

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

Senate Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 275
SENATE BILL 1408

AN ACT

AMENDING SECTIONS 3-1213, 11-251 AND 11-1021, ARIZONA REVISED STATUTES;
RELATING TO THE HANDLING OF ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 3-1213, Arizona Revised Statutes, is amended to
3 read:

4 3-1213. Acquisition and use of sodium pentobarbital or sodium
5 pentobarbital derivative by county and local pounds

6 The state veterinarian, in consultation with the director, shall
7 establish procedures for county, city and town animal pounds ~~which~~ THAT do
8 not have a licensed veterinarian on the staff to obtain and administer
9 sodium pentobarbital or ~~T-61 euthanasia solution or its generic equivalent~~
10 A DERIVATIVE OF SODIUM PENTOBARBITAL.

11 Sec. 2. Section 11-251, Arizona Revised Statutes, is amended to
12 read:

13 11-251. Powers of board

14 The board of supervisors, under such limitations and restrictions as
15 are prescribed by law, may:

16 1. Supervise the official conduct of all county officers and
17 officers of all districts and other subdivisions of the county charged
18 with assessing, collecting, safekeeping, managing or disbursing the public
19 revenues, see that ~~such~~ THE officers faithfully perform their duties and
20 direct prosecutions for delinquencies, and, when necessary, require the
21 officers to renew their official bonds, make reports and present their
22 books and accounts for inspection.

23 2. Divide the counties into ~~such~~ districts or precincts as required
24 by law, change ~~them~~ THE DISTRICTS OR PRECINCTS and create others as
25 convenience requires.

26 3. Establish, abolish and change election precincts, appoint
27 inspectors and judges of elections, canvass election returns, declare the
28 result and issue certificates thereof.

29 4. Lay out, maintain, control and manage public roads, ferries and
30 bridges within the county and levy such tax for that purpose as may be
31 authorized by law.

32 5. Provide for the care and maintenance of the sick of the county,
33 erect and maintain hospitals for that purpose and, in its discretion,
34 provide a farm in connection with the county hospital and adopt ordinances
35 for working the farm.

36 6. Provide suitable rooms for county purposes.

37 7. Purchase, receive by donation or lease real or personal property
38 necessary for the use of the county prison and take care of, manage and
39 control the property, but ~~no~~ A purchase of real property shall NOT be made
40 unless the value has been previously estimated by three disinterested
41 citizens of the county, appointed by the board for that purpose, and ~~no~~
42 NOT more than the appraised value shall be paid for the property.

1 8. Cause to be erected and furnished a courthouse, jail and
2 hospital and ~~such~~ other buildings as necessary, and construct and
3 establish a branch jail, when necessary, at a point distant from the
4 county seat.

5 9. Sell at public auction, after thirty days' previous notice given
6 by publication in a newspaper of the county, stating the time and place of
7 the auction, and convey to the highest bidder, for cash or contract of
8 purchase extending not more than ten years ~~from~~ AFTER the date of sale and
9 on such terms and for such consideration as the board shall prescribe, any
10 property belonging to the county that the board deems advantageous for the
11 county to sell, or that the board deems unnecessary for use by the county,
12 and shall pay the proceeds ~~thereof~~ OF THE SALE into the county treasury
13 for use of the county, except that personal property need not be sold but
14 may be used as a trade-in on the purchase of personal property when the
15 board deems this disposition of the personal property to be in the best
16 interests of the county. ~~When~~ IF the property for sale is real property,
17 the board shall have ~~such~~ THE property appraised by a qualified
18 independent fee appraiser who has an office located in this state. The
19 appraiser shall establish a minimum price, ~~which~~ THAT shall ~~not be less~~
20 ~~than~~ BE AT LEAST ninety ~~per cent~~ PERCENT of the appraised value. The
21 notice regarding the sale of real property shall be published in the
22 county where the property is situated and may be published in one or more
23 other counties, and shall contain, among other things, the appraised
24 value, the minimum acceptable sale price, and the common and legal
25 description of the real property. Notwithstanding the requirement for a
26 sale at public auction prescribed in this paragraph, a county, with
27 unanimous consent of the board and without a public auction, may sell or
28 lease any county property to any other duly constituted governmental
29 entity, including the state, cities, towns and other counties. A county,
30 with unanimous consent of the board and without public auction, may grant
31 an easement on county property for public purposes to a utility as defined
32 in section 40-491. A county, with unanimous consent of the board and
33 without public auction, may sell or lease any county property for a
34 specific use to any solely charitable, social or benevolent nonprofit
35 organization incorporated or operating in this state. A county may
36 dispose of surplus equipment and materials that have little or no value or
37 that are unauctionable in any manner authorized by the board.

38 10. Examine and exhibit the accounts and performance of all
39 officers having the care, management, collection or disbursement of monies
40 belonging to the county or appropriated by law or otherwise for the use
41 and benefit of the county. The working papers and other audit files in an
42 examination and audit of the accounts and performance of a county officer
43 are not public records and are exempt from title 39, chapter 1. The
44 information contained in the working papers and audit files prepared
45 pursuant to a specific examination or audit is not subject to disclosure,

1 except to the county attorney and the attorney general in connection with
2 an investigation or action taken in the course of their official duties.

3 11. Examine, settle and allow all accounts legally chargeable
4 against the county, order warrants to be drawn on the county treasurer for
5 that purpose and provide for issuing the warrants.

6 12. Levy such tax annually on the taxable property of the county as
7 may be necessary to defray the general current expenses thereof, including
8 salaries otherwise unprovided for, and levy such other taxes as are
9 required to be levied by law.

10 13. Equalize assessments.

11 14. Direct and control the prosecution and defense of all actions
12 to which the county is a party, and compromise them.

13 15. Insure the county buildings in the name of and for the benefit
14 of the county.

15 16. Fill by appointment all vacancies occurring in county or
16 precinct offices.

17 17. Adopt provisions necessary to preserve the health of the
18 county, and provide for the expenses thereof.

19 18. With the approval of the department of health services,
20 contract with any qualified person to provide all or part of the health
21 services, funded through the department of health services with federal or
22 state monies, that the board in its discretion extends to residents of the
23 county.

24 19. Contract for county printing and advertising, and provide books
25 and stationery for county officers.

26 20. Provide for rebinding county records, or, if necessary, the
27 transcribing of county records.

28 21. Make and enforce necessary rules and regulations for the
29 government of its body, the preservation of order and the transaction of
30 business.

31 22. Adopt a seal for the board, a description and impression of
32 which shall be filed by the clerk in the office of the county recorder and
33 the secretary of state.

34 23. Establish, maintain and conduct or aid in establishing,
35 maintaining and conducting public aviation fields, purchase, receive by
36 donation or lease any property necessary for that purpose, lease, at a
37 nominal rental if desired, sell such aviation fields or property to the
38 United States or any department, or sell or lease such aviation fields to
39 a city, exchange lands acquired pursuant to this section for other lands,
40 or act in conjunction with the United States in maintaining, managing and
41 conducting all such property. If any such property or part of that
42 property is not needed for these purposes, it shall be sold by the board
43 and the proceeds shall be paid into the general fund of the county.

44 24. Acquire and hold property for the use of county fairs, and
45 conduct, take care of and manage them.

1 25. Authorize the sheriff to offer a reward, not exceeding ten
2 thousand dollars in one case, for information leading to the arrest and
3 conviction of persons charged with crime.

4 26. Contract for the transportation of insane persons to the state
5 hospital or direct the sheriff to transport such persons. The county is
6 responsible for such expense to the extent the expense is not covered by
7 any third party payor.

8 27. Provide for the reasonable expenses of burial for deceased
9 indigents as provided in section 36-831 and maintain a permanent register
10 of deceased indigents, including name, age and date of death, and when
11 burial occurs, the board shall mark the grave with a permanent marker
12 giving the name, age, and date of birth, if known.

13 28. Sell or grant to the United States the title or interest of the
14 county in any toll road or toll train in or partly within a national park,
15 on such terms as may be agreed on by the board and the secretary of the
16 interior of the United States.

17 29. Enter into agreements for acquiring rights-of-way,
18 construction, reconstruction or maintenance of highways in their
19 respective counties, including highways that pass through Indian
20 reservations, with the government of the United States, acting through its
21 duly authorized officers or agents pursuant to any act of Congress, except
22 that the governing body of any Indian tribe whose lands are affected must
23 consent to the use of its land, and any such agreements entered into
24 before June 26, 1952 are validated and confirmed.

25 30. Do and perform all other acts and things necessary to the full
26 discharge of its duties as the legislative authority of the county
27 government, including receiving and accepting payment of monies by credit
28 card or debit card, or both. Any fees or costs incurred by the use of the
29 credit or debit card shall be paid by the person tendering payment unless
30 the charging entity determines that the financial benefits of accepting
31 credit cards or debit cards exceeds the additional processing fees.

32 31. Make and enforce all local, police, sanitary and other
33 regulations not in conflict with general law.

34 32. Budget for funds for foster home care during the school week
35 for children with intellectual disabilities and children with other
36 disabilities who reside within the county and attend a school for students
37 with disabilities in a city or town within ~~such~~ THE county.

38 33. Do and perform all acts necessary to enable the county to
39 participate in the economic opportunity act of 1964 (P.L. 88-452; 78 Stat.
40 508), as amended.

41 34. Provide a plan or plans for its employees that provide tax
42 deferred annuity and deferred compensation plans as authorized pursuant to
43 title 26, United States Code. Such plans shall allow voluntary
44 participation by all employees of the county. Participating employees

1 shall authorize the board to make reductions in their remuneration as
2 provided in an executed deferred compensation agreement.

3 35. Adopt and enforce standards for shielding and filtration of
4 commercial or public outdoor portable or permanent light fixtures in
5 proximity to astronomical or meteorological laboratories.

6 36. Subject to the prohibitions, restrictions and limitations as
7 set forth in section 11-812, adopt and enforce standards for excavation,
8 landfill and grading to prevent unnecessary loss from erosion, flooding
9 and landslides.

10 37. Make and enforce necessary ordinances for the operation and
11 licensing of any establishment not in the limits of an incorporated city
12 or town in which is carried on the business of providing baths, showers or
13 other forms of hydrotherapy or any service of manual massage of the human
14 body.

15 38. Provide pecuniary compensation as salary or wages for overtime
16 work performed by county employees, including those employees covered by
17 title 23, chapter 2, article 9. In so providing, the board may establish
18 salary and wage plans incorporating classifications and conditions
19 prescribed by the federal fair labor standards act.

20 39. Establish, maintain and operate facilities that provide for
21 physical evaluation, diagnosis and treatment of patients and that do not
22 keep patients overnight as bed patients or treat patients under general
23 anesthesia.

24 40. Enact ordinances under its police authority prescribing
25 reasonable curfews in the entire unincorporated area or any area less than
26 the entire unincorporated area of the county for minors and fines not to
27 exceed the fine for a petty offense for violation of such ordinances.
28 ~~Nothing in This paragraph shall be construed to~~ DOES NOT require a request
29 from an association or a majority of the residents of an area before the
30 board may enact an ordinance applicable to the entire or any portion of
31 the unincorporated area. An ordinance enacted pursuant to this paragraph
32 shall provide that a minor is not violating a curfew if the minor is
33 accompanied by a parent, a guardian or an adult having supervisory
34 custody, is on an emergency errand or has been specifically directed to
35 the location on reasonable, legitimate business or some other activity by
36 the parent, guardian or adult having supervisory custody. If no curfew
37 ordinance is applicable to a particular unincorporated area of the county,
38 the board may adopt a curfew ordinance on the request or petition of
39 either:

40 (a) A homeowners' association that represents a majority of the
41 homeowners in the area covered by the association and to which the curfew
42 would apply.

43 (b) A majority of the residents of the area to which the curfew
44 would apply.

1 41. Lease or sublease personal property owned by the county to
2 other political subdivisions of this state to be used for a public
3 purpose.

4 42. In addition to the agreements authorized by section 11-651,
5 enter into long-term agreements for the purchase of personal property,
6 provided that the board may cancel any such agreement at the end of a
7 fiscal year, at which time the seller may repossess the property and the
8 agreement shall be deemed terminated.

9 43. Make and enforce necessary ordinances not in conflict with the
10 laws of this state to regulate off-road recreational motor vehicles that
11 are operated within the county on public lands without lawful authority or
12 on private lands without the consent of the lawful owner or that generate
13 air pollution. For the purposes of this paragraph, "off-road recreational
14 motor vehicle" means three and four wheel vehicles manufactured for
15 recreational nonhighway all terrain travel.

16 44. Acquire land for roads, drainage ways and other public purposes
17 by exchange without public auction, except that notice shall be published
18 thirty days before the exchange, listing the property ownership and
19 descriptions.

20 45. Purchase real property for public purposes, provided that final
21 payment shall be made not later than five years after the date of
22 purchase.

23 46. Lease-purchase real property and improvements for real property
24 for public purposes, provided that final payment shall be made not later
25 than twenty-five years after the date of purchase. Any increase in the
26 final payment date from fifteen years up to the maximum of twenty-five
27 years shall be made only on unanimous approval by the board of
28 supervisors.

29 47. Make and enforce ordinances for the protection and disposition
30 of domestic animals subject to inhumane, unhealthful or dangerous
31 conditions or circumstances ~~provided that nothing in this paragraph limits~~
32 ~~or restricts the authority granted to incorporated cities and towns or~~
33 ~~counties pursuant to section 13-2910.~~ An ordinance enacted pursuant to
34 this paragraph shall not restrict or limit the authority of the game and
35 fish commission to regulate the taking of wildlife. THIS PARAGRAPH DOES
36 NOT LIMIT OR RESTRICT THE AUTHORITY GRANTED TO CITIES, TOWNS OR COUNTIES
37 PURSUANT TO SECTION 13-2910. For the purposes of this paragraph, "domestic
38 animal" means an animal kept as a pet and not primarily for economic
39 purposes.

40 48. If a part of a parcel of land is to be taken for roads,
41 drainage, flood control or other public purposes and the board and the
42 affected property owner determine that the remainder will be left in such
43 a condition as to give rise to a claim or litigation concerning severance
44 or other damage, acquire the whole parcel by purchase, donation,
45 dedication, exchange, condemnation or other lawful means, and the

1 remainder may be sold or exchanged for other properties needed for any
2 public purpose.

3 49. Make and enforce necessary rules providing for the
4 reimbursement of travel and subsistence expenses of members of county
5 boards, commissions and advisory committees when acting in the performance
6 of their duties, if the board, commission or advisory committee is
7 authorized or required by federal or state law or county ordinance, and
8 the members serve without compensation.

9 50. Provide a plan or plans for county employee benefits that allow
10 for participation in a cafeteria plan that meets the requirements of the
11 United States internal revenue code of 1986.

12 51. Provide for fringe benefits for county employees, including
13 sick leave, personal leave, vacation and holiday pay and jury duty pay.

14 52. Make and enforce ordinances that are more restrictive than
15 state requirements to reduce or encourage the reduction of carbon monoxide
16 and ozone levels, provided an ordinance does not establish a standard for
17 vehicular emissions, including ordinances to reduce or encourage the
18 reduction of the commuter use of motor vehicles by employees of the county
19 and employees whose place of employment is in unincorporated areas of the
20 county.

21 53. Make and enforce ordinances to provide for the reimbursement of
22 up to one hundred ~~per cent~~ PERCENT of the cost to county employees of
23 public bus or van pool transportation to and from their place of
24 employment.

25 54. Lease for public purposes any real property, improvements for
26 real property and personal property under the same terms and conditions,
27 to the extent applicable, as are specified in sections 11-651 and 11-653
28 for lease-purchases.

29 55. Enact ordinances prescribing regulation of alarm systems and
30 providing for civil penalties to reduce the incidence of false alarms at
31 business and residential structures relating to burglary, robbery, fire
32 and other emergencies not within the limits of an incorporated city or
33 town.

34 56. In addition to paragraph 9 of this section, and notwithstanding
35 section 23-504, sell or dispose of, at no less than fair market value,
36 county personal property that the board deems no longer useful or
37 necessary through a retail outlet or to another government entity if the
38 personal property has a fair market value of ~~no~~ NOT more than one thousand
39 dollars, or by retail sale or private bid, if the personal property has a
40 fair market value of ~~no~~ NOT more than fifteen thousand dollars. Notice of
41 sales in excess of one thousand dollars shall include a description and
42 sale price of each item and shall be published in a newspaper of general
43 circulation in the county, and for thirty days after notice other bids may
44 be submitted that exceed the sale price by at least five ~~per cent~~ PERCENT.

1 The county shall select the highest bid received at the end of the ~~thirty~~
2 ~~day~~ THIRTY-DAY period.

3 57. Sell services, souvenirs, sundry items or informational
4 publications that are uniquely prepared for use by the public and by
5 employees and license and sell information systems and intellectual
6 property developed from county resources that the county is not obligated
7 to provide as a public record.

8 58. On unanimous consent of the board of supervisors, license,
9 lease or sell any county property pursuant to paragraphs 56 and 57 of this
10 section at less than fair market value to any other governmental entity,
11 including this state, cities, towns, public improvement districts or other
12 counties within or outside of this state, or for a specific purpose to any
13 charitable, social or benevolent nonprofit organization incorporated or
14 operating in this state.

15 59. On unanimous consent of the board of supervisors, provide
16 technical assistance and related services to a fire district pursuant to
17 an intergovernmental agreement.

18 60. Adopt contracting procedures for the operation of a county
19 health system pursuant to section 11-291. Before the adoption of
20 contracting procedures the board shall hold a public hearing. The board
21 shall publish one notification in a newspaper of general circulation in
22 the county seat at least fifteen days before the hearing.

23 61. Enter into an intergovernmental agreement pursuant to chapter
24 7, article 3 of this title for a city or town to provide emergency fire or
25 emergency medical services pursuant to section 9-500.23 to a county island
26 as defined in section 11-251.12. The board may charge the owners of
27 record in the county island a fee to cover the cost of an
28 intergovernmental agreement that provides fire and emergency medical
29 services.

30 62. In counties that employ or have designated an animal control
31 county enforcement agent pursuant to section 11-1005, enter into
32 agreements with foundations or charitable organizations to solicit
33 donations, property or services, excluding enforcement or inspection
34 services, for use by the county enforcement agent solely to perform
35 nonmandated services and to fund capital improvements for county animal
36 control, subject to annual financial and performance audits by an
37 independent party as designated by the county board of supervisors. For
38 the purposes of this paragraph, nonmandated services are limited to low
39 cost spay and neuter services, public education and outreach efforts, pet
40 adoption efforts, care for pets that are victims of cruelty or neglect and
41 support for volunteer programs.

42 63. Adopt and provide for the enforcement of ordinances prohibiting
43 open fires and campfires on designated lands in the unincorporated areas
44 of the county when a determination of emergency is issued by the county

1 emergency management officer and the board deems it necessary to protect
2 public health and safety on those lands.

3 64. Fix the amount of license fees to be paid by any person, firm,
4 corporation or association for carrying on any game or amusement business
5 in unincorporated areas of the county and prescribe the method of
6 collection or payment of those fees, for a stated period in advance, and
7 fix penalties for failure to comply by fine. ~~Nothing in~~ This article
8 ~~shall be construed as authorizing~~ DOES NOT AUTHORIZE any county to require
9 an occupational license or fee for any activity if state law precludes
10 requiring such a license or fee.

11 65. Adopt and enforce ordinances for the prevention, abatement and
12 removal of graffiti, providing that any restrictions on the retail display
13 of potential graffiti tools be limited to any of the following, as
14 determined by the retail business:

15 (a) In a place that is in the line of sight of a cashier or in the
16 line of sight from a work station normally continuously occupied during
17 business hours.

18 (b) In a manner that makes the product accessible to a patron of
19 the business establishment only with the assistance of an employee of the
20 establishment.

21 (c) In an area electronically protected, or viewed by surveillance
22 equipment that is monitored, during business hours.

23 66. Adopt ordinances and fees related to the implementation of a
24 local stormwater quality program pursuant to title 49, chapter 2,
25 article 11.

26 Sec. 3. Section 11-1021, Arizona Revised Statutes, is amended to
27 read:

28 11-1021. Proper care, maintenance and destruction of
29 impounded animals

30 A. Any animal impounded in a county, city or town pound shall be
31 given proper and humane care and maintenance.

32 B. Any animal destroyed while impounded in a county, city or town
33 pound shall be destroyed only by the use of ~~one of the following:~~

34 ~~1. sodium pentobarbital or a derivative of sodium pentobarbital.~~

35 ~~2. T-61 euthanasia solution or its generic equivalent.~~

36 C. If an animal is destroyed by means specified in subsection
37 B, ~~paragraph 1 or 2~~ of this section, it shall be done by a licensed
38 veterinarian or in accordance with procedures established by the state
39 veterinarian pursuant to section 3-1213.

40 D. The governing body of any county, city or town ~~which~~ THAT
41 operates a pound shall establish procedures for the humane destruction of
42 impounded animals by the methods described in subsections B and C of this
43 section.

APPROVED BY THE GOVERNOR MAY 3, 2017.

Passed the House April 26, 2017,

Passed the Senate February 20, 2017,

by the following vote: 54 Ayes,

by the following vote: 29 Ayes,

0 Nays, 6 Not Voting

0 Nays, 1 Not Voting

W.P. Boyce
Speaker of the House
Pro Tempore
Jim Drake
Chief Clerk of the House

Steve B. Godwin
President of the Senate
Aaron Reeves
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

27 day of April, 2017,

at 10:36 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 3rd day of

May, 2017,

at 2:33 o'clock P. M.

Doug Ducey
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3 day of May, 2017,

at 5:16 o'clock P. M.

Michelle Reagan
Secretary of State

S.B. 1408