

AMENDED IN ASSEMBLY MARCH 24, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2916

Introduced by Assembly Member ~~Chavez~~ *Negrete McLeod*

February 20, 2004

An act to amend ~~Section 35221~~ *Sections 35171, 35221, and 35231* of the Food and Agricultural Code, relating to milk products.

LEGISLATIVE COUNSEL'S DIGEST

AB 2916, as amended, Negrete McLeod. Milk products: licensing fees.

(1) Existing law requires that every butter license expires on the 31st day of December of the year during which it was issued. Existing law authorizes the license to be renewed for 2-year periods upon payment of a specified fee if the licensee has complied with all the applicable requirements of law and regulation.

This bill would make these licenses expire 2 years from the date of issue. This bill would require that license renewal fees be received within 90 days of the license expiration date for renewals to be issued. The bill would require every person with a sampler and weigher's license, within 6 months prior to the expiration of the license, to successfully complete a refresher course and proficiency evaluation acceptable to the Secretary of Food and Agriculture.

(2) Existing law requires every person that is engaged in the business of dealing in, receiving, manufacturing, freezing, or processing ice cream, ice milk, sherbet, or any similar frozen product, of manufacturing, freezing, or processing imitation ice cream, imitation

ice milk, or any similar frozen product, or of processing any other dairy product for which a license is required, to pay specified fees.

This bill would impose a license fee for any other dairy product for which a license is required in the amount of \$100 for the calendar year for which the license is issued and a specified renewal fee.

(3) Existing law prescribes initial fees for licensing milk testers, milk samplers, milk technicians, and milk pasteurizers and prescribes a fee to renew these licenses.

This bill would increase these fees by prescribed amounts and would make the fee amounts also apply to renewal of these licenses.

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

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

1 SECTION 1. Section 35171 of the Food and Agricultural
2 Code is amended to read:

3 35171. Every license ~~which~~ that is issued pursuant to Article
4 7 (commencing with Section 35131) and this article expires ~~on the~~
5 ~~31st day of December of the year during which it is issued. It may~~
6 *two years from the date of issue. License renewal fees must be*
7 *received within 90 days of the license expiration date for renewals*
8 *to be issued. Each licensee required to be licensed pursuant to*
9 *Section 35163 must, within six months prior to the expiration of the*
10 *license, successfully complete a refresher course and proficiency*
11 *evaluation acceptable to the secretary. Licenses may then be*
12 renewed for two-year periods upon payment of the fee which is
13 prescribed by Section 35231 ~~for the renewal of the license if the~~
14 ~~licensee has complied with all the requirements of the law and~~
15 ~~regulations applicable to him.~~

16 SEC. 2. Section 35221 of the Food and Agricultural Code is
17 amended to read:

18 35221. (a) Every person that is engaged in the business of
19 dealing in, receiving, manufacturing, freezing, or processing ice
20 cream, ice milk, sherbet, or any similar frozen product, of
21 manufacturing, freezing, or processing imitation ice cream,
22 imitation ice milk, or any similar frozen product, or of processing
23 any other dairy product for which a license is required, shall pay
24 the following fees:



1 (1) For a license for all frozen milk products and all imitation
2 frozen milk products, one hundred dollars (\$100) for the calendar
3 year for which the license is issued. The fee for the renewal of this
4 license is one hundred dollars (\$100), plus one dollar (\$1) for each
5 additional 10,000 gallons or fraction of 10,000 gallons over and
6 above 20,000 gallons that were manufactured during the
7 preceding year, ending December 31.

8 (2) For a semifrozen (soft-serve) milk products plant license
9 issued to persons making application under Section 33704, one
10 hundred fifty dollars (\$150) for the calendar year for which the
11 semifrozen (soft-serve) milk products plant license is issued. The
12 fee for the renewal of this license is one hundred fifty dollars
13 (\$150).

14 (3) For a limited packaging permit issued to a licensed
15 semifrozen (soft-serve) milk products plant making application
16 under subdivision (b) of Section 33704, three hundred dollars
17 (\$300) for issuance of the initial permit. The fee for the annual
18 renewal of this permit is one hundred fifty dollars (\$150).

19 (4) For a limited manufacturing permit issued to a hotel,
20 restaurant, or boardinghouse pursuant to Section 35016, one
21 hundred dollars (\$100) for the initial permit. The fee for the annual
22 renewal of this permit shall be one hundred dollars (\$100).

23 (5) For a person, except a hospital or sanitarium, that is engaged
24 in the business of manufacturing any diabetic or dietetic frozen
25 milk product or mix, one hundred dollars (\$100) for the calendar
26 year for which a diabetic or dietetic frozen milk products license
27 is issued. The fee for the renewal of this license is one hundred
28 dollars (\$100).

29 (6) For any other product for which a license is required, one
30 hundred dollars (\$100) for the calendar year for which the license
31 is issued. The fee for the renewal of this license is one hundred
32 dollars (\$100), plus one dollar (\$1) for each additional 10,000
33 pounds or fraction of 10,000 pounds over and above the first
34 100,000 pounds, of milk fat that was purchased or received during
35 the preceding year, ending December 31.

36 (b) The license and permit fees required by this section shall be
37 prorated on a quarterly basis for any licensee or permittee that
38 commences operations after the first quarter in any calendar year,
39 regardless of whether or not the milk products plant was licensed
40 or permitted during the preceding calendar year.



1 SEC. 3. Section 35231 of the Food and Agricultural Code is
2 amended to read:
3 35231. The initial ~~fee and renewal fees~~ for a tester's,
4 sampler's and weigher's, technician's, pasteurizer's, and butter
5 grader's license~~s~~ are as follows:
6 (a) For a tester's license, including a nonfat milk solids tester,
7 ~~twenty-five dollars (\$25)~~ *seventy-five dollars (\$75)*.
8 (b) For a sampler's and weigher's license, ~~fifteen dollars (\$15)~~
9 *seventy-five dollars (\$75)*.
10 (c) For a *limited sampler's and weigher's license*, *fifty dollars*
11 *(\$50)*.
12 (d) For a technician's license, ~~fifty dollars (\$50)~~ *one hundred*
13 *dollars (\$100)*.
14 ~~(d)~~
15 (e) For a pasteurizer's license, ~~fifteen dollars (\$15)~~
16 *seventy-five dollars (\$75)*.
17 ~~(e)~~
18 (f) For a butter grader's license, ~~ten dollars (\$10)~~ *seventy-five*
19 *dollars (\$75)*.
20 ~~(f) For the renewal of any of the licenses, ten dollars (\$10) for~~
21 ~~a two-year period.~~

