

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1138

Introduced by Senator Cedillo

February 18, 2010

An act to add Article 1.5 (commencing with Section 19218) to Chapter 5 of Part 3 of Division 9 of the Food and Agricultural Code, relating to slaughtered animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1138, as amended, Cedillo. Horsemeat and pet food: Rendering Industry Advisory Board.

Existing law generally regulates persons engaged in certain businesses dealing with dead animals and pet food processing, including, among others, renderers, pet food processors, dead haulers, and transporters of inedible kitchen grease. These regulatory provisions are administered and enforced by the Department of Food and Agriculture.

This bill would establish in state government the Rendering Industry Advisory Board composed of ~~an unspecified number of~~ 7 persons appointed by the Secretary of Food and Agriculture who are licensed under the above-mentioned regulatory provisions. The bill would authorize the secretary to appoint an additional member to the board who is a public member, as provided. The bill would authorize ~~the board, on or before January 15 of any year, to establish or designate one or more entities to administer all or any part of the above-mentioned regulatory provisions for the fiscal year beginning July 1 of the same year through June 30 of the following year, in accordance with the regulations and procedures adopted or established by the secretary.~~ The bill would provide that the secretary is responsible for the enforcement of these regulatory provisions and for the establishment of enforcement

~~procedures~~ the secretary to adopt regulations to be used by the board in administering these provisions.

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

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

1 SECTION 1. Article 1.5 (commencing with Section 19218) is
2 added to Chapter 5 of Part 3 of Division 9 of the Food and
3 Agricultural Code, to read:

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5 Article 1.5. Rendering Industry Advisory Board
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7 19218. (a) There is in state government a Rendering Industry
8 Advisory Board consisting of ~~_____~~ seven persons appointed by
9 the secretary, who are licensed under this chapter, and who are
10 subject to payment of the rendering program licensing fees in
11 accordance with this chapter, including, but not limited to, licensed
12 renderers, dead haulers, and transporters of inedible kitchen grease.
13 The secretary may appoint one additional member to the board
14 who shall be a public member.

15 (b) Upon the secretary’s request, the board shall submit to the
16 secretary the name of at least one natural person, each of whom
17 shall be a citizen and resident of this state and not a producer,
18 transporter, or processor nor financially interested in any producer,
19 transporter, or processor, for appointment by the secretary as a
20 public member of the board. The secretary may appoint this person,
21 or one of the nominees if more than one name is submitted, as the
22 public member on the board. If all nominees are unsatisfactory to
23 the secretary, the board shall continue to submit lists of nominees
24 until the secretary has made a selection. Any vacancy in the office
25 of the public member of the board shall be filled by appointment
26 by the secretary from the nominee or nominees similarly qualified
27 and submitted by the board. The public member of the board shall
28 represent the interests of the general public in all matters coming
29 before the board and shall have the same voting and other rights
30 and immunities as other members of the board.

31 (c) The members of the board shall receive no salary, but are
32 entitled to payment of necessary traveling expenses in accordance

1 with Department of Personnel Administration rules. These expenses
2 shall be paid out of appropriations made to the department.

3 ~~19218.5. (a) In order to avoid administrative charges that may
4 adversely impact persons subject to this chapter, and to provide
5 for more efficient implementation of this chapter, the board may,
6 on or before January 15 of any year, establish or designate one or
7 more entities to administer all or any part of this chapter for the
8 fiscal year beginning July 1 of the same year through June 30 of
9 the following year, in accordance with the regulations and
10 procedures adopted or established by the secretary.~~

11 ~~(b) Notwithstanding subdivision (a), the secretary shall be
12 responsible for the enforcement of this chapter and for the
13 establishment of enforcement procedures.~~

14 *19218.1. It is hereby declared, as a matter of legislative
15 determination, that persons appointed to the Rendering Industry
16 Advisory Board pursuant to this article are intended to represent
17 and further the interest of a particular agricultural industry
18 concerned, and that such representation and furtherance is
19 intended to serve the public interest. Accordingly, the Legislature
20 finds that, with respect to persons who are appointed to the board,
21 the particular agricultural industry concerned is tantamount to,
22 and constitutes, the public generally within the meaning of Section
23 87103 of the Government Code.*

24 *19218.2. The term of office of the members of the board is three
25 years. When the board is first appointed, three members shall be
26 appointed for three years, three members for two years, and one
27 member for one year. Thereafter, appointments shall be for full
28 three-year terms. Vacancies shall be filled for an unexpired term.*

29 *19218.3. Except as otherwise provided in Sections 19218.6 to
30 19218.8, inclusive, the board shall be advisory to the secretary
31 and may make recommendations on all matters pertaining to this
32 article, including, but not limited to, the inspection and enforcement
33 program, annual budget, necessary fees to provide adequate
34 services, and regulations required to accomplish the purposes of
35 this article.*

36 *19218.4 The board shall elect a chairman, and from time to
37 time any other officers as it may deem advisable.*

38 *19218.5 (a) The board shall meet at the call of its chairman
39 or the secretary or at the request of any three members of the
40 board. The board shall meet at least once a year.*

1 (b) A quorum of the committee shall be five members. A vote of
2 the majority of the members present at a meeting at which there
3 is a quorum shall constitute an act of the committee.

4 (c) No member or alternate member, or any employee or agent
5 thereof, shall be personally liable for the actions of the committee
6 or responsible individually in any way for errors in judgment,
7 mistakes, or other acts, either by commission or omission, except
8 for his or her own individual acts of dishonesty or crime.

9 19218.6 The advisory board may do all of the following:

10 (a) Keep accurate books and records of its activities, which
11 shall be subject to annual audit by an auditing firm approved by
12 the secretary. The audit shall be made a part of an annual report
13 to all persons licensed under this article. The books and records
14 shall be available for audit during regular business hours upon
15 request of the secretary.

16 (b) Make recommendations to the secretary concerning all of
17 the following:

18 (1) Adoption, modification, and repeal of regulations and
19 procedures.

20 (2) Procedures for employment, training, supervision, and
21 compensation of inspectors and other personnel.

22 (3) Rate and collection of license fees and penalties related
23 thereto.

24 (4) Acquisition and use of equipment.

25 (5) Posting and noticing changes in bylaws, general procedures,
26 or orders.

27 19218.7. Persons subject to this chapter shall not have access
28 to any information in the possession of any entity or entities
29 established or designated pursuant to this chapter that would
30 disclose proprietary information regarding any other person
31 subject to this article, including material test results, individual
32 fee or license payments, rendering process, or formula information.

33 19218.8. (a) The secretary shall adopt regulations to be used
34 by the board to administer this article.

35 (b) In adopting regulations and procedures, the secretary shall
36 accept the recommendations of board if he or she finds them to be
37 practicable and in the interest of the rendering industry and the
38 public. Within 30 days of the date the secretary receives a
39 recommendation from the board, the secretary shall provide the
40 board with notice of the acceptance of the recommendations or

- 1 *with a written statement of reasons if he or she does not accept*
- 2 *the recommendation.*

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