

SENATE BILL 180

M4

3lr0003

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)**

Introduced and read first time: January 17, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 12, 2013

CHAPTER _____

1 AN ACT concerning

2 **Department of Agriculture – State Chemist Fund**

3 FOR the purpose of repealing certain special funds in the Department of Agriculture;
4 requiring certain penalties and proceeds to be deposited in the State Chemist
5 Fund instead of the General Fund of the State; establishing the State Chemist
6 Fund in the Department as a special, nonlapsing fund; providing for the
7 contents of the Fund; specifying the purpose of the Fund; providing that money
8 in the Fund, up to a certain amount, may not revert to the General Fund of the
9 State; requiring certain money to be transferred to the State Chemist Fund
10 within a certain period of time; defining a certain term; and generally relating
11 to the establishment of the State Chemist Fund in the Department of
12 Agriculture.

13 BY repealing

14 Article – Agriculture

15 Section 5–103, 6–103, 6–204, and 6–303

16 Annotated Code of Maryland

17 (2007 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Agriculture

20 Section 5–107.1(c), 5–111(b), 6–310, and 6–401(c)

21 Annotated Code of Maryland

22 (2007 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Agriculture
3 Section 6–501 to be under the new subtitle “Subtitle 5. State Chemist Fund”
4 Annotated Code of Maryland
5 (2007 Replacement Volume and 2012 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Agriculture**

9 **[5–103.**

10 The registration fee and all late fees under this subtitle shall be placed in a
11 special fund to be used only to defray partially the cost of administering this subtitle.
12 Notwithstanding any other provisions of this Code, any unexpended funds up to a
13 maximum of \$75,000 may not revert to the general funds of the State at the end of the
14 fiscal year.]

15 **5–107.1.**

16 (c) All penalties collected under this section shall be paid into the [General
17 Fund of the State] **STATE CHEMIST FUND UNDER § 6–501 OF THIS ARTICLE.**

18 **5–111.**

19 (b) After entry of the decree of condemnation, the pesticide shall be
20 destroyed or sold, as the court directs. If the pesticide is sold, the proceeds, less legal
21 costs, shall be paid to and deposited in the fund established in § [5–103] **6–501** of this
22 [subtitle] **ARTICLE**. The pesticide may not be sold contrary to the provision of this
23 subtitle. Upon payment of costs and execution and delivery of a good and sufficient
24 bond conditioned that the pesticide may not be disposed of unlawfully, the court may
25 order the pesticide delivered to its owner for relabeling or reprocessing.

26 **[6–103.**

27 Registration fees constitute a special fund to be used only to defray partially the
28 cost of inspection, sampling, analysis, and other expenses necessary for administering
29 this subtitle. Notwithstanding any other provisions of this Code, any unexpended
30 funds up to a maximum of \$100,000 may not revert to the General Fund of the State
31 at the end of the fiscal year.]

32 **[6–204.**

1 Any registration or inspection fee, and penalty shall constitute a special fund to
2 be used only to defray partially the cost of inspection, sampling, analysis, and other
3 expenses necessary for administering this subtitle. Notwithstanding any other
4 provisions of this Code, any unexpended funds up to a maximum of \$100,000 may not
5 revert to the General Fund of the State at the end of the fiscal year.]

6 [6-303.

7 Any fee collected under this subtitle constitutes a special fund to be used only to
8 defray partially the cost of inspection, sampling, analysis, and other expenses incident
9 to administering this subtitle. Notwithstanding any other provisions of this Code, any
10 unexpended funds up to a maximum of \$100,000 may not revert to the General Fund
11 of the State at the end of the fiscal year.]

12 6-310.

13 If any fine is imposed by the circuit court of any county under the provisions of
14 this subtitle, the fine, less the costs of collection, shall be paid immediately into the
15 fund established by § [6-303] **6-501** of this [subtitle] **TITLE**.

16 6-401.

17 (c) All penalties collected under this section shall be paid into the [General
18 Fund of the State] **STATE CHEMIST FUND UNDER § 6-501 OF THIS TITLE**.

19 **SUBTITLE 5. STATE CHEMIST FUND.**

20 **6-501.**

21 (A) **IN THIS SECTION, "FUND" MEANS THE STATE CHEMIST FUND.**

22 (B) **THE FUND IS CREATED AS A SPECIAL, NONLAPSING FUND IN THE**
23 **DEPARTMENT FOR THE PURPOSE SPECIFIED IN THIS SECTION.**

24 (C) **THE FUND SHALL CONSIST OF ANY REGISTRATION, INSPECTION, OR**
25 **LATE FEES OR ANY PENALTIES COLLECTED UNDER THIS TITLE OR UNDER TITLE**
26 **5, SUBTITLE 1 OF THIS ARTICLE.**

27 (D) **THE FUND MAY BE USED ONLY TO DEFRAY PARTIALLY THE COST OF**
28 **INSPECTION, SAMPLING, ANALYSIS, AND OTHER EXPENSES NECESSARY FOR**
29 **ADMINISTERING THIS TITLE OR TITLE 5, SUBTITLE 1 OF THIS ARTICLE.**

30 (E) **AT THE END OF A FISCAL YEAR, ANY UNEXPENDED OR**
31 **UNENCUMBERED MONEY IN THE FUND, UP TO A MAXIMUM OF \$375,000, MAY**
32 **NOT REVERT TO THE GENERAL FUND OF THE STATE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That any unexpended or
2 unencumbered money in the special funds established under §§ 5-103, 6-103, 6-204,
3 and 6-303 of the Agriculture Article shall be transferred to the State Chemist Fund
4 established under § 6-501 of the Agriculture Article on or before August 1, 2013.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.