

Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 82

SENATE BILL 1481

AN ACT

AMENDING SECTION 3-605, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1005, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, FIRST SPECIAL SESSION, CHAPTER 10, SECTION 10; REPEALING LAWS 2013, CHAPTER 231, SECTION 3; REPEALING SECTION 41-1005, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 231, SECTION 4; RELATING TO THE FEDERAL MILK ORDINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 3-605, Arizona Revised Statutes, is amended to
3 read:

4 3-605. Federal milk ordinance; health and sanitation
5 provisions; exemption

6 A. Unless inconsistent with this chapter, the production,
7 transportation, handling and sale of milk and milk products and the
8 inspection of dairy herds, dairies and milk plants shall be regulated in
9 accordance with the terms of the federal milk ordinance.

10 B. The words "health authority" when used in the federal milk
11 ordinance means the director or the director's authorized representative.

12 C. Powers and duties in the federal milk ordinance relating to health
13 and sanitation are vested in the director. In addition, the director shall
14 adopt rules necessary to assure that all milk and milk products sold or
15 distributed for human consumption are free from unwholesome, poisonous or
16 other foreign substances and filth, insects or disease-causing organisms.
17 The rules shall prescribe reasonably necessary measurements governing the
18 production, processing, labeling, storing, handling and transportation of
19 milk and milk products. The rules shall prescribe minimum standards for the
20 sanitary facilities and conditions that shall be maintained in any dairy or
21 other facility and in any truck or other vehicle in which milk or milk
22 products are produced, processed, handled or transported. The rules shall
23 provide for the inspection and licensing of premises and vehicles so used,
24 and for abatement as public nuisances of any premises or vehicles that do not
25 comply with rules and minimum standards. This subsection and the rules
26 prescribed pursuant to this subsection do not apply to dispensing and selling
27 frozen desserts at retail.

28 D. The provisions of the federal milk ordinance apply to this state.

29 E. THE DEPARTMENT IS EXEMPT FROM THE RULEMAKING REQUIREMENTS OF TITLE
30 41, CHAPTER 6 FOR THE PURPOSE OF ADOPTING AND IMPLEMENTING THE FEDERAL MILK
31 ORDINANCE.

32 Sec. 2. Section 41-1005, Arizona Revised Statutes, as amended by Laws
33 2013, first special session, chapter 10, section 10, is amended to read:

34 41-1005. Exemptions

35 A. This chapter does not apply to any:

36 1. Rule that relates to the use of public works, including streets and
37 highways, under the jurisdiction of an agency if the effect of the order is
38 indicated to the public by means of signs or signals.

39 2. Order or rule of the Arizona game and fish commission adopted
40 ~~pursuant to section 5-321 or 5-327 that establishes a fee or section 17-333~~
41 ~~that establishes a license classification, fee or application fee THAT DOES~~
42 THE FOLLOWING:

43 (a) OPENS, CLOSSES OR ALTERS SEASONS OR ESTABLISHES BAG OR POSSESSION
44 LIMITS FOR WILDLIFE.

45 (b) ESTABLISHES A FEE PURSUANT TO SECTION 5-321, 5-322 OR 5-327.

1 (c) ESTABLISHES A LICENSE CLASSIFICATION, FEE OR APPLICATION FEE
2 PURSUANT TO TITLE 17, CHAPTER 3, ARTICLE 2.

3 3. Rule relating to section 28-641 or to any rule regulating motor
4 vehicle operation that relates to speed, parking, standing, stopping or
5 passing enacted pursuant to title 28, chapter 3.

6 4. Rule concerning only the internal management of an agency that does
7 not directly and substantially affect the procedural or substantive rights or
8 duties of any segment of the public.

9 5. Rule that only establishes specific prices to be charged for
10 particular goods or services sold by an agency.

11 6. Rule concerning only the physical servicing, maintenance or care of
12 agency owned or operated facilities or property.

13 7. Rule or substantive policy statement concerning inmates or
14 committed youths of a correctional or detention facility in secure custody or
15 patients admitted to a hospital, if made by the state department of
16 corrections, the department of juvenile corrections, the board of executive
17 clemency or the department of health services or a facility or hospital under
18 the jurisdiction of the state department of corrections, the department of
19 juvenile corrections or the department of health services.

20 8. Form whose contents or substantive requirements are prescribed by
21 rule or statute, and instructions for the execution or use of the form.

22 9. Capped fee-for-service schedule adopted by the Arizona health care
23 cost containment system administration pursuant to title 36, chapter 29.

24 10. Fees prescribed by section 6-125.

25 11. Order of the director of water resources adopting or modifying a
26 management plan pursuant to title 45, chapter 2, article 9.

27 12. Fees established under section 3-1086.

28 13. Fee-for-service schedule adopted by the department of economic
29 security pursuant to section 8-512.

30 14. Fees established under sections 41-2144 and 41-2189.

31 15. Rule or other matter relating to agency contracts.

32 16. Fees established under section 32-2067 or 32-2132.

33 17. Rules made pursuant to section 5-111, subsection A.

34 18. Rules made by the Arizona state parks board concerning the
35 operation of the Tonto natural bridge state park, the facilities located in
36 the Tonto natural bridge state park and the entrance fees to the Tonto
37 natural bridge state park.

38 19. Fees or charges established under section 41-511.05.

39 20. Emergency medical services protocols except as provided in section
40 36-2205, subsection B.

41 21. Fee schedules established pursuant to section 36-3409.

42 22. Procedures of the state transportation board as prescribed in
43 section 28-7048.

44 23. Rules made by the state department of corrections.

45 24. Fees prescribed pursuant to section 32-1527.

1 25. Rules made by the department of economic security pursuant to
2 section 46-805.

3 26. Schedule of fees prescribed by section 23-908.

4 27. Procedure that is established pursuant to title 23, chapter 6,
5 article 6.

6 28. Rules, administrative policies, procedures and guidelines adopted
7 for any purpose by the Arizona commerce authority pursuant to chapter 10 of
8 this title if the authority provides, as appropriate under the circumstances,
9 for notice of an opportunity for comment on the proposed rules,
10 administrative policies, procedures and guidelines.

11 29. Rules made by a marketing commission or marketing committee
12 pursuant to section 3-414.

13 30. Administration of public assistance program monies authorized for
14 liabilities that are incurred for disasters declared pursuant to sections
15 26-303 and 35-192.

16 31. User charges, tolls, fares, rents, advertising and sponsorship
17 charges, services charges or similar charges established pursuant to section
18 28-7705.

19 32. Administration and implementation of the hospital assessment
20 pursuant to section 36-2901.08, except that the Arizona health care cost
21 containment system administration must provide notice and an opportunity for
22 public comment at least thirty days before establishing or implementing the
23 administration of the assessment.

24 33. RULES MADE BY THE ARIZONA DEPARTMENT OF AGRICULTURE TO ADOPT AND
25 IMPLEMENT THE PROVISIONS OF THE FEDERAL MILK ORDINANCE AS PRESCRIBED BY
26 SECTION 3-605.

27 B. Notwithstanding subsection A, paragraph 22 of this section, at such
28 time as the federal highway administration authorizes the privatization of
29 rest areas, the state transportation board shall make rules governing the
30 lease or license by the department of transportation to a private entity for
31 the purposes of privatization of a rest area.

32 C. Coincident with the making of a final rule pursuant to an exemption
33 from the applicability of this chapter under this section, another statute or
34 session law, the agency shall file a copy of the rule with the secretary of
35 state for publication pursuant to section 41-1012 and provide a copy to the
36 council.

37 D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
38 chapter do not apply to the Arizona board of regents and the institutions
39 under its jurisdiction, except that the Arizona board of regents shall make
40 policies or rules for the board and the institutions under its jurisdiction
41 that provide, as appropriate under the circumstances, for notice of and
42 opportunity for comment on the policies or rules proposed.

43 E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
44 chapter do not apply to the Arizona state schools for the deaf and the blind,
45 except that the board of directors of all the state schools for the deaf and

1 the blind shall adopt policies for the board and the schools under its
2 jurisdiction that provide, as appropriate under the circumstances, for notice
3 of and opportunity for comment on the policies proposed for adoption.

4 F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
5 chapter do not apply to the state board of education, except that the state
6 board of education shall adopt policies or rules for the board and the
7 institutions under its jurisdiction that provide, as appropriate under the
8 circumstances, for notice of and opportunity for comment on the policies or
9 rules proposed for adoption. In order to implement or change any rule, the
10 state board of education shall provide at least two opportunities for public
11 comment.

12 Sec. 3. Repeal

13 Laws 2013, chapter 231, section 3 is repealed.

14 Sec. 4. Repeal

15 Section 41-1005, Arizona Revised Statutes, as amended by Laws 2013,
16 chapter 231, section 4, is repealed.

17 Sec. 5. Retroactivity

18 A. Section 2 of this act applies retroactively to September 12, 2013.

19 B. Sections 3 and 4 of this act apply retroactively to September 13,
20 2013.

APPROVED BY THE GOVERNOR APRIL 17, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2014.

Passed the House April 15, 2014,

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting



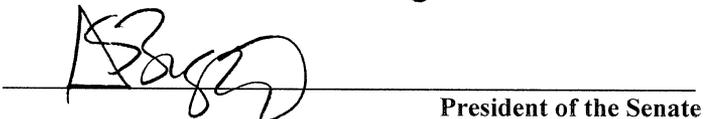
Speaker of the House


Cheryl Laube
Chief Clerk of the House

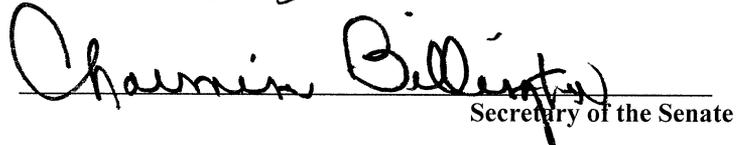
Passed the Senate February 27, 2014,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting



President of the Senate


Charmin Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16th day of April, 2014,

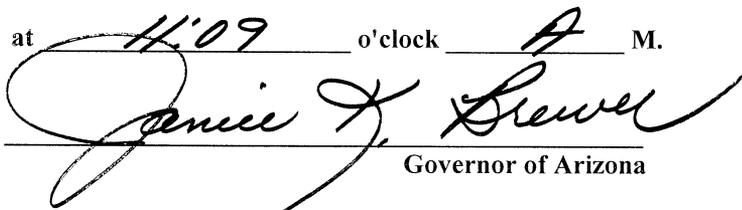
at 4:15 o'clock P M.


Lindsay Scornavacca
Secretary to the Governor

Approved this 17th day of

April, 2014,

at 11:09 o'clock A M.


Janice D. Brewer
Governor of Arizona

S.B. 1481

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18th day of April, 2014,

at 8:10 o'clock a M.


Kelly Blumett
Secretary of State