

AMENDED IN ASSEMBLY SEPTEMBER 7, 1999

AMENDED IN ASSEMBLY AUGUST 16, 1999

AMENDED IN ASSEMBLY JULY 7, 1999

AMENDED IN ASSEMBLY MAY 25, 1999

AMENDED IN SENATE MARCH 18, 1999

AMENDED IN SENATE MARCH 1, 1999

**SENATE BILL**

**No. 204**

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**Introduced by Senator Lewis**

(Principal ~~coauthor: Assembly Member Campbell~~ *coauthors:*  
*Assembly Members Brewer, Campbell, and Correa*)

**(Coauthors: Senators Dunn, Johannessen, Johnson, Knight,  
McPherson, Monteith, Morrow, and Poochigian)**

(Coauthors: Assembly Members Ackerman, Bates, Baugh,  
~~Brewer~~, Florez, House, Maddox, Maldonado, Margett,  
Robert Pacheco, and Zettel)

January 20, 1999

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An act relating to pest control, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 204, as amended, Lewis. Red imported fire ants.

Existing law generally provides for the control and eradication of pests, as specified. Existing law also provides for the Red Imported Fire Ant Advisory Panel.

This bill would appropriate ~~\$9,500,000~~—\$2,200,000 for apportionment to the Orange County cities of Anaheim, Brea, Buena Park, Cypress, Fountain Valley, Fullerton, Huntington Beach, Irvine, Laguna Hills, Laguna Niguel, Laguna Woods, Mission Viejo, Newport Beach, Orange, Placentia, San Juan Capistrano, Seal Beach, Westminster, and Yorba Linda, and \$2,700,000 for apportionment to the Orange County Vector Control District from the General Fund to the Department of Food and Agriculture Fund for the purpose of controlling and eradicating the infestation of the red imported fire ant in California, as specified.

The bill also would require the department, not later than June 30, 2000, to report to the Legislature outlining its expenditures and setting forth its progress in eradicating the infestation of the red imported fire ant in the state.

The bill would declare that it is to take effect immediately as an urgency statute.

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

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

1 SECTION 1. (a) The Legislature hereby finds and  
2 declares that the red imported fire ant is known for its  
3 aggressive behavior and venomous bite, and can interfere  
4 with outdoor activities, and threaten people as well as  
5 animals and agriculture. Red imported fire ants have  
6 been identified in six counties and are spreading rapidly,  
7 with new mounds being discovered daily. To date, there  
8 have been more than 32 deaths related to red imported  
9 fire ants throughout the nation.

10 (b) Notwithstanding Section 7550.5 of the  
11 Government Code, the Department of Food and  
12 Agriculture, not later than June 30, 2000, shall report to  
13 the Legislature outlining its expenditures and setting  
14 forth its progress in eradicating the infestation of the red  
15 imported fire ant in California.

16 SEC. 2. The amount of ~~nine million five hundred~~  
17 ~~thousand dollars (\$9,500,000)~~ two million two hundred  
18 thousand dollars (\$2,200,000) for apportionment to the

1 *Orange County cities of Anaheim, Brea, Buena Park,*  
2 *Cypress, Fountain Valley, Fullerton, Huntington Beach,*  
3 *Irvine, Laguna Hills, Laguna Niguel, Laguna Woods,*  
4 *Mission Viejo, Newport Beach, Orange, Placentia, San*  
5 *Juan Capistrano, Seal Beach, Westminster, and Yorba*  
6 *Linda, and two million seven hundred thousand dollars*  
7 *(\$2,700,000) for apportionment to the Orange County*  
8 *Vector Control District* is hereby appropriated without  
9 regard to fiscal year from the General Fund to the  
10 Department of Food and Agriculture Fund for the  
11 purpose of controlling and eradicating the infestation of  
12 the red imported fire ant in California, as follows:

13 (a) The funds appropriated pursuant to this section  
14 shall be used for those costs that are incurred by the state  
15 or by local entities after the effective date of the bill that  
16 added this section.

17 (b) Whenever, in any county, funds are allocated by  
18 the Department of Food and Agriculture for local  
19 assistance regarding the red imported fire ant, those  
20 funds shall be made available to a local public entity, or  
21 local public entities, designated by that county's board of  
22 supervisors.

23 (c) Any funds allocated by the department to a  
24 designated local public entity or designated local public  
25 entities shall be utilized solely for activities consistent  
26 with the local red imported fire ant workplan.

27 (d) The development and implementation of the local  
28 red imported fire ant workplan shall be the responsibility  
29 of the designated local public entity. On request, the  
30 department shall provide consultation to the local public  
31 entity regarding the local red imported fire ant workplan.

32 (e) The local red imported fire ant workplan  
33 developed by the designated local public entity shall  
34 include, but is not limited to, all of the following:

35 (1) In coordination with the department, the  
36 development and delivery of public outreach  
37 information and training to local communities, groups,  
38 and individuals to organize their involvement with the  
39 work plan and to raise public awareness regarding the red  
40 imported fire ant.



1 (2) In coordination with the department, the  
2 development and delivery of ongoing training of the  
3 designated local public entity’s employees in the biology,  
4 survey, and treatment of the red imported fire ant.

5 (3) The identification within the designated local  
6 public entity of a local red imported fire ant coordinator.

7 (4) A survey of locations of the red imported fire ant.

8 (5) The proposed treatment of the red imported fire  
9 ant. If pesticide treatment is proposed, the plan shall  
10 identify how the local public entity will comply with  
11 applicable laws and regulations regarding the use of  
12 pesticides.

13 (6) In coordination with the department, the  
14 development and implementation of a data collection  
15 system to track and report red imported fire ant activities.

16 (7) An annual budget for the workplan.

17 (f) On an annual basis, while funds appropriated by  
18 this section are available for encumbrance, the  
19 department shall review the progress of each local public  
20 entity’s red imported fire ant activities and, as needed,  
21 make recommendations regarding those activities to the  
22 local public entity.

23 (g) Funds appropriated for local assistance shall not be  
24 allocated to a local public entity until the local public  
25 entity’s red imported fire ant workplan is approved by  
26 the department as being consistent with subdivision (e)  
27 and, in addition, annually thereafter with  
28 recommendations required in subdivision (f).

29 SEC. 3. This act is an urgency statute necessary for the  
30 immediate preservation of the public peace, health, or  
31 safety within the meaning of Article IV of the  
32 Constitution and shall go into immediate effect. The facts  
33 constituting the necessity are:

34 In order to bring about the control and eradication of  
35 the red imported fire ant at the earliest possible time, it  
36 is necessary that this act take effect immediately.

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