

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 68
SENATE BILL 1529

AN ACT

AMENDING SECTIONS 3-104 AND 3-3605, ARIZONA REVISED STATUTES; RELATING TO
THE 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 3-104, Arizona Revised Statutes, is amended to
3 read:

4 3-104. Advisory council

5 A. The governor shall appoint a department of agriculture advisory
6 council consisting of five members appointed to terms of five years. A
7 member may continue to serve until his successor is appointed and assumes
8 office. A member may not be appointed to more than one full term plus
9 appointment to fill a vacancy for the remainder of the unexpired term.

10 B. The advisory council consists of the following:

11 1. Two members actively engaged in animal production as their major
12 sources of income.

13 2. Two members actively engaged in plant production as their major
14 sources of income.

15 3. One member actively engaged in agribusiness as his major source
16 of income.

17 C. The governor may remove a member for cause. In addition, a
18 member vacates his office if he:

19 1. Ceases to engage in his qualifying occupation.

20 2. No longer resides in this state.

21 3. Is absent without excuse from three consecutive regular meetings
22 of the council.

23 4. Resigns, dies or becomes unable to perform his duties as a
24 council member.

25 D. Members of the advisory council are not eligible for
26 compensation but are eligible for reimbursement as provided by law for
27 travel and other expenses. The advisory council is a public body for
28 purposes of title 38, chapter 3, article 3.1.

29 E. The advisory council shall:

30 1. Select a chairman and vice-chairman from among its members.

31 2. Hold a regular meeting every calendar quarter and additional
32 meetings at the call of the director, the chairman or a majority of its
33 members.

34 **3. BEFORE AN ADVISORY COUNCIL MEETING, NOTIFY ANY DIVISION COUNCIL
35 ESTABLISHED PURSUANT TO SECTION 3-105 OF AGENDA ITEMS THAT THE DIRECTOR
36 DETERMINES WILL IMPACT THAT DIVISION.**

37 F. The advisory council shall review agricultural policy in this
38 state as established by law and as administered in all functional areas of
39 the department. The advisory council shall assist the director in
40 formulating administrative rules for the department and formulating the
41 department's proposed budget allocations among the administrative units of
42 the department and shall provide such additional assistance as the
43 director requests. The advisory council shall review, advise and make
44 recommendations to the director on proposed rules before they are adopted
45 by the director and may recommend initiating the rule making process

1 relating to any subject under the department's jurisdiction. In adopting
2 departmental rules and budgets, the director shall include the comments of
3 the advisory council in the official record. In adopting rules the
4 director shall accept the recommendations of the advisory council if the
5 director finds them to be practicable and in the best interests of Arizona
6 agriculture and of the public. The director shall provide a written
7 statement of reasons to the advisory council within fifteen days if the
8 director does not accept the advisory council's recommendations.

9 G. The advisory council may conduct periodic analyses of
10 departmental policy as reflected by:

11 1. Decisions of hearing officers and the director on appeals of
12 hearing officers' decisions.

13 2. The operations of the state agricultural laboratory, the office
14 of agriculture safety and the office of border inspections.

15 Sec. 2. Section 3-3605, Arizona Revised Statutes, is amended to
16 read:

17 3-3605. Pest management division council; members; duties

18 A. The director shall establish by rule a pest management division
19 council to assist and make recommendations to the director regarding the
20 administration and implementation of this chapter **BUT EXCLUDES REVIEWING**
21 **AND MAKING RECOMMENDATIONS ON INDIVIDUAL CASES, INVESTIGATIONS OR**
22 **APPLICATIONS FOR CERTIFICATION OR LICENSING.** The director shall appoint
23 five members to the council, including one public member.

24 B. The pest management division council shall:

25 1. **ANNUALLY ELECT A CHAIRMAN AND VICE CHAIRMAN FROM AMONG ITS**
26 **MEMBERS.**

27 2. **MEET AT LEAST ONCE EACH CALENDAR QUARTER AND AT ADDITIONAL TIMES**
28 **AT THE CALL OF THE DIRECTOR OR CHAIRMAN OR IF REQUESTED BY AT LEAST THREE**
29 **MEMBERS OF THE COUNCIL.**

30 3. **KEEP A RECORD OF COUNCIL PROCEEDINGS AND MAKE THOSE RECORDS**
31 **AVAILABLE FOR PUBLIC INSPECTION FOR ANY LAWFUL PURPOSE.**

32 C. **THE PEST MANAGEMENT DIVISION COUNCIL SHALL ADVISE THE DIRECTOR**
33 **AND THE ASSOCIATE DIRECTOR OF THE DIVISION ON MATTERS PERTAINING TO THE**
34 **PEST MANAGEMENT INDUSTRY, INCLUDING:**

35 1. ~~Review~~ **REVIEWING** pest management policy in this state as
36 established by law and administered by the division.

37 2. ~~Assist~~ **ASSISTING** the director in formulating administrative
38 rules for the division, including reviewing, advising and making
39 recommendations to the director on proposed rules before the rules are
40 adopted and recommending and initiating the rulemaking process for rules
41 relating to this chapter.

42 3. **REVIEWING PROPOSED CHANGES BY THE DEPARTMENT TO STATUTES OR**
43 **RULES PERTAINING TO THE PEST MANAGEMENT INDUSTRY.**

44 ~~3-~~ 4. ~~Assist~~ **ASSISTING** the director in developing proposed budgets
45 for the division.

1 5. RECOMMENDING ANY OTHER ITEMS THAT THE COUNCIL DEEMS APPROPRIATE
2 ON MATTERS PERTAINING TO THE PEST MANAGEMENT INDUSTRY.

3 ~~4.~~ 6. ~~Provide~~ PROVIDING additional assistance as the director
4 deems necessary.

5 D. BEFORE A MEETING OF THE DEPARTMENT OF AGRICULTURE ADVISORY
6 COUNCIL ESTABLISHED PURSUANT TO SECTION 3-104, THE DIRECTOR SHALL NOTIFY
7 THE PEST MANAGEMENT DIVISION COUNCIL OF AGENDA ITEMS THAT IMPACT THE
8 DIVISION OR THE PEST MANAGEMENT INDUSTRY. THE PEST MANAGEMENT DIVISION
9 COUNCIL MAY MAKE RECOMMENDATIONS TO THE DEPARTMENT OF AGRICULTURE ADVISORY
10 COUNCIL ON THOSE AGENDA ITEMS.

11 ~~E.~~ E. If the director determines that the rulemaking
12 recommendations of the pest management division council are practicable
13 and in the best interests of the pest management industry and the public,
14 the director shall accept the rulemaking recommendations. If the director
15 rejects the rulemaking recommendations of the pest management division
16 council, the director shall provide a written explanation of the reasons
17 for the rejection to the division council not more than fifteen days after
18 the director's decision to reject the recommendations.

19 ~~F.~~ F. The director shall include the comments of the pest
20 management division council in the official record when adopting rules or
21 budgets for the division.

APPROVED BY THE GOVERNOR APRIL 10, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2019.