

The House Committee on Agriculture and Consumer Affairs offers the following substitute to SB 429:

A BILL TO BE ENTITLED
AN ACT

1 To provide for enforcement of state laws pertaining to functions assigned to the Department
2 of Agriculture; to provide for certain other enforcement powers of department employees;
3 to amend Part 1 of Article 1 of Chapter 4 of Title 4 of the Official Code of Georgia
4 Annotated, relating to control of infectious or contagious diseases in livestock generally, and
5 Chapter 2 of Title 2 of the Official Code of Georgia Annotated, relating to the Department
6 of Agriculture, so as to redesignate and change certain provisions relating to enforcement of
7 laws relating to control of infectious or contagious diseases in livestock generally; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Part 1 of Article 1 of Chapter 4 of Title 4 of the Official Code of Georgia Annotated, relating
12 to control of infectious or contagious diseases in livestock generally, and Chapter 2 of Title
13 2 of the Official Code of Georgia Annotated, relating to the Department of Agriculture, are
14 amended by redesignating and revising Code Section 4-4-5, relating to enforcement of laws
15 relating to control of infectious or contagious diseases in livestock generally, as follows:

16 "~~4-4-5~~ 2-2-13.

17 (a) The Commissioner is shall be vested with police powers to enforce ~~this chapter~~ all state
18 laws pertaining to functions assigned to the department and the rules and regulations
19 adopted pursuant to ~~this chapter~~ thereto.

20 (b) The Commissioner is shall be authorized to employ, designate, and deputize;
21 investigators in support of the department's homeland security duties consistent with
22 statutory authority and to delegate to such employees of the department the necessary
23 authority to enforce ~~this chapter~~ all state laws pertaining to functions assigned to the
24 department and the rules and regulations adopted pursuant to ~~this chapter~~ thereto. The first
25 priority of such investigators shall be to investigate potential threats, if any, to homeland
26 security if and when such investigations are otherwise authorized under this subsection.

1 Employees who have been so designated by the Commissioner and who have been certified
 2 by the Georgia Peace Officer Standards and Training Council as having successfully
 3 completed the course of training required by Chapter 8 of Title 35, the 'Georgia Peace
 4 Officer Standards and Training Act,' ~~are~~ shall be authorized:

5 (1) To carry firearms authorized or issued by the Commissioner while in the performance
 6 of their duties;

7 (2) To enforce all state laws pertaining to functions assigned to the department, including
 8 but not limited to the following powers:

9 ~~(2)(A)~~ To inspect any livestock found within this state plants, animals, products, or
 10 facilities when the same are subject to regulation by the department;

11 ~~(3)(B)~~ To stop and inspect any vehicle transporting livestock in this state; plants,
 12 animals, or products when the same are subject to regulation by the department; and

13 ~~(4)(C)~~ To inspect and require the production of health certificates, waybills, permits,
 14 or other documents required by federal or state laws, rules, regulations, or orders for the
 15 transportation of livestock plants, animals, or products when the same are subject to
 16 regulation by the department;

17 (3) To enforce all state laws on all property owned or controlled by the department;
 18 provided, however, that the department's exercise of police powers at the Atlanta State
 19 Farmers' Market in Forest Park shall be as provided by Code Section 2-10-57;

20 (4) To enforce any state law when the violation of that law is committed in conjunction
 21 with a violation of a state law pertaining to functions assigned to the department;

22 (5) To assist any state law enforcement agency when ordered to do so by the Governor
 23 or to protect any life or property when the circumstances demand action;

24 (6) To assist, at the expense of the department, the Georgia Office of Homeland Security
 25 of the Georgia Emergency Management Agency in carrying out the duties and
 26 responsibilities of that office when requested to do so by that office; and

27 ~~(5)(7)~~ To arrest any person found to be in violation of this chapter any state law, the
 28 enforcement of which is authorized by paragraphs (2) through (6) of this subsection,
 29 when such violation is a criminal offense.

30 (c) From funds appropriated or available to the department, the Commissioner ~~is~~ shall be
 31 authorized to provide motor vehicles, uniforms, firearms, and any other equipment and
 32 supplies needed by employees of the department to carry out this ~~chapter~~ Code section.

33 (d) This Code section shall not repeal, supersede, alter, or affect the power of any other
 34 law enforcement officer of this state or of any county, municipality, or other political
 35 subdivision of this state to enforce ~~this chapter~~ state laws pertaining to functions assigned
 36 to the department. At the request of the Commissioner of Agriculture, it shall be the duty
 37 of all state, county, municipal, and other law enforcement officers in this state to enforce

1 and to assist the Commissioner and the employees and agents of the department in the
2 enforcement of ~~this chapter~~ state laws pertaining to functions assigned to the department."

3 **SECTION 2.**

4 All laws and parts of laws in conflict with this Act are repealed.