

Assembly Committee on Agriculture

Bills Heard during the 1997-98 Legislative Session

The Assembly Committee on Agriculture has jurisdiction over a variety of issues ranging from agricultural chemicals to fairs and expositions to veterinary medicine. The majority of legislation that comes before the committee is relative to the Department of Food and Agriculture and the Food and Agricultural Code, although, some issues do fall under other codes such as, Business and Professions, Resources, Government and Vehicle Codes.

The Chair is committed to ensuring the continued viability for the agricultural industry, related industries and the communities that rely on those industries, as well as making sure that there is full conformity to the laws of the state.

The following is a synopsis of the major bills that were presented to the committee in the 1997-1998 legislative session, their author, and outcome.

AB 111 (Battin): Pest Control Inspection Fees.

This bill changed the time-frame for county board of supervisors (board) to fill vacant county agricultural commissioner positions from 30 to 60 days, and eliminated the sunset on the authority for counties to recover the cost of inspections of imported fruits, nuts and vegetables, under findings of extraordinary circumstances. Further, this bill made technical changes to the codes.

Status: Signed by Governor, 9/97, Chapter 402

AB 121 (Battin): Seed: Labeling.

This bill expanded the Department of Food and Agriculture's, Secretary's authority, to regulate advertising or other disputes in seed quality and performance and provided for arbitration as a method of dispute resolution.

Status: Signed by Governor, 8/97, Chapter 208

AB 330 (Bordonaro): Grape Crusher Processors: Reporting.

This bill modified the requirements for the Secretary of Food and Agriculture to issue its yearly Grape Crush Report with specified information, including by not limited to the following:

- 1.) Requires wine grape growers in each grape-pricing district to furnish specified information relative to the total number of tons of grapes purchased in a crush.
2. a) Processors are required to report the price of all grape purchased from growers for wine, wine vinegar, juice, concentrate, and beverage brandy or another processor who grows grapes.
 - b) Excluded from this reporting requirements are grapes bought by a processor that are grown by a processor in a vineyard that is not considered a "separate entity." Also excluded, are grapes bought from another processor who originally purchased the grapes from another grower.
 - c) Established the following thresholds for "separate entities": (I) those vineyards where processors have a financial interest of 5% or less; (II) those vineyards where the growers has a financial interest in a processor of 5% or less, and; (III) vineyards where

processors do not have "long-term" financing arrangements that include all or part of the crop as collateral.

3.) Prohibits the Secretary of Food and Agriculture from releasing any information given by processors unless a judicial or regulatory action is brought against a processor.

4.) Requires the Secretary, by no later than February 10 of each year, to issue the Grape Crush.

5.) Requires a separate and independent table within the grape crush report to report "non-related purchases" within each grape-pricing district.

6. a) Provides the Department of Food and Agriculture the authority to audit and investigate any processor it believes has failed, refused, or neglected to provide the required information.

b) Authorized the Department to seek injunctive relief from processors found refusing to submit or misrepresenting the required information.

7.) States that a refusal to report or misrepresentation in reporting is not basis for prosecution or subject to civil penalties.

8. a) Requires the Department to notice processors subject to an audit or an investigation prior to any action. Requires the Department to provide the process or with the names of any person bring a complaint against a processor.

b) Provided that anonymous complaints, unattributable and/or undocumented information shall not be the basis for an audit or investigation.

9.) Defines in statute the terms "affiliate", "affiliated with", "grape-pricing district", "long-term financing", "person", and "purchase".

10.) This measure was an urgency statute.

Status: Signed by Governor, 7/97, Chapter 136

AB 440 (Prenter): Reduced-fat Milk.

This bill revised the standards for specified milk products by conforming the state codes to federal regulations regarding content percentages and labeling of specified products. The bill repealed standards for specified "sour" products; and authorized an exception to sell under the organic designation, milk products from cows that have been fed feed meeting regulations adopted by the Secretary of Food and Agriculture (Secretary).

Status: Signed by Governor, 8/97, Chapter 329

AB 463 (House): Veterinary Medicine: Licensure: Commercial Poultry Industry.

This bill rewrote specific codes to clearly define the authority for cooperatives to distribute non-member earnings in the form of a dividend above 8%.

Status: Signed by Governor, 97, Chapter 895

AB 505 (Ashburn): Nonprofit Cooperative Associations.

This bill makes technical changes to existing statute by eliminating the references to two code sections that have been repealed.

Status: Died in Committee

AB 623 (Machado): California Rice Commission.

This bill provided statutory authority to create the California Rice Commission for producers and handlers, for the purposes of engaging in research and market expansion activities. It prescribes the membership and specifies the powers, duties, and responsibilities of the commission.

Status: Signed by Governor, 9/98, Chapter 567

AB 716 (Floyd): Poultry: Game Fowl.

This bill revised the definition of "poultry" as found in the Food and Agriculture Code to include "game fowl".

Status: Died in Committee Pursuant to Joint Rule 56

AB 839 (Thomson): Veterinary Medicine.

This bill recasts provisions of law relative to the authority of the Veterinary Medical Board and its subdivision the Registered Veterinary Technician Examining Committee.

Status: Died in Committee

AB 891 (Keeley): Pesticide Mill Tax.

Re-authorizes the assessment of a tax on the sales of pesticides in the state to fund the activities of the Department of Pesticide Regulation, Agricultural Commissioners and the Department of Food and Agriculture. Recasts certain provisions of code. Specifically, this bill:

- 1) Creates the Poisoning Prevention Fund to be funded by the collection of revenues pursuant to Division 7 including Chapters 1, 2, 3, 3.5, 3.6, of the Food and Agriculture Code. Changes any existing references to a fund to the Poisoning Prevention Fund.
- 2) (a) Renames the "Pesticide Mill Assessment" the "Poisoning Prevention Tax."
(b) Establishes the maximum collection rate at 22 mills (\$0.022 per dollar of pesticide sales.
(c) Maintains the authority of the Director of Pesticide Regulation to establish a lower poisoning prevention tax rate if he or she determines that a lower rate, combined with other available funds is sufficient enough to administer Division 6 of the Food and Agriculture Code.
(d) Removes any reference to a sunset.
- 3) Removes the sunset on the provision in law that allocates 26.79 percent of the renamed Poisoning Prevention Tax to counties to fund the activities of the Agricultural commissioners for administration and enforcement of pesticides statutes and regulations.
- 4) Deletes provisions in law that authorize the Director of Pesticide Regulation to allocate five-eighths of the money collected under the nine mill base assessment to the counties for distribution to the agricultural commissioners.

Status: Died in Committee

AB1030 (Frusetta): Agricultural Commodities: Labeling.

Requires retailers of perishable agricultural commodities, grown outside of the United State, to inform consumers that the perishable agricultural commodities were grown outside of the United State. Requires raw agricultural products, grown outside of the United States and imported into the country for sale to consumers, to bear notification, at the point of sale, of the products foreign origin.

Status: Died in Committee

AB 1058 (Cardoza): Milk Marketing.

Eliminates the January 1, 1999 sunset date, making permanent the annual voluntary election for a dairy to move from a Grade A facility to a Grade B facility, and vice versa, for the marketing of manufactured milk.

Status: Signed by Governor, 5/98, Chapter 33

AB 1129 (Prenter): Livestock Slaughter: Penalties.

Creates administrative and civil penalties for violations of the Meat and Poultry Inspection Act and its Supplemental Act; increases specified fines in Supplemental Act. Specifically, this bill:

- 1) establishes new civil fine up to \$15,000 per violation to the Meat and Poultry Inspection Act or its regulations; directs fines to general fund less cost of investigation and legal fees incurred by department;
- 2) in lieu of this civil penalty, established administrative penalties up to \$5,000 per violation; creates structure for administrative penalties including written notice to violator that has nature of violation(s), proposed penalty amount(s), the right to request a hearing and appeal; provides structure for requesting an appeal to administrative penalty which requires violator to appeal in writing allowing written arguments or evidence, briefs and/or requests for oral arguments; establishes specified time frames for requesting hearings, appeals, and decisions on appeals; specifies petitioner to use "writ of mandate" statutes for review of departments decision;
- 3) increases civil penalty from a cap of \$500" to "not to exceed \$15,000" per violation of the Meat and Poultry Inspection Supplemental Act;
- 4) establishes same provisions for "in lieu of civil penalties" provisions for administrative penalties as described in 2) above.

Status: Signed by Governor, 7/98, Chapter 146

AB 1311 (Bordonaro): Department of Food and Agriculture.

Requires the California Department of Food and Agriculture (CDFA) research the impact that false and disparaging statements made against California grown agricultural products have had on the state's economy over the last 10 years; and requires CDFA to report its findings by March 15, 1998.

Status: Died in Committee

AB 1379 (Aguilar): Milk: Sales Below Cost.

Repeals provisions that prohibit the sale of dairy products below the wholesale cost, by any wholesale customer in order to secure or retain wholesale or consumer business.

Specifically, this bill: would eliminate the statutory prohibition to sell any milk product at less than cost.

Status: Died in Committee

AB 1410 (Floyd) Fruit, Nut and Vegetable Standards.

Authorizes county boards of supervisors to require registration and inspection of fruit and vegetable wholesalers. Specifically, this bill:

- 1) Deletes, from statute, a limitation on a county's ability to fund more than one-third of the costs associated with the administration and enforcement of a wholesale inspection program.

- 2) Increases the maximum wholesale registration fee that a county may assess from \$250 to \$500.
- 3) Deletes statutory definition of "costs" used for the administration and enforcement of wholesale inspections.

Status: Vetoed

AB 1451 (Cardoza): Department of Food and Agriculture.

Removes conviction of fraud or misleading statements; fraud or deception of packaging; or financial victimization from the list of conditions under which the Secretary may revoke, suspend, condition or deny any license, registration, certificate, permit, exception or other indicia of authority.

Status: Signed by Governor, 7/97, Chapter 238

AB 1480 (Bordonaro): Cattle: Sale: Slaughter.

Mandates registration of mobile cattle slaughter operators; requires specified record keeping; allows cancellation of registration for noncompliance. Specifically, this bill:

- 1) requires all mobile cattle slaughter operators to register with the Bureau of Livestock Identification, within the Department of Food and Agriculture, on or after January 15, 1998.
- 2) specifies that registration show name and address of owner and any other information the Secretary may require.
- 3) provides cancellation by Secretary of registration for failure to comply, after notice and hearing.

Status: Signed by Governor, 10/97, Chapter 651

AB 1525 (Ashburn): Marketing Orders: Butter and Cheese.

Allows the California Milk Advisory Board (CMAB) to allocate funds to promote private brand or trade names for butter and certain cheeses as part of its advertising and sales promotion plan.

Status: Signed by Governor, 8/98, Chapter 912

AB 1558 (Cardoza): Agricultural Commissions.

Makes technical and substantive changes to provisions of law relative to agricultural commissions.

- 1) Recast provisions of law relative to commissions and redefines several definitions relative to commissions.
- 2) Provide commissions the authority to engage in civil and administrative actions relative to the activities of the commissions.
- 3) Require the assessments levied by the California Pistachio Commission Commission to be based on the average price received by the producer.
- 4) Substitute the term "producer-supplier" for the term "handler" in the provisions governing the Commission.
- 5) Permit the Commission to require processors and producer-suppliers to provide records and other information necessary to carry out the purposes of the Commission. Failure to provide the required information is deemed to be a misdemeanor.
- 6) Redefine "invoicable-unit" for the purposes of administering the act relative to the California Grape Rootstock Commission (GRC) to mean any rootstock cutting, or rooted

rootstock cutting, or bench grafted rootstock that is used or distributed by a nursery for commercial purposes.

- 7) Define the term "distribute" for the purposes of administering GRC.
- 8) Define the terms "grape rootstock nursery" and "nursery" to mean any person in this state who operates under a California state nursery license and grows grape rootstock for commercial use and distribution.
- 9) Requires any person serving as a representative to the California Tomato Commission from District 3 be a citizen of the United States.
- 10) Removes all references to the California Forest Products Commission (CFPC).

Status: Signed by Governor, 9/97, Chapter 726

AB 1559 (Cardoza): Food and Agriculture.

Requires secretary to distribute notice of the taking of animals to county agriculture departments, all sales yards and feedlots in the county in which animals are taken.

- 1) Mandates the secretary to distribute notices of intent to sell to county departments of agriculture, and to sales yards and feedlots in the county in which the animal was taken up;
- 2) Secretary has discretion to limit distribution of notice to sales yards and feedlots to those sales yards and feedlots which deal in similar type of animals as that which is taken up.
- 3) Changes director to secretary.

Status: Signed by Governor, 9/97, Chapter 727

AB 1875 (Prenter): Curly Top Virus Program and San Joaquin Valley Quality Cotton District.

Eliminates the sunset, making permanent, the industry funded program to control curly top virus and its oversight board. Further, this bill authorizes non-approved cotton varieties to be grown in the San Joaquin Valley Quality Cotton District and requires regulations to be adopted to monitor and protect the quality of the approved cotton varieties grown in the district. The bill authorizes an assessment on non-approved cotton varieties for the enforcement of regulations.

Status: Signed by Governor, 9/98, Chapter 780

AB 1879 (Prenter): Animals.

This bill cleans up the codes by making technical deletions of duplicative codes regarding branding and livestock identification. Further, it expands the authority for the Department of Food and Agriculture to seize animals; and, makes technical and substantive changes to the meat inspection licensure and penalty sections.

Status: Signed by Governor, 10/97, Chapter 680

AB 1998 (Thomson): Agricultural Chemical Reduction Pilot Demonstration Projects.

This bill restates the Legislature's intent to support the University of California Sustainable Agriculture Research and Education Program (SEAREP) and the biologically integrated farming systems (BIFS) pilot projects aimed at demonstrating and expanding the use of integrated farming systems.

Status: Signed by Governor, 9/98, Chapter 434

AB 2033 (Cardoza): Marketing Orders and Commissions.

This bill made minor technical changes to the marketing order law.

Status: Died in Committee

AB 2057 (House): California Marketing Act of 1937: Definition.

This bill made minor technical changes to the marketing order law.

Status: Died in Committee

AB 2218 (Woods): California Walnut Commission.

This bill redefines the term "person" for the purposes of administering the statute. The bill changes the conditions under which the California Walnut Commission may exist and changes the referendum vote to a majority of producers affiliated with a cooperative and a majority of producers not affiliated with a cooperative.

Status: Signed by Governor, 8/98, Chapter 289

AB 2252 (House): Plant Quarantine and Pest Control.

This bill changes the authorization from the Secretary to the California Department of Food and Agriculture (department) to investigate and certify the condition of specified commodities; authorizes the department to accredit individuals or businesses to perform certification functions once federal rules and regulations permit such activities; permits the department, upon request, to perform nonregulatory work and charge for the costs of such work; creates a crime for misrepresenting accreditation. Specifically, this bill:

- 1) Declares legislative intent and findings that this article is to enhance the state's business and trade opportunities.
- 2) Permits the department to provide nonregulatory services related to nursery stock, plants, seed, or other plant pest and diseases, if requested, based on a fee schedule. Authorizes the department to accredit entities to perform such services. Withholds authority to accredit any nongovernmental entities until federal rules and regulations are issued for such activities.
- 3) Authorizes the department to adopt regulations for: accreditation, monitoring, auditing, revocation procedures and related charges for services. Federal laws or regulations are authorized to be adopted by reference.
- 5) Creates a crime for any non-accredited entity to make any misrepresentation regarding accreditation by the department.
- 4) Provides a disclaimer regarding existing programs operated by trade or commodity organizations dealing with inspections, and states that those programs 'shall not be construed to require' to be certified or

Status: Signed by Governor, 9/98, Chapter 436

AB 2283 (Assembly Committee on Agriculture): Pest Exclusion Programs.

This bill requires the department and the counties to develop work plans in consultation with affected industries for the purpose of excluding 'high risk pests' from California. The bill creates performance standards for county based high-risk pest exclusion activities. This bill is intended to compliment the \$5 million General Fund augmentation of county pest-exclusion programs included in the 1998 Budget Act.

Status: Signed by Governor, 9/98, Chapter 870

AB 2308 (House): Pesticide Regulation.

This bill makes it unlawful for any person to knowingly prevent, delay or refuse an audit, inspection, investigation, sampling, or testing in connection with specified authorization of

the Director of Pesticide Regulation (the Director) or the county agricultural commissioners (CAC) to ensure immediate compliance with state pesticide laws. Any person who knowingly prevents, delays, or refuses any audit, inspection investigation, sampling, or testing in connection with the statutory authority (as specified) of the Director and/or county agricultural commissioners to regulate pesticides is in violation of the law. Any person found in violation of this law is subject to a civil penalty.

Status: Died in Committee Pursuant to Joint Rule 56

AB 2336 (Battin): Perishable Agricultural Commodities: Labeling.

Requires a country of origin label on perishable goods that are imported into California from a country outside the United States, and makes it a misdemeanor if a party fails to label the country of origin.

Status: Died in Committee

AB 2341 (Assembly Committee on Agriculture): California Seed Law.

Expands the Seed Advisory Board to 11 members and eliminates the appointment of alternates; deletes outdated text; rewords the duties of the board and payment to counties for inspections; establishes performance standards for the counties, and; extends the sunset for 5 years.

Status: Signed by Governor, 9/98, Chapter 573

AB 2361 (House): District Agricultural Associations: Salaries of District Fair Exempt Employees.

Authorizes the directors of a District Agricultural Association to establish the salary of specified fair exempt staff; requires the Department of Food and Agriculture and the Department of Personnel Administration to review and evaluate salary

Status: Failed passage in Assembly Appropriations Committee

AB 2376 (Battin): Department of Food and Agriculture.

This bill would appropriate an unspecified sum of money from an unspecified fund to the University of California (UC) Regents to conduct a study and assessment of the economic impact of fees and regulations imposed by the Department of Food and Agriculture (department) upon producers of agricultural products in this state and upon the consumers of those products.

Status: Failed passage in Assembly Appropriations Committee

AB 2385 (Frusetta): California Seed Law: Regulations.

This bill made minor technical changes to the seed law.

Status: Died in Committee

AB 2502 (Olberg): Land Use: Agriculture.

Defines the term "feasible" for purposes of the Williamson Act program and deletes the term "reasonably" from the condition that there be no other land within or outside the agricultural preserve on which it would be reasonably feasible to locate the public improvement.

Status: Died in Committee.

AB 2632 (Thomson): Rice Straw Burning.

This bill would require the California Air Resources Board and the Department of Food and Agriculture to conduct a study of the feasibility of converting rice straw to ethanol fuels.

Status: Failed passage in Assembly Committee on Natural Resources

AB 2652 (Cardoza): Agricultural Burning: San Joaquin Valley Air Basin.

This bill would permit the San Joaquin Valley authorized Unified Air Pollution Control District, in consultation with the California Air Resources Board to develop guidelines to allocate the amount of agricultural burning that may be authorized at specific locations in the district, on any day in the San Joaquin Valley without regard to whether or not the day is designated a non-burning day.

Status: Failed passage in Assembly Committee on Natural Resources

AB 2756 (Assembly Committee on Agriculture): Purchasing Delegation Program: District Agricultural Associations (Fairs).

Eliminates dollar amount limit for annual purchasing delegation authority for supplies, equipment and services by the Department of General Services to the District Agriculture Association, and; requires a report of the approved purchasing delegation authority to each fair be made to the Joint Committee on Fairs and Classification.

Status: Signed by Governor, 9/98, Chapter 535

AB 2757 (Assembly Committee on Agriculture): Department of Pesticide Regulation: Refunds.

This bill authorizes the Director of the Department of Pesticide Regulation (DPR) to refund certain payments made to the department, and would require actions against violators of pesticide laws be brought within four years or within one year of a completed county investigation. Specifically, this bill:

- 1) Would allow the Director of DPR to authorize the refund of any money that is received or collected by the department in the payment of any fee, assessment, or tax under prescribed conditions, such as overpayment, if the refund is requested within four years after the payment was made.
- 2) Requires that any action by the department that arises out of a violation of the state's pesticide laws be brought against the violator within four years of the violation, or within one year of the completion of a county investigation into the violation.

Status: Died in Committee

AB 2758 (Assembly Committee on Agriculture): Onion and Garlic Standards Program.

Extends the sunset of the garlic and onion quality standards program and its related advisory board for 5 years, and makes technical changes. Also, authorizes the suspension of this program if the marketing order program is approved by the industry.

Status: Signed by Governor, 9/98, Chapter 674

AB 2759 (Assembly Committee on Agriculture): Eggs.

Eliminates the requirement to mark a container or subcontainer of eggs sold or offered for sale that are packed for human consumption with a "Sell-by" date, when those packaged are for export, including export to other states, territories of the United States, or foreign

countries, or for military sales. Further, this bill will prohibit the repackaging of eggs returned from retail outlets for resale in the fresh egg retail markets.

Status: Signed by Governor, 8/98, Chapter 257

AB 2760 (Assembly Committee on Agriculture): California Sheep Commission.

This bill updates the California Sheep Commission law to reflect the industry's current needs and conditions. Exempts individuals who produce 100 pounds of wool or less from the scope of the Act. Updates the statutory deadlines that are incumbent upon the secretary in implementing the Sheep Commission Act. Establishes the assessment structure and sets the initial assessment at 6 cents per pound with a maximum assessment rate at 8 cents per pound. Establishes an absolute assessment rate at 12 cents per pound for any and all assessment programs. Also establishes the maximum increase in assessment the commission can make in one year at ½ cent per pound.

Status: Signed by Governor, 9/98, Chapter 575

AB 2761(Assembly Committee on Agriculture): Advisory, Marketing and Promotional Boards, Councils and Commissions.

This bill permits councils and commissions to be recognized by USDA for the purpose of regulating the handling of agricultural commodities. Permits the Secretary of the Department of Food and Agriculture to appoint alternates for the Organic Food Advisory Board. It includes in the definition of exemptions from assessments "greenhouse and hydroponically grown" tomatoes in the California Tomato Commission law, and authorizes the Commission to administer related programs. Further, it raises the gross income level for assessment to \$250,000 for the Cut Flower Commission, and allows the Commission to raise the level for assessment but requires a referendum in order to lower this level. This bill will extend the Apple Commission's board terms to 4 years with a maximum number of terms being 4. Additionally, it permits the Secretary to hold a public hearing in lieu of referendum if there is no objection, and allows the collection and distribution of market price information while keeping the sources of this information confidential.

Status: Signed by Governor, 8/98, Chapter 399

AB 2769 (Assembly Committee on Agriculture): Special Assessments: Fruit Trees.

Extends the sunset provisions for 5 years on a 1% assessment for specified trees and grapevines paid by nursery dealers and makes technical changes.

Status: Signed by the Governor, 8/98, Chapter 576

SB 80 (Kopp): Veterinary Medicine: Euthanasia.

Authorizes a registered Veterinary Medical Technician (VMT), which is an employee of an animal control shelter, its agencies, or humane societies, who has been properly trained, to obtain a federal registration from the Drug Enforcement Agency (DEA) to directly purchase sodium pentobarbital to perform euthanasia on animals, without supervision or authority of a licensed veterinarian. Additionally, this bill permits VMT, as needed, to adopt regulations for citations and fines of VMT, in accordance with current authority.

Status: Signed by Governor, 8/97, Chapter 380

SB 155 (Kelley): Veterinary Medicine: License Renewal: Continuing Education.

Requires veterinarians to complete 36 hours of continuing education over a 24 month period prior to renewal of their license, beginning January 1, 2001; includes penalties and

finer for false statements; and requires the adoption of regulations, as necessary, for implementation by the Veterinary Medical Board.

Status: Signed by Governor, 9/98, Chapter 621

SB 175 (Kelley): Milk Stabilization and Marketing Plan. Urgency.

This bill brings California dairy product labeling into conformity with federal regulations on various dairy products and makes a technical correction to current statute. This bill changes "Lowfat" to "Reduced Fat" and adds the terms "Reduced Fat Milk, Light Milk, Skim Milk, and Fat Free Milk" to specified articles relating to the following milk products: a) evaporated or condensed; b) Lactobacillus Acidophilus Culture added; c) Lactose Reduced Milk; and d) UHT (Ultra High Temperature) milk. The bill removes "Lowfat" and "Nonfat" titles for use in labels for Fromage Frais and Soft Fresh Cheese and makes an important technical code correction to UHT flavored milk by changing "not less than" to "not more than" 2.1 percent milk fat. Additionally, this bill adds the term "light (lite)" fruit kefir to be used on labels for Reduced-fat kefir.

Status: Signed by Governor, 8/98, Chapter 232

SB 383 (O'Connell): California Strawberry Commission.

Makes technical changes to the California Strawberry Commission. Specifically, this bill redefines "Strawberries" to include all strawberries produced in California for commercial purposes, increases the maximum number of members on the Commission from 28 to 32, and allows alternate members to the commission to vote for any absent member of the same class.

Status: Signed by Governor, 9/97, Chapter 531

SB 445 (Monteith): Pesticides.

Authorizes the Director of the Department of Pesticide Regulation (DPR) to adopt regulations granting an exemption from all or part of any requirement of the state pesticide law, any pesticide that has been determined to be a minimal risk by the U.S. Environmental Protection Agency. Specifically, this bill gives the Director of DPR the authority to exempt pesticides, that meet specified requirements, from the state's pesticide regulatory program, and requires that each pesticide be evaluated individually.

Status: Signed by Governor, 10/97, Chapter 691

SB 464 (Rainey): Pesticides.

Requires the Department of Pesticide Regulation to develop a program for the expedited registration of any pesticide that is classified by the U.S. EPA as a "public health pesticide" or "anti-microbial pesticide", requires the Department to utilize existing resources to develop and implement this program and establishes conditions that would lead to the Director waiving submission and review of efficacy data, including, demonstration by the registration that the federal government has reviewed and found acceptable the efficacy data and a determination by the Director that the federal process of review is consistent with California standards.

Status: Signed by Governor, 9/97, Chapter 428

SB 494 (Maddy): District Agricultural Associations.

Clarifies language pertaining to the Department of Food and Agriculture's handling of fiscally, operationally insolvent or potentially insolvent fairs. The department, in conjunction

with the Western Fairs Association, passed SB 1397 (Maddy), Chapter 1110, Statutes of 1996, to establish a process for the department to take over the management of a fair due to financial failure. Several problems and areas of non-clarity have been discovered since SB 1397 was chaptered. This bill cleans up the errors and confusion.

Status: Signed by Governor, 9/97, Chapter 534

SB 498 (Kelley): California Egg Commission.

Makes technical changes to the California Egg Commission. Specifically, this bill changes the definition of "handler" to include practices that handlers actively engage in, such as sorting, grading, candling, processing, or marketing, deletes from statute the definition of "process", adjusts the two year term of the Alternate Board Member to preclude the alternate members terms from expiring at the same time as the Board Members, makes technical non-substantive changes to conform acts to the revised definition of "handler", and makes a technical change to Section 75070 to conform with a change made several years ago.

Status: Signed by Governor, 7/97, Chapter 121

SB 603 (Monteith): Pesticides: Evaluation.

Requires the Department of Pesticide Registration to: perform timely initial evaluations of pesticides; develop risk-based regulations for pesticide re-evaluations; and to develop procedures for obtaining information from registrants consistent with and in addition to that required under federal law. Specifically, this bill:

- 1) Inserts a reference to the re-evaluation of pesticides in the code section that authorizes the Director of Pesticide Registration to develop a registration process for pesticides used in California.
- 2) Adds a requirement for timely evaluations of pesticides proposed to be registered for use in the state.
- 3) Requires the Director to develop an orderly program for the re-evaluation of all pesticides registered in California.
- 4) Adds to the list of criteria for cancellation a determination by the director that a registrant has failed to comply with the requirements of a re-evaluation or failed to submit the required data.

Status: Signed by Governor, 9/97, Chapter 483

SB 920 (Thompson): Olive Oil: Labeling.

Makes it unlawful to manufacture, sell, offer for sale, give away or to possess imitation olive oil. Specifically, this bill:

- 1) The bill does not prohibit the blending of olive oil with other oils as long as the blend is not labeled as olive oil or imitation olive oil, and information on the contents and proportions is clearly labeled on the container.
- 2) Any olive oil produced, processed, sold, or offered for sale, given away or processed in this state that indicates on its label "California Olive Oil" must be made from olives grown solely in California.
- 3) Any olive oil that claims on its label to be from a specified appellation as approved by the American Viticulture Areas, must be comprised of oil 75% of which comes from the appellation indicated on the label.

Status: Signed by Governor, 9/97, Chapter 543

SB 972 (Greene): California Exposition and State Fair.

Restructures CESF, for financial and operational purposes, similar to district agriculture association's structure. Specifically, this bill: Authorizes the following actions:

- 1) Repeal of bank account within State Treasury and permits the opening of an account in a commercial banking facility, the transfer of funds in the treasury account to a new account, establishment of vendor and payroll programs, and with future funding being continuously appropriated.
- 2) The board, with approval of Department of General Services, to purchase, acquire, hold, and make improvements to real or personal property, to pledge receivables, (revenues, contracts, etc...) as approved by the board.
- 3) Exemption from adopting regulations in accordance with Administrative Procedure Act.
- 4) Annual reimbursement of general fund used by CESF, changes allocation of cost for overhead, allows use of the pooled money account to earn interest on excess funds, and outlines oversight role of Department of Food and Agriculture, including instance of fiscal or operational mismanagement.

Status, Signed by Governor, 10/97, Chapter 694

SB 1161 (Costa): Pesticide Mill Assessment.

Repeals and recasts certain provisions of law relative to the collection of a mill assessment to fund pesticide regulatory activities and the licensing and regulation of pest control dealers in California. Specifically, this bill:

- 1) Recasts provisions of law relative to agricultural pest control licensing and pest control dealers and the allocation of fees collected pursuant to these sections. (Allocation between DPR and Ag Commissioners)
- 2) Recasts provisions of law that make it unlawful for any persons other than licensed pest control dealers or pesticide brokers to sell or distribute pesticides within the state. Establishes a procedure and fee schedule for the licensing of pest control dealers or pesticide brokers, including a renewal process. Imposes specified reporting requirements upon licensees.
- 3) Repeals and recasts certain provisions of law relative to the collection of the mill assessment and its allocation to various state and county agencies for the regulation of pesticide sales and use in California.
- 4) Establishes the qualifications for products considered to be subject to the mill assessment.
- 5) Sets the mill assessment rate at 15.15 mills for the period 1/1/98 to 3/31/99.
- 6) Sets the mill assessment rate at 17.50 mills for the period 4/1/99 to 1/1/2003.
- 7) Gives the Director of Pesticide Regulation the authority to adjust the mill assessment rate, through emergency regulation, on a yearly basis in accordance with the needs of the Department.
- 8) Establishes legislative authority for the maintenance of a "prudent reserve" of \$2.5 million by the Department.
- 9) Establishes a nine mill base assessment rate to take effect on January 1, 2003.
- 10) Allocates five-eighths of nine mills to agricultural commissioners from 1/1/98 to 6/30/98. Commencing on 7/1/98 agricultural commissioners receive 6 mills per dollar of pesticide sales in the state.

- 11) Authorizes the Director to collect up to an additional three-fourths of a mill to fund pesticide consultation within the Department of Food and Agriculture. Places a statutory prohibition on any scientific risk assessment activities by CDFA.
- 12) Requires the director and the agricultural commissioners to develop regulations specifying the criteria to be used in allocating the mill assessment funds to the counties. Specifies criteria to be included in final regulations.
- 13) Recasts provisions of law authorizing the creation of the Food Safety Account within the Department of Pesticide Regulation Fund.
- 14) Authorizes the Director of Pesticide Regulation to level civil penalties of no more than \$5000 for violations of these provisions.

Status: Signed by Governor, 10/97, Chapter 695

SB 1182 (Costa): Agricultural Land: Preservation Programs: Farmland Security Zones.

This bill allows two or more landowners to petition county boards of supervisors to create farmland security zones which enable land owners whom have Williamson Act contracts to rescind their traditional 10 year contracts and enter into rolling 20 year contracts. In order to qualify for a farmland security zone contract, the land must be predominantly prime farmland as defined in the Government Codes, or be included in the Important Farmland Series Maps. Any land and living improvements included in a contract shall be exempt from any benefit assessment that does not directly benefit the land. Any per parcel special tax shall be levied at a reduced rate, if the tax is levied after the effective date of this article. LAFCO's are prohibited from any annexation of land under a farmland security zone contract that would result in the annexation of such land to a city, include such land in a special district that provides sewers, non-agricultural waters, or streets and roads that do not directly benefit land uses under the contract or if the landowner does not consent to the annexation. School districts are prohibited from annexing any land in a farmland security zone.

Status: Signed by Governor, 8/98, Chapter 353

SB 1198 (Costa) Produce Dealers and Processors of Farm Products.

Recast provisions in "Processors of Farm Products: and "Produce Dealers" Acts for denial, suspension or revocation of licenses, while exempting livestock dealers, as specified; reduces licensing fee; expands prohibitions for licensure of agents; repeals current complaint process if federal alternatives are available and creates new complaint process including an alternative dispute resolution option; eliminates specified surcharge; establishes claim limits and payments of trust fund. Specifically, this bill:

- 1) Allows department the use of annual payment to Attorney general to be used to the cover cost of representation of the department;
- 2) Exempts cattle buyers and sellers, which are covered under federal programs, from licensure under dealers or processors acts;
- 3) Changes responsible party references from "secretary" to "department";
- 4) Recasts restrictions and requirements of licensure including access to applicant's or agent's criminal record, for review of financial victimization of another person, while providing for a due process hearing, establishes time frames for both incomplete applications and action by department on complete applications;
- 5) Reduces fees for licensure, fees are to be re-evaluated by the department and reported to the legislature 60 days subsequent to June 30, 2000;) Sets department standards

for revocation, suspension, or conditions of a licensee and allows discipline other than denial or revocation when violations occur; sets protocol for assessing discipline due to severity of violation(s);

- 6) Establishes due process for all actions of department with respect to sections affected including time frames for notices, response and hearings;
- 7) Permits department to develop regulations in order to carry out requirements of sections;
- 8) Repeals current process of a petition for claims, establishes new claim process which includes a filing fee for the claimant of \$60, that the claim must not be under the jurisdiction of federal law, modifies department's responsibility for investigating claims, eliminates department's ability to decide claims and provides time frames for all actions of the department;
- 9) Recasts procedure for notice to accused with response, establishes alternative dispute resolution method including authority for hearing officer to award a sanction against claimant for frivolous complaints, and provides time frames for all actions;
- 10) Eliminates "director's own motion" actions by the department and replaces it with authority to investigate, examine, inspect as specified, providing time frames for conclusion of action;
- 11) Eliminates 50% surcharge on all licenses for the Food Safety Account.

Status: Signed by Governor, 9/97, Chapter 696

SB 1222 (Costa): California Fertilizer Research and Education Commission:

This bill creates the California Fertilizer Research and Education Commission with a prescribed membership, duties, responsibilities and powers. The bill authorizes the Department of Food and Agriculture (CDFA) to collect an assessment not to exceed two mills (\$0.002) per dollar of sales for all fertilizing materials. Any licensee as provided for in Section 14517 of the Food and Agriculture code is required to pay the assessment. The Secretary may, based upon a finding and recommendation of the Fertilizer Inspection Advisory Board, lower the assessment. CDFA is authorized to collect, in addition to the aforementioned assessment, an additional one mill (\$0.001) per dollar of sales assessment to be used for funding education and research regarding the use and handling of commercial and organic fertilizers.

Status: Held in Assembly Appropriations Committee

SB 1240 (Costa): Williamson Act: Contract rescissions: Lot Line Adjustments.

Creates alternative administrative methods for contract cancellations and lot line adjustments under the Williamson Act. Specifically, this bill:

- 1) Authorizes city councils and/or county boards of supervisors to enter into an agreement with a land owner to rescind a Williamson Act contract and simultaneously place other land under a conservation easement.
- 2) Requires the councils or boards to make the following findings prior to exchanging a contract for a conservation easement:
 - a. The agreement will not result in discontinuous patterns of urban development.
 - b. The agreement will lead to the conversion of adjacent agricultural lands to non-agricultural uses. Adjacent land owners have the ability to submit testimony and evidence on the proposed agreement.
 - c. The proposed conservation easement is consistent with eligibility and selection criteria set forth in the Agricultural Land Stewardship Program of 1995 (ALSP).

- d. The land proposed to be put into an agricultural conservation easement is of equal or greater size, quality and suitability for agricultural production.
 - e. The value of the agricultural conservation easement is equal to at least 12.5% of the cancellation value under the Williamson Act contract.
 - f. The agreement is approved by the Director of Conservation.
- 3) Creates statutory authority for cities and counties to enter into new Williamson Act contracts with land owners for the purpose of facilitating lot line adjustments. Establishes the following list of findings that need to be satisfied prior to the execution of the new contract:
- a. The new contract would be for at least the same duration as the unexpired term of the contract being rescinded.
 - b. There is no net decrease in the amount of land being conserved.
 - c. Ninety percent of the land under the old contract must be under the new contracts.
 - d. The reconstituted parcels of land subject to the contract will be large enough to sustain their agricultural use.
 - e. The lot line adjustment will not compromise the long term productivity of the parcel or neighboring parcels.
 - f. The lot line adjustment will not lead to the removal of adjacent land from production.

Status: Signed by Governor, 9/97, Chapter 495

SB 1334 (Costa): Agricultural Products: Disparaging Statements.

Requires the California Department of Food and Agriculture (CDFA) to commission a study, with an appropriate entity, to determine the economic effect of false or disparaging remarks made against agricultural products produced in California. Specifically, this bill directs CDFA to conduct research and report to the legislature by September 1, 1998 the effect that false and disparaging statements against California agricultural products has had on the state's economy in the last ten years. Requires the study to be conducted according to specified criteria.

Status: Died on Assembly Inactive File

SB 1460 (Maddy): State Fairs.

Authorizes the Department of Food and Agriculture (CDFA) to conduct fiscal and performance audits of county fairs and citrus fruit fairs; authorizes the CDFA to be funded to cover the cost of audits, and; makes technical non-substantive changes.

Status: Pending Governor's action

SB 1461 (Maddy): 21st District Agricultural Association.

Provides forgiveness of loan payments and of loan debt by the 21st District Agricultural Association (Big Fresno Fair), as of January 1, 1999, to the Satellite Wagering Account.

Status: Held in Assembly Appropriations Committee

SB 1704 (Monteith): Pesticides.

This bill is intended to strengthen the Department of Pesticide Regulation's ability to restrict licensure and to perform inspection activities, as well as, adjust the timelines for actions against violators and the timelines for refunds from the Department.

Status: Held in Assembly Appropriations Committee

SB 1738 (Kelley): Renderers: Transportation: Fees.

This bill extends the administration fees for licensed renderers and collection centers until 2005 and creates a sunset for the requirement to license transporters of inedible kitchen grease until 2005. It adds haulers of inedible kitchen grease to the list that the California Highway Patrol may stop for inspection of evidence of rightful ownership and gives the CHP the authority to take possession of a vehicle if reasonable belief that the driver is not in legal possession of the product. Further, it adds the current Food and Agriculture Code criminal provisions pertaining to illegal activities involving inedible kitchen grease into the Vehicle Code to aid in the enforcement of violations.

Status: Signed by Governor, 8/98, Chapter 394

SB 1831 (Kelley): Pesticides: Purpose of Law: Compliance.

Authorizes the Director of the California Department of Pesticide Regulation to develop an industry sponsored compliance and assistance program.

Status: Died in Committee

SB 1835 (Johnston): Land Use: Williamson Act Contracts.

Clarifies and makes technical changes to provisions of the Williamson Act relating to contracts. Requires cities, when annexing land that is under Williamson Act contract, to file a "Certificate of Contract Termination" with the final annexation documents filed by the LAFCO. This provision restores conditions that have been historically placed upon cities to guard against the approval of projects on Williamson Act contracted lands. Requires that when a landowner and a county agree to transfer a property from a Williamson Act contract to an open space easement, the easement be at least as restrictive as the contract. Allows local officials and landowners to rescind multiple Williamson Act contracts to facilitate a lot line adjustment. The bill extends the timeline that allows for the use of this process from 2001 to 2003. Makes a technical change to the Williamson Act that removes an ambiguity relative to the treatment of federal acquisition of contracted lands for public improvements.

Status: Signed by Governor, 9/98, Chapter 690

SB 2003 (Knight): Veterinary Medical Board.

Requires the Veterinary Medical Board (board) to issue temporary licenses to practice veterinary medicine in California and waive the state testing for valid out-of-state licensed veterinarians. It changes the requirements for testing of all applicants and creates a one-year temporary license for qualifying internship or residency programs. These requirements will sunset July 1, 2002.

Status: Signed by Governor, 9/98, Chapter 1070

SB 2227 (Monteith): Land Conservation Contracts.

Clarifies provisions of the Cortese-Knox Act relative to the annexation of Williamson Act contracted land by cities. Requires cities, when making an application to annex land under a Williamson Act contract, to inform the local area formation commission (LAFCO) of their intention to either "succeed" or "not succeed" to the contract. Requires LAFCOs to notify the Department of Conservation (DOC) within 10 days of receiving an application for annexation of Williamson Act contracted lands. Also requires LAFCOs to notify DOC of any hearings relative to the proposed annexation. Authorizes LAFCOs to determine if the city is required to "succeed" under existing law, or if the city is eligible to exercise an option to "not

succeed" also in existing law. The determination of the city's responsibility to the Williamson Act contract shall be declared by the LAFCO upon approval of the annexation. Requires cities that do not succeed to Williamson Act contracts to file a certificate of contract termination.

Status: Signed by Governor, 9/98, Chapter 590