

REFERENCE TITLE: **agriculture omnibus**

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

SB 1344

Introduced by
Senators Pierce, Griffin; Representatives Pratt: Campbell

AN ACT

**AMENDING SECTIONS 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)

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

Section 1. Section 3-1336, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

11 1. The department receives consent from the owner.

12 2. The owner is unknown.

13 3. Before the seizure, the federal governmental entity obtains
14 approval for the seizure from a court of competent jurisdiction and submits a
15 copy of the order approving the seizure to the department or its authorized
16 inspector.

17 J. This section does not apply to:

18 1. A feral animal.

19 2. Wild free-roaming horses and burros, as defined in 16 United States
20 Code section 1332.

21 3. A stray animal.

22 4. An animal that is seized by a governmental entity to protect the
23 health and safety of the public or to prevent cruelty to the animal.

24 Sec. 2. Section 3-1337, Arizona Revised Statutes, is amended to read:

25 3-1337. Service charge and inspection fee; self-inspection;
26 civil penalties

27 A. Livestock officers and inspectors shall collect from the person in
28 charge of cattle inspected a service charge ~~of three dollars~~ ESTABLISHED BY
29 THE DIRECTOR plus an inspection fee of twenty-five cents per head for making
30 inspections for the transfer of ownership, sale, slaughter or transportation
31 of cattle. IT IS THE INTENT OF THE LEGISLATURE THAT THE SERVICE CHARGE NOT
32 EXCEED TWENTY-FIVE DOLLARS.

33 B. Livestock officers and inspectors shall collect from the person in
34 charge of sheep inspected a service charge ~~of three dollars~~ ESTABLISHED BY
35 THE DIRECTOR plus an inspection fee of five cents per head for making
36 inspections for the transfer of ownership, sale, slaughter or transportation
37 of sheep. IT IS THE INTENT OF THE LEGISLATURE THAT THE SERVICE CHARGE NOT
38 EXCEED TWENTY-FIVE DOLLARS.

39 C. Livestock officers and inspectors shall collect from the person in
40 charge of dairy cattle inspected a service charge ~~of three dollars~~
41 ESTABLISHED BY THE DIRECTOR plus an inspection fee of twenty-five cents per
42 head for making inspections for the transfer of ownership, sale, slaughter or
43 transportation of dairy cattle. IT IS THE INTENT OF THE LEGISLATURE THAT THE
44 SERVICE CHARGE NOT EXCEED TWENTY-FIVE DOLLARS.

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 NUMBER OF LIVESTOCK,
5 THE LIVESTOCK OWNER'S NAME AND ADDRESS, THE TRANSPORTER'S NAME, THE LOCATION
6 OF THE PLACE OF SHIPMENT AND DESTINATION AND, FOR BRANDED ANIMALS, THE
7 ANIMAL'S REGISTERED BRAND. Movers of ~~beef cattle,~~ LIVESTOCK AND feedlots and
8 dairies that utilize self-inspection shall ~~pay an outgoing inspection fee of~~
9 ~~twenty cents per head~~ PURCHASE THE SELF-INSPECTION BOOK FROM THE DEPARTMENT.
10 THE DIRECTOR, IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE ADVISORY
11 COUNCIL ESTABLISHED PURSUANT TO SECTION 3-104, MAY ESTABLISH A FEE FOR THE
12 SELF-INSPECTION BOOK.

13 E. Service charges and inspection fees collected by the livestock
14 officers and inspectors and BY MOVERS OF LIVESTOCK AND feedlots and dairies
15 utilizing self-inspection shall be remitted to the division. ~~Service charges~~
16 ~~and inspection~~ ANY fees incurred by feedlots and dairies shall be remitted to
17 the department within ten days after the end of the month in which the
18 livestock were inspected.

19 Sec. 3. Section 3-2401, Arizona Revised Statutes, is amended to read:

20 3-2401. Control of destructive animals and noxious rodents;
21 agreements and cooperation with federal agencies;
22 exception

23 A. The director shall cooperate with the animal and plant health
24 inspection service of the United States department of agriculture in the
25 control and destruction or relocation of predatory wildlife, REINTRODUCED
26 PREDATORY WILDLIFE, noxious rodents and related animals that are injurious to
27 livestock, poultry, game, agriculture, other industries and the public health
28 in accordance with organized and systematic plans of the animal and plant
29 health inspection service. For such purposes, the director shall enter into
30 written agreements with the animal and plant health inspection service
31 regarding the methods and procedure to be followed, the extent of supervision
32 to be exercised by the state and federal agencies, respectively, and the use
33 and expenditure of state funds. The director, in cooperation with the animal
34 and plant health inspection service, may also enter into cooperative
35 agreements with other governmental agencies and counties of the state to
36 promote the control and destruction of predatory wildlife, REINTRODUCED
37 PREDATORY WILDLIFE, noxious rodents and related animals.

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

- 41 1. Bear and mountain lion taken pursuant to section 17-302.
- 42 2. To protect public health and safety.

1 Sec. 4. Section 3-2405, Arizona Revised Statutes, is amended to read:
2 3-2405. Powers of boards of supervisors

3 The boards of supervisors of the several counties may within their
4 respective counties:

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

8 2. Enter into cooperative agreements with the department and the
9 animal and plant health inspection service of the United States department of
10 agriculture.

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

13 Sec. 5. Section 3-2601, Arizona Revised Statutes, is amended to read:
14 3-2601. Definitions

15 In this article, unless the context otherwise requires:

16 1. "ALERT AGREEMENT" MEANS THE ARIZONA LIVESTOCK INCIDENT RESPONSE
17 TEAM AGREEMENT ESTABLISHED BETWEEN THE DEPARTMENT AND A UNIVERSITY UNDER THE
18 JURISDICTION OF THE ARIZONA BOARD OF REGENTS.

19 ~~1-~~ 2. "Brand" means the term, design or trademark and other specific
20 designation under which an individual commercial feed is distributed in this
21 state.

22 ~~2-~~ 3. "Commercial feed" means all materials, except whole seeds
23 unmixed or physically altered entire unmixed seeds, that are distributed for
24 use as feed or for mixing in feed. Commercial feed includes raw agricultural
25 commodities distributed for use as feed or for mixing in feed when the
26 commodities are adulterated within the meaning of section 3-2611.

27 ~~3-~~ 4. "Customer-formula feed" means a mixture of commercial feed or
28 feed materials, or both, each batch of which is mixed according to the
29 specific instructions of the final purchaser.

30 ~~4-~~ 5. "Distribute" means to offer for sale, sell, barter or otherwise
31 supply commercial feeds or customer-formula feeds, ~~except that the term~~
32 ~~"distribute" shall~~ BUT DOES not include or apply to any feeds supplied for
33 consumption on the premises of the supplier.

34 ~~5-~~ 6. "Division" means the environmental services division of the
35 Arizona department of agriculture.

36 ~~6-~~ 7. "Feed ingredient" means each of the constituent materials
37 making up a commercial feed.

38 ~~7-~~ 8. "Label" means a display of written, printed or graphic matter
39 ~~upon~~ ON or affixed to the container in which a commercial feed is
40 distributed, or on the invoice or delivery slip with which a commercial feed
41 or customer-formula feed is distributed.

42 ~~8-~~ 9. "Official sample" means any sample of feed taken by the
43 director or the director's agent and designated as official.

44 ~~9-~~ 10. "Per cent" or "percentage" means percentage by weight.

1 ~~10-~~ 11. "Person" includes AN individual, partnership, corporation,
2 firm, association or agent.
3 ~~11-~~ 12. "Sell" or "sale" includes exchange.
4 ~~12-~~ 13. "Ton" means a net weight of two thousand pounds avoirdupois.
5 Sec. 6. Section 3-2603, Arizona Revised Statutes, is amended to read:
6 3-2603. Enforcement and administrative powers
7 A. The associate director may refuse to license or may cancel the
8 license of any distributor in violation of ~~the provisions of~~ this article.
9 The director shall review the associate director's action on request of any
10 person adversely affected by the action.
11 B. The director may, after a hearing:
12 1. Adopt rules:
13 (a) Requiring the guarantee of substances and elements when claimed
14 present in a commercial feed, and declare the form in which the guarantee
15 shall appear ~~upon~~ ON the label.
16 (b) Setting forth acceptable descriptive terms by which ingredients
17 shall be listed on the labeling when used as ingredients of a commercial feed
18 or customer-formula feed.
19 (c) Requiring a statement of warning and directions for use of
20 commercial feeds and customer-formula feeds containing drugs or chemicals.
21 (d) Establishing limits of viable weed seeds contained in commercial
22 feed.
23 (e) Both administrative and technical, which the director deems
24 necessary for the efficient administration of this article.
25 2. Cooperate with, and enter into agreements with, UNIVERSITIES UNDER
26 THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS, other agencies of ~~the~~ THIS
27 state, other states and agencies of the federal government in order to carry
28 out the purpose and provisions of this article, INCLUDING THE IMPLEMENTATION
29 AND USE OF COMMERCIAL FEED TRUST FUND MONIES TO ASSIST THE EFFORTS OF AN
30 ALIRT AGREEMENT.
31 3. Exempt from the definition of commercial feed or from specific
32 provisions of this ~~chapter~~ ARTICLE commodities such as hay, straw, stover,
33 silage, cobs, husks, hulls and individual chemical compounds or substances
34 when ~~such~~ THOSE commodities, compounds or substances are not intermixed or
35 mixed with other materials and are not adulterated within the meaning of
36 section 3-2611.
37 4. Define weights in the metric system.
38 Sec. 7. Section 3-2607, Arizona Revised Statutes, is amended to read:
39 3-2607. Commercial feed trust fund; exemption
40 A. The commercial feed trust fund is established for the exclusive
41 purpose of implementing, continuing and supporting the agricultural program
42 established by this article. All monies collected under ~~the provisions of~~
43 this article shall be deposited in the trust fund.

1 B. The director shall administer the TRUST fund as trustee. EACH YEAR
2 THE DIRECTOR SHALL DISTRIBUTE FIFTY THOUSAND DOLLARS FROM THE TRUST FUND TO
3 EXECUTE THE ALIRT AGREEMENT.

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

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

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