

IN THE SENATE

SENATE BILL NO. 1071

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE; AMENDING SECTION 22-103, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR SHALL ADMINISTER A RANGE PROGRAM AND TO PROVIDE FOR THE PURPOSE OF THE PROGRAM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 22-103, Idaho Code, be, and the same is hereby amended to read as follows:

22-103. DUTIES OF DIRECTOR. The director of the department of agriculture shall execute the powers and discharge the duties vested by law in him or in the department, including, but not limited to, the following:

(1) Pursuant to chapter 53, title 67, Idaho Code, hire, assign duties and evaluate the performance of all employees of the department.

(2) Designate employees for special assignment, office or function as the needs of the department may require.

(3) Acquire, generate, develop and disseminate information and data concerning agricultural pursuits, productivity and product quality.

(4) Encourage and promote in every practical manner, the interests of agriculture, horticulture, apiculture, aquaculture, the livestock industries, poultry and fowl raising, wool and fur-bearing animals and their allied industries.

(5) Assist, encourage and promote the organization of farmers' institutes, agricultural, horticultural, management or cooperative societies and organizations for the benefit of agricultural pursuits in this state.

(6) Promote improved methods of production, storage, sales and marketing of agricultural industries.

(7) Establish and promulgate standards of construction, use and sanitation of open and closed receptacles for farm products, and standards for grade or other classification of farm products.

(8) Prescribe and promulgate rules governing marks, brands and labels, and the registration thereof, for use upon receptacles for farm products.

(9) Promote, in the interest of the public, economical and efficient use of products and commodities used in the production of agricultural, horticultural, meats and other products and farm commodities and their distribution.

(10) Cooperate with producers, processors and consumers in devising and maintaining economical and efficient systems of distribution, and to assist in the reduction of waste and expense incidental to the marketing of agricultural products.

(11) Gather and diffuse timely information and statistics concerning supply, demand, prevailing prices and commercial movement of agricultural products.

1 (12) Maintain a market news service, including information concerning crops, freight
2 rates, commission rates and such other information as may be of service to producers and
3 consumers, and to act as a clearinghouse for information between producers and consumers.

4 (13) Cooperate with the secretary, colleges and universities, experiment stations, and other
5 agencies which cooperate in devising, research and development and utilization of improved
6 agricultural production and other activities.

7 (14) Investigate the practices, methods of factors, management techniques of commission
8 merchants, track buyers and others who receive, solicit, buy, sell, handle on commission or
9 otherwise, or deal in grains, eggs, livestock, vegetables or other products used as human foods,
10 to the end that distribution of such commodities through such factors, commission merchants,
11 track buyers and others be efficiently and economically accomplished without hardship, waste
12 or fraud.

13 (15) Enter and inspect any right-of-way of any irrigation canal, railway, public highway,
14 field, orchard, nursery, fruit or vegetable packing house, store room, sales room, storage facility,
15 depot or other place where fruits and vegetables are grown or stored and to inspect fruits, trees,
16 plants, vines, shrubs or other articles within the state, and if such places or articles are infested
17 with pests, insects or their eggs or larvae, or with any contagious or transmittable diseases
18 injurious to plant life, to abate or eradicate the same as a nuisance.

19 (16) Provide treatment for and prevent the spread of infectious or communicable diseases
20 among bees, livestock, fur-bearing animals or domestic animals through the systematic and
21 periodic inspection, testing or treatment of such bees and animals at the expense of the owner
22 thereof.

23 (17) Protect the livestock interests of the state from losses due to disease or hazards to
24 animal health and communicable to humans through agricultural products. The director is
25 authorized to regulate, as deemed necessary, commercial livestock truck washing facilities.
26 This includes permitting for the treatment or disposal, at any location, of any wash water
27 generated by the facility. This subsection preempts Idaho department of environmental
28 quality's authority to issue land application permits and to do plan and specification reviews
29 under section 39-118, Idaho Code, for livestock truck wash facilities, but does not affect any
30 other authority of the Idaho department of environmental quality.

31 (18) Maintain recording of earmarks, eartags or other identifying marks not covered under
32 any other provisions of law.

33 (19) Purchase, lease, hold, sell, and dispose of real and personal property of the
34 department when, in the judgment of the director, such transactions promote the purposes for
35 which the department is established.

36 (20) Contract with any state agency, federal agency or agency of another state concerning
37 any matter, program or cooperative effort within the scope and jurisdiction of its authority
38 pursuant to law.

39 (21) Assist in the improvement of country life, farm occupations and to cooperate in
40 effectuating equality of opportunity of those employed in agricultural pursuits in the state of
41 Idaho.

42 (22) Investigate diseases, contamination of livestock and poultry, agricultural,
43 horticultural, and farm products, suspected to be infected or contaminated by bacterial,
44 viral, protozoal, parasitic, chemical, nuclear, botanical or other disease-producing agents, or
45 carrying a residue of any such disease-producing agent or chemical in excess of any tolerance
46 established by federal or state law or regulation and to examine, conduct tests, and issue

1 "hold orders" on any livestock, poultry, agricultural, horticultural or farm products as deemed
2 necessary to effectuate a diagnosis of disease, contamination or chemical level to safeguard and
3 protect animal and man. And additionally, authorize and implement a predator control program
4 on state and private lands using any kind of toxic material or substance suitable for such
5 purpose. Any toxic material or substance shall be approved for use by the director. In order
6 to carry out the provisions of this subsection (22), the director shall prescribe and promulgate
7 rules pursuant to chapter 52, title 67, Idaho Code.

8 (23) Prescribe by rule an interest charge which may be assessed on all accounts which are
9 thirty (30) days past due from the initial billing date or the assessment due date. The interest
10 rate charged shall not exceed twelve percent (12%) per annum.

11 (24) To take all steps that are deemed necessary to prevent and control damage or
12 conflicts on federal, state, or other public or private lands caused by predatory animals, rodents,
13 or birds, including threatened or endangered wildlife within the state of Idaho as are established
14 by federal or state law, federal or state regulation, or county ordinance, that are injurious to
15 animal husbandry, agriculture, horticulture, forestry, wildlife and human health and safety.

16 (25) Administer a range program to provide support, coordination and expertise to Idaho
17 rangeland livestock producers and land and wildlife management agencies for the planning
18 and management of vegetation, grazing permits and other rangeland resources that are of
19 importance to the livestock industry. The program shall also provide technical expertise and
20 support to state and industry entities in reviewing various federal and state environmental
21 impact statements, environmental assessments and other proposals that impact grazing,
22 vegetation management or other rangeland resources or uses important to the livestock industry.

23 (26) To administer oaths, certify to all official acts and subpoena any person in this state
24 as a witness; to compel through subpoena the production of books, papers, and records; and
25 to take the testimony of any person on deposition in the same manner as prescribed by law in
26 the procedure before the courts of this state. A subpoena issued by the director shall extend
27 to all parts of the state and may be served by any person authorized to do so. All powers of
28 the director enumerated in this subsection (256) with respect to administering oaths, power of
29 subpoena, and other powers in hearings on complaints shall likewise be applicable to hearings
30 held on applications for the issuance or renewal of licenses.

31 (267) To appoint, as necessary, committees for the purpose of advising the director on any
32 and all matters relating to agricultural programs within the Idaho department of agriculture.

33 (278) Cooperate with producers, industry and technology groups, and other agencies to
34 encourage the growth of technology within the state's agricultural industries while protecting,
35 as necessary, the integrity of existing agriculture and agricultural marketing channels.