

House Engrossed

livestock assistance program; infrastructure projects

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2182

AN ACT

AMENDING TITLE 3, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 3-109.03; AMENDING SECTION 41-1005, 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. Title 3, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 3-109.03, to read:

4 3-109.03. Livestock operator fire and flood assistance grant
5 program; requirements; fund; exemption;
6 definition

7 A. THE LIVESTOCK OPERATOR FIRE AND FLOOD ASSISTANCE GRANT PROGRAM
8 IS ESTABLISHED UNDER THE DEPARTMENT TO PROVIDE GRANT MONIES TO LANDOWNERS
9 AND LESSEES OF A LIVESTOCK OPERATION OF MORE THAN FORTY ANIMALS UNDER
10 NORMAL OPERATING CONDITIONS FOR INFRASTRUCTURE PROJECTS THAT ARE REQUIRED
11 AS A RESULT OF A WILDFIRE AND ASSOCIATED FLOODING AND THAT ARE EITHER:

- 12 1. NOT ELIGIBLE FOR FUNDING FROM ANOTHER FEDERAL OR STATE PROGRAM.
13 2. PARTIALLY FUNDED BY ANOTHER FEDERAL OR STATE PROGRAM.

14 B. THE DEPARTMENT SHALL:

15 1. DEVELOP GUIDELINES AND CRITERIA TO IMPLEMENT THE PROGRAM,
16 INCLUDING AN APPLICATION PROCESS THAT INCLUDES A DESCRIPTION OF THE
17 INTENDED USE FOR THE GRANT MONIES.

18 2. AWARD ALL GRANTS PURSUANT TO TITLE 41, CHAPTER 24.

19 3. NOT GRANT MORE THAN FIFTY PERCENT OF THE MONIES IN THE LIVESTOCK
20 OPERATOR FIRE AND FLOOD ASSISTANCE FUND FOR INFRASTRUCTURE PROJECTS ON
21 LAND IN ONE COUNTY IN ANY FISCAL YEAR.

22 4. ENSURE THAT GRANTS FROM THE LIVESTOCK OPERATOR FIRE AND FLOOD
23 ASSISTANCE PROGRAM DO NOT EXCEED MORE THAN FIFTY PERCENT OF THE TOTAL
24 COSTS OF ANY PROJECT.

25 5. REQUIRE EACH GRANTEE TO SUBMIT TO THE DEPARTMENT, WITHIN TWELVE
26 MONTHS AFTER RECEIVING THE GRANT, A WRITTEN REPORT DETAILING HOW THE GRANT
27 MONIES WERE USED TO ACHIEVE THE INFRASTRUCTURE PROJECT DESCRIBED IN THE
28 APPLICATION. IF THE PROJECT TAKES LONGER THAN ONE YEAR TO COMPLETE, THE
29 GRANTEE SHALL SUBMIT A WRITTEN REPORT TO THE DEPARTMENT ANNUALLY UNTIL THE
30 INFRASTRUCTURE PROJECT IS COMPLETE.

31 6. ON OR BEFORE DECEMBER 31 OF EACH YEAR, SUBMIT A REPORT OF THE
32 DISPOSITION OF MONIES APPROPRIATED TO THE LIVESTOCK OPERATOR FIRE AND
33 FLOOD ASSISTANCE FUND EACH FISCAL YEAR TO THE GOVERNOR, THE PRESIDENT OF
34 THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL
35 PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE AND TO ANY PERSON
36 WHO REQUESTS A COPY.

37 C. THE DEPARTMENT IS EXEMPT FROM TITLE 41, CHAPTER 6 WITH RESPECT
38 TO ADOPTING RULES FOR THE PURPOSES OF THIS SECTION, EXCEPT THAT THE
39 DEPARTMENT SHALL PROVIDE FOR PUBLIC NOTICE AND SIXTY DAYS FOR PUBLIC
40 COMMENT ON THE ANNUAL GRANT GUIDELINES AND CRITERIA, INCLUDING PUBLIC
41 HEARINGS.

42 D. THE LIVESTOCK OPERATOR FIRE AND FLOOD ASSISTANCE FUND IS
43 ESTABLISHED CONSISTING OF FEDERAL MONIES, LEGISLATIVE APPROPRIATIONS FROM
44 THE STATE GENERAL FUND, PUBLIC AND PRIVATE GRANTS AND PRIVATE DONATIONS
45 RECEIVED FOR THE PURPOSE OF PROVIDING GRANT MONIES TO LANDOWNERS AND

1 LESSEES OF A LIVESTOCK OPERATION FOR INFRASTRUCTURE PROJECTS PURSUANT TO
2 THIS SECTION. THE DEPARTMENT SHALL ADMINISTER THE FUND. MONIES IN THE
3 FUND ARE CONTINUOUSLY APPROPRIATED. ON NOTICE FROM THE DEPARTMENT, THE
4 STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY
5 SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE
6 FUND. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
7 RELATING TO LAPSING OF APPROPRIATIONS.

8 E. THE DEPARTMENT MAY USE UP TO TEN PERCENT OF THE MONIES
9 APPROPRIATED TO THE LIVESTOCK OPERATOR FIRE AND FLOOD ASSISTANCE FUND IN
10 ANY FISCAL YEAR FOR THE PURPOSES OF ADMINISTERING THE PROGRAM.

11 F. FOR THE PURPOSES OF THIS SECTION, "INFRASTRUCTURE" INCLUDES
12 WELLS, BUILDINGS, FENCES, PIPELINES, SPRING AND WATER DEVELOPMENTS,
13 CORRALS AND OTHER ESSENTIAL COMPONENTS TO A LIVESTOCK OPERATION.

14 Sec. 2. Section 41-1005, Arizona Revised Statutes, is amended to
15 read:

16 41-1005. Exemptions

17 A. This chapter does not apply to any:

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

21 2. Order or rule of the Arizona game and fish commission that does
22 the following:

23 (a) Opens, closes or alters seasons or establishes bag or
24 possession limits for wildlife.

25 (b) Establishes a fee pursuant to section 5-321, 5-322 or 5-327.

26 (c) Establishes a license classification, fee or application fee
27 pursuant to title 17, chapter 3, article 2.

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

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

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

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

38 7. Rule or substantive policy statement concerning inmates or
39 committed youths of a correctional or detention facility in secure custody
40 or patients admitted to a hospital, ~~if~~ if made by the state department of
41 corrections, the department of juvenile corrections, the board of
42 executive clemency or the department of health services or a facility or
43 hospital under the jurisdiction of the state department of corrections,
44 the department of juvenile corrections or the department of health
45 services.

- 1 8. Form whose contents or substantive requirements are prescribed
2 by rule or statute, and instructions for the execution or use of the
3 form.
- 4 9. Capped fee-for-service schedule adopted by the Arizona health
5 care cost containment system administration pursuant to title 36,
6 chapter 29.
- 7 10. Fees prescribed by section 6-125.
- 8 11. Order of the director of water resources adopting or modifying
9 a management plan pursuant to title 45, chapter 2, article 9.
- 10 12. Fees established under section 3-1086.
- 11 13. Fees established under sections 41-4010 and 41-4042.
- 12 14. Rule or other matter relating to agency contracts.
- 13 15. Fees established under section 32-2067 or 32-2132.
- 14 16. Rules made pursuant to section 5-111, subsection A.
- 15 17. Rules made by the Arizona state parks board concerning the
16 operation of the Tonto natural bridge state park, the facilities located
17 in the Tonto natural bridge state park and the entrance fees to the Tonto
18 natural bridge state park.
- 19 18. Fees or charges established under section 41-511.05.
- 20 19. Emergency medical services protocols except as provided in
21 section 36-2205, subsection B.
- 22 20. Fee schedules established pursuant to section 36-3409.
- 23 21. Procedures of the state transportation board as prescribed in
24 section 28-7048.
- 25 22. Rules made by the state department of corrections.
- 26 23. Fees prescribed pursuant to section 32-1527.
- 27 24. Rules made by the department of economic security pursuant to
28 section 46-805.
- 29 25. Schedule of fees prescribed by section 23-908.
- 30 26. Procedure that is established pursuant to title 23, chapter 6,
31 article 6.
- 32 27. Rules, administrative policies, procedures and guidelines
33 adopted for any purpose by the Arizona commerce authority pursuant to
34 chapter 10 of this title if the authority provides, as appropriate under
35 the circumstances, for notice of an opportunity for comment on the
36 proposed rules, administrative policies, procedures and guidelines.
- 37 28. Rules made by a marketing commission or marketing committee
38 pursuant to section 3-414.
- 39 29. Administration of public assistance program monies authorized
40 for liabilities that are incurred for disasters declared pursuant to
41 sections 26-303 and 35-192.
- 42 30. User charges, tolls, fares, rents, advertising and sponsorship
43 charges, services charges or similar charges established pursuant to
44 section 28-7705.

1 31. Administration and implementation of the hospital assessment
2 pursuant to section 36-2901.08, except that the Arizona health care cost
3 containment system administration must provide notice and an opportunity
4 for public comment at least thirty days before establishing or
5 implementing the administration of the assessment.

6 32. Rules made by the Arizona department of agriculture to adopt
7 and implement the provisions of the federal milk ordinance as prescribed
8 by section 3-605.

9 33. Rules made by the Arizona department of agriculture to adopt,
10 implement and administer the United States food and drug administration
11 produce safety rule (21 Code of Federal Regulations part 112) and any
12 other federal produce safety regulation, order or guideline or other
13 requirement adopted pursuant to the FDA food safety modernization act
14 (P.L. 111-353; 21 United States Code sections 2201 through 2252) as
15 provided by title 3, chapter 3, article 4.1.

16 34. Calculations performed by the department of economic security
17 associated with the adjustment of the sliding fee scale and formula for
18 determining child care assistance pursuant to section 46-805.

19 35. RULES MADE BY THE ARIZONA DEPARTMENT OF AGRICULTURE TO
20 IMPLEMENT AND ADMINISTER THE LIVESTOCK OPERATOR FIRE AND FLOOD ASSISTANCE
21 GRANT PROGRAM ESTABLISHED BY SECTION 3-109.03.

22 B. Notwithstanding subsection A, paragraph 21 of this section, ~~at~~
23 ~~such time as~~ IF the federal highway administration authorizes the
24 privatization of rest areas, the state transportation board shall make
25 rules governing the lease or license by the department of transportation
26 to a private entity for the purposes of privatization of a rest area.

27 C. Coincident with the making of a final rule pursuant to an
28 exemption from the applicability of this chapter under this section,
29 another statute or session law, the agency shall:

30 1. Prepare a notice and follow formatting guidelines prescribed by
31 the secretary of state.

32 2. Prepare the rulemaking exemption notices pursuant to chapter 6.2
33 of this title.

34 3. File a copy of the rule with the secretary of state for
35 publication pursuant to section 41-1012 and provide a copy to the council.

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

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

1 under its jurisdiction that provide, as appropriate under the
2 circumstances, for notice of and opportunity for comment on the policies
3 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
6 state board of education shall adopt policies or rules for the board and
7 the institutions under its jurisdiction that provide, as appropriate under
8 the circumstances, for notice of and opportunity for comment on the
9 policies or rules proposed for adoption. In order to implement or change
10 any rule, the state board of education shall provide at least two
11 opportunities for public comment. The state board of education shall
12 consider the fiscal impact of any proposed rule pursuant to this
13 subsection.

14 G. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
15 chapter do not apply to the state board for charter schools, except that
16 the board shall adopt policies or rules for the board and the charter
17 schools sponsored by the board that provide, as appropriate under the
18 circumstances, for notice of and opportunity for comment on the policies
19 or rules proposed for adoption. In order to implement or change any
20 policy or rule, the board shall provide at least two opportunities for
21 public comment. The state board for charter schools shall consider the
22 fiscal impact of any proposed rule pursuant to this subsection.