



Legislation Details (With Text)

File #: 23-0443 **Version:** 1

Type: State Legislation **Status:** Agenda Ready

File created: 3/9/2023 **In control:** Legislative Subcommittee

On agenda: 3/13/2023 **Final action:**

Title: Interim County Executive Officer, on behalf of Supervisor Joelle Gallagher, requests discussion and possible action on AB 99 by Assembly Member Connolly.

Sponsors: Board of Supervisors

Indexes:

Code sections:

Attachments: 1. AB 99 (Connolly)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

TO: Napa County Legislative Subcommittee

FROM: David Morrison, Interim County Executive Officer

REPORT BY: Jesus Tijero, Staff Assistant II - BOS

SUBJECT: AB 99 (Connolly)

RECOMMENDATION

Interim County Executive Officer, on behalf of Supervisor Joelle Gallagher, requests discussion and possible action on AB 99 by Assembly Member Connolly.

EXECUTIVE SUMMARY

AB 99 (Connolly) - Existing law vests the Department of Transportation with possession and control of the state highway system and associated property. Existing law prohibits each state agency that has responsibility for roadside vegetation control operations on, or along, a roadway, including a state highway, from conducting a roadside vegetation control operation on a portion of the roadway for which a property owner has made a request for information related to the roadside vegetation control operation until certain conditions are satisfied, as specified.

This bill would require the department to adopt a statewide policy to only use integrated pest management, as

defined, that does not use herbicides or pesticides on state roads and highways in each county that has adopted an ordinance prohibiting roadside spraying of herbicides and pesticides. The bill would require the department, in developing the statewide policy, to contract with an outside entity that possesses expertise in integrated pest management. Under existing law, a violation of certain provisions and regulations related to pesticides is a misdemeanor punishable by a fine of not less than \$5,000 and not more than \$50,000, or by imprisonment of not more than 6 months, or by both the fine and imprisonment. Because a violation of this bill's requirements would be a crime subject to the provision above, the bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

AB 99 (Connolly) - Existing law vests the Department of Transportation with possession and control of the state highway system and associated property. Existing law prohibits each state agency that has responsibility for roadside vegetation control operations on, or along, a roadway, including a state highway, from conducting a roadside vegetation control operation on a portion of the roadway for which a property owner has made a request for information related to the roadside vegetation control operation until certain conditions are satisfied, as specified.

This bill would require the department to adopt a statewide policy to only use integrated pest management, as defined, that does not use herbicides or pesticides on state roads and highways in each county that has adopted an ordinance prohibiting roadside spraying of herbicides and pesticides. The bill would require the department, in developing the statewide policy, to contract with an outside entity that possesses expertise in integrated pest management. Under existing law, a violation of certain provisions and regulations related to pesticides is a misdemeanor punishable by a fine of not less than \$5,000 and not more than \$50,000, or by imprisonment of not more than 6 months, or by both the fine and imprisonment. Because a violation of this bill's requirements would be a crime subject to the provision above, the bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.