

SENATE BILL 278

M4

(PRE-FILED)

4r0339
CF HB 234

By: **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Agriculture)**

Requested: September 15, 2023

Introduced and read first time: January 10, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Agriculture – Licensing, Registration, Fees and Penalties, and**
3 **Regulation**

4 FOR the purpose of altering and establishing the renewal and reinstatement processes for
5 horse establishment licenses; establishing certain duties and administrative
6 penalties with respect to beekeeping activities; altering the administrative penalty
7 structure for certain violations related to nutrient management plans; altering the
8 renewal process and fee structure for the registration of weights and measures; and
9 generally relating to licensing, registration, fees and penalties assessed, and
10 regulation by the Department of Agriculture.

11 BY repealing and reenacting, with amendments,
12 Article – Agriculture
13 Section 2–712, 5–503, 5–506, 8–801.1, 11–204.4, and 11–204.7
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2023 Supplement)

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

18 **Article – Agriculture**

19 2–712.

20 (a) A license expires on the June 30 after its effective date, unless the license is
21 renewed for a 1-year term as provided in this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Before [his] A PERSON'S license expires, a licensee periodically may renew
2 [his] THE license for additional 1-year terms, if the licensee:

3 (1) Otherwise is entitled to be licensed;

4 (2) Pays to the Board a renewal fee of \$125; and

5 (3) Submits to the Board a renewal application on the form that it requires.

6 (C) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL
7 SEND EACH LICENSEE, BY ELECTRONIC MEANS OR FIRST-CLASS MAIL TO THE LAST
8 KNOWN ELECTRONIC OR PHYSICAL ADDRESS OF THE LICENSEE, RESPECTIVELY:

9 (1) A LICENSE RENEWAL FORM; AND

10 (2) A RENEWAL NOTICE THAT STATES:

11 (I) THE DATE ON WHICH THE LICENSE EXPIRES;

12 (II) THAT THE RENEWAL APPLICATION AND FEE MUST BE
13 RECEIVED BY THE BOARD ON OR BEFORE THE LICENSE EXPIRATION DATE; AND

14 (III) THE AMOUNT OF THE RENEWAL FEE.

15 (D) A PERSON WHOSE LICENSE TO OPERATE A HORSE ESTABLISHMENT HAS
16 EXPIRED MAY RENEW THE LICENSE RETROACTIVELY WITHIN 60 DAYS AFTER
17 EXPIRATION IF THE PERSON:

18 (1) IS OTHERWISE ENTITLED TO HAVE THE LICENSE RENEWED;

19 (2) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
20 THAT THE BOARD REQUIRES; AND

21 (3) PAYS TO THE BOARD THE RENEWAL FEE AND ANY LATE FEE
22 ESTABLISHED BY THE BOARD.

23 (E) THE BOARD MAY REINSTATE THE LICENSE OF A FORMER LICENSEE IF
24 THE FORMER LICENSEE:

25 (1) APPLIES FOR REINSTATEMENT MORE THAN 60 DAYS AFTER
26 EXPIRATION OF THE LICENSE;

27 (2) IS OTHERWISE ENTITLED TO HAVE THE LICENSE REINSTATED;

1 **(3) SUBMITS TO THE BOARD A REINSTATEMENT APPLICATION ON**
2 **THE FORM THAT THE BOARD REQUIRES; AND**

3 **(4) PAYS TO THE BOARD THE RENEWAL FEE AND ANY**
4 **REINSTATEMENT FEE ESTABLISHED BY THE BOARD.**

5 5-503.

6 (a) (1) A beekeeper shall register annually with the Department each colony
7 that [it] **THE BEEKEEPER** maintains, as provided in this subsection.

8 (2) On or before January 1 of each year, [the] A beekeeper shall complete
9 and submit to the Department a registration form on which the beekeeper shall state the
10 number of colonies [he] **THE BEEKEEPER** maintains and the location of each colony.

11 (3) The Department shall adopt a form which shall be used to comply with
12 the registration requirements of this subsection.

13 (b) Any person who is not registered as a beekeeper under this section and who
14 acquires a colony shall register [it] **THE COLONY** with the Department within 30 days after
15 the acquisition.

16 **(C) A PERSON WHO FAILS TO REGISTER IN A TIMELY MANNER AS A**
17 **BEEKEEPER UNDER SUBSECTION (A) OR (B) OF THIS SECTION IS SUBJECT TO:**

18 **(1) AFTER 30 DAYS FOLLOWING RECEIPT OF NOTICE FROM THE**
19 **DEPARTMENT, AN ADMINISTRATIVE PENALTY OF \$25;**

20 **(2) AFTER 60 DAYS FOLLOWING RECEIPT OF NOTICE FROM THE**
21 **DEPARTMENT, AN ADMINISTRATIVE PENALTY OF \$50; AND**

22 **(3) AFTER 90 DAYS FOLLOWING RECEIPT OF NOTICE FROM THE**
23 **DEPARTMENT, AN ADMINISTRATIVE PENALTY OF \$100.**

24 5-506.

25 **(A)** In each colony that [it] A **BEEKEEPER** maintains, [a] **THE** beekeeper shall
26 provide movable frames, each of which may be removed from the colony without causing
27 damage to the combs in the colony.

28 **(B) (1) A BEEKEEPER SHALL PROVIDE MOVEABLE FRAMES FOR A**
29 **COLONY WITHIN 30 DAYS AFTER RECEIPT OF NOTICE FROM THE DEPARTMENT.**

1 **(2) IF A BEEKEEPER FAILS TO PROVIDE MOVEABLE FRAMES FOR A**
2 **COLONY IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE**
3 **BEEKEEPER IS SUBJECT TO:**

4 **(I) AFTER 30 DAYS FOLLOWING RECEIPT OF NOTICE BY THE**
5 **DEPARTMENT, AN ADMINISTRATIVE PENALTY OF \$25; AND**

6 **(II) AFTER 60 DAYS FOLLOWING RECEIPT OF NOTICE BY THE**
7 **DEPARTMENT, AN ADMINISTRATIVE PENALTY OF \$50.**

8 8-801.1.

9 (a) (1) Each nutrient management plan shall be developed considering factors
10 including:

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

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

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

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

19 2. If information concerning actual yield record and soil
20 productivity for a crop is unavailable, relevant information concerning similar fields and
21 soil;

22 (iv) Soil erodibility and nutrient retention capacity;

23 1. The best reasonable scientific methods accepted by the
24 Department and the University of Maryland Cooperative Extension Service; or

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

27 (vi) Existing best management practices.

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

1 (b) (1) Subject to paragraph (2) of this subsection, a summary of each nutrient
2 management plan shall be filed and updated with the Department at a time and in a form
3 that the Department requires by regulation.

4 (2) (i) The Department may require an updated summary under this
5 subsection to take the form of an annual implementation report.

6 (ii) If a person, in operating a farm, uses or produces animal manure,
7 the person's annual implementation report shall include:

8 1. The amount of animal manure imported to or exported
9 from the person's farm;

10 2. For any animal manure that was imported, the name and
11 location of the sending farm; and

12 3. For any animal manure that was exported, the name and
13 location of the farm, alternative use facility, or manure broker that received the manure.

14 (iii) If a person receives animal manure through a manure broker,
15 the broker shall provide the person with the name and location of the sending farm.

16 (3) The Department shall maintain a copy of each summary for 3 years in
17 a manner that protects the identity of the individual for whom the nutrient management
18 plan was prepared.

19 (c) (1) If a person fails to file a summary or annual implementation report as
20 required by the Department under subsection (b) of this section, the Department shall
21 notify the person that:

22 (i) The person is in violation of the requirement to file a summary
23 or annual implementation report; and

24 (ii) **[The] AFTER 30 DAYS FROM ISSUANCE OF THE NOTICE, THE**
25 person is subject to[:

26 1. After 30 days from issuance of the notice, an
27 administrative penalty of not less than \$100 and not more than \$250;

28 2. After 60 days from issuance of the notice, an
29 administrative penalty of not less than \$250 and not more than \$1,000; and

30 3. After 90 days from issuance of the notice,] an
31 administrative penalty of not less than \$1,000.

32 (2) A penalty imposed on a person under paragraph (1) of this subsection
33 shall be assessed with consideration given to:

1 (i) The willfulness of the violation; and

2 (ii) The extent to which the current violation is part of a recurrent
3 pattern of the same or similar type of violation committed by the violator.

4 11-204.4.

5 (a) Unless a registration for a weight and measure is renewed for a 1-year term,
6 the license expires 1 year from the effective date of the registration.

7 (b) Before a registration for a weight and measure expires, the registration may
8 be renewed for an additional 1-year term, if the applicant:

9 (1) Is the owner or possessor of a weight and measure;

10 (2) Pays the applicable fee as provided in § 11-204.7 of this subtitle; and

11 (3) Submits to the Secretary a renewal application on a form that the
12 Secretary provides.

13 **(C) AT LEAST 1 MONTH BEFORE A REGISTRATION FOR A WEIGHT AND**
14 **MEASURE EXPIRES, THE SECRETARY SHALL SEND EACH PERSON WITH A KNOWN**
15 **REGISTERED WEIGHT AND MEASURE, BY ELECTRONIC MEANS OR FIRST-CLASS MAIL**
16 **TO THE LAST KNOWN ELECTRONIC OR PHYSICAL ADDRESS, RESPECTIVELY, OF THE**
17 **PERSON:**

18 **(1) A REGISTRATION RENEWAL FORM; AND**

19 **(2) A RENEWAL NOTICE THAT STATES:**

20 **(I) THE DATE ON WHICH THE REGISTRATION EXPIRES;**

21 **(II) THAT THE RENEWAL APPLICATION AND FEE MUST BE**
22 **RECEIVED BY THE SECRETARY ON OR BEFORE THE REGISTRATION EXPIRATION**
23 **DATE; AND**

24 **(III) THE AMOUNT OF THE RENEWAL FEE.**

25 **(D) A PERSON WHOSE REGISTERED WEIGHT AND MEASURE HAS EXPIRED**
26 **MAY RENEW THE REGISTRATION RETROACTIVELY WITHIN 60 DAYS AFTER**
27 **EXPIRATION IF THE PERSON:**

28 **(1) IS OTHERWISE ENTITLED TO HAVE THE REGISTRATION RENEWED;**

1 **(2) SUBMITS TO THE SECRETARY A RENEWAL APPLICATION ON A**
2 **FORM THAT THE SECRETARY PROVIDES; AND**

3 **(3) PAYS TO THE SECRETARY THE RENEWAL FEE AND ANY LATE FEE**
4 **ESTABLISHED BY THE SECRETARY.**

5 **[(c)] (E)** The owner or possessor of a weight and measure shall display the
6 registration conspicuously at each place of business where the weight and measure is
7 located.

8 **[(d)] (F)** If the weight and measure is sold, transferred, or moved to a new
9 location, the owner or possessor of a weight and measure shall notify the Secretary.

10 11-204.7.

11 **(A)** The **SECRETARY SHALL SET REASONABLE** fees for registering each weight
12 and measure used for commercial purposes under this subtitle [are as follows:

13 (1) Scales with a capacity of up to 100 pounds (maximum fee per business
14 location: \$375)..... \$20
15 for each scale, plus \$50 for each business location;

16 (2) Scales with a capacity of more than 100 pounds, up to 2,000
17 pounds.....\$60;

18 (3) Scales with a capacity of more than 2,000 pounds \$100;

19 (4) Belt conveyor scales \$300;

20 (5) Railroad track scales..... \$300;

21 (6) Vehicle scales \$250;

22 (7) Grain moisture meter \$100;

23 (8) Retail motor fuel dispenser meter of under 20 gallons per
24 minute.....\$12.50
25 for each meter, plus \$50 for each business location;

26 (9) Retail motor fuel dispenser meter of 20 gallons per minute or
27 more.....\$45;

28 (10) Bulk petroleum fuel meter of 20 gallons per minute, up to 150 gallons
29 per minute.....\$50;

30 (11) Bulk petroleum fuel meter of 150 gallons per minute or more..... \$85;

1 (12) Liquefied petroleum gas meters \$75;
2 and

3 (13) Point of sale system, as defined by the National Institute of Standards
4 and Technology (NIST) Handbook 44, connected to a weighing or measuring device (per
5 business location)..... \$100].

6 (B) THE FEES CHARGED SHALL BE SET TO PRODUCE FUNDS TO
7 APPROXIMATE THE COST OF REGISTERING EACH WEIGHT AND MEASURE USED FOR
8 COMMERCIAL PURPOSES.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2024.