

Introduced by Senator Aanestad

February 18, 2010

An act to amend Section 17003 of the Food and Agricultural Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1176, as amended, Aanestad. Animals at large: estrays: stray laws.

Existing law provides that, except as specified, state provisions relating to estrays, as defined, do not affect any law or regulation regarding estrays, the poundkeeper, or ~~the~~ other pound officer within the limits of any city or county where laws regarding estrays are in force.

This bill, instead, would provide that, except as specified, state provisions relating to estrays do not affect any law, ordinance, or regulation regarding estrays, the poundkeeper, or ~~the~~ other pound officer, or a public animal control agency or shelter within the limits of any city or county where such laws, ordinances, or regulations are in force.

Existing law requires the poundkeeper or other pound officer to immediately notify the Secretary of Food and Agriculture upon the impounding of any bovine animal, horse, mule, or burro.

This bill would ~~also require~~ *include* a public animal control agency or shelter ~~to immediately notify the secretary upon the impounding of any of those animals. By imposing new duties on local agencies, the bill would impose a state-mandated local program among those to which this provision applies.~~

The bill would provide that the use of the term “animal control agency or shelter” is intended to update terminology and shall not be construed to expand the application of the provisions in this act to persons other than poundkeepers or pound officers.

The bill would provide that a city, county, or city and county that establishes or has established laws, ordinances, or regulations regarding estrays may opt to follow those laws, ordinances, or regulations instead of state laws in the handling of estrays that are not bovine animals in accordance with the applicable laws, ordinances, or regulations of the city, county, or city and county.

~~This bill would authorize the poundkeeper, other pound officer, or a public animal control agency or shelter to hold and dispose of any horse, mule, burro, or other animal that is not a bovine animal in accordance with the applicable ordinances of the city or county.~~

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

- 1 SECTION 1. Section 17003 of the Food and Agricultural Code
- 2 is amended to read:
- 3 17003. (a) Except as provided in this section, this chapter does
- 4 not affect any law, ordinance, or regulation regarding estrays, the
- 5 poundkeeper, ~~or the~~ other pound officer, or a public animal control
- 6 agency or shelter within the limits of any city or county where
- 7 such laws, ordinances, or regulations are in force.
- 8 (b) Upon the impounding of any bovine animal, horse, mule,
- 9 or burro, the poundkeeper, other pound officer, or public animal
- 10 control agency or shelter shall immediately notify the secretary.
- 11 Upon receipt of that notice, the secretary shall take possession of
- 12 any bovine animal and shall dispose of it pursuant to this chapter.
- 13 ~~Notwithstanding any other provision of this chapter, the~~
- 14 ~~poundkeeper, other pound officer, or a public animal control agency~~

1 or shelter may hold and dispose of any horse, mule, burro, or other
2 animal that is not a bovine animal in accordance with the applicable
3 ordinances of the city or county.

4 (c) Any city, county, or city and county that establishes or has
5 established laws, ordinances, or regulations regarding estrays,
6 may opt to follow those laws, ordinances, or regulations instead
7 of this chapter in the handling of estrays that are not bovine
8 animals in accordance with the applicable laws, ordinances, or
9 regulations of the city, county, or city and county.

10 (e)

11 (d) This section does not authorize any act that violates Section
12 597 of the Penal Code.

13 ~~SEC. 2.—If the Commission on State Mandates determines that~~
14 ~~this act contains costs mandated by the state, reimbursement to~~
15 ~~local agencies and school districts for those costs shall be made~~
16 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
17 ~~4 of Title 2 of the Government Code.~~

18 SEC. 2. For purposes of this section, the use of the term,
19 “animal control agency or shelter” is intended to update
20 terminology and shall not be construed to expand the application
21 of this section to persons other than poundkeepers or pound
22 officers.

23

24

25 CORRECTIONS: _____

26 Text—Pages 2 and 3.

27 _____