

HOUSE BILL 193

M4, P3

4r1165
CF SB 27

By: **Delegates Conway, Cane, Eckardt, Otto, and Rudolph**

Introduced and read first time: January 16, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Nutrient Management – Phosphorus Risk Assessment Tool or Index –**
3 **Economic Impact Analysis**

4 FOR the purpose of requiring the Department of Agriculture to prepare an economic
5 impact analysis before making any change to a certain phosphorus risk
6 assessment tool or index; requiring the economic impact analysis to estimate
7 the cost or economic benefit of a proposed change to a phosphorus risk
8 assessment tool or index to a certain person; requiring the economic impact
9 analysis to include estimates directly related to certain effects of the proposed
10 change; requiring the Department to consult with certain persons in the
11 preparation of the economic impact analysis; requiring the Department to
12 include a copy of the economic impact analysis when the Department submits a
13 certain regulation to the Joint Committee on Administrative, Executive, and
14 Legislative Review; prohibiting, under certain circumstances, the Department
15 from implementing the Phosphorus Management Tool until the Department
16 completes a certain economic impact analysis, until the Department submits a
17 certain report to the General Assembly on or before a certain date, and after the
18 adjournment of a certain regular legislative session; defining certain terms; and
19 generally relating to the management of phosphorus from agricultural sources.

20 BY repealing and reenacting, without amendments,
21 Article – Agriculture
22 Section 8–801(a) and (g)
23 Annotated Code of Maryland
24 (2007 Replacement Volume and 2013 Supplement)

25 BY adding to
26 Article – Agriculture
27 Section 8–804.1
28 Annotated Code of Maryland
29 (2007 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Agriculture**

4 8–801.

5 (a) In this subtitle the following words have the meanings indicated.

6 (g) “Nutrient management plan” means a plan prepared under this subtitle
7 by a certified nutrient management consultant to manage the amount, placement,
8 timing, and application of animal waste, commercial fertilizer, sludge, or other plant
9 nutrients to prevent pollution by transport of bioavailable nutrients and to maintain
10 productivity.

11 **8–804.1.**

12 (A) **THIS SECTION APPLIES TO A RISK ASSESSMENT TOOL OR INDEX**
13 **THAT IS:**

14 (1) **USED TO IDENTIFY AREAS WHERE EXCESS PHOSPHORUS IS**
15 **PRESENT OR A HIGH POTENTIAL FOR PHOSPHORUS LOSS EXISTS;**

16 (2) **INCLUDED IN THE MARYLAND NUTRIENT MANAGEMENT**
17 **MANUAL; AND**

18 (3) **INCORPORATED BY REFERENCE IN REGULATIONS ADOPTED**
19 **BY THE DEPARTMENT.**

20 (B) **BEFORE MAKING ANY CHANGE TO A RISK ASSESSMENT TOOL OR**
21 **INDEX DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT**
22 **SHALL PREPARE A FULL ECONOMIC IMPACT ANALYSIS OF THE PROPOSED**
23 **CHANGE.**

24 (C) (1) **AN ECONOMIC IMPACT ANALYSIS REQUIRED UNDER THIS**
25 **SECTION SHALL ESTIMATE THE COST OR ECONOMIC BENEFIT OF THE PROPOSED**
26 **CHANGE TO A PERSON WHO IS REQUIRED TO HAVE A NUTRIENT MANAGEMENT**
27 **PLAN FOR NITROGEN AND PHOSPHORUS UNDER § 8–803.1 OF THIS SUBTITLE.**

28 (2) **AS APPROPRIATE, AN ECONOMIC IMPACT ANALYSIS**
29 **REQUIRED UNDER THIS SECTION SHALL INCLUDE ESTIMATES DIRECTLY**
30 **RELATING TO THE EFFECTS OF THE PROPOSED CHANGE TO THE RISK**
31 **ASSESSMENT TOOL OR INDEX ON:**

1 **(I) THE COST OF IMPLEMENTING A NUTRIENT**
2 **MANAGEMENT PLAN DEVELOPED OR UPDATED BASED ON THE RISK**
3 **ASSESSMENT TOOL OR INDEX;**

4 **(II) EFFICIENCY IN THE PRODUCTION OF AGRICULTURAL**
5 **PRODUCTS;**

6 **(III) THE WORKFORCE; AND**

7 **(IV) CAPITAL INVESTMENT, TAXATION, COMPETITION, AND**
8 **ECONOMIC DEVELOPMENT.**

9 **(3) AS APPROPRIATE, IN PREPARING AN ECONOMIC IMPACT**
10 **ANALYSIS REQUIRED UNDER THIS SECTION, THE DEPARTMENT SHALL CONSULT**
11 **WITH:**

12 **(I) OTHER UNITS OF STATE GOVERNMENT;**

13 **(II) UNITS OF LOCAL GOVERNMENT;**

14 **(III) MEMBERS OF THE AGRICULTURAL COMMUNITY; AND**

15 **(IV) REPRESENTATIVES OF THE COMMERCIAL LAWN CARE,**
16 **BIOSOLIDS, AND AGRICULTURAL FERTILIZER INDUSTRIES.**

17 **(D) WHEN THE DEPARTMENT SUBMITS A REGULATION PROPOSING A**
18 **CHANGE TO A RISK ASSESSMENT TOOL OR INDEX DESCRIBED IN SUBSECTION (A)**
19 **OF THIS SECTION TO THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE,**
20 **AND LEGISLATIVE REVIEW UNDER § 10-110 OR § 10-111 OF THE STATE**
21 **GOVERNMENT ARTICLE, THE DEPARTMENT SHALL INCLUDE A COPY OF THE**
22 **ECONOMIC IMPACT ANALYSIS REQUIRED UNDER THIS SECTION.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That:

24 (a) (1) In this section the following words have the meanings indicated.

25 (2) “Department” means the Department of Agriculture.

26 (3) “Tool” means the Phosphorus Management Tool developed by the
27 Department to replace the Phosphorus Site Index.

28 (b) If Department regulations adopting the Tool are finalized before the
29 effective date of this Act, the Department shall suspend implementation of the Tool
30 until:

1 (1) the Department prepares a full economic impact analysis of the
2 Tool;

3 (2) on or before December 1, 2014, the Department reports to the
4 General Assembly, in accordance with § 2–1246 of the State Government Article, on
5 the outcomes of the economic impact analysis required under this section; and

6 (3) after the adjournment of the 2015 regular legislative session of the
7 General Assembly.

8 (c) (1) The economic impact analysis required under this section shall
9 estimate the cost or economic benefit of the Tool to a person who is required to have a
10 nutrient management plan for nitrogen and phosphorus under § 8–803.1 of the
11 Agriculture Article.

12 (2) As appropriate, an economic impact analysis required under this
13 section shall include estimates directly relating to the effects of the Tool on:

14 (i) the cost of implementing a nutrient management plan
15 developed or updated based on the Tool;

16 (ii) efficiency in the production of agricultural products;

17 (iii) the workforce; and

18 (iv) capital investment, taxation, competition, and economic
19 development.

20 (3) As appropriate, in preparing an economic impact analysis required
21 under this section, the Department shall consult with:

22 (i) other units of State government;

23 (ii) units of local government;

24 (iii) members of the agricultural community; and

25 (iv) representatives of the commercial lawn care, biosolids, and
26 agricultural fertilizer industries.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 June 1, 2014.