

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

House Bill 948 (Delegate Conrov)

Environmental Matters

Well Drillers - Enforcement and Educational Requirements

This bill authorizes the State Board of Well Drillers, on complaint or on its own motion, to investigate allegations of practicing well drilling without a license. Persons who practice well drilling without a license or misrepresent that they are licensed to practice well drilling in the State are subject to a civil penalty of up to \$1,000 per day for all violations cited on a single day. In setting the amount of the penalty the board must consider: (1) the seriousness of the violation; (2) the harm caused by the violation; (3) the good faith of the violator; (4) the history of previous violations by the violator; and (5) other relevant factors. If the violator fails to pay a penalty within 30 days, the matter must be forwarded to the Central Collection Unit (Department of Budget and Management) for collection.

The board must give any person against whom action is contemplated an opportunity for a hearing before the board. In addition, any person aggrieved by a final decision of the board in a contested case may take an appeal for judicial review as allowed under the Administrative Procedure Act. Penalties collected are paid into the general fund.

In addition, the bill requires holders of well drilling apprentice licenses to comply with the same continuing education requirements as other license holders.

Fiscal Summary

State Effect: Potential general fund revenue and expenditure increase.

Local Effect: None.

Small Business Effect: Potential meaningful.

Fiscal Analysis

State Effect: General fund revenues could increase by an indeterminate amount due to the bill's civil penalty provisions. Legislative Services does not have any information on which to base an estimate on the number and amount of fines that could be levied.

Any increase in the number of administrative hearings resulting from the bill is expected to be minimal and able to be handled with existing resources.

Small Business Effect: Well drilling firms operating in the State that use unlicensed individuals to provide well drilling and water conditioning services would now be subject to civil penalties. To the extent that fines are levied against these firms, they could be negatively impacted. However, at this time the number and amount of fines levied cannot be reliably estimated.

Information Source(s): Maryland Department of the Environment, Office of Administrative Hearings, Department of Legislative Services

Fiscal Note History: First Reader - March 8, 1999
Inc/jr Revised - House Third Reader - March 27, 1999

Analysis by: Mike Sanelli

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510