

Senate Bill 367

By: Senators Bulloch of the 11th, Ginn of the 47th, Wilkinson of the 50th, Miller of the 49th, Heath of the 31st and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 2-2-9.1 of the Official Code of Georgia Annotated, relating to
2 administrative authority of the Commissioner of Agriculture, hearings, penalties, and judicial
3 review, so as to authorize the Commissioner to require persons incurring civil penalties to
4 obtain a surety bond; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Code Section 2-2-9.1 of the Official Code of Georgia Annotated, relating to administrative
8 authority of the Commissioner of Agriculture, hearings, penalties, and judicial review, is
9 amended by revising paragraph (1) of subsection (h) as follows:

10 "(h)(1) The Commissioner may seek civil penalties for the violation of those laws to be
11 enforced by the Department of Agriculture; and where the imposition of such civil
12 penalties is provided for therein, the Commissioner upon written request may cause a
13 hearing to be conducted before a hearing officer appointed or designated by the
14 Commissioner for the purpose of determining whether such civil penalties should be
15 imposed in accordance with the applicable law; and where the imposition of such civil
16 penalties is not provided for therein but violation of such law is punishable as a criminal
17 offense, the Commissioner upon written request may cause a hearing to be conducted
18 before a hearing officer appointed or designated by the Commissioner for the purpose of
19 determining whether civil penalties in an amount not to exceed \$1,000.00 per violation
20 should be imposed. Any civil penalties recovered shall be paid over into the general fund
21 of the state treasury in accordance with Code Section 45-12-92. The Commissioner may
22 require any person to obtain a surety bond on the balance of a monetary penalty or
23 suspended portion of a monetary penalty imposed on such person pursuant to a consent
24 order or final decision from which no further review is taken or allowed. If any
25 aggrieved or adversely affected party fails to follow the terms of such consent order or

26 final decision, the Commissioner may commence and maintain an action against the
27 principal and surety on the bond."

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.