

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 5, 2010
POSITION: Neutral

BILL NUMBER: AB 2686
AUTHOR: T. Berryhill

BILL SUMMARY: Organic Products: Enforcement of Penalties

This bill would authorize a county agricultural commissioner (or any of his or her representatives) to file a certified copy of a final decision with the court that directs the payment of a civil penalty pursuant to violations of the California Organic Products Act of 2003 (Act) and, if applicable, a copy of any order that denies a petition requesting such decisions be reversed. This bill would require the court to immediately enter the judgment upon that filing and at no cost.

FISCAL SUMMARY

This bill would have no fiscal impact on the California Department of Food and Agriculture.

According to the Judicial Branch, the procedure in this measure is consistent with existing procedures for other governmental entities to enforce administrative orders. While the courts could incur additional costs to comply with the provisions of this bill, the trial courts do not charge filing fees to governmental bodies. As such, this bill would have no net fiscal impact on the courts.

COMMENTS

This bill would enable county agricultural commissioners to enforce civil penalties without having to go through a lawsuit when a violator of the Act refuses to pay a fine.

Existing law authorizes a county agricultural commissioner to levy a civil penalty for a violation of the Act and allows for the recovery of civil penalties by civil action brought in the name of a county.

Existing law permits a county agricultural commissioner to file a certified copy of a final decision with the court that directs payment of a civil penalty pursuant to violations of pesticide use laws, certified farmer's market laws, and quarantine regulations and inspection stations laws.

Specifically, this bill would authorize a county agricultural commissioner (or any of his or her representatives), after the exhaustion of review procedures provided in the Act, to file a certified copy of a final decision of the commissioner that directs the payment of a civil penalty and, if applicable, a copy of any order that denies a petition requesting such decisions be reversed with the clerk of the superior court of any county. This bill would require the clerk to immediately enter the judgment in conformity with the decision or order and would provide that no fees shall be charged by the clerk for the performance of any official service required in connection with the entry of the judgment.

Analyst/Principal (0222) J. Fitzpatrick	Date	Assistant Program Budget Manager Nona Martinez	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

AUTHOR

AMENDMENT DATE

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T. Berryhill

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AB 2686

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	
0250/Jud Branch	SO	No		-----	No/Minor	Fiscal Impact	-----	0001	
8570/Food & Ag	SO	No		-----	No/Minor	Fiscal Impact	-----	0111	
<u>Fund Code</u>	<u>Title</u>								
0001	General Fund								
0111	Department of Agriculture Account, Ag Fd								