

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2163

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 9-499.04, Arizona Revised Statutes, is amended to
3 read:

4 9-499.04. Animal control officers; appointment; authority;
5 regulation of dogs; powers and duties

6 A. Any city and town may by ordinance provide for the appointment of
7 animal control officers who may commence an action or proceeding before a
8 court for any violation of a state statute or local ordinance relating to
9 rabies and animal control ~~which~~ THAT occurs within the jurisdiction of the
10 city or town.

11 B. An animal control officer appointed pursuant to subsection A OF
12 THIS SECTION shall:

13 1. Be unarmed during the course of duties except that a small caliber
14 firearm may be available to be used in controlling vicious animals or in
15 dispatching of a wounded animal. ~~In~~ FOR THE PURPOSES OF this paragraph,
16 "small caliber firearm" means a rifle or pistol utilizing a rimfire cartridge
17 with a caliber not to exceed twenty-two hundredths of an inch and with a
18 non-richocheting bullet or a shotgun whose bore size ~~shall~~ DOES not exceed
19 forty-one hundredths of an inch.

20 2. Be an employee of the appointing city or town.

21 C. A CITY OR TOWN MAY REGULATE THE CONTROL OF DOGS IF THE REGULATION
22 IS NOT SPECIFIC TO ANY BREED.

23 C. D. SUBSECTION B OF this section ~~shall not be construed to~~ DOES NOT
24 grant other powers or benefits to animal control officers to which peace
25 officers of this state are entitled.

26 Sec. 2. Section 11-1005, Arizona Revised Statutes, is amended to read:

27 11-1005. Powers and duties of board of supervisors

28 A. Each county board of supervisors may:

1 1. Designate or employ a county enforcement agent. If such
2 designation or employment is not made, the county sheriff shall be the county
3 enforcement agent, but nothing in this article shall be deemed to prevent the
4 county board of supervisors from designating or employing a county
5 enforcement agent at any time it is deemed necessary or advisable.

6 2. Provide the county enforcement agent with such personnel and
7 equipment as are necessary to enforce ~~the provisions of~~ this article and the
8 rules adopted under this article.

9 3. Contract with any city or town to enforce the provisions of any
10 ordinance enacted by such city or town for the control of dogs **IF THE**
11 **PROVISIONS ARE NOT SPECIFIC AS TO ANY BREED.**

12 4. For the unincorporated areas of the county, by ordinance, regulate,
13 restrain and prohibit the running at large of dogs, except dogs used for
14 control of livestock or while being used or trained for hunting.

15 5. For the unincorporated areas of the county, by ordinance, regulate,
16 restrain and prohibit the excessive and unrestrained barking of dogs.

17 6. Establish either:

18 (a) Criminal penalties not to exceed the penalties for a class 2
19 misdemeanor for violation of an ordinance adopted pursuant to paragraph 4 or
20 **5 OF THIS SUBSECTION.**

21 (b) Civil penalties for violations of an ordinance adopted pursuant to
22 paragraph 4 or 5 **OF THIS SUBSECTION**, not to exceed five hundred dollars for
23 each violation.

24 B. Fines received for violation of an ordinance adopted with a
25 criminal penalty pursuant to subsection A, paragraph 6, subdivision (a) **OF**
26 **THIS SECTION** shall be deposited in a special, permanent, nonlapsing and
27 nonreverting county fund to be used solely for the operation of the county
28 enforcement agency.

29 C. Each county board of supervisors may establish pound fees for
30 impounding and maintaining animals at the county pound or any pound used by
31 the county.

32 D. The county board of supervisors shall be responsible for declaring
33 a rabies quarantine area within its jurisdiction on a recommendation of the
34 county board of health or the local health department. If a rabies
35 quarantine area is declared, the county board of supervisors shall meet with
36 the county board of health and the county enforcement agent and institute an
37 emergency program for the control of rabies within that area provided that

1 any regulations restricting or involving the movement of livestock within
2 that area shall be developed by the state veterinarian.

3 Sec. 3. Title 44, chapter 11, article 17, Arizona Revised Statutes, is
4 amended by adding sections 44-1799.10 and 44-1799.11, to read:

5 44-1799.10. Pet store operators; pet dealers; prohibitions on
6 dog and cat purchases; record keeping

7 A. A PET STORE OPERATOR OR PET DEALER MAY NOT OBTAIN A DOG OR CAT FOR
8 RESALE OR SELL OR OFFER FOR SALE ANY DOG OR CAT OBTAINED FROM A PERSON WHO IS
9 REQUIRED TO BE LICENSED BY THE PET DEALER REGULATIONS OF THE UNITED STATES
10 DEPARTMENT OF AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE
11 SECTIONS 2131 THROUGH 2159) IF ANY OF THE FOLLOWING APPLIES:

12 1. THE PERSON IS NOT CURRENTLY LICENSED BY THE UNITED STATES
13 DEPARTMENT OF AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE
14 SECTIONS 2131 THROUGH 2159).

15 2. WITHIN TWO YEARS BEFORE OBTAINING THE DOG OR CAT THE PERSON COMMITS
16 A DIRECT VIOLATION OF ANY OF THE PET DEALER REGULATIONS OF THE UNITED STATES
17 DEPARTMENT OF AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE
18 SECTIONS 2131 THROUGH 2159).

19 3. THE PERSON RECEIVES AN INDIRECT NO ACCESS VIOLATION ON EACH OF THE
20 TWO MOST RECENT INSPECTION REPORTS ISSUED BY THE UNITED STATES DEPARTMENT OF
21 AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE SECTIONS 2131
22 THROUGH 2159).

23 4. THE PERSON COMMITS THREE OR MORE INDIRECT VIOLATIONS OF THE PET
24 DEALER REGULATIONS OF THE UNITED STATES DEPARTMENT OF AGRICULTURE DURING THE
25 TWO-YEAR PERIOD BEFORE OBTAINING THE DOG OR CAT FOR VIOLATIONS RELATING TO
26 THE HEALTH OR WELFARE OF THE ANIMAL AND THE VIOLATIONS WERE NOT
27 ADMINISTRATIVE IN NATURE. THE INDIRECT VIOLATIONS DESCRIBED IN THIS
28 PARAGRAPH DO NOT INCLUDE A VIOLATION DESCRIBED IN PARAGRAPH 3 OF THIS
29 SUBSECTION.

30 B. A PET STORE OPERATOR OR PET DEALER MAY NOT OBTAIN A DOG OR CAT FOR
31 RESALE OR SELL OR OFFER FOR SALE ANY DOG OR CAT OBTAINED FROM A PERSON WHO
32 DIRECTLY OR INDIRECTLY OBTAINED A DOG OR CAT FROM A PERSON DESCRIBED IN
33 SUBSECTION A OF THIS SECTION.

34 C. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, A PET STORE
35 OPERATOR OR PET DEALER MAY OBTAIN A DOG OR CAT FOR RESALE OR SELL OR OFFER
36 FOR SALE ANY DOG OR CAT OBTAINED FROM A PUBLICLY OPERATED POUND OR A PRIVATE,

1 CHARITABLE NONPROFIT HUMANE SOCIETY OR FROM ANY ANIMAL ADOPTION ACTIVITY
2 CONDUCTED BY A POUND OR HUMANE SOCIETY.

3 D. A PET DEALER SHALL MAINTAIN RECORDS VERIFYING ITS COMPLIANCE WITH
4 THIS SECTION FOR AT LEAST TWO YEARS AFTER OBTAINING THE DOG OR CAT TO BE SOLD
5 OR OFFERED FOR SALE.

6 44-1799.11. Pet dealer regulation: state preemption

7 THE REGULATION OF PET DEALERS IS A MATTER OF STATEWIDE CONCERN. ANY
8 LOCAL LAW, RULE, REGULATION OR ORDINANCE ENFORCED OR ADOPTED BY A COUNTY,
9 CITY OR TOWN THAT IS INCONSISTENT WITH THIS ARTICLE IS PREEMPTED. ANY LOCAL
10 LAW, RULE, REGULATION OR ORDINANCE MAY NOT DIRECTLY OR INDIRECTLY PROHIBIT OR
11 BE APPLIED TO PROHIBIT THE SALE OF DOGS OR CATS, EXPRESSLY OR IN EFFECT,
12 BASED ON THE SOURCE FROM WHICH THE ANIMAL IS OBTAINED IF OBTAINED IN
13 COMPLIANCE WITH SECTION 44-1799.10."

14 Amend title to conform

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