

Assembly Bill No. 1956

Passed the Assembly August 25, 2010

Chief Clerk of the Assembly

Passed the Senate August 24, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 19348 of, and to add Section 19348.2 to, the Food and Agricultural Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1956, Monning. California condors: feeding.

Existing law authorizes the Department of Fish and Game to implement programs to preserve 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 from that prohibition a nonprofit organization promoting the recovery of California condors that participates in a memorandum of understanding with the department to provide food for free-ranging California condors and possesses a special permit issued by the Secretary of Food and Agriculture, as specified, for the transport of dead animals to provide food for the condors.

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

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

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

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

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

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

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

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

(e) A nonprofit organization promoting the recovery of California condors by providing food for free-ranging California condors shall be exempt from subdivision (a), if the nonprofit organization fulfills both of the following requirements:

(1) Participates in a memorandum of understanding with the Department of Fish and Game to provide food for free-ranging California condors.

(2) Possesses a special permit issued by the secretary pursuant to Section 19348.2.

SEC. 2. Section 19348.2 is added to the Food and Agricultural Code, to read:

19348.2. The secretary may issue a special permit to a nonprofit organization promoting the recovery of California condors for the purpose of authorizing transport of dead animals to provide food for free-ranging California condors, if all of the following information is provided on the transport permit:

(a) The number and type of animals.

- (b) The probable cause of death of the transported animals, as determined by a veterinarian licensed in the State of California.
- (c) All possible pickup and dropoff locations of the transported animals.
- (d) The name of the licensed dead animal hauler that will be doing the transportation.

Approved _____, 2010

Governor