

IN THE SENATE

SENATE BILL NO. 1344

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO INVASIVE SPECIES; AMENDING SECTION 22-1904, IDAHO CODE, TO
2 DEFINE A TERM; AMENDING SECTION 22-1908, IDAHO CODE, TO REQUIRE CERTAIN
3 PRESENTATIONS FOR INSPECTION; AMENDING SECTION 22-1910, IDAHO CODE,
4 TO REVISE HOLD ORDER PROVISIONS AND TO PROVIDE THAT HOLD ORDERS SHALL
5 CONTAIN CERTAIN INFORMATION; AND AMENDING CHAPTER 19, TITLE 22, IDAHO
6 CODE, BY THE ADDITION OF A NEW SECTION 22-1910A, IDAHO CODE, TO SPECIFY
7 PROVISIONS FOR ENFORCEMENT BY PEACE OFFICERS AND TO PROVIDE THAT THE
8 DIRECTOR OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE SHALL ISSUE HOLD
9 ORDERS UPON IMPOUNDMENT.
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11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section 22-1904, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 22-1904. DEFINITIONS. Unless otherwise noted in this chapter the
15 definitions as set forth in section 22-2005, Idaho Code, are adopted by
16 reference.

17 (1) "Conveyance" means a terrestrial or aquatic vehicle or a
18 vehicle part that may carry or contain an invasive species or plant
19 pest. A conveyance includes a motor vehicle, a vessel, a motorboat, a
20 sailboat, a personal watercraft, a trailer or any other means or method of
21 transportation. "Conveyance" also includes a live well or a bilge area of a
22 watercraft.

23 (2) "Environmental harm" means to cause significant adverse effects on
24 uses of natural resources or on plants or animals.

25 (23) "Invasive species" means species not native to Idaho, including
26 their seeds, eggs, spores, larvae or other biological material capable
27 of propagation, that cause economic or environmental harm and are capable
28 of spreading in the state. "Invasive species" does not include crops,
29 improved forage grasses, domestic livestock, or other beneficial nonnative
30 organisms.

31 SECTION 2. That Section 22-1908, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 22-1908. AUTHORITY TO CONDUCT INSPECTIONS. (1) In order to accomplish
34 the purposes of this chapter, the director may enter upon and inspect any
35 public or private premises, lands, bodies of water, or means of conveyance,
36 or article of any person within this state, for the purpose of inspecting,
37 surveying, treating, controlling, collecting samples, or destroying any
38 invasive species.

1 (2) The director may establish check stations at points of entry to the
2 state, or other facilities and sites throughout the state, as necessary to
3 carry out the provisions of this chapter.

4 (3) No person shall proceed past or travel through an established
5 inspection station during its hours of operation while towing, carrying
6 or transporting any conveyance without presenting such conveyance for
7 inspection.

8 SECTION 3. That Section 22-1910, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 22-1910. HOLD ORDER. The director may issue hold orders to take
11 prompt regulatory action in invasive species emergencies on any article,
12 commodity, conveyance, vehicle or other means of transportation entering
13 this state when it is reasonably believed that the article, commodity,
14 conveyance, vehicle or other means of transportation is in violation of
15 this chapter or rules promulgated hereunder. The hold order shall contain
16 contact information for the owner of the article, commodity, conveyance,
17 vehicle or other means of transportation, the reason for the hold order, and
18 the conditions for release.

19 SECTION 4. That Chapter 19, Title 22, Idaho Code, be, and the same is
20 hereby amended by the addition thereto of a NEW SECTION, to be known and
21 designated as Section 22-1910A, Idaho Code, and to read as follows:

22 22-1910A. LAW ENFORCEMENT. (1) It shall be the duty of all peace
23 officers within the state of Idaho, as defined by section 19-5101(d), Idaho
24 Code, to enforce the provisions of this chapter by making a complaint or
25 citation as described in section 19-3901, Idaho Code.

26 (2) Peace officers within the state of Idaho, upon reasonable
27 suspicion, may require a driver of a vehicle to stop and submit to an
28 inspection of any conveyance carried or towed by the vehicle as may be
29 appropriate.

30 (3) In the event of a reasonable suspicion of possible contamination,
31 or when a conveyance is found to be contaminated or otherwise carrying an
32 invasive species, the peace officer shall detain the vehicle and conveyance
33 and immediately summon a tow truck to transport the conveyance to the nearest
34 available impound yard.

35 (4) Upon impoundment, the director shall issue a hold order as provided
36 in this chapter specifying the conditions for release.