

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1834

By: Sykes

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5
6 AS INTRODUCED

7 An Act relating to agriculture; amending 2 O.S. 2001,
8 Sections 2-18, as amended by Section 4, Chapter 60,
9 O.S.L. 2004 (2 O.S. Supp. 2009, Section 2-18), which
10 relates to persons in violation of the Oklahoma
11 Agricultural Code; modifying certain administrative
12 penalties; and providing effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 2 O.S. 2001, Section 2-18, as
15 amended by Section 4, Chapter 60, O.S.L. 2004 (2 O.S. Supp. 2009,
16 Section 2-18), is amended to read as follows:

17 Section 2-18. A. After notice and opportunity for a hearing in
18 accordance with the Administrative Procedures Act, if the State
19 Board of Agriculture finds any person in violation of the Oklahoma
20 Agricultural Code or any rule promulgated or order issued pursuant
21 thereto, the Board shall have the authority to assess an
22 administrative penalty of not less than One Hundred Dollars
23 (\$100.00) and not more than ~~Ten Thousand Dollars (\$10,000.00)~~ Five
24 Thousand Dollars (\$5,000.00) for each violation. Each animal, each

1 action, or each day a violation continues may constitute a separate
2 and distinct violation.

3 B. The Board may appoint administrative law judges to conduct
4 the hearings. Hearings shall be held at a location within the
5 region in which the alleged violator resides or the violation
6 occurred, or the central offices of the State Board of Agriculture
7 in Oklahoma City, Oklahoma.

8 C. Any person who fails to comply with the provisions of the
9 Oklahoma Agricultural Code or rules promulgated by the Board shall
10 be deemed guilty of a misdemeanor unless a violation of the Oklahoma
11 Agricultural Code or rules promulgated thereto is specifically
12 identified with a penalty or as a felony in the individual articles
13 of the Oklahoma Agricultural Code.

14 D. Nothing in the Oklahoma Agricultural Code shall preclude the
15 Board from seeking penalties in district court in the maximum amount
16 allowed by law. The assessment of penalties in an administrative
17 enforcement proceeding shall not prevent the subsequent assessment
18 by a court of the maximum civil or criminal penalties for violations
19 of the Oklahoma Agricultural Code and rules promulgated pursuant
20 thereto.

21 E. Any person assessed an administrative or civil penalty may be
22 required to pay, in addition to the penalty amount and interest
23 thereon, attorney fees and costs associated with the collection of
24 the penalties.

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SECTION 2. This act shall become effective November 1, 2010.

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