

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 160 (Chairman, Environmental Matters Committee)
(Departmental - Agriculture)

Environmental Matters

Agriculture - Weed Control - Civil Penalties

This departmental bill authorizes the Secretary of Agriculture (Secretary) to impose a civil penalty not exceeding \$500 per violation on any person who violates any provision of the noxious weed control law or any order the Secretary has issued under that law. The bill requires that any penalties collected be paid into the general fund. The Secretary must adopt regulations to carry out the provisions of the bill.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the establishment of civil penalties for violations of the weed control law. No effect on expenditures.

Local Effect: None.

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

Analysis

Current Law: Each failure to comply with the weed control law is required to be reported to the State's Attorney for the county in which the violation occurs. The State's Attorney is required to prosecute all violations and bring an action to enjoin any nuisances. Civil penalties are not authorized.

Background: MDA advises that some State's Attorneys are reluctant to pursue charges

against a violator because they are busy dealing with more serious crimes. According to MDA, no charges have been issued in the last four or five years. MDA has the authority to impose civil penalties on violators of similar agriculture laws such as the regulation of the sale and transportation of seeds.

State Fiscal Effect: The bill allows MDA to impose a civil penalty of up to \$500 per violation on any person who violates the noxious weed control law. Because it is difficult to predict the number of violations that will occur and the extent to which MDA will impose any penalties, a precise estimate of the increase in general fund revenues cannot be made. However, MDA advises that it is unusual for more than five violations to occur annually. Assuming that no more than five violations occur, general funds could increase by a maximum of \$2,500 annually if MDA assesses the maximum penalty of \$500 for each violation. MDA could implement the bill with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - January 28, 2000
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