

HOUSE BILL 929

M4

9lr1597
CF 9lr2814

By: **Delegates Hubbard, Carr, V. Clagett, Frush, Holmes, Lafferty,
Montgomery, Morhaim, Nathan-Pulliam, and Oaks**

Introduced and read first time: February 12, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Fertilizers and Pesticides – Release Reporting**

3 FOR the purpose of requiring the Department of Agriculture to adopt certain
4 regulations regarding the reporting on the release of fertilizers and pesticides;
5 declaring certain findings of the General Assembly; requiring a certain person
6 that releases fertilizers and pesticides to submit a certain report to the
7 Department; requiring the report to contain certain information; requiring the
8 report to be submitted annually beginning on a certain date; requiring the
9 Department to establish the format of the report; requiring the Department to
10 adopt standard naming conventions for certain chemicals and products;
11 requiring that a person that withholds certain information from the report to
12 notify the Department and provide a certain explanation; establishing that this
13 Act does not relieve a person from certain reporting requirements under federal,
14 State, or local laws; authorizing the Department to inspect certain records;
15 requiring certain records to be made available to the Department for inspection
16 at a certain time; requiring the Department to provide notice of a certain
17 inspection of records to a certain person; requiring the Department to serve as
18 the repository for certain records; authorizing the Department to delegate
19 certain data management functions; requiring the Department to coordinate
20 certain data management with the Department of the Environment community
21 right-to-know program; authorizing the Department to share data
22 management resources with other State departments; requiring the
23 Department to establish an online electronic reporting system; requiring the
24 system to allow certain information to be reported; authorizing the Department
25 to adopt certain regulations regarding electronic reporting; authorizing the
26 Department to adopt regulations regarding the public availability of certain
27 information; requiring the Department to adopt regulations to ensure that
28 certain data will not result in the association of a certain person; requiring the
29 Department to adopt regulations to protect the identity of certain persons;
30 limiting access to certain reports to certain persons; prohibiting access to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain reports unless certain requirements are met; requiring the availability
 2 of certain administrative and judicial review under certain circumstances;
 3 creating a Fertilizer and Pesticide Release Fund; providing for the
 4 administration of the Fund; requiring the Fund to be used for certain purposes;
 5 requiring the Fund to have a certain annual revenue target; requiring certain
 6 penalties and fees to be deposited into the Fund; requiring the Department to
 7 establish a certain fee for individuals required to submit a certain report;
 8 requiring a certain fee to be based on certain information; requiring a certain
 9 fee to be adjusted annually; prohibiting certain fees from exceeding certain
 10 amounts; exempting government agencies from certain fees; authorizing the
 11 Department to create certain fee exemptions under certain circumstances;
 12 requiring a certain fee to be paid to the Fund by a certain date; requiring the
 13 Department to place a surcharge on certain fees for a certain period of time;
 14 prohibiting the violation of this Act; establishing the penalties for certain
 15 violations; providing for the enforcement of this Act; defining certain terms; and
 16 generally relating to fertilizer and pesticide release reporting.

17 BY adding to

18 Article – Agriculture

19 Section 14–101 through 14–403 to be under the new title “Title 14. Fertilizers
 20 and Pesticides”

21 Annotated Code of Maryland

22 (2007 Replacement Volume and 2008 Supplement)

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

25 **Article – Agriculture**

26 **TITLE 14. FERTILIZERS AND PESTICIDES.**

27 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

28 **14–101.**

29 **THE GENERAL ASSEMBLY FINDS:**

30 **(1) THAT THE RELEASE OF FERTILIZERS AND PESTICIDES TO THE**
 31 **ENVIRONMENT CAN HAVE A NEGATIVE EFFECT ON PUBLIC HEALTH AND THE**
 32 **ENVIRONMENT;**

33 **(2) NEGATIVE EFFECTS CAN OCCUR EVEN IF CHEMICALS ARE**
 34 **USED IN FULL ACCORDANCE WITH APPROVED APPLICATIONS WHEN WEATHER**
 35 **AND OTHER SITUATIONS RESULT IN CHEMICALS ENTERING THE ATMOSPHERE,**
 36 **SOILS, GROUNDWATER, STREAMS, RIVERS, LAKES, OR ESTUARIES;**

1 (3) **SIGNIFICANT EFFORTS ARE UNDERTAKEN AT SIGNIFICANT**
2 **EXPENSE TO IDENTIFY AND TRACK FERTILIZERS AND PESTICIDES IN THE**
3 **ENVIRONMENT;**

4 (4) **WITHOUT INFORMATION ON THE PATTERNS OF FERTILIZER**
5 **AND PESTICIDE USE, IT IS COSTLY AND CHALLENGING TO DESIGN APPROPRIATE**
6 **MONITORING, EVALUATION, AND PROTECTION PROGRAMS;**

7 (5) **IT IS JUSTIFIED AND APPROPRIATE TO REQUIRE THAT**
8 **CERTAIN INFORMATION ON THE RELEASE OF FERTILIZERS AND PESTICIDES**
9 **THAT ARE POTENTIALLY HARMFUL ENVIRONMENTAL CONTAMINANTS BE**
10 **ASSEMBLED FOR THE PURPOSES OF ASSURING THE PROTECTION OF HUMAN**
11 **AND ENVIRONMENTAL HEALTH;**

12 (6) **FERTILIZER AND PESTICIDE USE CAN CONTRIBUTE TO THE**
13 **IMPAIRMENT OF THE STATE’S WATER, SOIL, AND AIR ENVIRONMENTS, AND THE**
14 **COLLECTION OF DATA CAN BE USED FOR IMPROVED PLANNING, CONTROL, AND**
15 **TRACKING; AND**

16 (7) **ACCESS TO REPORTED DATA AND THE IDENTITY OF A PERSON**
17 **SUBMITTING A REPORT REQUIRED UNDER THIS TITLE IS INTENDED FOR**
18 **GOVERNMENT AGENCIES AND RESEARCH ORGANIZATIONS THAT HAVE A**
19 **REGULATORY OR ACADEMIC INTEREST IN REDUCING RELEASES OF**
20 **CONTAMINANTS THAT COULD SIGNIFICANTLY RESTRICT OR DAMAGE HUMAN**
21 **HEALTH OR THE ENVIRONMENT.**

22 **14-102.**

23 (A) **IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

25 (B) (1) **“FERTILIZER” MEANS A CHEMICAL SUBSTANCE THAT IS**
26 **UTILIZED FOR THE ENHANCED GROWTH OF CROPS.**

27 (2) **“FERTILIZER” INCLUDES NITROGEN AND PHOSPHORUS IN**
28 **ELEMENTAL, MOLECULAR, AND COMPOUND FORMULATIONS.**

29 (C) **“FUND” MEANS THE FERTILIZER AND PESTICIDE USE FUND**
30 **ESTABLISHED UNDER § 14-301 OF THIS TITLE.**

31 (D) **“PESTICIDE” HAS THE MEANING AS DEFINED IN § 5-101 OF THIS**
32 **ARTICLE.**

33 (E) **“RELEASE” MEANS ANY APPLICATION, USE, OR SPILL.**

1 **SUBTITLE 2. FERTILIZER AND PESTICIDE RELEASE REPORTING.**

2 **14-201.**

3 **THE DEPARTMENT SHALL ADOPT REGULATIONS FOR REPORTING THE**
4 **RELEASE OF FERTILIZERS AND PESTICIDES, INCLUDING:**

5 (1) **OUTDOOR AGRICULTURAL RELEASE;**

6 (2) **WOOD-DESTROYING INSECT CONTROL, INCLUDING OUTDOOR**
7 **AND SUBSURFACE BUILDING TREATMENTS;**

8 (3) **LAWN CARE AND LANDSCAPING SERVICES;**

9 (4) **GOLF COURSE MAINTENANCE;**

10 (5) **CEMETERY MAINTENANCE;**

11 (6) **HIGHWAY, UTILITY, AND RAILROAD RIGHTS-OF-WAY**
12 **MAINTENANCE;**

13 (7) **FOREST PEST CONTROL; AND**

14 (8) **MOSQUITO CONTROL.**

15 **14-202.**

16 (A) **ANY PERSON REQUIRED TO SUBMIT A REPORT UNDER THIS TITLE**
17 **SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT INDICATING:**

18 (1) **THE QUANTITIES OF THE FERTILIZER OR PESTICIDE**
19 **RELEASED;**

20 (2) **THE TYPES OF FERTILIZER OR PESTICIDE RELEASED;**

21 (3) **THE LOCATIONS WHERE FERTILIZER OR PESTICIDE IS**
22 **RELEASED;**

23 (4) **FERTILIZER AND PESTICIDE MONTHLY OR SEASONAL USE**
24 **PATTERNS;**

25 (5) **FERTILIZER AND PESTICIDE APPLICATION SITES;**

1 **(6) THE INTENDED PURPOSES OF THE FERTILIZER OR PESTICIDE**
2 **APPLICATION OR RELEASE, INCLUDING:**

3 **(I) CROPS TO WHICH FERTILIZER OR PESTICIDE IS**
4 **APPLIED; AND**

5 **(II) TARGETED ORGANISMS FOR PESTICIDE USE;**

6 **(7) THE 16-DIGIT UNITED STATES GEOLOGICAL SURVEY UNIT**
7 **CODE FOR THE WATERSHED IN WHICH FERTILIZER OR PESTICIDE WAS**
8 **RELEASED; AND**

9 **(8) ANY INFORMATION RELATING TO FERTILIZER AND PESTICIDE**
10 **USE THAT THE SECRETARY REQUIRES.**

11 **(B) (1) REPORTS REQUIRED UNDER THIS TITLE OR REGULATIONS**
12 **ADOPTED IN ACCORDANCE WITH THIS TITLE SHALL COVER THE PRECEDING**
13 **CALENDAR YEAR AND BE SUBMITTED ANNUALLY TO THE DEPARTMENT**
14 **BEGINNING ON MARCH 1, 2011.**

15 **(2) THE DEPARTMENT SHALL SPECIFY THE FORMAT OF REPORTS**
16 **REQUIRED UNDER THIS TITLE.**

17 **(3) THE DEPARTMENT SHALL ADOPT STANDARD NAMING**
18 **CONVENTIONS AND CATEGORIES FOR THE VARIOUS CHEMICAL NAMES,**
19 **PRODUCT NAMES, AND PRODUCT FORMULATIONS.**

20 **(C) A PERSON THAT WITHHOLDS INFORMATION FROM A REPORT**
21 **REQUIRED UNDER THIS SECTION BASED ON A CLAIM THAT THE INFORMATION IS**
22 **CONFIDENTIAL BUSINESS INFORMATION SHALL:**

23 **(1) NOTIFY THE DEPARTMENT THAT INFORMATION IS BEING**
24 **WITHHELD; AND**

25 **(2) PROVIDE AN EXPLANATION FOR THE CLAIM THAT THE**
26 **WITHHELD INFORMATION IS CONFIDENTIAL.**

27 **(D) THIS SECTION DOES NOT RELIEVE A PERSON FROM ANY OTHER**
28 **REPORTING REQUIREMENTS UNDER FEDERAL, STATE, OR LOCAL LAWS.**

29 **14-203.**

30 **(A) THE DEPARTMENT MAY INSPECT ANY RECORDS OR REPORTS OF**
31 **FERTILIZER OR PESTICIDE RELEASE BY A PERSON.**

1 **(B) ON REQUEST BY THE DEPARTMENT, A PERSON SHALL MAKE**
2 **RECORDS AVAILABLE FOR INSPECTION BY THE DEPARTMENT DURING NORMAL**
3 **BUSINESS HOURS.**

4 **(C) IF THE DEPARTMENT INTENDS TO INSPECT RECORDS AT THE**
5 **LOCATION WHERE THE RECORDS ARE MAINTAINED, THE DEPARTMENT SHALL**
6 **PROVIDE ADVANCE NOTICE OF NOT LESS THAN 1 WEEK TO THE PERSON IN**
7 **POSSESSION OF THE RECORDS.**

8 **14-204.**

9 **(A) THE DEPARTMENT SHALL SERVE AS THE REPOSITORY FOR DATA**
10 **REGARDING FERTILIZER AND PESTICIDE RELEASE IN THE STATE.**

11 **(B) THE DEPARTMENT MAY DELEGATE THE MANAGEMENT OF ITS DATA**
12 **REPOSITORY FUNCTIONS TO ANOTHER STATE AGENCY OR PRIVATE**
13 **CONTRACTOR.**

14 **(C) (1) THE DEPARTMENT SHALL COORDINATE THE DATA**
15 **MANAGEMENT ELEMENTS OF THIS PROGRAM WITH THE COMMUNITY**
16 **RIGHT-TO-KNOW PROGRAM IN THE DEPARTMENT OF THE ENVIRONMENT.**

17 **(2) THE DEPARTMENT MAY SHARE SYSTEMS AND RESOURCES**
18 **WITH OTHER STATE DEPARTMENTS TO OPTIMIZE THE MANAGEMENT AND**
19 **SHARING OF ITS DATA REPOSITORIES.**

20 **14-205.**

21 **(A) (1) THE DEPARTMENT SHALL ESTABLISH AN ONLINE**
22 **ELECTRONIC REPORTING SYSTEM FOR THE SUBMITTAL OF REPORTS REQUIRED**
23 **UNDER THIS TITLE.**

24 **(2) THE ONLINE ELECTRONIC REPORTING SYSTEM SHALL**
25 **INCLUDE MEANS FOR A PERSON TO IDENTIFY THE WATERSHED OF THE RELEASE**
26 **SITE AS REQUIRED UNDER 14-202(A)(7) OF THIS SUBTITLE.**

27 **(B) (1) THE DEPARTMENT MAY ADOPT REGULATIONS FOR THE**
28 **PURPOSE OF ACHIEVING RECEIPT OF 90% OF REPORTS REQUIRED UNDER THIS**
29 **TITLE BY ONLINE ELECTRONIC SUBMISSION BY 2012.**

30 **(2) THE DEPARTMENT MAY ADOPT REGULATIONS REQUIRING**
31 **ALL REPORTS TO BE SUBMITTED ELECTRONICALLY AFTER JANUARY 1, 2015.**

1 **14-206.**

2 (A) THE DEPARTMENT MAY ADOPT RULES AND REGULATIONS
3 REGARDING ACCESS BY THE PUBLIC TO INFORMATION SUBMITTED TO OR
4 MAINTAINED BY THE DEPARTMENT REGARDING FERTILIZERS AND PESTICIDES
5 RELEASED IN THE STATE.

6 (B) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO:

7 (I) ENSURE THAT PUBLICLY DISTRIBUTED DATA WILL NOT
8 RESULT IN THE ASSOCIATION OF ANY DATA WITH A PERSON; AND

9 (II) PROTECT THE IDENTITY OF A PERSON REQUIRED TO
10 SUBMIT A REPORT UNDER THIS SUBTITLE.

11 (2) ACCESS TO INDIVIDUAL REPORTS SHALL BE LIMITED TO:

12 (I) GOVERNMENT AGENCIES; AND

13 (II) RESEARCH ORGANIZATIONS THAT HAVE A REGULATORY
14 OR ACADEMIC INTEREST IN THE RELEASE OF FERTILIZERS AND PESTICIDES.

15 (3) ACCESS TO INDIVIDUAL REPORTS MAY NOT BE PROVIDED TO
16 AN ENTITY LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION UNLESS THE
17 ENTITY:

18 (I) DEMONSTRATES IT HAS ADEQUATE SECURITY
19 MEASURES TO PREVENT THE RELEASE OF INFORMATION THAT IS
20 ATTRIBUTABLE TO A PERSON SUBMITTING A REPORT; AND

21 (II) SIGNS AN AGREEMENT TO KEEP CONFIDENTIAL THE
22 IDENTITY OF A PERSON THAT HAS SUBMITTED A REPORT.

23 (C) FOR MATTERS RELATING TO THE DEPARTMENT'S PROTECTION OF
24 THE IDENTITY OF A PERSON REQUIRED TO SUBMIT A REPORT, A PERSON SHALL
25 BE ENTITLED TO:

26 (1) A REVIEW BY AN ADMINISTRATIVE LAW JUDGE; AND

27 (2) AN APPEAL TO A COURT OF COMPETENT JURISDICTION, AS
28 AUTHORIZED BY STATE LAW.

29 **SUBTITLE 3. FERTILIZER AND PESTICIDE RELEASE FUND.**

1 **14-301.**

2 (A) **THERE IS A FERTILIZER AND PESTICIDE RELEASE FUND IN THE**
3 **DEPARTMENT.**

4 (B) **THE SECRETARY SHALL ADMINISTER THE FUND.**

5 (C) (1) (I) **THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS**
6 **NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT**
7 **ARTICLE.**

8 (II) **SUBJECT TO § 14-303(H) OF THIS SUBTITLE, EXCESS**
9 **MONEY DEPOSITED INTO THE FUND MAY BE DIRECTED INTO THE GENERAL**
10 **FUND IF THE FUND IS CAPABLE OF SUPPORTING ALL REQUIRED FUNCTIONS**
11 **FOR THE UPCOMING FISCAL YEAR.**

12 (2) **THE STATE TREASURER SHALL HOLD THE FUND**
13 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

14 (D) **THE FUND CONSISTS OF:**

15 (1) **REVENUE DISTRIBUTED TO THE FUND UNDER THIS TITLE;**

16 (2) **MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**
17 **AND**

18 (3) **ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
19 **FOR THE BENEFIT OF THE FUND.**

20 (E) **THE FUND SHALL BE USED FOR:**

21 (1) **THE COLLECTION, MANAGEMENT, AND ANALYSIS OF DATA**
22 **RECEIVED BY THE DEPARTMENT FROM PERSONS REQUIRED TO REPORT IN**
23 **ACCORDANCE WITH THIS TITLE OR REGULATIONS ADOPTED IN ACCORDANCE**
24 **WITH THIS TITLE; AND**

25 (2) **ENFORCEMENT OF THE PROVISIONS OF THIS SUBTITLE.**

26 (F) (1) **THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
27 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

28 (2) **ANY INTEREST OR OTHER INVESTMENT EARNINGS OF THE**
29 **FUND SHALL BE CREDITED AND PAID INTO THE FUND.**

1 (G) (1) THE FUND SHALL HAVE AN ANNUAL REVENUE TARGET OF
2 \$400,000 FOR FISCAL YEAR 2012.

3 (2) THE ANNUAL REVENUE TARGET MAY BE ADJUSTED ANNUALLY
4 IN RESPONSE TO CHANGES IN THE COST OF LIVING INDEX USED BY THE STATE.

5 **14-302.**

6 ANY FEE OR PENALTY COLLECTED IN ACCORDANCE WITH THIS TITLE
7 SHALL BE DEPOSITED INTO THE FUND.

8 **14-303.**

9 (A) THE DEPARTMENT SHALL ESTABLISH AN ANNUAL FEE FOR THOSE
10 PERSONS REQUIRED TO REPORT UNDER THIS TITLE.

11 (B) THE ANNUAL FEE SHALL BE BASED ON:

12 (1) THE COST TO THE DEPARTMENT FOR PROCESSING THE
13 INFORMATION SUBMITTED TO THE DEPARTMENT IN ACCORDANCE WITH §
14 14-202 OF THIS TITLE;

15 (2) THE QUANTITIES OF THE REPORTED SUBSTANCES; AND

16 (3) THE TOXICITY OF PESTICIDE RELEASED, FOR THE RELEASE
17 OF PESTICIDE.

18 (C) THE ANNUAL FEE SHALL BE EVALUATED AND ADJUSTED ANNUALLY
19 TO MEET THE ANNUAL REVENUE TARGET ESTABLISHED UNDER § 14-301(G) OF
20 THIS SUBTITLE.

21 (D) THE ANNUAL FEE ASSESSED BY THE DEPARTMENT MAY NOT
22 EXCEED:

23 (1) \$250 IN ANY CALENDAR YEAR FOR A PERSON THAT OWNS OR
24 OPERATES ONLY ONE REPORTING ENTITY IN THE STATE; OR

25 (2) \$250 FOR EACH ENTITY BUT NOT MORE THAN \$2,500 IN A
26 CALENDAR YEAR FOR A PERSON THAT OWNS OR OPERATES MORE THAN ONE
27 REPORTING ENTITY.

28 (E) FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES SHALL BE
29 EXEMPT FROM PAYING ANY FEES UNDER THIS SECTION.

1 (F) THE DEPARTMENT MAY ADOPT REGULATIONS THAT CREATE
2 EXEMPTIONS FROM THE REQUIREMENT TO PAY THE FEES REQUIRED BY THIS
3 SECTION, UNLESS ESTIMATED ANNUAL REVENUES WOULD FALL BELOW THE
4 GREATER OF THE:

5 (1) ANNUAL REVENUE TARGET; OR

6 (2) OPERATING COSTS OF THE PROGRAM.

7 (G) BEGINNING MARCH 1, 2012, THE ANNUAL FEE SHALL BE PAID TO
8 THE FUND NO LATER THAN MARCH 1 OF EACH YEAR.

9 (H) (1) IN 2010 AND 2011, THE DEPARTMENT SHALL PLACE A
10 SURCHARGE ON REGISTRATION FEES RELATED TO THE USE OF FERTILIZERS
11 AND PESTICIDES IN AN AMOUNT SUFFICIENT TO GENERATE \$400,000 IN TOTAL
12 OVER BOTH YEARS.

13 (2) THE ADJUSTING OF FEES UNDER PARAGRAPH (1) OF THIS
14 SUBSECTION SHALL BE FOR THE PURPOSE OF SUPPORTING THE DEVELOPMENT
15 OF THE REPORTING PROGRAM REQUIRED UNDER THIS TITLE.

16 **SUBTITLE 4. ENFORCEMENT OF TITLE; PENALTIES.**

17 **14-401.**

18 A PERSON MAY NOT KNOWINGLY OR RECKLESSLY SUBMIT FALSE
19 INFORMATION IN RESPONSE TO A REPORTING REQUIREMENT UNDER THIS
20 TITLE.

21 **14-402.**

22 (A) A PERSON SHALL BE SUBJECT TO A PENALTY IN AN AMOUNT NOT TO
23 EXCEED \$100 FOR AN INITIAL NOTICE OF NONCOMPLIANCE WITH THIS TITLE.

24 (B) FAILURE TO SUBMIT A REPORT OR PAY THE FEES AS REQUIRED
25 UNDER THIS TITLE ON SECOND AND SUBSEQUENT NOTICES DELIVERED AT
26 LEAST 30 DAYS FROM THE INITIAL OR PREVIOUS NOTICE SHALL BE SUBJECT TO
27 A PENALTY IN AN AMOUNT NOT TO EXCEED \$10,000 FOR EACH NOTICE.

28 (C) KNOWINGLY SUBMITTING FALSE INFORMATION TO THE
29 DEPARTMENT IN A REPORT REQUIRED UNDER THIS TITLE SHALL BE SUBJECT
30 TO A PENALTY IN AN AMOUNT NOT TO EXCEED \$20,000.

1 (D) A PERSON THAT VIOLATES AN AGREEMENT OF CONFIDENTIALITY
2 UNDER § 14-207 OF THIS TITLE SHALL BE SUBJECT TO A PENALTY IN AN
3 AMOUNT NOT TO EXCEED \$10,000.

4 ~~14-403.~~

5 (A) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE PROVISIONS AND
6 PROCEDURES OF TITLE 12 OF THIS ARTICLE SHALL BE USED AND APPLIED TO
7 ENFORCE A PERSON'S KNOWING OR RECKLESS VIOLATION OF:

8 (1) THIS TITLE; AND

9 (2) ANY REGULATIONS ADOPTED UNDER THIS TITLE.

10 (B) A PENALTY IMPOSED FOR A VIOLATION OF THIS TITLE IS PAYABLE
11 TO THE FUND AND MAY BE COLLECTED IN ANY MANNER PROVIDED BY LAW FOR
12 THE COLLECTION OF DEBTS.

13 (C) THE ATTORNEY GENERAL SHALL ENFORCE THIS TITLE.

14 (D) UNLESS A PERSON SERVED WITH NOTICE OF A PENALTY UNDER
15 THIS SUBTITLE MAKES A WRITTEN REQUEST FOR A HEARING WITHIN 30 DAYS OF
16 RECEIPT OF THE NOTICE, THE PENALTY IS CONSIDERED FINAL.

17 (E) IF A PERSON REQUIRED TO PAY A FINAL PENALTY IMPOSED UNDER
18 THIS SUBTITLE FAILS TO PAY WITHIN 30 DAYS AFTER THE PENALTY BECOMES
19 FINAL, A LIEN SHALL BE RECORDED AGAINST ANY REAL PROPERTY OWNED BY
20 THE PERSON IN THE AMOUNT OF THE PENALTY, TOGETHER WITH INTEREST AND
21 ANY COSTS THAT MAY ACCRUE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2009.