

ASSEMBLY BILL

No. 1894

Introduced by Committee on Agriculture

February 11, 2016

An act to amend Section 48003 of the Food and Agriculture Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1894, as introduced, Committee on Agriculture. Handlers: navel oranges, Valencia oranges, lemons, and mandarin citrus varieties: failure to pay fees.

Existing law establishes the California Citrus Advisory Committee and requires the committee to develop and make recommendations to the Secretary of Food and Agriculture regarding procedures for implementing an inspection program. Existing law requires producers of navel oranges, Valencia oranges, lemons, or mandarin citrus varieties grown in this state and prepared for fresh market in certain counties of the state to pay an assessment, as provided. Existing law requires the assessment to be collected from the producer by the first handler, and requires that the assessment be remitted to the Department of Food and Agriculture by the first handler, along with an assessment form, at the end of each month during the marketing season. Existing law requires any handler that does not file the required assessment report and assessments by the 10th day of the month following the month for which the assessment is payable to pay a penalty of 10% of the assessment owed, and, in addition, 1.5% interest per month on the unpaid balance.

This bill would instead require a handler to file the required assessment form and pay the assessment and inspection fees by the last day of the month immediately following the month in which the

commodities were received, and would additionally apply the 10% penalty and 1.5% interest to a failure to pay an inspection fee. The bill would make a handler personally liable for the payment of assessments and inspection fees.

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. Section 48003 of the Food and Agricultural Code
2 is amended to read:

3 48003. (a) ~~Upon establishment of an inspection program, any~~
4 ~~handler who does not file the required assessment report and~~
5 ~~assessments by the 10th day of the month following the month for~~
6 ~~which the assessment is payable~~ Every person acting as a handler
7 of commodities subject to this chapter shall be personally liable
8 for the payment of assessments and inspection fees. Any handler
9 who fails to file the required assessment form or pay an assessment
10 or inspection fee by the last day of the month immediately following
11 the month in which the commodities were received shall pay to the
12 secretary a penalty of 10 percent of the ~~assessment~~ assessment,
13 inspection fee, or the sum of both the assessment fee and the
14 inspection fee, owed and, in addition, 1.5 percent interest per month
15 on the unpaid balance.

16 (b) ~~Upon establishment of an inspection program, it~~ It shall be
17 unlawful for ~~any~~ a handler to refuse to collect the assessments or
18 remit the assessments and the proper forms required by this chapter.

19 (c) A handler shall not charge a producer an administrative fee
20 for collecting or remitting an assessment.

21 (d) A producer who disputes the amount of the assessment may
22 file a claim with the secretary. The producer shall prove his or her
23 claim by a preponderance of the evidence.

24 (e) A producer may not bring a claim against a handler for
25 damages, or otherwise, in connection with the assessment or the
26 required deduction by the handler of the moneys owed to the
27 producer.

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