

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

February 11, 2019

Committee on Rural Affairs & Agriculture.

After consideration on the merits, the Committee recommends the following:

HB19-1114 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 3, strike lines 21 and 22 and substitute:  
2 "(3) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE."
- 3 Page 4, line 20, strike "COVERED".
- 4 Page 5, line 12, strike "THE" and substitute "IN ACCORDANCE WITH  
5 ARTICLE 4 OF TITLE 24, THE".
- 6 Page 5, strike lines 23 and 24 and substitute:  
7 "(2) (a) DURING REGULAR BUSINESS HOURS, A FARM SHALL GIVE  
8 THE COMMISSIONER ACCESS, UPON THE COMMISSIONER OBTAINING  
9 CONSENT OR AN ADMINISTRATIVE SEARCH WARRANT, TO REAL PROPERTY  
10 USED FOR, ANY BUILDING".
- 11 Page 6, after line 9 insert:  
12 "(4) (a) THE COMMISSIONER MAY:  
13 (I) ADMINISTER OATHS AND TAKE STATEMENTS;  
14 (II) ISSUE SUBPOENAS REQUIRING THE ATTENDANCE OF WITNESSES  
15 BEFORE THE COMMISSIONER AND COMPEL THE WITNESSES TO DISCLOSE  
16 ALL KNOWN FACTS CONCERNING THE MATTER UNDER INVESTIGATION; AND  
17 (III) REQUIRE THE PRODUCTION OF BOOKS, DOCUMENTS, ITEMS, OR  
18 INSTRUMENTS.  
19 (b) UPON THE FAILURE OR REFUSAL OF A WITNESS TO OBEY A  
20 SUBPOENA COMPELLING THE WITNESS TO APPEAR AND TESTIFY OR TO

1 PRODUCE DOCUMENTARY EVIDENCE, THE COMMISSIONER MAY PETITION  
2 THE DISTRICT COURT TO COMPEL THE WITNESS TO OBEY THE SUBPOENA.  
3 UPON A PROPER SHOWING, THE COURT MAY ENTER AN ORDER REQUIRING  
4 COMPLIANCE WITH THE SUBPOENA. FAILURE TO OBEY THE COURT'S ORDER  
5 IS PUNISHABLE AS A CONTEMPT OF COURT."

6 Page 6, strike lines 15 and 16 and substitute "UNDER THIS ARTICLE 77;  
7 OR".

8 Page 7, after line 16 insert:

9 "35-77-109. **Unlawful acts.** (1) UNLESS AUTHORIZED BY LAW, IT  
10 IS UNLAWFUL FOR ANY PERSON TO:

11 (a) REFUSE TO COMPLY WITH A CEASE-AND-DESIST ORDER ISSUED  
12 UNDER SECTION 35-77-108; OR

13 (b) MAKE A MATERIAL MISSTATEMENT IN A REGISTRATION OR TO  
14 THE COMMISSIONER OR THE DEPARTMENT DURING AN OFFICIAL  
15 INVESTIGATION.

16 (2) IT IS UNLAWFUL FOR AN EMPLOYEE, OFFICIAL OF THE  
17 DEPARTMENT, OR PERSON DESIGNATED BY THE COMMISSIONER TO:

18 (a) USE FOR PRIVATE ADVANTAGE ANY INFORMATION DERIVED  
19 FROM REPORTS OR RECORDS SUBMITTED TO THE DEPARTMENT IN  
20 ACCORDANCE WITH THIS ARTICLE 77;

21 (b) DISCLOSE ANY INFORMATION DERIVED FROM REPORTS OR  
22 RECORDS SUBMITTED TO THE DEPARTMENT IN ACCORDANCE WITH THIS  
23 ARTICLE 77; EXCEPT THAT THE INFORMATION MAY BE DISCLOSED TO:

24 (I) A COURT OF THIS OR OTHER STATES; OR

25 (II) PEOPLE WHO ARE AUTHORIZED TO RECEIVE THE INFORMATION,  
26 REPORTS, OR RECORDS."

27 Page 8, strike lines 3 and 4 and substitute:

28 "(2) TO IMPOSE AN ADMINISTRATIVE PENALTY, THE COMMISSIONER  
29 MUST GIVE THE ALLEGED VIOLATOR NOTICE AND AN OPPORTUNITY FOR A  
30 HEARING IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24."

31 Page 8, strike lines 7 and 8 and substitute "COMMISSIONER MAY BRING  
32 SUIT TO RECOVER THE PENALTY. IN ANY ACTION".

33 Renumber succeeding statutory sections accordingly.

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