

AMENDED IN SENATE JUNE 29, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1135

Introduced by ~~Committee on Agriculture~~ Assembly Member Perea

February 27, 2015

An act to amend Sections 5918, 47004, and 47020 of the Food and Agricultural Code, relating to agricultural products. An act to create the Kings River East Groundwater Sustainability Agency, and prescribing its boundaries, organization, operation, management, financing, and other powers and duties, relating to water districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1135, as amended, ~~Committee on Agriculture~~ Perea. ~~Agricultural products.~~ *Kings River East Groundwater Sustainability Agency Act.*

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified.

This bill would create the Kings River East Groundwater Sustainability Agency and would require the agency's initial boundaries to be established by the boards of supervisors of the Counties of Fresno

and Tulare after a noticed public hearing. The bill would require the agency to elect to be a groundwater sustainability agency under the Sustainable Groundwater Management Act for that portion of the Kings Subbasin that lies within the boundaries of the agency and would require the agency to develop and implement a groundwater sustainability plan to achieve sustainable groundwater management within the territory of the agency. The bill would generally specify the powers and purposes of the agency. The bill would prescribe the composition of the 7-member board of directors of the agency and would require members and alternates to be chosen by prescribed member agencies, as specified. By imposing duties on the agency and the member agencies in connection with the operation of the district, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(1) Under existing law, certified farmers' markets are California agricultural product point-of-sale locations that are registered and operated in accordance with specified provisions. Existing law requires an operator of a certified farmers' market to establish a clearly defined marketing area where only agricultural products may be sold. Existing law prohibits an operator of a certified farmers' market that also operates, manages, or otherwise controls a separate sales activity or vending event or marketing area in close proximity, adjacent, or contiguous to the operator's certified farmers' market from allowing the sale or distribution of fresh whole fruits, nuts, vegetables, and flowers by vendors selling within those sales activity or vending event or marketing areas. Under existing law, a violation of these provisions is an infraction or misdemeanor, as specified.~~

~~This bill would add cultivated mushrooms and herbs to the list of items that an operator of a certified farmers' market that also operates, manages, or otherwise controls a separate sales activity or vending event or marketing area in close proximity, adjacent, or contiguous to the operator's certified farmers' market is prohibited from selling within those sales activity or vending event or marketing areas. By changing~~

the definition of a crime, this bill would impose a state-mandated local program.

~~Existing law requires a certified farmers' market operator or producer to annually register with the Department of Food and Agriculture by applying for and receiving a certificate from a county agricultural commissioner. Existing law requires a producer farming fruit, vegetables, nuts, herbs, and similar crops, once certified, to annually submit information requested by the department about the specific crops that the producer will harvest or intends to harvest for sale directly to the public.~~

~~This bill would require a producer of these crops to submit this information to the county agricultural commissioner's office in the county in which the producer's land or facility is located as part of obtaining or renewing a certified producer certificate. By imposing a new duty on county agricultural commissioners, the bill would impose a state-mandated local program.~~

~~(2) Existing law creates in the Department of Food and Agriculture the California Citrus Pest and Disease Prevention Committee and provides for its continuation, and that of the California Citrus Pest and Disease Prevention Program, every 4 years subject to a referendum of the citrus producers on or before June 30, 2013, and every 4 years thereafter. Pursuant to this referendum the department has extended the citrus pest and disease prevention program for an additional 4 years.~~

~~Existing law requires the committee to reimburse the Secretary of Food and Agriculture for all reasonable expenditures incurred by the secretary in carrying out his or her duties and responsibilities pursuant to the citrus pest and disease prevention program, including the costs of implementing and administering the administrative, enforcement, and regulatory recommendations of the statewide work plan developed by the committee.~~

~~This bill would require the committee to reimburse the secretary for all expenditures incurred by the secretary in carrying out his or her duties and responsibilities pursuant to the program.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs~~

~~so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

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

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

1 *SECTION 1. This act shall be known and may be cited as the*
2 *Kings River East Groundwater Sustainability Agency Act.*

3
4 *Kings River East Groundwater Sustainability Agency Act*

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6
7 *Article 1. Findings and Declarations*

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9 101. *The Legislature hereby finds and declares that the*
10 *preservation of the groundwater resources within the territory of*
11 *the agency for agricultural, municipal, and industrial uses is in*
12 *the public interest and that the creation of the agency pursuant to*
13 *this act is for the common benefit of water users.*

14 102. *The Legislature further finds and declares that the*
15 *groundwater management activities of the agency benefit all*
16 *operators of groundwater extraction facilities within the territory*
17 *of the agency.*

18
19 *Article 2. Creation and Purposes*

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21 201. (a) *A groundwater management agency is hereby created*
22 *in the Counties of Fresno and Tulare to be known as the Kings*
23 *River East Groundwater Sustainability Agency.*

24 (b) *The agency shall be governed by a board as specified in*
25 *Section 501 and shall have the boundaries specified in Section*
26 *301. The agency shall exercise the powers granted by this act and*
27 *the Sustainable Groundwater Management Act (Part 2.74*
28 *(commencing with Section 10720) of Division 6 of the Water Code)*
29 *for purposes of groundwater management within the boundaries*
30 *of the agency, together with any other powers as are reasonably*
31 *implied, necessary, and proper to carry out the objectives and*
32 *purposes of the agency to implement the Sustainable Groundwater*
33 *Management Act.*

1
2 *Article 3. Boundaries*
3

4 301. *For the purposes of this act, the boundaries of the agency*
5 *shall include all land located within the exterior perimeter*
6 *boundaries of Alta Irrigation District within the Counties of Fresno*
7 *and Tulare, the Orange Cove Irrigation District, the Hills Valley*
8 *Irrigation District, and the Tri-Valley Water District overlying the*
9 *San Joaquin Valley Basin Kings Subbasin as described in the*
10 *report by the Department of Water Resources entitled “California’s*
11 *Groundwater: Bulletin 118” updated in 2003, as it may be*
12 *subsequently updated or revised in accordance with Section 12924*
13 *of the Water Code.*

14 302. *The agency’s initial boundaries shall be established by*
15 *the boards of supervisors of the Counties of Fresno and Tulare*
16 *after a noticed public hearing. The boundaries shall be depicted*
17 *on a map that shall be adopted by the boards of supervisors of*
18 *those counties and thereafter recorded in the office of the county*
19 *recorder of each county.*

20 303. *The boards of supervisors of the Counties of Fresno and*
21 *Tulare may adjust the boundaries of the agency in the same manner*
22 *prescribed for establishment of the initial boundaries if the*
23 *boundaries of the basin are revised, including the establishment*
24 *of new subbasins.*

25
26 *Article 4. Definitions*
27

28 401. *Unless otherwise indicated by their context, the definitions*
29 *set forth in this article govern the interpretation of this act.*

30 401.1. *“Actively and primarily engaged in production of*
31 *agriculture” means that a person derives at least 75 percent of*
32 *his or her annual income from production agriculture.*

33 402. *“Agency” means the Kings River East Groundwater*
34 *Sustainability Agency established by this act.*

35 403. *“Alta” means the Alta Irrigation District.*

36 404. *“Aquifer” means a geologic formation or structure that*
37 *transmits water in sufficient quantities to supply pumping wells*
38 *or springs.*

39 405. *“Basin” has the same meaning as defined in Section*
40 *10721 of the Water Code.*

- 1 406. “Board” means the board of directors of the agency, as
- 2 more particularly described in Section 501.
- 3 407. “Cities” means the Cities of Dinuba, Orange Cove, and
- 4 Reedley.
- 5 408. “Coordination agreement” has the same meaning as
- 6 defined in Section 10721 of the Water Code.
- 7 409. “County” means either the County of Fresno or the
- 8 County of Tulare, as the context requires. “Counties” means the
- 9 County of Fresno and the County of Tulare.
- 10 410. “Extraction” means the act of obtaining groundwater by
- 11 pumping or other controlled means.
- 12 411. “Groundwater” has the same meaning as defined in
- 13 Section 10721 of the Water Code.
- 14 412. “Groundwater management activities” means programs,
- 15 measures, or actions taken to preserve, protect, and enhance
- 16 groundwater resources within the territory of the agency.
- 17 413. “Kings Subbasin” means the San Joaquin Valley Basin
- 18 Kings Subbasin as described in Section 301.
- 19 414. “Member agency” means Alta, the counties, the cities,
- 20 and the special districts entitled to representation on the agency’s
- 21 board of directors as specified in Section 501.
- 22 415. “Operator” has the same meaning as defined in Section
- 23 10721 of the Water Code.
- 24 416. “Person” includes any state or local governmental
- 25 agency, private corporation, firm, partnership, limited liability
- 26 company, individual, group of individuals, or, to the extent
- 27 authorized by law, any federal agency.
- 28 417. “Plan” means a groundwater sustainability plan prepared
- 29 by the agency pursuant to this act.
- 30 418. “Supplemental water” means surface water or
- 31 groundwater imported from outside the watershed or watersheds
- 32 of the basin or aquifer and flood waters that are conserved and
- 33 saved within the watershed or watersheds that would otherwise
- 34 have been lost or would not have reached the basin or aquifer.

Article 5. General Provisions

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- 37
- 38 501. (a) The agency shall be governed by a board of directors
- 39 that shall consist of seven members, as follows:
- 40 (1) One member shall be chosen by Alta.

- 1 (2) *One member shall be chosen by the County of Fresno.*
2 (3) *One member shall be chosen by the County of Tulare.*
3 (4) *One member shall be chosen by the cities. This member shall*
4 *be chosen from the members of the city councils of the cities whose*
5 *territory, at least in part, overlies the territory of the agency. This*
6 *member shall be chosen at a public meeting where each city is*
7 *represented by its mayor.*
8 (5) *One member shall be chosen from the members of the*
9 *governing boards of the following special districts that are not*
10 *governed by the board of supervisors of either county, are engaged*
11 *in water activities, and whose territory, at least in part, overlies*
12 *the territory of the agency:*
13 (A) *Hills Valley Irrigation District.*
14 (B) *Orange Cove Irrigation District.*
15 (C) *Tri-Valley Water District.*
16 (6) *One member shall be chosen from the members of the*
17 *governing boards of the following special districts that provide*
18 *drinking water within the territory of the agency:*
19 (A) *Cutler Public Utility District.*
20 (B) *East Orosi Community Services District.*
21 (C) *London Community Services District.*
22 (D) *Orosi Public Utility District.*
23 (E) *Sultana Community Services District.*
24 (7) *One member shall be chosen by the other six board members*
25 *to represent agricultural interests within the territory of the agency.*
26 *This member shall reside and be actively and primarily engaged*
27 *in production of agriculture within the territory of the agency.*
28 *This member shall be selected from a list of at least five*
29 *nominations submitted from the Fresno County Farm Bureau and*
30 *the Tulare County Farm Bureau, acting jointly, but the five*
31 *nominees need not be members of either organization.*
32 (b) *The board members described in paragraphs (1), (2), and*
33 *(3) of subdivision (a) shall be chosen by their respective governing*
34 *boards from their board members whose districts or divisions*
35 *overlie, at least in part, the territory of the agency.*
36 (c) *The board members described in paragraphs (5) and (6) of*
37 *subdivision (a) shall be chosen at a public meeting where each*
38 *special district is represented by the president or chair of its*
39 *governing board.*

1 (d) There shall be an alternate for each board member, chosen
2 in the same manner and by the same entity as the board member.
3 The alternate member shall act in place of the board member he
4 or she is an alternate for in case of that board member's absence
5 or inability to act.

6 502. (a) The members described in paragraphs (1) to (6),
7 inclusive, of subdivision (a) of Section 501 shall serve for a
8 four-year term of office, or until the member is no longer an
9 eligible official of the member agency. These members may serve
10 for more than one term of office.

11 (b) The member described in paragraph (7) of subdivision (a)
12 shall serve a four-year term of office.

13 503. (a) The board may adopt an ordinance to provide
14 compensation to members of the board in an amount not to exceed
15 one hundred dollars (\$100) per day for each day's attendance at
16 meetings of the board or for each day's service rendered as a
17 member of the board by request of the board. For purposes of this
18 section, the determination of whether a board member's activities
19 on any specific day are compensable shall be made pursuant to
20 Article 2.3 (commencing with Section 53232) of Chapter 2 of Part
21 1 of Division 2 of Title 5 of the Government Code.

22 (b) Reimbursement for expenses of members of the board is
23 subject to Sections 53232.2 and 53232.3 of the Government Code.

24 (c) The board may adopt an ordinance to increase the
25 compensation received by members of the board above the amount
26 of one hundred dollars (\$100) per day. The increase shall not
27 exceed an amount equal to 5 percent, for each calendar year
28 following the operative date of the last adjustment, of the
29 compensation that is received when the ordinance is adopted.

30 (d) A board member shall not be compensated for more than a
31 total of 10 days in any calendar month.

32 504. (a) The board may adopt ordinances for the purpose of
33 regulating, conserving, managing, and controlling the use and
34 extraction of groundwater within the territory of the agency.

35 (b) An ordinance adopted by the board shall become effective
36 30 days from the date of its passage.

37 (c) All ordinances shall be adopted at noticed, public hearings
38 by a majority vote of the board. No ordinance shall be adopted by
39 the board except at a public hearing. Notice of the hearing shall

1 *be published in a newspaper of general circulation pursuant to*
2 *Section 6066 of the Government Code.*

3 *(d) The board shall provide notice of the adoption of all*
4 *ordinances.*

5 *505. No provision of this act shall be construed as denying to*
6 *the counties, any city, Alta, or any other member agency any rights*
7 *or powers that they already have or that they may be granted.*

8 *506. The agency may contract with either county or Alta for*
9 *staff and other services. The agency may hire contractors and*
10 *consultants as it considers appropriate.*

11 *507. The agency may enter into a coordination agreement with*
12 *other local agencies for purposes of coordinating the agency's*
13 *plan with other agencies or groundwater sustainability plans within*
14 *the basin.*

15 *508. The agency may exclude from any of the requirements of*
16 *this act, or the operation of any ordinance, any operator who*
17 *annually extracts less than a minimum amount of groundwater as*
18 *specified by an ordinance adopted by the board.*

19

20

Article 6. Studies and Investigations

21

22 *601. The agency may collect data and conduct technical and*
23 *other investigations of all kinds in order to carry out the provisions*
24 *of this act. All hydrological investigations and studies carried out*
25 *by or on behalf of the agency shall be constructed by or under the*
26 *supervision of licensed engineers or other persons qualified in*
27 *groundwater geology or hydrology.*

28 *602. The agency may recommend and encourage water*
29 *recycling and other water development projects, where those*
30 *projects will enhance and contribute to the responsible*
31 *management of groundwater resources, as part of its annual plan*
32 *for implementation of groundwater management objectives.*

33

34

Article 7. Sustainable Groundwater Management Powers

35

36 *701. The agency shall develop and implement a groundwater*
37 *sustainability plan pursuant to Chapter 6 (commencing with*
38 *Section 10727) of Part 2.74 of Division 6 of the Water Code to*
39 *achieve sustainable groundwater management within the territory*
40 *of the agency.*

1 702. The agency shall elect to be a groundwater sustainability
2 agency pursuant to Chapter 4 (commencing with Section 10723)
3 of Part 2.74 of Division 6 of the Water Code for that portion of
4 the Kings Subbasin that lies within the boundaries of the agency.

5 703. The agency may exercise any of the powers described in
6 Chapter 5 (commencing with Section 10725) of Part 2.74 of
7 Division 6 of the Water Code and the enforcement powers
8 described in Chapter 9 (commencing with Section 10732) of Part
9 2.74 of Division 6 of the Water Code.

10 704. The availability of supplemental water to any operator
11 shall not subject that operator to regulations that are more
12 restrictive than those imposed on other operators.

13

14 Article 8. Fee Authority

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16 801. Pursuant to Chapter 8 (commencing with Section 10730)
17 of Part 2.74 of Division 6 of the Water Code, the agency may
18 impose fees, including, but not limited to, permit fees and fees on
19 groundwater extraction or other regulated activity, to fund the
20 costs of a groundwater sustainability program, that include, but
21 are not limited to, the preparation, adoption, and amendment of
22 a groundwater sustainability plan, investigations, inspections,
23 compliance assistance, enforcement, and program administration,
24 including a prudent reserve.

25 SEC. 2. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.

30 SECTION 1. ~~Section 5918 of the Food and Agricultural Code~~
31 ~~is amended to read:~~

32 ~~5918. (a) The committee shall reimburse the secretary for all~~
33 ~~expenditures incurred by the secretary in carrying out his or her~~
34 ~~duties and responsibilities pursuant to this article, including the~~
35 ~~costs of implementing and administering the administrative,~~
36 ~~enforcement, and regulatory recommendations of the statewide~~
37 ~~work plan developed by the committee.~~

38 ~~(b) The secretary shall not seek reimbursement for costs that~~
39 ~~exceed expenditures developed by the committee without first~~
40 ~~notifying the committee of the additional expenditures.~~

1 ~~SEC. 2.—Section 47004 of the Food and Agricultural Code is~~
2 ~~amended to read:~~

3 ~~47004.—(a) Certified farmers’ markets are California~~
4 ~~agricultural product point-of-sale locations that are registered under~~
5 ~~the provisions of Section 47020 and operated in accordance with~~
6 ~~this chapter and regulations adopted pursuant to this chapter.~~

7 ~~(b) The operator of a certified farmers’ market shall establish~~
8 ~~a clearly defined marketing area where only agricultural products~~
9 ~~may be sold. Only the producer or the lawful authorized~~
10 ~~representative of the producer may sell agricultural products within~~
11 ~~the area defined as a certified farmers’ market. Sales of agricultural~~
12 ~~products purchased from another individual or entity shall not~~
13 ~~occur within a certified farmers’ market, and an agricultural product~~
14 ~~producer or product dealer shall not sell his or her agricultural~~
15 ~~products to another individual or entity with the understanding or~~
16 ~~knowledge that the products are intended to be resold in a certified~~
17 ~~farmers’ market in violation of this chapter or the regulations~~
18 ~~adopted pursuant to this chapter. Every producer selling within a~~
19 ~~certified farmers’ market shall comply with Section 47020.~~

20 ~~(c) All vendors of agricultural products selling within a certified~~
21 ~~farmers’ market shall do all of the following:~~

22 ~~(1) Post a conspicuous sign or banner at the point of sale that~~
23 ~~states the name of the farm or ranch, the county where the farm~~
24 ~~or ranch maintains the production grounds that produced the~~
25 ~~products being offered for sale is located, and a statement that “We~~
26 ~~Grew What We Are Selling” or “We Raised What We Are Selling”~~
27 ~~or “We Grow What We Sell” or similar phrases that clearly~~
28 ~~represent that the farm or ranch is only selling agricultural products~~
29 ~~that they themselves have grown or raised on California land that~~
30 ~~they possess or control. Product sales by different farms at the~~
31 ~~same vendor stand shall separate the products from each farm or~~
32 ~~ranch and correspondingly post the required sign or banner in~~
33 ~~direct relationship with the sales display of the products produced~~
34 ~~by each farm.~~

35 ~~(2) Ensure that all processed agricultural products that they offer~~
36 ~~for sale state in a clear manner by package label, container label,~~
37 ~~or bulk sales signage that they consist only, with the exception of~~
38 ~~incidental flavorings and necessary preservatives, of agricultural~~
39 ~~products grown or raised by the farm or ranch selling them, the~~
40 ~~farm or ranch name, and the city where the farm or ranch is located.~~

1 In addition, every processed product shall identify on a package
2 label, container label, or on bulk sales signage the registration
3 number or other identity reference of the facility where the food
4 was processed, or another required labeling statement or
5 information, in accordance with Sections 110460, 114365, and
6 114365.2 of the Health and Safety Code, or, in the case of meat
7 or poultry products, the identity of the facility where the meat or
8 poultry products were cut and wrapped, in accordance with the
9 applicable United States Department of Agriculture or State of
10 California inspection standards, or, in the case of dairy products,
11 the identity of the facility where the dairy products were
12 manufactured or processed.

13 (3) ~~Ensure all products being represented or offered for sale as~~
14 ~~organic are clearly labeled or have conspicuous and posted~~
15 ~~point-of-sale signage identifying the products as organic.~~

16 (d) ~~The representations required pursuant to subdivision (c)~~
17 ~~shall be subject to the provisions and penalties specified in Section~~
18 ~~890.~~

19 (e) ~~An operator of a certified farmers' market that also operates,~~
20 ~~manages, or otherwise controls a separate sales activity or vending~~
21 ~~event or marketing area in close proximity, adjacent, or contiguous~~
22 ~~to the operator's certified farmers' market shall not allow the sale~~
23 ~~or distribution of fresh whole fruits, nuts, vegetables, cultivated~~
24 ~~mushrooms, herbs, and flowers by vendors selling within those~~
25 ~~sales activity or vending event or marketing areas.~~

26 (f) ~~The operator of a certified farmers' market shall keep an~~
27 ~~accurate participation record of the individual direct marketing~~
28 ~~producers whose agricultural products were presented for sale in~~
29 ~~their market each market day. The operators shall submit to the~~
30 ~~department a quarterly report of the registration numbers and~~
31 ~~participation frequency of the direct marketing producers whose~~
32 ~~agricultural products were presented for sale in the operator's~~
33 ~~market during that past quarter. The department shall create and~~
34 ~~maintain online capability for reporting.~~

35 (g) ~~Operators of certified farmers' markets may establish rules~~
36 ~~and procedures that are more restrictive and stringent than state~~
37 ~~laws or regulations governing or implementing this chapter, so~~
38 ~~long as the rules and procedures are not in conflict with state laws~~
39 ~~or regulations.~~

1 ~~(h) Except for certified farmers' markets operated by~~
2 ~~government agencies, nonprofit entities and other qualified~~
3 ~~operators of certified farmers' markets shall be considered private~~
4 ~~entities and may take actions, adopt rules, and impose requirements~~
5 ~~they deem necessary for the proper and honest operation of their~~
6 ~~market, subject to the application of any state or other laws.~~
7 ~~Government agency operators of certified farmers' markets are~~
8 ~~subject to applicable state laws, the regulations and laws of the~~
9 ~~governing agency, and other laws governing the conduct and~~
10 ~~actions they may take as a governmental entity.~~

11 ~~SEC. 3. Section 47020 of the Food and Agricultural Code is~~
12 ~~amended to read:~~

13 ~~47020. (a) An operator of a certified farmers' market shall~~
14 ~~annually register with the department by applying for and obtaining~~
15 ~~a certificate from the county agricultural commissioner's office in~~
16 ~~the county in which the certified farmers' market is located. The~~
17 ~~application shall include the times and location of the market, the~~
18 ~~name and contact information for the operator of the market, and~~
19 ~~the agent for service of process for the operator. Upon approval~~
20 ~~of an application, the county agricultural commissioner shall issue~~
21 ~~to the operator a certified farmers' market certificate.~~

22 ~~(b) A certified farmers' market certificate issued by a county~~
23 ~~agricultural commissioner shall be valid for 12 months from the~~
24 ~~date of issue, and may be renewed annually thereafter. The county~~
25 ~~agricultural commissioner shall inspect every certified farmers'~~
26 ~~market within his or her jurisdiction at least once for every six~~
27 ~~months of operation. At the time of application or renewal, the~~
28 ~~county agricultural commissioner shall provide a schedule of fees~~
29 ~~that reflects an estimate of expenses for inspections and may charge~~
30 ~~a certification and inspection fee equal to the actual expenses~~
31 ~~incurred.~~

32 ~~(c) (1) (A) Before selling at a certified farmers' market, a~~
33 ~~producer shall register with the department by applying for and~~
34 ~~obtaining a certificate from the county agricultural commissioner's~~
35 ~~office in the county in which the producer's land or facility is~~
36 ~~located. The application shall include a declaration by the producer~~
37 ~~that he or she is knowledgeable of and intends to produce in~~
38 ~~accordance with good agricultural practices, as outlined in the~~
39 ~~Small Farm Food Safety Guidelines published by the department.~~
40 ~~Upon approval of an application, the county agricultural~~

1 commissioner shall issue to the producer a certified producer's
2 certificate.

3 (B) A declaration made pursuant to subparagraph (A) shall not
4 be used to infer that the producer is not required to comply with
5 other state or federal laws relative to food safety and good
6 agricultural practices.

7 (2) As part of obtaining or renewing a certified producer
8 certificate, a producer farming fruit, vegetables, nuts, herbs, and
9 similar crops shall annually submit to the county agricultural
10 commissioner's office in the county in which the producer's land
11 or facility is located information requested by the department about
12 the specific crops that he or she will harvest or intends to harvest
13 for sale directly to the public. The secretary may promulgate
14 regulations specifying the information a producer is required to
15 submit.

16 (3) A certified producer's certificate issued by a county
17 agricultural commissioner shall be valid for up to 12 months from
18 the date of issue and may be renewed annually thereafter. The
19 county agricultural commissioner in each county shall perform at
20 least one onsite inspection for all new certified producer's
21 certificate applicants, and may perform additional inspections as
22 needed of the property or properties listed on the certified
23 producer's certificate issued in his or her county as deemed
24 appropriate by the county agricultural commissioner to verify
25 production of the commodities being sold at a certified farmers'
26 market or the existence in storage of the producer's actual harvested
27 production, or both, of any product being sold at a certified
28 farmers' market. Where practical or purposeful, verification
29 inspections shall be made when the actual harvest or sale of the
30 commodity in question is occurring. The county agricultural
31 commissioner shall provide to the producer a schedule of fees that
32 reflects an estimate of expenses for certification or inspection at
33 the time of application or renewal or before any needed additional
34 verification inspection, and may charge a certification and
35 inspection fee equal to the actual expenses incurred.

36 (d) Renewal of a certified farmers' market certificate or certified
37 producer's certificate may be denied by either the department or
38 a county agricultural commissioner if a certified farmers' market
39 or a producer is delinquent in the payment of the required state fee
40 or a county certification and inspection fee or administrative civil

1 ~~penalty authorized pursuant to this chapter. The certificate may~~
2 ~~be eligible for renewal when all outstanding balances and~~
3 ~~associated penalties or administrative fines have been paid to the~~
4 ~~department or the respective county or counties.~~

5 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
6 ~~Section 6 of Article XIII B of the California Constitution for certain~~
7 ~~costs that may be incurred by a local agency or school district~~
8 ~~because, in that regard, this act creates a new crime or infraction,~~
9 ~~eliminates a crime or infraction, or changes the penalty for a crime~~
10 ~~or infraction, within the meaning of Section 17556 of the~~
11 ~~Government Code, or changes the definition of a crime within the~~
12 ~~meaning of Section 6 of Article XIII B of the California~~
13 ~~Constitution.~~

14 ~~However, if the Commission on State Mandates determines that~~
15 ~~this act contains other costs mandated by the state, reimbursement~~
16 ~~to local agencies and school districts for those costs shall be made~~
17 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
18 ~~4 of Title 2 of the Government Code.~~