

HOUSE BILL 599

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1998 Regular Session  
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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**

Introduced and read first time: February 6, 1998  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Nutrient Management Practices Improvement Act of 1998**

3 FOR the purpose of authorizing the Secretary of Agriculture to adopt certain  
4 regulations relating to certain cost share programs; establishing certain limits  
5 for certain cost share programs; authorizing the Secretary of Agriculture to  
6 adopt certain regulations; requiring the Governor to provide sufficient funding  
7 to maintain a certain level of field personnel soil for conservation districts;  
8 authorizing the Department of Agriculture, by regulation, to authorize the  
9 disbursement of certain cost sharing funds for poultry manure storage facilities;  
10 providing for a poultry litter matching service; establishing a Poultry Litter  
11 Transportation Pilot Project; requiring nutrient management plans to be  
12 developed considering certain factors; requiring nutrient management plans to  
13 be filed and maintained under certain circumstances; establishing certain  
14 requirements for the certification of nutrient management consultants;  
15 establishing certain requirements for certain individuals receiving certain  
16 vouchers of completion from the Department of Agriculture; requiring certain  
17 individuals to make available certain documents under certain circumstances;  
18 establishing certain requirements for persons applying commercial fertilizer  
19 under certain circumstances; altering the membership and tasks of the Nutrient  
20 Management Committee; requiring the Secretary to consult with the Nutrient  
21 Management Committee under certain circumstances; requiring certain reports;  
22 establishing an Animal Waste Technology Fund as a special, continuing,  
23 nonlapsing fund; authorizing the Department of Business and Economic  
24 Development to provide financial assistance from the Fund for certain purposes;  
25 providing a subtraction modification under the Maryland individual and

1 corporate income tax for certain expenses associated with the purchase of  
2 certain agricultural machinery under certain conditions; providing that the  
3 subtraction may be carried over to succeeding taxable years under certain  
4 circumstances; providing for a tax credit under the Maryland individual and  
5 corporate income tax for certain expenses associated with certain costs  
6 necessary to convert agricultural production to a certain nutrient management  
7 plan under certain circumstances; placing certain restrictions, conditions, and  
8 limits on the use of the tax credit; providing that the tax credit may be carried  
9 over to succeeding taxable years under certain circumstances; requiring an  
10 individual or corporation to receive a certain certification from the Department  
11 of Agriculture and file proof of the certification; defining certain terms;  
12 providing for the termination of certain provisions of this Act; stating certain  
13 fundings; providing legislative intent; and generally relating to nutrient  
14 management practices.

15 BY repealing and reenacting, without amendments,  
16 Article - Agriculture  
17 Section 6-101(a), (d), and (e), 6-102, 6-106, 6-113, 6-201(f), 8-801, 8-805, and  
18 8-806  
19 Annotated Code of Maryland  
20 (1985 Replacement Volume and 1997 Supplement)

21 BY adding to  
22 Article - Agriculture  
23 Section 6-107.1, 8-405, 8-704.1, 8-704.2, 8-801.1, 8-801.2, 8-803.1, 8-803.2,  
24 8-803.3, 8-803.4, and 8-807  
25 Annotated Code of Maryland  
26 (1985 Replacement Volume and 1997 Supplement)

27 BY repealing and reenacting, with amendments,  
28 Article - Agriculture  
29 Section 8-704, 8-803, and 8-804  
30 Annotated Code of Maryland  
31 (1985 Replacement Volume and 1997 Supplement)

32 BY adding to  
33 Article 41 - Governor - Executive and Administrative Departments  
34 Section 18-316  
35 Annotated Code of Maryland  
36 (1997 Replacement Volume and 1997 Supplement)

37 BY adding to  
38 Article 83A - Department of Business and Economic Development  
39 Section 6-801 through 6-807, inclusive, to be under the new subtitle "Subtitle 8.  
40 Animal Waste Technology Fund"

1 Annotated Code of Maryland  
2 (1995 Replacement Volume and 1997 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article - Tax - General  
5 Section 10-208(a)  
6 Annotated Code of Maryland  
7 (1997 Replacement Volume)  
8 (As enacted by Chapter 485 of the Acts of the General Assembly of 1997)

9 BY repealing and reenacting, without amendments,  
10 Article - Tax - General  
11 Section 10-308(a)  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume)

14 BY adding to  
15 Article - Tax - General  
16 Section 10-208(m)  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume)  
19 (As enacted by Chapter 485 of the Acts of the General Assembly of 1997)

20 BY adding to  
21 Article - Tax - General  
22 Section 10-704.9  
23 Annotated Code of Maryland  
24 (1997 Replacement Volume)

25 BY repealing and reenacting, with amendments,  
26 Article - Tax - General  
27 Section 10-308(b)  
28 Annotated Code of Maryland  
29 (1997 Replacement Volume)

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

32 **Article - Agriculture**

33 6-101.

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

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

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

5 (2) Unground hay; or

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

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

10 6-102.

11 The State Chemist shall administer the provisions of this subtitle subject to the  
12 supervision of the Secretary.

13 6-106.

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

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

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

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

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

31 6-107.1.

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

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

1 (B) THE SECRETARY SHALL ADOPT REGULATIONS THAT ESTABLISH  
2 APPROPRIATE LABELING AND DISTRIBUTION REQUIREMENTS FOR CONTRACT FEED.

3 6-113.

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

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

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

20 6-201.

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

25 8-405.

26 (A) THE GENERAL ASSEMBLY FINDS THAT, FROM FISCAL YEAR 1991 THROUGH  
27 FISCAL YEAR 1998, INADEQUATE RESOURCES HAVE BEEN PROVIDED FOR THE SOIL  
28 CONSERVATION DISTRICTS TO EMPLOY ADEQUATE FIELD PERSONNEL TO ASSIST  
29 FARMERS IN THE PREPARATION OF SOIL CONSERVATION AND WATER QUALITY  
30 PLANS.

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

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

1 8-704.

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

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

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

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

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

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

21 2. The Department may execute the agreement without the  
22 consent of the landlord if:

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

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

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

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

34 (b) State cost sharing funds shall be disbursed, upon warrant of the  
35 Comptroller, only after the Department has determined that the best management  
36 practice has been established or in the case of equipment, structures, or similar items,  
37 that it has been received and properly installed. Payment may be made either to the  
38 person when the person has advanced money, or directly to a vendor or contractor in

1 accordance with the written agreement required by this section, or supplemental  
2 written agreements with the vendor or contractor.

3 (c) (1) (I) The Secretary of Agriculture and the Secretary of the  
4 Environment shall jointly promulgate rules and regulations to implement this  
5 subtitle. However, rules and regulations solely involving internal management of the  
6 cost sharing program need only be promulgated by the Secretary of Agriculture. The  
7 Department of Natural Resources shall be consulted prior to any rule making effort to  
8 assure coordination with its sediment control and related watershed programs.

9 (II) THE SECRETARY OF AGRICULTURE, IN CONSULTATION WITH  
10 THE SECRETARY OF THE ENVIRONMENT, SHALL ADOPT REGULATIONS AUTHORIZING  
11 THE DISBURSEMENT OF STATE COST SHARING FUNDS FOR THE CONSTRUCTION OF  
12 POULTRY MANURE STORAGE FACILITIES ON FARMS WHICH DO NOT HAVE A  
13 COMMERCIAL POULTRY OPERATION OR A COMMERCIAL EGG LAYING OPERATION.

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

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

20 8-704.1.

21 (A) IN THIS SECTION, "SERVICE" MEANS POULTRY LITTER MATCHING  
22 SERVICE.

23 (B) THE DEPARTMENT SHALL CREATE A POULTRY LITTER MATCHING  
24 SERVICE.

25 (C) THE PURPOSE OF THE SERVICE IS TO DEVELOP TRANSFER PROGRAMS  
26 AND MARKETING TECHNIQUES TO PROMOTE AND FACILITATE THE TRANSFER OF  
27 POULTRY LITTER.

28 (D) THE SERVICE IS TO BE IMPLEMENTED IN CONJUNCTION WITH THE  
29 POULTRY LITTER TRANSPORTATION PILOT PROJECT SET FORTH IN § 8-704.2 OF THIS  
30 TITLE.

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

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

**Article - Agriculture**

2 8-704.2.

3 (A) IN THIS SECTION, "PILOT PROJECT" MEANS THE POULTRY LITTER  
4 TRANSPORTATION PILOT PROJECT.

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

6 (1) FOR A 3-YEAR PERIOD THE STATE SHALL FACILITATE THE PROMPT  
7 TRANSPORTATION OF POULTRY LITTER FROM FARMS IN AREAS OF THE STATE THAT  
8 EXPERIENCE PHOSPHOROUS OVERENRICHMENT;

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

12 (3) THE PILOT PROJECT SHALL BE IMPLEMENTED IN CONJUNCTION  
13 WITH THE POULTRY LITTER MATCHING SERVICE SET FORTH IN § 8-704.1 OF THIS  
14 TITLE.

15 (C) THE PURPOSE OF THE PILOT PROJECT IS TO ESTABLISH A COST SHARE  
16 PROGRAM TO ASSIST IN THE TRANSPORTATION OF POULTRY LITTER FROM FARMS  
17 OVER A PERIOD OF 3 YEARS:

18 (1) TO BE USED IN AREAS WITH SOIL HOLDING CAPACITY FOR  
19 PHOSPHOROUS; OR

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

21 (D) THE DEPARTMENT OF AGRICULTURE SHALL ADOPT REGULATIONS  
22 AUTHORIZING THE DISBURSEMENT OF COST SHARE FUNDS FROM THIS PROGRAM.

23 (E) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE THE ASSISTANCE  
24 NECESSARY TO ENSURE THAT POULTRY LITTER IS TESTED IN ACCORDANCE WITH  
25 DEPARTMENTAL PROCEDURES BEFORE TRANSPORTATION OF THE LITTER OCCURS.

26 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
27 read as follows:

**Article - Agriculture**

29 8-801.

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

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

33 (c) "Nutrient management plan" means a plan prepared under this subtitle by  
34 a certified nutrient management consultant to manage the amount, placement,



1 timing, and application of animal waste, commercial fertilizer, sludge, or other plant  
2 nutrients to prevent pollution and to maintain productivity.

3 8-801.1.

4 (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT BASED UPON THE  
5 AVAILABILITY OF ADEQUATE FUNDS AND TECHNOLOGICAL RESOURCES, THE  
6 FOLLOWING GOALS BE ATTAINABLE:

7 (1) 50% OF FARM ACREAGE IN THE STATE HAVE NUTRIENT  
8 MANAGEMENT PLANS THAT MEET THE STANDARDS SET FORTH IN THIS SUBTITLE  
9 IMPLEMENTED BY JULY 1, 2000;

10 (2) 70% OF FARM ACREAGE IN THE STATE HAVE NUTRIENT  
11 MANAGEMENT PLANS THAT MEET THE STANDARDS SET FORTH IN THIS SUBTITLE  
12 IMPLEMENTED BY JULY 1, 2002; AND

13 (3) 80% OF THE FARM ACREAGE IN THE STATE HAVE NUTRIENT  
14 MANAGEMENT PLANS THAT MEET THE STANDARDS SET FORTH IN THIS SUBTITLE  
15 IMPLEMENTED BY JULY 1, 2005.

16 8-801.2.

17 (A) EACH NUTRIENT MANAGEMENT PLAN SHALL BE DEVELOPED  
18 CONSIDERING SUCH FACTORS AS:

19 (1) THE EXISTENCE AND PLANT AVAILABILITY OF NITROGEN AND  
20 PHOSPHOROUS IN THE SOIL;

21 (2) THE NUTRIENT HOLDING CAPACITY OF THE SOIL;

22 (3) LEVELS OF NITROGEN AND PHOSPHOROUS IN ALL NUTRIENTS TO BE  
23 APPLIED;

24 (4) REALISTIC CROP YIELD GOALS;

25 (5) SOIL ERODIBILITY; AND

26 (6) THE BEST REASONABLE SCIENTIFIC METHODS ACCEPTED BY THE  
27 DEPARTMENT AND THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION  
28 SERVICE.

29 (B) (1) EACH NUTRIENT MANAGEMENT PLAN SHALL BE FILED WITH THE  
30 DEPARTMENT:

31 (I) WHEN IT IS DEVELOPED; AND

32 (II) EACH TIME IT IS UPDATED.

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

4 8-803.

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

7 (1) Submit to the Department an application on the form the  
8 Department requires; and

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

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

12 (1) Meets the requirements of this subtitle;

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

15 (3) Passes a Department approved examination; and

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

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

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

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

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

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

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

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

29 (1) Submits a renewal application on the form that the Department  
30 requires;

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

1 (3) Complies with applicable continuing education requirements; and

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

3 8-803.1.

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

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

10 (C) THE SECRETARY OF AGRICULTURE SHALL ADOPT REGULATIONS  
11 AUTHORIZING THE DISBURSEMENT OF STATE COST SHARING FUNDS UNDER THIS  
12 SUBTITLE.

13 8-803.2.

14 (A) A PERSON WHO APPLIES NUTRIENTS FOR HIRE SHALL BE A CERTIFIED  
15 NUTRIENT MANAGEMENT CONSULTANT OR WORK UNDER A NUTRIENT  
16 MANAGEMENT CONSULTANT CERTIFIED UNDER § 8-803 OF THIS ARTICLE.

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

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

24 8-803.3.

25 (A) THIS SECTION DOES NOT APPLY TO:

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

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

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

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

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

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

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

9 8-803.4.

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

12 (1) THAT IS PERFORMED BY A PERSON WHO APPLIES COMMERCIAL  
13 FERTILIZER FOR HIRE; AND

14 (2) THAT IS APPLIED TO PROPERTY THAT IS:

15 (I) NOT USED FOR AGRICULTURAL PURPOSES; AND

16 (II) 1. 3 OR MORE ACRES; OR

17 2. STATE PROPERTY.

18 (B) A PERSON WHO APPLIES COMMERCIAL FERTILIZER PURSUANT TO THIS  
19 SECTION SHALL COMPLETE AN EDUCATIONAL PROGRAM IN COMMERCIAL  
20 FERTILIZER APPLICATION EVERY 3 YEARS.

21 (C) (1) THE SECRETARY, IN CONSULTATION WITH THE NUTRIENT  
22 MANAGEMENT ADVISORY COMMITTEE UNDER § 8-804 OF THIS SUBTITLE, SHALL  
23 CREATE OR APPROVE A COMMERCIAL FERTILIZER APPLICATION PROGRAM.

24 (2) THE PROGRAM IS TO BE OFFERED AT SITES THROUGHOUT THE  
25 STATE.

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

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

30 8-804.

31 (a) The Department shall establish a Nutrient Management Advisory  
32 Committee. The Secretary shall appoint to the Committee representatives of the  
33 agricultural community, the environmental community, [industry] THE  
34 COMMERCIAL LAWN CARE, BIOSOLIDS, AND AGRICULTURAL FERTILIZER  
35 INDUSTRIES, academia, and appropriate government units.

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

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

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

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

11 8-805.

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

15 8-806.

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

- 18 (1) Certificate.....\$50;
- 19 (2) License (individual or sole proprietorship).....\$50;
- 20 (3) License (corporation or partnership)..... \$100; and
- 21 (4) Renewal.....\$50.

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

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

26 8-807.

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

**Article 41 - Governor - Executive and Administrative Departments**

2 18-316.

3 (A) IN THIS SECTION, "ASSESSMENT TEAM" MEANS THE NUTRIENT  
4 MANAGEMENT PROGRESS ASSESSMENT TEAM.

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

6 (C) THE ASSESSMENT TEAM SHALL BE COMPOSED OF:

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

8 (2) AN AGRONOMIST FROM THE MARYLAND AGRICULTURAL  
9 EXPERIMENT STATION;

10 (3) A WATER QUALITY SPECIALIST FROM THE UNIVERSITY OF  
11 MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE; AND

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

13 (I) UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION  
14 SERVICE;

15 (II) SOIL CONSERVATION DISTRICTS;

16 (III) MARYLAND FARM BUREAU;

17 (IV) MARYLAND STATE GRANGE;

18 (V) MARYLAND PORK PRODUCERS ASSOCIATION;

19 (VI) DELMARVA POULTRY INDUSTRY, INC.;

20 (VII) DELAWARE-MARYLAND AGRIBUSINESS ASSOCIATION;

21 (VIII) MARYLAND ASSOCIATION OF GREEN INDUSTRIES;

22 (IX) BIOSOLIDS COMMITTEE OF THE CHESAPEAKE WATER  
23 ENVIRONMENT ASSOCIATION; AND

24 (X) ASSOCIATION OF FOREST INDUSTRIES, INC.

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

29 (E) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE STAFF ASSISTANCE  
30 TO THE ASSESSMENT TEAM. THE ASSESSMENT TEAM MAY USE THE STAFF TO ASSIST  
31 IN PREPARING THE ANNUAL REPORT.

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

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

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

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

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

13 (5) THE EFFECTIVENESS OF NUTRIENT APPLICATION EDUCATION  
14 PROGRAMS;

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

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

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

23 **Article 83A - Department of Business and Economic Development**

24 **SUBTITLE 8. ANIMAL WASTE TECHNOLOGY FUND.**

25 6-801.

26 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
27 INDICATED.

28 (B) "ANIMAL WASTE TECHNOLOGY PROJECT" MEANS THE RESEARCH,  
29 DEVELOPMENT, IMPLEMENTATION, OR MARKET DEVELOPMENT OF TECHNOLOGY  
30 THAT IS INTENDED TO:

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

32 (2) ALTER THE COMPOSITION OF ANIMAL WASTE;

33 (3) USE ANIMAL WASTE IN A PRODUCTION PROCESS; OR

1 (4) DEVELOP ALTERNATIVE WASTE MANAGEMENT STRATEGIES  
2 INCLUDING THE TRANSFER AND TRANSPORTATION OF ANIMAL WASTE TO AREAS IN  
3 MARYLAND WHICH CAN MAKE A BENEFICIAL USE OF THE MANURE.

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

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

7 6-802.

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

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

12 (2) ALTER THE COMPOSITION OF ANIMAL WASTE;

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

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

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

23 6-803.

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

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

27 (C) THE FUND MAY CONSIST OF:

28 (1) MONEYS APPROPRIATED BY THE STATE;

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

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

33 (4) REPAYMENTS OF PRINCIPAL AND INTEREST FROM LOANS MADE  
34 FROM THE FUND;



1 (5) INCOME FROM EQUITY INVESTMENTS THAT THE DEPARTMENT  
2 MAKES FROM THE FUND;

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

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

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

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

10 (1) PROVIDE FINANCIAL ASSISTANCE TO DEFRAY THE COSTS OF  
11 ANIMAL WASTE TECHNOLOGY PROJECTS; AND

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

14 6-804.

15 FINANCIAL ASSISTANCE PROVIDED FROM THE FUND MAY BE:

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

18 (2) IN THE FORM OF:

19 (I) A GRANT;

20 (II) A LOAN;

21 (III) A LOAN GUARANTEE;

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

24 (V) AN EQUITY INVESTMENT.

25 6-805.

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

28 (1) IMPROVING THE PUBLIC HEALTH;

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

30 (3) IMPROVING THE ENVIRONMENT;

1 (4) HAVING A POSITIVE ECONOMIC DEVELOPMENT IMPACT IN THE  
2 STATE;

3 (5) FACILITATING THE INVOLVEMENT OF PRIVATE ENTERPRISE; AND

4 (6) LEADING TO A COST-EFFECTIVE ANIMAL WASTE MANAGEMENT  
5 PROGRAM.

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

10 (1) IMPROVING THE PUBLIC HEALTH;

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

12 (3) IMPROVING THE ENVIRONMENT;

13 (4) HAVING A POSITIVE ECONOMIC DEVELOPMENT IMPACT IN THE  
14 STATE;

15 (5) FACILITATING THE INVOLVEMENT OF PRIVATE ENTERPRISE; AND

16 (6) LEADING TO A COST-EFFECTIVE ANIMAL WASTE MANAGEMENT  
17 PROGRAM.

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

28 **Article - Tax - General**

29 10-208.

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

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

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

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

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

14 (I) PURCHASED THE SPREADING EQUIPMENT AFTER DECEMBER  
15 31, 1997; AND

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

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

21 10-308.

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

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

27 (1) § 10-208(d) of this title (conservation tillage equipment expenses);

28 (2) § 10-208(i) of this title (reforestation or timber stand expenses);  
29 [and]

30 (3) § 10-208(k) of this title (wage expenses for targeted jobs); AND

31 (4) § 10-208(M) OF THIS TITLE (POULTRY OR LIVESTOCK MANURE  
32 SPREADING EQUIPMENT).

33 SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
34 read as follows:

**Article - Tax - General**

1

2 10-704.9.

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

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

12 (2) THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED  
13 \$4,500 IN ANY TAXABLE YEAR.

14 (3) (I) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY  
15 TAXABLE YEAR EXCEEDS THE TOTAL TAX OTHERWISE PAYABLE BY THE INDIVIDUAL  
16 OR CORPORATION FOR THAT TAXABLE YEAR, THE INDIVIDUAL OR CORPORATION  
17 MAY APPLY THE EXCESS AS A CREDIT FOR SUCCEEDING TAXABLE YEARS UNTIL THE  
18 EARLIER OF:

- 19 1. THE FULL AMOUNT OF THE EXCESS IS USED; OR
- 20 2. THE EXPIRATION OF THE 5TH SUCCEEDING TAXABLE  
21 YEAR.

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

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

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

30 (I) THAT THE INDIVIDUAL OR CORPORATION HAS SUBMITTED A  
31 NUTRIENT MANAGEMENT PLAN TO THE DEPARTMENT IN ACCORDANCE WITH TITLE  
32 8, SUBTITLE 8 OF THE AGRICULTURE ARTICLE;

33 (II) THAT THE ADDITIONAL COMMERCIAL FERTILIZER COSTS ARE  
34 NECESSARY TO CONVERT AGRICULTURAL PRODUCTION TO COMPLY WITH A  
35 NUTRIENT MANAGEMENT PLAN UNDER TITLE 8, SUBTITLE 8 OF THE AGRICULTURE  
36 ARTICLE; AND

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

3 (2) AN INDIVIDUAL OR A CORPORATION MUST FILE PROOF OF  
4 CERTIFICATION BY THE DEPARTMENT OF AGRICULTURE IN A MANNER PRESCRIBED  
5 BY THE COMPTROLLER.

6 (E) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE STATE  
7 DEPARTMENT OF AGRICULTURE SHALL ADOPT REGULATIONS NECESSARY TO CARRY  
8 OUT THE PROVISIONS OF THIS SECTION.

9 SECTION 7. AND BE IT FURTHER ENACTED, That for Fiscal Year 2000 the  
10 Governor shall include in the annual budget bill an amount of not less than \$350,000  
11 for the cost share program under § 6-107.1 of the Agriculture Article; for Fiscal Year  
12 2000 and each fiscal year thereafter, the Governor shall include in the annual budget  
13 bill an amount not less than \$620,000 for the employment of contractual nutrient  
14 management planners through the University of Maryland Cooperative Extension  
15 Service; for Fiscal Year 2000, the Governor shall include in the annual budget bill an  
16 amount of not less than \$1,000,000 for the State cost sharing program under §  
17 8-803.1 as enacted by Section 3 of this Act.

18 SECTION 8. AND BE IT FURTHER ENACTED, That, for each of Fiscal Years  
19 2000 and 2001, the Governor shall include in the annual budget bill an amount of not  
20 less than \$1,500,000 for the Pilot Project under Section 2 of this Act; that Section 2 of  
21 this Act shall remain effective for a period of 3 years and, at the end of June 30, 2001,  
22 with no further action required by the General Assembly, Section 2 of this Act shall be  
23 abrogated and of no further force and effect. Any money remaining in the Poultry  
24 Litter Transportation Pilot Project or due to the Poultry Litter Transportation Pilot  
25 Project after June 30, 2001 shall be paid to the General Fund.

26 SECTION 9. AND BE IT FURTHER ENACTED, That for each of Fiscal Years  
27 2000 and 2001, the Governor shall include in the annual budget bill an amount not  
28 less than \$1,000,000 for the purposes of implementing Section 4 of this Act; and that  
29 Section 4 of this Act shall remain effective for a period of 3 years and, at the end of  
30 June 30, 2001, with no further action required by the General Assembly, Section 4 of  
31 this Act shall be abrogated and of no further force and effect. Any money remaining in  
32 the Animal Waste Technology Fund on June 30, 2001 or due to the Animal Waste  
33 Technology Fund after June 30, 2001 shall be paid into the General Fund.

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

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

38 SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect  
39 July 1, 1998.