

1 HB561  
2 118068-1  
3 By Representative Howard  
4 RFD: Agriculture and Forestry  
5 First Read: 11-FEB-10

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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

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

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

6 "§2-4-1.

7 "The State Veterinarian of Alabama shall be  
8 appointed by the Commissioner of Agriculture and Industries,  
9 the Governor of Alabama and the president of the Alabama  
10 Veterinary Medical Association, or majority of them, from the  
11 list of qualified applicants who have passed the official  
12 examination and who have been certified to the aforesaid  
13 appointing authorities by the State Personnel Department. The  
14 State Veterinarian appointed under the provisions of this  
15 section shall be subject to the provisions of the Merit  
16 System, and his salary shall be fixed by the State Personnel  
17 Board, upon recommendation of the Commissioner of Agriculture  
18 and Industries with approval of the State Board of Agriculture  
19 and Industries, which salary shall be paid out of the  
20 appropriation provided by law for payment of salaries and  
21 expenses of the employees of the Department of Agriculture and  
22 Industries. The State Veterinarian appointed under this  
23 section shall be a graduate of a college of veterinary  
24 medicine, which institution has been approved and accredited  
25 by the American Veterinary Medical Association and by the  
26 federal Secretary of Agriculture. The State Veterinarian  
27 appointed under this section shall also be a licensed

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

9 "§13A-11-14.

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

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

14 "(2) Subjects any animal in his custody to cruel  
15 neglect; or

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

18 "(b) Cruelty to animals is a Class B misdemeanor,  
19 except on a second conviction of a violation of this section,  
20 the defendant shall be subject to a mandatory minimum fine of  
21 five hundred dollars (\$500) and on a third or subsequent  
22 conviction of a violation of this section, the defendant shall  
23 be subject to a minimum fine of one thousand dollars  
24 (\$1,000)."

25 Section 3. Although this bill would have as its  
26 purpose or effect the requirement of a new or increased  
27 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.