

House Engrossed Senate Bill

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 160

SENATE BILL 1344

AN ACT

AMENDING SECTIONS 3-1269, 3-1336, 3-1337, 3-2401, 3-2405, 3-2601, 3-2603 AND 3-2607, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA DEPARTMENT OF AGRICULTURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 3-1269, Arizona Revised Statutes, is amended to
3 read:

4 3-1269. Use of unrecorded brand prohibited; violation;
5 classification; exception

6 A. A person who knowingly brands livestock with an unrecorded,
7 cancelled, suspended or forfeited brand is guilty of a class 3 misdemeanor.

8 B. THIS SECTION DOES NOT APPLY TO PERSONS THAT BRAND LIVESTOCK WITH
9 YEAR, BIRTH, NUMERIC HERD OR ALPHABETIC HERD BRANDS.

10 Sec. 2. Section 3-1336, Arizona Revised Statutes, is amended to read:

11 3-1336. Inspection of livestock to be slaughtered, sold or
12 transported; fee; violation; classification

13 A. Except as otherwise provided in this section, livestock, other than
14 equines, SWINE and livestock inspected BY MOVERS OF LIVESTOCK OR at feedlots
15 or dairies pursuant to section 3-1337, shall not be slaughtered, sold,
16 purchased, driven, transported, shipped or conveyed unless the animals have
17 been inspected by a livestock officer or inspector for health, brands and
18 marks before they are slaughtered, sold, purchased, driven, transported,
19 shipped or conveyed and the inspection fee HAS BEEN paid.

20 B. The owner or agent of the owner of the livestock to be slaughtered,
21 sold, driven, transported, shipped or conveyed as provided in subsection A of
22 this section shall notify the nearest livestock officer or inspector of that
23 intention.

24 C. Equines consigned to either licensed Arizona livestock auctions or
25 other special auctions approved by the department from out of state or from
26 Indian reservations in this state or from other state or federal agencies
27 without prior inspection shall be inspected on delivery at an auction.

28 D. All livestock other than equines sold at auctions shall be
29 inspected out on an inspection certificate or auction invoice validated by
30 the department.

31 E. The owner or producer of livestock excluding equines may slaughter
32 or transport to another person to slaughter ~~such~~ THAT livestock without
33 having the animal inspected and without paying the inspection fee or service
34 charge if the meat of ~~such~~ THE slaughtered livestock is solely for home
35 consumption by ~~such~~ THE owner ~~providing that such~~ AND IF THE owner contacts a
36 livestock officer or inspector within a ~~forty-eight hour~~ FORTY-EIGHT-HOUR
37 period ~~prior to~~ BEFORE THE slaughter and is able to establish proof of
38 ownership either by a prior inspection certificate, OR by a recorded brand
39 on the animal or PROOF that the animal was raised by said owner, and the hide
40 is inspected as provided for in section 3-2011. If proof of ownership cannot
41 be established to the satisfaction of the livestock officer or inspector,
42 ~~then~~ the livestock officer or inspector may require an inspection ~~prior to~~
43 BEFORE THE slaughter.

44 F. The associate director may waive an inspection for brands and marks
45 before the slaughter of an animal if a federal or state meat inspector on the

1 premises certifies on a form provided by the department that, as determined
2 by an antemortem inspection, the animal is in a distressed condition and for
3 humane reasons should be slaughtered immediately if it is otherwise fit for
4 slaughter and if the hide, carcass and certification are segregated and held
5 pending inspection for brands and marks. The associate director may waive
6 inspections under this subsection only for individual animals, and a separate
7 certification shall be made for each animal.

8 G. Livestock officers or inspectors shall not inspect livestock for
9 health before they are slaughtered at an establishment ~~which~~ THAT is subject
10 to federal meat inspections as provided under chapter 13 of this title.

11 H. A person violating any provision of this section is guilty of a
12 class 3 misdemeanor.

13 I. If a federal governmental entity seizes any privately owned animals
14 subject to brand inspection pursuant to this chapter, the department or its
15 authorized inspector shall not issue brand inspection certificates or permits
16 to remove the animals or for the transfer of ownership of the animals by sale
17 or otherwise unless one of the following occurs:

- 18 1. The department receives consent from the owner.
- 19 2. The owner is unknown.

20 3. Before the seizure, the federal governmental entity obtains
21 approval for the seizure from a court of competent jurisdiction and submits a
22 copy of the order approving the seizure to the department or its authorized
23 inspector.

24 J. This section does not apply to:

- 25 1. A feral animal.
- 26 2. Wild free-roaming horses and burros, as defined in 16 United States
27 Code section 1332.
- 28 3. A stray animal.
- 29 4. An animal that is seized by a governmental entity to protect the
30 health and safety of the public or to prevent cruelty to the animal.

31 Sec. 3. Section 3-1337, Arizona Revised Statutes, is amended to read:

32 3-1337. Service charge and inspection fee; self-inspection;
33 civil penalties

34 A. Livestock officers and inspectors shall collect from the person in
35 charge of cattle inspected a service charge of three dollars plus an
36 inspection fee of twenty-five cents per head for making inspections for the
37 transfer of ownership, sale, slaughter or transportation of cattle.

38 B. Livestock officers and inspectors shall collect from the person in
39 charge of sheep inspected a service charge of three dollars plus an
40 inspection fee of five cents per head for making inspections for the transfer
41 of ownership, sale, slaughter or transportation of sheep.

42 C. Livestock officers and inspectors shall collect from the person in
43 charge of dairy cattle inspected a service charge of three dollars plus an
44 inspection fee of twenty-five cents per head for making inspections for the
45 transfer of ownership, sale, slaughter or transportation of dairy cattle.

1 D. The division may approve self-inspection by movers of ~~beef cattle,~~
2 LIVESTOCK AND feedlots and dairies pursuant to section 3-1203, subsection D.
3 Movement shall be documented on SIMPLE AND CONCISE SELF-INSPECTION forms THAT
4 ARE provided by the department AND THAT INCLUDE ONLY THE FOLLOWING
5 INFORMATION:

- 6 1. THE CERTIFICATE NUMBER.
- 7 2. THE DEPARTMENT CONTACT INFORMATION.
- 8 3. FOR OUT-OF-STATE SHIPMENTS, OFFICIAL IDENTIFICATION.
- 9 4. FOR DAIRY CATTLE, BACK TAG NUMBERS.
- 10 5. THE AMOUNT COLLECTED PURSUANT TO SECTION 3-1236.
- 11 6. THE NUMBER AND DESCRIPTION OF LIVESTOCK.
- 12 7. THE LIVESTOCK OWNER'S OR AGENT'S NAME, SIGNATURE AND ADDRESS.
- 13 8. THE TRANSPORTER'S NAME.
- 14 9. THE LOCATION OF THE PLACE AND DATE OF SHIPMENT.
- 15 10. THE DESTINATION OR BUYER'S NAME AND ADDRESS.
- 16 11. FOR BRANDED ANIMALS, THE ANIMAL'S REGISTERED BRAND, INCLUDING
17 BRAND NUMBER, LOCATION AND EXPIRATION DATE.

18 E. Movers of ~~beef cattle,~~ LIVESTOCK AND feedlots and dairies that
19 utilize self-inspection shall ~~pay an outgoing inspection fee of twenty cents~~
20 ~~per head~~ PURCHASE THE SELF-INSPECTION BOOK FROM THE DEPARTMENT. THE DIRECTOR,
21 IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE ADVISORY COUNCIL
22 ESTABLISHED PURSUANT TO SECTION 3-104, MAY ESTABLISH A FEE FOR THE
23 SELF-INSPECTION BOOK.

24 E. F. ~~Service charges and inspection~~ ANY fees collected by the
25 livestock officers and inspectors and BY MOVERS OF LIVESTOCK AND feedlots and
26 dairies utilizing self-inspection shall be remitted to the division. ~~Service~~
27 ~~charges and inspection~~ ANY fees incurred by MOVERS OF LIVESTOCK AND feedlots
28 and dairies shall be remitted to the department within ten days after the end
29 of the month in which the livestock were inspected.

30 Sec. 4. Section 3-2401, Arizona Revised Statutes, is amended to read:
31 3-2401. Control of destructive animals and noxious rodents:
32 agreements and cooperation with federal agencies:
33 exception

34 A. The director shall cooperate with the animal and plant health
35 inspection service of the United States department of agriculture in the
36 control and destruction or relocation of predatory wildlife, REINTRODUCED
37 PREDATORY WILDLIFE, noxious rodents and related animals that are injurious to
38 livestock, poultry, game, agriculture, other industries and the public health
39 in accordance with organized and systematic plans of the animal and plant
40 health inspection service. For such purposes, the director shall enter into
41 written agreements with the animal and plant health inspection service
42 regarding the methods and procedure to be followed, the extent of supervision
43 to be exercised by the state and federal agencies, respectively, and the use
44 and expenditure of state funds. The director, in cooperation with the animal
45 and plant health inspection service, may also enter into cooperative

1 agreements with other governmental agencies and counties of the state to
2 promote the control and destruction of predatory wildlife, REINTRODUCED
3 PREDATORY WILDLIFE, noxious rodents and related animals.

4 B. The authority to destroy predatory wildlife, REINTRODUCED PREDATORY
5 WILDLIFE, noxious rodents and related animals does not include big game
6 animals as defined in section 17-101, except:

7 1. Bear and mountain lion taken pursuant to section 17-302.

8 2. To protect public health and safety.

9 Sec. 5. Section 3-2405, Arizona Revised Statutes, is amended to read:

10 3-2405. Powers of boards of supervisors

11 The boards of supervisors of the several counties may within their
12 respective counties:

13 1. Control and destroy predatory wildlife, REINTRODUCED PREDATORY
14 WILDLIFE, noxious rodents and related animals as ~~defined by~~ PROVIDED IN
15 section 3-2401.

16 2. Enter into cooperative agreements with the department and the
17 animal and plant health inspection service of the United States department of
18 agriculture.

19 3. Make necessary expenditures from any special, contingent or general
20 county fund available for the purposes specified in this section.

21 Sec. 6. Section 3-2601, Arizona Revised Statutes, is amended to read:

22 3-2601. Definitions

23 In this article, unless the context otherwise requires:

24 1. "ALERT AGREEMENT" MEANS THE ARIZONA LIVESTOCK INCIDENT RESPONSE
25 TEAM AGREEMENT ESTABLISHED BETWEEN THE DEPARTMENT AND A UNIVERSITY UNDER THE
26 JURISDICTION OF THE ARIZONA BOARD OF REGENTS.

27 ~~1.~~ 2. "Brand" means the term, design or trademark and other specific
28 designation under which an individual commercial feed is distributed in this
29 state.

30 ~~2.~~ 3. "Commercial feed" means all materials, except whole seeds
31 unmixed or physically altered entire unmixed seeds, that are distributed for
32 use as feed or for mixing in feed. Commercial feed includes raw agricultural
33 commodities distributed for use as feed or for mixing in feed when the
34 commodities are adulterated within the meaning of section 3-2611.

35 ~~3.~~ 4. "Customer-formula feed" means a mixture of commercial feed or
36 feed materials, or both, each batch of which is mixed according to the
37 specific instructions of the final purchaser.

38 ~~4.~~ 5. "Distribute" means to offer for sale, sell, barter or otherwise
39 supply commercial feeds or customer-formula feeds, ~~except that the term~~
40 ~~"distribute" shall~~ BUT DOES not include or apply to any feeds supplied for
41 consumption on the premises of the supplier.

42 ~~5.~~ 6. "Division" means the environmental services division of the
43 Arizona department of agriculture.

44 ~~6.~~ 7. "Feed ingredient" means each of the constituent materials
45 making up a commercial feed.

1 ~~7.~~ 8. "Label" means a display of written, printed or graphic matter
2 ~~upon~~ ON or affixed to the container in which a commercial feed is
3 distributed, or on the invoice or delivery slip with which a commercial feed
4 or customer-formula feed is distributed.

5 ~~8.~~ 9. "Official sample" means any sample of feed taken by the
6 director or the director's agent and designated as official.

7 ~~9.~~ 10. "Per cent" or "percentage" means percentage by weight.

8 ~~10.~~ 11. "Person" includes AN individual, partnership, corporation,
9 firm, association or agent.

10 ~~11.~~ 12. "Sell" or "sale" includes exchange.

11 ~~12.~~ 13. "Ton" means a net weight of two thousand pounds avoirdupois.

12 Sec. 7. Section 3-2603, Arizona Revised Statutes, is amended to read:

13 3-2603. Enforcement and administrative powers

14 A. The associate director may refuse to license or may cancel the
15 license of any distributor in violation of ~~the provisions of~~ this article.
16 The director shall review the associate director's action on request of any
17 person adversely affected by the action.

18 B. The director may, after a hearing:

19 1. Adopt rules:

20 (a) Requiring the guarantee of substances and elements when claimed
21 present in a commercial feed, and declare the form in which the guarantee
22 shall appear ~~upon~~ ON the label.

23 (b) Setting forth acceptable descriptive terms by which ingredients
24 shall be listed on the labeling when used as ingredients of a commercial feed
25 or customer-formula feed.

26 (c) Requiring a statement of warning and directions for use of
27 commercial feeds and customer-formula feeds containing drugs or chemicals.

28 (d) Establishing limits of viable weed seeds contained in commercial
29 feed.

30 (e) Both administrative and technical, which the director deems
31 necessary for the efficient administration of this article.

32 2. Cooperate with, and enter into agreements with, UNIVERSITIES UNDER
33 THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS, other agencies of ~~the~~ THIS
34 state, other states and agencies of the federal government in order to carry
35 out the purpose and provisions of this article, INCLUDING THE IMPLEMENTATION
36 AND USE OF COMMERCIAL FEED TRUST FUND MONIES TO ASSIST THE EFFORTS OF AN
37 ALIRT AGREEMENT.

38 3. Exempt from the definition of commercial feed or from specific
39 provisions of this ~~chapter~~ ARTICLE commodities such as hay, straw, stover,
40 silage, cobs, husks, hulls and individual chemical compounds or substances
41 when ~~such~~ THOSE commodities, compounds or substances are not intermixed or
42 mixed with other materials and are not adulterated within the meaning of
43 section 3-2611.

44 4. Define weights in the metric system.

1 Sec. 8. Section 3-2607, Arizona Revised Statutes, is amended to read:
2 3-2607. Commercial feed trust fund; exemption

3 A. The commercial feed trust fund is established for the exclusive
4 purpose of implementing, continuing and supporting the agricultural program
5 established by this article. All monies collected under ~~the provisions of~~
6 this article shall be deposited in the trust fund.

7 B. The director shall administer the TRUST fund as trustee. EACH YEAR
8 THE DIRECTOR SHALL DISTRIBUTE NOT MORE THAN FIFTY THOUSAND DOLLARS FROM THE
9 TRUST FUND TO EXECUTE THE ALIRT AGREEMENT.

10 C. The state treasurer shall accept, separately account for and hold
11 in trust any monies deposited in the state treasury, ~~which~~ THAT are
12 considered to be trust monies as defined in section 35-310 and ~~which~~ THAT
13 shall not be commingled with any other monies in the state treasury except
14 for investment purposes. On notice from the director, the state treasurer
15 shall invest and divest any trust fund monies deposited in the state treasury
16 as provided by sections 35-313 and 35-314.03, and monies earned from
17 investment shall be credited to the trust fund.

18 ~~C.~~ D. The beneficiary of the trust is the ~~agriculture~~ AGRICULTURAL
19 program established by this article. The trust fund shall be used solely for
20 the purposes of this article on the order of the director.

21 ~~D.~~ E. The commercial feed trust fund is exempt from the provisions of
22 section 35-190 relating to lapsing appropriations. Surplus monies, including
23 any unexpended and unencumbered balance at the end of the fiscal year, do not
24 revert to the state general fund.

25 Sec. 9. Exemption from rulemaking

26 For the purposes of section 3-1337, subsections D and E, Arizona
27 Revised Statutes, as amended by this act, the Arizona department of
28 agriculture is exempt from the rulemaking requirements of title 41, chapter
29 6, Arizona Revised Statutes, for one year after the effective date of this
30 act.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.

Passed the House March 28, 2016,

Passed the Senate February 18, 2016,

by the following vote: 45 Ayes,

by the following vote: 20 Ayes,

13 Nays, 2 Not Voting

9 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

S.B. 1344

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 4, 2016

by the following vote: 23 Ayes,

5 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

4th day of May, 2016

at 4:26 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 11th day of

May

at 8:53 o'clock A M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 12 day of May, 2016

at 8:47 o'clock A M.

[Signature]
Secretary of State