

Senate Bill No. 1935

Passed the Senate August 25, 2000

Secretary of the Senate

Passed the Assembly August 7, 2000

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Sections 11734, 15051, 15053, 15054, 15055, 15061, 15062, and 15204 of, and to repeal Section 15052 of, the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1935, Costa. Commercial feed: licenses.

Existing law requires each person, except as specified, to obtain a license from the Secretary of the Department of Food and Agriculture for each location where commercial feed is manufactured, distributed, sold, or stored for sale. Violation of these provisions is an infraction or a misdemeanor, as specified.

This bill would, in addition, require persons who do not have a permanent place of business but who manufacture, distribute, sell, or store feed to obtain a license from the secretary. The bill would eliminate the requirement that licensees have a permanent place of business. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

Existing law provides that the license application fee is \$50, that the license renewal fee is \$50, and that the penalty for late renewal of the license is \$20.

This bill would increase those fees to \$100, \$100, and \$40, respectively.

Existing law establishes a tonnage tax with a maximum rate of 10¢.

This bill would increase the maximum tonnage tax rate to 15¢.

Since these increased fees would be deposited into the continuously appropriated Food and Agriculture Fund, the increase would result in an appropriation.

Existing law requires each licensed structural pest control operator to notify the county agricultural commissioner prior to operating a structural pest control business in the county. Existing law permits a fee to be required at the time of this notification. Existing law



provides that the board of supervisors may establish reasonable fees for the registration required for any person to engage for hire in the business of pest control, as specified.

This bill would require payment of both of these fees to be due by a date designated by the county agricultural commissioner.

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 no reimbursement is required by this act for a specified reason.

Appropriation: yes.

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

SECTION 1. Section 11734 of the Food and Agricultural Code is amended to read:

11734. The board of supervisors of any county may establish reasonable fees for the registration required under Section 11732. Payment of the fee shall be due by the date designated by the commissioner. However, registration fees for pest control businesses licensed pursuant to Section 11704 shall be that amount necessary to cover the costs of registration, but shall not exceed twenty-five dollars (\$25) per year.

SEC. 1.5. Section 15051 of the Food and Agricultural Code is amended to read:

15051. (a) Each person shall obtain a license from the secretary for each location where commercial feed is manufactured, distributed, sold, or stored for later sale. Persons who do not have a permanent place of business, but who otherwise manufacture, sell, or store feed shall also obtain a license from the secretary.

(b) This section also shall apply to a person whenever the person's name and address appears on the label of commercial feed as guarantor.

(c) The following persons are exempt from this section:



(1) A person that makes only retail sales of commercial feed which bear the tag or other approved indication that the commercial feed is from a licensed manufacturer or guarantor who has assumed full tax responsibility for the tonnage tax due under this chapter.

(2) A person who manufactures commercial feed exclusively for feeding to his or her own animals.

SEC. 2. Section 15052 of the Food and Agricultural Code is repealed.

SEC. 3. Section 15053 of the Food and Agricultural Code is amended to read:

15053. Each application for a license shall be accompanied by a fee of one hundred dollars (\$100) for each location for each two-year period beginning July 1 of each odd-numbered year, or portion of a two-year period beginning July 1 of each odd-numbered year.

SEC. 4. Section 15054 of the Food and Agricultural Code is amended to read:

15054. All licenses shall be renewed on July 1 of each odd-numbered year and shall be valid until June 30 of the next odd-numbered year. Each application for renewal shall be accompanied by a fee of one hundred dollars (\$100) for each location operated.

SEC. 5. Section 15055 of the Food and Agricultural Code is amended to read:

15055. If a license is not renewed within one calendar month following its expiration, a penalty of forty dollars (\$40) shall be added to the fee.

SEC. 6. Section 15061 of the Food and Agricultural Code is amended to read:

15061. An inspection tonnage tax at the maximum rate of fifteen cents (\$0.15) per ton of commercial feed sold, except whole grains, and whole hays when unmixed, shall be paid to the secretary by any person who distributes commercial feed to a consumer-buyer in this state. The distributor shall also pay an inspection tonnage tax for purchased commercial feed fed to his or her own animals.

The secretary may, based upon a finding and recommendation of the Feed Inspection Advisory Board,



determine the specific rate necessary to provide the revenue needed to carry out the provisions of this chapter. The secretary and the Feed Inspection Advisory Board shall not exceed the maximum tonnage rate established by this section. Setting the tonnage tax rate shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 7. Section 15062 of the Food and Agricultural Code is amended to read:

15062. Every person subject to payment of the inspection tonnage tax shall make reports and payments in the manner prescribed by the director by regulation.

If payment is delinquent, a penalty of 15 percent of the amount past due shall be charged. For payments more than 12 months delinquent, an additional penalty of 1 percent per month of the amount past due shall be charged. The secretary shall set a penalty fee, as necessary to cover administrative costs, for any delinquency in making a report.

SEC. 8. Section 15204 of the Food and Agricultural Code is amended to read:

15204. (a) Each licensed structural pest control operator shall notify the commissioner prior to operating a structural pest control business in the county. The notification shall cover a calendar year, unless a shorter time is specified by the structural pest control licensee. A fee may also be required at the time of notification. The fee shall be set by the county board of supervisors, except that in no case shall the fee exceed the actual cost of processing the notification or ten dollars (\$10), whichever is less. Payment of the fee shall be due by the date designated by the commissioner.

(b) Each notification shall be in a form prescribed by the director after consulting with the Structural Pest Control Board and commissioners and shall be limited to the structural pest control licensee's name and address (including each place of business in the county), telephone numbers, responsible persons, and the type of pest control to be conducted.



(c) Each structural pest control licensee who intends to conduct fumigation operations may be required to appear in person at the office of the commissioner to complete notification.

(d) If ordered by the commissioner, other structural pest control licensees shall appear in person at the office of the commissioner to complete notification.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved _____, 2000

Governor

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