

AMENDED IN SENATE JUNE 29, 2010

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 authorize the department to enter into a memorandum of understanding with participants in a condor preservation program to allow for the feeding of free-ranging California condors.~~

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 *a nonprofit organization that participates in a memorandum of understanding with the department to promote the recovery of California condors*, 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) The department may enter into a memorandum of~~
4 ~~understanding with participants in a condor preservation program~~
5 ~~to allow for the feeding of free-ranging California condors.~~

6 ~~(b) In preparing the memorandum of understanding pursuant~~
7 ~~to subdivision (a), the department may work in conjunction with~~
8 ~~the State Veterinarian.~~

9 ~~(c) In preparing the memorandum of understanding pursuant to~~
10 ~~subdivision (a), the department may work in conjunction with~~
11 ~~federal agencies that work to preserve the California condor.~~

12 ~~SEC. 2.~~

13 ~~SECTION 1. Section 19348 of the Food and Agricultural Code~~
14 ~~is amended to read:~~

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

1 (b) The secretary may issue a master or individual permit to a
2 licensed renderer, collection center, or dead animal hauler for the
3 purpose of authorizing transport of a dead animal to an
4 appropriately permitted landfill under either of the following
5 circumstances:

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

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

15 (c) Nothing in this section shall be interpreted to conflict with
16 any state or federal environmental or zoning law, or to prohibit an
17 owner of a live animal from burying the animal on the owner’s
18 property after the animal dies if the burial is within three miles of
19 where the animal died.

20 (d) Subdivision (a) does not apply to the Department of
21 Transportation or to local agencies having jurisdiction over a road
22 or highway when engaged in removing animal carcasses from the
23 road or highway.

24 (e) Subdivision (a) does not apply to ~~the Department of Fish~~
25 ~~and Game~~ *a nonprofit organization that participates in a*
26 *memorandum of understanding with the Department of Fish and*
27 *Game to promote the recovery of California condors*, when
28 engaged in providing food for free-ranging California condors.