

HOUSE BILL 599

Unofficial Copy  
M4

1998 Regular Session  
(8lr1398)

**ENROLLED BILL**

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegates Guns, Taylor, Arnick, W. Baker, Baldwin, Beck, Bonsack, Boston, Bozman, Brinkley, M. Burns, Ciliberti, Comeau, Conroy, Conway, Heller, Curran, C. Davis, Dewberry, Donoghue, Doory, Eckardt, Edwards, Elliott, Flanagan, Getty, Greenip, Gordon, Harkins, Hecht, Holt, B. Hughes, D. Hughes, Hutchins, Jacobs, La Vay, Linton, Love, Kittleman, Malone, McClenahan, McKee, Minnick, V. Mitchell, D. Murphy, Oaks, O'Donnell, Owings, Poole, Ports, Preis, Proctor, Rawlings, Redmer, Rudolph, Rzepkowski, Schade, Schisler, Slade, Snodgrass, Stocksdale, Stull, Stup, Walkup, Weir, Miller, Wood, Workman, DeCarlo, Fulton, Klima, Palumbo, Vallario, Mossburg, and Crumlin**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Nutrient Management Practices Improvement Act of 1998**  
3 **Water Quality Improvement Act of 1998**

4 ~~FOR the purpose of authorizing the Secretary of Agriculture to adopt certain~~  
5 ~~regulations relating to certain cost share programs; establishing certain limits~~  
6 ~~for certain cost share programs; authorizing the Secretary of Agriculture to~~  
7 ~~adopt certain regulations; making certain findings; requiring the Governor to~~

1 provide sufficient funding to maintain a certain level of field personnel soil for  
2 conservation districts; authorizing the Department of Agriculture, by regulation,  
3 to authorize the disbursement of certain cost sharing funds for poultry manure  
4 storage facilities; providing for a poultry litter matching service; establishing a  
5 Poultry Litter Transportation Pilot Project; requiring, by certain dates, a person  
6 that operates a farm to operate the farm under certain nutrient management  
7 plans under certain circumstances; requiring the Department of Agriculture to  
8 adopt certain regulations to provide certain exemptions from certain  
9 requirements; establishing certain administrative penalties for certain  
10 violations; providing for the refund of certain administrative penalties under  
11 certain circumstances; requiring nutrient management plans to be developed  
12 considering certain factors; requiring nutrient management plans to be filed  
13 and maintained under certain circumstances; establishing certain requirements  
14 for the certification of nutrient management consultants; establishing certain  
15 requirements for certain individuals receiving certain vouchers of completion  
16 from the Department of Agriculture; requiring certain individuals to make  
17 available certain documents under certain circumstances; establishing certain  
18 requirements for persons applying commercial fertilizer under certain  
19 circumstances; altering the membership and tasks of the Nutrient Management  
20 Committee; requiring the Secretary to consult with the Nutrient Management  
21 Committee under certain circumstances; requiring certain reports; establishing  
22 an Animal Waste Technology Fund as a special, continuing, nonlapsing fund;  
23 authorizing the Department of Business and Economic Development to provide  
24 financial assistance from the Fund for certain purposes; providing a subtraction  
25 modification under the Maryland individual and corporate income tax for  
26 certain expenses associated with the purchase of certain agricultural machinery  
27 under certain conditions; providing that the subtraction may be carried over to  
28 succeeding taxable years under certain circumstances; providing for a tax credit  
29 under the Maryland individual and corporate income tax for certain expenses  
30 associated with certain costs necessary to convert agricultural production to a  
31 certain nutrient management plan under certain circumstances; placing certain  
32 restrictions, conditions, and limits on the use of the tax credit; providing that  
33 the tax credit may be carried over to succeeding taxable years under certain  
34 circumstances; requiring an individual or corporation to receive a certain  
35 certification from the Department of Agriculture and file proof of the  
36 certification; requesting the Governor to target certain funds under the  
37 Conservation Reserve Enhancement Program to farms located in certain areas;  
38 requesting the Governor to support and fund certain research in cooperation  
39 with the private sector and certain public agencies; defining certain terms;  
40 providing for the termination of certain provisions of this Act; stating certain  
41 fundings requiring certain funding levels; providing legislative intent; and  
42 generally relating to nutrient management practices.

43 FOR the purpose of establishing an Animal Waste Technology Fund as a special,  
44 continuing, nonlapsing fund; authorizing the Department of Business and  
45 Economic Development to provide financial assistance from the Fund for certain  
46 purposes; requiring certain commercial contract feed to contain certain  
47 ingredients by a certain date and to a certain extent; requiring the Secretary of  
48 Agriculture to suspend or recommend to the General Assembly the modification

1 or termination of the requirement under certain circumstances; requiring the  
2 Governor to provide sufficient funding to maintain a certain level of field  
3 personnel for soil conservation districts; requiring each nutrient management  
4 plan to be developed considering certain factors; authorizing certain State cost  
5 sharing for certain costs of having nutrient management plans prepared;  
6 establishing certain limits for the cost sharing program; authorizing the  
7 Secretary of Agriculture to adopt certain regulations; requiring certain persons to  
8 have nutrient management plans and comply with nutrient management plans  
9 by certain dates; establishing certain penalties; ~~authorizing the Department of~~  
10 ~~the Environment to take certain action against certain persons under certain~~  
11 ~~circumstances; requiring certain persons to be certified by the Department of~~  
12 ~~Agriculture as nutrient applicators under certain circumstances; establishing~~  
13 ~~certain requirements for certification and certain penalties for failure to be~~  
14 ~~certified~~ establishing certain requirements for the certification of nutrient  
15 management consultants; establishing certain requirements for certain  
16 individuals receiving certain vouchers of completion from the Department of  
17 Agriculture; establishing certain requirements for persons applying commercial  
18 fertilizers under certain circumstances; altering the membership and  
19 responsibilities of the Nutrient Management Advisory Committee; authorizing  
20 the Department of Agriculture to adopt certain regulations; requiring the  
21 Department of Agriculture to adopt certain regulations; authorizing the  
22 Department of Agriculture to charge certain fees; requiring certain reports;  
23 ~~authorizing the Department of the Environment to adopt certain regulations to~~  
24 ~~limit the size of swine farm operations; providing a subtraction modification~~  
25 ~~under the Maryland individual and corporate income tax for certain expenses~~  
26 ~~associated with the purchase of certain agricultural machinery under certain~~  
27 ~~conditions; providing that the subtraction may be carried over to succeeding~~  
28 ~~taxable years under certain circumstances; providing for a tax credit under the~~  
29 ~~Maryland individual and corporate income tax for certain expenses associated~~  
30 ~~with certain costs necessary to convert agricultural production to a certain~~  
31 ~~nutrient management plan under certain circumstances; placing certain~~  
32 ~~restrictions, conditions, and limits on the use of the tax credit; providing that the~~  
33 ~~tax credit may be carried over to succeeding taxable years under certain~~  
34 ~~circumstances; requiring an individual or corporation to receive a certain~~  
35 ~~certification from the Department of Agriculture and file proof of the~~  
36 ~~certification; defining certain terms; requiring the Governor to target and~~  
37 ~~coordinate certain funding; requiring the Secretary of Agriculture to submit a~~  
38 ~~certain report by a certain date; requiring the University of Maryland~~  
39 ~~Cooperative Extension Service to submit a certain annual report to the Nutrient~~  
40 ~~Management Advisory Committee, the Governor, and the General Assembly;~~  
41 ~~requiring the Maryland Department of Agriculture to provide certain notice to~~  
42 ~~farmers of the availability of certain assistance and of the requirements of this~~  
43 ~~Act; authorizing the transfer between certain departments of certain~~  
44 ~~appropriations and positions for fiscal year 1999; providing for the termination~~  
45 ~~of certain provisions of this Act; and generally relating to nutrient management~~  
46 and water quality.

47 ~~BY repealing and reenacting, without amendments,~~

1 ~~Article—Agriculture~~  
 2 ~~Section 6-101(a), (d), and (e), 6-102, 6-106, 6-113, 6-201(f), 8-801, 8-805, and~~  
 3 ~~8-806~~  
 4 ~~Annotated Code of Maryland~~  
 5 ~~(1985 Replacement Volume and 1997 Supplement)~~

6 ~~BY adding to~~  
 7 ~~Article—Agriculture~~  
 8 ~~Section 6-107.1, 8-405, 8-704.1, 8-704.2, 8-801.1, 8-801.2, 8-803.1, 8-803.2,~~  
 9 ~~8-803.3, 8-803.4, and 8-807~~  
 10 ~~Annotated Code of Maryland~~  
 11 ~~(1985 Replacement Volume and 1997 Supplement)~~

12 ~~BY repealing and reenacting, with amendments,~~  
 13 ~~Article—Agriculture~~  
 14 ~~Section 8-704, 8-803, and 8-804~~  
 15 ~~Annotated Code of Maryland~~  
 16 ~~(1985 Replacement Volume and 1997 Supplement)~~

17 ~~BY adding to~~  
 18 ~~Article 41—Governor—Executive and Administrative Departments~~  
 19 ~~Section 18-316~~  
 20 ~~Annotated Code of Maryland~~  
 21 ~~(1997 Replacement Volume and 1997 Supplement)~~

22 ~~BY adding to~~  
 23 ~~Article 83A—Department of Business and Economic Development~~  
 24 ~~Section 6-801 through 6-807, inclusive, to be under the new subtitle "Subtitle 8:~~  
 25 ~~Animal Waste Technology Fund"~~  
 26 ~~Annotated Code of Maryland~~  
 27 ~~(1995 Replacement Volume and 1997 Supplement)~~

28 ~~BY repealing and reenacting, without amendments,~~  
 29 ~~Article—Tax—General~~  
 30 ~~Section 10-208(a)~~  
 31 ~~Annotated Code of Maryland~~  
 32 ~~(1997 Replacement Volume)~~  
 33 ~~(As enacted by Chapter 485 of the Acts of the General Assembly of 1997)~~

34 ~~BY repealing and reenacting, without amendments,~~  
 35 ~~Article—Tax—General~~  
 36 ~~Section 10-308(a)~~  
 37 ~~Annotated Code of Maryland~~

- 1 (~~1997 Replacement Volume~~)
- 2 ~~BY adding to~~  
3 ~~Article Tax General~~  
4 ~~Section 10-208(m)~~  
5 ~~Annotated Code of Maryland~~  
6 ~~(1997 Replacement Volume)~~  
7 ~~(As enacted by Chapter 485 of the Acts of the General Assembly of 1997)~~
- 8 ~~BY adding to~~  
9 ~~Article Tax General~~  
10 ~~Section 10-704.9~~  
11 ~~Annotated Code of Maryland~~  
12 ~~(1997 Replacement Volume)~~
- 13 ~~BY repealing and reenacting, with amendments,~~  
14 ~~Article Tax General~~  
15 ~~Section 10-308(b)~~  
16 ~~Annotated Code of Maryland~~  
17 ~~(1997 Replacement Volume)~~
- 18 BY adding to  
19 Article 83A - Department of Business and Economic Development  
20 Section 6-801 through 6-807, inclusive, to be under the new subtitle "Subtitle 8.  
21 Animal Waste Technology Fund"  
22 Annotated Code of Maryland  
23 (1995 Replacement Volume and 1997 Supplement)
- 24 BY repealing and reenacting, without amendments,  
25 Article - Agriculture  
26 Section 6-101(a), (d), and (e), 6-102, 6-113, 6-201(f), and 8-805  
27 Annotated Code of Maryland  
28 (1985 Replacement Volume and 1997 Supplement)
- 29 BY repealing and reenacting, with amendments,  
30 Article - Agriculture  
31 Section 6-106  
32 Annotated Code of Maryland  
33 (1985 Replacement Volume and 1997 Supplement)
- 34 BY adding to  
35 Article - Agriculture  
36 Section 6-107.1, 8-405, 8-704.1, 8-704.2, 8-801.1, 8-803.1, 8-803.2, 8-803.3,  
37 8-803.4, 8-803.5, and 8-807

1 Annotated Code of Maryland  
2 (1985 Replacement Volume and 1997 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Agriculture  
5 Section 8-801 through 8-804, inclusive, and 8-806 to be under the amended  
6 subtitle "Subtitle 8. Nutrient Management"  
7 Annotated Code of Maryland  
8 (1985 Replacement Volume and 1997 Supplement)

9 BY repealing and reenacting, without amendments,  
10 Article - Environment  
11 Section 9-313  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 1997 Supplement)

14 BY adding to  
15 Article - Environment  
16 Section 9-325.1  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 1997 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article - Tax - General  
21 Section 10-208(a) and 10-308(a)  
22 Annotated Code of Maryland  
23 (1997 Replacement Volume)

24 BY adding to  
25 Article - Tax - General  
26 Section 10-208(m) and 10-704.9  
27 Annotated Code of Maryland  
28 (1997 Replacement Volume)

29 BY repealing and reenacting, with amendments,  
30 Article - Tax - General  
31 Section 10-308(b)  
32 Annotated Code of Maryland  
33 (1997 Replacement Volume)

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

**Article—Agriculture**

2 ~~6-101.~~

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

4 (d) ~~"Commercial feed" means a material which is distributed for use as feed or~~  
5 ~~for mixing in feed for any animal, other than man, except:~~

6 (1) ~~Unmixed and unprocessed whole seeds or meal made directly from~~  
7 ~~the entire seeds;~~

8 (2) ~~Unground hay; or~~

9 (3) ~~Whole or ground straw, stover, silage, cobs, and hulls not mixed with~~  
10 ~~any other material.~~

11 (e) ~~"Contract feed" means a commercial feed which is formulated according to~~  
12 ~~an agreement between a distributor and a contract feeder.~~

13 ~~6-102.~~

14 ~~The State Chemist shall administer the provisions of this subtitle subject to the~~  
15 ~~supervision of the Secretary.~~

16 ~~6-106.~~

17 (a) ~~The Secretary shall sample, inspect, test and make analyses of commercial~~  
18 ~~feed distributed in the State at any time and place and to the extent the Secretary~~  
19 ~~considers necessary to ensure compliance with this subtitle.~~

20 (b) ~~The Secretary shall adopt the methods of sampling and analysis from~~  
21 ~~sources, such as the journal of the Association of Official Analytical Chemists, or~~  
22 ~~methods that insure representative sampling and accurate examination.~~

23 (c) ~~In determining for administrative purposes whether a commercial feed is~~  
24 ~~deficient in any component, the Secretary shall be guided solely by the official sample~~  
25 ~~obtained and analyzed as provided by this section.~~

26 (d) ~~When inspection and analysis of an official sample indicates a commercial~~  
27 ~~feed is adulterated or misbranded, the Secretary shall forward the results of the~~  
28 ~~analysis to the person who registers the product and the person from whom the~~  
29 ~~sample is taken. The Secretary shall furnish the distributor with a portion of the~~  
30 ~~sample concerned within 30 days if he requests it.~~

31 (e) ~~The Secretary may enter on any public or private premises, including any~~  
32 ~~transportation vehicle, during regular business hours to obtain access to commercial~~  
33 ~~feeds or to records relating to their distribution.~~

1 ~~6-107.1.~~

2 (A) (1) ~~THE SECRETARY SHALL ADOPT REGULATIONS THAT ESTABLISH A~~  
3 ~~STATE COST SHARE PROGRAM TO OFFSET THE CAPITAL COSTS OF MODIFYING FEED~~  
4 ~~MILLS TO USE PHYTASE, OTHER ENZYMES, OR FEED ADDITIVES.~~

5 (2) ~~STATE COST SHARING FOR A PROJECT UNDER THIS SECTION MAY BE~~  
6 ~~MADE AVAILABLE FOR UP TO 50% OF ELIGIBLE COSTS.~~

7 (B) ~~THE SECRETARY SHALL ADOPT REGULATIONS THAT ESTABLISH~~  
8 ~~APPROPRIATE LABELING AND DISTRIBUTION REQUIREMENTS FOR CONTRACT FEED.~~

9 ~~6-113.~~

10 (a) ~~The Secretary may issue and enforce a written stop sale order to the~~  
11 ~~owner, custodian, or distributor of any commercial feed that the Secretary finds is in~~  
12 ~~violation of any provision of this subtitle or regulation under this subtitle, or has been~~  
13 ~~found by federal or State authorities to cause unreasonable adverse effects to~~  
14 ~~humans, animals, or the environment.~~

15 (b) ~~The order prohibits sale or distribution of the commercial feed until the~~  
16 ~~Secretary has evidence that the feed is in compliance with the law and until the~~  
17 ~~Secretary provides a written release from the stop sale order.~~

18 (c) ~~The Secretary may file a petition for condemnation in the circuit court of~~  
19 ~~the county in which the commercial feed is located. If the court finds the commercial~~  
20 ~~feed to be in violation of the provisions of this subtitle and orders the condemnation,~~  
21 ~~the commercial feed shall be disposed of in any manner consistent with the quality of~~  
22 ~~the commercial feed and the laws of the State. The court may not dispose of the~~  
23 ~~commercial feed without first giving the claimant an opportunity to apply to the court~~  
24 ~~for release of it or for permission to process or relable the commercial feed so that it~~  
25 ~~complies with the provisions of this subtitle.~~

26 ~~6-201.~~

27 (f) ~~"Commercial fertilizer" means any substance containing a recognized plant~~  
28 ~~nutrient used for its plant nutrient content and designed for use or claimed to have~~  
29 ~~value in promoting plant growth, except unmanipulated animal and vegetable~~  
30 ~~manure, marl, lime, wood ashes, and gypsum.~~

31 ~~8-405.~~

32 (A) ~~THE GENERAL ASSEMBLY FINDS THAT, FROM FISCAL YEAR 1991 THROUGH~~  
33 ~~FISCAL YEAR 1998, INADEQUATE RESOURCES HAVE BEEN PROVIDED FOR THE SOIL~~  
34 ~~CONSERVATION DISTRICTS TO EMPLOY ADEQUATE FIELD PERSONNEL TO ASSIST~~  
35 ~~FARMERS IN THE PREPARATION OF SOIL CONSERVATION AND WATER QUALITY~~  
36 ~~PLANS.~~

37 (B) ~~IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE SUFFICIENT~~  
38 ~~TECHNICAL ASSISTANCE AND RESOURCES THROUGH THE SOIL CONSERVATION~~

~~1 DISTRICTS TO ASSIST FARMERS IN PURSUIT OF SOIL CONSERVATION AND WATER  
2 QUALITY PLANS AND OTHER ACTIVITIES AUTHORIZED UNDER THIS TITLE.~~

~~3 (C) FOR FISCAL YEAR 2000 AND EACH FISCAL YEAR THEREAFTER, THE  
4 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN AMOUNT SUFFICIENT  
5 TO EMPLOY NOT LESS THAN 110 FIELD PERSONNEL IN THE SOIL CONSERVATION  
6 DISTRICTS UNDER THIS TITLE.~~

~~7 8-704.~~

8 (a) (1) State cost sharing in any project may be made available for up to 87  
9 ½ percent of eligible costs, not to exceed a dollar amount of up to \$50,000 as  
10 determined by a regulation adopted jointly by the Secretary of Agriculture and the  
11 Secretary of the Environment.

12 (2) State cost sharing funds may be made available for any project if:

13 (i) The Department of Agriculture, the soil conservation district,  
14 and a person have executed an agreement which, among other things, obligates the  
15 person to establish, construct, or install the best management practice in accordance  
16 with technical specifications, to maintain the best management practice for its  
17 expected life span, and to provide the required matching funds for the project;

18 (ii) The Board of Public Works has given approval to the project  
19 when the proceeds of State bonds are to be used to finance the State share; and

20 (iii) The soil conservation district has certified to the Department  
21 that the project meets all applicable technical standards, and that all submitted  
22 invoices properly represent eligible costs.

23 (3) (i) 1. Except as authorized under sub-subparagraph 2 of this  
24 subparagraph and before the Department of Agriculture executes a cost sharing  
25 agreement with a farm tenant, it shall obtain the consent of the landlord to the terms  
26 and conditions of the agreement.

27 2. The Department may execute the agreement without the  
28 consent of the landlord if:

29 A. The agreement concerns a short-term project that  
30 involves only the planting of a cover crop; and

31 B. The Department has sent by first class mail written  
32 notice of a cover crop project to the landlord at least 10 calendar days before executing  
33 the agreement for the first cover crop project during the term of the lease.

34 (ii) The Department may also require the granting to the State of  
35 an appropriate security interest in any equipment, structures or similar items  
36 purchased with State moneys.

1           (4)     A cost sharing agreement executed as required under this subtitle  
2 may be assigned and transferred to a successor in title of all or part of a tract of land  
3 subject to a best management practice.

4           (b)     State cost sharing funds shall be disbursed, upon warrant of the  
5 Comptroller, only after the Department has determined that the best management  
6 practice has been established or in the case of equipment, structures, or similar items,  
7 that it has been received and properly installed. Payment may be made either to the  
8 person when the person has advanced money, or directly to a vendor or contractor in  
9 accordance with the written agreement required by this section, or supplemental  
10 written agreements with the vendor or contractor.

11           (e)     (1)     (1)     The Secretary of Agriculture and the Secretary of the  
12 Environment shall jointly promulgate rules and regulations to implement this  
13 subtitle. However, rules and regulations solely involving internal management of the  
14 cost sharing program need only be promulgated by the Secretary of Agriculture. The  
15 Department of Natural Resources shall be consulted prior to any rule making effort to  
16 assure coordination with its sediment control and related watershed programs.

17                   (H)     ~~THE SECRETARY OF AGRICULTURE, IN CONSULTATION WITH~~  
18 ~~THE SECRETARY OF THE ENVIRONMENT, SHALL ADOPT REGULATIONS AUTHORIZING~~  
19 ~~THE DISBURSEMENT OF STATE COST SHARING FUNDS FOR THE CONSTRUCTION OF~~  
20 ~~POULTRY MANURE STORAGE FACILITIES ON FARMS WHICH DO NOT HAVE A~~  
21 ~~COMMERCIAL POULTRY OPERATION OR A COMMERCIAL EGG LAYING OPERATION.~~

22           (2)     All rules and regulations promulgated under this section shall be  
23 approved by the Board of Public Works prior to the use of the proceeds of State bonds  
24 in the cost sharing program.

25           (3)     The Department of Agriculture and the Department of the  
26 Environment may enter into agreements with appropriate federal and local  
27 governmental entities to assist in administering this subtitle.

28 ~~8-704.1.~~

29           (A)     ~~IN THIS SECTION, "SERVICE" MEANS POULTRY LITTER MATCHING~~  
30 ~~SERVICE.~~

31           (B)     ~~THE DEPARTMENT SHALL CREATE A POULTRY LITTER MATCHING~~  
32 ~~SERVICE.~~

33           (C)     ~~THE PURPOSE OF THE SERVICE IS TO DEVELOP TRANSFER PROGRAMS~~  
34 ~~AND MARKETING TECHNIQUES TO PROMOTE AND FACILITATE THE TRANSFER OF~~  
35 ~~POULTRY LITTER.~~

36           (D)     ~~THE SERVICE IS TO BE IMPLEMENTED IN CONJUNCTION WITH THE~~  
37 ~~POULTRY LITTER TRANSPORTATION PILOT PROJECT SET FORTH IN § 8-704.2 OF THIS~~  
38 ~~TITLE.~~

1 ~~(E) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL~~  
2 ~~SUFFICIENT FUNDS TO CARRY OUT THIS SECTION.~~

3 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~  
4 ~~read as follows:~~

5 ~~Article – Agriculture~~

6 ~~§ 704.2.~~

7 ~~(A) IN THIS SECTION, "PILOT PROJECT" MEANS THE POULTRY LITTER~~  
8 ~~TRANSPORTATION PILOT PROJECT.~~

9 ~~(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:~~

10 ~~(1) FOR A 3-YEAR PERIOD THE STATE SHALL FACILITATE THE PROMPT~~  
11 ~~TRANSPORTATION OF POULTRY LITTER FROM FARMS IN AREAS OF THE STATE THAT~~  
12 ~~EXPERIENCE PHOSPHOROUS OVERENRICHMENT;~~

13 ~~(2) THE PILOT PROJECT SHALL ENCOURAGE VOLUNTARY~~  
14 ~~PARTICIPATION TO ACHIEVE THE REMOVAL OF POULTRY LITTER PRODUCED BY 20%~~  
15 ~~OF THE POULTRY IN THE FOUR LOWER EASTERN SHORE COUNTIES IN MARYLAND.~~

16 ~~(3) THE PILOT PROJECT SHALL BE IMPLEMENTED IN CONJUNCTION~~  
17 ~~WITH THE POULTRY LITTER MATCHING SERVICE SET FORTH IN § 8-704.1 OF THIS~~  
18 ~~TITLE.~~

19 ~~(C) THE PURPOSE OF THE PILOT PROJECT IS TO ESTABLISH A COST SHARE~~  
20 ~~PROGRAM TO ASSIST IN THE TRANSPORTATION OF POULTRY LITTER FROM FARMS~~  
21 ~~OVER A PERIOD OF 3 YEARS:~~

22 ~~(1) TO BE USED IN AREAS WITH SOIL HOLDING CAPACITY FOR~~  
23 ~~PHOSPHOROUS; OR~~

24 ~~(2) TO BE USED IN WAYS OTHER THAN LAND APPLICATION.~~

25 ~~(D) THE DEPARTMENT OF AGRICULTURE SHALL ADOPT REGULATIONS~~  
26 ~~AUTHORIZING THE DISBURSEMENT OF COST SHARE FUNDS FROM THIS PROGRAM.~~

27 ~~(E) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE THE ASSISTANCE~~  
28 ~~NECESSARY TO ENSURE THAT POULTRY LITTER IS TESTED IN ACCORDANCE WITH~~  
29 ~~DEPARTMENTAL PROCEDURES BEFORE TRANSPORTATION OF THE LITTER OCCURS.~~

30 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~  
31 ~~read as follows:~~

1 ~~Article—Agriculture~~

2 ~~8-801.~~

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

4 (b) ~~"Certified nutrient management consultant" means an individual certified~~  
5 ~~by the Department to prepare a nutrient management plan.~~

6 (c) ~~"Nutrient management plan" means a plan prepared under this subtitle by~~  
7 ~~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 and to maintain productivity.~~

10 ~~8-801.1.~~

11 ~~(A) IN THIS SECTION, "GROSS INCOME" MEANS THE ACTUAL INCOME THAT IS~~  
12 ~~RECEIVED IN A CALENDAR YEAR THAT RESULTS DIRECTLY FROM THE FARM OR~~  
13 ~~AGRICULTURAL USE OF THE LAND.~~

14 ~~(B) (1) THIS SECTION DOES NOT APPLY TO:~~

15 ~~(1) (I) AN AGRICULTURAL OPERATION WITH LESS THAN \$2,500 IN~~  
16 ~~GROSS INCOME; OR~~

17 ~~(2) (II) A LIVESTOCK OPERATION WITH LESS THAN EIGHT ANIMAL~~  
18 ~~UNITS AS DEFINED IN 40 C.F.R. PART 122, APPENDIX B.~~

19 ~~(2) THE DEPARTMENT SHALL ADOPT REGULATIONS PROVIDING FOR~~  
20 ~~RELIGIOUS EXEMPTIONS FROM THE REQUIREMENTS OF THIS SECTION.~~

21 ~~(A) (C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT BASED UPON~~  
22 ~~THE AVAILABILITY OF ADEQUATE FUNDS AND TECHNOLOGICAL RESOURCES, THE~~  
23 ~~FOLLOWING GOALS BE ATTAINABLE:~~

24 ~~(1) 50% OF FARM ACREAGE IN THE STATE HAVE NUTRIENT~~  
25 ~~MANAGEMENT PLANS THAT MEET THE STANDARDS SET FORTH IN THIS SUBTITLE~~  
26 ~~IMPLEMENTED BY JULY 1, 2000;~~

27 ~~(2) 70% OF FARM ACREAGE IN THE STATE HAVE NUTRIENT~~  
28 ~~MANAGEMENT PLANS THAT MEET THE STANDARDS SET FORTH IN THIS SUBTITLE~~  
29 ~~IMPLEMENTED BY JULY 1, 2002; AND~~

30 ~~(3) 80% OF THE FARM ACREAGE IN THE STATE HAVE NUTRIENT~~  
31 ~~MANAGEMENT PLANS THAT MEET THE STANDARDS SET FORTH IN THIS SUBTITLE~~  
32 ~~IMPLEMENTED BY JULY 1, 2005.~~

33 ~~(D) (C) (1) SUBJECT TO THE AVAILABILITY OF FUNDS IN THE STATE~~  
34 ~~BUDGET FOR THE DEVELOPMENT AND IMPLEMENTATION OF NUTRIENT~~  
35 ~~MANAGEMENT PLANS, AND A DETERMINATION BY THE DEPARTMENT THAT~~

1 ~~ADEQUATE TECHNOLOGICAL RESOURCES ARE AVAILABLE, A PERSON THAT~~  
2 ~~OPERATES A FARM SHALL:~~

3 ~~(I) BY JULY 1, 2003, OPERATE THE FARM UNDER A NITROGEN~~  
4 ~~BASED NUTRIENT MANAGEMENT PLAN; AND~~

5 ~~(II) BY JULY 1, 2006, OPERATE THE FARM UNDER A NUTRIENT~~  
6 ~~MANAGEMENT PLAN THAT MEETS THE STANDARDS SET FORTH IN § 8-801.2 OF THIS~~  
7 ~~SUBTITLE.~~

8 ~~(2) (I) A PERSON IN VIOLATION OF PARAGRAPH (1) OF THIS~~  
9 ~~SUBSECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY, NOT TO EXCEED \$1,500,~~  
10 ~~TO BE ASSESSED BY THE DEPARTMENT.~~

11 ~~(II) EACH YEAR THAT A VIOLATION OF PARAGRAPH (1) OF THIS~~  
12 ~~SUBSECTION CONTINUES SHALL BE A SEPARATE VIOLATION.~~

13 ~~(3) TO HELP DEFRAY THE COSTS INCURRED BY A PERSON IN~~  
14 ~~IMPLEMENTING A NUTRIENT MANAGEMENT PLAN, THE DEPARTMENT SHALL~~  
15 ~~REFUND ANY ADMINISTRATIVE PENALTY PAID BY THE PERSON UNDER THIS~~  
16 ~~SUBSECTION WHEN THE PERSON IMPLEMENTS A NUTRIENT MANAGEMENT PLAN~~  
17 ~~REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

18 ~~8-801.2.~~

19 ~~(A) EACH NUTRIENT MANAGEMENT PLAN SHALL BE DEVELOPED~~  
20 ~~CONSIDERING SUCH FACTORS AS:~~

21 ~~(1) THE EXISTENCE AND PLANT AVAILABILITY OF NITROGEN AND~~  
22 ~~PHOSPHOROUS IN THE SOIL;~~

23 ~~(1) THE BIOAVAILABILITY OF NITROGEN AND PHOSPHOROUS IN THE~~  
24 ~~SOIL;~~

25 ~~(2) THE NUTRIENT HOLDING CAPACITY OF THE SOIL;~~

26 ~~(3) LEVELS OF NITROGEN AND PHOSPHOROUS IN ALL NUTRIENTS TO BE~~  
27 ~~APPLIED;~~

28 ~~(3) THE BIOAVAILABILITY OF NITROGEN AND PHOSPHOROUS IN THE~~  
29 ~~NUTRIENTS TO BE APPLIED;~~

30 ~~(4) REALISTIC CROP YIELD GOALS;~~

31 ~~(5) SOIL ERODIBILITY; AND~~

32 ~~(6) THE BEST REASONABLE SCIENTIFIC METHODS ACCEPTED BY THE~~  
33 ~~DEPARTMENT AND THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION~~  
34 ~~SERVICE; AND~~

1 ~~(7) THE NECESSITY FOR FLEXIBILITY DUE TO CIRCUMSTANCES BEYOND~~  
2 ~~THE CONTROL OF THE FARMER.~~

3 ~~(B) (1) EACH NUTRIENT MANAGEMENT PLAN SHALL BE FILED WITH THE~~  
4 ~~DEPARTMENT:~~

5 ~~(I) WHEN IT IS DEVELOPED; AND~~

6 ~~(II) EACH TIME IT IS UPDATED.~~

7 ~~(2) THE DEPARTMENT SHALL MAINTAIN A COPY OF EACH NUTRIENT~~  
8 ~~MANAGEMENT PLAN FOR 3 YEARS IN A MANNER THAT PROTECTS THE IDENTITY OF~~  
9 ~~THE INDIVIDUAL FOR WHOM THE NUTRIENT MANAGEMENT PLAN WAS PREPARED.~~

10 ~~§ 8-803.~~

11 ~~(a) To apply for certification AS A NUTRIENT MANAGEMENT CONSULTANT, an~~  
12 ~~applicant shall:~~

13 ~~(1) Submit to the Department an application on the form the~~  
14 ~~Department requires; and~~

15 ~~(2) Pay to the Department the certification fee stated in § 8-806 of this~~  
16 ~~subtitle.~~

17 ~~(b) The Department shall certify any individual who:~~

18 ~~(1) Meets the requirements of this subtitle;~~

19 ~~(2) Meets the Department's educational requirements, INCLUDING A~~  
20 ~~PROGRAM ON THE PROPER APPLICATION OF NUTRIENTS;~~

21 ~~(3) Passes a Department approved examination; and~~

22 ~~(4) (i) Is employed by a person licensed under this subtitle; or~~

23 ~~(ii) Holds a license as required by this subtitle.~~

24 ~~(c) To apply for a license an applicant shall:~~

25 ~~(1) Submit to the Department an application on the form the~~  
26 ~~Department requires; and~~

27 ~~(2) Pay to the Department the applicable license fee stated in § 8-806 of~~  
28 ~~this subtitle.~~

29 ~~(d) The Department shall license a person who meets the requirements of this~~  
30 ~~subtitle.~~

31 ~~(e) A certificate or license is issued for 1 year unless the certificate or license~~  
32 ~~is renewed as provided by this subtitle.~~

1        ~~(F)        The Department shall renew the certificate or license of any applicant for~~  
2 ~~an additional 1-year term if the applicant:~~

3                ~~(1)        Submits a renewal application on the form that the Department~~  
4 ~~requires;~~

5                ~~(2)        Pays to the Department the applicable fee stated in § 8-806 of this~~  
6 ~~subtitle;~~

7                ~~(3)        Complies with applicable continuing education requirements; and~~

8                ~~(4)        Otherwise is entitled to be certified or licensed.~~

9 ~~8-803.1.~~

10        ~~(A)        STATE COST SHARING MAY BE MADE AVAILABLE TO FARMERS TO HELP~~  
11 ~~OFFSET THE COSTS OF HAVING A NUTRIENT MANAGEMENT PLAN PREPARED BY A~~  
12 ~~CERTIFIED NUTRIENT MANAGEMENT CONSULTANT WHO IS NOT EMPLOYED BY THE~~  
13 ~~STATE OR A LOCAL GOVERNMENT.~~

14        ~~(B)        STATE COST SHARE FUNDS ARE TO BE MADE AVAILABLE FOR ELIGIBLE~~  
15 ~~COSTS UP TO 50% PER ACRE, NOT TO EXCEED \$3 PER ACRE.~~

16        ~~(C)        THE SECRETARY OF AGRICULTURE SHALL ADOPT REGULATIONS~~  
17 ~~AUTHORIZING THE DISBURSEMENT OF STATE COST SHARING FUNDS UNDER THIS~~  
18 ~~SUBTITLE.~~

19 ~~8-803.2.~~

20        ~~(A)        A PERSON WHO APPLIES NUTRIENTS FOR HIRE SHALL BE A CERTIFIED~~  
21 ~~NUTRIENT MANAGEMENT CONSULTANT OR WORK UNDER A NUTRIENT~~  
22 ~~MANAGEMENT CONSULTANT CERTIFIED UNDER § 8-803 OF THIS ARTICLE.~~

23        ~~(B)        A PERSON WHO APPLIES NUTRIENTS FOR HIRE WHO IS NOT A CERTIFIED~~  
24 ~~NUTRIENT MANAGEMENT CONSULTANT SHALL MAKE AVAILABLE DOCUMENTATION,~~  
25 ~~IN THE FORM OF A WORK ORDER, BILL OF LADING, OR SIMILAR DOCUMENT, TO THE~~  
26 ~~LANDOWNER OR LAND MANAGER THAT THE PERSON IS WORKING UNDER A~~  
27 ~~CERTIFIED NUTRIENT MANAGEMENT CONSULTANT.~~

28        ~~(C)        THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS~~  
29 ~~SECTION.~~

30 ~~8-803.3.~~

31        ~~(A)        THIS SECTION DOES NOT APPLY TO:~~

32                ~~(1)        A PERSON WHO APPLIES NUTRIENTS TO 10 ACRES OR LESS OF LAND~~  
33 ~~EACH YEAR; OR~~

34                ~~(2)        A PERSON WHO APPLIES NUTRIENTS FOR HIRE.~~

~~1 (B) A PERSON WHO ENGAGES IN THE ACTIVITY OF APPLYING NUTRIENTS TO  
2 LAND WHICH THE PERSON OWNS OR MANAGES SHALL COMPLETE AN EDUCATIONAL  
3 PROGRAM IN NUTRIENT APPLICATION EVERY 3 YEARS.~~

~~4 (C) THE SECRETARY, IN CONSULTATION WITH THE NUTRIENT MANAGEMENT  
5 ADVISORY COMMITTEE UNDER § 8 804, SHALL CREATE OR APPROVE EDUCATIONAL  
6 PROGRAMS UNDER THIS SECTION.~~

~~7 (1) THE NUTRIENT APPLICATION EDUCATIONAL PROGRAMS ARE TO BE  
8 OFFERED AT SITES DISTRIBUTED THROUGHOUT THE STATE.~~

~~9 (2) THE DEPARTMENT SHALL ISSUE TO A PARTICIPANT UPON  
10 COMPLETION OF AN EDUCATION PROGRAM UNDER THIS SECTION, A VOUCHER OF  
11 COMPLETION.~~

~~12 (3) THE DEPARTMENT SHALL MAINTAIN A REGISTRY OF PERSONS WHO  
13 HAVE RECEIVED VOUCHERS OF COMPLETION IN A NUTRIENT APPLICATION  
14 EDUCATIONAL PROGRAM UNDER THIS SECTION.~~

~~15 § 803.4.~~

~~16 (A) THIS SECTION APPLIES TO THE APPLICATION OF COMMERCIAL  
17 FERTILIZER, AS DEFINED IN § 6-201 OF THIS ARTICLE:~~

~~18 (1) THAT IS PERFORMED BY A PERSON WHO APPLIES COMMERCIAL  
19 FERTILIZER FOR HIRE; AND~~

~~20 (2) THAT IS APPLIED TO PROPERTY THAT IS:~~

~~21 (I) NOT USED FOR AGRICULTURAL PURPOSES; AND~~

~~22 (II) 1. 3 OR MORE ACRES; OR~~

~~23 2. STATE PROPERTY.~~

~~24 (B) A PERSON WHO APPLIES COMMERCIAL FERTILIZER PURSUANT TO THIS  
25 SECTION SHALL COMPLETE AN EDUCATIONAL PROGRAM IN COMMERCIAL  
26 FERTILIZER APPLICATION EVERY 3 YEARS.~~

~~27 (C) (1) THE SECRETARY, IN CONSULTATION WITH THE NUTRIENT  
28 MANAGEMENT ADVISORY COMMITTEE UNDER § 8 804 OF THIS SUBTITLE, SHALL  
29 CREATE OR APPROVE A COMMERCIAL FERTILIZER APPLICATION PROGRAM.~~

~~30 (2) THE PROGRAM IS TO BE OFFERED AT SITES THROUGHOUT THE  
31 STATE.~~

~~32 (3) THE DEPARTMENT SHALL ISSUE TO A PARTICIPANT UPON  
33 COMPLETION OF A PROGRAM UNDER THIS SECTION, A VOUCHER OF COMPLETION.~~

~~34 (4) THE DEPARTMENT SHALL MAINTAIN A REGISTRY OF PERSONS WHO  
35 HAVE RECEIVED VOUCHERS OF COMPLETION UNDER THIS SECTION.~~

1 ~~8-804.~~

2 (a) The Department shall establish a Nutrient Management Advisory  
3 Committee. The Secretary shall appoint to the Committee representatives of the  
4 agricultural community, the environmental community, [industry] THE  
5 COMMERCIAL LAWN CARE, BIOSOLIDS, AND AGRICULTURAL FERTILIZER  
6 INDUSTRIES, academia, and appropriate government units.

7 (b) In consultation with the Nutrient Management Advisory Committee, the  
8 Department shall by regulation:

9 (1) Prescribe the criteria, form, and content for certified nutrient  
10 management plans applicable to licensees and certificate holders;

11 (2) Establish continuing education requirements for [certificate  
12 holders] CERTIFIED NUTRIENT MANAGEMENT CONSULTANTS AND PERSONS  
13 RECEIVING VOUCHERS OF COMPLETION UNDER §§ 8-803.3 AND 8-803.4 OF THIS  
14 SUBTITLE; and

15 (3) Adopt guidelines and requirements for licensees on record keeping  
16 and on reporting requirements to the Department on nutrient management plans.

17 ~~8-805.~~

18 Subject to the provisions of the Administrative Procedure Act, the Department  
19 may deny, suspend, or revoke a certificate or license for a violation of this subtitle or  
20 for a violation of any regulation adopted under this subtitle by the Department.

21 ~~8-806.~~

22 (a) Except for a government agency, the Department shall charge the  
23 following fees under this subtitle:

- 24 (1) Certificate.....\$50;
- 25 (2) License (individual or sole proprietorship).....\$50;
- 26 (3) License (corporation or partnership)..... \$100; and
- 27 (4) Renewal.....\$50.

28 (b) The Department shall charge an applicant for the full cost of any training  
29 provided by the Department under this subtitle.

30 (c) All moneys collected under this subtitle shall be deposited in the General  
31 Fund of the State.

32 ~~8-807.~~

33 ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT OF  
34 AGRICULTURE SHALL REPORT TO THE GOVERNOR, AND, IN ACCORDANCE WITH §

~~1 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE  
2 FARM ACREAGE COVERED BY NUTRIENT MANAGEMENT PLANS AND THE  
3 IMPLEMENTATION AND EVALUATION OF THOSE PLANS.~~

~~4 **Article 41 – Governor – Executive and Administrative Departments**~~

~~5 18-316.~~

~~6 (A) IN THIS SECTION, "ASSESSMENT TEAM" MEANS THE NUTRIENT  
7 MANAGEMENT PROGRESS ASSESSMENT TEAM.~~

~~8 (B) THERE IS A NUTRIENT MANAGEMENT PROGRESS ASSESSMENT TEAM.~~

~~9 (C) THE ASSESSMENT TEAM SHALL BE COMPOSED OF:~~

~~10 (1) THE SECRETARY OF AGRICULTURE OR THE SECRETARY'S DESIGNEE;~~

~~11 (2) AN AGRONOMIST FROM THE MARYLAND AGRICULTURAL  
12 EXPERIMENT STATION;~~

~~13 (3) A WATER QUALITY SPECIALIST FROM THE UNIVERSITY OF  
14 MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE; AND~~

~~15 (4) ONE REPRESENTATIVE FROM EACH OF THE FOLLOWING ENTITIES:~~

~~16 (I) UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION  
17 SERVICE;~~

~~18 (II) SOIL CONSERVATION DISTRICTS;~~

~~19 (III) MARYLAND FARM BUREAU;~~

~~20 (IV) MARYLAND STATE GRANGE;~~

~~21 (V) MARYLAND PORK PRODUCERS ASSOCIATION;~~

~~22 (VI) DELMARVA POULTRY INDUSTRY, INC.;~~

~~23 (VII) DELAWARE MARYLAND AGRIBUSINESS ASSOCIATION;~~

~~24 (VIII) MARYLAND ASSOCIATION OF GREEN INDUSTRIES;~~

~~25 (IX) BIOSOLIDS COMMITTEE OF THE CHESAPEAKE WATER  
26 ENVIRONMENT ASSOCIATION; AND~~

~~27 (X) ASSOCIATION OF FOREST INDUSTRIES, INC.~~

~~28 (D) THE ASSESSMENT TEAM SHALL REVIEW AND REPORT TO THE GOVERNOR  
29 AND THE GENERAL ASSEMBLY ON AN ANNUAL BASIS ON THE PROGRESS BEING  
30 MADE TOWARDS ACHIEVING THE NUTRIENT MANAGEMENT GOALS SET FORTH IN §  
31 8-801.1 OF THE AGRICULTURE ARTICLE.~~

1 ~~(E) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE STAFF ASSISTANCE~~  
 2 ~~TO THE ASSESSMENT TEAM. THE ASSESSMENT TEAM MAY USE THE STAFF TO ASSIST~~  
 3 ~~IN PREPARING THE ANNUAL REPORT.~~

4 ~~(F) THE ASSESSMENT TEAM SHALL PROVIDE ANALYSIS TO THE GOVERNOR~~  
 5 ~~AND THE GENERAL ASSEMBLY AND MAKE RECOMMENDATIONS BY JULY 1 OF EACH~~  
 6 ~~YEAR ON THE FOLLOWING:~~

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

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

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

13 ~~(4) THE LATEST DEVELOPMENTS IN PHOSPHOROUS MITIGATION,~~  
 14 ~~INCLUDING THE EFFECTIVENESS OF PHYTASE AND OTHER ENZYMES, GENETICALLY~~  
 15 ~~ENGINEERED CORN, SOIL ADDITIVES, AND OTHER INNOVATIONS;~~

16 ~~(5) THE EFFECTIVENESS OF NUTRIENT APPLICATION EDUCATION~~  
 17 ~~PROGRAMS;~~

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

20 ~~(7) FOR TARGETED AREAS DETERMINED BY THE SECRETARY OF~~  
 21 ~~AGRICULTURE, THE TEAM WILL PROVIDE AN ASSESSMENT OF THE BACKGROUND~~  
 22 ~~LEVELS OF PHOSPHOROUS IN THE SOIL, CURRENT LEVELS OF PHOSPHOROUS IN THE~~  
 23 ~~SOIL, AND THE MOVEMENT OF PHOSPHOROUS IN AND ON THE LAND.~~

24 ~~SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~  
 25 ~~read as follows:~~

26 ~~**Article 83A – Department of Business and Economic Development**~~

27 ~~SUBTITLE 8. ANIMAL WASTE TECHNOLOGY FUND.~~

28 ~~6-801.~~

29 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~  
 30 ~~INDICATED.~~

31 ~~(B) "ANIMAL WASTE TECHNOLOGY PROJECT" MEANS THE RESEARCH,~~  
 32 ~~DEVELOPMENT, IMPLEMENTATION, OR MARKET DEVELOPMENT OF TECHNOLOGY~~  
 33 ~~THAT IS INTENDED TO:~~

34 ~~(1) REDUCE THE AMOUNT OF NUTRIENTS IN ANIMAL WASTE;~~

- 1           (2)     ~~ALTER THE COMPOSITION OF ANIMAL WASTE;~~
- 2           (3)     ~~USE ANIMAL WASTE IN A PRODUCTION PROCESS; OR~~
- 3           (4)     ~~DEVELOP ALTERNATIVE WASTE MANAGEMENT STRATEGIES~~  
4 ~~INCLUDING THE TRANSFER AND TRANSPORTATION OF ANIMAL WASTE TO AREAS IN~~  
5 ~~MARYLAND WHICH CAN MAKE A BENEFICIAL USE OF THE MANURE.~~

6    (C)     ~~"FUND" MEANS THE ANIMAL WASTE TECHNOLOGY FUND.~~

7    (D)     ~~"PROGRAM" MEANS THE ORGANIZATIONAL UNIT IN THE DEPARTMENT~~  
8 ~~THAT ADMINISTERS THE ANIMAL WASTE TECHNOLOGY FUND.~~

9 ~~6-802.~~

10   (A)     ~~THE PURPOSE OF THE ANIMAL WASTE TECHNOLOGY FUND IS TO PROVIDE~~  
11 ~~FINANCIAL ASSISTANCE TO INDIVIDUALS AND BUSINESS ENTERPRISES THAT~~  
12 ~~CONDUCT RESEARCH AND DEVELOP TECHNOLOGIES THAT ARE INTENDED TO:~~

13           (1)     ~~REDUCE THE AMOUNT OF NUTRIENTS IN ANIMAL WASTE;~~

14           (2)     ~~ALTER THE COMPOSITION OF ANIMAL WASTE;~~

15           (3)     ~~USE ANIMAL WASTE IN A PRODUCTION PROCESS; AND~~

16           (4)     ~~DEVELOP ALTERNATIVE ANIMAL WASTE MANAGEMENT~~  
17 ~~STRATEGIES, INCLUDING THE TRANSFER AND TRANSPORTATION OF ANIMAL WASTE~~  
18 ~~TO AREAS IN MARYLAND WHICH CAN MAKE A BENEFICIAL USE OF THE ANIMAL~~  
19 ~~WASTE.~~

20   (B)     ~~THE GOAL OF THE FUND IS TO ENCOURAGE THE DEVELOPMENT AND~~  
21 ~~IMPLEMENTATION OF ECONOMICALLY FEASIBLE TECHNOLOGIES AND PRACTICES~~  
22 ~~THAT HELP PROTECT THE PUBLIC HEALTH AND THE ENVIRONMENT BY REDUCING~~  
23 ~~THE AMOUNT OF NUTRIENTS FROM ANIMAL WASTE THAT ARE RELEASED INTO~~  
24 ~~STATE WATERS.~~

25 ~~6-803.~~

26   (A)     ~~THERE IS AN ANIMAL WASTE TECHNOLOGY FUND IN THE DEPARTMENT.~~

27   (B)     ~~THE FUND IS A SPECIAL CONTINUING, NONLAPSING FUND NOT SUBJECT~~  
28 ~~TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

29   (C)     ~~THE FUND MAY CONSIST OF:~~

30           (1)     ~~MONEYS APPROPRIATED BY THE STATE;~~

31           (2)     ~~MONEYS MADE AVAILABLE THROUGH FEDERAL PROGRAMS OR~~  
32 ~~PRIVATE CONTRIBUTIONS;~~

1           (3)     ~~INCOME FROM INVESTMENTS THAT THE STATE TREASURER MAKES~~  
2 ~~FROM MONEYS IN THE FUND;~~

3           (4)     ~~REPAYMENTS OF PRINCIPAL AND INTEREST FROM LOANS MADE~~  
4 ~~FROM THE FUND;~~

5           (5)     ~~INCOME FROM EQUITY INVESTMENTS THAT THE DEPARTMENT~~  
6 ~~MAKES FROM THE FUND;~~

7           (6)     ~~PROCEEDS FROM THE SALE, DISPOSITION, LEASE, OR RENTAL BY~~  
8 ~~THE DEPARTMENT OF COLLATERAL RELATED TO ANY FINANCING PROVIDED BY THE~~  
9 ~~DEPARTMENT UNDER THIS SUBTITLE;~~

10          (7)     ~~APPLICATION OR OTHER FEES PAID TO THE PROGRAM IN~~  
11 ~~CONNECTION WITH THE PROCESSING OF REQUESTS FOR ASSISTANCE; AND~~

12          (8)     ~~ANY OTHER MONEYS MADE AVAILABLE TO THE FUND.~~

13    (D)     ~~THE PROGRAM MAY USE MONEYS IN THE FUND TO:~~

14          (1)     ~~PROVIDE FINANCIAL ASSISTANCE TO DEFRAY THE COSTS OF~~  
15 ~~ANIMAL WASTE TECHNOLOGY PROJECTS; AND~~

16          (2)     ~~PAY EXPENSES FOR ADMINISTRATIVE, ACTUARIAL, LEGAL, AND~~  
17 ~~TECHNICAL SERVICES ASSOCIATED WITH OPERATING THE FUND.~~

18 ~~6-804.~~

19    ~~FINANCIAL ASSISTANCE PROVIDED FROM THE FUND MAY BE:~~

20          (1)     ~~USED ONLY TO PAY THE COSTS OF CARRYING OUT AN ANIMAL~~  
21 ~~WASTE TECHNOLOGY PROJECT; AND~~

22          (2)     ~~IN THE FORM OF:~~

23                 (I)     ~~A GRANT;~~

24                 (II)    ~~A LOAN;~~

25                 (III)   ~~A LOAN GUARANTEE;~~

26                 (IV)   ~~A LOAN THAT IS CONVERTIBLE IN WHOLE OR IN PART TO A~~  
27 ~~GRANT ON THE SATISFACTION OF SPECIFIED CONDITIONS; OR~~

28                 (V)     ~~AN EQUITY INVESTMENT.~~

29 ~~6-805.~~

30    (A)     ~~TO BE ELIGIBLE FOR ASSISTANCE FROM THE FUND, AN ANIMAL WASTE~~  
31 ~~TECHNOLOGY PROJECT MUST HAVE STRONG POTENTIAL FOR:~~

- 1           (1)     ~~IMPROVING THE PUBLIC HEALTH;~~
- 2           (2)     ~~PRESERVING THE VIABILITY OF THE AGRICULTURAL INDUSTRY;~~
- 3           (3)     ~~IMPROVING THE ENVIRONMENT;~~
- 4           (4)     ~~HAVING A POSITIVE ECONOMIC DEVELOPMENT IMPACT IN THE~~  
5 ~~STATE;~~
- 6           (5)     ~~FACILITATING THE INVOLVEMENT OF PRIVATE ENTERPRISE; AND~~
- 7           (6)     ~~LEADING TO A COST EFFECTIVE ANIMAL WASTE MANAGEMENT~~  
8 ~~PROGRAM.~~

9     (B)     ~~IF THE AMOUNT OF FINANCIAL ASSISTANCE REQUESTED EXCEEDS THE~~  
10 ~~AMOUNT OF MONEYS AVAILABLE IN THE FUND, THE PROGRAM SHALL GIVE~~  
11 ~~PREFERENCE TO THE ANIMAL WASTE TECHNOLOGY PROJECTS THAT DEMONSTRATE~~  
12 ~~THE GREATEST POTENTIAL FOR:~~

- 13          (1)     ~~IMPROVING THE PUBLIC HEALTH;~~
- 14          (2)     ~~PRESERVING THE VIABILITY OF THE AGRICULTURAL INDUSTRY;~~
- 15          (3)     ~~IMPROVING THE ENVIRONMENT;~~
- 16          (4)     ~~HAVING A POSITIVE ECONOMIC DEVELOPMENT IMPACT IN THE~~  
17 ~~STATE;~~
- 18          (5)     ~~FACILITATING THE INVOLVEMENT OF PRIVATE ENTERPRISE; AND~~
- 19          (6)     ~~LEADING TO A COST EFFECTIVE ANIMAL WASTE MANAGEMENT~~  
20 ~~PROGRAM.~~

21 ~~6-806.~~

22     ~~THE PROGRAM MAY IMPOSE TERMS AND CONDITIONS ON FINANCIAL~~  
23 ~~ASSISTANCE PROVIDED FROM THE FUND.~~

24 ~~6-807.~~

25     (A)     ~~THE STATE TREASURER SHALL HOLD THE FUND AND THE STATE~~  
26 ~~COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

27     (B)     ~~ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE~~  
28 ~~FUND.~~

29     ~~SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~  
30 ~~read as follows:~~

~~Article – Tax – General~~

2 ~~10-208.~~

3 (a) ~~In addition to the modification under § 10-207 of this subtitle, the~~  
 4 ~~amounts under this section are subtracted from the federal adjusted gross income of~~  
 5 ~~a resident to determine Maryland adjusted gross income.~~

6 (M) (1) ~~IN THIS SUBSECTION, "POULTRY OR LIVESTOCK MANURE~~  
 7 ~~SPREADING EQUIPMENT" MEANS EQUIPMENT THAT IS USED BY A FARM OWNER OR~~  
 8 ~~TENANT ON FARMLAND IN ACCORDANCE WITH A NUTRIENT MANAGEMENT PLAN~~  
 9 ~~PREPARED BY AN INDIVIDUAL LICENSED BY THE SECRETARY OF AGRICULTURE IN~~  
 10 ~~ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE AGRICULTURE ARTICLE IF THE~~  
 11 ~~MANURE SPREADING EQUIPMENT IS USED:~~

12 (I) ~~TO SPREAD POULTRY MANURE AND BEDDING FROM NORMAL~~  
 13 ~~POULTRY PRODUCTION WITH A CAPABILITY OF BEING CALIBRATED TO 1.0 TON PER~~  
 14 ~~ACRE; OR~~

15 (II) ~~TO APPLY SOLID OR LIQUID LIVESTOCK WASTE.~~

16 (2) ~~THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION~~  
 17 ~~INCLUDES 100% OF THE EXPENSE THAT A TAXPAYER INCURS TO BUY POULTRY OR~~  
 18 ~~LIVESTOCK MANURE SPREADING EQUIPMENT IF THE TAXPAYER:~~

19 (I) ~~PURCHASED THE SPREADING EQUIPMENT AFTER DECEMBER~~  
 20 ~~31, 1997; AND~~

21 (II) ~~OWNS THE SPREADING EQUIPMENT FOR AT LEAST 3 YEARS~~  
 22 ~~AFTER THE TAXABLE YEAR IN WHICH THE SUBTRACTION IS MADE.~~

23 (3) ~~THE SUBTRACTION ALLOWED UNDER PARAGRAPH (2) OF THIS~~  
 24 ~~SUBSECTION MAY BE CARRIED OVER TO SUCCEEDING TAXABLE YEARS, NOT TO~~  
 25 ~~EXCEED 5 YEARS, UNTIL THE FULL AMOUNT OF THE SUBTRACTION IS USED.~~

26 (3) ~~TO QUALIFY FOR THE SUBTRACTION UNDER PARAGRAPH (2) OF THIS~~  
 27 ~~SUBSECTION, A TAXPAYER SHALL FILE A STATEMENT FROM THE DEPARTMENT OF~~  
 28 ~~AGRICULTURE CERTIFYING COMPLIANCE WITH THE REQUIREMENTS OF PARAGRAPH~~  
 29 ~~(2) OF THIS SUBSECTION.~~

30 (4) ~~IF THE SUBTRACTION ALLOWED UNDER PARAGRAPH (2) OF THIS~~  
 31 ~~SUBSECTION EXCEEDS THE MARYLAND TAXABLE INCOME THAT IS COMPUTED~~  
 32 ~~WITHOUT THE MODIFICATION ALLOWED UNDER THIS SUBSECTION AND THE~~  
 33 ~~SUBTRACTION IS NOT USED FOR THE TAXABLE YEAR, THE EXCESS MAY BE CARRIED~~  
 34 ~~OVER TO SUCCEEDING TAXABLE YEARS, NOT TO EXCEED 5, UNTIL THE FULL~~  
 35 ~~AMOUNT OF THE SUBTRACTION IS USED.~~

1 ~~10-308.~~

2 (a) ~~In addition to the modification under § 10-307 of this subtitle, the~~  
 3 ~~amounts under this section are subtracted from the federal taxable income of a~~  
 4 ~~corporation to determine Maryland modified income.~~

5 (b) ~~The subtraction under subsection (a) of this section includes the amounts~~  
 6 ~~allowed to be subtracted for an individual under:~~

7 (1) ~~§ 10-208(d) of this title (conservation tillage equipment expenses);~~

8 (2) ~~§ 10-208(i) of this title (reforestation or timber stand expenses);~~  
 9 ~~{and}~~

10 (3) ~~§ 10-208(k) of this title (wage expenses for targeted jobs); AND~~

11 (4) ~~§ 10-208(M) OF THIS TITLE (POULTRY OR LIVESTOCK MANURE~~  
 12 ~~SPREADING EQUIPMENT).~~

13 ~~SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~  
 14 ~~read as follows:~~

15 **~~Article -- Tax -- General~~**

16 ~~10-704.9.~~

17 (A) ~~SUBJECT TO THE PROVISIONS OF THIS SECTION, AN INDIVIDUAL OR A~~  
 18 ~~CORPORATION MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR A~~  
 19 ~~TAXABLE YEAR IN THE AMOUNT EQUAL TO 50% OF THE CERTIFIED ADDITIONAL~~  
 20 ~~COMMERCIAL FERTILIZER COSTS NECESSARY TO CONVERT AGRICULTURAL~~  
 21 ~~PRODUCTION TO A NUTRIENT MANAGEMENT PLAN UNDER TITLE 8, SUBTITLE 8 OF~~  
 22 ~~THE AGRICULTURE ARTICLE.~~

23 (B) (1) ~~THE CREDIT ALLOWED UNDER THIS SECTION MAY ONLY BE~~  
 24 ~~CLAIMED BY AN INDIVIDUAL OR A CORPORATION FOR UP TO 3 CONSECUTIVE~~  
 25 ~~TAXABLE YEARS.~~

26 (2) ~~THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED~~  
 27 ~~\$4,500 IN ANY TAXABLE YEAR.~~

28 (3) (1) ~~IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY~~  
 29 ~~TAXABLE YEAR EXCEEDS THE TOTAL TAX OTHERWISE PAYABLE BY THE INDIVIDUAL~~  
 30 ~~OR CORPORATION FOR THAT TAXABLE YEAR, THE INDIVIDUAL OR CORPORATION~~  
 31 ~~MAY APPLY THE EXCESS AS A CREDIT FOR SUCCEEDING TAXABLE YEARS UNTIL THE~~  
 32 ~~EARLIER OF:~~

33 1. ~~THE FULL AMOUNT OF THE EXCESS IS USED; OR~~

34 2. ~~THE EXPIRATION OF THE 5TH SUCCEEDING TAXABLE~~  
 35 ~~YEAR.~~

1                   (II)     ~~ANY EXCESS CREDIT CARRIED FORWARD UNDER THIS~~  
 2 ~~PARAGRAPH DOES NOT APPLY TO THE CREDIT LIMIT SPECIFIED IN PARAGRAPH (2) OF~~  
 3 ~~THIS SUBSECTION.~~

4                   (C)     ~~THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT BE EARNED FOR~~  
 5 ~~ANY CREDIT YEAR BEGINNING ON OR AFTER JANUARY 1, 2006.~~

6                   (D)     (1)    ~~TO QUALIFY FOR THE CREDIT UNDER THIS SECTION, AN INDIVIDUAL~~  
 7 ~~OR A CORPORATION MUST RECEIVE A STATEMENT FROM THE DEPARTMENT OF~~  
 8 ~~AGRICULTURE CERTIFYING:~~

9                           (1)    ~~THAT THE INDIVIDUAL OR CORPORATION HAS SUBMITTED A~~  
 10 ~~NUTRIENT MANAGEMENT PLAN TO THE DEPARTMENT IN ACCORDANCE WITH TITLE~~  
 11 ~~8, SUBTITLE 8 OF THE AGRICULTURE ARTICLE;~~

12                           (II)   ~~THAT THE ADDITIONAL COMMERCIAL FERTILIZER COSTS ARE~~  
 13 ~~NECESSARY TO CONVERT AGRICULTURAL PRODUCTION TO COMPLY WITH A~~  
 14 ~~NUTRIENT MANAGEMENT PLAN UNDER TITLE 8, SUBTITLE 8 OF THE AGRICULTURE~~  
 15 ~~ARTICLE; AND~~

16                           (III) ~~THE AMOUNT OF THE CREDIT THAT THE INDIVIDUAL OR~~  
 17 ~~CORPORATION IS ELIGIBLE TO TAKE FOR THE TAXABLE YEAR.~~

18                           (2)    ~~AN INDIVIDUAL OR A CORPORATION MUST FILE PROOF OF~~  
 19 ~~CERTIFICATION BY THE DEPARTMENT OF AGRICULTURE IN A MANNER PRESCRIBED~~  
 20 ~~BY THE COMPTROLLER.~~

21                   (E)     ~~SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE STATE~~  
 22 ~~DEPARTMENT OF AGRICULTURE SHALL ADOPT REGULATIONS NECESSARY TO CARRY~~  
 23 ~~OUT THE PROVISIONS OF THIS SECTION.~~

24     SECTION 7. AND BE IT FURTHER ENACTED, That for Fiscal Year 2000 the  
 25 Governor shall include in the annual budget bill an amount of not less than \$350,000  
 26 for the cost share program under § 6-107.1 of the Agriculture Article; for Fiscal Year  
 27 2000 and each fiscal year thereafter, the Governor shall include in the annual budget  
 28 bill an amount not less than \$620,000 for the employment of contractual nutrient  
 29 management planners through the University of Maryland Cooperative Extension  
 30 Service; for Fiscal Year 2000, the Governor shall include in the annual budget bill an  
 31 amount of not less than \$1,000,000 for the State cost sharing program under §  
 32 8-803.1 as enacted by Section 3 of this Act.

33     SECTION 8. AND BE IT FURTHER ENACTED, That, for each of Fiscal Years  
 34 2000 and 2001, the Governor shall include in the annual budget bill an amount of not  
 35 less than \$1,500,000 for the Pilot Project under Section 2 of this Act; that Section 2 of  
 36 this Act shall remain effective for a period of 3 years and, at the end of June 30, 2001,  
 37 with no further action required by the General Assembly, Section 2 of this Act shall be  
 38 abrogated and of no further force and effect. Any money remaining in the Poultry  
 39 Litter Transportation Pilot Project or due to the Poultry Litter Transportation Pilot  
 40 Project after June 30, 2001 shall be paid to the General Fund.

1     ~~SECTION 9. AND BE IT FURTHER ENACTED, That for each of Fiscal Years~~  
2 ~~2000 and 2001, the Governor shall include in the annual budget bill an amount not~~  
3 ~~less than \$1,000,000 for the purposes of implementing Section 4 of this Act; and that~~  
4 ~~Section 4 of this Act shall remain effective for a period of 3 years and, at the end of~~  
5 ~~June 30, 2001, with no further action required by the General Assembly, Section 4 of~~  
6 ~~this Act shall be abrogated and of no further force and effect. Any money remaining in~~  
7 ~~the Animal Waste Technology Fund on June 30, 2001 or due to the Animal Waste~~  
8 ~~Technology Fund after June 30, 2001 shall be paid into the General Fund.~~

9     ~~SECTION 10. AND BE IT FURTHER ENACTED, That the Governor is~~  
10 ~~requested to take the steps necessary to target funding received by the State under~~  
11 ~~the Conservation Reserve Enhancement Program of the U.S. Department of~~  
12 ~~Agriculture to farms, located in watersheds that contribute to water bodies and basin~~  
13 ~~segments listed as impaired by nutrients by the State under § 303 of the federal Clean~~  
14 ~~Water Act, that implement nutrient management plans in accordance with this Act.~~

15     ~~SECTION 11. AND BE IT FURTHER ENACTED, That the Governor is~~  
16 ~~requested to establish a linked deposit program between the Department of the~~  
17 ~~Environment and financial institutions under the Water Quality Revolving Loan~~  
18 ~~Fund, in order to enhance the availability of low interest loans to landowners and~~  
19 ~~farmers for voluntary restoration and conservation efforts designed to address~~  
20 ~~nonpoint source pollution control.~~

21     ~~SECTION 12. AND BE IT FURTHER ENACTED, That the Governor is~~  
22 ~~requested to support and fund, in cooperation with the private sector and appropriate~~  
23 ~~public agencies, continuing research into management and remediation of~~  
24 ~~phosphorous as a nutrient derived from animal waste and as a pollutant, including:~~

- 25             ~~(1)     The development of a reliable phosphorous index;~~
- 26             ~~(2)     Composting and incineration of animal waste and litter;~~
- 27             ~~(3)     Marketing and transportation of products derived from animal waste~~  
28 ~~and litter; and~~
- 29             ~~(4)     Commercial animal feed management and additives that may reduce~~  
30 ~~phosphorus deposition in animal waste.~~

31     ~~SECTION 10. 13. AND BE IT FURTHER ENACTED, That Section 5 of this Act~~  
32 ~~shall be applicable to all taxable years beginning after December 31, 1997.~~

33     ~~SECTION 11. 14. AND BE IT FURTHER ENACTED, That Section 6 of this Act~~  
34 ~~shall be applicable to all taxable years beginning after December 31, 1998.~~

35     ~~SECTION 12. 15. AND BE IT FURTHER ENACTED, That this Act shall take~~  
36 ~~effect July 1, 1998.~~

1 Article 83A - Department of Business and Economic Development

2 SUBTITLE 8. ANIMAL WASTE TECHNOLOGY FUND.

3 6-801.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (B) "ANIMAL WASTE TECHNOLOGY PROJECT" MEANS THE RESEARCH,  
7 DEVELOPMENT, IMPLEMENTATION, OR MARKET DEVELOPMENT OF TECHNOLOGY  
8 THAT IS INTENDED TO:

9 (1) REDUCE THE AMOUNT OF NUTRIENTS IN ANIMAL WASTE;

10 (2) ALTER THE COMPOSITION OF ANIMAL WASTE;

11 (3) DEVELOP ALTERNATIVE WASTE MANAGEMENT STRATEGIES; OR

12 (4) USE ANIMAL WASTE IN A PRODUCTION PROCESS.

13 (C) "FUND" MEANS THE ANIMAL WASTE TECHNOLOGY FUND.

14 (D) "PROGRAM" MEANS THE ORGANIZATIONAL UNIT IN THE DEPARTMENT  
15 THAT ADMINISTERS THE ANIMAL WASTE TECHNOLOGY FUND.

16 6-802.

17 THE PURPOSE OF THE ANIMAL WASTE TECHNOLOGY FUND IS TO PROVIDE  
18 FINANCIAL ASSISTANCE TO INDIVIDUALS AND BUSINESS ENTERPRISES THAT  
19 CONDUCT RESEARCH OR DEVELOP TECHNOLOGIES THAT ARE INTENDED TO  
20 REDUCE THE AMOUNT OF NUTRIENTS IN ANIMAL WASTE, ALTER THE COMPOSITION  
21 OF ANIMAL WASTE, DEVELOP ALTERNATIVE ANIMAL WASTE MANAGEMENT  
22 STRATEGIES, OR USE ANIMAL WASTE IN A PRODUCTION PROCESS. THE GOAL OF THE  
23 FUND IS TO ENCOURAGE THE DEVELOPMENT AND IMPLEMENTATION OF  
24 ECONOMICALLY FEASIBLE TECHNOLOGIES THAT HELP PROTECT THE PUBLIC  
25 HEALTH AND THE ENVIRONMENT BY REDUCING THE AMOUNT OF NUTRIENTS FROM  
26 ANIMAL WASTE THAT ARE RELEASED INTO STATE WATERS.

27 6-803.

28 (A) THERE IS AN ANIMAL WASTE TECHNOLOGY FUND IN THE DEPARTMENT.

29 (B) THE FUND IS A SPECIAL CONTINUING, NONLAPSING FUND NOT SUBJECT  
30 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

31 (C) THE FUND MAY CONSIST OF:

32 (1) MONEYS APPROPRIATED BY THE STATE;

1           (2)     MONEYS MADE AVAILABLE THROUGH FEDERAL PROGRAMS OR  
2 PRIVATE CONTRIBUTIONS;

3           (3)     INCOME FROM INVESTMENTS THAT THE STATE TREASURER MAKES  
4 FROM MONEYS IN THE FUND;

5           (4)     REPAYMENTS OF PRINCIPAL AND INTEREST FROM LOANS MADE  
6 FROM THE FUND;

7           (5)     INCOME FROM EQUITY INVESTMENTS THAT THE DEPARTMENT  
8 MAKES FROM THE FUND;

9           (6)     PROCEEDS FROM THE SALE, DISPOSITION, LEASE, OR RENTAL BY  
10 THE DEPARTMENT OF COLLATERAL RELATED TO ANY FINANCING PROVIDED BY THE  
11 DEPARTMENT UNDER THIS SUBTITLE;

12           (7)     APPLICATION OR OTHER FEES PAID TO THE PROGRAM IN  
13 CONNECTION WITH THE PROCESSING OF REQUESTS FOR ASSISTANCE; AND

14           (8)     ANY OTHER MONEYS MADE AVAILABLE TO THE FUND.

15     (D)     THE PROGRAM MAY USE MONEYS IN THE FUND TO:

16           (1)     PROVIDE FINANCIAL ASSISTANCE TO DEFRAID THE COSTS OF  
17 ANIMAL WASTE TECHNOLOGY PROJECTS; AND

18           (2)     PAY EXPENSES FOR ADMINISTRATIVE, ACTUARIAL, LEGAL, AND  
19 TECHNICAL SERVICES ASSOCIATED WITH OPERATING THE FUND.

20 6-804.

21     FINANCIAL ASSISTANCE PROVIDED FROM THE FUND MAY BE:

22           (1)     USED ONLY TO PAY THE COSTS OF CARRYING OUT AN ANIMAL  
23 WASTE TECHNOLOGY PROJECT; AND

24           (2)     IN THE FORM OF:

25                   (I)     A GRANT;

26                   (II)    A LOAN;

27                   (III)   A LOAN GUARANTEE;

28                   (IV)   A LOAN THAT IS CONVERTIBLE IN WHOLE OR IN PART TO A  
29 GRANT ON THE SATISFACTION OF SPECIFIED CONDITIONS; OR

30                   (V)     AN EQUITY INVESTMENT.

1 6-805.

2 (A) TO BE ELIGIBLE FOR ASSISTANCE FROM THE FUND, AN ANIMAL WASTE  
3 TECHNOLOGY PROJECT MUST HAVE STRONG POTENTIAL FOR:

4 (1) IMPROVING THE PUBLIC HEALTH AND THE ENVIRONMENT;

5 (2) PRESERVING THE VIABILITY OF THE AGRICULTURAL INDUSTRY;

6 AND

7 (3) HAVING A POSITIVE ECONOMIC DEVELOPMENT IMPACT IN THE  
8 STATE.

9 (B) IF THE AMOUNT OF FINANCIAL ASSISTANCE REQUESTED EXCEEDS THE  
10 AMOUNT OF MONEYS AVAILABLE IN THE FUND, THE PROGRAM SHALL GIVE  
11 PREFERENCE TO THE ANIMAL WASTE TECHNOLOGY PROJECTS THAT DEMONSTRATE  
12 THE GREATEST POTENTIAL FOR:

13 (1) IMPROVING THE PUBLIC HEALTH AND THE ENVIRONMENT;

14 (2) PRESERVING THE VIABILITY OF THE AGRICULTURAL INDUSTRY;

15 AND

16 (3) HAVING A POSITIVE ECONOMIC DEVELOPMENT IMPACT IN THE  
17 STATE.

18 6-806.

19 THE PROGRAM MAY IMPOSE TERMS AND CONDITIONS ON FINANCIAL  
20 ASSISTANCE PROVIDED FROM THE FUND.

21 6-807.

22 (A) THE STATE TREASURER SHALL HOLD THE FUND AND THE STATE  
23 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

24 (B) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE  
25 FUND.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
27 read as follows:

28 Article - Agriculture

29 8-704.2.

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

1           (2)     "COMMERCIAL POULTRY PRODUCER" MEANS ANY ENTITY THAT  
 2 CONTRACTS WITH A FARMER TO RAISE POULTRY FOR THE PRODUCER ON PROPERTY  
 3 OWNED OR LEASED BY THE FARMER.

4           (3)     "PILOT PROJECT" MEANS THE POULTRY LITTER TRANSPORTATION  
 5 PILOT PROJECT.

6     (B)     IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

7           (1)     FOR A 4-YEAR PERIOD THE STATE AND THE COMMERCIAL POULTRY  
 8 PRODUCERS SHALL FACILITATE THE PROMPT TRANSPORTATION OF POULTRY  
 9 LITTER FROM FARMS IN ALL AREAS OF THE STATE THAT EXPERIENCE PHOSPHORUS  
 10 OVERENRICHMENT;

11          (2)     THE PILOT PROJECT SHALL ENCOURAGE VOLUNTARY  
 12 PARTICIPATION TO ACHIEVE THE REMOVAL OF POULTRY LITTER PRODUCED BY AT  
 13 LEAST 20% OF THE POULTRY IN THE FOUR LOWER EASTERN SHORE COUNTIES IN  
 14 MARYLAND; AND

15          (3)     THE PILOT PROJECT SHALL BE IMPLEMENTED IN CONJUNCTION  
 16 WITH THE POULTRY LITTER MATCHING SERVICE SET FORTH IN § 8-704.1 OF THIS  
 17 SUBTITLE.

18     (C)     THE PURPOSE OF THE PILOT PROJECT IS TO ESTABLISH A COST-SHARE  
 19 MATCHING PROGRAM TO ASSIST IN THE TRANSPORTATION OF POULTRY LITTER  
 20 FROM FARMS OVER A PERIOD OF 4 YEARS:

21          (1)     TO BE USED ON LAND WITH SOIL HAVING THE CAPACITY TO HOLD  
 22 ADDITIONAL PHOSPHORUS; OR

23          (2)     TO BE USED IN ENVIRONMENTALLY ACCEPTABLE WAYS OTHER  
 24 THAN LAND APPLICATION.

25     (D)     THE STATE SHALL PROVIDE FUNDING FOR THE PILOT PROJECT BY  
 26 MATCHING THE AMOUNT OF FUNDS CONTRIBUTED BY THE COMMERCIAL POULTRY  
 27 PRODUCER INDUSTRY FOR ELIGIBLE COSTS, AS DETERMINED BY THE DEPARTMENT,  
 28 ASSOCIATED WITH THE TRANSPORTATION, AND HANDLING, AND APPLICATION OF  
 29 POULTRY LITTER; LITTER. THE STATE SHARE MAY NOT EXCEED \$10 PER TON.

30     (E)     THE DEPARTMENT SHALL DEVELOP CRITERIA TO ESTABLISH AND  
 31 PRIORITIZE ELIGIBILITY, INCLUDING:

32          (1)     THE EXISTING AVAILABILITY OF ACREAGE ON LANDS WHERE THE  
 33 LITTER IS GENERATED;

34          (2)     SOIL NUTRIENT LEVELS OF ACREAGE RECEIVING MANURE;

35          (3)     ON THE LANDS WHERE THE LITTER IS GENERATED, THE  
 36 OPERATOR'S ABILITY TO COMPLY AS APPLICABLE WITH EITHER A NITROGEN OR  
 37 PHOSPHORUS BASED NUTRIENT MANAGEMENT PLAN; AND

1 ~~(4)~~ BEST MANAGEMENT PRACTICES CURRENTLY AVAILABLE ON  
2 RECEIVING ACREAGE.

3 ~~(F)~~ (E) THE DEPARTMENT OF AGRICULTURE SHALL ADOPT REGULATIONS  
4 AUTHORIZING THE DISBURSEMENT OF COST-SHARE MATCHING FUNDS  
5 CONSISTENT WITH THE PURPOSES OF THE PILOT PROGRAM.

6 ~~(G)~~ (F) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE THE  
7 ASSISTANCE NECESSARY TO ENSURE THAT POULTRY LITTER IS TESTED IN  
8 ACCORDANCE WITH DEPARTMENTAL PROCEDURES BEFORE ~~LAND APPLICATION OF~~  
9 TRANSPORTED TRANSPORTATION OF THE LITTER OCCURS.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
11 shall read as follows:

12 Article - Agriculture

13 6-101.

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

15 (d) "Commercial feed" means a material which is distributed for use as feed or  
16 for mixing in feed for any animal, other than man, except:

17 (1) Unmixed and unprocessed whole seeds or meal made directly from the  
18 entire seeds;

19 (2) Unground hay; or

20 (3) Whole or ground straw, stover, silage, cobs, and hulls not mixed with  
21 any other material.

22 (e) "Contract feed" means a commercial feed which is formulated according to  
23 an agreement between a distributor and a contract feeder.

24 6-102.

25 The State Chemist shall administer the provisions of this subtitle subject to the  
26 supervision of the Secretary.

27 6-106.

28 (a) The Secretary shall sample, inspect, test and make analyses of commercial  
29 feed distributed in the State at any time and place and to the extent the Secretary  
30 considers necessary to ensure compliance with this subtitle.

31 (b) The Secretary shall adopt the methods of sampling and analysis from  
32 sources, such as the journal of the Association of Official Analytical Chemists, or  
33 methods that insure representative sampling and accurate examination.

1 (c) In determining for administrative purposes whether a commercial feed is  
 2 deficient in any component, the Secretary shall be guided solely by the official sample  
 3 obtained and analyzed as provided by this section.

4 (d) When inspection and analysis of an official sample indicates a commercial  
 5 feed is adulterated [or], misbranded, OR DOES NOT CONTAIN AN ENZYME OR OTHER  
 6 ADDITIVE ~~OR BOTH~~ IN ACCORDANCE WITH § 6-107.1 OF THIS SUBTITLE, the Secretary  
 7 shall forward the results of the analysis to the person who registers the product and the  
 8 person from whom the sample is taken. The Secretary shall furnish the distributor  
 9 with a portion of the sample concerned within 30 days if he requests it.

10 (e) The Secretary may enter on any public or private premises, including any  
 11 transportation vehicle, during regular business hours to obtain access to commercial  
 12 feeds or to records relating to their distribution.

13 6-107.1.

14 (A) BY JANUARY 1, 2000 DECEMBER 31, 2000, ALL CONTRACT FEED THAT IS FED  
 15 TO CHICKENS MUST INCLUDE PHYTASE OR OTHER ENZYME OR ADDITIVE THAT  
 16 REDUCES PHOSPHORUS IN POULTRY WASTE, ~~OR BOTH~~ TO THE MAXIMUM EXTENT  
 17 THAT IS COMMERCIALY AND BIOLOGICALLY FEASIBLE.

18 (B) SUBJECT TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THE  
 19 SECRETARY SHALL ADOPT REGULATIONS THAT ~~ESTABLISH~~ TO MONITOR  
 20 COMPLIANCE WITH SUBSECTION (A) OF THIS SECTION.

21 (1) THE APPROPRIATE LEVEL OF PHYTASE OR OTHER ENZYME OR  
 22 ADDITIVE TO BE INCLUDED IN CONTRACT FEED THAT IS FED TO CHICKENS; AND

23 (2) APPROPRIATE LABELING AND DISTRIBUTION REQUIREMENTS.

24 (C) IF THE SECRETARY DETERMINES THAT THE REQUIREMENTS SET FORTH  
 25 IN SUBSECTION (A) OF THIS SECTION HAVE A SIGNIFICANT DETRIMENTAL EFFECT  
 26 ON POULTRY PRODUCTION OR THE POULTRY MARKET, THE SECRETARY SHALL:

27 (1) SUSPEND THE PROGRAM FOR A REASONABLE PERIOD OF TIME; OR

28 (2) RECOMMEND TO THE GENERAL ASSEMBLY THAT THE  
 29 REQUIREMENT BE MODIFIED OR TERMINATED.

30 (D) IN DEVELOPING REGULATIONS UNDER SUBSECTION (B) OF THIS SECTION  
 31 AND IN MAKING A DETERMINATION UNDER SUBSECTION (C) OF THIS SECTION, THE  
 32 SECRETARY SHALL CONSULT WITH THE DELMARVA POULTRY INDUSTRY, THE  
 33 MARYLAND FARM BUREAU, AND THE UNIVERSITY OF MARYLAND DEPARTMENT OF  
 34 ANIMAL AND AVIAN SCIENCE.

35 6-113.

36 (a) The Secretary may issue and enforce a written stop-sale order to the owner,  
 37 custodian, or distributor of any commercial feed that the Secretary finds is in violation

1 of any provision of this subtitle or regulation under this subtitle, or has been found by  
2 federal or State authorities to cause unreasonable adverse effects to humans, animals,  
3 or the environment.

4 (b) The order prohibits sale or distribution of the commercial feed until the  
5 Secretary has evidence that the feed is in compliance with the law and until the  
6 Secretary provides a written release from the stop-sale order.

7 (c) The Secretary may file a petition for condemnation in the circuit court of the  
8 county in which the commercial feed is located. If the court finds the commercial feed  
9 to be in violation of the provisions of this subtitle and orders the condemnation, the  
10 commercial feed shall be disposed of in any manner consistent with the quality of the  
11 commercial feed and the laws of the State. The court may not dispose of the  
12 commercial feed without first giving the claimant an opportunity to apply to the court  
13 for release of it or for permission to process or relabel the commercial feed so that it  
14 complies with the provisions of this subtitle.

15 6-201.

16 (f) "Commercial fertilizer" means any substance containing a recognized plant  
17 nutrient used for its plant nutrient content and designed for use or claimed to have  
18 value in promoting plant growth, except unmanipulated animal and vegetable  
19 manure, marl, lime, wood ashes, and gypsum.

20 8-405.

21 (A) THE GENERAL ASSEMBLY FINDS THAT, FROM FISCAL YEAR 1991  
22 THROUGH FISCAL YEAR 1998, INADEQUATE RESOURCES HAVE BEEN PROVIDED FOR  
23 THE SOIL CONSERVATION DISTRICTS TO EMPLOY ADEQUATE FIELD PERSONNEL TO  
24 ASSIST FARMERS IN THE PREPARATION OF SOIL CONSERVATION AND WATER  
25 QUALITY PLANS.

26 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE SUFFICIENT  
27 TECHNICAL ASSISTANCE AND RESOURCES THROUGH THE SOIL CONSERVATION  
28 DISTRICTS TO ASSIST FARMERS IN PURSUIT OF SOIL CONSERVATION AND WATER  
29 QUALITY PLANS AND OTHER ACTIVITIES AUTHORIZED UNDER THIS TITLE.

30 (C) FOR FISCAL YEAR 2000 AND EACH FISCAL YEAR THEREAFTER, THE  
31 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN AMOUNT SUFFICIENT  
32 TO EMPLOY NOT LESS THAN 110 FIELD PERSONNEL IN THE SOIL CONSERVATION  
33 DISTRICTS UNDER THIS TITLE.

34 8-704.1.

35 (A) IN THIS SECTION, "SERVICE" MEANS THE POULTRY LITTER MATCHING  
36 SERVICE.

37 (B) THE DEPARTMENT SHALL CREATE A POULTRY LITTER MATCHING  
38 SERVICE.

1 (C) THE PURPOSE OF THE SERVICE IS TO DEVELOP TRANSFER PROGRAMS  
 2 AND MARKETING TECHNIQUES TO PROMOTE AND FACILITATE THE TRANSFER OF  
 3 POULTRY LITTER.

4 (D) THE SERVICE SHALL BE IMPLEMENTED IN CONJUNCTION WITH THE  
 5 POULTRY LITTER TRANSPORTATION PILOT PROJECT SET FORTH IN § 8-704.2 OF THIS  
 6 SUBTITLE.

7 (E) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL  
 8 SUFFICIENT FUNDS TO CARRY OUT THIS SECTION.

9 Subtitle 8. Nutrient Management [Certification and Licensing].

10 8-801.

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

12 ~~(B) "CERTIFIED NUTRIENT APPLICATOR" MEANS AN INDIVIDUAL WHO IS~~  
 13 ~~CERTIFIED BY THE DEPARTMENT TO MANAGE THE APPLICATION OF ANIMAL WASTE,~~  
 14 ~~COMMERCIAL FERTILIZER, SLUDGE, OR OTHER NUTRIENTS TO SOIL IN A MANNER~~  
 15 ~~THAT PREVENTS POLLUTION AND MAINTAINS AGRICULTURAL PRODUCTIVITY.~~

16 ~~f(b) (C) "Certified nutrient management consultant" means an individual~~  
 17 ~~certified by the Department to prepare a nutrient management plan.~~

18 ~~f(c) (D) "Nutrient management plan" means a plan prepared under this~~  
 19 ~~subtitle by a certified nutrient management consultant to manage the amount,~~  
 20 ~~placement, timing, and application of animal waste, commercial fertilizer, sludge, or~~  
 21 ~~other plant nutrients to prevent pollution BY TRANSPORT OF POTENTIALLY~~  
 22 ~~BIOAVAILABLE NUTRIENTS and to maintain productivity.~~

23 ~~(E) "SOIL TEST" MEANS AN ANALYSIS OF THE SURFACE LAYER OF SOIL THAT~~  
 24 ~~DETERMINES EXISTING LEVELS AND CHEMICAL FORMS OF PLANT NUTRIENTS IN~~  
 25 ~~THE SOIL.~~

26 8-801.1.

27 (A) (1) EACH NUTRIENT MANAGEMENT PLAN SHALL BE DEVELOPED  
 28 CONSIDERING FACTORS INCLUDING:

29 ~~(1) (I) LEVELS OF POTENTIALLY BIOAVAILABLE NITROGEN AND~~  
 30 ~~PHOSPHORUS IN THE SOIL;~~

31 ~~(2) (II) LEVELS OF POTENTIALLY BIOAVAILABLE NITROGEN AND~~  
 32 ~~PHOSPHORUS IN ALL FERTILIZER MATERIALS TO BE APPLIED;~~

33 ~~(3) (III) THE AMOUNT OF NITROGEN AND PHOSPHORUS NECESSARY TO~~  
 34 ~~ACHIEVE THE EXPECTED CROP YIELD FOR THE LAND THAT IS THE SUBJECT OF THE~~  
 35 ~~NUTRIENT MANAGEMENT PLAN, AS DETERMINED BY;~~

1 ~~(4)~~ 1. THE FIELD'S ACTUAL YIELD RECORD AND SOIL  
2 PRODUCTIVITY FOR THAT CROP; OR

3 ~~(H)~~ 2. IF INFORMATION CONCERNING ACTUAL YIELD RECORD  
4 AND SOIL PRODUCTIVITY FOR A CROP IS UNAVAILABLE, RELEVANT INFORMATION  
5 CONCERNING SIMILAR FIELDS AND SOIL;

6 ~~(4)~~ ~~(IV)~~ SOIL ERODIBILITY AND NUTRIENT RETENTION CAPACITY;

7 ~~(5)~~ PHYSICAL CHARACTERISTICS, INCLUDING DISTANCE AND  
8 TOPOGRAPHY;

9 ~~(V)~~ THE BEST REASONABLE SCIENTIFIC METHODS ACCEPTED BY  
10 THE DEPARTMENT AND THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION  
11 SERVICE; AND

12 ~~(6)~~ ~~(VI)~~ EXISTING BEST MANAGEMENT PRACTICES;

13 ~~(7)~~ THE BEST REASONABLE SCIENTIFIC METHODS ACCEPTED BY THE  
14 DEPARTMENT FROM RELIABLE SOURCES, INCLUDING THE UNIVERSITY OF  
15 MARYLAND, TO EVALUATE POTENTIAL WATER QUALITY IMPACTS; AND

16 ~~(8)~~ NUTRIENT CONTROLS PROVIDED BY OTHER IMPLEMENTED  
17 AGRICULTURAL BEST MANAGEMENT PRACTICES.

18 (2) EACH NUTRIENT MANAGEMENT PLAN SHALL PROVIDE FLEXIBILITY  
19 FOR MANAGEMENT DECISIONS THAT MAY BE REQUIRED BY CONDITIONS BEYOND  
20 THE CONTROL OF THE FARMER.

21 (B) (1) EACH NUTRIENT MANAGEMENT PLAN SHALL BE FILED WITH THE  
22 DEPARTMENT:

23 (I) WHEN IT IS DEVELOPED; AND

24 (II) EACH TIME IT IS UPDATED.

25 ~~(2)~~ THE DEPARTMENT SHALL APPROVE EACH NUTRIENT MANAGEMENT  
26 PLAN THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE.

27 ~~(3)~~ IF THE DEPARTMENT DOES NOT DISAPPROVE A NUTRIENT  
28 MANAGEMENT PLAN WITHIN 45 DAYS AFTER THE NUTRIENT MANAGEMENT PLAN IS  
29 FILED, IT SHALL BE DEEMED APPROVED.

30 (2) SUBMISSION OF THE PLAN SHALL INCLUDE A GRANT BY THE  
31 PROPERTY OWNER OR OPERATOR TO THE DEPARTMENT OF A RIGHT OF ENTRY ON  
32 THE PROPERTY TO EVALUATE COMPLIANCE WITH THE PLAN AS LONG AS THE  
33 DEPARTMENT:

34 (1) ENTERS THE PROPERTY IN DAYLIGHT HOURS AT A  
35 REASONABLE TIME THAT ALLOWS THE PROPERTY OWNER OR OPERATOR THE  
36 OPPORTUNITY TO BE PRESENT; AND

1 (II) CONDUCTS ITS EVALUATION IN A MANNER THAT MINIMIZES  
2 ANY INCONVENIENCE TO THE FARMER.

3 ~~(4)~~ (3) THE DEPARTMENT SHALL MAINTAIN A COPY OF EACH  
4 NUTRIENT MANAGEMENT PLAN FOR 3 YEARS IN A MANNER THAT PROTECTS THE  
5 IDENTITY OF THE INDIVIDUAL FOR WHOM THE NUTRIENT MANAGEMENT PLAN WAS  
6 PREPARED.

7 8-802.

8 (A) A PERSON MAY NOT PREPARE A NUTRIENT MANAGEMENT PLAN, FOR  
9 PURPOSES OF MEETING THE REQUIREMENTS OF THIS SUBTITLE, UNLESS THE  
10 PERSON IS CERTIFIED OR LICENSED BY THE STATE.

11 [(a)] (B) An individual may apply to the Department for certification as a  
12 certified nutrient management consultant.

13 [(b)] (C) A person engaged in the business of providing a nutrient management  
14 plan provided under this subtitle shall hold an annual license from the Department.

15 (D) THE DEPARTMENT MAY IMPOSE A PENALTY NOT EXCEEDING \$250 FOR A  
16 VIOLATION OF THE PROVISIONS OF THIS SECTION.

17 8-803.

18 (a) To apply for certification AS A NUTRIENT MANAGEMENT CONSULTANT, an  
19 applicant shall:

20 (1) Submit to the Department an application on the form the Department  
21 requires; and

22 (2) Pay to the Department the certification fee stated in § 8-806 of this  
23 subtitle.

24 (b) The Department shall certify any individual who:

25 (1) Meets the requirements of this subtitle;

26 (2) Meets the Department's educational requirements, INCLUDING A  
27 PROGRAM ON THE PROPER APPLICATION OF NUTRIENTS;

28 (3) Passes a Department approved examination; and

29 (4) (i) Is employed by a person licensed under this subtitle; or

30 (ii) Holds a license as required by this subtitle.

31 (c) To apply for a license an applicant shall:

32 (1) Submit to the Department an application on the form the Department  
33 requires; and

1           (2)     Pay to the Department the applicable license fee stated in § 8-806 of  
2 this subtitle.

3           (d)     The Department shall license a person who meets the requirements of this  
4 subtitle.

5           (e)     A certificate or license is issued for 1 year unless the certificate or license is  
6 renewed as provided by this subtitle.

7           (f)     The Department shall renew the certificate or license of any applicant for  
8 an additional 1-year term if the applicant:

9           (1)     Submits a renewal application on the form that the Department  
10 requires;

11           (2)     Pays to the Department the applicable fee stated in § 8-806 of this  
12 subtitle;

13           (3)     Complies with applicable continuing education requirements; [and]

14           (4)     COMPLIES WITH APPLICABLE RECORD KEEPING AND REPORTING  
15 REQUIREMENTS; AND

16           [(4)]   (5)     Otherwise is entitled to be certified or licensed.

17 8-803.1.

18           (A)     IN THIS SECTION, "GROSS INCOME" MEANS THE ACTUAL INCOME THAT IS  
19 RECEIVED IN A CALENDAR YEAR THAT RESULTS DIRECTLY FROM THE FARM OR  
20 AGRICULTURAL USE OF THE LAND.

21           (B)     THIS SECTION DOES NOT APPLY TO:

22           (1)     AN AGRICULTURAL OPERATION WITH LESS THAN \$2,500 IN GROSS  
23 INCOME; OR

24           (2)     A LIVESTOCK OPERATION WITH LESS THAN EIGHT ANIMAL UNITS AS  
25 DEFINED IN 40 C.F.R. PART 122, APPENDIX B.

26           (C)     THE GOVERNOR SHALL PROVIDE SUFFICIENT FUNDING IN EACH FISCAL  
27 YEAR'S BUDGET TO:

28           (1)     ASSIST IN THE DEVELOPMENT OF NUTRIENT MANAGEMENT PLANS;

29           (2)     MEET THE TECHNICAL ASSISTANCE AND EVALUATION  
30 REQUIREMENTS OF THIS SECTION;

31           (3)     MEET THE STATE'S REQUIREMENTS FOR THE IMPLEMENTATION OF  
32 THE POULTRY LITTER TRANSPORTATION PILOT PROJECT UNDER § 8-704.2 OF THIS  
33 TITLE; AND

1           (4)     PROVIDE STATE ASSISTANCE UNDER THE MARYLAND  
2 AGRICULTURAL WATER QUALITY COST SHARE PROGRAM IN THE DEPARTMENT.

3     (D)     (1)     STATE COST SHARING MAY BE MADE AVAILABLE TO FARMERS TO  
4 HELP OFFSET THE COSTS OF HAVING A NUTRIENT MANAGEMENT PLAN PREPARED  
5 BY A CERTIFIED NUTRIENT MANAGEMENT CONSULTANT WHO IS NOT EMPLOYED BY  
6 THE FEDERAL, STATE, OR A LOCAL GOVERNMENT.

7           (2)     STATE COST SHARE FUNDS ARE TO BE MADE AVAILABLE FOR  
8 ELIGIBLE COSTS UP TO 50% PER ACRE, NOT TO EXCEED \$3 PER ACRE.

9           (3)     THE SECRETARY OF AGRICULTURE SHALL ADOPT REGULATIONS  
10 AUTHORIZING THE DISBURSEMENT OF STATE COST SHARING FUNDS UNDER THIS  
11 SUBSECTION.

12     (A)     (E)     (1)     BY JULY 1, 2000 DECEMBER 31, 2001, A PERSON WHO, IN  
13 OPERATING A FARM, USES CHEMICAL FERTILIZER, SHALL HAVE A NUTRIENT  
14 MANAGEMENT PLAN FOR NITROGEN AND PHOSPHORUS THAT MEETS THE  
15 REQUIREMENTS OF THIS SUBTITLE.

16           (2)     (1)     BY JULY 1, 2000 DECEMBER 31, 2001, A PERSON WHO, IN  
17 OPERATING A FARM, USES SLUDGE OR ANIMAL MANURE, SHALL HAVE A NUTRIENT  
18 MANAGEMENT PLAN FOR NITROGEN.

19           (II)     BY JULY 1, 2002 JULY 1, 2004, A PERSON WHO, IN OPERATING A  
20 FARM, USES SLUDGE OR ANIMAL MANURE, SHALL HAVE A NUTRIENT MANAGEMENT  
21 PLAN FOR NITROGEN AND PHOSPHORUS.

22     (B)     (F)     (1)     BY JULY 1, 2002 DECEMBER 31, 2002, A PERSON WHO, IN  
23 OPERATING A FARM, USES CHEMICAL FERTILIZER, SHALL COMPLY WITH A  
24 NUTRIENT MANAGEMENT PLAN FOR NITROGEN AND PHOSPHORUS THAT MEETS  
25 THE REQUIREMENTS OF THIS SUBTITLE.

26           (2)     (1)     BY JULY 1, 2002 DECEMBER 31, 2002, A PERSON WHO, IN  
27 OPERATING A FARM, USES SLUDGE OR ANIMAL MANURE, SHALL COMPLY WITH A  
28 NUTRIENT MANAGEMENT PLAN FOR NITROGEN THAT MEETS THE REQUIREMENTS  
29 OF THIS SUBTITLE.

30           (II)     BY JULY 1, 2004 JULY 1, 2005, A PERSON WHO, IN OPERATING A  
31 FARM, USES SLUDGE OR ANIMAL MANURE, SHALL COMPLY WITH A NUTRIENT  
32 MANAGEMENT PLAN FOR NITROGEN AND PHOSPHORUS THAT MEETS THE  
33 REQUIREMENTS OF THIS SUBTITLE.

34     (C)     (G)     A PERSON MAY MEET THE REQUIREMENTS OF SUBSECTION (A)(E)  
35 OF THIS SECTION BY REQUESTING, AT LEAST 90 60 DAYS BEFORE THE APPLICABLE  
36 DATE SET FORTH IN SUBSECTION (A)(E) OF THIS SECTION, THE DEVELOPMENT OF A  
37 NUTRIENT MANAGEMENT PLAN BY A CERTIFIED NUTRIENT MANAGEMENT  
38 CONSULTANT.

1 (H) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (E) AND (F) OF  
2 THIS SECTION, IF A PERSON RECEIVES STATE FUNDS FOR THE DEVELOPMENT OF A  
3 NUTRIENT MANAGEMENT PLAN FOR CHEMICAL FERTILIZER OR A NUTRIENT  
4 MANAGEMENT PLAN FOR SLUDGE AND ANIMAL MANURE BASED ON NITROGEN, THE  
5 PERSON SHALL IMPLEMENT THE PLAN UPON COMPLETION OF THE DEVELOPMENT  
6 OF THE PLAN.

7 (I) (1) IF A PERSON VIOLATES THE PROVISIONS OF SUBSECTION (E) OF  
8 THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE PERSON THAT THE PERSON IS  
9 IN VIOLATION OF THE REQUIREMENT TO HAVE A NUTRIENT MANAGEMENT PLAN.

10 (2) AFTER A REASONABLE PERIOD OF TIME, IF THE PERSON FAILS TO  
11 HAVE A NUTRIENT MANAGEMENT PLAN, THE PERSON IS SUBJECT TO AN  
12 ADMINISTRATIVE PENALTY NOT TO EXCEED \$250.

13 ~~(D)~~ (J) (1) A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION (F)  
14 OF THIS SECTION OR OF ANY RULE, REGULATION, OR ORDER ADOPTED OR ISSUED  
15 UNDER THIS SECTION IS SUBJECT TO:

16 (I) FOR A FIRST ~~OFFENSE~~ VIOLATION, A WARNING; AND

17 (II) FOR A SECOND OR SUBSEQUENT ~~OFFENSE~~ VIOLATION, AFTER  
18 AN OPPORTUNITY FOR A HEARING WHICH MAY BE WAIVED IN WRITING BY THE  
19 PERSON ACCUSED OF A VIOLATION, AN ADMINISTRATIVE PENALTY THAT MAY BE  
20 IMPOSED BY THE DEPARTMENT OF THE ENVIRONMENT IN CONSULTATION WITH  
21 THE DEPARTMENT OF AGRICULTURE.

22 (2) THE PENALTY IMPOSED ON A PERSON UNDER PARAGRAPH (1)(II) OF  
23 THIS SUBSECTION SHALL BE:

24 (I) UP TO \$100 FOR EACH VIOLATION, BUT NOT EXCEEDING \$2,500  
25 TOTAL \$2,000 PER FARMER OR OPERATOR PER YEAR; AND

26 (II) ASSESSED WITH CONSIDERATION GIVEN TO:

27 1. THE WILLFULNESS OF THE VIOLATION, THE EXTENT TO  
28 WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO BUT UNCORRECTED BY  
29 THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR EXERCISED  
30 REASONABLE CARE;

31 2. ANY ACTUAL HARM TO THE ENVIRONMENT OR TO HUMAN  
32 HEALTH, INCLUDING INJURY TO OR IMPAIRMENT OF THE USE OF THE WATERS OF  
33 THIS STATE OR THE NATURAL RESOURCES OF THIS STATE;

34 ~~3.~~ THE COST OF CLEANUP AND THE COST OF RESTORATION  
35 OF NATURAL RESOURCES;

36 4. THE NATURE AND DEGREE OF INJURY TO OR  
37 INTERFERENCE WITH GENERAL WELFARE, HEALTH, AND PROPERTY;

1 ~~5. THE EXTENT TO WHICH THE LOCATION OF THE~~  
2 ~~VIOLATION, INCLUDING LOCATION NEAR WATERS OF THIS STATE OR AREAS OF~~  
3 ~~HUMAN POPULATION, CREATES THE POTENTIAL FOR HARM TO THE ENVIRONMENT~~  
4 ~~OR TO HUMAN HEALTH OR SAFETY;~~

5 ~~6. 3. THE AVAILABLE TECHNOLOGY AND ECONOMIC~~  
6 ~~REASONABLENESS OF CONTROLLING, REDUCING, OR ELIMINATING THE VIOLATION;~~  
7 ~~AND~~

8 ~~7. THE DEGREE OF HAZARD POSED BY THE PARTICULAR~~  
9 ~~POLLUTANT OR POLLUTANTS INVOLVED; AND~~

10 ~~8. 4. THE EXTENT TO WHICH THE CURRENT VIOLATION IS~~  
11 ~~PART OF A RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION~~  
12 ~~COMMITTED BY THE VIOLATOR.~~

13 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
14 PARAGRAPH, EACH DAY A VIOLATION OCCURS IS A SEPARATE VIOLATION UNDER  
15 THIS SUBSECTION.

16 (II) DAILY PENALTIES DO NOT CONTINUE TO ACCRUE AS LONG AS  
17 THE FARMER TAKES REASONABLE STEPS TO CORRECT THE VIOLATION.

18 (4) ANY PENALTY IMPOSED UNDER THIS SUBSECTION IS PAYABLE TO  
19 THIS STATE AND COLLECTIBLE IN ANY MANNER PROVIDED AT LAW FOR THE  
20 COLLECTION OF DEBTS THE MARYLAND AGRICULTURAL WATER QUALITY COST  
21 SHARE PROGRAM WITHIN THE DEPARTMENT.

22 (5) IF ANY PERSON WHO IS LIABLE TO PAY A PENALTY IMPOSED UNDER  
23 THIS SUBSECTION FAILS TO PAY IT AFTER DEMAND, THE AMOUNT, TOGETHER WITH  
24 INTEREST AND ANY COSTS THAT MAY ACCRUE, SHALL BE:

25 (I) A LIEN IN FAVOR OF THIS STATE ON ANY PROPERTY, REAL OR  
26 PERSONAL, OF THE PERSON; AND

27 (II) RECORDED IN THE OFFICE OF THE CLERK OF COURT FOR THE  
28 COUNTY IN WHICH THE PROPERTY IS LOCATED.

29 (E) (K) IF A PERSON VIOLATES ANY PROVISION OF THIS SECTION, THE  
30 DEPARTMENT MAY:

31 (1) REGARDING ANY STATE COST SHARING FUNDS UNDER SUBTITLE 7  
32 OF THIS TITLE;

33 (1) REQUIRE REPAYMENT OF ANY FUNDS FOR A PROJECT  
34 STARTED ON OR AFTER JULY 1, 1998; OR

35 (1) REQUIRE REPAYMENT OF COST SHARE FUNDS UNDER SUBTITLE 7  
36 OF THIS TITLE FOR THE PROJECT THAT IS IN VIOLATION; OR

1 ~~(2) DENY OR RESTRICT FUTURE COST SHARE PAYMENTS UNDER~~  
2 ~~SUBTITLE 7 OF THIS TITLE.~~

3 ~~(H) DENY OR RESTRICT FUTURE PAYMENT; AND~~

4 ~~(2) LIMIT THE EXTENT OF THE PERSON'S FARM OPERATIONS TO WHAT~~  
5 ~~THEY WERE AT THE TIME OF THE VIOLATION.~~

6 ~~(F) (1) IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE~~  
7 ~~IN THIS SECTION, THE DEPARTMENT OF THE ENVIRONMENT, IN CONSULTATION~~  
8 ~~WITH THE DEPARTMENT OF AGRICULTURE, MAY:~~

9 ~~(1) ISSUE, MODIFY, OR REVOKE A COMPLAINT OR ORDER~~  
10 ~~REQUIRING CORRECTIVE ACTION, COLLECT A PENALTY, AND ADOPT ANY OTHER~~  
11 ~~REASONABLE REMEDIAL MEASURES IN ORDER TO ACHIEVE COMPLIANCE WITH THIS~~  
12 ~~SECTION.~~

13 ~~(H) REQUIRE PAYMENT OF A PENALTY ASSESSED UNDER THIS~~  
14 ~~SECTION TO THE MARYLAND CLEAN WATER FUND; AND~~

15 ~~(HI) GIVE NOTICE AND HOLD A HEARING UNDER THIS SECTION IN~~  
16 ~~ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.~~

17 ~~(2) WITHIN 10 DAYS OF BEING ISSUED AN ORDER UNDER THIS~~  
18 ~~SUBSECTION, THE PERSON SERVED MAY REQUEST IN WRITING A HEARING BEFORE~~  
19 ~~THE DEPARTMENT OF THE ENVIRONMENT.~~

20 ~~(3) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE~~  
21 ~~DEPARTMENT OF THE ENVIRONMENT IN CONNECTION WITH THE ISSUANCE OF AN~~  
22 ~~ORDER UNDER THIS SUBSECTION MAY TAKE A DIRECT JUDICIAL APPEAL IN~~  
23 ~~ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.~~

24 ~~(G) APPROVAL OF A NUTRIENT MANAGEMENT PLAN IS CONTINGENT ON THE~~  
25 ~~PROPERTY OWNER GRANTING TO THE DEPARTMENT OF AGRICULTURE AND THE~~  
26 ~~DEPARTMENT OF THE ENVIRONMENT A RIGHT OF ENTRY ONTO THE PROPERTY AT~~  
27 ~~ANY REASONABLE TIME TO EVALUATE IF THE PROPERTY OWNER OR OPERATOR OF~~  
28 ~~THE FARM IS COMPLYING WITH THE NUTRIENT MANAGEMENT PLAN.~~

29 ~~(L) THE DEPARTMENT SHALL DETERMINE COMPLIANCE WITH THE~~  
30 ~~PROVISIONS OF THIS SECTION.~~

31 ~~§ 8-803.2.~~

32 ~~(A) THE GOVERNOR SHALL PROVIDE SUFFICIENT FUNDING IN EACH FISCAL~~  
33 ~~YEAR'S BUDGET TO MEET THE TECHNICAL ASSISTANCE AND EVALUATION~~  
34 ~~REQUIREMENTS OF § 8-803.1 OF THIS SUBTITLE.~~

35 ~~(B) (1) STATE COST SHARING MAY BE MADE AVAILABLE TO FARMERS TO~~  
36 ~~HELP OFFSET THE COSTS OF HAVING A NUTRIENT MANAGEMENT PLAN PREPARED~~

1 ~~BY A CERTIFIED NUTRIENT MANAGEMENT CONSULTANT WHO IS NOT EMPLOYED BY~~  
 2 ~~THE STATE OR A LOCAL GOVERNMENT.~~

3 ~~(2) STATE COST SHARE FUNDS ARE TO BE MADE AVAILABLE FOR~~  
 4 ~~ELIGIBLE COSTS UP TO 50% PER ACRE, NOT TO EXCEED \$3 PER ACRE.~~

5 ~~(3) THE SECRETARY OF AGRICULTURE SHALL ADOPT REGULATIONS~~  
 6 ~~AUTHORIZING THE DISBURSEMENT OF STATE COST SHARING FUNDS UNDER THIS~~  
 7 ~~SUBSECTION.~~

8 ~~8-803.3.~~

9 ~~(A) THIS SECTION DOES NOT APPLY TO A PERSON WHO APPLIES NUTRIENTS~~  
 10 ~~TO:~~

11 ~~(1) 10 ACRES OR LESS OF LAND EACH YEAR; AND~~

12 ~~(2) PROPERTY THAT THE PERSON OWNS OR MANAGES.~~

13 ~~(B) A PERSON MAY NOT APPLY NUTRIENTS TO LAND UNLESS THE PERSON IS:~~

14 ~~(1) A CERTIFIED NUTRIENT APPLICATOR; OR~~

15 ~~(2) UNDER THE SUPERVISION OF A CERTIFIED NUTRIENT APPLICATOR.~~

16 ~~(C) TO APPLY FOR CERTIFICATION AS A NUTRIENT APPLICATOR, A PERSON~~  
 17 ~~SHALL:~~

18 ~~(1) SUBMIT TO THE DEPARTMENT AN APPLICATION ON THE FORM THE~~  
 19 ~~DEPARTMENT REQUIRES; AND~~

20 ~~(2) PAY TO THE DEPARTMENT A CERTIFICATION FEE IN ACCORDANCE~~  
 21 ~~WITH § 8-806 OF THIS SUBTITLE.~~

22 ~~(D) THE DEPARTMENT SHALL CERTIFY ANY PERSON WHO:~~

23 ~~(1) MEETS THE REQUIREMENTS OF THIS SUBTITLE;~~

24 ~~(2) MEETS EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE~~  
 25 ~~DEPARTMENT; AND~~

26 ~~(3) PASSES AN EXAMINATION APPROVED BY THE DEPARTMENT.~~

27 ~~(E) A CERTIFICATE IS VALID FOR 2 YEARS UNLESS IT IS RENEWED BY THE~~  
 28 ~~DEPARTMENT.~~

29 ~~(F) THE DEPARTMENT SHALL RENEW A CERTIFICATE FOR AN ADDITIONAL~~  
 30 ~~2 YEAR TERM IF THE PERSON:~~

31 ~~(1) SUBMITS A RENEWAL APPLICATION ON THE FORM THE~~  
 32 ~~DEPARTMENT REQUIRES;~~

1 ~~(2) PAYS TO THE DEPARTMENT A RENEWAL FEE IN ACCORDANCE WITH §~~  
 2 ~~8-806 OF THIS SUBTITLE;~~

3 ~~(3) COMPLIES WITH APPLICABLE CONTINUING EDUCATION~~  
 4 ~~REQUIREMENTS;~~

5 ~~(4) COMPLIES WITH APPLICABLE RECORD KEEPING AND REPORTING~~  
 6 ~~REQUIREMENTS; AND~~

7 ~~(5) IS OTHERWISE ENTITLED TO BE CERTIFIED;~~

8 ~~(G) THE DEPARTMENT MAY IMPOSE A PENALTY NOT EXCEEDING \$250 FOR A~~  
 9 ~~VIOLATION OF THE PROVISIONS OF THIS SECTION.~~

10 8-803.2.

11 (A) A PERSON WHO APPLIES NUTRIENTS FOR HIRE TO LAND USED FOR  
 12 AGRICULTURAL PURPOSES SHALL BE A CERTIFIED NUTRIENT MANAGEMENT  
 13 CONSULTANT OR WORK UNDER A NUTRIENT MANAGEMENT CONSULTANT  
 14 CERTIFIED UNDER § 8-803 OF THIS SUBTITLE.

15 (B) A PERSON WHO APPLIES NUTRIENTS FOR HIRE TO LAND USED FOR  
 16 AGRICULTURAL PURPOSES, WHO IS NOT A CERTIFIED NUTRIENT MANAGEMENT  
 17 CONSULTANT, SHALL MAKE AVAILABLE DOCUMENTATION, IN THE FORM OF A WORK  
 18 ORDER, BILL OF LADING, OR SIMILAR DOCUMENT, TO THE LANDOWNER OR LAND  
 19 MANAGER THAT THE PERSON IS WORKING UNDER A CERTIFIED NUTRIENT  
 20 MANAGEMENT CONSULTANT.

21 (C) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
 22 SECTION.

23 8-803.3.

24 (A) THIS SECTION DOES NOT APPLY TO:

25 (1) A PERSON WHO APPLIES NUTRIENTS TO 10 ACRES OR LESS OF LAND  
 26 EACH YEAR; OR

27 (2) A PERSON WHO APPLIES NUTRIENTS FOR HIRE.

28 (B) A PERSON WHO ENGAGES IN THE ACTIVITY OF APPLYING NUTRIENTS TO  
 29 LAND WHICH THE PERSON OWNS OR MANAGES AND WHICH IS USED FOR  
 30 AGRICULTURAL PURPOSES SHALL COMPLETE AN EDUCATIONAL PROGRAM IN  
 31 NUTRIENT APPLICATION EVERY 3 YEARS.

32 (C) (1) THE SECRETARY, IN CONSULTATION WITH THE NUTRIENT  
 33 MANAGEMENT ADVISORY COMMITTEE UNDER § 8-804 OF THIS SUBTITLE, SHALL  
 34 CREATE OR APPROVE EDUCATIONAL PROGRAMS UNDER THIS SECTION.

35 (2) THE NUTRIENT APPLICATION EDUCATIONAL PROGRAMS ARE TO BE  
 36 OFFERED AT SITES DISTRIBUTED THROUGHOUT THE STATE.

1           (3)     THE DEPARTMENT SHALL ISSUE TO A PARTICIPANT UPON  
 2 COMPLETION OF AN EDUCATION PROGRAM UNDER THIS SECTION, A VOUCHER OF  
 3 COMPLETION.

4           (4)     THE DEPARTMENT SHALL MAINTAIN A REGISTRY OF PERSONS WHO  
 5 HAVE RECEIVED VOUCHERS OF COMPLETION IN A NUTRIENT APPLICATION  
 6 EDUCATIONAL PROGRAM UNDER THIS SECTION.

7 8-803.4.

8     (A)     THIS SECTION APPLIES TO AN APPLICATION OF COMMERCIAL  
 9 FERTILIZER, AS DEFINED IN § 6-201 OF THIS ARTICLE:

10           (1)     THAT IS PERFORMED BY:

11                   (I)     A PERSON WHO APPLIES COMMERCIAL FERTILIZER FOR HIRE;  
 12 OR

13                   (II)    AN EMPLOYEE OF THE OWNER OR MANAGER OF THE  
 14 PROPERTY; AND

15           (2)     TO PROPERTY THAT IS:

16                   (I)     NOT USED FOR AGRICULTURAL PURPOSES; AND

17                   (II)    1. THREE OR MORE ACRES; OR

18                               2.     STATE PROPERTY.

19     (B)     A PERSON MAY APPLY COMMERCIAL FERTILIZER ONLY IF THE ~~PERSON:~~

20                   ~~(1)     CONDUCTS A SOIL TEST BEFORE APPLYING THE COMMERCIAL~~  
 21 ~~FERTILIZER; AND~~

22                   ~~(2)     APPLIES THE COMMERCIAL FERTILIZER IN A MANNER THAT IS~~  
 23 ~~CONSISTENT WITH THE NUTRIENT MANAGEMENT GUIDELINES AND CRITERIA~~  
 24 ~~UNDER § 8-801.1 OF THIS SUBTITLE PERSON APPLIES THE COMMERCIAL FERTILIZER~~  
 25 ~~IN A MANNER THAT IS CONSISTENT WITH THE RECOMMENDATIONS OF THE~~  
 26 ~~UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION SERVICE.~~

27     (C)     (1)     A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS  
 28 SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$1,000 FOR A FIRST VIOLATION.

29           (2)     A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS  
 30 SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$2,000 FOR EACH SUBSEQUENT  
 31 VIOLATION.

32           (3)     EACH DAY A VIOLATION OCCURS UNDER THIS SECTION IS A  
 33 SEPARATE VIOLATION.

1 ~~(4) IN ADDITION TO THE DENIAL, SUSPENSION, OR REVOCATION OF THE~~  
2 ~~CERTIFICATE, THE SECRETARY MAY IMPOSE A CIVIL PENALTY ON THE HOLDER OF A~~  
3 ~~CERTIFICATE.~~

4 ~~(5)~~ (4) THE TOTAL PENALTIES IMPOSED ON A PERSON FOR  
5 VIOLATIONS OF THIS SECTION THAT RESULT FROM THE SAME SET OF FACTS AND  
6 CIRCUMSTANCES MAY NOT EXCEED \$10,000.

7 (D) THE PENALTY IMPOSED ON A PERSON UNDER THIS SECTION SHALL BE  
8 ASSESSED WITH CONSIDERATION GIVEN TO:

9 (1) THE WILLFULNESS OF THE VIOLATION, THE EXTENT TO WHICH THE  
10 EXISTENCE OF THE VIOLATION WAS KNOWN TO THE VIOLATOR BUT UNCORRECTED  
11 BY THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR EXERCISED  
12 REASONABLE CARE;

13 (2) ANY ACTUAL HARM TO HUMAN HEALTH OR TO THE ENVIRONMENT  
14 INCLUDING INJURY TO OR IMPAIRMENT OF THE USE OF THE WATERS OF THE STATE  
15 OR THE NATURAL RESOURCES OF THE STATE;

16 (3) THE COST OF CONTROL;

17 (4) THE NATURE AND DEGREE OF INJURY TO OR INTERFERENCE WITH  
18 GENERAL WELFARE, HEALTH, AND PROPERTY;

19 (5) THE EXTENT TO WHICH THE LOCATION OF THE VIOLATION,  
20 INCLUDING LOCATION NEAR AREAS OF HUMAN POPULATION, CREATES THE  
21 POTENTIAL FOR HARM TO THE ENVIRONMENT OR TO HUMAN HEALTH OR SAFETY;  
22 AND

23 (6) THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF A  
24 RECURRENT PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION COMMITTED  
25 BY THE VIOLATOR.

26 (E) PENALTIES COLLECTED BY THE SECRETARY UNDER THIS SECTION SHALL  
27 BE PAID INTO THE GENERAL FUND OF THE STATE.

28 ~~8-803.5.~~

29 ~~THE DEPARTMENT SHALL ADOPT REGULATIONS PROVIDING FOR RELIGIOUS~~  
30 ~~EXEMPTIONS UNDER THIS SUBTITLE.~~

31 ~~8-803.5.~~

32 IF REQUESTED, THE DEPARTMENT SHALL ADOPT REGULATIONS PROVIDING  
33 FOR RELIGIOUS EXEMPTIONS TO THIS SUBTITLE IN THE EVENT THE  
34 REQUIREMENTS OF THIS SUBTITLE CONFLICT WITH THE BONA FIDE RELIGIOUS  
35 BELIEFS AND PRACTICES OF PERSONS SUBJECT TO THIS SUBTITLE.

1 8-804.

2 (a) (1) The Department shall establish a Nutrient Management Advisory  
 3 Committee. The Secretary shall appoint to the Committee representatives of the  
 4 agricultural community, the environmental community, [industry] THE  
 5 COMMERCIAL LAWN CARE, BIOSOLIDS, AND AGRICULTURAL FERTILIZER  
 6 INDUSTRIES, academia, and appropriate government units. THE SECRETARY ALSO  
 7 SHALL APPOINT TO THE COMMITTEE A REPRESENTATIVE OF COUNTY GOVERNMENT  
 8 FROM A LIST SUBMITTED BY THE MARYLAND ASSOCIATION OF COUNTIES. THE  
 9 PRESIDENT OF THE SENATE OF MARYLAND SHALL APPOINT TO THE COMMITTEE  
 10 ONE SENATOR AND THE SPEAKER OF THE HOUSE OF DELEGATES SHALL APPOINT TO  
 11 THE COMMITTEE ONE DELEGATE.

12 (2) (I) THE NUTRIENT MANAGEMENT ADVISORY COMMITTEE SHALL  
 13 REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §  
 14 2-1246 OF THE STATE GOVERNMENT ARTICLE, BY JULY 1 OF EACH YEAR ON THE  
 15 IMPLEMENTATION OF THE REQUIREMENTS OF THE WATER QUALITY IMPROVEMENT  
 16 ACT OF 1998.

17 (II) THE REPORT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS  
 18 PARAGRAPH SHALL INCLUDE INFORMATION REGARDING:

19 1. THE LEVEL OF PARTICIPATION IN THE NUTRIENT  
 20 MANAGEMENT PLAN PROGRAM;

21 2. ADDITIONAL RESOURCES THAT MAY BE NEEDED TO MEET  
 22 THE REQUIREMENTS OF § 8-803.1 OF THIS SUBTITLE;

23 3. THE EFFECTIVENESS OF NUTRIENT APPLICATION  
 24 EDUCATION PROGRAMS; AND

25 4. THE EFFECTIVENESS OF THE POULTRY LITTER  
 26 TRANSPORTATION PILOT PROJECT SET FORTH IN § 8-704.2 OF THIS TITLE AND THE  
 27 POTENTIAL ECONOMIC IMPACT ON FARMERS IF THE PILOT PROJECT IS  
 28 TERMINATED.

29 (b) In consultation with the Nutrient Management Advisory Committee, the  
 30 Department shall by regulation:

31 (1) Prescribe the criteria, form, and content for certified nutrient  
 32 management plans applicable to licensees and certificate holders;

33 (2) Establish continuing education requirements for [certificate holders]  
 34 CERTIFIED NUTRIENT MANAGEMENT CONSULTANTS AND ~~CERTIFIED NUTRIENT~~  
 35 APPLICATORS PERSONS RECEIVING VOUCHERS OF COMPLETION UNDER § 8-803.3 OF  
 36 THIS SUBTITLE; [and]

37 (3) ESTABLISH GUIDELINES AND CRITERIA RELATED TO THE  
 38 CERTIFICATION OF NUTRIENT APPLICATORS; AND

1 ~~(3)~~ ~~(4)~~ Adopt guidelines and requirements for licensees; AND  
2 CERTIFIED NUTRIENT MANAGEMENT CONSULTANTS; AND CERTIFIED NUTRIENT  
3 APPLICATORS on record keeping and on reporting requirements to the Department on  
4 nutrient management plans.

5 ~~(C)~~ IN DEVELOPING STANDARDS AND REQUIREMENTS UNDER THIS SECTION,  
6 THE DEPARTMENT MAY ADOPT DIFFERENT STANDARDS FOR NUTRIENT  
7 APPLICATORS WHO APPLY NUTRIENTS;

8 ~~(1)~~ FOR HIRE; AND

9 ~~(2)~~ ONLY TO PROPERTY OWNED OR MANAGED BY THE PERSON;

10 8-805.

11 Subject to the provisions of the Administrative Procedure Act, the Department  
12 may deny, suspend, or revoke a certificate or license for a violation of this subtitle or for  
13 a violation of any regulation adopted under this subtitle by the Department.

14 8-806.

15 (a) Except for a government agency, the Department shall charge the following  
16 fees under this subtitle:

17 (1) Certificate (NUTRIENT MANAGEMENT CONSULTANT AND NUTRIENT  
18 APPLICATOR) .....\$50;

19 (2) NUTRIENT APPLICATOR CERTIFICATE FOR A PERSON WHO APPLIES  
20 NUTRIENTS FOR HIRE .....\$100;

21 ~~(2)~~ ~~(3)~~ License (individual or sole proprietorship) .....\$50;

22 ~~(3)~~ ~~(4)~~ License (corporation or partnership)..... \$100; and

23 ~~(4)~~ ~~(5)~~ Renewal .....\$50.

24 (b) The Department shall charge an applicant for the full cost of any training  
25 provided by the Department under this subtitle.

26 (c) All moneys collected under this subtitle shall be deposited in the General  
27 Fund of the State.

28 8-807.

29 OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT OF AGRICULTURE  
30 AND THE DEPARTMENT OF THE ENVIRONMENT SHALL REPORT TO THE GOVERNOR,  
31 AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE  
32 GENERAL ASSEMBLY, ON THE FARM ACREAGE COVERED BY NUTRIENT  
33 MANAGEMENT PLANS AND THE IMPLEMENTATION AND EVALUATION OF THOSE  
34 PLANS.

Article – Environment

2 9-313.

3 (a) The Department may adopt rules and regulations to carry out the  
4 provisions of this subtitle.

5 (b) In adopting any rule or regulation under this subtitle, the Department shall  
6 consider:

7 (1) Existing physical conditions;

8 (2) The character of the area involved, including surrounding land uses;

9 (3) Priority ranking of waters as to effluent limits;

10 (4) Zoning;

11 (5) The nature of the existing receiving body of water;

12 (6) The technical feasibility of measuring or reducing the particular type  
13 of water pollution;

14 (7) The economic reasonableness of measuring or reducing the particular  
15 type of water pollution; and

16 (8) The purposes of this subtitle.

17 (c) Except as this subtitle otherwise provides for a particular type of rule or  
18 regulation, a rule or regulation adopted under this subtitle may:

19 (1) Impose, as circumstances require, different requirements for different  
20 pollutant sources and for different geographical areas;

21 (2) Apply to sources located outside this State that cause, contribute to, or  
22 threaten environmental damage in this State; and

23 (3) Make special provisions for alert and abatement standards and  
24 procedures for occurrences or emergencies of pollution or on other short term  
25 conditions that are an acute danger to health or to the environment.

26 9-325.1.

27 (A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF  
28 AGRICULTURE, SHALL ADOPT REGULATIONS TO LIMIT THE SIZE OF SWINE FARM  
29 OPERATIONS TO MINIMIZE POTENTIAL WATER QUALITY IMPACT TO THE WATERS OF  
30 THE STATE.

31 (B) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL INCLUDE A  
32 PROVISION TO GRANDFATHER SWINE FARM OPERATIONS IN EXISTENCE AT THE  
33 TIME THE REGULATIONS TAKE EFFECT.

1 ~~(C) THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE SHALL~~  
2 ~~CONSULT WITH LOCAL GOVERNMENTS AND REPRESENTATIVES OF THE~~  
3 ~~AGRICULTURAL COMMUNITY BEFORE DEVELOPING THE REGULATIONS.~~

4 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
5 read as follows:

6 Article - Tax - General

7 10-208.

8 (a) In addition to the modification under § 10-207 of this subtitle, the amounts  
9 under this section are subtracted from the federal adjusted gross income of a resident  
10 to determine Maryland adjusted gross income.

11 (M) (1) IN THIS SUBSECTION, "POULTRY OR LIVESTOCK MANURE  
12 SPREADING EQUIPMENT" MEANS EQUIPMENT THAT IS USED BY A FARM OWNER OR  
13 TENANT ON FARMLAND IN ACCORDANCE WITH A NUTRIENT MANAGEMENT PLAN  
14 PREPARED BY AN INDIVIDUAL LICENSED BY THE SECRETARY OF AGRICULTURE IN  
15 ACCORDANCE WITH TITLE 8, SUBTITLE 8 OF THE AGRICULTURE ARTICLE IF THE  
16 MANURE SPREADING EQUIPMENT IS USED:

17 (I) TO SPREAD POULTRY MANURE AND BEDDING FROM NORMAL  
18 POULTRY PRODUCTION WITH A CAPABILITY OF BEING CALIBRATED TO 1.0 TON PER  
19 ACRE; OR

20 (II) TO APPLY SOLID OR LIQUID LIVESTOCK WASTE.

21 (2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION  
22 INCLUDES 100% OF THE EXPENSE THAT A TAXPAYER INCURS TO BUY POULTRY OR  
23 LIVESTOCK MANURE SPREADING EQUIPMENT IF THE TAXPAYER:

24 (I) PURCHASED THE SPREADING EQUIPMENT AFTER DECEMBER  
25 31, 1997; AND

26 (II) OWNS THE SPREADING EQUIPMENT FOR AT LEAST 3 YEARS  
27 AFTER THE TAXABLE YEAR IN WHICH THE SUBTRACTION IS MADE.

28 (3) TO QUALIFY FOR THE SUBTRACTION UNDER PARAGRAPH (2) OF THIS  
29 SUBSECTION, A TAXPAYER SHALL FILE A STATEMENT FROM THE DEPARTMENT OF  
30 AGRICULTURE CERTIFYING COMPLIANCE WITH THE REQUIREMENTS OF  
31 PARAGRAPH (2) OF THIS SUBSECTION.

32 (4) IF THE SUBTRACTION ALLOWED UNDER PARAGRAPH (2) OF THIS  
33 SUBSECTION EXCEEDS THE MARYLAND TAXABLE INCOME THAT IS COMPUTED  
34 WITHOUT THE MODIFICATION ALLOWED UNDER THIS SUBSECTION AND THE  
35 SUBTRACTION IS NOT USED FOR THE TAXABLE YEAR, THE EXCESS MAY BE CARRIED  
36 OVER TO SUCCEEDING TAXABLE YEARS, NOT TO EXCEED 5, UNTIL THE FULL  
37 AMOUNT OF THE SUBTRACTION IS USED.

1 10-308.

2 (a) In addition to the modification under § 10-307 of this subtitle, the amounts  
 3 under this section are subtracted from the federal taxable income of a corporation to  
 4 determine Maryland modified income.

5 (b) The subtraction under subsection (a) of this section includes the amounts  
 6 allowed to be subtracted for an individual under:

7 (1) § 10-208(d) of this title (conservation tillage equipment expenses);

8 (2) § 10-208(i) of this title (reforestation or timber stand expenses); [and]

9 (3) § 10-208(k) of this title (wage expenses for targeted jobs); AND

10 (4) § 10-208(M) OF THIS TITLE (POULTRY OR LIVESTOCK MANURE  
 11 SPREADING EQUIPMENT).

12 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 13 read as follows:

14 Article - Tax - General

15 10-704.9.

16 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, AN INDIVIDUAL OR A  
 17 CORPORATION MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR A  
 18 TAXABLE YEAR IN THE AMOUNT EQUAL TO 50% OF THE CERTIFIED ADDITIONAL  
 19 COMMERCIAL FERTILIZER COSTS NECESSARY TO CONVERT AGRICULTURAL  
 20 PRODUCTION TO A NUTRIENT MANAGEMENT PLAN UNDER TITLE 8, SUBTITLE 8 OF  
 21 THE AGRICULTURE ARTICLE.

22 (B) (1) THE CREDIT ALLOWED UNDER THIS SECTION MAY ONLY BE  
 23 CLAIMED BY AN INDIVIDUAL OR A CORPORATION FOR UP TO 3 CONSECUTIVE  
 24 TAXABLE YEARS.

25 (2) THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED  
 26 \$4,500 IN ANY TAXABLE YEAR.

27 (3) (1) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY  
 28 TAXABLE YEAR EXCEEDS THE TOTAL TAX OTHERWISE PAYABLE BY THE INDIVIDUAL  
 29 OR CORPORATION FOR THAT TAXABLE YEAR, THE INDIVIDUAL OR CORPORATION  
 30 MAY APPLY THE EXCESS AS A CREDIT FOR SUCCEEDING TAXABLE YEARS UNTIL THE  
 31 EARLIER OF:

32 1. THE FULL AMOUNT OF THE EXCESS IS USED; OR

33 2. THE EXPIRATION OF THE 5TH SUCCEEDING TAXABLE  
 34 YEAR.

1 (II) ANY EXCESS CREDIT CARRIED FORWARD UNDER THIS  
2 PARAGRAPH DOES NOT APPLY TO THE CREDIT LIMIT SPECIFIED IN PARAGRAPH (2)  
3 OF THIS SUBSECTION.

4 (C) THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT BE EARNED FOR  
5 ANY CREDIT YEAR BEGINNING ON OR AFTER JANUARY 1, ~~2008~~ 2009.

6 (D) (1) TO QUALIFY FOR THE CREDIT UNDER THIS SECTION, AN INDIVIDUAL  
7 OR A CORPORATION MUST RECEIVE A STATEMENT FROM THE DEPARTMENT OF  
8 AGRICULTURE CERTIFYING:

9 (I) THAT THE INDIVIDUAL OR CORPORATION HAS SUBMITTED A  
10 NUTRIENT MANAGEMENT PLAN TO THE DEPARTMENT IN ACCORDANCE WITH TITLE  
11 8, SUBTITLE 8 OF THE AGRICULTURE ARTICLE;

12 (II) THAT THE ADDITIONAL COMMERCIAL FERTILIZER COSTS ARE  
13 NECESSARY TO CONVERT AGRICULTURAL PRODUCTION TO COMPLY WITH A  
14 NUTRIENT MANAGEMENT PLAN UNDER TITLE 8, SUBTITLE 8 OF THE AGRICULTURE  
15 ARTICLE; AND

16 (III) THE AMOUNT OF THE CREDIT THAT THE INDIVIDUAL OR  
17 CORPORATION IS ELIGIBLE TO TAKE FOR THE TAXABLE YEAR.

18 (2) AN INDIVIDUAL OR A CORPORATION MUST FILE PROOF OF  
19 CERTIFICATION BY THE DEPARTMENT OF AGRICULTURE IN A MANNER PRESCRIBED  
20 BY THE COMPTROLLER.

21 (E) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE STATE  
22 DEPARTMENT OF AGRICULTURE SHALL ADOPT REGULATIONS NECESSARY TO CARRY  
23 OUT THE PROVISIONS OF THIS SECTION.

24 SECTION 6. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall  
25 remain effective for a period of 3 years and, at the end of June 30, 2001, with no further  
26 action required by the General Assembly, Section 1 of this Act shall be abrogated and  
27 of no further force and effect. Any money remaining in the Animal Waste Technology  
28 Fund on June 30, 2001 or due to the Animal Waste Technology Fund after June 30,  
29 2001 shall be paid into the General Fund.

30 SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
31 remain effective for a period of 4 years and, at the end of June 30, 2002, with no further  
32 action required by the General Assembly, Section 2 of this Act shall be abrogated and  
33 of no further force and effect.

34 SECTION 8. AND BE IT FURTHER ENACTED, That Section ~~3~~ 4 of this Act  
35 shall be applicable to all taxable years beginning after December 31, 1997.

36 SECTION 9. AND BE IT FURTHER ENACTED, That Section ~~4~~ 5 of this Act  
37 shall be applicable to all taxable years beginning after December 31, 1998.

1 ~~SECTION 10. AND BE IT FURTHER ENACTED, That the Governor is~~  
 2 ~~requested to take the steps necessary to:~~

3 ~~(1) target funding received by the State under the Conservation Reserve~~  
 4 ~~Enhancement Program of the U.S. Department of Agriculture to farms, located in~~  
 5 ~~critical watersheds, that implement nutrient management plans in accordance with~~  
 6 ~~this Act; and~~

7 ~~(2) coordinate Program funds with Maryland Agricultural Cost share~~  
 8 ~~funds and other appropriate State funds in order best to leverage federal funds for~~  
 9 ~~water quality improvement and nutrient removal, and for habitat restoration and~~  
 10 ~~buffer creation on the shore of the Chesapeake Bay.~~

11 SECTION 10. AND BE IT FURTHER ENACTED, That the Governor is  
 12 requested to take the steps necessary to target funding received by the State under the  
 13 Conservation Reserve Enhancement Program of the U.S. Department of Agriculture to  
 14 farms, located in watersheds that contribute to water bodies and basin segments listed  
 15 as impaired by nutrients by the State under § 303 of the federal Clean Water Act, that  
 16 implement nutrient management plans in accordance with this Act.

17 SECTION 11. AND BE IT FURTHER ENACTED, That the Governor is  
 18 requested to support and fund, in cooperation with the private sector and appropriate  
 19 public agencies, continuing research into management and remediation of phosphorus  
 20 as a nutrient derived from animal waste and as a pollutant, including:

21 (1) The development of a reliable phosphorus index;

22 (2) Composting and incineration of animal waste and litter;

23 (3) Marketing and transportation of products derived from animal waste  
 24 and litter; and

25 (4) Commercial animal feed management and additives that may reduce  
 26 phosphorus deposition in animal waste.

27 SECTION 11. 12. AND BE IT FURTHER ENACTED, That the Secretary of  
 28 Agriculture is requested to submit a report to the General Assembly, in accordance  
 29 with § 2-1246 of the State Government Article, by January 1, 2001 on the Poultry  
 30 Litter Transportation Pilot Project established under this Act. The report shall include  
 31 information on the participation levels in the Pilot Project, the amount of litter  
 32 transported, and the amount of funds raised and distributed. The report shall also  
 33 evaluate the potential economic impact on farmers if the Pilot Project is terminated.

34 SECTION 13. AND BE IT FURTHER ENACTED, That:

35 (a) By December 1 of each year, the University System of Maryland shall report  
 36 to the Nutrient Management Advisory Committee, the Governor, and in accordance  
 37 with § 2-1246 of the State Government Article, the General Assembly on:

1           (1)     The latest developments in phosphorus mitigation, including the  
2 effectiveness of phytase and other enzymes, genetically engineered corn, soil additives,  
3 and other innovations; and

4           (2)     For targeted areas determined by the Secretary of Agriculture,  
5 background levels of phosphorus in the soil, current levels of phosphorus in the soil,  
6 and the movement of phosphorus in and on the land.

7           (b)     In preparing the report, the University System of Maryland shall  
8 coordinate the activities at member institutions and consult with the agricultural  
9 industry. To the extent possible, the University System shall coordinate its efforts with  
10 research projects conducted by the agricultural industry.

11         SECTION 14. AND BE IT FURTHER ENACTED, That the Maryland  
12 Department of Agriculture shall provide written notice to farmers concerning the  
13 requirements of this Act and explaining the State financial and technical assistance  
14 that is available to assist farmers in complying with the requirements of this Act.

15         SECTION 15. AND BE IT FURTHER ENACTED, That under the provisions of  
16 § 7-209(e)(2)(iv) of the State Finance and Procurement Article for fiscal year 1999 only,  
17 appropriations and positions may be transferred between the Departments of  
18 Agriculture, Business and Economic Development, and the Environment to carry out  
19 the intent of this legislation.

20         ~~SECTION 16.~~ 16. AND BE IT FURTHER ENACTED, That this Act shall take  
21 effect July 1, 1998.