SENATE BILL 963

By: **Senators Colburn and Hershey**
Introduced and read first time: February 7, 2014
Assigned to: Rules

A BILL ENTITLED

1   AN ACT concerning

2   **Department of Agriculture – Phosphorus Assessment and Management –**
3   **Study and Economic Impact Analysis**

4   FOR the purpose of requiring the Department of Agriculture to conduct a study of
5   efforts to manage and reduce phosphorus pollution from agricultural sources in
6   the State; requiring the study to include certain information and an economic
7   impact analysis estimating certain costs and economic benefits of the
8   Phosphorus Management Tool to a certain person; requiring the Department to
9   consult with certain persons in the preparation of the study; requiring the
10   Department to report to the General Assembly on or before a certain date;
11   prohibiting the Department from implementing certain regulations until after
12   the adjournment of a certain regular legislative session; defining certain terms;
13   and generally relating to the management of phosphorus from agricultural
14   sources.

15   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That:

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

18   (2)   "Department" means the Department of Agriculture.

19   (3)   "Nutrient management plan" has the meaning stated in § 8–801 of
20 the Agriculture Article.

21   (4)   "Phosphorus Management Tool" means the risk assessment tool
22 developed by the Department to replace the Phosphorus Site Index.

23   (b)   (1)   The Department shall conduct a study of efforts to manage and
24 reduce phosphorus pollution from agricultural sources in the State, which shall
25 include:

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
    [Brackets] indicate matter deleted from existing law.

1   (i)   a review of current laws and regulations relating to the use
2 or management of phosphorus on farms;

3   (ii)   a review of voluntary initiatives and programs aimed at
4 reducing or managing phosphorus runoff from farms;

5   (iii)   an update on the implementation of the Maryland
6 Agricultural Certainty Program and an assessment of whether the Program has
7 helped to reduce the burden of nutrient management regulations on farmers;

8   (iv)   a comparison of phosphorus reductions achieved by the
9 agricultural sector with reductions achieved by other sectors under the State's
10 Watershed Implementation Plan; and

11   (v)   an economic impact analysis estimating the costs and
12 economic benefits of the Phosphorus Management Tool to a person who is required to
13 have a nutrient management plan for nitrogen and phosphorus under § 8–803.1 of the
14 Agriculture Article, including, as appropriate:

15   1.   the cost of implementing a nutrient management plan
16 developed or updated based on the Phosphorus Management Tool;

17   2.   efficiency in the production of agricultural products;

18   3.   the workforce; and

19   4.   capital investment, taxation, competition, and
20 economic development.

21   (2)   As appropriate, in preparing the study required under this
22 subsection, the Department shall consult with:

23   (i)   other units of State government;

24   (ii)   units of local government;

25   (iii)   members of the agricultural community; and

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

28   (c)   On or before December 1, 2014, the Department shall report to the
29 General Assembly, in accordance with § 2–1246 of the State Government Article, on
30 the results of the study required under subsection (b) of this section.

1   (d)   In order for the General Assembly to have time to consider and act on the
2 outcomes of the study required under subsection (b) of this section, the Department
3 may not implement regulations replacing the Phosphorus Site Index with the
4 Phosphorus Management Tool until after the adjournment of the 2015 regular
5 legislative session of the General Assembly.

6   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 June 1, 2014.