

AMENDED IN ASSEMBLY JULY 2, 2007  
AMENDED IN ASSEMBLY JUNE 21, 2007  
AMENDED IN SENATE MAY 9, 2007  
AMENDED IN SENATE APRIL 19, 2007

**SENATE BILL**

**No. 556**

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**Introduced by Senator Wiggins**

February 22, 2007

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An act to add and repeal Article 10 (commencing with Section 6050) ~~to~~ of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to the light brown apple moth, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as amended, Wiggins. The light brown apple moth.

Existing law provides for the control and abatement of plant pests.

This bill, the Light Brown Apple Moth Act of 2007, would make various findings and declarations relating to the agricultural pest. This bill would create the Light Brown Apple Moth Program in the Department of Food and Agriculture and the Light Brown Apple Moth Account in the Department of Food and Agriculture Fund. This bill would require the department to report to the Legislature on January 10, 2008, and on each January 10th thereafter while these provisions are operative, regarding its expenditures, progress, and ongoing priorities in combating the light brown apple moth in California. This bill would provide that these provisions would become inoperative on March 1, 2018, and as of January 1, 2019, would be repealed unless a later enacted statute extends that date.

This bill would declare that it is to take effect immediately as an urgency measure.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. This act shall be known as the Light Brown Apple  
2 Moth Act of 2007.

3 SEC. 2 Article 10 (commencing with Section 6050) is added  
4 to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural  
5 Code, to read:

6  
7 Article 10. Light Brown Apple Moth

8  
9 6050. The Legislature hereby finds and declares all of the  
10 following:

11 (a) The introduction of the light brown apple moth represents  
12 a clear, present, significant, and imminent danger to California’s  
13 natural environment and agricultural industry. This is an insect  
14 species that feeds on over 250 species of native and ornamental  
15 plants, fruits, and vegetables.

16 (b) The introduction of the light brown apple moth also  
17 represents a clear, present, significant, and imminent threat to  
18 California’s native areas as it will feed on alder, ceanothus,  
19 columbine, cottonwood, cypress, ferns, fir, hawthorn, honeysuckle,  
20 lupine, madrone, oak, pine, poplar, redwood, spruce, and willow.

21 (c) The general area of the infestation contains numerous  
22 sensitive plant and animal species and habits. There is an imminent  
23 threat for adverse effect and ultimate extinction to some of these  
24 sensitive species if this pest becomes permanently established in  
25 California.

26 (d) The State of California has a great interest in protecting its  
27 native species and agricultural products from further harm caused  
28 by the introduction of the light brown apple moth.

29 (e) The light brown apple moth is currently found in the urban  
30 and natural areas in all parts of nine California counties and could  
31 move into agricultural croplands.

32 (f) Valued at \$31.7 billion in 2005, California’s agricultural  
33 economy continues to rank first in the nation constituting 13.3

1 percent of the total United States agricultural economy value in  
2 2005. It is estimated to have a minimum potential impact of \$133  
3 million to only four of the potentially impacted crops, apples,  
4 pears, oranges, and grapes, and environmental impact from  
5 increased pesticide use.

6 (g) To avoid potentially catastrophic loss to some of California's  
7 most important industries and to native species, the Legislature  
8 declares that this article is in the interest of the public health and  
9 welfare.

10 (h) This article is not intended to establish a precedent, or to  
11 supersede, reduce, or in any way alter government funding related  
12 to plant pest eradication and control in this state.

13 6050.1. (a) There is hereby created in the Department of Food  
14 and Agriculture the Light Brown Apple Moth Program.

15 (b) The Secretary of Food and Agriculture shall provide an  
16 appropriate level of support staffing and logistical support for  
17 eradicating the light brown apple moth.

18 (c) (1) There is hereby created the Light Brown Apple Moth  
19 Account in the Department of Food and Agriculture Fund.

20 (2) The account shall consist of money made available from the  
21 federal government and other sources or transferred from the  
22 General Fund *designated for the Light Brown Apple Moth Program*.  
23 Money made available from the federal government and other  
24 sources shall be available for expenditure without regard to fiscal  
25 years for the purpose of eradicating the light brown apple moth.

26 (d) During the first ~~36~~ 24 months of the operation of the Light  
27 Brown Apple Moth Program the department's actions pursuant to  
28 this act shall be deemed an emergency response for the benefit of  
29 the environment under Division 13 (commencing with Section  
30 21000) of the Public Resources Code. During this period, the  
31 department shall complete the statutorily required environmental  
32 documentation.

33 (e) Notwithstanding Section 7550.5 of the Government Code,  
34 the department shall report to the Legislature on January 10, 2008,  
35 and on each January 10th thereafter while this section is operative,  
36 regarding its expenditures, progress, and ongoing priorities in  
37 combating the light brown apple moth in California.

38 (f) This article shall become inoperative on March 1, 2018, and  
39 as of January 1, 2019, is repealed, unless a later enacted statute  
40 that is enacted before January 1, 2019, deletes or extends that date

1 SEC. 3. This act is an urgency statute necessary for the  
2 immediate preservation of the public peace, health, or safety within  
3 the meaning of Article IV of the Constitution and shall go into  
4 immediate effect. The facts constituting the necessity are:

5 To protect, as soon as possible, the 250 host-commodities *species*  
6 *of native and ornamental plants, fruits, and vegetables*, their  
7 associated industries, and native species from the light brown apple  
8 moth, it is necessary that this act take effect immediately.