

SENATE BILL 118

M4

2lr0006

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)**

Introduced and read first time: January 18, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Voluntary Agricultural Nutrient and Sediment Credit Certification Program**

3 FOR the purpose of authorizing the State Department of Agriculture to establish
4 requirements for the voluntary certification and registration of sediment credits
5 on agricultural land under the Voluntary Agricultural Nutrient Credit
6 Certification Program; clarifying the authority of the Department of the
7 Environment to establish eligibility and other requirements for use of sediment
8 offset credits under any State or federal permit or other regulatory program;
9 altering the intent of the General Assembly; and generally relating to the
10 establishment of voluntary agricultural sediment credit certification and
11 registration requirements.

12 BY repealing and reenacting, with amendments,

13 Article – Agriculture

14 Section 8–901, 8–902, and 8–904 to be under the amended subtitle “Subtitle 9.

15 Voluntary Agricultural Nutrient and Sediment Credit Certification
16 Program”

17 Annotated Code of Maryland

18 (2007 Replacement Volume and 2011 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Agriculture

21 Section 8–903

22 Annotated Code of Maryland

23 (2007 Replacement Volume and 2011 Supplement)

24 BY repealing and reenacting, without amendments,

25 Chapter 447 of the Acts of the General Assembly of 2010

26 Section 2

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Chapter 447 of the Acts of the General Assembly of 2010
3 Section 3

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

6 **Article – Agriculture**

7 Subtitle 9. Voluntary Agricultural Nutrient **AND SEDIMENT** Credit Certification
8 Program.

9 8–901.

10 The General Assembly finds and declares that:

11 (1) Voluntary nutrient **AND SEDIMENT** trading programs provide an
12 innovative and cost–effective approach to enhance water and air quality and achieve
13 additional water and air quality benefits; and

14 (2) The Agricultural Nutrient **AND SEDIMENT** Credit Certification
15 Program established under this subtitle authorizes the Department to verify, certify,
16 and register agricultural nutrient **OR SEDIMENT** credits in support of private and
17 public nutrient **OR SEDIMENT** trading activities between the buyer of nutrient **OR**
18 **SEDIMENT** credits and the farm owner or operator that agrees to be paid and
19 implement best management practices to reduce agricultural nutrient **AND**
20 **SEDIMENT** runoff and **NUTRIENT** emissions.

21 8–902.

22 (a) The Department may establish requirements for the voluntary
23 certification and registration of nutrient **OR SEDIMENT** credits on agricultural land,
24 as defined by the Department of Assessments and Taxation.

25 (b) Certification and registration requirements established under subsection
26 (a) of this section shall include:

27 (1) Application and eligibility requirements for certification;

28 (2) Standards for quantifying nutrient **OR SEDIMENT** credits
29 resulting from any existing or proposed agronomic, land use, and structural practice;

30 (3) Requirements governing the duration and maintenance of credits;
31 and

32 (4) Establishment of a credit registry accessible to the public.

1 8-903.

2 On notice and opportunity to be heard, the Secretary may suspend or revoke the
3 approval or certification of credits applicable for the Program for a violation of this
4 subtitle or for a violation of any regulation adopted by the Secretary under this
5 subtitle.

6 8-904.

7 Nothing in this subtitle is intended to supplant or limit the authority of the
8 Department of the Environment to establish eligibility and other requirements for use
9 of nutrient **OR SEDIMENT** offset credits under any State or federal permit or other
10 regulatory program.

11 **Chapter 447 of the Acts of 2010**

12 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
13 may not be construed to affect the rights and obligations of any party to any
14 agreement to preserve land for agricultural use under any State, local, or private
15 program for the preservation of agricultural land.

16 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
17 General Assembly that the authority of the State Department of Agriculture to
18 establish requirements for the voluntary certification and registration of nutrient **OR**
19 **SEDIMENT** credits on agricultural land, as provided by this Act, be retained by the
20 State Department of Agriculture.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 June 1, 2012.