

AMENDED IN SENATE MAY 9, 2007
AMENDED IN SENATE APRIL 19, 2007

SENATE BILL

No. 556

Introduced by Senator Wiggins

February 22, 2007

An act to add ~~Section 8546.10 to the Government Code, relating to the State Auditor. Article 10 (commencing with Section 6049.5) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to the Light Brown Apple Moth, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as amended, Wiggins. ~~State Auditor: Veterans' Home of California: The Light Brown Apple Moth.~~

Existing law provides for the control and abatement of plant pests.

This bill would make various findings and declarations relating to the Light Brown Apple Moth. This bill would create the Light Brown Apple Moth Advisory Task Force to advise the Secretary of the Department of Food and Agriculture on the environmental and economic impact of the potential spread of the Light Brown Apple Moth in California on or before September 1, 2007. This bill would provide that appointments to the task force would be made by the secretary.

This bill would declare that it is to take effect immediately as an urgency measure.

~~Existing law provides for the establishment and operation of the Veterans' Home of California at various sites for aged and disabled veterans who meet certain eligibility requirements.~~

~~The bill would require the State Auditor to conduct an audit of the Veterans' Home of California, Yountville, to verify compliance with the Americans with Disabilities Act of 1990.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 *SECTION 1. The Legislature hereby finds and declares all of*
2 *the following:*

3 *(a) On March 22, 2007, the U.S. Department of Agriculture's*
4 *Animal and Plant Health Inspection Service (APHIS) confirmed*
5 *the presence of Light Brown Apple Moth (LBAM), *Epiphyas**
6 *posvittan, in California.*

7 *(b) Since then, the presence of this invasive species has been*
8 *detected in portions of Alameda, Contra Costa, Marin, San*
9 *Francisco, San Mateo, Santa Clara, Santa Cruz, and Monterey*
10 *Counties.*

11 *(c) This moth is originally from Australia, and has become*
12 *established in New Zealand, New Caledonia, Hawaii, and the*
13 *British Isles. Its discovery in California is a new North American*
14 *record.*

15 *(d) The presence of the Light Brown Apple Moth has been*
16 *recorded in over 200 plants in 120 plant genera in 50 families.*
17 *Notable trees are apple, pear, peach, apricot, nectarine, citrus,*
18 *persimmon, cherry, almond, avocado, oak, willow, walnut, poplar,*
19 *cottonwood, coast redwood, pine, and eucalyptus. Common shrub*
20 *and herbaceous hosts are grape, kiwifruit, strawberry, blackberry,*
21 *blueberry, boysenberry, raspberry, corn, pepper, tomato, pumpkin,*
22 *beans, cabbage, carrot, alfalfa, rose, camellia, jasmine,*
23 *chrysanthemum, clover, and plantain.*

24 *(e) Development of the Light Brown Apple Moth is continuous,*
25 *with no true dormancy. In Australia, this moth typically has three*
26 *generations per year and over-winters as a larva. Adults deposit*
27 *egg masses containing 20-50 eggs on the upper leaf surface or on*
28 *fruit. Larvae disburse and construct silken shelters on the*
29 *undersides of leaves, usually near a midrib or large vein. Older*
30 *larva roll together leaves and buds or fruit with webbing.*

31 *(f) Damage to fruit occurs as surface feeding by the larva.*
32 *Pupation takes place within the larval nests. The pest destroys,*

1 *stunts, or deforms, young seedlings, spoils the appearance of*
2 *ornamental plants, and injures deciduous fruit-tree crops, citrus,*
3 *and grapes.*

4 *(g) California is the nation's leader in agricultural exports and*
5 *in 2003 shipped more than \$7.2 billion in both food and*
6 *agricultural commodities around the world.*

7 *(h) The Light Brown Apple Moth has the potential to cause*
8 *significant economic losses due to increased production costs and*
9 *the possible loss of international and domestic markets.*

10 *SEC. 2. Article 10 (commencing with Section 6049.5) is added*
11 *to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural*
12 *Code, to read:*

13

14

Article 10. Light Brown Apple Moth

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16 *6049.5. (a) The Light Brown Apple Moth Advisory Task Force*
17 *is hereby created. The task force shall advise the Secretary of the*
18 *Department of Food and Agriculture on the environmental and*
19 *economic impact of the potential spread of the Light Brown Apple*
20 *Moth in California.*

21 *(b) The task force shall report its findings to the secretary on or*
22 *before September 1, 2007.*

23 *(c) Appointments to the task force shall be made by the Secretary*
24 *of the Department of Food and Agriculture.*

25 *SEC. 3. This act is an urgency statute necessary for the*
26 *immediate preservation of the public peace, health, or safety within*
27 *the meaning of Article IV of the Constitution and shall go into*
28 *immediate effect. The facts constituting the necessity are:*

29 *The Light Brown Apple Moth is a new exotic pest that is not yet*
30 *established in the United States. In order that swift action to assess*
31 *its potential impact on the environmental and economic health of*
32 *California can be taken as soon as possible, it is necessary that*
33 *this act take effect immediately.*

34 ~~SECTION 1. Section 8546.10 is added to the Government~~
35 ~~Code, to read:~~

36 ~~8546.10. The State Auditor shall conduct an audit of the~~
37 ~~Veterans' Home of California, Yountville, to verify compliance~~

- 1 with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
- 2 12101 et. seq.).

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