

BY: Senator Middleton

AMENDMENTS TO SENATE BILL NO. 178, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 8, after “factors;” insert “stating certain goals for implementation of nutrient management plans for farm acreage in the State; requiring the Secretary of Agriculture to determine whether certain goals have been attained;”; in line 10, after “dates” insert “if the Secretary determines that certain goals have not been attained”; and in line 18, after “reports;” insert “establishing the Nutrient Management Progress Assessment Team to review and report on the progress being made towards achieving certain nutrient management goals; requiring the Assessment Team to develop a plan to attain implementation of nutrient management plans for 100% of the farm acreage in the State; requiring the Assessment Team to provide certain analysis and recommendations to the Secretary of Agriculture, the Governor, and the General Assembly;”.

On page 2 of the bill, in line 20, after “8-801.1,” insert “8-801.2,”.

On page 3 of the bill, after line 1, insert:

“BY adding to

Article 41 - Governor - Executive and Administrative Departments

Section 18-316

Annotated Code of Maryland

(1997 Replacement Volume and 1997 Supplement)”.

AMENDMENT NO. 2

On page 8 of the bill, after line 17, insert:

“8-801.1.

(A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT BASED UPON THE AVAILABILITY OF ADEQUATE FUNDS AND TECHNOLOGICAL RESOURCES, THE

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FOLLOWING GOALS BE ATTAINED:

(1) 50% OF FARM ACREAGE IN THE STATE HAVE NUTRIENT MANAGEMENT PLANS THAT MEET THE STANDARDS SET FORTH IN THIS SUBTITLE IMPLEMENTED BY JULY 1, 2000;

(2) 70% OF FARM ACREAGE IN THE STATE HAVE NUTRIENT MANAGEMENT PLANS THAT MEET THE STANDARDS SET FORTH IN THIS SUBTITLE IMPLEMENTED BY JULY 1, 2002; AND

(3) 80% OF THE FARM ACREAGE IN THE STATE HAVE NUTRIENT MANAGEMENT PLANS THAT MEET THE STANDARDS SET FORTH IN THIS SUBTITLE IMPLEMENTED BY JULY 1, 2005.

(B) (1) ON JULY 1 OF 2000, 2002, AND 2005, THE SECRETARY SHALL DETERMINE WHETHER THE GOALS STATED IN SUBSECTION (A) OF THIS SECTION HAVE BEEN ATTAINED.

(2) IF THE SECRETARY DETERMINES THAT THE GOALS STATED IN SUBSECTION (A) OF THIS SECTION HAVE NOT BEEN ATTAINED, § 8-803.1 OF THIS SUBTITLE APPLIES ON AND AFTER THE DATE THE SECRETARY DETERMINES THAT THE GOALS HAVE NOT BEEN ATTAINED.”;

and in line 18, strike “8-801.1.” and substitute “8-801.2.”.

On page 9 of the bill, strike in their entirety lines 1 through 5, inclusive; and in line 6, strike “(4)” and substitute “(2)”.

On page 14 of the bill, in line 27, strike “§ 8-801.1” and substitute “§ 8-801.2”.

AMENDMENT NO. 3

On pages 5 and 6 of the Economic and Environmental Affairs Committee Amendments (SB0178/714413/15), in Amendment No. 5, in lines 1, 5, 8, 11, and 14 on page 5, and in line 1 on page 6, after “(1)”, “(I)”, “(II)”, “(1)”, “(I)”, and “(II)”, respectively, insert “SUBJECT TO”

SUBSECTION (H) OF THIS SECTION.

On page 13 of the bill, after line 3, insert:

“(H) THIS SECTION DOES NOT APPLY UNLESS AND UNTIL THE SECRETARY DETERMINES THAT THE GOALS STATED UNDER § 8-801.1 OF THIS SUBTITLE HAVE NOT BEEN ATTAINED.”.

AMENDMENT NO. 4

On page 18 of the bill, after line 11, insert:

“Article 41 - Governor - Executive and Administrative Departments

18-316.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ASSESSMENT TEAM” MEANS THE NUTRIENT MANAGEMENT PROGRESS ASSESSMENT TEAM.

(3) “SECRETARY” MEANS THE SECRETARY OF AGRICULTURE.

(B) THERE IS A NUTRIENT MANAGEMENT PROGRESS ASSESSMENT TEAM.

(C) THE ASSESSMENT TEAM SHALL BE COMPOSED OF:

(1) THE SECRETARY OR THE SECRETARY'S DESIGNEE;

(2) AN AGRONOMIST FROM THE MARYLAND AGRICULTURAL EXPERIMENT STATION, APPOINTED BY THE GOVERNOR;

(3) A WATER QUALITY SPECIALIST FROM THE UNIVERSITY OF

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MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE, APPOINTED BY THE GOVERNOR;

(4) ONE REPRESENTATIVE OF SOIL CONSERVATION DISTRICTS, APPOINTED BY THE GOVERNOR; AND

(5) ONE REPRESENTATIVE FROM EACH OF THE FOLLOWING ENTITIES, APPOINTED BY THE GOVERNOR FROM A LIST RECOMMENDED BY THE ENTITY:

(I) THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION SERVICE;

(II) THE MARYLAND FARM BUREAU;

(III) THE MARYLAND STATE GRANGE;

(IV) THE MARYLAND PORK PRODUCERS ASSOCIATION;

(V) DELMARVA POULTRY INDUSTRY, INC.;

(VI) THE DELAWARE-MARYLAND AGRIBUSINESS ASSOCIATION;

(VII) THE MARYLAND ASSOCIATION OF GREEN INDUSTRIES;

(VIII) THE BIOSOLIDS COMMITTEE OF THE CHESAPEAKE WATER ENVIRONMENT ASSOCIATION;

(IX) THE CHESAPEAKE BAY FOUNDATION; AND

(X) ASSOCIATION OF FOREST INDUSTRIES, INC.

(D) ON OR BEFORE JULY 1 OF EACH YEAR, THE ASSESSMENT TEAM SHALL REVIEW AND REPORT TO THE SECRETARY, THE GOVERNOR, AND THE GENERAL ASSEMBLY ON THE PROGRESS BEING MADE TOWARD ACHIEVING THE NUTRIENT

MANAGEMENT GOALS SET FORTH IN § 8-801.1 OF THE AGRICULTURE ARTICLE.

(E) (1) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE STAFF ASSISTANCE TO THE ASSESSMENT TEAM.

(2) THE ASSESSMENT TEAM MAY USE THE STAFF TO ASSIST IN PREPARING THE ANNUAL REPORT.

(F) THE ANNUAL REPORT SHALL INCLUDE ANALYSIS AND RECOMMENDATIONS REGARDING THE FOLLOWING:

(1) THE ECONOMIC COSTS AND BENEFITS ASSOCIATED WITH ALTERNATIVE USES OF MANURE;

(2) THE LEVEL OF PARTICIPATION IN A VOLUNTARY NUTRIENT MANAGEMENT PROGRAM;

(3) ADDITIONAL RESOURCES THAT MAY BE NEEDED TO ACCOMPLISH THE GOALS OF § 8-801.1 OF THE AGRICULTURE ARTICLE;

(4) THE LATEST DEVELOPMENTS IN PHOSPHORUS MITIGATION, INCLUDING THE EFFECTIVENESS OF PHYTASE AND OTHER ENZYMES, GENETICALLY ENGINEERED CORN, SOIL ADDITIVES, AND OTHER INNOVATIONS;

(5) THE EFFECTIVENESS OF NUTRIENT APPLICATION EDUCATION PROGRAMS;

(6) THE EFFECTIVENESS OF THE POULTRY LITTER TRANSPORTATION PILOT PROJECT SET FORTH IN § 8-704.2 OF THE AGRICULTURE ARTICLE; AND

(7) FOR TARGETED AREAS DETERMINED BY THE SECRETARY, AN ASSESSMENT OF THE BACKGROUND LEVELS OF PHOSPHORUS IN THE SOIL, CURRENT LEVELS OF PHOSPHORUS IN THE SOIL, AND THE MOVEMENT OF

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PHOSPHORUS IN AND ON THE LAND.

(G) (1) IN ADDITION TO THE ANALYSIS AND RECOMMENDATIONS PROVIDED UNDER SUBSECTION (F) OF THIS SECTION, ON OR BEFORE JULY 1, 2005, THE ASSESSMENT TEAM SHALL DEVELOP AND REPORT TO THE SECRETARY, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON A PLAN TO ATTAIN IMPLEMENTATION FOR 100% OF THE FARM ACREAGE IN THE STATE OF NUTRIENT MANAGEMENT PLANS THAT MEET THE STANDARDS SET FORTH IN TITLE 8, SUBTITLE 8 OF THE AGRICULTURE ARTICLE.

(2) THE REPORT UNDER THIS SUBSECTION SHALL INCLUDE ANALYSIS AND RECOMMENDATIONS REGARDING THE PLAN, INCLUDING:

(I) ADDITIONAL RESOURCES THAT MAY BE NEEDED TO ACHIEVE 100% IMPLEMENTATION; AND

(II) ANY POLICIES THAT NEED TO BE IMPLEMENTED, INCLUDING MANDATED PARTICIPATION IF NECESSARY.”.