

AMENDED IN ASSEMBLY JUNE 22, 2010

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 5, 2010

**SENATE BILL**

**No. 1138**

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**Introduced by Senator Cedillo**

February 18, 2010

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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. Rendering 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 9 persons appointed by the Secretary of Food and Agriculture, 7 of whom are licensed under the above-mentioned regulatory provisions and 2 who are public members, as provided. The bill would specify the duties and responsibilities of the board. The bill would authorize 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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Article 1.5. Rendering Industry Advisory Board

7 19218. (a) There is in state government a Rendering Industry  
8 Advisory Board consisting of nine persons appointed by the  
9 secretary, seven of whom are licensed under this chapter, and who  
10 are 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 shall appoint the two other members to the board  
14 who shall be public members. Any vacancy in the office of a public  
15 member of the board shall be filled by appointment by the  
16 secretary.

17 (b) At least one of the seven licensee members appointed by  
18 the secretary pursuant to subdivision (a) shall have experience and  
19 expertise in alternative uses of rendered products, including, but  
20 not limited to, use as energy, alternative fuels, lubricants, and other  
21 nontraditional uses.

22 (c) The public members appointed by the secretary pursuant to  
23 subdivision (a) shall have experience and expertise ~~in any or all~~  
24 *one or more* of the following:

- 25 (1) Water quality.
- 26 (2) Publicly owned treatment works and water infrastructure.
- 27 (3) Law enforcement.

28 (d) The members of the board shall receive no salary, but are  
29 entitled to payment of necessary traveling expenses in accordance  
30 with Department of Personnel Administration rules. These expenses  
31 shall be paid out of appropriations made to the department.

32 19218.1. The term of office of the members of the board is  
33 three years. When the board is first appointed, three members shall  
34 be appointed for three years, three members for two years, and  
35 three members for one year. Thereafter, appointments shall be for  
36 full three-year terms. Vacancies shall be filled for an unexpired  
37 term.

1 ~~19218.2. Except as otherwise provided in Sections 19218.5 to~~  
2 ~~19218.7, inclusive, the board shall be advisory to the secretary and~~  
3 ~~may make recommendations on all matters pertaining to this~~  
4 ~~chapter, including, but not limited to, the inspection and~~  
5 ~~enforcement program, annual budget, necessary fees to provide~~  
6 ~~adequate services, and regulations required to accomplish the~~  
7 ~~purposes of this chapter.~~

8 19218.3. The board shall elect a chairperson, and from time to  
9 time any other officers as it may deem advisable.

10 19218.4. (a) The board shall meet at the call of its chairperson  
11 or the secretary or at the request of any three members of the board.  
12 The board shall meet at least once a year.

13 (b) A quorum of the board shall be six members. A vote of the  
14 majority of the members present at a meeting at which there is a  
15 quorum shall constitute an act of the board.

16 (c) No member ~~or alternate member~~, or any employee or agent  
17 thereof, shall be personally liable for the actions of the board or  
18 responsible individually in any way for errors in judgment,  
19 mistakes, or other acts, either by commission or omission, except  
20 for his or her own individual acts of dishonesty or crime.

21 19218.5. (a) The board *shall be advisory to the secretary, and*  
22 *may make recommendations to the secretary concerning all of the*  
23 *following:*

24 (1) Adoption, modification, and repeal of regulations and  
25 procedures.

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

28 (3) Rate and collection of license fees and penalties related  
29 thereto.

30 (4) Acquisition and use of equipment.

31 (5) Posting and noticing changes in bylaws, general procedures,  
32 or orders.

33 (6) *All matters pertaining to this chapter, including, but not*  
34 *limited to, the inspection and enforcement program, annual budget,*  
35 *necessary fees to provide adequate services, and regulations*  
36 *required to accomplish the purposes of the chapter.*

37 (b) The board shall keep accurate books and records of its  
38 activities, which shall be subject to annual audit by an auditing  
39 firm approved by the secretary. The audit shall be made a part of  
40 an annual report to all persons licensed under this chapter. The

1 books and records shall be available for audit during regular  
2 business hours upon request of the secretary.

3 19218.6. Persons subject to this chapter shall not have access  
4 to any information in the possession of any entity or entities  
5 established or designated pursuant to this chapter that would  
6 disclose proprietary information regarding any other person subject  
7 to this article, including material test results, individual fee or  
8 license payments, rendering process, or formula information.

9 19218.7. (a) The secretary shall adopt regulations to be used  
10 by the board to administer this article.

11 (b) In adopting regulations and procedures, the secretary shall  
12 accept the recommendations of board if he or she finds them to be  
13 practicable and in the interest of the rendering industry and the  
14 public. Within 30 days of the date the secretary receives a  
15 recommendation from the board, the secretary shall provide the  
16 board with notice of the acceptance of the recommendations or  
17 with a written statement of reasons if he or she does not accept the  
18 recommendation.

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