

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 872**

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Introduced by ~~Senator Denham~~ *Senators Denham and Florez*

February 22, 2005

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~~An act to amend Section 12979 of the Food and Agricultural Code, relating to pesticide.~~ *An act to amend Sections 6025.2, 6025.5, 6026, 6026.5, 6027, 6028, and 6029 of, and to add Sections 6025.3 and 6027.1 to, the Food and Agricultural Code, relating to vertebrate pests, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 872, as amended, Denham. ~~Pesticide use reports~~ *Vertebrate pest control research.*

*Existing law, which is to be repealed on January 1, 2006, requires the Secretary of Food and Agriculture to establish and administer a research program and advisory committee to control vertebrate pests that pose a significant threat to the welfare of the state's agricultural economy and the public. Existing law requires county agricultural commissioners to pay an assessment on the vertebrate pest material sold, distributed, or applied by the county for vertebrate pest control purposes. Existing law also establishes the Vertebrate Pest Control Research Account in the Department of Food and Agriculture Fund and continuously appropriates the money in the account to the secretary for purposes of the program.*

*This bill would provide that these provisions would remain in effect until January 1, 2016, thereby imposing a state-mandated local program, and making an appropriation by continuing in effect a continuously appropriated fund. This bill would expand the purposes of the research program to address vertebrate pests which pose a significant risk to the state's infrastructure. This bill would define*

research for purposes of these provisions to include both basic and applied research, as specified. This bill would also restrict expenditure of funds from the Vertebrate Pest Control Research Account, as specified.

Existing law provides that the Vertebrate Pest Control Research Advisory Committee shall consist of 11 representatives appointed by the secretary, including one representative of the county agricultural commissioners.

This bill would instead provide for a representative of the California Agricultural Commissioners and Sealers Association be appointed to the committee. This bill would make other conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law generally regulates pesticides and requires persons engaged in pest control to submit a monthly report to the county agricultural commission of all pesticides used in that county. Existing law provides that this data shall be used by the Department of Food and Agriculture in cooperation with other agencies, as specified.~~

~~This bill would make a technical, nonsubstantive change to these provisions:~~

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

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

- 1 ~~SECTION 1. Section 12979 of the Food and Agricultural~~
- 2 ~~Code is amended to read:~~
- 3 *SECTION 1. Section 6025.2 of the Food and Agricultural*
- 4 *Code is amended to read:*
- 5 6025.2. For purposes of this article, “vertebrate pest” means
- 6 any specie of mammal, bird, reptile, amphibian, or fish that
- 7 causes damage to agricultural, natural, or industrial resources, or
- 8 to any other resource, and to the public health ~~and~~ or safety.

1 SEC. 2. Section 6025.3 is added to the Food and Agricultural  
2 Code, to read:

3 6025.3. For purposes of this article, “research” means basic  
4 and applied research. Basic research is experimental or  
5 theoretical work undertaken primarily to acquire new knowledge  
6 of the underlying foundation of phenomena and observable facts,  
7 without any particular application or use in view. Applied  
8 research is also original investigation undertaken in order to  
9 acquire new knowledge, but it is conducted to solve practical  
10 problems or objectives.

11 SEC. 3. Section 6025.5 of the Food and Agricultural Code is  
12 amended to read:

13 6025.5. (a) The ~~director~~ secretary shall establish and  
14 administer a research program to control vertebrate pests which  
15 pose a significant threat to the welfare of the state’s agricultural  
16 economy, *infrastructure*, and the public.

17 (b) The specific purposes of the program include all of the  
18 following:

19 (1) The investigation of effective and economical alternative  
20 materials for the control of vertebrate pests.

21 (2) The solicitation and consideration of research proposals for  
22 alternative humane methods of control.

23 (3) The continuation of current vertebrate pest control product  
24 registration at the state level until alternative products are  
25 developed which prove to be effective and economical.

26 (4) The funding of research for the development of scientific  
27 data to fulfill registration requirements.

28 (5) Cooperation with the United States Department of  
29 Agriculture in funding research programs to maintain, develop,  
30 and register vertebrate pest control materials used in this state.

31 SEC. 4. Section 6026 of the Food and Agricultural Code is  
32 amended to read:

33 6026. The ~~director~~ secretary shall establish the Vertebrate  
34 Pest Control Research Advisory Committee consisting of the  
35 following members, appointed by the ~~director~~ secretary, to serve  
36 at the pleasure of the ~~director~~ secretary:

37 (a) One representative of the department.

38 (b) One representative of the ~~county~~ agricultural  
39 ~~commissioners~~ California Agricultural Commissioners and  
40 Sealers Association.

1 (c) Five representatives of the agricultural industry  
2 representing affected commodities.

3 (d) One representative of the University of California.

4 (e) One representative of the California State University.

5 (f) One representative of the State Department of Health  
6 Services.

7 (g) One representative of the general public, with  
8 consideration given to a person with expertise in animal welfare.

9 *SEC. 5. Section 6026.5 of the Food and Agricultural Code is*  
10 *amended to read:*

11 6026.5. On or before December 31 of each year, the  
12 committee shall recommend to the ~~director~~ *secretary* priorities  
13 for conducting various vertebrate pest control research projects  
14 and the amount of the assessment necessary to carry out those  
15 research projects.

16 *SEC. 6. Section 6027 of the Food and Agricultural Code is*  
17 *amended to read:*

18 6027. There is hereby created the Vertebrate Pest Control  
19 Research Account in the Department of Food and Agriculture  
20 Fund. Notwithstanding Section 13340 of the Government Code,  
21 the money in the account is continuously appropriated to the  
22 ~~director~~ *secretary* for purposes of carrying out this article.  
23 Notwithstanding any other provision of law, the moneys in the  
24 account shall not be transferred to any other fund or encumbered  
25 or expended for any purpose other than as provided in this  
26 article.

27 *SEC. 7. Section 6027.1 is added to the Food and Agricultural*  
28 *Code, to read:*

29 6027.1. *Expenditure of funds pursuant to this article shall be*  
30 *limited to the following:*

31 (a) *Reasonable administrative and operational expenses of the*  
32 *committee and the department, subject to the recommendation of*  
33 *an annual budget by the committee and approval by the*  
34 *secretary.*

35 (b) *Federal and state regulatory fees for the continued*  
36 *registration of vertebrate pest control materials and the*  
37 *registration of new materials.*

38 (c) *Basic and applied research as described in Section 6025.3.*

39 (d) *Educational outreach on the subject of vertebrate pest*  
40 *control methods.*

1     *SEC. 8. Section 6028 of the Food and Agricultural Code is*  
2 *amended to read:*

3     6028. The assessment payments required pursuant to Section  
4 6027.5, together with a report of the amount of vertebrate pest  
5 control materials sold, distributed, or applied during the previous  
6 six-month period, shall be made biannually by each  
7 commissioner to the ~~director~~ *secretary* within one calendar  
8 month after June 30 and December 31 of each year.

9     *SEC. 9. Section 6029 of the Food and Agricultural Code is*  
10 *amended to read:*

11     6029. This article shall remain in effect only until January 1,  
12 ~~2006~~ *2016*, and as of that date is repealed, unless a later enacted  
13 statute, which is enacted before January 1, ~~2006~~ *2016*, deletes or  
14 extends that date.

15     *SEC. 10. If the Commission on State Mandates determines*  
16 *that this act contains costs mandated by the state, reimbursement*  
17 *to local agencies and school districts for those costs shall be*  
18 *made pursuant to Part 7 (commencing with Section 17500) of*  
19 *Division 4 of Title 2 of the Government Code.*

20     ~~12979. A pesticide use report shall be submitted to the~~  
21 ~~commissioner or director on a form and in a manner prescribed~~  
22 ~~by the director. The data from the pesticide use reports shall be~~  
23 ~~considered in setting priorities for food monitoring, pesticide use~~  
24 ~~enforcement, farm worker safety programs, environmental~~  
25 ~~monitoring, pest control research, public health monitoring and~~  
26 ~~research, and other similar activities by the department, or by the~~  
27 ~~department in cooperation with other state, regional, or local~~  
28 ~~agencies with appropriate authority.~~