

AMENDED IN ASSEMBLY JUNE 12, 2013

AMENDED IN SENATE APRIL 10, 2013

**SENATE BILL**

**No. 599**

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**Introduced by Senator Evans**

February 22, 2013

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An act to amend Sections 47021 and 47026 of, to amend the heading of Article 4 (commencing with Section 47025) of Chapter 10.5 of Division 17 of, and to add the heading of Article 3.5 (commencing with Section 47022) to Chapter 10.5 of Division 17 of, the Food and Agricultural Code, relating to direct marketing of agricultural products Sections 535, 535.5, and 541.5 of, and to add Sections 530.5 and 541.7 to, the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 599, as amended, Evans. ~~Direct marketing: certified farmers' markets. State parks.~~

*Existing law establishes the State Park and Recreation Commission within the Department of Parks and Recreation, and sets forth the commission's duties, including, among others, to evaluate and assess the department's deferred maintenance obligations, and to report annually to the Governor on recreational facilities, programs, and activities of the state park system.*

*This bill would require the commission to also evaluate and assess the department's proposed capital outlay and infrastructure expenditures, and would require the commission's annual report to identify any budgetary requests of the commission for consideration by the Department of Finance and the Legislature, as specified. The bill would authorize the commission to conduct public meetings or hearings on all matters within the jurisdiction of the department, and would*

*require the commission to meet at least quarterly and to achieve geographic balance in the locations at which meetings are held. The bill, if the department proposes to close a state park on or after the 2014–15 fiscal year, would require the department to first provide notice to the commission 6 months in advance, and would also require the Department of Finance to establish a separate line item in the annual Budget Act for any annual appropriations to the commission proposed by the Governor or appropriated by the Legislature. The bill would make various findings and declarations of the Legislature relating to the Department of Parks and Recreations.*

~~(1) Existing law requires, until January 1, 2014, that every operator of a certified farmers' market remit to the Department of Food and Agriculture a fee equal to the number of certified producer certificates and other agricultural producers participating on each market day for the entire previous quarter to be deposited in the Department of Food and Agriculture Fund and used by the department, upon appropriation by the Legislature, as specified.~~

~~This bill would extend these provisions until January 1, 2018.~~

~~(2) 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, including to deceptively prepare, pack, place, deliver, load, ship, transport, or sell those products. Existing law, until January 1, 2014, provides that in lieu of prosecution, but not precluding suspension or revocation of certified producer's certificates or certified farmers' market certificates, the Secretary of Food and Agriculture or a county agricultural 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, 2018.~~

~~(3) This bill would also make clarifying changes.~~

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. The Legislature finds and declares all of the*  
2 *following:*

3     *(a) The Department of Parks and Recreation has experienced*  
4 *difficult years with decreased funding, the threatened closure of*  
5 *dozens of important state parks, and fiscal mismanagement that*  
6 *resulted in at least four separate audits or investigations.*

7     *(b) In its initial response to these circumstances, in 2012, the*  
8 *Legislature directed the department to establish a revenue*  
9 *generation program with dedicated funding, expanded*  
10 *opportunities for contracts and other arrangements with nonprofits*  
11 *to help keep parks open, added legislative ex officio members to*  
12 *the State Park and Recreation Commission, and directed the*  
13 *commission to review the deferred maintenance backlog at the*  
14 *department.*

15     *(c) In addition, among other provisions, in 2012, the Legislature*  
16 *authorized the sale of specialized state park license plates, required*  
17 *a prioritized plan to increase revenues and collect user fees, and*  
18 *prohibited the closure of any parks for a specified period.*

19     *(d) Because of the important public functions provided by the*  
20 *department and the importance of continued public oversight of*  
21 *the department, including, but not limited to, the implementation*  
22 *of the various budget and statutory provisions enacted in 2012,*  
23 *the Legislature has determined to enact this measure.*

24     *SEC. 2. Section 530.5 is added to the Public Resources Code,*  
25 *to read:*

26     530.5. *The commission shall meet at least quarterly and shall*  
27 *achieve geographic balance in the locations at which meetings*  
28 *are held. The commission may arrange for its meetings to be*  
29 *broadcast or streamed live on the Internet through a contract with*  
30 *a provider. The commission may also conduct meetings through*  
31 *videoconferencing to achieve financial savings.*

32     *SEC. 3. Section 535 of the Public Resources Code is amended*  
33 *to read:*

34     535. *(a) The commission shall report annually to the Governor,*  
35 *through the director, on existing and operating recreational*  
36 *facilities, programs and activities of the state park system, and on*  
37 *the needs of the state and the local subdivisions thereof of the state*  
38 *for recreational facilities, programs, and activities, and shall make*

1 recommendations for programs and activities to meet future needs  
2 of the state for parks and recreation.

3 *(b) The annual report shall identify any budgetary requests of*  
4 *the commission for consideration by the Department of Finance*  
5 *and the Legislature, including, notwithstanding the provisions of*  
6 *Section 534.5, recommendations for staff that may be hired.*

7 SEC. 4. Section 535.5 of the Public Resources Code is amended  
8 to read:

9 535.5. (a) The commission shall evaluate and assess the  
10 department's deferred maintenance obligations *and proposed*  
11 *capital outlay and infrastructure expenditures*. After public notice  
12 and at a public hearing, following a presentation by the relevant  
13 district superintendent, ~~it~~ *the commission* may consider the nature  
14 and extent, and establish the relative priority, of prospective  
15 deferred maintenance projects of the department.

16 (b) The commission may provide advice to the Governor, the  
17 Legislature, and the department on policies, projects, and other  
18 matters pertaining to parks, recreation, and public access affecting  
19 the state park system.

20 (c) The commission may conduct an annual workshop or series  
21 of workshops to review the department's annual operating budget  
22 and proposed capital improvement projects.

23 (d) The commission may make recommendations to improve  
24 visitor services and visitor satisfaction in parks, assess the progress  
25 and challenges with regard to the protection of natural, cultural,  
26 and historical resources within the state park system, and enhance  
27 revenue opportunities across the state park system.

28 (e) The commission may assist in promoting the state park  
29 system and parks and recreational facilities and programs.

30 *(f) The commission may conduct public meetings or hearings*  
31 *on all matters within the jurisdiction of the department, including,*  
32 *but not limited to, revenue generation, public-private partnerships,*  
33 *and concession agreements.*

34 (f)

35 (g) The sum of one hundred twenty thousands dollars (\$120,000)  
36 annually in the 2012–13 and 2013–14 fiscal years is hereby  
37 appropriated from the State Parks and Recreation Fund to the ~~State~~  
38 ~~Park and Recreation Commission~~ *commission* for the purpose of  
39 funding those activities authorized under this section.

1     *SEC. 5. Section 541.5 of the Public Resources Code is amended*  
2 *to read:*

3     541.5. (a) The department shall not close, or propose to close,  
4 a state park in the 2012–13 or 2013–14 fiscal year. The commission  
5 and the department shall recommend all necessary steps to establish  
6 a sustainable funding strategy for the department to the Legislature  
7 on or before January 1, 2015.

8     (b) There is hereby appropriated twenty million five hundred  
9 thousand dollars (\$20,500,000) to the department from the State  
10 Parks and Recreation Fund, which shall be available for  
11 encumbrance for the 2012–13 and 2013–14 fiscal years, to be  
12 expended as follows:

13     (1) Ten million dollars (\$10,000,000) shall be available to  
14 provide for matching funds pursuant to subdivision (c).

15     (2) Ten million dollars (\$10,000,000) shall be available for the  
16 department to direct funds to parks that remain at risk of closure  
17 or that will keep parks open during the 2012–13 and 2013–14 fiscal  
18 years. Priority may be given to parks subject to a donor or operating  
19 agreement or other contractual arrangement with the department.

20     (3) Up to five hundred thousand dollars (\$500,000) shall be  
21 available for the department to pay for ongoing audits and  
22 investigations as directed by the Joint Legislative Audit Committee,  
23 the office of the Attorney General, the Department of Finance, or  
24 other state agency.

25     (c) The department shall match on a dollar-for-dollar basis all  
26 financial contributions contributed by a donor pursuant to an  
27 agreement for the 2012–13 fiscal year for which the department  
28 received funds as of July 31, 2013, and for agreements entered  
29 into in the 2013–14 fiscal year. These matching funds shall be  
30 used exclusively in the park unit subject to those agreements.

31     (d) The department shall notify the Joint Legislative Budget  
32 Committee in writing not less than 30 days ~~prior to~~ *before* the  
33 expenditure of funds under this section of the funding that shall  
34 be expended, the manner of the expenditure, and the recipient of  
35 the expenditure.

36     (e) *If the department proposes to close a state park on or after*  
37 *the 2014–15 fiscal year, the department shall not do so unless it*  
38 *first provides notice to the commission six months in advance in*  
39 *order to provide the commission an opportunity to provide input*  
40 *and to propose one or more alternatives to closure.*

1 SEC. 6. Section 541.7 is added to the Public Resources Code,  
2 to read:

3 541.7. The Department of Finance shall establish a separate  
4 line item in the annual Budget Act for any annual appropriations  
5 to the commission proposed by the Governor or appropriated by  
6 the Legislature.

7 SECTION 1. Section 47021 of the Food and Agricultural Code  
8 is amended to read:

9 47021. (a) Every operator of a certified farmers' market shall  
10 remit to the department, within 30 days after the end of each  
11 quarter, a fee equal to the number of certified producer certificates  
12 and other agricultural producers participating on each market day  
13 for the entire previous quarter. The fee shall be established by  
14 January 1 of each year by the department upon the receipt of a  
15 budget recommendation from the advisory committee. The fee  
16 shall not exceed sixty cents (\$0.60) for each certified producer  
17 certificate and other agricultural producers participating on each  
18 market day. A certified farmers' market may directly recover all  
19 or part of the fee from the participating certified and other  
20 agricultural producers.

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

27 (c) All fees collected pursuant to this section shall be deposited  
28 in the Department of Food and Agriculture Fund. The money  
29 generated by the imposition of the fees shall be used, upon  
30 appropriation by the Legislature, by the department, to cover the  
31 reasonable costs to carry out this chapter, including all of the  
32 following actions undertaken by the department:

- 33 (1) The coordination of the advisory committee.
- 34 (2) The evaluation of county enforcement actions and assistance  
35 with regard to multiple county enforcement problems.
- 36 (3) The adoption of regulations to carry out this chapter.
- 37 (4) Hearing appeals from actions taken by county agricultural  
38 commissioners to enforce this chapter.
- 39 (5) The review of rules or procedures established by a certified  
40 farmers' market and the issuance of advisory opinions and the

1 provision of informal hearings pursuant to Section 47004.1 as to  
2 whether the rules or procedures are consistent with this chapter  
3 and implementing regulations:

4 (6) ~~The maintenance of a current statewide listing of certified  
5 farmers' markets with schedules of operations and locations:~~

6 (7) ~~The maintenance of a current statewide listing of certified  
7 producers:~~

8 (8) ~~The dissemination to all certified farmers' markets  
9 information regarding the suspension or revocation of any  
10 producer's certificate and the imposition of administrative  
11 penalties:~~

12 (9) ~~Other actions, including the maintenance of special fund  
13 reserves, that are recommended by the advisory committee and  
14 approved by the department for the purpose of carrying out this  
15 chapter:~~

16 (d) ~~This section shall remain in effect only until January 1, 2018,  
17 and as of that date is repealed, unless a later enacted statute, that  
18 is enacted before January 1, 2018, deletes or extends that date.~~

19 SEC. 2. ~~The heading of Article 3.5 (commencing with Section  
20 47022) is added to Chapter 10.5 of Division 17 of the Food and  
21 Agricultural Code, to read:~~

22  
23 ~~Article 3.5. Violations~~  
24

25 SEC. 3. ~~The heading of Article 4 (commencing with Section  
26 47025) of Chapter 10.5 of Division 17 of the Food and Agricultural  
27 Code is amended to read:~~

28  
29 ~~Article 4. Enforcement~~  
30

31 SEC. 4. ~~Section 47026 of the Food and Agricultural Code is  
32 amended to read:~~

33 ~~47026. This article shall remain in effect only until January 1,  
34 2018, and as of that date is repealed, unless a later enacted statute,  
35 that is enacted before January 1, 2018, deletes or extends that date.~~