

AMENDED IN ASSEMBLY MARCH 18, 2013

CALIFORNIA LEGISLATURE—2013—14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1319**

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**Introduced by Assembly Member Eggman**

February 22, 2013

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An act to ~~amend Section 9164 of~~ *add Section 10422.5 to, and to repeal and add Sections 10405 and 10422 of,* the Food and Agricultural Code, relating to diseased animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1319, as amended, Eggman. ~~Diseased animals and poultry. Bovine animals: brucellosis: slaughter: indemnity.~~

Existing law provides for the regulation of animals and pests for the prevention and control of disease. ~~Existing law makes it unlawful for any person that does not have a written permit issued by the Secretary of Food and Agriculture to remove livestock from slaughterhouse pens, yards, corrals, or similar holding places where livestock is held for immediate slaughter, except as specified. Existing law requires that any bovine animal in a brucellosis control area that reacts positively to a test for brucellosis be immediately identified pursuant to the regulations of the Secretary of Food and Agriculture and requires that the animal be slaughtered within 30 days in accordance with the regulations of the secretary. Existing law also authorizes the secretary to identify nonreacting animals in the same herd and to require the slaughter of those animals if certain requirements are satisfied.~~

*Existing law requires that if an animal in a brucellosis control area is slaughtered pursuant to these provisions, or under regulations of the secretary which are made pursuant to these provisions, the owner shall receive compensation, as specified. Existing law also provides*

indemnity, as provided, to the owner of a nonreacting animal that is slaughtered.

This bill would revise and recast these provisions to delete any compensation from the state and would provide that if a nonreacting animal is slaughtered pursuant to these provisions the owner would receive the same compensation as the owner of an animal that tested positive for brucellosis. The bill would require that the value of a nonreacting animal that is slaughtered be determined by appraisement by a representative of the Department of Food and Agriculture, or a representative of the Agricultural Research Service of the United States Department of Agriculture, and by the owner or his or her agent. The bill would also require that if these persons do not agree on the valuation of the animal, the animal be appraised by the chief appraiser of the Department of Food and Agriculture or his or her representative and that that determination is final.

~~This bill would make nonsubstantive changes to these provisions.~~

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

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

1 SECTION 1. Section 10405 of the Food and Agricultural Code  
2 is repealed.

3 ~~10405. Except as otherwise provided in this article, if an animal~~  
4 ~~in a brucellosis control area is slaughtered pursuant to this article,~~  
5 ~~or under regulations of the director which are made pursuant to~~  
6 ~~this article, the owner shall receive all of the following:~~

- 7 ~~(a) The proceeds of the sale of the salvage of the animal.~~
- 8 ~~(b) From the state, one-half of the difference between the~~  
9 ~~appraised value and the sum of the proceeds of the sale of the~~  
10 ~~salvage and indemnity provided by the United States, but in no~~  
11 ~~instance to exceed three hundred dollars (\$300) for any animal.~~
- 12 ~~(c) From the United States, any sum which is authorized to be~~  
13 ~~paid to him from any appropriation made by the United States to~~  
14 ~~assist in the eradication of brucellosis.~~

15 SEC. 2. Section 10405 is added to the Food and Agricultural  
16 Code, to read:

17 10405. If an animal is slaughtered pursuant to this article, and  
18 indemnity funds are available, the owner of the animal may receive  
19 part or all of the following:

1 (a) *The proceeds of the sale of the salvage of the animal.*

2 (b) *From the United States Department of Agriculture any sum*  
3 *that is authorized to be paid to the owner from any appropriation*  
4 *that is made by the United States Department of Agriculture to*  
5 *assist in the eradication of brucellosis in cattle in this state.*

6 *SEC. 3. Section 10422 of the Food and Agricultural Code is*  
7 *repealed.*

8 ~~10422. The indemnity which is paid to the owner of any~~  
9 ~~nonreacting animal which is slaughtered pursuant to this article~~  
10 ~~shall be the difference between the appraised value of the animal~~  
11 ~~as determined by appraisement by a representative of the~~  
12 ~~department, or a representative of the United States Department~~  
13 ~~of Agriculture, and by the owner or his agent, and the proceeds of~~  
14 ~~the sale of the salvage. The indemnity shall not, however, exceed~~  
15 ~~four hundred dollars (\$400) for any grade animal, or five hundred~~  
16 ~~dollars (\$500) for any purebred animal less any sum which is~~  
17 ~~authorized to be paid to the owner for indemnity purposes from~~  
18 ~~any appropriation made by the United States to assist in the~~  
19 ~~eradication of brucellosis in cattle in this state. In case of failure~~  
20 ~~to agree on the valuation, the animal shall be appraised by the chief~~  
21 ~~appraiser of the department or his representative. In either event,~~  
22 ~~the value determined shall be final.~~

23 *SEC. 4. Section 10422 is added to the Food and Agricultural*  
24 *Code, to read:*

25 *10422. The value of a nonreacting animal that is slaughtered*  
26 *shall be determined by appraisement by a representative of the*  
27 *department or a representative of the Agricultural Research Service*  
28 *of the United States Department of Agriculture, and by the owner*  
29 *or his or her agent. If these persons do not agree on the valuation*  
30 *of the animal, the animal shall be appraised by the chief appraiser*  
31 *of the department, or his or her representative. In either event, the*  
32 *value that is determined is final.*

33 *SEC. 5. Section 10422.5 is added to the Food and Agricultural*  
34 *Code, to read:*

35 *10422.5. If a nonreacting animal is slaughtered pursuant to*  
36 *this article, and indemnity funds are available, the owner of the*  
37 *animal may receive part or all of the following:*

38 (a) *The proceeds of the sale of the salvage of the animal.*

39 (b) *From the United States Department of Agriculture, any sum*  
40 *that is authorized to be paid to the owner from any appropriation*

1 *that is made by the United States Department of Agriculture to*  
2 *assist in the eradication of brucellosis in cattle in this state.*

3 ~~SECTION 1. Section 9164 of the Food and Agricultural Code~~  
4 ~~is amended to read:~~

5 ~~9164. In order to prevent the spread of any livestock disease,~~  
6 ~~it is unlawful for any person who does not have a written permit~~  
7 ~~issued by the secretary to remove, or cause to be removed, any~~  
8 ~~livestock from slaughterhouse pens, yards, corrals, or similar~~  
9 ~~holding places where livestock is held for the purpose of immediate~~  
10 ~~slaughter, except directly into the slaughterhouse that controls the~~  
11 ~~pens, yards, corrals, or similar holding places.~~