

AMENDED IN ASSEMBLY APRIL 21, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 862

Introduced by Committee on Agriculture

February 26, 2015

An act to amend ~~Section 409~~ *Sections 405, 409, and 410* of the Food and Agricultural Code, relating to the Department of Food and Agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 862, as amended, Committee on Agriculture. Department of Food and Agriculture: ~~rules and regulations: license issuance and renewal: powers and duties.~~

Existing law authorizes the Department of Food and Agriculture, *with the prior approval of the Department of Fish and Wildlife and the State Department of Health Care Services, to reproduce or distribute biological control organisms that are not detrimental to the public health and safety that are known to be useful in reducing or preventing plant or animal damage due to pests or diseases.* ~~by~~

This bill would instead authorize the department, with the prior approval of the Department of Fish and Game and the State Department of Public Health, to reproduce or distribute biological control organisms that are not detrimental to the environment or the public health and safety that are known to be useful in reducing or preventing plant or animal damage due to pests or diseases.

Existing law authorizes the department by rule or regulation, to provide for the issuance and renewal on a 2-year basis of licenses, certificates of registration, or other indicia of authority issued pursuant to the Food and Agricultural Code by the department or any agency in

the department, and to set the fees for the issuance or renewal of those licenses, certificates of registration, or other indicia.

This bill would instead specify that those licenses, certificates of registration, or other indicia of authority issued pursuant to the Food and Agricultural Code are those issued by the department or any division, office, or other entity within the department.

Existing law specifies that it is the intent of the Legislature that the department, in cooperation with appropriate county officials and industry representatives, develop mutually satisfactory sources of nonstate funding to augment budget programs in the areas of county agricultural commissioners and weights and measures.

This bill would clarify that provision to specify that it is the intent of the Legislature that the department develop mutually satisfactory sources of nonstate funding to augment budget programs in the areas of county agricultural commissioners and county sealers of weights and measures.

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

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

1 **SECTION 1.** *Section 405 of the Food and Agricultural Code*
 2 *is amended to read:*

3 405. (a) With the prior approval of the Department of Fish
 4 and Wildlife and the State Department of ~~Health Care Services,~~
 5 *Public Health*, the department may reproduce or distribute
 6 biological control organisms that are not detrimental to the
 7 *environment or the* public health and safety that are known to be
 8 useful in reducing or preventing plant or animal damage due to
 9 pests or diseases.

10 (b) The department shall not engage in the production of
 11 beneficial organisms when those organisms are available in
 12 sufficient amounts for purchase from commercial sources.

13 ~~SECTION 1.~~

14 **SEC. 2.** *Section 409 of the Food and Agricultural Code is*
 15 *amended to read:*

16 409. (a) Notwithstanding any other law, the department by
 17 rule or regulation may provide for the issuance and renewal on a
 18 two-year basis of licenses, certificates of registration, or other

1 indicia of authority issued pursuant to this code by the department
2 or any division, office, or other entity within the department.

3 (b) The department may, by rule or regulation, set the fee for a
4 two-year license, certificate of registration, or other indicia, not to
5 exceed twice the annual fee for issuance or renewal set by statute.

6 *SEC. 3. Section 410 of the Food and Agricultural Code is*
7 *amended to read:*

8 410. It is the intent of the Legislature that the Department of
9 Food and Agriculture, in cooperation with appropriate county
10 officials and industry representatives, develop mutually satisfactory
11 sources of nonstate funding to augment budget programs in the
12 areas of county agricultural commissioners and *county sealers of*
13 weights and measures.