

SENATE BILL 739

M4

3lr2652

By: **Senator Pinsky**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2013

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Nutrient Management Plans – Fertility Index Value Soil**
3 **Testing**

4 FOR the purpose of requiring a certain person to forward the results of a certain soil
5 test to the Department of Agriculture ~~each time a certain plan is revised and~~
6 ~~updated~~ every five years in accordance with a certain schedule; requiring the
7 Department to maintain a certain database that is searchable in a certain
8 manner; requiring a certain database to protect the identity of certain persons
9 and be made available to the public on request, ~~notwithstanding a certain~~
10 ~~provision of law~~; requiring the Department to include certain soil test results in
11 a certain manner in a certain annual report; and generally relating to the
12 Department of Agriculture and soil testing.

13 BY repealing and reenacting, with amendments,
14 Article – Agriculture
15 Section 8–803.7
16 Annotated Code of Maryland
17 (2007 Replacement Volume and 2012 Supplement)

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

20 **Article – Agriculture**

21 8–803.7.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) The Department, in consultation with the University of Maryland, shall
2 develop a program of public education that shall include:

- 3 (1) The dissemination of information regarding nutrient pollution;
4 (2) Best management practices for fertilizer use;
5 (3) Soil testing;
6 (4) Proper interpretation of fertilizer label instructions; and
7 (5) The proper use and calibration of fertilizer application equipment.

8 (b) The University of Maryland shall identify laboratories that:

- 9 (1) Follow the recommended soil testing procedures for the
10 mid-Atlantic United States; and
11 (2) Provide a final report to a requestor of soil testing with the results
12 of a soil test.

13 (c) (1) ~~A~~ THIS SUBSECTION APPLIES TO:

14 (i) A PERSON WHO IS REQUIRED TO HAVE A NUTRIENT
15 MANAGEMENT PLAN IN ACCORDANCE WITH THIS SUBTITLE; AND

16 (ii) 1. A PERSON WHO OPERATES A LIVESTOCK FARM
17 WITH 100 OR MORE ANIMAL UNITS, DEFINED AS 1,000 POUNDS OF LIVE ANIMAL
18 WEIGHT PER UNIT; OR

19 2. A PERSON WHO OPERATES A POULTRY FARM
20 WITH A CAPACITY OF 125,000 OR MORE CHICKENS.

21 (2) A PERSON SUBJECT TO THIS SUBSECTION SHALL FORWARD
22 THE RESULTS OF THE FERTILITY INDEX VALUE (FIV) SOIL TEST TO THE
23 DEPARTMENT ~~EACH TIME THE NUTRIENT MANAGEMENT PLAN IS REVISED AND~~
24 ~~UPDATED~~ EVERY 5 YEARS IN ACCORDANCE WITH A STAGGERED SUBMISSION
25 SCHEDULE ESTABLISHED BY THE DEPARTMENT.

26 ~~(2)~~ (3) THE DEPARTMENT SHALL MAINTAIN A DATABASE OF
27 THE FERTILITY INDEX VALUE (FIV) SOIL TEST RESULTS FORWARDED UNDER
28 PARAGRAPH ~~(1)~~ (2) OF THIS SUBSECTION THAT IS SEARCHABLE BY:

1 (I) ~~THE PERSON FOR WHOM THE NUTRIENT MANAGEMENT~~
 2 ~~PLAN WAS PREPARED~~ A UNIQUE FIELD IDENTIFIER ESTABLISHED BY THE
 3 DEPARTMENT;

4 (II) ~~WATERSHED~~ SUBWATERSHED; AND

5 (III) ANY OTHER CATEGORY DETERMINED BY THE
 6 DEPARTMENT TO BE APPROPRIATE IN ASSISTING THE IMPLEMENTATION OF
 7 THE STATE'S WATERSHED IMPLEMENTATION PLAN.

8 ~~(3) (4) NOTWITHSTANDING § 8-801.1(B) OF THIS SUBTITLE, THE~~
 9 THE DATABASE REQUIRED UNDER PARAGRAPH ~~(2)~~ (3) OF THIS SUBSECTION
 10 SHALL BE;

11 (I) PROTECT THE IDENTITY OF THE PERSON WHO
 12 FORWARDED THE FERTILITY INDEX VALUE (FIV) SOIL TEST RESULTS IN
 13 ACCORDANCE WITH THIS SUBSECTION; AND

14 (II) BE MADE AVAILABLE TO THE PUBLIC ON REQUEST.

15 ~~(4) (5)~~ THE DEPARTMENT SHALL INCLUDE A SUMMARY OF THE
 16 RESULTS OF THE FERTILITY INDEX VALUE (FIV) SOIL TESTS RECEIVED
 17 DURING THE PRECEDING YEAR IN A MANNER THAT PROTECTS THE IDENTITY OF
 18 THE PERSON WHO FORWARDED THE RESULTS IN THE ANNUAL REPORT THAT IS
 19 REQUIRED UNDER § 8-807 OF THIS SUBTITLE.

20 [(c)] (D) The University of Maryland shall review its fertilizer turf
 21 guidelines every 3 years and revise the guidelines as necessary, with consideration of
 22 plant nutrient requirements and established State goals to protect water quality in the
 23 waters of the State.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 25 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.