

REFERENCE TITLE: livestock assistance program; infrastructure projects

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

HB 2182

Introduced by
Representatives Cook: Dunn, Finchem, Payne

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 and crop assistance grant program;
5 requirements; fund; exemption; definition

6 A. THE LIVESTOCK AND CROP ASSISTANCE GRANT PROGRAM IS ESTABLISHED
7 UNDER THE DEPARTMENT TO PROVIDE GRANT MONIES TO LANDOWNERS, LESSEES AND
8 LIVESTOCK OPERATORS FOR INFRASTRUCTURE PROJECTS THAT ARE REQUIRED AS A
9 RESULT OF A WILDFIRE AND THAT ARE EITHER:

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

12 B. THE DEPARTMENT SHALL:

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

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

17 3. NOT GRANT MORE THAN FIFTY PERCENT OF THE MONIES IN THE LIVESTOCK
18 AND CROP ASSISTANCE FUND FOR INFRASTRUCTURE PROJECTS ON LAND IN ONE COUNTY
19 IN ANY FISCAL YEAR.

20 4. REQUIRE EACH GRANTEE TO SUBMIT TO THE DEPARTMENT, WITHIN TWELVE
21 MONTHS AFTER RECEIVING THE GRANT, A WRITTEN REPORT DETAILING HOW THE GRANT
22 MONIES WERE USED TO ACHIEVE THE INFRASTRUCTURE PROJECT DESCRIBED IN THE
23 APPLICATION. IF THE PROJECT TAKES LONGER THAN ONE YEAR TO COMPLETE, THE
24 GRANTEE SHALL SUBMIT A WRITTEN REPORT TO THE DEPARTMENT ANNUALLY UNTIL THE
25 INFRASTRUCTURE PROJECT IS COMPLETE.

26 5. ON OR BEFORE DECEMBER 31 OF EACH YEAR, SUBMIT A REPORT OF THE
27 DISPOSITION OF MONIES APPROPRIATED TO THE LIVESTOCK AND CROP ASSISTANCE
28 FUND EACH FISCAL YEAR TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE
29 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A COPY OF THIS
30 REPORT TO THE SECRETARY OF STATE AND TO ANY PERSON WHO REQUESTS A COPY.

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

36 D. THE LIVESTOCK AND CROP ASSISTANCE FUND IS ESTABLISHED CONSISTING
37 OF FEDERAL MONIES, LEGISLATIVE APPROPRIATIONS FROM THE STATE GENERAL FUND,
38 PUBLIC AND PRIVATE GRANTS AND PRIVATE DONATIONS RECEIVED FOR THE PURPOSE
39 OF PROVIDING GRANT MONIES TO LANDOWNERS, LESSEES AND LIVESTOCK OPERATORS
40 FOR INFRASTRUCTURE PROJECTS PURSUANT TO THIS SECTION. THE DEPARTMENT
41 SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
42 APPROPRIATED. ON NOTICE FROM THE DEPARTMENT, THE STATE TREASURER SHALL
43 INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND
44 MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND. MONIES IN

1 THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO
2 LAPSING OF APPROPRIATIONS.

3 E. THE DEPARTMENT MAY USE UP TO TEN PERCENT OF THE MONIES
4 APPROPRIATED TO THE LIVESTOCK AND CROP ASSISTANCE FUND IN ANY FISCAL YEAR
5 FOR THE PURPOSES OF ADMINISTERING THE PROGRAM.

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

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

11 41-1005. Exemptions

12 A. This chapter does not apply to any:

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

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

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

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

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

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

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

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

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

33 7. Rule or substantive policy statement concerning inmates or
34 committed youths of a correctional or detention facility in secure custody
35 or patients admitted to a hospital, ~~and~~ if made by the state department of
36 corrections, the department of juvenile corrections, the board of
37 executive clemency or the department of health services or a facility or
38 hospital under the jurisdiction of the state department of corrections,
39 the department of juvenile corrections or the department of health
40 services.

41 8. Form whose contents or substantive requirements are prescribed
42 by rule or statute, ~~and~~ and instructions for the execution or use of the
43 form.

- 1 9. Capped fee-for-service schedule adopted by the Arizona health
2 care cost containment system administration pursuant to title 36,
3 chapter 29.
- 4 10. Fees prescribed by section 6-125.
- 5 11. Order of the director of water resources adopting or modifying
6 a management plan pursuant to title 45, chapter 2, article 9.
- 7 12. Fees established under section 3-1086.
- 8 13. Fees established under sections 41-4010 and 41-4042.
- 9 14. Rule or other matter relating to agency contracts.
- 10 15. Fees established under section 32-2067 or 32-2132.
- 11 16. Rules made pursuant to section 5-111, subsection A.
- 12 17. Rules made by the Arizona state parks board concerning the
13 operation of the Tonto natural bridge state park, the facilities located
14 in the Tonto natural bridge state park and the entrance fees to the Tonto
15 natural bridge state park.
- 16 18. Fees or charges established under section 41-511.05.
- 17 19. Emergency medical services protocols except as provided in
18 section 36-2205, subsection B.
- 19 20. Fee schedules established pursuant to section 36-3409.
- 20 21. Procedures of the state transportation board as prescribed in
21 section 28-7048.
- 22 22. Rules made by the state department of corrections.
- 23 23. Fees prescribed pursuant to section 32-1527.
- 24 24. Rules made by the department of economic security pursuant to
25 section 46-805.
- 26 25. Schedule of fees prescribed by section 23-908.
- 27 26. Procedure that is established pursuant to title 23, chapter 6,
28 article 6.
- 29 27. Rules, administrative policies, procedures and guidelines
30 adopted for any purpose by the Arizona commerce authority pursuant to
31 chapter 10 of this title if the authority provides, as appropriate under
32 the circumstances, for notice of an opportunity for comment on the
33 proposed rules, administrative policies, procedures and guidelines.
- 34 28. Rules made by a marketing commission or marketing committee
35 pursuant to section 3-414.
- 36 29. Administration of public assistance program monies authorized
37 for liabilities that are incurred for disasters declared pursuant to
38 sections 26-303 and 35-192.
- 39 30. User charges, tolls, fares, rents, advertising and sponsorship
40 charges, services charges or similar charges established pursuant to
41 section 28-7705.
- 42 31. Administration and implementation of the hospital assessment
43 pursuant to section 36-2901.08, except that the Arizona health care cost
44 containment system administration must provide notice and an opportunity

1 for public comment at least thirty days before establishing or
2 implementing the administration of the assessment.

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

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

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

16 35. RULES MADE BY THE ARIZONA DEPARTMENT OF AGRICULTURE TO
17 IMPLEMENT AND ADMINISTER THE LIVESTOCK AND CROP ASSISTANCE GRANT PROGRAM
18 ESTABLISHED BY SECTION 3-109.03.

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

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

27 1. Prepare a notice and follow formatting guidelines prescribed by
28 the secretary of state.

29 2. Prepare the rulemaking exemption notices pursuant to chapter 6.2
30 of this title.

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

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

39 E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
40 chapter do not apply to the Arizona state schools for the deaf and the
41 blind, except that the board of directors of all the state schools for the
42 deaf and the blind shall adopt policies for the board and the schools
43 under its jurisdiction that provide, as appropriate under the
44 circumstances, for notice of and opportunity for comment on the policies
45 proposed for adoption.

1 F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
2 chapter do not apply to the state board of education, except that the
3 state board of education shall adopt policies or rules for the board and
4 the institutions under its jurisdiction that provide, as appropriate under
5 the circumstances, for notice of and opportunity for comment on the
6 policies or rules proposed for adoption. In order to implement or change
7 any rule, the state board of education shall provide at least two
8 opportunities for public comment. The state board of education shall
9 consider the fiscal impact of any proposed rule pursuant to this
10 subsection.

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