

Chapter 27

(Senate Bill 180)

AN ACT concerning

Department of Agriculture – State Chemist Fund

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

BY repealing

Article – Agriculture

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

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture

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

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

BY adding to

Article – Agriculture

Section 6–501 to be under the new subtitle “Subtitle 5. State Chemist Fund”

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

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

Article – Agriculture

[5–103.

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

5-107.1.

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

5-111.

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

[6-103.

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

[6-204.

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

[6-303.

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

6-310.

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

6-401.

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

SUBTITLE 5. STATE CHEMIST FUND.

6-501.

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

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

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

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

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

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

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

Approved by the Governor, April 9, 2013.