by the department for the purpose of carrying out this
20 chapter.

21 (d) This section shall remain in effect only until January 1, ~~2012~~
22 2017, and as of that date is repealed, unless a later enacted statute,
23 that is enacted before January 1, ~~2012~~ 2017, deletes or extends
24 that date.

25 SEC. 3. Section 47026 of the Food and Agricultural Code is
26 amended to read:

27 47026. This article shall remain in effect only until January 1,
28 ~~2012~~ 2017, and as of that date is repealed, unless a later enacted
29 statute, that is enacted before January 1, ~~2012~~ 2017, deletes or
30 extends that date.