



Animal Advocacy Law

PawPAC leads the way in Sacramento

BY VIRGINIA HANDLEY

"A dog starved at his master's gate predicts the ruin of the state."

— William Blake

PawPAC, founded in 1980, was the first organization dedicated to the election of candidates for state office in California that are committed to the protection of animals. Although many organizations work to help animals, PawPAC is unique by helping to make sure that the laws protect *all* animals, whether on farms, in the wild or in our homes. PawPAC is widely respected in the California State Legislature as effective in helping to elect pro-animal candidates through endorsements, contributions and annual voting charts.

Changing the legal environment for animals

Since 1980, PawPAC has accomplished a number of impressive goals. It has sponsored laws that make animal cruelty a felony, prohibited pointless and painful animal experiments from being conducted in elementary schools, high schools and science fairs, and provided emergency vet care for injured strays.

PawPAC's work has resulted in lost and found lists for animals and the banning of inhumane and unnecessary killing of animals in shelters. It has reduced license fees by half for spayed or neutered dogs, banned "canned" hunts (where animals can't escape), protected wild horses, elephants, sea turtles, baby seals and kangaroos from California mar-

If you would like to support PawPAC, receive legislative alerts or to the Annual Voting Chart and endorsements, you can call PawPAC at (415) 646-0622, email PawPAC mail at P.O. Box 475012, San Francisco, CA 94147 or visit the Web site at <http://www.pawpac.org>.

kets, and mandated the humane treatment of animals sold in pet shops.

These and other animal protection laws made California a model for legislation in other states. However, it is not enough to pass good bills. We must also kill bad bills (bills that would harm animals). For example, PawPAC kept greyhound racing out of California, and defeated other bills that harmed both wild and domestic animals.

One of the many challenges of protecting animals is to expect the unexpected, be it banning alligator farms, prohibiting the cutting of elk antlers in velvet to be sold as aphrodisiacs in Asia or hunting live animals through the Internet.

PawPAC publishes annual charts of Voting Records of the California State Legislature on bills affecting animals and the environment. PawPAC is a non-partisan organization and grades legislators based on performance, not politics.

Further Information

Assemblyman Pedro Nava is PawPAC's Legislator of the Year, not only because of his outspoken support for animal protection, but for his authoring of AB 821 to prohibit deadly lead ammunition in condor habitat.

In the San Francisco Bay Area, we are lucky to have some excellent legislators advocating for our environment and for animal protection. For example, Senator Ellen M. Corbett, an attorney from San Leandro, scores an "A" as she did when she was in the Assembly. She chairs the Senate Judiciary Committee where SB 685 passed to strengthen pet trusts according to people's wills.

Assemblyman and attorney Alberto Torrico from Fremont scored an "A" for his votes on various pro-environment bills. Assemblywoman Mary Hayashi from Hayward is a welcome addition to the Legislature as she also scores an "A." Senator Don Perata from Oakland and Assemblywoman Loni Hancock from Berkeley also earned "A" grades.

Conclusion

Laws are only as good as the paper they are written on if we don't have enforcement and prosecution. With the help of the plaintiff's bar, we can conduct legal research, draft legislation and file lawsuits to protect the environment and the animals. The support of the plaintiff's bar is critical if we at PawPAC will survive.

Virginia Handley is the legislative chair of PawPAC, president of Animal Switchboard, www.animalswitchboard.org, a 24-hour hotline for animal problems. She has been working on animal legislation for 40 years. To contact Virginia Handley you can call her at 415-474-4021 or e-mail her at Virginia@animalswitchboard.org.

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Current Animal and Environmental Legislation

Budget Bills AB 1 and AB 12 of the 4th Extraordinary Session re: Animal Shelters. “Suspends” (does not repeal) for one year those sections of the “Hayden” law on animal shelters considered to be reimbursable state mandates. (State law requires the state to reimburse cities/counties for costs of programs mandated by state law) thus saving the state the approximately \$13 million per year owed to cities/counties to reimburse the costs of the Hayden law. Suspended mandates could include some holding periods (AB 12 requires strays to be held a minimum of 72 hours), veterinary care, record keeping and Lost & Found lists. It does not suspend mandated cooperation between shelters and rescue groups.

AB 242 by Assemblyman Pedro Nava re: Dog Fighting. Support. Increases the penalty for spectators at dog fights to up to a year in jail and up to a \$5,000 fine.

AB 708 by Assemblyman Jared Huffman re: Poaching. Support. Establishes a minimum \$5,000 fine to a maximum \$40,000 for poaching wildlife.

AB 1423 by Assemblyman Tom Berryhill re: Hunting. Oppose. Provides incentives for landowners to open their private property to hunting. Encourages hunting clubs and SHARE (Shared Habitat Alliance for Recreational Enhancement), a hunting program. Raises the penalty from infraction to misdemeanor for trespassing or interfering with hunting.

AB 1442 by Assembly Water, Parks & Wildlife Committee re: Wildlife. Oppose. An omnibus bill, which among its many provisions, requires that if the Wildlife Conservation Board leases any property, they must allow hunting.

ACR 91 by Assemblyman Ted Lieu re: Animal Shelters. Support. Declares September to be Animal Adoption Month to encourage people to adopt animals from shelters.

AJR 8 by Assemblyman William Monning re: Marine Mammals. Support. Asks Congress to restrict swordfish imports unless the swordfish are caught by methods that don't kill or injure marine mammals.

SB 135 by Senator Dean Florez re: Tail Docking. Support. Prohibits the tail docking of cattle such as dairy cows.

SB 318 by Senator Ron Calderon re: Dog Fighting. Support. Authorizes the forfeiture of assets gained by dog fighting participants, organizers, trainers and property owners and those who steal animals to be used as bait.

SB 428 by Senator Christine Kehoe re: Seals. Support. Adds “marine mammal park” to list of uses of a San Diego beach so resident seals can stay there.

SB 448 by Senator Fran Pavley re: Wildlife Habitat. Support. Establishes the Safe Harbor Program to encourage landowners to conserve their property to benefit endangered and threatened wildlife.

SB 481 by Senator Dave Cox re: Airports. No position. Allows airports with wildlife depredation permits to kill or harass birds from airports to prevent collision with airplanes.

SB 609 by Senator Dennis Hollingsworth re: Alligators/Crocodiles. Oppose. Amends existing law to postpone a 2010 ban on the importation of alligator/crocodile products until 2015.

SB 762 by Senator Sam Aanstad re: De-Clawing. Oppose. Prohibits local ordinances affecting “healing arts” such as veterinarians. The California Veterinary Association wants no more local cat de-clawing bans such as the one passed in West Hollywood.

DEFEATED or DROPPED

Inactive bills were defeated or dropped (usually due to opposition), but may be pursued in 2010.

AB 233 by Assemblyman Cameron Smyth re: Pet Adoption. Support. Would have allowed the deduction of pet adoption costs (up to \$100) on state income taxes.

AB 979 by Assemblyman Tom Berryhill re: Hunting. Oppose. Would have prohibited any local ordinances against hunting.

AB 1224 by Assemblyman Mike Eng re: Hit and Run. Support. Would have required motorists who hit pets or livestock to attempt to help the animals and report the incident to authorities, such as police or animal control.

AB 1437 by Assemblyman Jared Huffman. Support. Would have prohibited the importation of eggs that come from out of state factory farms that do not comply with Proposition 2, which requires space for hens to spread their wings.

ACA 11 by Assemblyman Bill Berryhill re: Hunting. Oppose. Would have amended the Constitution to declare the “right to hunt.”

ACA 13 by Assemblyman Ed Hernandez re: Initiatives. No position. Would have required proposed initiatives to go through the Legislature for possible amendments.

ACA 14 by Assemblyman Ed Hernandez re: Initiatives. Oppose. Would have limited initiatives to five on the ballot.

ACR 74 by Assemblyman Tony Portantino re: Animal Shelters. Support. Would have encouraged shelters to join the “No Kill” movement and offer low cost spay/neuter programs, off site adoptions, rehabilitation and trap/neuter/release of feral cats.

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SB 220 by Senator Leland Yee re: Whistleblowers. Support. Would have protected employees that report violations of law, such as those on lab animals.

SB 250 by Senator Dean Florez re: Spay/Neuter. Support. Would have required spay/neuter of dogs/cats with some exemptions.

SB 416 by Senator Dean Florez re: Antibiotics. Support. Would have encouraged schools to not serve meat products treated with antibiotics starting in 2012.

SB 536 by Senator Dennis Hollingsworth re: Hunting Clubs. Oppose. Would have removed restrictions and fees on hunting clubs.

SB 753 by Senator Gil Cedillo re: Kangaroos. Oppose. Would have allowed importation of kangaroo products repealing any restrictions put into the law last year.

VETOED BY GOVERNOR SCHWARZENEGGER

AB 241 by Assemblyman Pedro Nava re: Puppy Mills. Support. Would have limited

to 50 the number of unaltered adult dogs and cats used for sale or breeding.

AB 243 by Assemblyman Pedro Nava re: Animal Abuse. Support. Would have mandated the court to prohibit persons convicted of cruelty to animals from owning or residing with animals.

AB 1122 by Assemblyman Ted Lieu re: Animal Sales. Support. Would have prohibited the sales of animals, with some exemptions, on streets, highways, parking lots and at carnivals.

CALIFORNIA FISH & GAME COMMISSION

- Turtles and Frogs

The Commission is considering a "possible course of action" on the importation of turtles and frogs for the sale at live animal markets and possibly the pet trade.

What plaintiff lawyers can do: Write to thank the Commission for instructing the Department to pursue the issue. Turtles and frogs are invasive species that compete with

and kill our native California wildlife. Their importation should be banned.

- Exotic Animals

Because of litigation, the Fish & Game Department must now set up an inspection program for exotic animal facilities that does not include letting veterinarians paid by permittees to sign off on inspections declaring humane standards have been met. In spite of recommendations given to the Department by their Exotic Animal Advisory Committee, the Fish & Game Department/Commission has yet to set up the program.

What plaintiff lawyers can do: Write letters and send e-mails. Tell the Commissioners to take action to amend the regulations to comply with the law that requires the department to do the inspections themselves or contract it out.

California Fish & Game Commission
1416 9th Street, Sacramento, CA 95814
E-mail: fgc@fgc.ca.gov

