

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Officer

BOARD AGENDA # IX.B.

Urgent

Routine

AGENDA DATE September 23, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Consideration of the "Standards for Confining Farm Animals" Initiative Statute (Proposition 2) Slated for the November 4, 2008 Ballot

STAFF RECOMMENDATIONS:

Consider whether to take an official position on the "Standards for Confining Farm Animals" Initiative Statute (Proposition 2) which will appear on the November 4, 2008 Ballot.

FISCAL IMPACT:

There is no direct fiscal impact to Stanislaus County associated with this item. Should voters approve Proposition 2, the State Legislative Analyst estimates that there may be a potential decrease in local tax revenues from farm businesses and potential minor local and state enforcement and prosecution costs, which could be partially offset by increased fine revenue.

BOARD ACTION AS FOLLOWS:

No. 2008-680

On motion of Supervisor DeMartini, Seconded by Supervisor Grover
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice-Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Approved a resolution opposing Proposition 2 "Standards for Confining Farm Animals" Initiative Statute



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

At the July 29, 2008 Board of Supervisors meeting, Supervisor DeMartini requested that the Board consider opposing Proposition 2, the "Standards for Confining Farm Animals" Initiative Statute which will be on the November 4, 2008 General Election ballot. At that meeting, staff committed to preparing a report on the Proposition and bringing the matter back for discussion at a future Board meeting.

The Initiative Statute, if passed, would require that calves raised for veal, egg-laying hens and pregnant pigs be confined only in ways that allow these animals to lie down, stand up, fully extend their limbs and turn around freely. Exceptions are made for transportation, rodeos, fairs, 4-H programs, lawful slaughter, research and veterinary purposes. The Initiative provides misdemeanor penalties, including a fine not to exceed \$1,000 and/or imprisonment in jail for up to 180 days.

Proposition 2 contain an extensive list of both supporters and opponents, including veterinary professionals, food safety organizations, elected officials and local governments, California businesses, non-profits and advocacy organizations. The Board of Supervisors has received a number of requests to both oppose and support the Proposition.

POLICY ISSUES:

The Board of Supervisors is asked to consider whether they wish to take an official position on the "Standards for Confining Farm Animals" Initiative Statute (Proposition 2) which will appear on the November 4, 2008 Ballot.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

IX.B.

Date: September 23, 2008

No. 2008-680

On motion of Supervisor DeMartini Seconded by Supervisor Grover
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice-Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

RESOLUTION OPPOSING PROPOSITION 2, THE FARM ANIMAL INITIATIVE OF 2008

WHEREAS, a Washington, D.C.-based special interest group has qualified an initiative for the November 4, 2008 statewide ballot that would ban current safe and humane farming practices in California, particularly regarding housing requirements for egg-laying hens; and

WHEREAS, this unnecessary initiative would place new, extreme mandates on how egg-laying hens are housed, banning almost all modern egg production in California, which would have dangerous and expensive consequences for our state, where existing laws and standards already protect animal welfare and food safety; and

WHEREAS, modern housing systems, which constitute about 95 percent of U.S. egg production, were developed by animal scientists to ensure the fundamental components of sound animal care - optimal feed, light, air, water, space and sanitation for egg-laying hens; and

WHEREAS, banning current housing practices threatens food safety and increases the risk of salmonella; and

WHEREAS, modern housing systems, which this initiative would ban, are more sanitary, effectively separating eggs from feces and other fluids, which can transmit salmonella; and

WHEREAS, new mandates would expose farm animals to deadly diseases such as avian flu, which jeopardizes public health; and

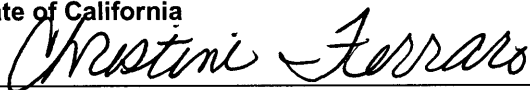
WHEREAS, the measure would cut off access to safe, local eggs from California farmers, forcing Californians to rely on imported eggs trucked from thousands of miles away from other states and Mexico, where egg farmers are not subject to the same safety guidelines as California egg farmers; and

WHEREAS, the measure would harm California's economy and drive up consumer prices, and egg production costs would rise by 76 percent, the state would lose thousands of jobs and \$615 million in economic activity, and millions more in lost state and local tax revenue; and

WHEREAS, a coalition of veterinarians, family farmers and consumers have joined together to oppose this initiative;

THEREFORE BE IT RESOLVED, that the Stanislaus County Board of Supervisors does hereby oppose Proposition 2, the Farm Initiative of 2008.

ATTEST: **CHRISTINE FERRARO TALLMAN**, Clerk
Stanislaus County Board of Supervisors,
State of California



File No.

Proposition 2
Standards For Confining Farm Animals.
Initiative Statute.
Proponent: Joe Ramsey

July 3, 2008
Initiative 07-0041
SOS 1274

BALLOT LABEL

STANDARDS FOR CONFINING FARM ANIMALS. INITIATIVE STATUTE.

Requires that certain farm animals be allowed, for the majority of every day, to fully extend their limbs or wings, lie down, stand up and turn around. Limited exceptions apply. Fiscal Impact: Potential unknown decrease in state and local tax revenues from farm businesses, possibly in the range of several million dollars annually. Potential minor local and state enforcement and prosecution costs, partly offset by increased fine revenue.

**SUBJECT TO COURT
ORDERED CHANGES**

Proposition 2
Standards For Confining Farm Animals.
Initiative Statute.
Proponent: Joe Ramsey

July 3, 2008
Initiative 07-0041
SOS 1274

BALLOT TITLE AND SUMMARY

STANDARDS FOR CONFINING FARM ANIMALS. INITIATIVE STATUTE.

- Requires that calves raised for veal, egg-laying hens and pregnant pigs be confined only in ways that allow these animals to lie down, stand up, fully extend their limbs and turn around freely.
- Exceptions made for transportation, rodeos, fairs, 4-H programs, lawful slaughter, research and veterinary purposes.
- Provides misdemeanor penalties, including a fine not to exceed \$1,000 and/or imprisonment in jail for up to 180 days.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Potential unknown decrease in state and local tax revenues from farm businesses, possibly in the range of several million dollars annually.
- Potential minor local and state enforcement and prosecution costs, partly offset by increased fine revenue.

**SUBJECT TO COURT
ORDERED CHANGES**

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear).

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Health and Safety Code, relating to farm animals, and petition the Secretary of State to submit the same to voters of California for their adoption or rejection at the next succeeding primary or general election, or at any special statewide election held prior to that primary or general election, or as otherwise provided by law. The proposed statutory amendments (full title and text of measure) read as follows.

SECTION 1. SHORT TITLE

This Act shall be known and may be cited as the Prevention of Farm Animal Cruelty Act.

SECTION 2. PURPOSE

The purpose of this Act is to prohibit the cruel confinement of farm animals in a manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs.

SECTION 3. FARM ANIMAL CRUELTY 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 CRUELTY

25990. PROHIBITIONS.— In addition to other applicable provisions of law, a person shall not tether or confine any covered animal, on a farm, for all or the majority of any day, in a manner that prevents such animal from:

- (a) Lying down, standing up, and fully extending his or her limbs; and
- (b) Turning around freely.

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) "Covered 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 purpose of egg production.
- (d) "Enclosure" means any cage, crate, or other structure (including what is commonly described 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; and does not include live animal markets.
- (b) "Fully extending his or her limbs" means fully extending all limbs without touching the side of an enclosure, including, in the case of egg-laying hens, fully spreading both wings without touching the side of an enclosure or other egg-laying hens.
- (f) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate.
- (g) "Pig during pregnancy" means any pregnant pig of the porcine species kept for the primary purpose of breeding.
- (h) "Turning around freely" means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure.

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-day period prior to the pig's expected date of giving birth.

25993. ENFORCEMENT.— Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.

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. 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.