
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

Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 3, 1998

CHAPTER _____

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; making certain findings; requiring the Governor to
7 provide sufficient funding to maintain a certain level of field personnel soil for
8 conservation districts; authorizing the Department of Agriculture, by regulation,
9 to authorize the disbursement of certain cost sharing funds for poultry manure
10 storage facilities; providing for a poultry litter matching service; establishing a
11 Poultry Litter Transportation Pilot Project; requiring, by certain dates, a person
12 that operates a farm to operate the farm under certain nutrient management
13 plans under certain circumstances; requiring the Department of Agriculture to
14 adopt certain regulations to provide certain exemptions from certain
15 requirements; establishing certain administrative penalties for certain
16 violations; providing for the refund of certain administrative penalties under
17 certain circumstances; requiring nutrient management plans to be developed
18 considering certain factors; requiring nutrient management plans to be filed

1 and maintained under certain circumstances; establishing certain requirements
2 for the certification of nutrient management consultants; establishing certain
3 requirements for certain individuals receiving certain vouchers of completion
4 from the Department of Agriculture; requiring certain individuals to make
5 available certain documents under certain circumstances; establishing certain
6 requirements for persons applying commercial fertilizer under certain
7 circumstances; altering the membership and tasks of the Nutrient Management
8 Committee; requiring the Secretary to consult with the Nutrient Management
9 Committee under certain circumstances; requiring certain reports; establishing
10 an Animal Waste Technology Fund as a special, continuing, nonlapsing fund;
11 authorizing the Department of Business and Economic Development to provide
12 financial assistance from the Fund for certain purposes; providing a subtraction
13 modification under the Maryland individual and corporate income tax for
14 certain expenses associated with the purchase of certain agricultural machinery
15 under certain conditions; providing that the subtraction may be carried over to
16 succeeding taxable years under certain circumstances; providing for a tax credit
17 under the Maryland individual and corporate income tax for certain expenses
18 associated with certain costs necessary to convert agricultural production to a
19 certain nutrient management plan under certain circumstances; placing certain
20 restrictions, conditions, and limits on the use of the tax credit; providing that
21 the tax credit may be carried over to succeeding taxable years under certain
22 circumstances; requiring an individual or corporation to receive a certain
23 certification from the Department of Agriculture and file proof of the
24 certification; requesting the Governor to target certain funds under the
25 Conservation Reserve Enhancement Program to farms located in certain areas;
26 requesting the Governor to support and fund certain research in cooperation
27 with the private sector and certain public agencies; defining certain terms;
28 providing for the termination of certain provisions of this Act; ~~stating certain~~
29 ~~findings~~ requiring certain funding levels; providing legislative intent; and
30 generally relating to nutrient management practices.

31 BY repealing and reenacting, without amendments,
32 Article - Agriculture
33 Section 6-101(a), (d), and (e), 6-102, 6-106, 6-113, 6-201(f), 8-801, 8-805, and
34 8-806
35 Annotated Code of Maryland
36 (1985 Replacement Volume and 1997 Supplement)

37 BY adding to
38 Article - Agriculture
39 Section 6-107.1, 8-405, 8-704.1, 8-704.2, 8-801.1, 8-801.2, 8-803.1, 8-803.2,
40 8-803.3, 8-803.4, and 8-807
41 Annotated Code of Maryland
42 (1985 Replacement Volume and 1997 Supplement)

43 BY repealing and reenacting, with amendments,
44 Article - Agriculture

1 Section 8-704, 8-803, and 8-804
2 Annotated Code of Maryland
3 (1985 Replacement Volume and 1997 Supplement)

4 BY adding to
5 Article 41 - Governor - Executive and Administrative Departments
6 Section 18-316
7 Annotated Code of Maryland
8 (1997 Replacement Volume and 1997 Supplement)

9 BY adding to
10 Article 83A - Department of Business and Economic Development
11 Section 6-801 through 6-807, inclusive, to be under the new subtitle "Subtitle 8.
12 Animal Waste Technology Fund"
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1997 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - Tax - General
17 Section 10-208(a)
18 Annotated Code of Maryland
19 (1997 Replacement Volume)
20 (As enacted by Chapter 485 of the Acts of the General Assembly of 1997)

21 BY repealing and reenacting, without amendments,
22 Article - Tax - General
23 Section 10-308(a)
24 Annotated Code of Maryland
25 (1997 Replacement Volume)

26 BY adding to
27 Article - Tax - General
28 Section 10-208(m)
29 Annotated Code of Maryland
30 (1997 Replacement Volume)
31 (As enacted by Chapter 485 of the Acts of the General Assembly of 1997)

32 BY adding to
33 Article - Tax - General
34 Section 10-704.9
35 Annotated Code of Maryland
36 (1997 Replacement Volume)

1 BY repealing and reenacting, with amendments,
2 Article - Tax - General
3 Section 10-308(b)
4 Annotated Code of Maryland
5 (1997 Replacement Volume)

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

8 **Article - Agriculture**

9 6-101.

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

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

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

15 (2) Unground hay; or

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

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

20 6-102.

21 The State Chemist shall administer the provisions of this subtitle subject to the
22 supervision of the Secretary.

23 6-106.

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

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

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

33 (d) When inspection and analysis of an official sample indicates a commercial
34 feed is adulterated or misbranded, the Secretary shall forward the results of the

1 analysis to the person who registers the product and the person from whom the
2 sample is taken. The Secretary shall furnish the distributor with a portion of the
3 sample concerned within 30 days if he requests it.

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

7 6-107.1.

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

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

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

15 6-113.

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

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

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

32 6-201.

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

1 8-405.

2 (A) THE GENERAL ASSEMBLY FINDS THAT, FROM FISCAL YEAR 1991 THROUGH
3 FISCAL YEAR 1998, INADEQUATE RESOURCES HAVE BEEN PROVIDED FOR THE SOIL
4 CONSERVATION DISTRICTS TO EMPLOY ADEQUATE FIELD PERSONNEL TO ASSIST
5 FARMERS IN THE PREPARATION OF SOIL CONSERVATION AND WATER QUALITY
6 PLANS.

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

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

15 8-704.

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

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

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

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

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

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

35 2. The Department may execute the agreement without the
36 consent of the landlord if:

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

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

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

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

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

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

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

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

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

34 8-704.1.

35 (A) IN THIS SECTION, "SERVICE" MEANS 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 IS TO BE IMPLEMENTED IN CONJUNCTION WITH THE
5 POULTRY LITTER TRANSPORTATION PILOT PROJECT SET FORTH IN § 8-704.2 OF THIS
6 TITLE.

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

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

11 **Article - Agriculture**

12 8-704.2.

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

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

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

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

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

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

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

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

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

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

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

3 **Article - Agriculture**

4 8-801.

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

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

8 (c) "Nutrient management plan" means a plan prepared under this subtitle by
9 a certified nutrient management consultant to manage the amount, placement,
10 timing, and application of animal waste, commercial fertilizer, sludge, or other plant
11 nutrients to prevent pollution and to maintain productivity.

12 8-801.1.

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

16 (B) (1) THIS SECTION DOES NOT APPLY TO:

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

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

21 (2) THE DEPARTMENT SHALL ADOPT REGULATIONS PROVIDING FOR
22 RELIGIOUS EXEMPTIONS FROM THE REQUIREMENTS OF THIS SECTION.

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

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

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

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

1 ~~(D)~~ (C) (1) SUBJECT TO THE AVAILABILITY OF FUNDS IN THE STATE
 2 BUDGET FOR THE DEVELOPMENT AND IMPLEMENTATION OF NUTRIENT
 3 MANAGEMENT PLANS, AND A DETERMINATION BY THE DEPARTMENT THAT
 4 ADEQUATE TECHNOLOGICAL RESOURCES ARE AVAILABLE, A PERSON THAT
 5 OPERATES A FARM SHALL:

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

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

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

14 (II) EACH YEAR THAT A VIOLATION OF PARAGRAPH (1) OF THIS
 15 SUBSECTION CONTINUES SHALL BE A SEPARATE VIOLATION.

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

21 8-801.2.

22 (A) EACH NUTRIENT MANAGEMENT PLAN SHALL BE DEVELOPED
 23 CONSIDERING SUCH FACTORS AS:

24 ~~(1) THE EXISTENCE AND PLANT AVAILABILITY OF NITROGEN AND~~
 25 ~~PHOSPHOROUS IN THE SOIL;~~

26 (1) THE BIOAVAILABILITY OF NITROGEN AND PHOSPHOROUS IN THE
 27 SOIL;

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

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

31 (3) THE BIOAVAILABILITY OF NITROGEN AND PHOSPHOROUS IN THE
 32 NUTRIENTS TO BE APPLIED;

33 (4) REALISTIC CROP YIELD GOALS;

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

1 (6) THE BEST REASONABLE SCIENTIFIC METHODS ACCEPTED BY THE
2 DEPARTMENT AND THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION
3 SERVICE; AND

4 (7) THE NECESSITY FOR FLEXIBILITY DUE TO CIRCUMSTANCES BEYOND
5 THE CONTROL OF THE FARMER.

6 (B) (1) EACH NUTRIENT MANAGEMENT PLAN SHALL BE FILED WITH THE
7 DEPARTMENT:

8 (I) WHEN IT IS DEVELOPED; AND

9 (II) EACH TIME IT IS UPDATED.

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

13 8-803.

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

16 (1) Submit to the Department an application on the form the
17 Department requires; and

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

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

21 (1) Meets the requirements of this subtitle;

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

24 (3) Passes a Department approved examination; and

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

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

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

28 (1) Submit to the Department an application on the form the
29 Department requires; and

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

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

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

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

7 (1) Submits a renewal application on the form that the Department
8 requires;

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

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

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

13 8-803.1.

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

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

20 (C) THE SECRETARY OF AGRICULTURE SHALL ADOPT REGULATIONS
21 AUTHORIZING THE DISBURSEMENT OF STATE COST SHARING FUNDS UNDER THIS
22 SUBTITLE.

23 8-803.2.

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

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

32 (C) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
33 SECTION.

34 8-803.3.

35 (A) THIS SECTION DOES NOT APPLY TO:

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

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

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

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

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

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

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

18 8-803.4.

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

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

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

24 (I) NOT USED FOR AGRICULTURAL PURPOSES; AND

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

26 2. STATE PROPERTY.

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

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

33 (2) THE PROGRAM IS TO BE OFFERED AT SITES THROUGHOUT THE
34 STATE.

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

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

5 8-804.

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

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

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

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

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

21 8-805.

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

25 8-806.

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

- 28 (1) Certificate.....\$50;
- 29 (2) License (individual or sole proprietorship).....\$50;
- 30 (3) License (corporation or partnership)..... \$100; and
- 31 (4) Renewal.....\$50.

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

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

3 8-807.

4 ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT OF
5 AGRICULTURE SHALL REPORT TO THE GOVERNOR, AND, IN ACCORDANCE WITH §
6 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE
7 FARM ACREAGE COVERED BY NUTRIENT MANAGEMENT PLANS AND THE
8 IMPLEMENTATION AND EVALUATION OF THOSE PLANS.

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

10 18-316.

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

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

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

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

16 (2) AN AGRONOMIST FROM THE MARYLAND AGRICULTURAL
17 EXPERIMENT STATION;

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

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

21 (I) UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION
22 SERVICE;

23 (II) SOIL CONSERVATION DISTRICTS;

24 (III) MARYLAND FARM BUREAU;

25 (IV) MARYLAND STATE GRANGE;

26 (V) MARYLAND PORK PRODUCERS ASSOCIATION;

27 (VI) DELMARVA POULTRY INDUSTRY, INC.;

28 (VII) DELAWARE-MARYLAND AGRIBUSINESS ASSOCIATION;

29 (VIII) MARYLAND ASSOCIATION OF GREEN INDUSTRIES;

30 (IX) BIOSOLIDS COMMITTEE OF THE CHESAPEAKE WATER
31 ENVIRONMENT ASSOCIATION; AND

1 (X) ASSOCIATION OF FOREST INDUSTRIES, INC.

2 (D) THE ASSESSMENT TEAM SHALL REVIEW AND REPORT TO THE GOVERNOR
3 AND THE GENERAL ASSEMBLY ON AN ANNUAL BASIS ON THE PROGRESS BEING
4 MADE TOWARDS ACHIEVING THE NUTRIENT MANAGEMENT GOALS SET FORTH IN §
5 8-801.1 OF THE AGRICULTURE ARTICLE.

6 (E) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE STAFF ASSISTANCE
7 TO THE ASSESSMENT TEAM. THE ASSESSMENT TEAM MAY USE THE STAFF TO ASSIST
8 IN PREPARING THE ANNUAL REPORT.

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

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

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

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

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

21 (5) THE EFFECTIVENESS OF NUTRIENT APPLICATION EDUCATION
22 PROGRAMS;

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

25 (7) FOR TARGETED AREAS DETERMINED BY THE SECRETARY OF
26 AGRICULTURE, THE TEAM WILL PROVIDE AN ASSESSMENT OF THE BACKGROUND
27 LEVELS OF PHOSPHOROUS IN THE SOIL, CURRENT LEVELS OF PHOSPHOROUS IN THE
28 SOIL, AND THE MOVEMENT OF PHOSPHOROUS IN AND ON THE LAND.

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

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

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

33 6-801.

34 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
35 INDICATED.

1 (B) "ANIMAL WASTE TECHNOLOGY PROJECT" MEANS THE RESEARCH,
2 DEVELOPMENT, IMPLEMENTATION, OR MARKET DEVELOPMENT OF TECHNOLOGY
3 THAT IS INTENDED TO:

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

5 (2) ALTER THE COMPOSITION OF ANIMAL WASTE;

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

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

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

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

13 6-802.

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

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

18 (2) ALTER THE COMPOSITION OF ANIMAL WASTE;

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

20 (4) DEVELOP ALTERNATIVE ANIMAL WASTE MANAGEMENT
21 STRATEGIES, INCLUDING THE TRANSFER AND TRANSPORTATION OF ANIMAL WASTE
22 TO AREAS IN MARYLAND WHICH CAN MAKE A BENEFICIAL USE OF THE ANIMAL
23 WASTE.

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

29 6-803.

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

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

33 (C) THE FUND MAY CONSIST OF:

- 1 (1) MONEYS APPROPRIATED BY THE STATE;
 - 2 (2) MONEYS MADE AVAILABLE THROUGH FEDERAL PROGRAMS OR
3 PRIVATE CONTRIBUTIONS;
 - 4 (3) INCOME FROM INVESTMENTS THAT THE STATE TREASURER MAKES
5 FROM MONEYS IN THE FUND;
 - 6 (4) REPAYMENTS OF PRINCIPAL AND INTEREST FROM LOANS MADE
7 FROM THE FUND;
 - 8 (5) INCOME FROM EQUITY INVESTMENTS THAT THE DEPARTMENT
9 MAKES FROM THE FUND;
 - 10 (6) PROCEEDS FROM THE SALE, DISPOSITION, LEASE, OR RENTAL BY
11 THE DEPARTMENT OF COLLATERAL RELATED TO ANY FINANCING PROVIDED BY THE
12 DEPARTMENT UNDER THIS SUBTITLE;
 - 13 (7) APPLICATION OR OTHER FEES PAID TO THE PROGRAM IN
14 CONNECTION WITH THE PROCESSING OF REQUESTS FOR ASSISTANCE; AND
 - 15 (8) ANY OTHER MONEYS MADE AVAILABLE TO THE FUND.
- 16 (D) THE PROGRAM MAY USE MONEYS IN THE FUND TO:
- 17 (1) PROVIDE FINANCIAL ASSISTANCE TO DEFRAID THE COSTS OF
18 ANIMAL WASTE TECHNOLOGY PROJECTS; AND
 - 19 (2) PAY EXPENSES FOR ADMINISTRATIVE, ACTUARIAL, LEGAL, AND
20 TECHNICAL SERVICES ASSOCIATED WITH OPERATING THE FUND.
- 21 6-804.
- 22 FINANCIAL ASSISTANCE PROVIDED FROM THE FUND MAY BE:
- 23 (1) USED ONLY TO PAY THE COSTS OF CARRYING OUT AN ANIMAL
24 WASTE TECHNOLOGY PROJECT; AND
 - 25 (2) IN THE FORM OF:
 - 26 (I) A GRANT;
 - 27 (II) A LOAN;
 - 28 (III) A LOAN GUARANTEE;
 - 29 (IV) A LOAN THAT IS CONVERTIBLE IN WHOLE OR IN PART TO A
30 GRANT ON THE SATISFACTION OF SPECIFIED CONDITIONS; OR
 - 31 (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;
- 5 (2) PRESERVING THE VIABILITY OF THE AGRICULTURAL INDUSTRY;
- 6 (3) IMPROVING THE ENVIRONMENT;
- 7 (4) HAVING A POSITIVE ECONOMIC DEVELOPMENT IMPACT IN THE
8 STATE;
- 9 (5) FACILITATING THE INVOLVEMENT OF PRIVATE ENTERPRISE; AND
- 10 (6) LEADING TO A COST-EFFECTIVE ANIMAL WASTE MANAGEMENT
11 PROGRAM.

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

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

24 6-806.

25 THE PROGRAM MAY IMPOSE TERMS AND CONDITIONS ON FINANCIAL
26 ASSISTANCE PROVIDED FROM THE FUND.

27 6-807.

28 (A) THE STATE TREASURER SHALL HOLD THE FUND AND THE STATE
29 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

30 (B) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE
31 FUND.

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

3 **Article - Tax - General**

4 10-208.

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

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

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

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

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

21 (I) PURCHASED THE SPREADING EQUIPMENT AFTER DECEMBER
22 31, 1997; AND

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

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

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 PARAGRAPH
31 (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
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) (I) 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 (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 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.

