

AMENDED IN ASSEMBLY APRIL 5, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 955**

**Introduced by Assembly Member Florez**

February 23, 2001

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~~An act to amend Section 8558 of, and to add Chapter 7.5.5 (commencing with Section 8693) to Division 1 of Title 2 of, the Government Code, relating to agricultural disasters, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately. An act to amend Sections 9563, 9569, 9570, 9592, 9593, 9694, 9695, 9696, 9697, and 10610 of, and to repeal Sections 9568 and 9572 of, the Food and Agricultural Code, relating to agricultural disaster prevention.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 955, as amended, Florez. Agricultural ~~disasters~~ *disaster prevention: quarantine powers.*

*(1) Existing law broadly authorizes the State Veterinarian to order the quarantine, movement, segregation, isolation, or destruction of animals or food products to prevent the spread of illness to humans or other animals and establishes the authority of the Secretary of the Department of Food and Agriculture with respect to this quarantine.*

*This bill would revise certain of these provisions by changing some of the terminology, repealing some provisions, including provisions relating to specific diseases and revising provisions relating to diseases generally, and expressly providing that property would be subject to quarantine or destruction, as specified.*

(2) Existing law provides for the control of diseased bovines with bovine tuberculosis and bovine brucellosis, as specified. Existing law additionally authorizes the Secretary of the Department of Food and Agriculture to adopt regulations to control or eradicate cattle diseases, including bovine trichomoniasis, in specified ways and requires the secretary to appoint an advisory task force made up of livestock industry representatives and university researchers, to advise the secretary on the control and management of cattle health diseases and evaluate the effectiveness of specified programs. Existing law also authorizes the secretary to impose fees at a level necessary to generate revenue sufficient to offset the actual costs of any program established.

This bill would delete the provision authorizing the secretary to impose these fees.

~~The California Emergency Services Act requires the Governor to develop and coordinate implementation of the state emergency plan and those programs necessary for the mitigation of the effects of an emergency in this state. Existing law also requires the Office of Emergency Services to develop and adopt by January 2002 a guidance document to the state emergency plan that would specify the response of the state and its political subdivisions to agriculture-related disasters.~~

~~This bill would enact the Agricultural Economic Disaster Act of 2001. The bill would require that a supplemental report to the state emergency plan be developed to respond to agriculture-related disasters. It would require the Director of the Office of Planning and Research, in consultation with specified state agencies, to prepare a model agricultural economic disaster preparedness and response local ordinance and authorize and encourage local governments to adopt, by October 1, 2002, an updated emergency preparedness and response ordinance that reflects the unique needs of agricultural emergencies.~~

~~This bill would require that the state emergency plan be revised to respond to public health emergencies, including public health emergencies related to agriculture-related disasters. The bill would authorize the Secretary of Agriculture to call an agricultural emergency if the secretary makes a determination that specified conditions have been met and to approve expenditures in support of an agricultural disaster.~~

~~This bill would create the Agricultural Emergency Assistance Subaccount within the Disaster Response Emergency Operations Account within the Reserve for Economic Uncertainties. Moneys in this subaccount would be continuously appropriated without regard to~~



~~fiscal years for allocations to state, regional, and local agencies that perform immediate disaster response to an agricultural disaster declared by the Governor or by the Secretary of Agriculture, and therefore this bill would make an appropriation.~~

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

Vote: ~~2/3~~ majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

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

1 ~~SECTION 1.—Section 8558 of the Government Code is~~  
2 *SECTION 1. Section 9563 of the Food and Agricultural Code*  
3 *is amended to read:*

4 9563. It is unlawful for any person to move or allow to be  
5 moved any of the animals which are subject to the quarantine  
6 established pursuant to Section 9562 across the quarantine line  
7 which is established unless such person has first obtained a permit  
8 from the ~~director~~ *secretary*. The ~~director~~ *secretary* may issue a  
9 permit after inspection, if the animals, premises, vehicles of  
10 ~~transportation, and equipment~~ *equipment and property* which are  
11 subject to the quarantine established pursuant to Section 9562 are  
12 properly cleaned and disinfected.

13 *SEC. 2. Section 9568 of the Food and Agricultural Code is*  
14 *repealed.*

15 ~~9568.—If foot and mouth disease, rinderpest, surra, or~~  
16 ~~contagious pleuropneumonia, or any other infectious disease of~~  
17 ~~animals which is considered by the director to be detrimental to the~~  
18 ~~welfare of the animal industry is discovered in the state, the~~  
19 ~~director shall:~~

20 ~~(a) Fix and proclaim the boundaries of a quarantine district in~~  
21 ~~which the disease exists or has existed.~~

22 ~~(b) Establish, proclaim, and maintain a quarantine of the~~  
23 ~~district and of all animals within it.~~

24 ~~(c) Forbid, prevent, or restrict the movement of all animals~~  
25 ~~from or into the district, or from place to place within it, during the~~  
26 ~~existence of the quarantine.~~

27 *SEC. 3. Section 9569 of the Food and Agricultural Code is*  
28 *amended to read:*



1 9569. After the quarantine pursuant to Section ~~9568~~ 9562 is  
 2 established, the ~~director~~ *secretary* may:

3 (a) Regulate, restrict, or restrain the movements of persons,  
 4 vehicles, farm equipment, farm and dairy products, and other  
 5 materials from or into the quarantine ~~district~~ *area*, or from place  
 6 to place within it, during the existence of the quarantine.

7 (b) Impose, as a condition to travel through or within the  
 8 quarantine ~~district~~ *area*, that no person or vehicle which is  
 9 permitted to travel on any road or highway shall depart from the  
 10 road or highway while within the quarantine district.

11 (c) Order all animals within the quarantined ~~district~~ *area* to be  
 12 detained for purposes of examination or inspection at any place  
 13 which is specified by him in the order.

14 (d) Cause to be destroyed all animals which may be found  
 15 within the ~~district~~ *area* that are affected with the disease or which  
 16 have been so exposed as to be dangerous to themselves or other  
 17 animals.

18 (e) Require a proper disposal to be made of the hide and carcass  
 19 of any animal which is destroyed.

20 (f) Adopt and enforce all necessary regulations for cleaning  
 21 and disinfecting any premises or property where the disease exists  
 22 or has existed by treatment, disposal, or otherwise, and such other  
 23 regulations as he may deem necessary to eradicate the disease and  
 24 to prevent its dissemination.

25 *SEC. 4. Section 9570 of the Food and Agricultural Code is*  
 26 *amended to read:*

27 9570. If the ~~director~~ *secretary* determines that an infectious or  
 28 contagious disease exists among domestic animals, or that animals  
 29 have been exposed, or may have been exposed, to the disease, or  
 30 to the vectors of the disease, in any other state or territory in the  
 31 United States, or in any foreign country, and the importation of  
 32 ~~animals, animal products, or refuse animal or vegetable matter~~  
 33 *property* from the state, territory, or foreign country may transmit,  
 34 carry, or disseminate the disease to domestic animals within this  
 35 state, the ~~director~~ *secretary* shall prescribe the conditions, if any,  
 36 under which such ~~animals, animal products, or refuse animal or~~  
 37 ~~vegetable matter, property~~ may be imported into this state from  
 38 any other state, territory, or foreign country.

39 ~~All quarantine regulations which involve another state, or a~~  
 40 ~~territory, district, or foreign country shall be made by the director.~~



1 ~~The regulations shall be approved and proclaimed by the Governor~~  
2 ~~or by the director as the Governor's designee.~~

3 *SEC. 5. Section 9572 of the Food and Agricultural Code is*  
4 *repealed.*

5 ~~9572. Notwithstanding Article 5 (commencing with Section~~  
6 ~~9641), the Governor may proclaim quarantine regulations which~~  
7 ~~are applicable to any state, territory, or foreign country relative to~~  
8 ~~any animals or disease in that state, territory, or foreign country,~~  
9 ~~or which prescribe the regulations under which animals may be~~  
10 ~~imported into this state from it.~~

11 *SEC. 6. Section 9592 of the Food and Agricultural Code is*  
12 *amended to read:*

13 9592. The state may contribute toward the payment for the  
14 animal or property destroyed if either of the following occurs:

- 15 (a) The United States agrees to share equally in the payment.
- 16 (b) The ~~director~~ *secretary* finds that the failure to dispose of the  
17 animal would be or would have been detrimental to *public health*  
18 *or* the welfare of that animal industry.

19 *SEC. 7. Section 9593 of the Food and Agricultural Code is*  
20 *amended to read:*

21 9593. (a) The value of the animal or property prior to its  
22 destruction for which contribution is made pursuant to subdivision  
23 (a) of Section 9592 shall be determined by ~~two appraisers, one~~  
24 ~~appointed by the director and one appointed by~~ *appraisers agreed*  
25 *upon by the secretary and* the administrator of the Animal and  
26 Plant Health Inspection Service of the United States Department  
27 of Agriculture.

28 (b) The value of the animal or property prior to its destruction  
29 for which contribution is made pursuant to subdivision (b) of  
30 Section 9592 shall be expeditiously determined by the ~~director~~  
31 *secretary* who shall make the appraisal based on information  
32 received from the department and the affected industry.

33 *SEC. 8. Section 9694 of the Food and Agricultural Code is*  
34 *amended to read:*

35 9694. It is unlawful for any person to resist the destruction of  
36 any animal ~~which is suffering from or exposed to any of the~~  
37 ~~diseases that are specified in Section 9568 or property ordered~~  
38 ~~destroyed by the State Veterinarian pursuant to Section 9562.~~

39 *SEC. 9. Section 9695 of the Food and Agricultural Code is*  
40 *amended to read:*



1 9695. It is unlawful for any person to hide, secrete, or fail to  
2 disclose any animal ~~which or property that~~ is suffering from, or  
3 ~~which that~~ has been exposed to, ~~any of the diseases that are~~  
4 ~~specified in Section 9568~~, or potentially exposed to any disease  
5 subject to a current quarantine order or to fail to disclose the  
6 whereabouts of ~~any such~~ that animal or property in order to  
7 prevent the destruction of the animal or property.

8 SEC. 10. Section 9696 of the Food and Agricultural Code is  
9 amended to read:

10 9696. It is unlawful for any person to fail or refuse to dispose  
11 of ~~the hide or carcass of any animal which is~~ any property  
12 destroyed pursuant to Section 9569 in a manner prescribed by the  
13 secretary, when directed or required to do so by the ~~director~~  
14 secretary.

15 SEC. 11. Section 9697 of the Food and Agricultural Code is  
16 amended to read:

17 9697. It is unlawful for any person to fail or refuse to clean or  
18 disinfect any premises on which any disease that is specified in  
19 ~~Section 9568~~ by the secretary exists or has existed, when directed  
20 to do so by the ~~director~~ secretary.

21 SEC. 12. Section 10610 of the Food and Agricultural Code is  
22 amended to read:

23 10610. (a) The Secretary of the Department of Food and  
24 Agriculture may adopt regulations to control or eradicate cattle  
25 diseases, including bovine trichomoniasis, in any of the following  
26 ways:

27 (1) Requiring permits before entry of, and limitations on the  
28 importation of, cattle and other animals or materials that might act  
29 as a cause or a vector of a disease or condition that is infectious or  
30 contagious to cattle.

31 (2) Limitations on the intrastate or interstate movement of  
32 cattle, in compliance with any applicable federal law.

33 (3) Diagnostic tests, vaccinations, treatments, or other  
34 appropriate methods, including, but not limited to, the mandated  
35 reporting by designated parties of diseases or suspected diseases.

36 (4) Notification of owners of cattle that have been exposed, or  
37 may have been exposed, to infectious animals or materials.

38 (5) Similar means that the secretary finds and determines are  
39 necessary.



1 (b) (1) The secretary shall appoint an advisory task force,  
2 including, but not limited to, livestock industry representatives  
3 and university researchers, for the purposes of advising the  
4 secretary on the control and management of cattle health diseases  
5 and evaluating the effectiveness of programs established pursuant  
6 to this chapter. The secretary shall consult with the advisory task  
7 force prior to the adoption of regulations or the imposition of fees  
8 by the secretary.

9 (2) Members of the advisory task force, or alternate members  
10 when acting as members, may be reimbursed, upon request, for  
11 necessary expenses incurred by them in the performance of their  
12 duties.

13 (c) (1) Any person that willfully and knowingly violates any  
14 regulation adopted pursuant to this chapter is guilty of a  
15 misdemeanor.

16 (2) In lieu of seeking prosecution of any violation of this  
17 chapter as a misdemeanor, the secretary may prosecute civilly, or  
18 levy civil penalties, pursuant to Sections 9166 and 9167.

19 ~~(d) The secretary may impose fees to offset the costs of any  
20 program established pursuant to this section, provided that the  
21 total fees collected do not exceed the actual costs of regulation or  
22 impair the department's animal disease surveillance, public health,  
23 and food safety responsibilities.~~

24 ~~(e) The secretary is authorized to establish accounts within the  
25 Food and Agriculture Fund as necessary to efficiently administer  
26 the department's responsibilities pursuant to this chapter.~~

27 ~~(f)~~

28 (e) Nothing in this chapter shall be construed to limit or restrict  
29 the authority granted to the State Veterinarian in Section 9562.  
30 ~~amended to read:~~

31 ~~8558. Three conditions or degrees of emergency are  
32 established by this chapter:~~

33 ~~(a) "State of war emergency" means the condition that exists  
34 immediately, with or without a proclamation thereof by the  
35 Governor, whenever this state or nation is attacked by an enemy  
36 of the United States, or upon receipt by the state of a warning from  
37 the federal government indicating that an enemy attack is probable  
38 or imminent.~~

39 ~~(b) "State of emergency" means the duly proclaimed existence  
40 of conditions of disaster or of extreme peril to the safety of persons~~



1 and property within the state caused by such conditions as air  
 2 pollution, fire, flood, storm, epidemic, riot, drought, sudden and  
 3 severe energy shortage, plant, pest, or animal infestation or  
 4 disease, federal quarantine, the Governor's warning of an  
 5 earthquake or volcanic prediction, or an earthquake, or other  
 6 conditions, other than conditions resulting from a labor  
 7 controversy or conditions causing a "state of war emergency,"  
 8 that, by reason of their magnitude, are or are likely to be beyond  
 9 the control of the services, personnel, equipment, and facilities of  
 10 any single county, city and county, or city and require the  
 11 combined forces of a mutual aid region or regions to combat, or  
 12 with respect to regulated energy utilities, a sudden and severe  
 13 energy shortage requires extraordinary measures beyond the  
 14 authority vested in the California Public Utilities Commission.

15 (e) "Local emergency" means the duly proclaimed existence  
 16 of conditions of disaster or of extreme peril to the safety of persons  
 17 and property within the territorial limits of a county, city and  
 18 county, or city, caused by such conditions as air pollution, fire,  
 19 flood, storm, epidemic, riot, drought, sudden and severe energy  
 20 shortage, plant, pest, or animal infestation or disease, federal  
 21 quarantine, the Governor's warning of an earthquake or volcanic  
 22 prediction, or an earthquake, or other conditions, other than  
 23 conditions resulting from a labor controversy, that are or are likely  
 24 to be beyond the control of the services, personnel, equipment, and  
 25 facilities of that political subdivision and require the combined  
 26 forces of other political subdivisions to combat, or with respect to  
 27 regulated energy utilities, a sudden and severe energy shortage  
 28 requires extraordinary measures beyond the authority vested in the  
 29 California Public Utilities Commission.

30 SEC. 2.—Chapter 7.5.5 (commencing with Section 8693) is  
 31 added to Division 1 of Title 2 of the Government Code, to read:

32

33 CHAPTER 7.5.5.—AGRICULTURAL ECONOMIC DISASTER ACT OF  
 34 2001

35

36 Article 1.—General Provisions

37

38 8693.—(a) This chapter shall be known and may be cited as the  
 39 Agricultural Economic Disaster Act of 2001.

40 (b) The Legislature finds and declares the following:



- 1 ~~(1) In the event of an agriculture-related disaster declared by~~  
2 ~~the Governor or the Secretary of Agriculture, eligible individuals,~~  
3 ~~families, and businesses that have serious needs in excess of relief~~  
4 ~~received from other available sources, shall be provided with state~~  
5 ~~assistance.~~
- 6 ~~(2) Eligible local agencies shall be provided with state financial~~  
7 ~~assistance to ease the fiscal burden of extraordinary costs incurred~~  
8 ~~by local agencies as a direct result of responding to or recovering~~  
9 ~~from an agriculture-related disaster.~~
- 10 ~~(3) Any state financial assistance shall not be used to supplant~~  
11 ~~federal assistance otherwise available in the absence of state~~  
12 ~~financial assistance.~~
- 13 ~~(4) To ensure that preparations within the state will be adequate~~  
14 ~~to deal with agriculture-related emergencies, it is necessary to do~~  
15 ~~the following:~~
- 16 ~~(A) Institutionalize the planning and response of state agencies~~  
17 ~~to natural disasters and states of emergency in order to reduce~~  
18 ~~economic hardship for businesses and labor in agriculture-related~~  
19 ~~industries.~~
- 20 ~~(B) Determine methods of stabilizing and maintaining~~  
21 ~~agricultural production and labor markets during natural disasters~~  
22 ~~and states of emergency.~~
- 23 ~~(C) Confer upon the Governor and administrators and~~  
24 ~~governing bodies of local governmental agencies sufficient~~  
25 ~~emergency powers to provide adequately for state assistance in the~~  
26 ~~organization and maintenance of emergency programs.~~
- 27 ~~(D) Identify clearly the Office of Emergency Services as the~~  
28 ~~Governor's lead agency in meeting the needs of individuals,~~  
29 ~~families, businesses, and local governments impacted by an~~  
30 ~~agriculture-related disaster.~~
- 31 ~~(E) Provide for the assignment of functions to state agencies to~~  
32 ~~be performed during an emergency and for the coordination and~~  
33 ~~direction of emergency actions of these agencies.~~
- 34 ~~(F) Provide for rendering of mutual aid by the state government~~  
35 ~~and local governments.~~
- 36 ~~(G) Provide for the appropriate contribution of~~  
37 ~~community-based organizations to assist victims of~~  
38 ~~agriculture-related disasters.~~
- 39 ~~(e) The provisions of this chapter shall be in addition to the~~  
40 ~~authorities, responsibilities, and procedures specified in Chapter~~



1 ~~7 (commencing with Section 8550) and Chapter 7.5 (commencing~~  
2 ~~with Section 8680). To the extent there is a conflict between those~~  
3 ~~chapters and this chapter, this chapter shall prevail.~~

4  
5 ~~Article 2.— Agricultural Economic Disaster Preparedness~~

6  
7 ~~8693.3.— A supplemental report to the state emergency plan,~~  
8 ~~adopted pursuant to Article 3 (commencing with Section 8565) of~~  
9 ~~Chapter 7, shall be developed to respond to agriculture-related~~  
10 ~~disasters. This report shall include an analysis of how the state~~  
11 ~~proposes to do the following:~~

12 ~~(a) Integrate the county agricultural commissioners into the~~  
13 ~~damage assessment process.~~

14 ~~(b) Provide disaster assistance in the interim between the~~  
15 ~~request for a federal disaster declaration and the actual federal~~  
16 ~~declaration.~~

17 ~~(c) Provide state assistance if a full federal declaration is not~~  
18 ~~forthcoming.~~

19 ~~(d) Provide state assistance under a United States Department~~  
20 ~~of Agriculture designation rather than a federal declaration.~~

21 ~~(e) Provide for the potential for long-term unemployment in~~  
22 ~~impacted counties.~~

23 ~~(f) Monitor state and federal services to ensure that disaster~~  
24 ~~assistance is not inappropriately keeping able bodied workers out~~  
25 ~~of work.~~

26 ~~(g) Provide for the removal and elimination of extraordinary~~  
27 ~~numbers of dead livestock.~~

28 ~~(h) Assist in the development of an integrated and coordinated~~  
29 ~~response by community-based organizations to the victims of~~  
30 ~~agriculture-related disasters.~~

31 ~~8693.4.— (a) No later than July 1, 2002, the Director of the~~  
32 ~~Office of Planning and Research, in consultation with the Office~~  
33 ~~of Emergency Services, the Department of Food and Agriculture,~~  
34 ~~and the State Department of Health Services, shall prepare a model~~  
35 ~~agricultural economic disaster preparedness and response local~~  
36 ~~ordinance, or, if the director determines it is more cost effective,~~  
37 ~~revise an existing model local ordinance pursuant to subdivision~~  
38 ~~(b).~~

39 ~~(b) The new or revised model ordinance shall include, but not~~  
40 ~~be limited to, all of the following:~~



- 1 ~~(1) The local emergency designation process.~~
- 2 ~~(2) The process for requesting a state of emergency declaration.~~
- 3 ~~(3) The process by which local agencies may obtain state and~~
- 4 ~~federal assistance after the designations have been made.~~
- 5 ~~(4) The role of the local disaster council.~~
- 6 ~~(5) Effective mobilization of local, state, and federal resources~~
- 7 ~~and private resources to meet local needs, including food, shelter,~~
- 8 ~~health care, and utilities.~~
- 9 ~~(6) The identification of potential sites or facilities for~~
- 10 ~~emergency shelter, food distribution areas, and disaster assistance~~
- 11 ~~centers.~~
- 12 ~~(7) Emergency distribution of food to livestock located in areas~~
- 13 ~~where the owner does not have reasonable access.~~
- 14 ~~(8) The collection and elimination of dead livestock.~~
- 15 ~~(9) Coordination of initial and ongoing crop damage~~
- 16 ~~assessments.~~

17  
18 ~~Article 3.— Emergency Health Response to Agricultural~~  
19 ~~Disasters~~

20  
21 ~~8693.5.— The state emergency plan, adopted pursuant to~~  
22 ~~Article 3 (commencing with Section 8565) of Chapter 7, shall be~~  
23 ~~revised to respond to public health emergencies including, but not~~  
24 ~~limited to, the following:~~

- 25 ~~(a) Procedures for declaring a local emergency for public~~
- 26 ~~health emergencies.~~
- 27 ~~(b) Procedures for requesting a declaration of a state of~~
- 28 ~~emergency by the Secretary of Agriculture or the Governor for an~~
- 29 ~~agriculture-related disaster.~~
- 30 ~~(c) Procedures for identifying the individual in charge of~~
- 31 ~~coordinating the emergency response at the event, the public~~
- 32 ~~health official in charge of the followup after the event, and~~
- 33 ~~individuals potentially impacted by the emergency or disaster.~~
- 34 ~~(d) Procedures for the decontamination of individuals who~~
- 35 ~~have or may have been exposed to hazardous materials. The plan~~
- 36 ~~may provide for varying responses based on the hazards posed by~~
- 37 ~~a particular hazardous material. Individuals shall be assisted in a~~
- 38 ~~humanitarian manner including, but not limited to, being~~
- 39 ~~segregated by gender for any procedures that require the removal~~
- 40 ~~of clothing, excluding hats or coats; the provision of weather~~



1 appropriate coverings for individuals who have had to have their  
2 clothing removed; the provision of showers where appropriate for  
3 safety reasons; and the provision of instructions and explanations  
4 of procedures in the primary language of the individuals affected.

5 ~~(e) Integration of various local and state emergency response~~  
6 ~~plans, including, but not limited to, plans that relate to hazardous~~  
7 ~~materials, oil spills, public health emergencies, and general~~  
8 ~~disasters.~~

9 ~~(f) Provision for a sufficient number of health professionals to~~  
10 ~~examine individuals affected in a timely manner. The plan may~~  
11 ~~include mutual aid agreements or other mechanisms to address~~  
12 ~~adequately the immediate health care needs of individuals~~  
13 ~~affected.~~

14 ~~(g) Coordination by the Department of Pesticide Regulation,~~  
15 ~~the Department of Toxic Substances Control, the county~~  
16 ~~agricultural commissioner, the fire department, the county~~  
17 ~~emergency officer, county public health officers, and other local~~  
18 ~~and regional public health officials and services that are necessary~~  
19 ~~to address immediate health problems. This coordination of the~~  
20 ~~applicable public entities shall include notification of~~  
21 ~~emergencies, exchange of information, and identification of roles.~~  
22 ~~It shall also include procedures and backup procedures for~~  
23 ~~obtaining information on hazardous materials including the~~  
24 ~~contents of the hazardous materials and treatment protocols.~~

25

#### 26 ~~Article 4. Update of Local Emergency Plans~~

27

28 ~~8693.7. (a) Counties, cities and counties, and cities are~~  
29 ~~authorized and encouraged to establish a local disaster council~~  
30 ~~pursuant to Article 10 (commencing with Section 8610) of~~  
31 ~~Chapter 7 to review, and encourage the adoption of, by the~~  
32 ~~appropriate local governmental agency by October 1, 2002, an~~  
33 ~~updated emergency preparedness and response ordinance that~~  
34 ~~reflects the unique needs of agricultural emergencies.~~

35 ~~(b) If adopted, a copy of the updated ordinance shall be~~  
36 ~~provided to the Office of Emergency Services, the Department of~~  
37 ~~Food and Agriculture, and the county agriculture commissioner~~  
38 ~~within 90 days of adoption.~~

39



1 Article 5.—Agricultural Emergency Declaration

2  
3 ~~8693.8.—(a) The Secretary of Agriculture shall have the~~  
4 ~~powers granted by this article, which shall be in addition to any~~  
5 ~~powers he or she is granted elsewhere by statute.~~

6 ~~(b) The Secretary of Agriculture may call an agricultural~~  
7 ~~emergency if the secretary makes the determination that the~~  
8 ~~following criteria have been met:~~

9 ~~(1) The local jurisdiction has declared a local emergency as~~  
10 ~~defined in Section 8558.~~

11 ~~(2) The conditions of the disaster or extreme peril to the safety~~  
12 ~~of persons and property within the state caused by conditions of~~  
13 ~~fire, drought, air pollution, epidemic, plant or animal infestation~~  
14 ~~or disease, flood, freeze, earthquake, or other natural or manmade~~  
15 ~~disaster that, by reason of magnitude, are likely to be beyond the~~  
16 ~~services, personnel, equipment, and facilities of any county, city,~~  
17 ~~or region and require the combined resources of a mutual aid~~  
18 ~~region or regions to combat.~~

19 ~~(c) The secretary has the authority to approve expenditures in~~  
20 ~~support of an agricultural disaster pursuant to Article 6~~  
21 ~~(commencing with Section 8693.9).~~

22  
23 Article 6.—Agricultural Emergency Action Funding

24  
25 ~~8693.9.—(a) There is hereby created a special subaccount~~  
26 ~~called the Agricultural Emergency Assistance Subaccount, within~~  
27 ~~the Disaster Response Emergency Operations Account within the~~  
28 ~~Reserve for Economic Uncertainties. Notwithstanding Section~~  
29 ~~13340, moneys in the subaccount are continuously appropriated~~  
30 ~~without regard to fiscal years for allocations by the Director of~~  
31 ~~Finance with the approval of the Secretary of Agriculture to state,~~  
32 ~~regional, and local agencies that perform immediate disaster~~  
33 ~~response to an agricultural disaster as declared by the Governor or~~  
34 ~~by the Secretary of Agriculture pursuant to Article 5 (commencing~~  
35 ~~with Section 8693.8).~~

36 ~~(b) Eligible costs include, but are not limited to, emergency~~  
37 ~~medical care; costs associated with decontamination of~~  
38 ~~individuals who have come into contact with hazardous materials,~~  
39 ~~including showers and blankets; emergency shelter; and~~  
40 ~~emergency response equipment. No moneys from the subaccount~~



1 ~~may be used to pay for costs that could otherwise be paid by the~~  
2 ~~local jurisdiction or through private organizations. However,~~  
3 ~~appropriate emergency response shall not be impaired because of~~  
4 ~~a lack of funding by a local community or agency.~~

5 ~~(e) The state may seek reimbursement by individuals or~~  
6 ~~businesses responsible for costs that accrue to local, regional, and~~  
7 ~~state governments, and that have been paid for from the~~  
8 ~~subaccount. All reimbursements shall be deposited in the~~  
9 ~~subaccount for future use in an agriculture-related disaster.~~

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

14 ~~In order that the state may respond to public health emergencies~~  
15 ~~that may arise with agricultural disasters at the earliest possible~~  
16 ~~time, it is necessary for this act to take effect immediately.~~

