

File No. 150378

Committee Item No. \_\_\_\_\_

Board Item No. 44

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date April 21, 2015

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Joy Lamug

Date April 16, 2015

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

1 [Supporting Senate Bill 716 (Lara) - Prohibiting Abusive Behavior Towards the Elephant]

2  
3 **Resolution supporting California Senate Bill 716, authored by State Senator Lara,**  
4 **which prohibits the discipline, management, or training of the elephant by specific**  
5 **methods, including the use of a bullhook, ankus, guide, or pitchfork in California.**  
6

7 WHEREAS, The "bullhook", or "ankus", is a 2-3 foot long bludgeoning device with an  
8 attached hook that is used to beat, hit, and poke animals, including elephants, in order to train  
9 them; and

10 WHEREAS, Elephants are known to have sensitive skin on their bodies, especially in  
11 places where they are most likely to be hit with a bullhook, including on their ears, trunks, and  
12 on their heads; and

13 WHEREAS, Other methods used in the training of elephants include abusive behavior  
14 such as the deprivation of food, use of electricity, physical punishment, insertion of  
15 instruments into bodily orifices, the use of physical restraints such as chains; and lifting and  
16 restraining elephants with block and tackle; and

17 WHEREAS, Elephants may nurse their young for up to five years in the wild, females  
18 stay with their mothers for life, and males stay with their mothers until adolescence; and

19 WHEREAS, These methods of training often require the removal of young, nursing  
20 elephants from their mothers before two years of age, which prevents elephants from  
21 engaging in normal, social, and healthy behaviors; and

22 WHEREAS, Restraints, such as martingales and block and tackle also limit their ability  
23 to move about freely or lie down comfortably; and

24 WHEREAS, Over time, these environments and training methods lead many elephants  
25 to become dysfunctional, unhealthy, depressed, and aggressive; and

1           WHEREAS, Senate Bill 716, authored by State Senator Ricardo Lara, would, beginning  
2 January 1, 2018, prohibit any owner or manager of an elephant to engage in abusive behavior  
3 toward the elephant including the discipline of the elephant with the use of food, water or  
4 sleep deprivation; use of electricity, physical punishment resulting in damage, scarring, or  
5 breakage of skin; the insertion of any instrument into any bodily orifice; the use of martingales;  
6 the use of block and tackle; and the use of a bullhook, ankus, guide, or pitchfork, including the  
7 use of those devices without making contact; and

8           WHEREAS, SB 716 will amend California Penal Code, Section 596.5, which already  
9 protects elephants from being deprived of food, water, or rest and from being physically  
10 punished, by adding an explicit prohibition on certain training devices that were previously not  
11 outlined in the code; now, therefore, be it

12           RESOLVED, That the City and County of San Francisco strongly supports Senate Bill  
13 716 prohibiting the use of training methods and devices designed to physically harm or instill  
14 fear in elephants; and, be it

15           FURTHER RESOLVED, That the City and County of San Francisco is unwavering in its  
16 support and protection for elephants and strongly condemns the use of inhumane training  
17 practices that result in the emotional and physical harm of these incredible species.

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 716

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Introduced by Senator Lara

February 27, 2015

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An act to amend Section 2840.4 of the Public Utilities Code, relating to energy; amend, repeal, and add Section 596.5 of the Penal Code, relating to animal cruelty.

LEGISLATIVE COUNSEL'S DIGEST

SB 716, as amended, Lara. ~~Waste Heat and Carbon Emissions Reduction Act.~~ *Animal cruelty: elephants.*

*Existing law makes it a misdemeanor for any owner or manager of an elephant to engage in abusive behavior toward the elephant, which includes disciplining an elephant by specified methods, including, but not limited to, use of electricity.*

*This bill would, beginning January 1, 2018, additionally provide that abusive behavior toward the elephant includes the discipline, management, or training of the elephant by specified methods, including the use of a bullhook, ankus, guide, or pitchfork. By expanding the scope of a crime, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~The Waste Heat and Carbon Emissions Reduction Act finds and declares, among other things, that combined heat and power systems produce both electricity and thermal energy from a single fuel input,~~

thus achieving much greater efficiency than the usual separate systems for producing these forms of energy and reducing the consumption of fuel.

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: ~~no~~ yes.

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

- 1     SECTION 1. Section 596.5 of the Penal Code is amended to  
2 read:  
3     596.5. (a) It shall be a misdemeanor for any owner or manager  
4 of an elephant to engage in abusive behavior ~~towards~~ toward the  
5 elephant, ~~which behavior shall include~~ including the discipline of  
6 the elephant by any of the following methods:  
7     ~~(a)~~  
8     (1) Deprivation of food, water, or rest.  
9     ~~(b)~~  
10    (2) Use of electricity.  
11    ~~(c)~~  
12    (3) Physical punishment resulting in damage, scarring, or  
13 breakage of skin.  
14    ~~(d)~~  
15    (4) Insertion of any instrument into any bodily orifice.  
16    ~~(e)~~  
17    (5) Use of martingales.  
18    ~~(f)~~  
19    (6) Use of block and tackle.  
20    (b) *This section shall remain in effect only until January 1, 2018,*  
21 *and as of that date is repealed, unless a later enacted statute, that*  
22 *is enacted before January 1, 2018, deletes or extends that date.*  
23     SEC. 2. Section 596.5 is added to the Penal Code, to read:  
24     596.5. (a) *It shall be a misdemeanor for an owner or manager*  
25 *of an elephant to engage in abusive behavior toward the elephant,*  
26 *including the discipline, management, or training of the elephant*  
27 *by any of the following methods:*  
28     (1) *Deprivation of food, water, or rest.*  
29     (2) *Use of electricity.*

1 (3) *Physical punishment resulting in damage, scarring, or*  
2 *breakage of skin.*

3 (4) *Insertion of any instrument into any bodily orifice.*

4 (5) *Use of martingales.*

5 (6) *Use of block and tackle.*

6 (7) *Use of a bullhook, ankus, guide, or pitchfork, including the*  
7 *use of those devices without making contact.*

8 (b) *This section shall become operative on January 1, 2018.*

9 SEC. 3. *No reimbursement is required by this act pursuant to*  
10 *Section 6 of Article XIII B of the California Constitution because*  
11 *the only costs that may be incurred by a local agency or school*  
12 *district will be incurred because this act creates a new crime or*  
13 *infraction, eliminates a crime or infraction, or changes the penalty*  
14 *for a crime or infraction, within the meaning of Section 17556 of*  
15 *the Government Code, or changes the definition of a crime within*  
16 *the meaning of Section 6 of Article XIII B of the California*  
17 *Constitution.*

18 SECTION 1. ~~Section 2840.4 of the Public Utilities Code is~~  
19 ~~amended to read:~~

20 ~~2840.4. The Legislature finds and declares all of the following:~~

21 ~~(a) Combined heat and power systems produce both electricity~~  
22 ~~and thermal energy from a single fuel input, thus achieving much~~  
23 ~~greater efficiency than the usual separate systems for producing~~  
24 ~~these forms of energy and reducing the consumption of fuel.~~

25 ~~(b) Combined heat and power systems recover heat that would~~  
26 ~~otherwise be wasted in separate energy applications and use this~~  
27 ~~heat to avoid consumption of fuel that would otherwise be required~~  
28 ~~to produce heat.~~

29 ~~(c) Gigawatt hours of potential useful electricity and millions of~~  
30 ~~British thermal units of thermal energy could be derived from~~  
31 ~~unused waste heat that is currently being vented into the~~  
32 ~~atmosphere.~~

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**


Supervisor Katy Tang, Supervisor Scott Wiener

**Subject:**

Supporting Senate Bill 716 (Lara) - Prohibiting Abusive Behavior Toward the Elephant

**The text is listed below or attached:**

Please see attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

