

AMENDED IN ASSEMBLY JANUARY 25, 2000

AMENDED IN ASSEMBLY JANUARY 3, 2000

AMENDED IN ASSEMBLY AUGUST 30, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 736

Introduced by Assembly Member Thompson
(Coauthor: Assembly Member Zettel)

February 24, 1999

An act relating to pest control, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 736, as amended, Thompson. Pest control: ~~Fallbrook Mexican Fruit Fly Quarantine Relief Fund.~~

Existing law authorizes the Secretary of Food and Agriculture to undertake specified pest control measures with regard to various pests.

This bill would ~~enact the Fallbrook Mexican Fruit Fly Quarantine Relief Fund Act of 2000. The bill would create the Fallbrook Mexican Fruit Fly Quarantine Relief Fund, require \$10,000,000 to be deposited into the fund, and would make all moneys in the fund available for allocation by the Secretary of Food and Agriculture to provide relief to specified producers of host material within the quarantine zone, as specified~~ *require the Secretary of Food and Agriculture to report to the Legislature, no later than March 1, 2001, on the extent of losses to the agricultural community in and around*

the City of Fallbrook due to the Mexican Fruit Fly Quarantine, and to make recommendations regarding financial relief by the state, as specified. The act would become inoperative on October 30, 2001, unless the Fallbrook Mexican Fruit Fly Quarantine is still in effect.

Vote: $\frac{2}{3}$ 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. (a) It is the intent of the Legislature in
2 enacting this act to, among other things, prevent farm
3 business insolvencies and loss of employment in the area
4 of Fallbrook, identified as the Mexican Fruit Fly
5 Quarantine Area, as declared on October 30, 1999.

6 (b) This act shall be known and may be cited as the
7 Fallbrook Mexican Fruit Fly Quarantine Relief Fund Act
8 of 2000.

9 (c) The Legislature finds and declares all of the
10 following:

11 (1) The Mexican fruit fly is a serious agricultural pest
12 in Mexico and parts of Central America, where it readily
13 attacks a wide variety of fruits. If it were established in
14 California it would threaten approximately 50
15 commercially grown crops. About 25 percent of San
16 Diego County's one billion dollar (\$1,000,000,000)
17 agricultural industry could be affected by an infestation
18 of this pest.

19 (2) The imposition of the quarantine by federal, state,
20 and county agricultural officials was a reasonable
21 response in order to protect the agricultural industry in
22 the State of California.

23 (3) The imposition of Fallbrook Mexican Fruit Fly
24 Quarantine has created a hardship on producers of host
25 material within the quarantine area.

26 (4) Accepted treatment protocols must be exercised
27 by producers of host material within the quarantine area
28 in order to receive authorization to move harvested fruit
29 from farms to the marketplace.



1 (5) Treatment protocols are not available for several
2 fruit varieties produced within the quarantine zone, and
3 in some cases available treatment protocols require a
4 treatment time period that exceeds the harvest period of
5 crops, thus causing producers to abandon their crops.
6 Abandonment of these crops is solely for the protection
7 of the agricultural industry in the State of California.

8 ~~(d) The Fallbrook Mexican Fruit Fly Relief Fund is~~
9 ~~hereby created in the State Treasury.~~

10 ~~(1) The sum of ten million dollars (\$10,000,000) shall~~
11 ~~be deposited into that fund and all moneys in the fund~~
12 ~~shall be available for expenditure by the Secretary of~~
13 ~~Food and Agriculture for the purposes of this act.~~

14 ~~(2) Funds shall only be allocated by the Secretary of~~
15 ~~Food and Agriculture for payment to producers of host~~
16 ~~material within the quarantine zone who were unable to~~
17 ~~take their fruit to market due to the lack of accepted~~
18 ~~treatment protocols or because available protocols~~
19 ~~included time requirements that went beyond the~~
20 ~~harvest season of the host material.~~

21 ~~(3) No funds allocated under this act shall be used to~~
22 ~~supplant federal funds otherwise available in the absence~~
23 ~~of state financial relief.~~

24 ~~(4) Producers applying for relief from the fund shall be~~
25 ~~required to document losses through an application~~
26 ~~process acceptable to the Secretary of Food and~~
27 ~~Agriculture of the State of California and the~~
28 ~~Commissioner of Agriculture Weights and Measures for~~
29 ~~the County of San Diego.~~

30 ~~(5) The level of relief available to producers of host~~
31 ~~material shall be based on market prices that were~~
32 ~~available at the time harvest would have occurred. The~~
33 ~~Agricultural Commissioner, in consultation with the~~
34 ~~University of California Cooperative Extension Service,~~
35 ~~shall establish the estimated harvest time.~~

36 ~~(6) Estimated crop yield for the producer shall be~~
37 ~~determined by the Agricultural Commissioner in~~
38 ~~consultation with the University of California~~
39 ~~Cooperative Extension Service.~~



1 ~~(7) Relief funds available to producers of host material~~
2 ~~meeting the application criteria shall be 85 percent of the~~
3 ~~estimated yield at the market price determined in~~
4 ~~paragraph (5) above, in order to account for the avoided~~
5 ~~costs to the producer for not incurring the costs of the~~
6 ~~treatment protocol as experienced by all other producers~~
7 ~~of host material in the quarantine zone.~~

8 ~~(d) This act shall become inoperative on October 30,~~
9 ~~2001, unless the Fallbrook Mexican Fruit Fly Quarantine~~
10 ~~is still in effect.~~

11 *(d) The Secretary of Food and Agriculture shall, no*
12 *later than March 1, 2001, report to the Legislature on the*
13 *extent of financial losses suffered by the agricultural*
14 *community in and around the City of Fallbrook, resulting*
15 *from the Mexican Fruit Fly Quarantine imposed on the*
16 *area on October 30, 1999, and make recommendations on*
17 *how financial relief could be provided by the state to*
18 *these farmers and other persons who have suffered these*
19 *financial losses due to the quarantine.*

