

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 948

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “circumstances;” insert “providing for administrative review of certain penalties; providing for judicial review of certain penalties;”; and in line 11, after “(d),” insert “13-311(a), 13-312,”.

AMENDMENT NO. 2

On page 3, after line 8, insert:

“13-311.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 13-310 OR § 13-506 of this [subtitle] TITLE, it shall give the person against whom the action is contemplated an opportunity for a hearing before the Board.

13-312.

[Except as provided in this section for an action under § 13-310 of this subtitle, any] ANY person aggrieved by a final decision of the Board in a contested case, as defined in § 10-202 of the State Government Article, may take an appeal as allowed in §§ 10-222 and 10-223 of the State Government Article.”

AMENDMENT NO. 3

On page 3, strike in their entirety lines 21 through 30, inclusive, and substitute:

“(A) INSTEAD OF OR IN ADDITION TO ANY OTHER PENALTIES UNDER THIS TITLE, THE BOARD MAY IMPOSE A CIVIL PENALTY ON A PERSON WHO VIOLATES § 13-501 OR § 13-502 OF THIS SUBTITLE IN AN AMOUNT NOT EXCEEDING \$1,000 PER

(Over)

DAY FOR ALL VIOLATIONS CITED ON A SINGLE DAY.

(B) IN SETTING THE AMOUNT OF THE CIVIL PENALTY, THE BOARD SHALL CONSIDER:

(1) THE SERIOUSNESS OF THE VIOLATION;

(2) THE HARM CAUSED BY THE VIOLATION;

(3) THE GOOD FAITH OF THE VIOLATOR;

(4) HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR; AND

(5) OTHER RELEVANT FACTORS.

(C) IF A VIOLATOR FAILS TO PAY A CIVIL PENALTY WITHIN 30 DAYS OF ITS IMPOSITION BY THE BOARD, THE MATTERS SHALL BE FORWARDED TO THE CENTRAL COLLECTION UNIT IN THE DEPARTMENT OF BUDGET AND MANAGEMENT FOR THE COLLECTION OF THE CIVIL PENALTY.

(D) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.”.