Senate Bill 14

By: Senator Smith of the 25th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 2 of Title 2 of the Official Code of Georgia Annotated, relating to the Department of Agriculture, so as to change certain provisions relating to authorized imposition of penalties in lieu of other actions in proceedings before the Commissioner; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 2 of the Official Code of Georgia Annotated, relating to the Department of Agriculture, is amended by striking Code Section 2-2-10, relating to authorized imposition of penalties in lieu of other actions in proceedings before the Commissioner, and inserting in lieu thereof the following:

"2-2-10.

(a) In any proceeding before the Commissioner involving a license, certificate, or registration issued by the Commissioner or a violation of the laws administered and enforced by the Commissioner and the rules and regulations promulgated thereunder, after notice, hearing, and a determination by him or her as provided by law that there are sufficient grounds to revoke, suspend, or cancel the license, certificate, or registration involved or to take any other action authorized by law in regard to the violation in question, the Commissioner may impose a reasonable penalty for each offense in lieu of a revocation, suspension, cancellation, or other authorized action. Except as provided in subsection (b) of this Code section, such a penalty shall be imposed only with the consent of the affected party; and except as provided in subsection (b) of this Code section, the amount of any such penalty shall not exceed $1,000.00.

(b) In any case subject to this Code section which involves a violation or attempted violation of the 'Georgia Food Act,' Article 2 of Chapter 2 of Title 26, the maximum penalty shall not exceed the greater of $1,000.00 or the amount of gain realized or sought to be realized through such violation, but in no event shall such penalty exceed $20,000.00;

and in any case involving a violation or attempted violation of the 'Georgia Food Act,' the written consent of the person against whom the penalty is to be imposed shall not be required.

~~(c) In any case subject to this Code section which involves a permit suspension as authorized by Article 7 of Chapter 2 of Title 26, known as the 'Georgia Dairy Act of 1980,' a monetary penalty may be assessed in lieu of the suspension; provided, however, that the maximum penalty shall not exceed the amount of gain that would be realized during the period of suspension, but in no event shall such penalty exceed $20,000.00. In any case involving a monetary penalty in lieu of such permit suspension, the written consent of the person against whom the penalty is to be imposed shall be obtained prior to its assessment.~~"

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

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