

AMENDED IN ASSEMBLY APRIL 27, 2017

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

ASSEMBLY BILL

No. 718

Introduced by Assembly Member Frazier

February 15, 2017

An act to amend Section 1506 of the Fish and Game Code, relating to pest abatement.

LEGISLATIVE COUNSEL'S DIGEST

AB 718, as amended, Frazier. Mosquito abatement and vector control districts: ~~fees: exemptions: managed wetland habitat: memoranda of understanding.~~

Existing law provides for the formation of mosquito abatement and vector control districts, and prescribes the powers, functions, and duties of those districts, as specified. ~~Existing law requires the auditor of each county in which a district is located to allocate to the district its share of property tax revenue, as prescribed.~~ Existing law also authorizes a district to levy special taxes, to levy special benefit assessments for specified purposes, and to charge a fee to cover the cost of any service that the district provides or the cost of enforcing any regulation for which the fee is charged.

Existing law requires the Department of Fish and Wildlife *a mosquito abatement and vector control district whose boundaries include one or more wildlife management areas or in which vectors and vectorborne diseases from a wildlife management area may enter the district to notify the Department of Fish and Wildlife of those areas that are of concern due to the potential for high mosquito populations that may incur associated mosquito control costs. Existing law requires the department to consult with local mosquito abatement and vector control*

~~districts~~ *districts* to identify those areas within *those* wildlife management areas having the highest need for additional mosquito reduction through the implementation of best management practices, as defined.

~~This bill would exempt a private landowner from a charge imposed by a mosquito abatement and vector control district to recover mosquito control costs for any type of treatment specific to the landowner's property if the property is managed wetland habitat, as defined, the landowner has placed the property under a state or federal easement or similar wildlife conservation agreement, and the landowner implements best management practices on the property. The bill would restrict the source of moneys that a district uses to pay for any cost of treating these properties to moneys collected from fines and penalties. authorize a private landowner whose property includes managed wetland habitat, as defined, located within the boundaries of a district and meets other criteria to initiate the opportunity to enter into a memorandum of understanding with the district to establish a process to implement best management practices with regard to the managed wetland habitat. To the extent that the bill imposes additional duties on a district, 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.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. Section 1506 of the Fish and Game Code is
- 2 amended to read:
- 3 1506. (a) For purposes of this section, the following definitions
- 4 apply:
- 5 (1) "Managed wetland habitat" means artificially irrigated and
- 6 intensively managed wetland habitat administered primarily for
- 7 the benefit of waterfowl and other wetland-dependent species.
- 8 (2) "Best management practices" means management strategies
- 9 jointly developed by the department, the State Department of Public

1 Health, and mosquito abatement and vector control districts, in
2 consultation with the Central Valley ~~Habitat~~ Joint Venture, for the
3 ecological control of mosquitoes on managed wetland ~~habitat in~~
4 ~~a manner that maintains or enhances waterfowl or other wildlife~~
5 ~~values.~~ *habitat*.

6 (3) “Wildlife management area” has the same meaning as set
7 forth in subdivision (d) of Section 1504.

8 (4) “Mosquito abatement and vector control district” has the
9 same meaning as set forth in subdivision (f) of Section 2002 of
10 the Health and Safety Code.

11 (b) (1) A mosquito abatement and vector control district whose
12 district boundaries include one or more wildlife management areas
13 or a mosquito abatement and vector control district in which vectors
14 and vectorborne diseases from a wildlife management area may
15 enter the district shall periodically, or at least semiannually, notify
16 the department of those areas that are of concern due to the
17 potential for high mosquito populations that may incur associated
18 mosquito control costs.

19 (2) (A) To reduce mosquito production at those wildlife
20 management areas described in paragraph (1), the department shall
21 consult with local mosquito abatement and vector control districts
22 to identify those areas within wildlife management areas having
23 the highest need for additional mosquito reduction through the
24 implementation of best management practices.

25 (B) If the wetland occupies land outside the jurisdictional
26 boundaries of a mosquito abatement and vector control district,
27 the department may consult with the State Department of Public
28 Health to determine which best management practices can be
29 implemented in the absence of an organized local mosquito control
30 program.

31 (c) This section does not affect existing authority of a mosquito
32 abatement and vector control district under Section 2040 of the
33 Health and Safety Code.

34 ~~(d) (1) A mosquito abatement and vector control district shall~~
35 ~~not impose a charge to recover mosquito control costs from a~~
36 ~~private landowner for any type of treatment specific to the~~
37 ~~landowner’s property if the property is managed wetland habitat,~~
38 ~~the landowner has placed the property under a state or federal~~
39 ~~easement or similar wildlife conservation agreement, and the~~
40 ~~landowner implements best management practices on the property.~~

1 ~~(2) A mosquito abatement and vector control district shall only~~
2 ~~use moneys collected from fines and penalties to pay for any cost~~
3 ~~of treating properties described in paragraph (1).~~

4 *(d) (1) A private landowner whose property includes managed*
5 *wetland habitat located within the boundaries of a mosquito*
6 *abatement and vector control district may initiate the opportunity*
7 *to enter into a memorandum of understanding with the district if*
8 *all of the following criteria are met:*

9 *(A) The managed wetland habitat is encumbered by a state or*
10 *federal conservation easement or similar state or federal voluntary*
11 *habitat agreement or is protected in perpetuity by state or federal*
12 *law.*

13 *(B) The managed wetland habitat is within the boundaries of*
14 *the Central Valley Joint Venture, as those boundaries are identified*
15 *in the Central Valley Joint Venture Implementation Plan.*

16 *(2) The goal of a memorandum of understanding entered into*
17 *pursuant to paragraph (1) is to establish a process to implement*
18 *best management practices in order to decrease mosquito*
19 *production, provide net cost savings to the landowner, decrease*
20 *the application of pesticides, and maintain or enhance the*
21 *waterfowl habitat values on the property.*

22 *SEC. 2. No reimbursement is required by this act pursuant to*
23 *Section 6 of Article XIII B of the California Constitution because*
24 *a local agency or school district has the authority to levy service*
25 *charges, fees, or assessments sufficient to pay for the program or*
26 *level of service mandated by this act, within the meaning of Section*
27 *17556 of the Government Code.*