

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1058

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Agriculture -”; in the same line, strike “Suspension of Requirements” and substitute “Temporary Suspension of Enforcement of Penalty Provisions - Education Efforts and Report Required”; strike beginning with “suspending” in line 3 down through “submit” in line 9 and substitute “prohibiting the enforcement of certain nutrient management penalty provisions under certain circumstances during a certain time period; 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; requiring the Department to enforce certain penalty provisions as of certain dates and under certain circumstances; requiring the Department to take certain actions to educate farm owners and operators and seek their voluntary participation in the nutrient management program; requiring the Department, in conjunction with the Nutrient Management Advisory Committee, to provide”; in line 10, after “termination” insert “of certain provisions”; in line 12, strike “without” and substitute “with”; in line 14, strike “8-801(a) and (c), 8-801.1(b), and 8-803.1” and substitute “8-801.1(b)(2)”; in line 17, strike “adding to” and substitute “repealing and reenacting, without amendments,”; and in line 19, strike “8-808” and substitute “8-803.1”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 12, inclusive, and substitute:

“8-801.1.

(b)”;

strike beginning with “Submission” in line 13 down through “entry” in line 14 and substitute “THE DEPARTMENT MAY ENTER”; in line 16, strike “Enters” and substitute “UPON DUE NOTICE, ENTERS”; and in the same line, strike “in daylight hours”.

(Over)

On page 5, strike in their entirety lines 3 through 6, inclusive.

AMENDMENT NO. 3

On page 5, strike beginning with “That” in line 7 down through “effect.” in line 23 and substitute “That:”

(a) (1) From June 1, 2003, through March 31, 2004, a penalty under § 8-803.1 of the Agriculture Article or any regulation adopted under the authority of § 8-803.1 of the Agriculture Article may not be assessed 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 Department of Agriculture shall enforce 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 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 Department of Agriculture shall enforce 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 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.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2003. Section 2 of this Act shall remain effective for a period of 11 months and, at the end of April 30, 2004, with no further action required by the General Assembly, Section 2 this Act shall be abrogated and of no further force and effect.”.