

1 SB142
2 118068-2
3 By Senators Dixon, Barron, Little (T), and Figures
4 RFD: Governmental Affairs
5 First Read: 12-JAN-10

8 SYNOPSIS: This bill would relate to agriculture and
9 livestock. This bill would prohibit local
10 governments from adopting laws and rules relating
11 to livestock and animal husbandry on private
12 property and would provide that regulation of
13 livestock and animal husbandry would be within the
14 sole jurisdiction of the Department of Agriculture
15 and Industries and the State Board of Agriculture
16 and Industries. This bill would specify that the
17 State Veterinarian would be responsible for the
18 administration and enforcement of any laws and
19 rules relating to control of diseases in livestock.
20 This bill would also further provide for the
21 penalties for cruelty to animals.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, prohibits a general
26 law whose purpose or effect would be to require a
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local
2 governmental entity without enactment by a 2/3 vote
3 unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

8 The purpose or effect of this bill would be
9 to require a new or increased expenditure of local
10 funds within the meaning of the amendment. However,
11 the bill does not require approval of a local
12 governmental entity or enactment by a 2/3 vote to
13 become effective because it comes within one of the
14 specified exceptions contained in the amendment.

15
16 A BILL

17 TO BE ENTITLED

18 AN ACT

19
20 Relating to agriculture; to prohibit a county or
21 municipal government from adopting any ordinance, rule, or
22 resolution concerning the care and handling of livestock or
23 animal husbandry practices on any private property and to
24 reserve the entire subject of care, handling, or animal
25 husbandry to the Department of Agriculture and Industries and
26 the State Board of Agriculture and Industries; to amend
27 Section 2-4-1 of the Code of Alabama 1975, relating to the

State Veterinarian, to further specify the enforcement by the state laws relating to livestock and the control of infectious disease in livestock; to amend Section 13A-11-14 of the Code of Alabama 1975, relating to cruelty to animals, to further provide for the penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Except as otherwise provided by state or federal law, the entire subject matter concerning the care and handling of livestock and animal husbandry practices involved in the production of agricultural and farm products on private property shall be reserved to the Department of Agriculture and Industries and the State Board of Agriculture and Industries and shall be subject to the sole jurisdiction of the department and board.

(b) No county or municipal governing body may adopt or continue in effect any ordinance, rule, or resolution concerning the care and handling of livestock or animal husbandry practices involved in the production of agricultural and farm products on private property.

(c) This section shall not affect, supersede, or override any zoning ordinance or business license enacted by a county or municipal governing body.

(d) The State Board of Agriculture and Industries may adopt rules necessary to carry out the intent and purpose of this section.

Section 2. Sections 2-4-1 and 13A-11-14 of the Code of Alabama 1975, are amended to read as follows:

"§2-4-1.

"The State Veterinarian of Alabama shall be appointed by the Commissioner of Agriculture and Industries, the Governor of Alabama and the president of the Alabama Veterinary Medical Association, or majority of them, from the list of qualified applicants who have passed the official examination and who have been certified to the aforesaid appointing authorities by the State Personnel Department. The State Veterinarian appointed under the provisions of this section shall be subject to the provisions of the Merit System, and his salary shall be fixed by the State Personnel Board, upon recommendation of the Commissioner of Agriculture and Industries with approval of the State Board of Agriculture and Industries, which salary shall be paid out of the appropriation provided by law for payment of salaries and expenses of the employees of the Department of Agriculture and Industries. The State Veterinarian appointed under this section shall be a graduate of a college of veterinary medicine, which institution has been approved and accredited by the American Veterinary Medical Association and by the federal Secretary of Agriculture. The State Veterinarian appointed under this section shall also be a licensed

veterinarian and a member in good standing of the Alabama Veterinary Medical Association, and he or she shall exercise all the powers vested in the Commissioner of Agriculture and Industries in the administration and enforcement of the provisions of the state livestock ~~sanitary~~ laws relating to the care of livestock or the control of contagious and infectious diseases in livestock and rules ~~and regulations~~ promulgated thereunder.

"§13A-11-14.

"(a) A person commits the crime of cruelty to animals if, except as otherwise authorized by law, he intentionally or recklessly:

"(1) Subjects any animal to cruel mistreatment; or

"(2) Subjects any animal in his custody to cruel
or

"(3) Kills or injures without good cause any animal belonging to another.

"(b) Cruelty to animals is a Class B misdemeanor, except on a second conviction of a violation of this section, the defendant shall be subject to a mandatory minimum fine of five hundred dollars (\$500) and on a third or subsequent conviction of a violation of this section, the defendant shall be subject to a minimum fine of one thousand dollars (\$1,000)."

Section 3. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official Recompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

6 Section 4. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.