

ASSEMBLY BILL

No. 1642

Introduced by Assembly Member Chesbro

(Coauthors: Assembly Members Achadjian, Ammiano, Bigelow, Buchanan, Eggman, Levine, Olsen, Wieckowski, Williams, and Yamada)

(Coauthors: Senators Evans, Galgiani, Huff, Torres, Vidak, Walters, and Wolk)

February 11, 2014

An act to amend Sections 6045, 6046, 6047.7, 6047.9, 6047.19, 6047.20, 6047.21, 6047.27, and 6047.29 of the Food and Agricultural Code, relating to pest control, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1642, as introduced, Chesbro. Pest control: Pierce's disease.

Existing law establishes the Pierce's Disease Control Program in the Department of Food and Agriculture, and the Pierce's Disease Management Account in the Food and Agriculture Fund. Existing law allows money in this account to be expended as specified to combat Pierce's disease and its vectors, including the glassy-winged sharpshooter, and for purposes relating to other designated pests and diseases, as provided. Existing law makes these provisions inoperative on March 1, 2016, and repeals them on January 1, 2017.

This bill would extend to March 1, 2021, the date on which the above provisions become inoperative, and would repeal those provisions on January 1, 2022.

Existing law creates in the department the Pierce's Disease and Glassy-winged Sharpshooter Board, which consists of specified members, and prescribes the functions and duties of the board with

respect to implementation of the Pierce’s disease program. Existing law provides for an annual assessment to be paid by grape processors, as defined, into the Food and Agriculture Fund for the purposes of, among other things, research and other activities related to the Pierce’s disease program. Existing law repeals these provisions on March 1, 2016.

This bill would extend the repeal date of these provisions to March 1, 2021, and would make related conforming changes. Because assessments collected pursuant to these provisions are deposited into the Food and Agriculture Fund, a continuously appropriated fund, by extending the date until which the assessments are collected, the bill would make an appropriation.

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

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

1 SECTION 1. Section 6045 of the Food and Agricultural Code
2 is amended to read:

3 6045. (a) The Legislature ~~hereby~~ finds and declares that the
4 plant killing bacterium, Xyella Fastidiosa and the resulting
5 pathogen, Pierce’s disease, and its vectors present a clear and
6 present danger to California’s ~~fifty billion dollar~~ 60-billion-dollar
7 grape industry, as well as to many other commodities and plant
8 life.

9 (b) There exists an ongoing need for at least fifteen million
10 dollars (\$15,000,000) annually in research and programs to combat
11 Pierce’s disease and its vectors in California.

12 SEC. 2. Section 6046 of the Food and Agricultural Code is
13 amended to read:

14 6046. (a) There is hereby created in the department the Pierce’s
15 Disease Control Program.

16 (b) The Governor shall appoint a statewide coordinator, and the
17 secretary shall provide an appropriate level of support staffing and
18 logistical support for combating Pierce’s disease and its vectors.

19 (c) (1) There is hereby created the Pierce’s Disease Management
20 Account in the Food and Agriculture Fund.

21 (2) The account shall consist of money transferred from the
22 General Fund and money made available from federal, industry,
23 and other sources. Money made available from federal, industry,
24 and other sources shall be available for expenditure without regard

1 to fiscal year for the purpose of combating Pierce’s disease or its
2 vectors and for the purpose described in Section 6047.30. State
3 general funds to be utilized for research shall be expended only
4 when the secretary has received commitments from nonstate
5 sources for at least a 25-percent match for each state dollar to be
6 expended.

7 (d) The funds appropriated pursuant to this section to the Food
8 and Agriculture Fund for the purpose of combating Pierce’s disease
9 and its vectors shall be used for costs that are incurred by the state
10 or by local entities during and subsequent to the fiscal year of the
11 act that added this section for the purpose of research and other
12 efforts to combat Pierce’s disease and its vectors.

13 (e) Whenever, in any county, funds are allocated by the
14 department for local assistance regarding Pierce’s disease and its
15 vectors, those funds shall be made available to a local public entity,
16 or local public entities, designated by that county’s board of
17 supervisors.

18 (f) Funds appropriated for local assistance shall not be allocated
19 to the local public entity until the local public entity creates a
20 Pierce’s disease work plan that is approved by the department.
21 Any funds allocated by the department to a designated local public
22 entity shall be utilized for activities consistent with the local
23 Pierce’s disease work plan or other programs or work plans
24 approved by the department. It shall be the responsibility of the
25 designated local public entity to develop and implement the local
26 Pierce’s disease work plan. Upon request, the department shall
27 provide consultation to the local public entity regarding its work
28 plan.

29 (g) The work plan created by the designated local public entity
30 shall include, but is not limited to, all of the following:

31 (1) In coordination with the department, the development and
32 delivery of producer outreach information and training to local
33 communities, groups, and individuals to organize their involvement
34 with the work plan and to raise awareness regarding Pierce’s
35 disease and its vectors.

36 (2) In coordination with the department, the development and
37 delivery of ongoing training of the designated local public entity’s
38 employees in the biology, survey, and treatment of Pierce’s disease
39 and its vectors.

1 (3) The identification within the designated local public entity
2 of a local Pierce’s disease coordinator.

3 (4) The proposed treatment of Pierce’s disease and its vectors.
4 Treatment programs shall comply with all applicable laws and
5 regulations and shall be conducted in an environmentally
6 responsible manner.

7 (5) In coordination with the department, the development and
8 implementation of a data collection system to track and report new
9 infestations of Pierce’s disease and its vectors in a manner
10 respectful of property and other rights of those affected.

11 (6) On an annual basis, while funds appropriated by this section
12 are available for encumbrance, the department shall review the
13 progress of each local public entity’s activities regarding Pierce’s
14 disease and its vectors and, as needed, make recommendations
15 regarding those activities to the local public entity.

16 ~~(h) Notwithstanding Section 7550.5 of the Government Code,~~
17 ~~the~~

18 ~~(h) (1) The department shall report to the Legislature on January~~
19 ~~1, 2001, and each January 1 while this section is operative,~~
20 ~~regarding its expenditures, progress, and ongoing priorities in~~
21 ~~combating Pierce’s disease and its vectors in California.~~

22 ~~(2) A report submitted pursuant to this subdivision shall be~~
23 ~~submitted in compliance with Section 9795 of the Government~~
24 ~~Code.~~

25 ~~(i) This article shall become inoperative on March 1, 2016 2021,~~
26 ~~and as of January 1, 2017 2022, is repealed, unless a later enacted~~
27 ~~statute that is enacted before January 1, 2017 2022, deletes or~~
28 ~~extends the dates on which it becomes inoperative and is repealed.~~

29 SEC. 3. Section 6047.7 of the Food and Agricultural Code is
30 amended to read:

31 6047.7. (a) During the first marketing season, beginning July
32 1, 2001, and ending June 30, 2002, the annual assessment shall be
33 three dollars (\$3) for each one thousand dollars (\$1,000) assessed
34 pursuant to Section 6047.9 for all grapes subject to assessment
35 under this article. The department shall notify each processor of
36 the established assessment as soon as practicable. For each
37 marketing season thereafter, the following shall apply:

38 (1) An annual assessment shall be recommended by the board
39 and submitted to the ~~department~~ *secretary* for approval in an
40 amount not to exceed three dollars (\$3) for each one thousand

1 dollars (\$1,000) assessed pursuant to Section 6047.9 for all grapes
2 subject to assessment under this article.

3 (2) The department shall notify each processor of the established
4 assessment rate by July 15, or as soon thereafter as possible.

5 (b) In no event shall there be an assessment on the following:

6 (1) Material other than grapes, and defects, or other weight
7 adjustments deducted from the gross weight ticket.

8 (2) Any raisin-distilling material.

9 (3) Grapes for which an assessment has been withheld, paid, or
10 is already owed.

11 SEC. 4. Section 6047.9 of the Food and Agricultural Code is
12 amended to read:

13 6047.9. (a) For purposes of calculating the amount to be
14 collected by the processor for purchased grapes, the assessment
15 shall be based on the gross dollar value of the grapes, which is the
16 gross dollar amount payable for the grapes before any deductions
17 for governmental assessments and fees.

18 (b) For purposes of calculating the assessment for grapes not
19 purchased, the assessment shall be based on the following:

20 (1) The tonnage of grapes delivered less material other than
21 grapes and defects or other weight adjustments deducted from
22 gross weight.

23 (2) The weighted average price per ton delivered basis purchased
24 from all nonrelated sources for wine, concentrate, juice, *wine*
25 vinegar, and beverage brandy by processors, by type, variety and
26 reporting district where grown for the grapes delivered, sources
27 as reported by the secretary pursuant to Section 55601.5 for the
28 immediately preceding marketing season.

29 SEC. 5. Section 6047.19 of the Food and Agricultural Code is
30 amended to read:

31 6047.19. (a) On or before December 31st of every other year,
32 the secretary, after consultation with the board, shall report on the
33 status of this article to the chairs of the policy and fiscal committees
34 that have the appropriate subject matter jurisdiction in the
35 Assembly and the Senate.

36 (b) The report shall include a financial accounting, including
37 the distribution of industry assessments and any unexpended
38 amount on deposit, of the department's efforts to contain Pierce's
39 disease and its vectors.

1 (c) This article shall remain in effect only until March 1, ~~2016~~
2 2021, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before March 1, ~~2016~~ 2021, deletes or extends that
4 date.

5 SEC. 6. Section 6047.20 of the Food and Agricultural Code is
6 amended to read:

7 6047.20. This article shall become inoperative, as of March 1,
8 ~~2011~~ 2016, unless the secretary finds, in a referendum conducted
9 by him or her, or a person designated by him or her, subsequent
10 to the operative date of the amendments to this section adopted in
11 ~~2009~~ 2014, that a favorable vote has been given pursuant to this
12 article.

13 SEC. 7. Section 6047.21 of the Food and Agricultural Code is
14 amended to read:

15 6047.21. (a) No later than April 15, ~~2010~~ 2015, the secretary
16 shall establish a list of those persons eligible to vote on the
17 continued implementation of this article.

18 (b) Eligibility shall be limited to the producers, processors, and
19 persons who paid the assessment on grapes crushed in the
20 immediately preceding season.

21 (c) (1) In establishing the list, the secretary may require
22 processors, producers, and others to submit the names, mailing
23 addresses, and assessment values of all producers who paid the
24 assessment on grapes crushed in the immediately preceding
25 marketing season.

26 (2) The information required by the secretary shall be filed either
27 with the annual assessment report or no later than 30 days
28 following receipt of a written notice from the secretary requesting
29 the information.

30 (d) Any producer whose name does not appear on the secretary's
31 list may have his or her name added to the list by filing with the
32 secretary a signed statement identifying himself or herself as a
33 producer that paid an assessment during the most recent marketing
34 season.

35 SEC. 8. Section 6047.27 of the Food and Agricultural Code is
36 amended to read:

37 6047.27. (a) If the secretary finds that a favorable vote as
38 provided in this article has not been given subsequent to the
39 operative date of the amendments to this section adopted in ~~2009~~

1 2014, this article shall become inoperative as of March 1, ~~2014~~
2 2016.

3 (b) If the secretary finds that a favorable vote has been given
4 as provided in this article, he or she shall certify and give notice
5 of the favorable vote to all persons whose names and addresses
6 may be on file with the secretary as provided in Section 6047.21.

7 SEC. 9. Section 6047.29 of the Food and Agricultural Code is
8 amended to read:

9 6047.29. (a) The secretary shall appoint an advisory task force
10 consisting of scientific experts, including, but not limited to,
11 university researchers and agricultural representatives, for the
12 purpose of advising the secretary on the control and management
13 of Pierce's disease.

14 (b) Members of the advisory task force, or alternate members
15 when acting as members, may be reimbursed, upon request, for
16 necessary expenses incurred by them in the performance of their
17 duties.

18 (c) Notwithstanding Sections 6047.20 and 6047.27, this section
19 shall remain in effect until March 1, ~~2016~~ 2021, and as of that date
20 is repealed, unless a later enacted statute, that is enacted before
21 March 1, ~~2016~~ 2021, deletes or extends that date.