

AMENDED IN ASSEMBLY APRIL 7, 2010

AMENDED IN ASSEMBLY MARCH 4, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1736

Introduced by Assembly Members Ma and Tom Berryhill

February 4, 2010

An act to amend ~~Section~~ *Sections 8698, 8698.1, and 8698.6* of the Business and Professions Code, relating to structural fumigation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1736, as amended, Ma. Structural Fumigation Enforcement Program.

Until January 1, 2011, existing law authorizes the Los Angeles County Agricultural Commissioner, the Orange County Agricultural Commissioner, the Santa Clara County Agricultural Commissioner, and the San Diego County Agricultural Commissioner to contract with the Director of the Department of Pesticide Regulation to perform increased structural fumigation, inspection, and enforcement activities in Los Angeles County, Orange County, Santa Clara County, and San Diego County. Existing law ~~authorizes the director to adopt regulations to carry out these provisions and to levy a civil penalty against a person violating these provisions~~ *requires any person who performs a structural fumigation in any of the contracting counties to pay a specified fee to the county agricultural commissioner.*

This bill would *instead require the Los Angeles County Agricultural Commissioner, the Orange County Agricultural Commissioner, the Santa Clara County Agricultural Commissioner, and the San Diego County Agricultural Commissioner to perform those services, and would*

require the director to provide oversight. The bill would also extend the operation of these provisions to January 1, 2014. By imposing new duties on those county commissioners, the bill would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 8698 of the Business and Professions
2 Code is amended to read:
3 8698. The Director of the Department of Pesticide Regulation
4 shall be designated by the board as its agent provide oversight for
5 the purposes of carrying out Section 8698.1. The Los Angeles
6 County Agricultural Commissioner, the Orange County
7 Agricultural Commissioner, the Santa Clara County Agricultural
8 Commissioner, ~~or and~~ the San Diego County Agricultural
9 Commissioner ~~may each contract with the director to~~ shall perform
10 increased structural fumigation, inspection, and enforcement
11 activities. ~~These activities shall be~~ funded by the moneys collected
12 pursuant to this chapter.
13 SEC. 2. Section 8698.1 of the Business and Professions Code
14 is amended to read:
15 8698.1. (a) ~~If the county has contracted pursuant to Section~~
16 ~~8698, any~~ Any person who performs a structural fumigation in Los
17 Angeles County, Orange County, Santa Clara County, or San Diego
18 County shall pay to the county agricultural commissioner a fee of
19 five dollars (\$5) for each treatment conducted at a specific building
20 or structure.
21 (b) The fees shall be submitted by the 10th day of the month
22 following the month in which the treatment was performed. The
23 fees shall be accompanied by a copy of a monthly pesticide use
24 report showing the addresses, including the department number if
25 applicable, of all structural fumigations. The report shall be in a

1 form required by the director, shall identify the name and address
2 of the person or company performing the fumigation, and shall
3 include any other information requested by the director.

4 ~~SECTION 4.~~

5 *SEC. 3.* Section 8698.6 of the Business and Professions Code
6 is amended to read:

7 8698.6. This chapter shall remain in effect only until January
8 1, 2014, and as of that date is repealed, unless a later enacted
9 statute, which is chaptered before January 1, 2014, deletes or
10 extends that date.

11 *SEC. 4.* *No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *a local agency or school district has the authority to levy service*
14 *charges, fees, or assessments sufficient to pay for the program or*
15 *level of service mandated by this act, within the meaning of Section*
16 *17556 of the Government Code.*