

UNOFFICIAL COPY OF HOUSE BILL 76

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(51r0144)

ENROLLED BILL

-- *Environmental Matters/Education, Health, and Environmental Affairs* --

Introduced by **Chairman, Environmental Matters Committee (By Request - Departmental - Agriculture)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Agriculture - Animal Health - ~~Civil~~ Administrative Penalties**

3 FOR the purpose of authorizing the Secretary of Agriculture to impose ~~a civil~~ an
4 administrative penalty on any person who violates certain animal health
5 requirements relating to livestock and poultry; establishing the maximum
6 amount of a penalty that may be imposed under this Act; *establishing the*
7 *Animal Health Fund as a special, nonlapsing fund that may be used only for*
8 *certain purposes*; providing for the ~~disposition~~ distribution of certain penalties to
9 *the Fund*; requiring the Secretary to adopt certain regulations; defining a
10 *certain term*; and generally relating to enforcement of certain animal health
11 requirements.

12 BY adding to

13 Article - Agriculture

14 Section 3-116 and 3-117

15 Annotated Code of Maryland

1 (1999 Replacement Volume and 2004 Supplement)

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

4 **Article - Agriculture**

5 3-116.

6 (A) IN LIEU OF OR IN ADDITION TO ANY PENALTY PROVIDED BY THIS
7 SUBTITLE, THE SECRETARY MAY IMPOSE A AN ADMINISTRATIVE PENALTY OF NOT
8 MORE THAN \$10,000 ON ANY PERSON WHO VIOLATES ANY PROVISION OF THIS
9 SUBTITLE.

10 (B) THE PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED \$10,000.

11 (C) ALL PENALTIES COLLECTED BY THE SECRETARY UNDER THIS SECTION
12 SHALL BE PAID INTO THE GENERAL FUND OF THE STATE *DISTRIBUTED TO THE*
13 *ANIMAL HEALTH FUND ESTABLISHED UNDER § 3-117 OF THIS SUBTITLE.*

14 ~~(C)~~ (D) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT
15 NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

16 3-117.

17 (A) IN THIS SECTION, "FUND" MEANS THE ANIMAL HEALTH FUND.

18 (B) THERE IS AN ANIMAL HEALTH FUND.

19 (C) THE PURPOSE OF THE FUND IS TO DEFRAY THE DEPARTMENT'S COST OF
20 ISSUING ORDERS OR CONDUCTING SITE VISITS AND ANIMAL TESTING TO PREVENT
21 THE SPREAD OF CONTAGIOUS OR INFECTIOUS DISEASES.

22 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

23 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
24 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

25 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE
26 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

27 (F) THE FUND CONSISTS OF:

28 (1) ADMINISTRATIVE PENALTIES DISTRIBUTED TO THE FUND UNDER §
29 3-116(C) OF THIS SUBTITLE;

30 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

31 (3) ANY INVESTMENT EARNINGS OF THE FUND; AND

1 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
2 BENEFIT OF THE FUND.

3 (G) THE FUND MAY BE USED ONLY FOR DEFRAYING THE DEPARTMENT'S COST
4 OF ISSUING ORDERS OR CONDUCTING SITE VISITS AND ANIMAL TESTING TO
5 PREVENT THE SPREAD OF CONTAGIOUS OR INFECTIOUS DISEASES.

6 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
7 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

8 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO
9 THE FUND.

10 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
11 WITH THE STATE BUDGET.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2005.