

BY: Education, Health, and Environmental Affairs Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL NO. 617

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Munson” and substitute “Munson, and Pipkin”; in line 2, strike “Grant of a Right of Entry and Penalties -”; in line 3, before “Suspension” insert “Temporary”; in the same line, strike “Enforcement” and substitute “Applicability of Penalty Provisions - Education Efforts and Report Required”; in line 4, strike “providing that” and substitute “suspending the applicability of”; in the same line, after “certain” insert “nutrient management penalty”; strike beginning with “and” in line 4 down through “enforced” in line 6 and substitute “under certain circumstances”; in line 7, after the semicolon insert “repealing the requirement that a property owner or operator grant a certain right of entry to the Department of Agriculture under a certain circumstance; specifying that the Department’s authorization to enter certain property is upon due notice; specifying the applicability of certain penalty provisions as of certain dates and under certain circumstances;”; in the same line, strike “of Agriculture”; in line 8, strike “farmers” and substitute “farm owners and operators”; in the same line, strike “cooperation” and substitute “voluntary participation in the nutrient management program”; in the same line, after “the” insert “Department, in conjunction with the”; in line 9, after “Committee” insert a comma; strike beginning with “conduct” in line 9 down through “and” in line 10; in line 11, after “termination” insert “of certain provisions”; in line 13, strike “without” and substitute “with”; in line 15, strike “and 8-803.1”; in line 18, strike “adding to” and substitute “repealing and reenacting, without amendments,”; and in line 20, strike “8-801.2” and substitute “8-803.1”.

AMENDMENT NO. 2

On page 2, strike beginning with “Submission” in line 3 down through “entry” in line 4 and substitute “THE DEPARTMENT MAY ENTER”; in line 6, strike “Enters” and substitute “UPON DUE NOTICE, ENTERS”; in the same line, strike “in daylight hours”; and strike in their entirety lines 10 through 18, inclusive.

AMENDMENT NO. 3

(Over)

On page 5, in line 1, after “(a)” insert “(1)”; strike beginning with “September” in line 1 down through “Article” in line 11 and substitute “March 31, 2004, the penalty provisions under § 8-803.1 of the Agriculture Article or any regulation adopted under the authority of § 8-803.1 of the Agriculture Article are not applicable against an owner or operator of a farm who:”

(i) has implemented an approved nutrient management plan;

(ii) has submitted for approval a nutrient management plan prepared by a certified nutrient management consultant; or

(iii) 1. submits a justification for delay form to the Department on or before September 30, 2003; and

2. makes a good faith effort to formulate and submit a plan.

(2) Beginning on October 1, 2003, the penalty provisions under § 8-803.1 of the Agriculture Article and regulations adopted under the authority of § 8-803.1 of the Agriculture Article are applicable against an owner or operator of a farm who has not submitted a justification for delay form to the Department.

(3) Beginning on April 1, 2004, the penalty provisions under § 8-803.1 of the Agriculture Article and regulations adopted under the authority of § 8-803.1 of the Agriculture Article are applicable against an owner or operator of a farm who has not submitted and is not implementing a current nutrient management plan.

(b) The Department of Agriculture shall:

(1) for the benefit of any farm owner or operator or other interested stakeholder who chooses to attend, conduct an educational forum during the summer of 2003 that:

(i) includes the economic and water quality benefits of nutrient management, the science of nutrient management, and nutrient management techniques; and

(ii) offers assistance in the formulation and implementation of a nutrient

management plan;

(2) focus significant staff effort on personal outreach to farm owners or operators who have been delayed in the formulation or implementation of a nutrient management plan, including owners and operators of large and small farms; and

(3) on or before December 31, 2003, in conjunction with the Nutrient Management Advisory Committee and in accordance with § 2-1246 of the State Government Article, report to the General Assembly on the implementation of this Act, including:

(i) number and types of activities conducted in accordance with the requirements of this section and levels of participation by farm owners and operators;

(ii) progress actually achieved to date and progress anticipated by July 1, 2004 in the enhancement of voluntary participation in the nutrient management program; and

(iii) recommendations to streamline the nutrient management program and more effectively use resources to minimize water quality risks”;

in line 13, strike “It” and substitute “Section 2 of this Act”; in the same line, strike “1 year and 4” and substitute “11”; and in line 14, strike “September” and substitute “April”.