

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN SENATE JUNE 28, 1999

AMENDED IN ASSEMBLY MAY 28, 1999

AMENDED IN ASSEMBLY MAY 13, 1999

AMENDED IN ASSEMBLY APRIL 28, 1999

AMENDED IN ASSEMBLY APRIL 20, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 1168**

**Introduced by Assembly Members Frusetta, Cardoza,  
House, Maldonado, Oller, and Thomson**  
(Coauthor: Senator Monteith)

February 25, 1999

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An act to add Article 1.7 (commencing with Section 7270) to Chapter 1 of Part 4 of Division 4 of the Food and Agricultural Code, relating to agriculture, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1168, as amended, Frusetta. ~~Cooperative~~—Noxious Weeds Management Program.

Existing law sets forth provisions in the Food and Agricultural Code, relating to weeds and pest seeds.

This bill would ~~establish~~ *create* the Noxious Weed Management ~~Area Fund under the jurisdiction of Account, in the Department of Food and Agriculture Fund, and~~

*continuously appropriate money in the account, to the Department Secretary of Food and Agriculture, for the purpose of managing and eradicating noxious weeds through local cooperative weed management areas, as specified.*

~~The bill would establish a California Interagency Noxious Weed Coordinating Committee consisting of state and federal agencies and private associations.~~

The bill would ~~require~~ *authorize* the department to establish an oversight committee to monitor the bill's provisions and would require the department to report on or before April 1 of each year, *to and including the year 2005*, to the Legislature.

The bill would ~~provide that the implementation of these provisions in any fiscal year is contingent upon the appropriation of funds for that fiscal year in the annual Budget Act or another act transfer \$1,500,000 from the General Fund to the account.~~

Vote: ~~majority~~ <sup>2/3</sup>. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Article 1.7 (commencing with Section  
2 7270) is added to Chapter 1 of Part 4 of Division 4 of the  
3 Food and Agricultural Code, to read:

4  
5 ~~Article 1.7.—Cooperative Noxious Weeds Area~~

6  
7 *Article 1.7. Noxious Weeds Management*

8  
9 7270. *The Legislature finds and declares all of the*  
10 *following:*

11 (a) *The destructive impact of invasive and often*  
12 *poisonous noxious weeds is profound, affecting*  
13 *California's cropland, rangeland, forest, and parkland.*

14 (b) *These pests cause enormous losses of private, state,*  
15 *and federal resources through decreased land*  
16 *productivity, degradation of wildlife habitat, and outright*  
17 *destruction of crops, livestock, wetlands, waterways,*  
18 *watersheds, and recreational areas.*



1 (c) *These noxious weeds include, but are not limited*  
2 *to, yellow star thistle, purple loosestrife, leafy spurge,*  
3 *spotted knapweed, musk thistle, and puncture vine.*

4 (d) *The estimated lost crop productivity caused by*  
5 *noxious weeds is seven billion four hundred million*  
6 *dollars (\$7,400,000,000) nationwide, a large proportion of*  
7 *which is attributable to California. Nationally, the direct*  
8 *and indirect costs of controlling noxious weeds may be as*  
9 *high as five billion four hundred million dollars*  
10 *(\$5,400,000,000) annually.*

11 7271. (a) *The Legislature designates the*  
12 *Department of Food and Agriculture as the lead*  
13 *department in noxious weed management.*

14 (b) *There is hereby created in the Department of*  
15 *Food and Agriculture Fund the Noxious Weed*  
16 *Management Account.*

17 (c) *The money in the account is hereby continuously*  
18 *appropriated, without regard to fiscal years, to the*  
19 *secretary for purposes of this article.*

20 (1) *Fifteen percent of moneys in the account shall be*  
21 *made available toward research on the biology, ecology,*  
22 *or management of noxious and invasive weeds.*

23 (2) *These research moneys shall be made available to*  
24 *qualified researchers through a grant program*  
25 *administered by the department. Proposals shall be*  
26 *evaluated in consultation with the Range Management*  
27 *Advisory Committee, with emphasis placed on funding of*  
28 *needs-based, applied and practical research.*

29 7272. (a) *To be eligible to receive funding from the*  
30 *Noxious Weed Management Account pursuant to this*  
31 *article, a weed management area, as defined in*  
32 *subdivision (b), shall be formed in a county or other*  
33 *geographic area.*

34 (b) *A “weed management area” is a local organization*  
35 *that brings together all interested landowners, land*  
36 *managers (private, city, county, state, and federal),*  
37 *special districts, and the public in a county or other*  
38 *geographical area for the purpose of coordinating and*  
39 *combining their action and expertise to deal with their*  
40 *common weed control problems. The organization shall*



1 function under the authority of a mutually developed  
2 memorandum of understanding and subject to statutory  
3 and regulatory requirements. A weed management area  
4 may be voluntarily governed by a chairperson or a  
5 steering committee.

6 (c) Noxious weed management funds distributed to  
7 weed management areas subject to this section shall not  
8 be used for meeting, travel, administration, or other  
9 overhead costs.

10 (d) The secretary may appoint a noxious weed  
11 coordinator and a weed mapping specialist to assist in  
12 weed inventory, mapping, and control strategies.

13 (e) Each weed management area within the state shall  
14 create a cost-share plan for the integrated management  
15 of noxious weeds within that area. The plan shall be  
16 submitted to the department for review, approval, and  
17 funding.

18 (f) The department shall conduct private and public  
19 workshops as needed to discuss and plan weed  
20 management strategy with all interested and affected  
21 local, state and federal agencies, private landowners,  
22 educational institutions, interest groups, and county  
23 agricultural commissioners.

24 7273. (a) The department may designate members  
25 of one or more existing advisory boards as an oversight  
26 committee to monitor this article and shall include input  
27 from weed management areas and the Range  
28 Management Advisory Committee.

29 7274. Notwithstanding Section 7550.5 of the  
30 Government Code, the department shall submit to the  
31 Legislature an annual report on or before April 1 of each  
32 year, to and including the year 2005, highlighting the  
33 status of its efforts to abate noxious weeds in this state.

34 SEC. 2. The sum on one million five hundred  
35 thousand dollars (\$1,500,000) is hereby transferred from  
36 the General Fund to the Department of Food and  
37 Agriculture to be deposited in the Noxious Weed  
38 Management Account for purposes of Article 1.7  
39 (commencing with Section 7270) of Chapter 1 of Part 4  
40 of Division 4 of the Food and Agricultural Code.



1 Management Program

2

3 ~~7270. The Legislature finds and declares all of the~~  
4 ~~following:~~

5 ~~(a) The destructive impact of noxious weeds in~~  
6 ~~California is profound.~~

7 ~~(b) Because California cropland, rangeland, forest,~~  
8 ~~and parkland is being overrun by invasive, nonnative,~~  
9 ~~often poisonous weeds, enormous amounts of private,~~  
10 ~~state, and federal resources are wasted through~~  
11 ~~decreased land productivity, degradation of wildlife~~  
12 ~~habitat, or outright destruction of crops, livestock,~~  
13 ~~wetlands, waterways, watersheds, and recreational areas.~~

14 ~~(c) These noxious weeds include, but are not limited~~  
15 ~~to, yellow star thistle, purple loosestrife, leafy spurge,~~  
16 ~~spotted knapweed, scotch, musk thistle, and puncture~~  
17 ~~vine.~~

18 ~~(d) The estimated costs nationally of lost crop~~  
19 ~~productivity caused by noxious weeds is 7.4 billion dollars,~~  
20 ~~a large proportion of which is attributable to California.~~

21 ~~(e) Nationally, the direct and indirect costs of~~  
22 ~~controlling noxious weeds may be as high as 5.4 billion~~  
23 ~~dollars annually.~~

24 ~~7271. (a) There is hereby established the Noxious~~  
25 ~~Weed Management Area Fund.~~

26 ~~(b) The secretary shall administer moneys in the fund,~~  
27 ~~to be distributed upon appropriation and in cooperation~~  
28 ~~with weed management areas in accordance with this~~  
29 ~~article as developed by the Range Management Advisory~~  
30 ~~Committee and consistent with regulations adopted by~~  
31 ~~the Board of Forestry.~~

32 ~~(c) (1) Fifteen percent of the funds shall be made~~  
33 ~~available toward research on the biology, ecology, or~~  
34 ~~management of the yellow star thistle and other weed~~  
35 ~~pests, and to eradicate noxious weeds and to assist~~  
36 ~~counties in establishing weed management areas to~~  
37 ~~control noxious invasive weeds pursuant to this article~~  
38 ~~and Part 1 (commencing with Section 5001) of this~~  
39 ~~division. For purposes of this article, the department shall~~  
40 ~~consult with federal, local, and other state agencies;~~



1 institutions of higher education, and the Range  
2 Management Advisory Committee.

3 (2) These research funds shall be made available to  
4 qualified researchers through a grant program  
5 administered by the department. Proposals shall be  
6 evaluated by a review panel and research results shall be  
7 presented in reports following completion of the funded  
8 projects.

9 7272. (a) To be eligible to receive funding from the  
10 Noxious Weed Management Area Fund pursuant to this  
11 article, a cooperative weed management area as defined  
12 in subdivision (b) shall be formed in a county or other  
13 geographic areas.

14 (b) (1) A “Cooperative Weed Management Area”  
15 (CWMA) is a local organization that brings together all  
16 landowners and managers (private, city, county, state,  
17 and federal) in a county or other geographical area for  
18 the purpose of coordinating and combining their action  
19 and expertise to deal with their common weed control  
20 problems. The organization shall function under the  
21 authority of a mutually developed memorandum of  
22 understanding and subject to statutory and regulatory  
23 weed control requirements. A CWMA may be voluntarily  
24 governed by a chairperson or a steering committee.

25 (2) For purposes of paragraph (1), “local  
26 organization,” “landowners,” and “managers” may  
27 include, but are not limited to, a special district.

28 (c) A noxious weed coordinator appointed by the  
29 secretary shall review, monitor, and evaluate programs  
30 for CWMA. A statewide weed-mapping coordinator  
31 appointed by the secretary shall assist the CWMA in  
32 inventory, mapping, and program evaluation  
33 monitoring.

34 (d) Each CWMA within the state shall create a  
35 cost-share plan for the integrated management of noxious  
36 weeds within that area. The plan shall be submitted to the  
37 department for review by the noxious weed coordinator  
38 for approval. Each CWMA whose plan is approved shall  
39 receive moneys that are distributed by the department  
40 for the abatement of noxious weeds within that CWMA.



1 ~~(c) The department shall coordinate its~~  
2 ~~administration of the Noxious Weed Management Area~~  
3 ~~Fund with federal agencies involved in the management~~  
4 ~~and eradication of noxious weeds on federal lands, and~~  
5 ~~with the California Interagency Noxious Weed~~  
6 ~~Coordinating Committee (CINWCC). The CINWCC~~  
7 ~~includes representatives from the following:~~  
8 ~~(1) Agricultural Commissioners and Sealers~~  
9 ~~Association.~~  
10 ~~(2) The department.~~  
11 ~~(3) Department of Transportation.~~  
12 ~~(4) Department of Boating and Waterways.~~  
13 ~~(5) Department of Fish and Game.~~  
14 ~~(6) Department of Forestry and Fire Protection.~~  
15 ~~(7) Department of Parks and Recreation.~~  
16 ~~(8) Department of Water Resources.~~  
17 ~~(9) Department of the Army, United States Corps of~~  
18 ~~Engineers, South Pacific Division.~~  
19 ~~(10) United States Department of Agriculture,~~  
20 ~~Natural Resources Conservation Service.~~  
21 ~~(11) United States Department of Agriculture, Animal~~  
22 ~~and Plant Health Inspection Service.~~  
23 ~~(12) United States Department of Agriculture, Forest~~  
24 ~~Service.~~  
25 ~~(13) United States Department of Defense, Air Force.~~  
26 ~~(14) United States Department of Interior, Bureau of~~  
27 ~~Indian Affairs.~~  
28 ~~(15) United States Department of Interior, Bureau of~~  
29 ~~Land Management.~~  
30 ~~(16) United States Department of Interior, Bureau of~~  
31 ~~Reclamation.~~  
32 ~~(17) United States Department of Interior, Fish and~~  
33 ~~Wildlife Service.~~  
34 ~~(18) United States Department of Interior, National~~  
35 ~~and Park Service.~~  
36 ~~7273. (a) The department shall establish an oversight~~  
37 ~~committee to monitor this article.~~  
38 ~~(b) The membership of the oversight committee shall~~  
39 ~~include the Secretary of Agriculture, or his or her~~



1 ~~designee, to serve as chair, and one representative from~~  
2 ~~each of the following:~~

- 3 ~~(1) Livestock production.~~
- 4 ~~(2) Agricultural crop protection.~~
- 5 ~~(3) Forest products industry.~~
- 6 ~~(4) Crop protection industry.~~
- 7 ~~(5) California Exotic Pest Plant Council.~~
- 8 ~~(6) Research institutions.~~
- 9 ~~(7) Sportsman wildlife groups.~~
- 10 ~~(8) Environmental organizations.~~
- 11 ~~(9) Public at large.~~
- 12 ~~(10) Resource conservation districts.~~

13 ~~(e) The CINWCC shall serve in an advisory capacity~~  
14 ~~for the oversight committee.~~

15 ~~7274. Notwithstanding Section 7550.5 of the~~  
16 ~~Government Code, the department shall submit to the~~  
17 ~~Legislature on or before April 1 of each year a report~~  
18 ~~indicating the success rate of its efforts to abate noxious~~  
19 ~~weeds in this state.~~

20 ~~7275. The implementation of this article in any fiscal~~  
21 ~~year is contingent upon the appropriation of funds for the~~  
22 ~~purpose of this article for that fiscal year in the annual~~  
23 ~~Budget Act or in another act.~~

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