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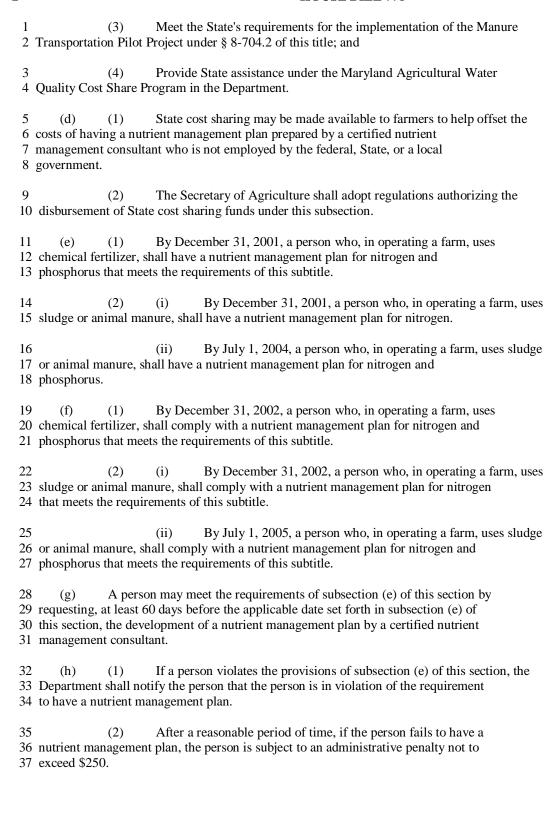
25 section:

(2)

2002 Regular Session 2lr1858

By: Delegates Glassman and James Introduced and read first time: February 6, 2002 Assigned to: Environmental Matters A BILL ENTITLED 1 AN ACT concerning 2 **Agriculture - Nutrient Management Plans - Applicability** 3 FOR the purpose of increasing the minimum gross income of an agricultural operation subject to nutrient management plan requirements. 4 5 BY repealing and reenacting, with amendments, Article - Agriculture 6 7 Section 8-803.1 Annotated Code of Maryland 8 (1999 Replacement Volume and 2001 Supplement) 9 10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 11 MARYLAND, That the Laws of Maryland read as follows: 12 **Article - Agriculture** 13 8-803.1. 14 In this section, "gross income" means the actual income that is received in 15 a calendar year that results directly from the farm or agricultural use of the land. 16 (b) This section does not apply to: An agricultural operation with less than [\$2,500] \$5,000 in gross 17 (1) 18 income; or 19 A livestock operation with less than eight animal units defined as 20 1,000 pounds of live animal weight per animal unit. The Governor shall provide sufficient funding in each fiscal year's budget 21 (c) 22 to: 23 Assist in the development of nutrient management plans; (1)

Meet the technical assistance and evaluation requirements of this



HOUSE BILL 778

1 2	(i) (1) of any rule, regulation		n who violates any provision of subsection (f) of this section or adopted or issued under this section is subject to:	
3		(i)	For a first violation, a warning; and	
			For a second or subsequent violation, after an opportunity for a in writing by the person accused of a violation, an y be imposed by the Department of Agriculture.	
7 8	(2) subsection shall be:	The pen	alty imposed on a person under paragraph (1)(ii) of this	
9 10	farmer or operator pe	(i) r year; ar	Up to \$100 for each violation, but not exceeding \$2,000 per and	
11		(ii)	Assessed with consideration given to:	
	existence of the violator to which the violator		1. The willfulness of the violation, the extent to which the known to but uncorrected by the violator, and the extent I reasonable care;	
15			2. Any actual harm to the environment or to human health;	
16 17	controlling, reducing	, or elimi	3. The available technology and economic reasonableness of nating the violation; and	
18 19	recurrent pattern of the	ne same o	4. The extent to which the current violation is part of a or similar type of violation committed by the violator.	
20 21	(3) day a violation occur	(i) s is a sep	Except as provided in subparagraph (ii) of this paragraph, each arate violation under this subsection.	
22 23	takes reasonable step	(ii) s to corre	Daily penalties do not continue to accrue as long as the farmer act the violation.	
24 25	(4) Any penalty imposed under this subsection is payable to the Maryland Agricultural Water Quality Cost Share Program within the Department.			
26	(j) If a pers	on violat	es any provision of this section, the Department may:	
27 28	(1) for the project that is		repayment of cost share funds under Subtitle 7 of this title on; or	
29 30	(2) title.	Deny or	restrict future cost share payments under Subtitle 7 of this	
31 32	(k) The Department shall determine compliance with the provisions of this section.			
33 34	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.			