

Senate Bill 429

By: Senators Bulloch of the 11th, Goggans of the 7th, Douglas of the 17th, Heath of the 31st and Hudgens of the 47th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To provide for enforcement of laws governing matters within the jurisdiction of the
2 Commissioner of Agriculture or the Department of Agriculture; to provide for certain other
3 related law enforcement powers; to amend Part 1 of Article 1 of Chapter 4 of Title 4 of the
4 Official Code of Georgia Annotated, relating to control of infectious or contagious diseases
5 in livestock generally, and Chapter 2 of Title 2 of the Official Code of Georgia Annotated,
6 relating to the Department of Agriculture, so as to redesignate and change certain provisions
7 relating to enforcement of laws relating to control of infectious or contagious diseases in
8 livestock generally; to repeal 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~~ those
18 laws governing matters within the jurisdiction of the Commissioner or the department as
19 provided by this title and Titles 4, 10, 26, and 43 and the rules and regulations adopted
20 pursuant to ~~this chapter~~ thereto and to prevent, detect, and respond to acts of bioterrorism,
21 other terroristic acts or threats, or natural disasters affecting or potentially affecting plants,
22 animals, products, or facilities that are subject to regulation by the department.

23 (b) The Commissioner is shall be authorized to employ, designate, and deputize;
24 investigators and to delegate to such employees of the department the necessary authority
25 to enforce ~~this chapter~~ those laws governing matters within the jurisdiction of the
26 Commissioner or the department as provided by this title and Titles 4, 10, 26, and 43 and

1 the rules and regulations adopted pursuant to ~~this chapter~~ thereto and to prevent, detect, and
 2 respond to acts of bioterrorism, other terroristic acts or threats, or natural disasters affecting
 3 or potentially affecting plants, animals, products, or facilities that are subject to regulation
 4 by the department. Employees who have been so designated by the Commissioner and who
 5 have been certified by the Georgia Peace Officer Standards and Training Council as having
 6 successfully completed the course of training required by Chapter 8 of Title 35, the
 7 'Georgia Peace Officer Standards and Training Act,' ~~are~~ shall be authorized:

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

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

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

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

18 (5) To protect any life or property when the circumstances demand action; and

19 ~~(5)(6)~~ (6) To arrest any person found to be in violation of this chapter a criminal law when
 20 enforcement of such law is authorized under this subsection.

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

24 (d) This Code section shall not repeal, supersede, alter, or affect the power of any other
 25 law enforcement officer of this state or of any county, municipality, or other political
 26 subdivision of this state ~~to enforce this chapter.~~ At the request of the Commissioner of
 27 Agriculture, it shall be the duty of all state, county, municipal, and other law enforcement
 28 officers in this state to enforce and to assist the Commissioner and the employees and
 29 agents of the department in the enforcement of ~~this chapter~~ those laws governing matters
 30 within the jurisdiction of the Commissioner or the department as provided by this title and
 31 Titles 4, 10, 26, and 43."

32 SECTION 2.

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