

HOUSE BILL 1248

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CF SB 623

By: **Delegates Shank, Bates, Beitzel, Cane, Conway, Eckardt, Elmore, Haddaway, Krebs, Manno, Mathias, Myers, Norman, O'Donnell, Riley, Rudolph, Serafini, Shewell, Sossi, Stocksdale, Stull, Taylor, Weir, Weldon, and Wood**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Nutrient Management Plans – Confidentiality**

3 FOR the purpose of requiring the Department of Agriculture to destroy certain
4 documents after a certain number of years from the date of filing or return the
5 documents to certain individuals; prohibiting the Department from sharing
6 certain information with other government agencies or members of the general
7 public; and generally relating to the confidentiality of nutrient management
8 plans.

9 BY repealing and reenacting, with amendments,
10 Article – Agriculture
11 Section 8–801.1
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2008 Supplement)

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

16 **Article – Agriculture**

17 8–801.1.

18 (a) (1) Each nutrient management plan shall be developed considering
19 factors including:

20 (i) Levels of bioavailable nitrogen and phosphorus in the soil;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) Levels of bioavailable nitrogen and phosphorus in all
2 fertilizer materials to be applied;

3 (iii) The amount of nitrogen and phosphorus necessary to
4 achieve the expected crop yield for the land that is the subject of the nutrient
5 management plan, as determined by:

6 1. The field's actual yield record and soil productivity for
7 that crop; or

8 2. If information concerning actual yield record and soil
9 productivity for a crop is unavailable, relevant information concerning similar fields
10 and soil;

11 (iv) Soil erodibility and nutrient retention capacity;

12 (v) 1. The best reasonable scientific methods accepted by
13 the Department and the University of Maryland Cooperative Extension Service; or

14 2. Scientifically validated data for the development of a
15 nutrient management plan as defined by the Department in regulation; and

16 (vi) Existing best management practices.

17 (2) Each nutrient management plan shall provide flexibility for
18 management decisions that may be required by conditions beyond the control of the
19 farmer.

20 (b) (1) A summary of each nutrient management plan shall be filed and
21 updated with the Department at a time and in a form that the Department requires by
22 regulation.

23 (2) The Department shall maintain a copy of each summary for 3
24 years **FROM THE DATE OF FILING** in a manner that protects the identity of the
25 individual for whom the nutrient management plan was prepared.

26 (3) **AT THE END OF 3 YEARS FROM THE DATE OF FILING, THE**
27 **DEPARTMENT SHALL:**

28 (I) **DESTROY THE COPY OF THE SUMMARY AND ANY**
29 **NUTRIENT MANAGEMENT PLAN ON FILE; OR**

30 (II) **RETURN THE DOCUMENTS IN ITEM (I) OF THIS**
31 **PARAGRAPH TO THE INDIVIDUAL FOR WHOM THEY WERE PREPARED.**

1 **(C) THE DEPARTMENT MAY NOT SHARE FARM-SPECIFIC INFORMATION**
2 **WITH ANY OTHER GOVERNMENT AGENCY OR WITH ANY MEMBER OF THE**
3 **GENERAL PUBLIC FROM:**

4 **(1) A NUTRIENT MANAGEMENT PLAN; OR**

5 **(2) AN ENFORCEMENT ACTION UNDER THIS SUBTITLE.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2009.