

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 322 (Chairman, Environmental Matters Committee)
(Departmental - Agriculture)
Environmental Matters

Agriculture - Plant Disease Control - Civil Penalties

This departmental bill amends the definition of a plant dealer to include a person who advertises nursery stock for sale or installation. It authorizes the Secretary of Agriculture to impose civil penalties of not more than \$500 on any person who violates the Plant Disease Control Law.

Fiscal Summary

State Effect: Indeterminate moderate increase in general fund revenues due to the bill's civil penalty provision; expenditures would not be affected.

Local Effect: None.

Small Business Effect: The Department of Agriculture has determined that this bill has minimal or no impact on small business (attached). Fiscal Services concurs with this assessment.

Fiscal Analysis

State Revenues: Currently, violations of the Plant Disease Control Act are considered criminal violations and prosecuted by the State's Attorney in the appropriate local jurisdiction. Since these cases require a large amount of resources, very few cases are pursued; almost all are resolved due to plaintiff compliance before going to trial. Thus few if any fine revenues result. The department indicates that it is more likely to pursue a civil penalty case, meaning additional fine revenues could result. Since penalties collected under this legislation are paid into the general fund, general fund revenues could increase depending upon the number and amount of fines imposed.

State Expenditures: The bill makes it easier for the Maryland Department of Agriculture (MDA) to consider a person a “dealer” without having to gather on-site evidence. In addition, it is expected that the civil penalty provision will reduce the resources currently needed to pursue a criminal court case, although this could be partially offset by more civil cases being prepared. Any such reduction in workload is not expected to decrease expenditures because it is anticipated that the department will reallocate these resources to other lawful functions.

Information Source(s): Maryland Department of Agriculture, Department of Fiscal Services

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