

AMENDED IN SENATE MAY 11, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

AMENDED IN ASSEMBLY MARCH 25, 2010

AMENDED IN ASSEMBLY MARCH 16, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1956

Introduced by Assembly Member Monning

February 17, 2010

An act to add Section 3858 to the Fish and Game Code, and to amend Section 19348 of the Food and Agricultural Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1956, as amended, Monning. California condors: feeding.

Existing law authorizes the Department of Fish and Game, in accordance with policies established by the Fish and Game Commission, to provide for the feeding of game birds, mammals, or fish when natural foods for those animals are not available and to provide suitable feeding areas. *Existing law authorizes the department to implement programs to preserve California condors.*

This bill would ~~require, if authorize~~ the department ~~enters to enter~~ into a memorandum of understanding with participants in a condor preservation program to allow for the feeding of free-ranging California condors, ~~that the terms of the memorandum of understanding be consistent with prescribed guidelines for feed animals and feeding sites.~~ The bill would require the department to revise any term of a memorandum of understanding in effect on January 1, 2011, that is inconsistent with those guidelines.

Existing law generally prohibits the transport of a dead animal by a dead animal hauler or any other person to any place other than prescribed locations, except under certain circumstances, including transport pursuant to prescribed waivers or permits.

This bill would exempt the department from that transport prohibition when engaged in providing food for free-ranging California condors.

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

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

1 SECTION 1. Section 3858 is added to the Fish and Game Code,
 2 to read:
 3 3858. (a) ~~If the department enters~~ *The department may enter*
 4 into a memorandum of understanding with participants in a condor
 5 preservation program to allow for the feeding of free-ranging
 6 California condors; ~~the terms of the memorandum of understanding~~
 7 ~~shall be consistent with the following guidelines:~~
 8 (1) ~~The following animals may be used to feed free-ranging~~
 9 ~~California condors:~~
 10 (A) ~~Livestock animals from dairies or other livestock operations,~~
 11 ~~if the animals are euthanized by shooting with nonlead ammunition~~
 12 ~~or die from natural causes.~~
 13 (B) ~~Wildlife killed by traffic on state highways and collected~~
 14 ~~by the Department of Transportation.~~
 15 (C) ~~Animals that die from natural causes on private property,~~
 16 ~~if transported to the feeding site by the landowner.~~
 17 (2) ~~A feeding site for California condors shall be all of the~~
 18 ~~following:~~
 19 (A) ~~A safe distance from nearby hazards, including, but not~~
 20 ~~limited to, turbines or overhead wires.~~
 21 (B) ~~On properties of 100 acres or more, with a setback of at~~
 22 ~~least one-half mile from the property line.~~
 23 (C) ~~On a hill or knoll predominately covered by grass and not~~
 24 ~~under a tree canopy or within 100 feet of a stream, lake, or other~~
 25 ~~body of water.~~
 26 (D) ~~Within, or adjacent to, the current range of the California~~
 27 ~~condor or within an area subject to an effort to reintroduce the~~
 28 ~~California condor.~~

1 (b) In preparing the memorandum of understanding pursuant
2 to subdivision (a), the department may work in conjunction with
3 the State Veterinarian.

4 (c) In preparing the memorandum of understanding pursuant to
5 subdivision (a), the department ~~shall~~ *may* work in conjunction with
6 federal agencies that work to preserve the California condor.

7 ~~(d) The department shall revise any term of a memorandum of~~
8 ~~understanding in effect on January 1, 2011, that is inconsistent~~
9 ~~with the guidelines in subdivision (a) to conform to those~~
10 ~~guidelines.~~

11 SEC. 2. Section 19348 of the Food and Agricultural Code is
12 amended to read:

13 19348. (a) Unless a waiver is granted by the State Veterinarian
14 in conjunction with implementation of Section 9562 or a
15 declaration of a state of emergency or local emergency, as defined
16 in subdivisions (b) and (c) of Section 8558 of the Government
17 Code, pursuant to the California Emergency Services Act (Chapter
18 7 (commencing with Section 8550) of Division 1 of Title 2 of the
19 Government Code), a dead animal hauler or any other person shall
20 not transport any dead animal to any place, other than to a licensed
21 rendering plant, a licensed collection center, an animal disease
22 diagnostic laboratory acceptable to the department, the nearest
23 crematory, or to a destination in another state that has been
24 approved for that purpose by the appropriate authorities in that
25 state.

26 (b) The secretary may issue a master or individual permit to a
27 licensed renderer, collection center, or dead animal hauler for the
28 purpose of authorizing transport of a dead animal to an
29 appropriately permitted landfill under either of the following
30 circumstances:

31 (1) During a proclaimed state of emergency or local emergency,
32 as defined in subdivisions (b) and (c) of Section 8558 of the
33 Government Code.

34 (2) When the licensed hauler has certification from a licensed
35 renderer that the licensed renderer cannot process the dead animal
36 due to operational conditions or legal or regulatory requirements
37 or constraints. The certification shall be in a form approved by the
38 department and, for purposes of this paragraph, “licensed hauler”
39 shall include licensed collection centers and renderers.

1 (c) Nothing in this section shall be interpreted to conflict with
2 any state or federal environmental or zoning law, or to prohibit an
3 owner of a live animal from burying the animal on the owner's
4 property after the animal dies if the burial is within three miles of
5 where the animal died.

6 (d) Subdivision (a) does not apply to the Department of
7 Transportation or to local agencies having jurisdiction over a road
8 or highway when engaged in removing animal carcasses from the
9 road or highway.

10 (e) Subdivision (a) does not apply to the Department of Fish
11 and Game when engaged in providing food for free-ranging
12 California condors.