

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 77

(Chairman, Environmental Matters Committee)
(By Request – Departmental – Agriculture)

Environmental Matters

Education, Health, and Environmental
Affairs

**Agriculture - Commercial Feed and Fertilizer, Agricultural Liming Materials,
and Pesticide Registration and Labeling Laws - Penalties**

This departmental bill authorizes the Secretary of Agriculture to levy an administrative penalty of up to \$2,000 on any person who violates provisions of law pertaining to commercial feed and fertilizer, agricultural liming materials, and pesticide registration and labeling. Any revenues generated by these fines are to be paid into the general fund. The Maryland Department of Agriculture (MDA) is required to adopt regulations to carry out the provisions of the bill.

Fiscal Summary

State Effect: Potential increase in general fund revenues. The amount of any increase cannot be reliably estimated and depends on the number of administrative penalties levied each year as a result of the bill.

Local Effect: None.

Small Business Effect: MDA has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: The Secretary of Agriculture has no authority to levy administrative penalties on persons who violate State laws pertaining to commercial feed and fertilizer,

agricultural liming materials, and pesticide registration and labeling. At present, the only recourse available is to seek either prosecution for any violations by the State's Attorney or registration revocation processed through the Office of Administrative Hearings. A violation of the Agriculture Article is a misdemeanor. A first offense is punishable by a fine of up to \$500, up to three months in prison, or both. A second offense is punishable by a fine of up to \$1,000, up to one year in prison, or both.

Background: The bill is intended to provide the Secretary of Agriculture a stronger enforcement mechanism to deal with industries that repeatedly violate the State's commercial feed and fertilizer, agricultural liming materials, and pesticide registration and labeling laws.

State Fiscal Effect: State general funds would increase by \$2,000 for every administrative penalty that is levied. However, at this time, the number of administrative penalties that could be levied cannot be reliably estimated. Information on the number of prosecutions or registration revocations was not made available to the Department of Legislative Services.

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 24, 2005
n/ljm

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