

AMENDED IN ASSEMBLY AUGUST 23, 2004
AMENDED IN ASSEMBLY AUGUST 12, 2004
AMENDED IN ASSEMBLY JUNE 21, 2004
AMENDED IN ASSEMBLY JUNE 8, 2004
AMENDED IN SENATE APRIL 16, 2004

SENATE BILL

No. 1604

Introduced by Senator Ashburn

February 20, 2004

An act to amend the heading of Article 8.7 (commencing with Section 6047.60) of Chapter 9 of Part 1 of Division 4 of, and to amend Sections 6047.60, 6047.61, 6047.62, 6047.63, 6047.64, 6047.68, 6047.69, 6047.70, 6047.74, 6047.76, 6047.78, 6047.79, 6047.80, 6047.82, 6047.87, 6047.88, 6047.89, 6047.92, 6047.94, 6047.96, 6047.97, 6047.101, 6047.105, 6047.109, 6047.112, 6047.113, 6047.118, and 6047.124 of, and to repeal ~~Section~~ *Sections 6047.77 and 6047.93* of, the Food and Agricultural Code, relating to pest control, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1604, as amended, Ashburn. Pest control: Pierce's disease.

Existing law, the Table Grape Pest and Disease Control District Law, establishes a procedure for the organization, operation, and dissolution of districts to, among other things, respond to, manage, and control the effects of the spread of the glassy-winged sharpshooter and Pierce's disease, and other pests that attack grapevines.

Existing law requires that proceedings for the formation of a district within a county shall be commenced by a petition that is signed by specified percentages of table grape growers. Existing law authorizes the district to cause assessments to be levied on table grapes being grown in the district to pay obligations of the district incurred to accomplish the purposes of the district.

This bill would revise these provisions so that they apply to table grape growers as well as the owners of table grape acreage. This bill would clarify that these abatement districts apply to infestations of other designated pests and diseases in addition to the glassy-winged sharpshooter and Pierce’s disease. This bill would instead authorize the district to recommend an assessment to the board of supervisors to be levied on the owners of acreage of table grapes being grown in the district. This bill would make other conforming changes.

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

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

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

1 SECTION 1. The heading of Article 8.7 (commencing with
2 Section 6047.60) of Chapter 9 of Part 1 of Division 4 of the Food
3 and Agricultural Code is amended to read:

4
5 Article 8.7. Table Grape Pest and Disease District

6
7 SEC. 1.5. Section 6047.60 of the Food and Agricultural Code
8 is amended to read:

9 6047.60. The Legislature hereby finds and declares the
10 following:

11 (a) California is the leading producer of table grapes in the
12 United States, accounting for 97 percent of table grapes grown in
13 this country.

14 (b) Table grapes are grown in 15 counties located throughout
15 the state.

16 (c) California grows more than 170,000 acres of table grapes
17 producing over 700,000 tons of table grapes per year, valued at
18 more than eight hundred sixty million dollars (\$860,000,000) with



1 a direct and indirect impact on the state’s economy that totals more
2 than four billion dollars (\$4,000,000,000).

3 (d) The plant killing bacterium, *Xylella fastidiosa*, and the
4 resulting plant disease known as Pierce’s disease, and its vectors,
5 present a clear and present danger to California’s nearly three
6 billion dollar (\$3,000,000,000) grape industry, as well as to many
7 other commodities and plant life.

8 (e) Pierce’s disease and its vector the glassy-winged
9 sharpshooter have spread into the southern San Joaquin Valley,
10 which, if left unabated, places grapes and other commodities
11 throughout California in immediate peril.

12 (f) In addition to the research funds and program provisions set
13 forth in Article 8 (commencing with Section 6045) of Chapter 9
14 of Part 1 of Division 4, dealing with wine grapes, the table grape
15 industry is at substantial risk for Pierce’s disease and other pests
16 and recognizes the need for additional specific control programs.

17 (g) Additional programs may include field treatments similar
18 to, or the expansion of, the successful United States Department
19 of Agriculture and California Department of Food and Agriculture
20 General Beale area pilot program in Kern County. The expansion
21 of those programs may require industry assessments from the table
22 grape industry through the creation of a pest abatement district.

23 (h) The state has an interest in protecting its agricultural
24 products from further destruction by the glassy-winged
25 sharpshooter and Pierce’s disease, and other designated pests and
26 diseases.

27 (i) As a known vector for Pierce’s disease, the glassy-winged
28 sharpshooter has been determined to carry and spread Pierce’s
29 disease to many forms of California agriculture, usually with
30 complete destruction to the infected crop. This destructive effect
31 of the disease has been determined by experts in the viticulture
32 field to be especially true with respect to infected table grapes. To
33 avoid a potentially catastrophic loss to one of California’s most
34 important industries, the Legislature declares that this article is in
35 the interest of the public health and welfare.

36 (j) This article shall not establish a precedent for, or supercede,
37 reduce, or in any way alter, government funding from any source
38 related to Pierce’s disease and other designated pests and diseases
39 in this state.



1 (k) The Legislature further declares that it is in the interest of
2 the public health and welfare that the districts authorized to be
3 created by this article not duplicate existing services already being
4 provided by the University of California, state, counties, or the
5 county agricultural commissioners to eradicate the glassy-winged
6 sharpshooter and Pierce’s disease, and other designated pests and
7 diseases.

8 SEC. 2. Section 6047.61 of the Food and Agricultural Code
9 is amended to read:

10 6047.61. This article shall be known and may be cited as the
11 Table Grape Pest and Disease District Law.

12 SEC. 2.5. Section 6047.62 of the Food and Agricultural Code
13 is amended to read:

14 6047.62. (a) It is the purpose of this article to make available
15 a procedure for the organization, operation, and dissolution of
16 districts to respond to the effects of the spread of the glassy-winged
17 sharpshooter and Pierce’s disease, and other designated pests and
18 diseases that attack table grape plants, and to collect and
19 disseminate to table grape producers in the district all relevant
20 information and scientific studies concerning the pest or pests, as
21 well as to chart and determine the extent and location of any
22 infestations.

23 (b) Division 3 (commencing with Section 56000) of Title 5 of
24 the Government Code does not apply to districts organized
25 pursuant to this article.

26 SEC. 3. Section 6047.63 of the Food and Agricultural Code
27 is amended to read:

28 6047.63. Unless the context otherwise requires, the
29 definitions in this section govern the construction of this article.

30 (a) “Board” or “board of directors” means the board of
31 directors of a district.

32 (b) “District” means a table grape pest district organized
33 pursuant to this article.

34 (c) “Owner” includes joint owner, coowner, guardian,
35 executor, administrator, or any other person that holds property in
36 a trust capacity under court appointment.

37 (d) “Pierce’s disease” is the disease of grapevines caused by
38 the bacterium *Xylella fastidiosa*.

39 (e) “Table grapes” means all table grape varieties specified in
40 the report issued pursuant to Section 55601.5. “Table grapes” also



1 means all raisin varieties specified in the report issued pursuant to
2 Section 55601.5 that are intended to be marketed in their fresh
3 form.

4 (f) “Table grape acreage” means any parcel of real property
5 with more than one acre of table grape plants.

6 (g) “Grower” or “producer” means any person who is
7 engaged within this state in the business of producing, or causing
8 to be produced, table grapes for market.

9 (h) “Other designated pests and diseases” means pests and
10 diseases designated by the district as serious pests and diseases
11 warranting district action.

12 SEC. 4. Section 6047.64 of the Food and Agricultural Code
13 is amended to read:

14 6047.64. (a) Proceedings for the formation of a district
15 within any county shall be commenced by a petition signed by the
16 owners of 15 percent of the table grape acreage.

17 (b) The petition shall be addressed to, and filed with, the board
18 of supervisors of the county.

19 SEC. 5. Section 6047.68 of the Food and Agricultural Code
20 is amended to read:

21 6047.68. (a) The petition shall be accompanied by a fee in an
22 amount established by the board of supervisors as is necessary to
23 reimburse the county for all costs incurred by it in connection with
24 the proposed organization of the district and subsequent election.
25 The board of supervisors may charge the district for actual
26 expenses incurred by the county in connection with the
27 proceedings for the formation of the district.

28 (b) Upon the establishment of the district, the district shall
29 reimburse those who provided the funds specified in subdivision
30 (a) from assessments collected pursuant to this article.

31 SEC. 6. Section 6047.69 of the Food and Agricultural Code
32 is amended to read:

33 6047.69. (a) Upon the presentation and filing of a petition,
34 the board of supervisors shall refer the petition to the county
35 agricultural commissioner for the preparation of a register of
36 owners of table grape acreage within the proposed district, and for
37 an investigation and report.

38 (b) The county agricultural commissioner shall create a register
39 of all table grape acreage owners within the proposed district and
40 specifically describe the net acreage of land devoted to the



1 growing of table grapes by each owner. The county agricultural
2 commissioner shall file with the register of table grape acreage
3 owners a report to the board of supervisors describing the present
4 condition of the glassy-winged sharpshooter and Pierce’s disease
5 infestations, or infestation of other designated pests and diseases,
6 and any proposed program that may warrant the board of
7 supervisors proceeding with the organization of the district and
8 recommendation as to the advisability of creating the district.

9 SEC. 7. Section 6047.70 of the Food and Agricultural Code
10 is amended to read:

11 6047.70. (a) The board of supervisors shall fix a time and
12 place for a hearing of the petition.

13 (b) The hearing shall not be less than 20 days, or more than 40
14 days, after the filing of the petition with the board of supervisors.

15 (c) The board of supervisors shall order the clerk of the board
16 of supervisors to give notice of the hearing that will do the
17 following:

18 (1) State the time and place for the hearing that was fixed by the
19 board of supervisors.

20 (2) State that at the hearing protests will be considered by the
21 board of supervisors.

22 (3) State that requests in writing for the exclusion of acreage
23 from, or the inclusion of acreage in, the proposed district, will be
24 heard and considered by the board of supervisors.

25 (4) State that the petition is available for inspection at the office
26 of the clerk of the board of supervisors.

27 (5) Designate the boundaries of the proposed district in
28 substantially the same way that they are described in the petition.

29 SEC. 8. Section 6047.74 of the Food and Agricultural Code
30 is amended to read:

31 6047.74. At the hearing, any owner of table grape acreage in
32 the proposed district may present to the board of supervisors a
33 request, in writing, for the exclusion of that acreage or any part of
34 that acreage from the proposed district upon a showing that the
35 acreage or part of that acreage will not be benefited by the activities
36 of the proposed district. However, if the excluded acreage is
37 planted with table grapes, the owner of the acreage shall inform the
38 district, in writing, within 30 days of planting. Factors that the
39 board of supervisors may consider in its determination for



1 exclusion, as set forth in an affidavit from the owner of the acreage,
2 shall include the following:

3 (a) That the acreage is not planted to table grapes and will not
4 be so planted in the foreseeable future, as evidenced by an affidavit
5 from the owner of the acreage so stating.

6 (b) That the table grape plants have been removed from the
7 acreage and that no living table grape plants remain on the acreage.

8 (c) That exclusion of the acreage, or any part of the acreage,
9 from the district will not present a risk of glassy-winged
10 sharpshooter infestation or infestation by other designated pests or
11 diseases because of the acreage's distance or isolation from
12 infested geographical regions.

13 SEC. 9. Section 6047.76 of the Food and Agricultural Code
14 is amended to read:

15 6047.76. (a) If the board of supervisors determines that the
16 project is feasible and in the interest of the table grape acreage
17 owners of the county, the board of supervisors shall, by order
18 entered in its minutes, declare the district is duly organized under
19 the name designated in the petition for the formation of the district.

20 (b) The order shall describe the territory included in the district
21 and, if the board of supervisors does not exclude or include acreage
22 pursuant to Section 6047.78, it is a sufficient description of the
23 territory to describe the boundaries in substantially the same way
24 as they are described in the petition.

25 (c) A copy of the order certified by the clerk of the board of
26 supervisors shall be filed with the county recorder of the county in
27 which the district is situated.

28 SEC. 9.5. Section 6047.77 of the Food and Agricultural Code
29 is repealed.

30 ~~6047.77. (a) Within 60 days of the filing of the supervisors'~~
31 ~~declaration that the district is organized, an election among~~
32 ~~registered table grape growers shall be conducted.~~

33 ~~(b) The county clerk shall report the results of the election to~~
34 ~~the board of supervisors.~~

35 ~~(c) If a majority of the eligible votes supports the decision of~~
36 ~~the board of supervisors to create a Table Grape Pierce's Disease~~
37 ~~Pest Abatement District, the county clerk shall file the board of~~
38 ~~supervisors' order and results of the election for the record in the~~
39 ~~office of the county recorder.~~



1 SEC. 10. Section 6047.78 of the Food and Agricultural Code
2 is amended to read:

3 6047.78. (a) In determining the boundaries of the district, the
4 board of supervisors shall exclude from the district any table grape
5 acreage that it finds will not be benefited by the proposed project,
6 pursuant to the facts in Section 6047.74, and it may include in the
7 district any acreage that it finds will be benefited if it also finds it
8 will be in the interest of the district to include this acreage. The
9 inclusion may be upon application of the owner or, without the
10 owner’s application, upon giving the owner notice of the proposed
11 inclusion and an opportunity for a hearing on the inclusion.

12 (b) Notice of inclusion shall be mailed, postage prepaid, by the
13 clerk of the board of supervisors, to the address of the owner of the
14 acreage as shown by the last equalized county assessment roll, and
15 to any person that has filed with the clerk that person’s name and
16 address and description of acreage in which he or she has either a
17 legal or equitable interest. The notice shall describe the acreage
18 proposed to be included, and shall state the time and place at which
19 objections to the inclusion will be heard.

20 (c) Any owner of table grape acreage outside of the proposed
21 district may present to the board of supervisors a request in writing
22 for inclusion of the acreage in the proposed district.

23 SEC. 11. Section 6047.79 of the Food and Agricultural Code
24 is amended to read:

25 6047.79. Upon the filing of the order of organization, the
26 board of supervisors shall appoint a board of directors of five
27 members to administer the affairs of the district.

28 SEC. 12. Section 6047.80 of the Food and Agricultural Code
29 is amended to read:

30 6047.80. To be a director of the district, a person shall be
31 either an owner of, or the designee of an owner of, acreage
32 included in the district that is devoted, in whole or in part, to the
33 growing of table grapes.

34 SEC. 13. Section 6047.82 of the Food and Agricultural Code
35 is amended to read:

36 6047.82. (a) From and after the filing for record of the order
37 of the board of supervisors declaring the district organized, and the
38 appointment and qualification of its first board of directors, the
39 organization of the district is complete. The district shall operate
40 for a period of five years from the date of its organization, and shall



1 cease to exist after five years unless the district is reauthorized by
2 the board of supervisors.

3 (b) The board of directors shall hold a public hearing six
4 months prior to termination of its initial organization or last
5 reauthorization to determine whether the conditions of the
6 glassy-winged sharpshooter or Pierce's disease or other
7 designated pests and diseases warrant the reauthorization of the
8 district for an additional five years.

9 (c) The notice of hearing shall state the name of the district and
10 that consideration is being given to reauthorizing the district for an
11 additional five years, the boundaries of the district, and the time
12 and place for the hearing. Notice of the hearing shall be given as
13 provided in Sections 6047.71 and 6047.72. The board of directors
14 shall submit the record of the hearing and its recommendation to
15 the board of supervisors within 90 days of the hearing. The board
16 of supervisors shall approve or reject the recommendation. If it
17 rejects the recommendation, the board of supervisors shall return
18 the report accompanied by its reasons for the rejection to the board
19 of directors within 30 days of receipt. The board of directors may
20 thereafter address the reasons for rejection by the board of
21 supervisors and submit an amended report and new
22 recommendations for reauthorization for approval or rejection by
23 the board of supervisors, unless the district has ceased to exist
24 pursuant to subdivision (a).

25 (d) If the board of supervisors approves the continuation of the
26 district, the board of supervisors shall, by an order entered in its
27 minutes, declare the district duly extended.

28 SEC. 14. Section 6047.87 of the Food and Agricultural Code
29 is amended to read:

30 6047.87. (a) The district may do all of the following:

31 (1) Sue and be sued in all actions and proceedings in all courts
32 and tribunals of competent jurisdiction.

33 (2) Adopt a seal and alter it at pleasure.

34 (3) Accept contributions, and by grant, purchase, gift, devise,
35 lease, or otherwise, and hold, use and enjoy, and lease, or otherwise
36 dispose of, real and personal property of every kind and
37 description within or without the district necessary to the full and
38 convenient exercise of its powers.

39 (4) Recommend an assessment to the board of supervisors to be
40 levied on the owners of acreage of table grapes being grown in the



1 district to pay obligations of the district incurred to accomplish the
2 purposes of the district as provided in this article, which may
3 involve funding all or a portion of a Pierce’s disease or
4 glassy-winged sharpshooter program, or program involving other
5 designated pests and diseases.

6 (5) Make contracts, and employ, except as otherwise provided
7 in this article, all persons, firms, and corporations necessary to
8 carry out the purposes and the powers of the district, and at any
9 salary, wage, or other compensation as the board of directors shall
10 determine.

11 (6) Respond to the effects of, the spread of glassy-winged
12 sharpshooter and Pierce’s disease, and other designated pests and
13 diseases, and collect and disseminate to table grape growers and
14 the owners of table grapes acreage in the district relevant
15 information and scientific studies concerning these pests or
16 diseases, as well as to chart and determine the extent and location
17 of any infestations.

18 (7) Take all actions necessary to control, eradicate, remove, or
19 prevent the spread of the glassy-winged sharpshooter or Pierce’s
20 disease, or other designated pests and diseases injurious to table
21 grapes.

22 (8) With reasonable advance notice in writing to the landowner,
23 as determined by the district, enter into or upon any land included
24 within the boundaries of the district for the purpose of inspecting
25 the grape plants and any other host plants and fruit growing on
26 these lands.

27 (9) Eradicate, eliminate, remove, or destroy any table grape
28 plants having evidence of Pierce’s disease or other designated
29 pests and diseases.

30 (10) Coordinate with the county agricultural commissioner as
31 to his or her taking appropriate actions to have any table grape
32 plants growing within the district infested with Pierce’s disease or
33 other designated pests and diseases adjudged a public nuisance,
34 and decreed that the nuisance be abated.

35 (11) Coordinate district activities with other table grape pest
36 and disease districts established pursuant to this article and Section
37 6047.3.

38 (12) Perform any and all acts, either within or outside the
39 district, necessary or proper to fully and completely carry out the
40 purposes for which the district is organized.



1 (b) The district’s administrative costs shall be limited to 5
2 percent of the annual assessment revenue.

3 SEC. 15. Section 6047.88 of the Food and Agricultural Code
4 is amended to read:

5 6047.88. Every district formed pursuant to this article has all
6 of the powers prescribed by Section 6047.87 and other provisions
7 of this article, regardless of any language in the petition for
8 formation for any district or in any of the proceedings leading to
9 the formation that would otherwise limit the power of the district.

10 SEC. 16. Section 6047.89 of the Food and Agricultural Code
11 is amended to read:

12 6047.89. The county agricultural commissioner of the county
13 in which the district is located shall, upon request of the board,
14 assist the district to the extent possible in all activities undertaken
15 by the district for the control of glassy-winged sharpshooter and
16 Pierce’s disease or other designated pests and diseases.

17 SEC. 16.5. Section 6047.92 of the Food and Agricultural
18 Code is amended to read:

19 6047.92. For each fiscal year subsequent to the first year of
20 operation of the district, the board shall adopt the final budget in
21 the same manner that the budget for the first fiscal year was
22 adopted.

23 SEC. 17. Section 6047.93 of the Food and Agricultural Code
24 is repealed.

25 SEC. 18. Section 6047.94 of the Food and Agricultural Code
26 is amended to read:

27 6047.94. The district shall identify any parcel of real property
28 with more than one acre of table grape plants that shall be subject
29 to assessments.

30 SEC. 19. Section 6047.96 of the Food and Agricultural Code
31 is amended to read:

32 6047.96. (a) After the district has been formed, an owner of
33 table grape acreage in the district may present to the board a
34 request in writing for the exclusion of that acreage or any part of
35 the acreage from the district upon a showing that the acreage or
36 part of the acreage will not be benefited by the activities of the
37 district. Factors that the board may consider in its determination
38 for exclusion, as set forth in an affidavit from the owner of the
39 acreage, shall include those specified in Section 6047.74.



1 (b) After receipt of the request, the board shall cause an
2 investigation of the parcel of acreage to be made and, if the board
3 determines that the acreage or part of the acreage will not be
4 benefited by the activities of the district and that exclusion of the
5 acreage will not present a pest risk to the district, the board shall
6 exclude the table grape acreage from the district and immediately
7 certify this fact to the county assessor and the county auditor or tax
8 collector.

9 (c) Any owner of table grape acreage outside of, or otherwise
10 not included in, the district may present to the board a request in
11 writing for inclusion of the acreage in the district.

12 SEC. 20. Section 6047.97 of the Food and Agricultural Code
13 is amended to read:

14 6047.97. (a) The board shall, on or before the first Monday
15 in April of each year, or as soon thereafter as possible, file with the
16 board of supervisors a budget that sets forth all estimated
17 expenditures of the district for the fiscal year commencing on the
18 first day of July. A copy of the budget shall also, at the same time,
19 be filed with the auditor of the county.

20 (b) The board of supervisors may, by ordinance or by
21 resolution, adopted after notice and a hearing, determine and levy
22 an assessment for table grape pest and disease control activities or
23 other activities specified in subdivision (a) of Section 6047.87
24 related to designated pests and diseases for any of the following
25 purposes:

26 (1) Responding to, managing, and controlling the effects of the
27 spread of glassy-winged sharpshooter and other designated pests
28 and diseases that attack table grape plants.

29 (2) Collecting and disseminating to table grape growers in the
30 district relevant information and scientific studies concerning the
31 pest or pests.

32 (3) Charting and determining the extent and location of any
33 Pierce’s disease infestations and infestations of other designated
34 pests and diseases.

35 (4) Reimbursing the county or counties in which the district is
36 located for expenses incurred in connection with providing
37 services under this article that are not otherwise reimbursed.

38 (c) (1) The annual assessment shall not exceed fifteen dollars
39 (\$15) per planted acre.



1 (2) The maximum annual assessment shall be established in
2 accordance with the voting requirements of Articles XIII C and
3 XIII D of the California Constitution, as incorporated by
4 Proposition 218 of 1996, as provided for in Section 6047.100.

5 (3) The board shall annually establish the assessment which
6 shall not exceed the maximum annual assessment specified in
7 paragraph (1), except as otherwise specified in this section.

8 (d) An annual assessment greater than the amount provided for
9 in this section may not be charged unless a greater assessment is
10 approved by eligible owners in accordance with the voting
11 requirements of Articles XIII C and XIII D of the California
12 Constitution, as incorporated by Proposition 218 of 1996, as
13 provided for in Section 6047.100.

14 (e) The board of supervisors shall cause to be prepared and filed
15 with the clerk of the board of supervisors a written report that
16 contains all of the following information:

17 (1) A description of each parcel of property proposed to be
18 subject to the assessment.

19 (2) The amount of the assessment of each parcel for the initial
20 fiscal year.

21 (3) The maximum amount of the assessment that may be levied
22 for each parcel during any fiscal year.

23 (4) The duration of the assessment.

24 (5) The basis of the assessment.

25 (6) The schedule of the assessment.

26 (7) A description specifying the requirements for written and
27 oral protests, and the protest threshold necessary for requiring
28 abandonment of the proposed assessment pursuant to subdivision
29 (f).

30 (f) Unless otherwise excluded, the assessment shall be levied
31 on each parcel within the boundaries of the district, zone, or area
32 of benefit.

33 (g) (1) The board of supervisors shall comply with the notice,
34 protest, and hearing procedures in Section 53753 of the
35 Government Code.

36 (2) In addition, the mailed notice shall include the name of the
37 district, the return address of the sender, the amount of the
38 assessment for the initial fiscal year, the maximum amount of the
39 assessment that may be levied during any fiscal year and the name



1 and telephone number of the person designated by the board of
2 supervisors to answer inquiries regarding the protest proceedings.

3 SEC. 21. Section 6047.101 of the Food and Agricultural Code
4 is amended to read:

5 6047.101. The revenue from the assessments imposed
6 pursuant to this article by the district are trust funds and shall be
7 encumbered only for the purposes for which the district is formed
8 and for the benefit of the acreage assessed. The district shall
9 expend the minimum amount necessary for overhead and other
10 administrative costs. No district funds shall be donated, loaned, or
11 transferred to any other local agency or to the state for any purpose,
12 except for the implementation of the duties of the district, set forth
13 under this article, as determined to be necessary by the district
14 board.

15 SEC. 22. Section 6047.105 of the Food and Agricultural Code
16 is amended to read:

17 6047.105. Acreage devoted exclusively to the growing of
18 table grapes within a tract of land outside the district, but in the
19 county in which the district is located, may be annexed to the
20 district in the same manner provided in this article for the
21 formation of the district.

22 SEC. 23. Section 6047.109 of the Food and Agricultural Code
23 is amended to read:

24 6047.109. If the board of supervisors determines that
25 consolidation is feasible and in the best interests of the table grape
26 acreage owners of the respective districts, it shall, by resolution
27 duly adopted, declare the districts consolidated into one district,
28 giving the consolidated district a name that includes the term
29 “consolidated.” Certified copies of the resolution shall be filed
30 with the Secretary of State and with the county recorder of each
31 county in which is located any part of the consolidated district.
32 Upon the filing, the districts are consolidated into a single
33 consolidated district with all the rights, privileges, and powers of
34 a district. The consolidated district shall succeed to all the funds
35 and other property, and is subject to all the indebtedness, bonded
36 and otherwise, of the districts consolidated. Each district that is
37 included in the consolidated district shall continue in existence for
38 the purpose of representation on the board of the consolidated
39 district, and for the purpose of levying, assessing, and collecting
40 assessments for district purposes. The board of the consolidated



1 district is, however, the board of each district that is included in the
2 consolidated district.

3 SEC. 24. Section 6047.112 of the Food and Agricultural Code
4 is amended to read:

5 6047.112. Any district that has been included in a
6 consolidated district may withdraw from the consolidated district
7 and be reconstituted as a separate district by filing with the board
8 of directors of the consolidated district a petition for withdrawal
9 that is signed by the owners of not less than a majority, by area, of
10 table grape acreage in the district. The board of directors of the
11 consolidated district shall send the original petition to the board of
12 supervisors of the county in which the withdrawing district is
13 located, and a copy of the petition to the board of supervisors of
14 each of the other counties in which is located any part of the
15 consolidated district. Upon receipt of a petition for withdrawal, the
16 board of supervisors of the county in which the withdrawing
17 district is located shall fix a time and place for hearing the petition.
18 Notice shall be given and the hearing conducted in the same
19 manner and with the same effect as prescribed for the formation
20 of a district pursuant to Sections 6047.70, 6047.71, 6047.72,
21 6047.73, and 6047.74. Upon withdrawal of a district, all moneys
22 collected from the district for the use of the consolidated district,
23 and all property purchased with these moneys, shall remain the
24 property of the consolidated district.

25 SEC. 25. Section 6047.113 of the Food and Agricultural Code
26 is amended to read:

27 6047.113. Upon the filing of a petition with the board of
28 supervisors that is signed by either (1) 50 percent or more of the
29 table grape acreage owners who own 65 percent or more of the
30 affected acreage or by (2) 65 percent or more of the table grape
31 acreage owners who own 50 percent or more of the affected
32 acreage requesting the dissolution of the district, the board of
33 supervisors shall set a time and place for hearing on the petition,
34 which shall not be less than 20 days, or more than 40 days, after
35 the filing of the petition.

36 SEC. 26. Section 6047.118 of the Food and Agricultural Code
37 is amended to read:

38 6047.118. If, at the hearing, a majority of the board of
39 supervisors does not find a compelling reason to override the



1 owners' petition to dissolve the district, the board of supervisors
2 shall by resolution dissolve the district.

3 SEC. 27. Section 6047.124 of the Food and Agricultural Code
4 is amended to read:

5 6047.124. Owners of wine grapes and raisin grapes and any
6 other agricultural commodities may petition to become subject to
7 any district established pursuant to this article. The petition shall
8 adhere to all the requirements of this article and shall require the
9 approval of the board of directors of the affected district. All
10 provisions of this article are hereby incorporated in this section and
11 are applicable to owners who become subject to a district
12 established pursuant to this article as though set forth in full in this
13 section unless a provision in this article expressly states that it is
14 not applicable to this section.

15 SEC. 28. This act is an urgency statute necessary for the
16 immediate preservation of the public peace, health, or safety
17 within the meaning of Article IV of the Constitution and shall go
18 into immediate effect. The facts constituting the necessity are:

19 The spread of the glassy-winged sharpshooter and Pierce's
20 disease, and other designated pests and diseases, threatens the
21 economic viability of the table grape industry. Because the
22 immediate establishment of a pest control district is necessary to
23 avoid severe economic loss, it is necessary for this act to take effect
24 immediately.

