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AB-2470 Invasive Species Council of California. (2017-2018)

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Assembly Bill No. 2470

CHAPTER 870

An act to amend Sections 5260 and 7271 of, and to add Part 4.5 (commencing with Section 7700) to Division 4 of, the Food and Agricultural Code, relating to invasive species.

[Approved by Governor September 28, 2018. Filed with Secretary of State September 28, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2470, Grayson. Invasive Species Council of California.

(1) Existing law generally provides for the eradication of pests that threaten this state's agriculture and imposes various duties on the Department of Food and Agriculture in that regard. Under existing law, the department is designated as the lead department in noxious weed management, and requires the department, in cooperation with the Secretary of the Natural Resources Agency, to implement provisions relating to noxious weed management.

This bill would establish the Invasive Species Council of California, with a prescribed membership, to help coordinate a comprehensive effort to prevent the introduction of invasive species in the state and to advise state agencies how to facilitate coordinated, complementary, and cost-effective control or eradication of invasive species that have entered or are already established in the state, as specified.

The bill would authorize the council to establish advisory committees and ad hoc working groups, including the California Invasive Species Advisory Committee, with a prescribed membership, to advise the council on a broad array of issues related to preventing the introduction of invasive species and providing for their control or eradication, as well as minimizing the economic, ecological, and human health impacts that invasive species cause, as specified.

The bill would require the council to coordinate with state and local public agencies, publicly funded educational institutions, and stakeholder groups to develop a plan for the cure or suppression of diseases associated with the spread of invasive shot hole borers.

The bill would establish the Invasive Species Account in the Department of Food and Agriculture Fund and moneys in the account would be available, upon appropriation, to the Secretary of Food and Agriculture for the purposes of funding invasive species projects and activities recommended by the council.

(2) Existing law creates the Noxious Weed Management Account in the Department of Food and Agriculture Fund, and provides for the allocation of those moneys, by percentage, for specified purposes, including control and abatement and research, and to the department for the purposes of carrying out those provisions relating to noxious weed management.

This bill would revise the purposes for which 20% of the moneys in the Noxious Weed Management Account are to be allocated for research to instead be made available through a grant program administered by the department for proposals evaluated in

consultation with the Range Management Advisory Committee, with an emphasis placed on the funding of needs-based, applied, and practical research, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5260 of the Food and Agricultural Code is amended to read:

5260. The Legislature hereby finds and declares all of the following:

- (a) California is home to more species of plants and animals in the world and the highest number of species found nowhere else in the world.
- (b) The state's plants and animals coexist to create the complex ecosystems upon which so much of the state's people and economy depend.
- (c) Global travel, global trade, and climate change are introducing invasive animals, plants, insects, and plant and animal diseases to California.
- (d) Global warming is changing ecosystems at an unprecedented pace. These changes bring invasive species and pests that pose direct threats to the state's native and agricultural biodiversity.
- (e) The State of California should undertake advance planning on whether and how to address those invasive animals, plants, insects, and plant and animal diseases that are a threat to the state's agriculture, environment, or economy.
- (f) The Legislature fully recognizes that any prediction of which invasive pests will enter California cannot be precise because of the many entry mechanisms.

SEC. 2. Section 7271 of the Food and Agricultural Code is amended to read:

7271. (a) The Legislature designates the department as the lead department in noxious weed management and the department is responsible for the implementation of this article in cooperation with the Secretary of the Natural Resources Agency.

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

(c) Moneys appropriated for expenditure by the secretary for the purposes of this article may be spent without regard to fiscal year and shall be allocated as follows:

(1) Sixty percent of the moneys in the account shall be made available to eligible weed management areas or county agricultural commissioners for the control and abatement of noxious and invasive weeds according to an approved integrated weed management plan. These control moneys shall be made available through a grant program administered by the department. Proposals shall be evaluated based on the strategic importance for local and regional eradication of high priority noxious and invasive weeds.

(2) (A) Twenty percent shall be made available toward research on the biology, ecology, or management of noxious and invasive weeds; the mapping, risk assessment, and prioritization of weeds; the prevention of weed introduction and spread; and education and outreach activities. These moneys shall be made available to qualified applicants through a grant program administered by the department. Proposals shall be evaluated in consultation with the Range Management Advisory Committee, established pursuant to Section 741 of the Public Resources Code, with an emphasis placed on funding of needs-based, applied, and practical research.

(B) For purposes of this paragraph, a qualified applicant includes nonprofits, publicly funded educational institutions, state and local agencies, and California Native American tribes.

(3) Twenty percent shall be made available to the department, and shall only be used for the following purposes:

(A) Carrying out the provisions of this article.

(B) Developing noxious weed control strategies.

(C) Seeking new, effective biological control agents for the long-term control of noxious weeds.

(D) Conducting private and public workshops as needed to discuss and plan weed management strategies with all interested and affected local, state, and federal agencies, private landowners, educational institutions, interest groups, and

county agricultural commissioners.

(E) Appointing a noxious weed coordinator and weed mapping specialist to assist in weed inventory, mapping, and control strategies.

SEC. 3. Part 4.5 (commencing with Section 7700) is added to Division 4 of the Food and Agricultural Code, to read:

PART 4.5. Invasive Species Council of California

7700. (a) (1) There is in state government the Invasive Species Council of California. The purpose of the council is to help coordinate a comprehensive effort to prevent the introduction of invasive species in the state and to advise state agencies, including, but not limited to, the department and the Natural Resources Agency, within their respective authorities how to facilitate coordinated, complementary, and cost-effective control or eradication of invasive species that have entered or are already established in the state. The council may address nonnative organisms that cause economic or environmental harm. Invasive species within the scope of the council's advisory duties do not include humans, domestic livestock, domestic or domesticated species exempted pursuant to Section 2118 of the Fish and Game Code, or nonharmful exotic organisms.

(2) This part shall not prohibit the department from serving as the state's governing authority in invasive pest and plant management, as specified in this division.

(b) The Invasive Species Council of California shall consist of the following six members:

- (1) The secretary or his or her designated representative.
- (2) The Secretary of the Natural Resources Agency or his or her designated representative.
- (3) The Secretary for Environmental Protection or his or her designated representative.
- (4) The Secretary of Transportation or his or her designated representative.
- (5) The Secretary of California Health and Human Services or his or her designated representative.
- (6) The Director of Emergency Services or his or her designated representative.

(c) The Secretary of the Natural Resources Agency or his or her designated representative and the secretary or his or her designee shall serve as cochair of the council.

(d) The Invasive Species Council of California shall meet annually and as needed as determined by the cochair.

(e) The secretary may designate a staff liaison to further the purposes of this part.

(f) (1) The Invasive Species Council of California may establish advisory committees and ad hoc working groups, as necessary, to advise on a broad array of issues related to preventing the introduction of invasive species and providing for their control or eradication, as well as minimizing the economic, ecological, and human health impacts that invasive species cause.

(2) The advisory committees and working groups may consist of representatives from state agencies, federal agencies, county agricultural commissioners, academia, nonprofit organizations, tribal nations, industry representatives, and members of the public.

7702. Upon the appropriation or transfer of adequate moneys to the Invasive Species Account, created pursuant to Section 7706, the Invasive Species Council of California may make recommendations on invasive species projects and activities, including, but not limited to, any of the following:

- (a) To assist state, federal, and local agencies to prevent the introduction of invasive species.
- (b) To relevant state agencies and departments regarding any of the following:
 - (1) Detection, control, and eradication of invasive species, including emergency and nonemergency detection and rapid response.
 - (2) Development and maintenance of statewide surveys and mapping of high-risk areas.
 - (3) Improvement of inspections at state and national boundaries to prevent the introduction of invasive species.
- (c) To develop comprehensive reports on the ecological, agricultural, and economic impacts of invasive species.
- (d) To develop statewide education, outreach, and branding of invasive species.

- (e) To increase coordination and collaboration among invasive species partners.
- (f) To develop statewide invasive species action plans, including the plan required pursuant to Section 7708.
- (g) To host an annual California Invasive Species Summit to develop new recommendations and to coordinate invasive species activities.
- (h) (1) To develop a report containing activities of the Invasive Species Council of California and recommendations to improve invasive species management.
 - (2) The council shall submit the report developed pursuant to this subdivision to the Legislature and the Governor.
 - (3) A report to be submitted to the Legislature pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

7704. The Invasive Species Council of California may establish the California Invasive Species Advisory Committee, which shall consist of the following 19 members:

- (a) Four members designated by the secretary.
- (b) Four members designated by the Secretary of the Natural Resources Agency or his or her designated representative.
- (c) One member appointed by the Secretary for Environmental Protection or his or her designated representative.
- (d) One member appointed by the Secretary of Transportation or his or her designated representative.
- (e) One member appointed by the Secretary of California Health and Human Services or his or her designated representative.
- (f) One member appointed by the Director of Emergency Services or his or her designated representative.
- (g) Six members appointed by the cochair of the Invasive Species Council of California to create a diverse makeup of federal, nonprofit organization, tribal, industry, and other representatives.
- (h) One member appointed by the California Agricultural Commissioners and Sealers Association.

7706. (a) The Invasive Species Account is hereby established in the Department of Food and Agriculture Fund. Moneys in the account are available, upon appropriation by the Legislature, to the secretary for the purposes of funding invasive species projects and activities recommended by the Invasive Species Council of California.

(b) Moneys in the Invasive Species Account appropriated by the Legislature for allocation by the secretary for the purposes of this part may be allocated without regard to fiscal year.

7708. (a) The Invasive Species Council of California shall coordinate with state and local public agencies, publicly funded educational institutions, and stakeholder groups to develop a plan for the cure or suppression of diseases associated with the spread of invasive shot hole borers, including, but not limited to, the Polyphagous and Kuroshio shot hole borers.

(b) (1) Upon the completion of the plan required pursuant to subdivision (a), the department, subject to the availability of appropriations for those specified purposes, shall support the efforts of state and local agencies, California Native American tribes, and nonprofits to cure or suppress the diseases affiliated with the invasive shot hole borer infestation as provided in paragraph (2).

(2) Support provided by the department pursuant to this section may include, but is not limited to, the following:

(A) Grants to support research related to the identification of infected trees and methods to prevent further infestation.

(B) Grants to state and local agencies, California Native American tribes, and nonprofits to support suppression or cure efforts.

(c) No state moneys shall be awarded to a local agency pursuant to subdivision (b) unless the local agency has contributed from local resources a dollar amount that is equal to the dollar amount of state moneys to be awarded or the local agency is located in a disadvantaged community, as identified pursuant to Section 39711 of the Health and Safety Code.