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SB-1270 Department of Food and Agriculture: farm products: licenses and complaints: fees. (2023-2024)

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Senate Bill No. 1270

CHAPTER 603

An act to amend Sections 221, 55433, 55722.5, 55861, 55861.5, 56133, 56382.5, 56571, and 56571.5 of, and to add Chapter 7.2 (commencing with Section 56701) to Division 20 of, the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

[Approved by Governor September 25, 2024. Filed with Secretary of State September 25, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1270, Grove. Department of Food and Agriculture: farm products: licenses and complaints: fees.

(1) Existing law requires a person engaged in the business of processing or manufacturing any farm product to be licensed by the Secretary of Food and Agriculture, as specified. Existing law requires a person engaged in the business of buying, receiving on consignment, soliciting for sale on commission, or negotiating the sale of farm products from a licensee or producer for resale to be licensed by the secretary. Existing law requires each applicant for a license to pay to the Department of Food and Agriculture a fee in accordance with a fee schedule for each kind of license that contains specified tiers determined by the annual dollar volume of business based on farm product values.

This bill would raise those license fees by specified amounts and add another tier to the fee schedule for each kind of license. The bill would also increase the license fees for an agent acting on behalf of a processor of farm products or a producer dealer, as specified.

(2) Existing law requires that revenues from the above-described fees adequately cover the costs to fully administer and operate the applicable licensing program in an effective and efficient manner. Under existing law, the fees provided in the fee schedule for each kind of license are the maximum fees the department is authorized to charge. Existing law authorizes the secretary to fix those fees at a lesser amount, and to adjust those fees, if the secretary finds that the cost of administering the applicable licensing program can be defrayed with those below-maximum fees.

The bill would instead authorize the secretary to fix and adjust those fees if the secretary finds that the funds needed to administer the applicable licensing program must be adjusted for the sustainability of the program.

(3) Existing law authorizes the secretary to appoint an advisory committee of producers and licensees to provide guidance in establishing those fees for each kind of license or to rely on input from any similar advisory committee already assembled by the secretary.

The bill would delete those provisions and instead establish the Market Enforcement Advisory Committee in the department to advise the secretary and make recommendations on, among other things, all matters pertaining to the above-described licensing programs, including setting the appropriate fees for those programs. The bill would require that the advisory board consist of 12 voting members, appointed by the secretary, including a balanced representation of growers, processors, and produce dealers,

as provided, and that the term for each member be 3 years. The bill would require the committee to follow specified rules for a meeting held by teleconference.

(4) Existing law authorizes an aggrieved grower or licensee under provisions relating to both processors of farm products and produce dealers, with a complaint not subject to certain federal laws, to seek resolution of the complaint by filing a complaint with the department, as provided, and paying a \$100 filing fee.

This bill would raise the filing fees under the provisions relating to processors of farm products and the provisions relating to produce dealers by imposing a graduated fee schedule, with a maximum of \$500, depending on the amount due alleged in the complaint.

(5) Existing law requires all of the above-described fees to be deposited into the Department of Food and Agriculture Fund, which is continuously appropriated, as prescribed.

By increasing the amount of existing fees, the revenue from which is continuously appropriated, the bill would make an appropriation. The bill would also make an appropriation by authorizing continuously appropriated moneys derived from specified licenses to be used for purposes of the Market Enforcement Advisory Committee.

(6) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 221 of the Food and Agricultural Code is amended to read:

221. (a) The "Department of Food and Agriculture Fund," which is a special fund, is continued in existence. Any moneys that are directed by law to be paid into the fund shall be paid into it and, unless otherwise specifically provided, shall be expended solely for the enforcement of the law under which the moneys were derived. The expenditure from the fund for the enforcement of any law shall not, unless otherwise specifically provided, exceed the amount of moneys that is credited to the fund pursuant to the law.

(b) Notwithstanding Section 13340 of the Government Code, all moneys deposited into the fund under the provisions enumerated in subdivision (c) are hereby continuously appropriated to the department without regard to fiscal years for expenditure in carrying out the purposes for which the moneys were deposited and for making the refunds authorized by Section 302.

(c) All moneys deposited into the fund under the provisions enumerated below are hereby exempted from Sections 13320 to 13324, inclusive, of the Government Code:

(1) Article 7 (commencing with Section 5821) and Article 7.5 (commencing with Section 5850) of Chapter 8 of Part 1 of Division 4, Chapter 1 (commencing with Section 6701) of Part 3 of Division 4, and Chapter 5 (commencing with Section 53301) of Division 18.

(2) Article 5 (commencing with Section 6001) of Chapter 9 of Part 1 of Division 4.

(3) Article 8.5 (commencing with Section 6047.1) of Chapter 9 of Part 1 of Division 4.

(4) Article 5 (commencing with Section 6981) of Chapter 2 of Part 3 of Division 4.

(5) Chapter 1.5 (commencing with Section 7401) of Part 4 of Division 4.

(6) Chapter 4 (commencing with Section 14200), Chapter 5 (commencing with Section 14501), and Chapter 6 (commencing with Section 14901) of Division 7.

(7) Part 1 (commencing with Section 16301) and Part 2 (commencing with Section 17401) of Division 9.

(8) Sections 19225, 19227, 19312, and 19315.

(9) Division 10 (commencing with Section 20001).

(10) Division 11 (commencing with Section 23001).

(11) Part 4 (commencing with Section 27501) of Division 12.

(12) Division 16 (commencing with Section 40501).

(13) Chapter 9 (commencing with Section 44971) of Division 17.

(14) Chapter 1 (commencing with Section 52001) of Division 18.

(15) Chapter 2 (commencing with Section 52251) of Division 18.

(16) Chapter 3 (commencing with Section 52651) of Division 18.

(17) Chapter 4 (commencing with Section 52851) of Division 18.

(18) Chapter 6 (commencing with Section 55401), Chapter 7 (commencing with Section 56101), and Chapter 7.2 (commencing with Section 56701) of Division 20.

(19) Section 58582.

(20) Chapter 1 (commencing with Section 61301), Chapter 2 (commencing with Section 61801), and Chapter 3 (commencing with Section 62700) of Part 3 of Division 21.

(21) Division 24 (commencing with Section 81000).

(22) Chapter 5.5 (commencing with Section 12531) of Division 5 of the Business and Professions Code.

(23) Chapter 7 (commencing with Section 12700) of Division 5 of the Business and Professions Code.

(24) Chapter 14 (commencing with Section 13400) and Chapter 15 (commencing with Section 13700) of Division 5 of the Business and Professions Code.

SEC. 2. Section 55433 of the Food and Agricultural Code is amended to read:

55433. (a) Any money in the Department of Food and Agriculture Fund that was derived pursuant to this chapter, or Chapter 7 (commencing with Section 56101), may be expended for the administration and enforcement of these chapters and Chapter 7.2 (commencing with Section 56701), notwithstanding any other law that limits the expenditure of any such money to the specific purposes or to the administration or enforcement of each of the chapters separately.

(b) Notwithstanding subdivision (a) and Section 221, only moneys derived from the fees collected pursuant to Sections 55861, 55863, 56571, and 56574 may be used for purposes of Chapter 7.2 (commencing with Section 56701).

SEC. 3. Section 55722.5 of the Food and Agricultural Code is amended to read:

55722.5. (a) (1) An aggrieved grower or licensee with a complaint that is not subject to the federal Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 181 et seq.) or the federal Perishable Agricultural Commodities Act, 1930 (7 U.S.C. Sec. 499a et seq.) may seek resolution of that complaint by filing a complaint with the department within nine months from the date a complete account of sales was due. The complaint shall be accompanied by two copies of all documents in the complainant's possession that are relevant to establishing the complaint, a filing fee in the amount specified in the fee schedule set forth in paragraph (2), and a written denial of jurisdiction from the appropriate federal agency unless the commodity involved clearly does not fall under either the federal Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 181 et seq.) or the federal Perishable Agricultural Commodities Act, 1930 (7 U.S.C. Sec. 499a et seq.). Within five business days of receipt of a signed and verified complaint, the filing fee, and the denials of federal jurisdiction, the department shall serve the verified complaint on the respondent. Service shall be by certified mail. The department, the secretary, the department's employees, the department's agents, the boards and commissions associated with the department, their employees or agents, and the State of California are not parties to the dispute in a proceeding brought under this section.

(2) The complaint filing fee schedule shall be as follows:

(A) For complaints alleging an amount due of less than one hundred thousand dollars (\$100,000), the filing fee shall be two hundred dollars (\$200).

(B) For complaints alleging an amount due of one hundred thousand dollars (\$100,000) or more but less than two hundred fifty thousand dollars (\$250,000), the filing fee shall be three hundred dollars (\$300).

(C) For complaints alleging an amount due of two hundred fifty thousand dollars (\$250,000) or more, the filing fee shall be five hundred dollars (\$500).

(b) The respondent served shall answer within 30 calendar days of service. The respondent's response shall include two copies of all relevant documentation of the transactions referred to in the verified complaint.

(c) Within 30 calendar days of receipt of the answer, the department shall issue to both parties a written factual summary on the basis of the documents that have been filed with the department.

(d) If a settlement is not reached within 30 calendar days after the department's summary is issued, the department, on request of the claimant or respondent and upon payment of a filing fee of three hundred dollars (\$300), shall schedule alternate dispute resolution, to commence within 90 calendar days. The department shall serve both parties with a notice of hearing, which sets out the time, date, street address, room number, telephone number, and name of the hearing officer. Service of the notice of hearing shall be by certified mail.

(e) The alternate dispute resolution shall proceed as follows:

(1) The hearing shall be conducted by hearing officers in accordance with standard procedures promulgated by the American Arbitration Association or other acceptable alternative dispute resolution entities.

(2) The hearing officers shall be familiar with the type of issues presented by those claims, but need not be attorneys.

(3) The sole parties to the proceedings shall be the complainant and the respondent.

(4) The disputes, claims, and interests of the department or the State of California are not within the jurisdiction of the proceedings.

(5) The validity of a regulation of the department or order promulgated pursuant to this code is not within the jurisdiction of the proceedings.

(6) Law and motion matters shall be handled by the assigned hearing officer.

(7) The hearing officer has no authority to enter into settlement discussions, except upon stipulation of the parties involved.

(8) The parties may represent themselves in propria persona or may be represented by a licensed attorney at law. A party may not be represented by a representative who is not licensed to practice law.

(9) To the extent of any conflict between Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code and this article, this article shall prevail.

(10) The hearing officer may order a review of records or an audit of records by a certified public accountant. The review or audit shall be conducted under generally accepted auditing standards of the American Institute of Certified Public Accountants, and upon completion of the review or audit the nature and extent of the review or audit shall be disclosed to the parties by the auditor in the audit report. The audit report shall disclose the number of transactions reviewed and the rationale for selecting those transactions. The department shall advance the costs of the audit or review of records, but the hearing officer shall apportion the costs at the conclusion of the hearing. The department shall pursue repayment in accordance with the hearing officer's apportionment and may bring an action in a court of competent jurisdiction to recover funds advanced. This subdivision does not require the department to pursue any specific remedy or prohibit the department from accepting a reasonable repayment plan.

(f) The hearing officer shall render a written decision within 60 days of submission of the case for decision. In addition to rendering a written finding as to what is owed by whom on the substantive allegations of the complaint, the hearing officer shall decide whether or not to order the full cost of the alternative dispute resolution proceeding, and in what ratio or order the losing party is to pay the costs of the proceeding. For these purposes, the cost of the alternative dispute resolution proceeding does not include the filing fee, the parties' attorney fees, or expert witness fees. The hearing officer may also award a sanction against a complainant for filing a frivolous complaint or against a respondent for unreasonable delay tactics, bad faith bargaining, or resistance to the claim, of either 10 percent of the amount of the award or a specific amount, up to a maximum of one thousand dollars (\$1,000). Any sanction award shall not be deemed to be res judicata or collateral estoppel in any subsequent case in which either the complainant or respondent are charged with filing a frivolous complaint, unreasonable delay tactics, bad faith bargaining, or resistance to the claim. The department may consider the written decision of the hearing officer in determining any related licensing action. The written decision of the hearing officer may be introduced as evidence at a court proceeding.

(g) This section does not prohibit the parties to the dispute from settling their dispute before, during, or after the hearing.

(h) This section does not alter, preclude, or condition the exercise, during any stage of the proceedings provided by this chapter, of any other rights to relief a party may have through petition to a court of competent jurisdiction, including, but not limited to, small claims court.

SEC. 4. Section 55861 of the Food and Agricultural Code is amended to read:

55861. (a) Except as otherwise provided in this article or in Section 56574, each applicant for a license shall pay to the department a fee in accordance with the schedule in subdivision (b), except that an agent shall pay one hundred dollars (\$100) for each license period of the principal.

(b) The amount of the fee due each year from the applicant shall be determined by the annual dollar volume of business based on the value of the farm products that are returned to the grower, as follows:

(1) For a dollar volume of less than twenty thousand dollars (\$20,000), the fee shall be two hundred fifty dollars (\$250).

(2) For a dollar volume of twenty thousand dollars (\$20,000) and over, but less than fifty thousand dollars (\$50,000), the fee shall be three hundred fifty dollars (\$350).

(3) For a dollar volume of fifty thousand dollars (\$50,000) and over, but less than two million dollars (\$2,000,000), the fee shall be four hundred fifty dollars (\$450).

(4) For a dollar volume of two million dollars (\$2,000,000) and over, but less than four million dollars (\$4,000,000), the fee shall be five hundred fifty dollars (\$550).

(5) For a dollar volume of four million dollars (\$4,000,000) and over, the fee shall be six hundred fifty dollars (\$650).

(c) The department may reevaluate the fee structure based on operating costs. The fees shall adequately cover the costs to fully administer and operate the program in an effective and efficient manner.

SEC. 5. Section 55861.5 of the Food and Agricultural Code is amended to read:

55861.5. The fees provided by Section 55861 are maximum fees. The secretary may fix those fees at a lesser amount, and may adjust those fees from time to time, whenever the secretary finds that the funds needed to administer this chapter must be adjusted for the sustainability of the program.

SEC. 6. Section 56133 of the Food and Agricultural Code is amended to read:

56133. (a) Any money in the Department of Food and Agriculture Fund that was derived pursuant to this chapter or Chapter 6 (commencing with Section 55401) may be expended for the administration and enforcement of these chapters and Chapter 7.2 (commencing with Section 56701), notwithstanding any other law that limits the expenditure of any such money to the specific purposes or to the administration or enforcement of each of the chapters separately.

(b) Notwithstanding subdivision (a) and Section 221, only moneys derived from the fees collected pursuant to Sections 55861, 55863, 56571, and 56574 may be used for purposes of Chapter 7.2 (commencing with Section 56701).

SEC. 7. Section 56382.5 of the Food and Agricultural Code is amended to read:

56382.5. (a) (1) An aggrieved grower or licensee with a complaint that is not subject to the federal Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 181 et seq.) or the federal Perishable Agricultural Commodities Act, 1930 (7 U.S.C. Sec. 499a et seq.) may seek resolution of that complaint by filing a complaint with the department within nine months from the date a complete account of sales was due. The complaint shall be accompanied by two copies of all documents in the complainant's possession that are relevant to establishing the complaint, a filing fee in the amount specified in the fee schedule set forth in paragraph (2), and a written denial of jurisdiction from the appropriate federal agency unless the commodity involved clearly does not fall under the federal Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 181 et seq.) or the federal Perishable Agricultural Commodities Act, 1930 (7 U.S.C. Sec. 499a et seq.). Within five business days of receipt of a signed and verified complaint, the filing fee, and the denials of federal jurisdiction, the department shall serve the verified complaint on the respondent. Service shall be by certified mail. The department, the secretary, the department's employees, the department's agents, the boards and commissions associated with the department, their employees or agents, and the State of California are not parties to the dispute in a proceeding brought under this section.

(2) The complaint filing fee schedule shall be as follows:

(A) For complaints alleging an amount due of less than one hundred thousand dollars (\$100,000), the filing fee shall be two hundred dollars (\$200).

(B) For complaints alleging an amount due of one hundred thousand dollars (\$100,000) or more but less than two hundred fifty thousand dollars (\$250,000), the filing fee shall be three hundred dollars (\$300).

(C) For complaints alleging an amount due of two hundred fifty thousand dollars (\$250,000) or more, the filing fee shall be five hundred dollars (\$500).

(b) The respondent served shall answer within 30 calendar days of service. The respondent's response shall include two copies of all relevant documentation of the transactions referred to in the verified complaint.

(c) Within 30 calendar days of receipt of the answer, the department shall issue to both parties a written factual summary on the basis of the documents that have been filed with the department.

(d) If a settlement is not reached within 30 calendar days after the department's summary is issued, the department, on request of the claimant or respondent and upon payment of a filing fee of three hundred dollars (\$300), shall schedule alternate dispute resolution, to commence within 90 calendar days. The department shall serve both parties with a notice of hearing, which sets out the time, date, street address, room number, telephone number, and name of the hearing officer. Service of the notice of hearing shall be by certified mail.

(e) The alternate dispute resolution shall proceed as follows:

(1) The hearing shall be conducted by hearing officers in accordance with standard procedures promulgated by the American Arbitration Association or other acceptable alternative dispute resolution entities.

(2) The hearing officers shall be familiar with the type of issues presented by such claims, but need not be attorneys.

(3) The sole parties to the proceedings shall be the complainant and the respondent.

(4) The disputes, claims, and interests of the department or the State of California are not within the jurisdiction of the proceedings.

(5) The validity of a regulation of the department or order promulgated pursuant to this code is not within the jurisdiction of the proceedings.

(6) Law and motion matters shall be handled by the assigned hearing officer.

(7) The hearing officer has no authority to enter into settlement discussions, except upon stipulation of the parties involved.

(8) The parties may represent themselves in propria persona or may be represented by a licensed attorney at law. A party may not be represented by a representative who is not licensed to practice law.

(9) To the extent of any conflict between Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code and this article, this article shall prevail.

(10) The hearing officer may order a review of records or an audit of records by a certified public accountant. The review or audit shall be conducted under generally accepted auditing standards of the American Institute of Certified Public Accountants, and upon completion of the review or audit the nature and extent of the review or audit shall be disclosed to the parties by the auditor in the audit report. The audit report shall disclose the number of transactions reviewed and the rationale for selecting those transactions. The department shall advance the costs of the audit or review of records, but the hearing officer shall apportion the costs at the conclusion of the hearing. The department shall pursue repayment in accordance with the hearing officer's apportionment and may bring an action in a court of competent jurisdiction to recover funds advanced. This subdivision does not require the department to pursue any specific remedy or prohibit the department from accepting a reasonable repayment plan.

(f) The hearing officer shall render a written decision within 60 days of submission of the case for decision. In addition to rendering a written finding as to what is owed by whom on the substantive allegations of the complaint, the hearing officer shall decide whether or not to order the full cost of the alternative dispute resolution proceeding, and in what ratio or order the losing party is to pay the costs of the proceeding. For these purposes, the cost of the alternative dispute resolution proceeding does not include the filing fee, the parties' attorney fees, or expert witness fees. The hearing officer may also award a sanction against a complainant for filing a frivolous complaint or against a respondent for unreasonable delay tactics, bad faith bargaining, or resistance to the claim, of either 10 percent of the amount of the award or a specific amount, up to a maximum of one thousand dollars (\$1,000). Any sanction award shall not be deemed to be res judicata or collateral estoppel in any subsequent case in which either the complainant or respondent is charged with filing a frivolous complaint, unreasonable delay tactics, bad faith bargaining, or resistance to the claim. The department may consider the written decision of the hearing officer in determining any related licensing action. The written decision of the hearing officer may be introduced as evidence at a court proceeding.

(g) This section does not prohibit the parties to the dispute from settling their dispute before, during, or after the hearing.

(h) This section does not alter, preclude, or condition the exercise, during any stage of the proceedings provided by this chapter, of any other rights to relief a party may have through petition to a court of competent jurisdiction, including, but not limited to, small claims court.

SEC. 8. Section 56571 of the Food and Agricultural Code is amended to read:

56571. (a) Except as otherwise provided in this article or Section 55863, each applicant for a license shall pay to the department a fee in accordance with the schedule in subdivision (b), except that an agent shall pay one hundred dollars (\$100) for each license period of the principal.

(b) The amount of the fee due each year shall be determined by the annual dollar volume of business based on farm product value returned to the grower or licensee, as follows:

(1) For a dollar volume of less than twenty thousand dollars (\$20,000), the fee shall be two hundred fifty dollars (\$250).

(2) For a dollar volume of twenty thousand dollars (\$20,000) and over, but less than fifty thousand dollars (\$50,000), the fee shall be three hundred fifty dollars (\$350).

(3) For a dollar volume of fifty thousand dollars (\$50,000) and over, but less than two million dollars (\$2,000,000), the fee shall be four hundred fifty dollars (\$450).

(4) For a dollar volume of two million dollars (\$2,000,000) and over, but less than four millions dollars (\$4,000,000), the fee shall be five hundred fifty dollars (\$550).

(5) For a dollar volume of four million dollars (\$4,000,000) and over, the fee shall be six hundred fifty dollars (\$650).

(c) The department may reevaluate the fee structure based on operating costs. The fees shall adequately cover the costs to fully administer and operate the program in an effective and efficient manner.

SEC. 9. Section 56571.5 of the Food and Agricultural Code is amended to read:

56571.5. The fees provided by Section 56571 are maximum fees. The secretary may fix those fees at a lesser amount, and may adjust those fees from time to time, whenever the secretary finds that the funds needed to administer this chapter must be adjusted for the sustainability of the program.

SEC. 10. Chapter 7.2 (commencing with Section 56701) is added to Division 20 of the Food and Agricultural Code, to read:

CHAPTER 7.2. Market Enforcement Advisory Committee

56701. (a) The definitions set forth in Article 1 (commencing with Section 55401) of Chapter 6 apply to this chapter.

(b) For purposes of this chapter, "committee" means the Market Enforcement Advisory Committee established pursuant to Section 56702.

56702. (a) There is in the department a Market Enforcement Advisory Committee. The committee shall consist of up to 12 voting members, which shall include a balanced representation of growers, processors, and produce dealers, or representatives from organizations that advocate on behalf of these industry groups.

(b) The secretary shall appoint the members of the committee after receiving recommendations from the industry. In making appointments, the secretary shall ensure that there is representation on the board from a diverse population of industries, regions, business sizes, and farm product commodities.

(c) The secretary may appoint one additional member to the committee, from nominees received from the committee, who shall serve as the public member. The public member shall represent the interests of the public in all matters coming before the committee and shall have the same voting and other rights and immunities as other members of the committee.

56703. It is hereby declared, as a matter of legislative determination, that persons appointed to the committee are intended to represent and further the interests of the industry concerned, and that this representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that, with respect to persons who are appointed to the committee, the industry concerned is tantamount to, and constitutes, the public generally within the meaning of Section 87103 of the Government Code.

56704. (a) The term of office for a member of the committee is three years. If a vacancy exists, the secretary shall, consistent with the membership requirements described in subdivisions (a) and (b) of Section 56702, appoint a replacement member of the committee for the duration of the term. The secretary may remove a committee member at any time.

(b) A member of the committee shall not receive a salary but may be reimbursed by the department for attendance at meetings and other committee activities authorized by the committee and approved by the secretary.

56705. (a) The committee shall advise the secretary and may make recommendations on all of the following:

(1) All matters pertaining to the administration and enforcement of Chapter 6 (commencing with Section 55401) and Chapter 7 (commencing with Section 56101) and any rules or regulations adopted pursuant to those chapters.

(2) Procedures established and performed by the Market Enforcement Branch of the department.

(3) Annual budgets required to accomplish the purposes of the chapters described in paragraph (1).

(4) The setting of appropriate licensing and complaint fees necessary for the administration of the chapters described in paragraph (1).

(b) The secretary may delegate additional advisory duties to the committee.

56706. (a) The committee shall annually elect a chair from its membership and, from time to time, other officers as it deems necessary.

(b) The committee shall meet at the call of its chair or the secretary. The committee shall meet at least once a year to review an annual budget and licensing fees.

56707. Notwithstanding Section 11123 of the Government Code, the committee shall follow the teleconference requirements set forth in Section 58853 of this code.

SEC. 11. The Legislature finds and declares that Section 10 of this act, which adds Section 56707 to the Food and Agricultural Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order for the Market Enforcement Advisory Committee to hold meetings and make timely decisions, it is in the state's interest to establish alternative requirements for teleconferences for this committee in order to encourage participation by members. Many of these members are located in remote locations in the state that are difficult for the public to access and the members may need to participate from nonstationary locations.