

AMENDED IN ASSEMBLY SEPTEMBER 4, 2007

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

Introduced by Senator Wiggins

February 22, 2007

An act to add and repeal Article 10 (commencing with Section 6050) 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, *from which the department may allocate funds to local agencies for activities to eradicate the Light Brown Apple Moth*. This bill would require the department *to annually review the progress made by each local agency to which funds have been allocated and make recommendations, as needed, to improve individual local agency eradication efforts*. This bill would also 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would become inoperative on ~~March 1, 2018~~ *October 1, 2009*, and as of January 1, ~~2019~~ *2010*, would be repealed unless a later enacted statute extends that date.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~~

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

7
8 Article 10. Light Brown Apple Moth
9

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

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

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

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

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

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

7 (f) Valued at \$31.7 billion in 2005, California's agricultural
8 economy continues to rank first in the nation constituting 13.3
9 percent of the total United States agricultural economy value in
10 2005. It is estimated to have a minimum potential impact of \$133
11 million to only four of the potentially impacted ~~crops, apples, crops~~
12 (~~apples~~, pears, oranges, and ~~grapes, grapes~~) and environmental
13 impact from increased pesticide use.

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

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

21 6050.1. (a) There is hereby created in the Department of Food
22 and Agriculture the Light Brown Apple Moth Program.

23 (b) The Secretary of Food and Agriculture shall provide, *subject*
24 *to available funding and other resources*, an appropriate level of
25 support staffing and logistical support for eradicating the light
26 brown apple moth.

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

29 ~~(2) The account shall consist of money made available from the~~
30 ~~federal government and other sources or transferred from the~~
31 ~~General Fund designated for the Light Brown Apple Moth~~
32 ~~Program. Money made available from the federal government and~~
33 ~~other sources shall be available for expenditure without regard to~~
34 ~~fiscal years for the purpose of eradicating the light brown apple~~
35 ~~moth.~~

36 ~~(d) During the first 24 months of the operation of the Light~~
37 ~~Brown Apple Moth Program the department's actions pursuant to~~
38 ~~this act shall be deemed an emergency response for the benefit of~~
39 ~~the environment under Division 13 (commencing with Section~~
40 ~~21000) of the Public Resources Code. During this period, the~~

1 department shall complete the statutorily required environmental
2 documentation.

3 (2) (A) *The funds in the Light Brown Apple Moth Account shall*
4 *be available for expenditure without regard to fiscal year for*
5 *activities by local agencies to eradicate the Light Brown Apple*
6 *Moth. Funds allocated by the department to a county for local*
7 *assistance in eradicating the Light Brown Apple Moth shall be*
8 *allocated to a local agency or local agencies designated by that*
9 *county’s board of supervisors.*

10 (B) *The department shall, for local agencies to which funds*
11 *have been allocated pursuant to subparagraph (A), annually review*
12 *the progress made by each local agency in eradicating the Light*
13 *Brown Apple Moth, and make recommendations, as needed, to*
14 *improve individual local agency eradication efforts.*

15 (C) *Eradication activities undertaken pursuant to this article*
16 *shall comply with all applicable laws and regulations and shall*
17 *be conducted in an environmentally responsible manner.*

18 (e)

19 (d) Notwithstanding Section 7550.5 of the Government Code,
20 the department shall report to the Legislature on January 10, 2008,
21 and on each January 10th thereafter while this section is operative,
22 regarding its expenditures, progress, and ongoing priorities in
23 combating the light brown apple moth in California.

24 (f)

25 (e) This article shall become inoperative on ~~March 1, 2018~~
26 *October 1, 2009*, and as of January 1, ~~2019~~ 2010, is repealed,
27 unless a later enacted statute that is enacted before January 1, ~~2019~~
28 2010, deletes or extends that date.

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

33 To protect, as soon as possible, the 250 host species of native
34 and ornamental plants, fruits, and vegetables, their associated
35 industries, and native species from the light brown apple moth, it
36 is necessary that this act take effect immediately.

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