

House Bill 569

By: Representatives Ray of the 108th, Floyd of the 132nd and James of the 114th

A BILL TO BE ENTITLED
AN ACT

1 To provide for the dedication of certain moneys for retention and use by the Commissioner
2 of Agriculture; to amend Article 2 of Chapter 7 of Title 2 of the Official Code of Georgia
3 Annotated, relating to control of pesticides, so as to change certain provisions relating to
4 disposition of funds; to provide for the retention and use of moneys by the Commissioner;
5 to amend Article 3 of Chapter 7 of Title 2 of the Official Code of Georgia Annotated, relating
6 to use and application of pesticides, so as to provide for the retention and use of moneys by
7 the Commissioner; to amend Article 3 of Chapter 4 of Title 4 of the Official Code of Georgia
8 Annotated, relating to equine diseases, so as to provide for the retention and use of moneys
9 by the Commissioner; to amend Article 1 of Chapter 11 of Title 4 of the Official Code of
10 Georgia Annotated, relating to general provisions relative to animal protection, so as to
11 provide for the retention and use of moneys by the Commissioner; to amend Chapter 45 of
12 Title 43 of the Official Code of Georgia Annotated, relating to persons engaged in structural
13 pest control, so as to change certain provisions relating to civil penalties, negotiated
14 settlements, hearings and procedure, disposition of penalties, judicial review, and judgments;
15 to provide for the retention and use of moneys by the Commissioner; to repeal conflicting
16 laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Article 2 of Chapter 7 of Title 2 of the Official Code of Georgia Annotated, relating to
20 control of pesticides, is amended by striking Code Section 2-7-66, relating to disposition of
21 funds, and inserting in lieu thereof the following:

22 "2-7-66.

23 All Notwithstanding the provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the
24 'Budget Act,' moneys received by the Commissioner under this article may be retained by
25 him or her for the purpose of defraying the expenses of administration of this article,

1 provided that any surplus at the end of the fiscal year shall be deposited into the state
2 treasury."

3 **SECTION 2.**

4 Article 3 of Chapter 7 of Title 2 of the Official Code of Georgia Annotated, relating to use
5 and application of pesticides, is amended by adding a new Code section to read as follows:

6 "2-7-115.

7 Notwithstanding the provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget
8 Act,' moneys received by the Commissioner under this article may be retained by him or
9 her for the purpose of defraying the expenses of administration of this article, provided that
10 any surplus at the end of the fiscal year shall be deposited into the state treasury."

11 **SECTION 3.**

12 Article 3 of Chapter 4 of Title 4 of the Official Code of Georgia Annotated, relating to equine
13 diseases, is amended by adding a new Code section to read as follows:

14 "4-4-128.

15 Notwithstanding the provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget
16 Act,' moneys received by the Commissioner under this article may be retained by him or
17 her for the purpose of defraying the expenses of administration of this article, provided that
18 any surplus at the end of the fiscal year shall be deposited into the state treasury."

19 **SECTION 4.**

20 Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to
21 general provisions relative to animal protection, is amended by adding a new Code section
22 to read as follows:

23 "4-11-19.

24 Notwithstanding the provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget
25 Act,' moneys received by the Commissioner under this article may be retained by him or
26 her for the purpose of defraying the expenses of administration of this article, provided that
27 any surplus at the end of the fiscal year shall be deposited into the state treasury."

28 **SECTION 5.**

29 Chapter 45 of Title 43 of the Official Code of Georgia Annotated, relating to persons
30 engaged in structural pest control, is amended by striking subsection (c) of Code Section
31 43-45-24.1, relating to civil penalties, negotiated settlements, hearings and procedure,
32 disposition of penalties, judicial review, and judgments, and inserting in lieu thereof the
33 following:

1 ~~“(c) All civil penalties recovered by the Commissioner as provided in this Code section~~
 2 ~~shall be paid into the state treasury Reserved.”~~

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SECTION 6.

4 Said chapter is further amended by adding a new Code section to read as follows:

5 "43-45-26.

6 Notwithstanding the provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget
 7 Act,' moneys received by the Commissioner under this chapter may be retained by him or
 8 her for the purpose of defraying the expenses of administration of this chapter, provided
 9 that any surplus at the end of the fiscal year shall be deposited into the state treasury."

10

SECTION 7.

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