

11-21-2007

TREATMENT OF FARM ANIMALS. STATUTE.

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DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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November 21, 2007

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENT
(07227)

FROM:


KATHERINE MONTGOMERY
Elections Analyst

SUBJECT: **INITIATIVE #1290**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**TREATMENT OF FARM ANIMALS.
STATUTE.**

The proponent of the above-named measure is:

Albert S. Scaletti
160 Tenth Street
San Francisco, CA 94103-2618

#1290

TREATMENT OF FARM ANIMALS.
STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Wednesday, 11/21/07
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336)..... Wednesday, 11/21/07
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elec. Codes §§ 336, 9030(a))..... Monday, 04/21/08*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elec. Code § 9030(b)).....Thursday, 05/01/08

(If the Proponent files the petition with the county on a date prior to
04/21/08, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the countiesSaturday, 05/10/08**
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elec. Code § 9030(d)(e))Monday, 06/23/08

* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

**Date varies based on the date of county receipt.

INITIATIVE #1290
Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 05/10/08, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a)) Thursday, 07/03/08*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c))..... Friday, 08/15/08

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 07/03/08, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033) Tuesday, 08/19/08*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

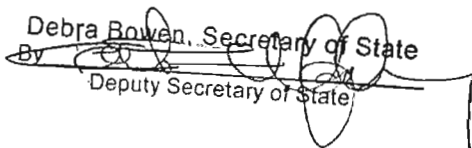
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Telephone: (916) 445-4752
Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

November 21, 2007

FILED
In the office of the Secretary of State
of the State of California

Debra Bowen
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, CA 95814

NOV 21 2007

By  Debra Bowen, Secretary of State
Deputy Secretary of State

RE: Title and Summary for Initiative No. 07-0058
TITLE: TREATMENT OF FARM ANIMALS. STATUTE.

Dear Ms. Bowen:

Pursuant to the provisions in sections 336 and 9004 of the Elections Code, enclosed please find a copy of the Title and Summary issued for Initiative Number 07-0058, along with the text of the proposed measure.

Please feel free to contact me with any questions.

Sincerely,


KRYSTAL PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

Enclosures

Proponent(s) public information:

Albert S. Scaletti
160 Tenth Street
San Francisco, CA 94103-2618

Date: November 21, 2007
Initiative No. 07-0058

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

TREATMENT OF FARM ANIMALS. STATUTE. Requires that an enclosure or tether confining pregnant pigs or veal calves allow the animals for the majority of every day to fully extend their limbs, lie down, stand up, and turn around. Requires the California Department of Food and Agriculture to publish regulations establishing standards of care for egg-laying hens in accordance with industry recommendations. Exceptions made for transportation, rodeos, fairs, 4-H programs, lawful slaughter, personal consumption, research or by recommendation of a veterinary. Provides misdemeanor penalties, including a fine not to exceed \$500 and 40 hours of animal welfare instruction. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Probably minor local and state enforcement and prosecution costs, partly offset by increased fine revenue. (Initiative 07-0058.)

October 1, 2007

Initiative Coordinator
Office of the Attorney General
1300 I Street
Sacramento, CA 95814

RECEIVED

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

In Re: Farm Animal Protection Act

To Whom It May Concern:

Pursuant to California Elections Code, Section 9002, I respectfully request the Attorney General to prepare a title and summary of the chief purpose and points of the Farm Animal Protection Act.

Please find enclosed required by the California Elections Code, Section 18650, check in the amount of TWO HUNDRED DOLLARS (\$200.00) for filing fee of above referenced act and the proponent declaration as required by California Elections Code, Section Code 9068.

Please direct any correspondence and questions directly to the address below.

Thank you for your attention to this matter.

Sincerely,



Albert S. Scaletti
160 Tenth Street
San Francisco, CA 94103-2618

Section 1. TITLE – This Act shall be known and may be cited as Farm Animal Protection Act.

Section 2. PURPOSE – The purpose of this Act is to protect farm animals in a manner that allows for the highest standards of animal husbandry as prescribed by scientific analysis and studies to prevent morbidity and mortality.

Section 3. Farm Animal Confinement Provisions

Chapter 13.8 (commencing with Section 25990) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 13.8: FARM ANIMAL CONFINEMENT

25990. PROHIBITIONS.– (a) In addition to other applicable provisions of law, a person shall not tether or confine any calf raised for veal or pig during pregnancy, on a farm, for all or the majority of any day in a manner that prevents such animal from lying down, standing up, and turning around freely, except where duly noted, or as recommended by an attending veterinary professional.

(b) A person shall not confine any egg laying hen except in accordance with scientifically validated standards of animal care. The California Department of Food and Agriculture shall publish regulations establishing standards for the care of laying hens in accordance with this subsection. Such standards shall provide for, but not be limited to, housing conditions, and space allowances, which shall include provisions for access to feed and water, ventilation, light, biosecurity (including limitations on movement of additional hens into a flock after the initial placement of the flock), maximum concentrations of ammonia and other gases, and other appropriate factors, and shall provide for no less than a range of 67 to 86 square inches of usable space per laying hen in conventional production systems and no less than a range of 1 to 1.5 square feet of usable space per laying hen in cage-free production systems.”

(c) The standards established under subsection (b) shall, to the extent practicable, be specific to the type of egg production undertaken by the producer, whether conventional, cage-free, free-range or organic. The standards shall also include provisions for audits and other appropriate certification procedures.

(d) Notwithstanding any other provision of this section, the California Department of Food and Agriculture shall approve and incorporate by reference into the standards established under subsection (b) any existing scientifically validated standards for animal care that advance the purpose of this section, including but not limited to the programs known as “United Egg Producers Certified” and “Certified Humane Raised and Handled,” as in effect on the date of enactment of this section. A person that cares for laying hens in accordance with the provisions of such existing scientifically validated standards of animal care shall be deemed to be in compliance with this section.

25991. DEFINITIONS.– For the purposes of this chapter, the following terms have the following meanings:

(a) “Calf raised for veal” means any calf of the bovine species kept for the purpose of producing the food product described as veal.

(b) “Animal” means any pig during pregnancy, calf raised for veal, or egg laying hen who is kept on a farm.

(c) “Egg laying hen” means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purposes of egg production.

(d) “Enclosure” means any cage, crate, or other structure (including what is commonly known as a gestation crate, for pigs; a veal crate for calves; or a battery cage for egg laying hens) used to confine a covered animal.

(e) “Farm” means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food or fiber. This is not meant to include any personal animal production of animals or animal product for personal consumption nor any 4-H projects or other such similar project.

(f) “Pig during pregnancy” means any pregnant pig of the porcine species kept for the primary purpose of breeding.

(g) “Person” means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver or syndicate.

25992. EXCEPTIONS. – This chapter shall not apply:

(a) During scientific or agricultural research.

(b) During examination, testing, individual treatment or operation for veterinary purposes.

(c) During transportation.

(d) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions.

(e) During the slaughter of a covered animal in accordance with the provisions of chapter 6 (commencing with Section 19501) of Division 9 of the Food and Agricultural Code, relating to humane methods of slaughter, and other applicable law and regulations.

(f) To a pig during the seven (7) day period prior to the pig’s expected date of giving birth and until weaning of her piglets.

(g) To a calf raised for veal during its infancy.

25993 ENFORCEMENT. – Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be remanded to 40 hours of animal welfare instruction at a local educational institution or agricultural extension facility and a fine not to exceed five hundred (\$500) dollars.

25994. CONSTRUCTION OF CHAPTER. – The provisions of this chapter are in addition to, and not in lieu of, any other laws protecting animal welfare, including the California Penal Code. This chapter shall not be construed to limit any state law or regulations protecting the welfare of animals, nor shall anything in this chapter prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.

Section 4. CONFLICTING BALLOT MEASURES – If this measure is approved by voters but is superseded by law or any other conflicting ballot measure approved by the voters at the same election that affects the protection of farm animals, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and each and every provision of the other measure or measures shall be null and void.

Section 4. SEVERABILITY. – If any provision of this Act, or the application thereof to any person or circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications of this Act that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Act are severable.

Section 5. EFFECTIVE DATES

The provisions of sections 25990, 25991, 25992, 25993, and 25994 shall become operative on January 1, 2015.