

# SENATE BILL 19

M4, M3, M1  
SB 364/13 – EHE

(PRE-FILED)

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By: **Senator Young**

Requested: September 16, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Management-Intensive Farming and Grazing**

3 FOR the purpose of requiring the University of Maryland Extension to provide a dedicated  
4 extension agent to assist individuals with the adoption of management-intensive  
5 farming and grazing practices; requiring the Governor to provide a certain level of  
6 funding each year to support the Department of Agriculture’s activities related to  
7 management-intensive farming and grazing, beginning in a certain fiscal year;  
8 authorizing the Governor to make appropriations from the Bay Restoration Fund  
9 and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund for certain  
10 purposes; authorizing the Department of Agriculture to use its allocation from the  
11 Bay Restoration Fund to fund management-intensive grazing activities; including  
12 management-intensive grazing in the definition of a “nonpoint source control  
13 project” eligible for funding from the Chesapeake and Atlantic Coastal Bays 2010  
14 Trust Fund; making certain stylistic changes; and generally relating to  
15 management-intensive farming and grazing.

16 BY repealing and reenacting, with amendments,  
17 Article – Agriculture  
18 Section 8–702 and 8–703  
19 Annotated Code of Maryland  
20 (2016 Replacement Volume and 2019 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Environment  
23 Section 9–1605.2(a)  
24 Annotated Code of Maryland  
25 (2014 Replacement Volume and 2019 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article – Environment

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 9–1605.2(h)(2)(ii) and (i)(2)(xi)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 8–2A–01(c)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 8–2A–02(a) and (b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2019 Supplement)

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

### Article – Agriculture

8–702.

(a) (1) The General Assembly finds and declares that [agriculturally]:

(I) AGRICULTURALLY related nonpoint sources of water pollution  
may potentially contribute to the degradation of the water resources of this State; and [that  
prevention]

(II) PREVENTION and control efforts have been hampered because  
of the cost and lack of income producing potential in many agricultural practices designed  
to protect water quality.

(2) To assist in the implementation of agricultural practices which  
minimize water pollution from erosion, animal wastes, nutrients, and agricultural  
chemicals, a cost sharing program between the State and eligible applicants is established  
for the public benefit.

(b) The cost sharing program established under this subtitle shall be  
implemented in conjunction with the “Agricultural Water Quality Management Program  
for the Control of Sediment and Animal Wastes” of the State Soil Conservation Committee  
as well as other State and local programs to control water pollution.

8–703.

(a) The [Secretaries] SECRETARY of Agriculture and the SECRETARY OF THE

1 Environment shall, by jointly promulgated rule or regulation:

2 (1) Identify geographic areas in watersheds throughout the State which  
3 have a high potential for agriculturally related soil erosion or movement of sediments,  
4 animal wastes, or agricultural chemicals into the surface waters of the State;

5 (2) Designate priority areas for cost sharing under this subtitle; and

6 (3) Establish program requirements, including application procedures,  
7 eligibility criteria, provisions for monitoring and review, and measures to assure  
8 accountability for all cost sharing funds.

9 (b) (1) The selection of projects and the degree of State financial assistance  
10 shall be based on:

11 (i) Water quality improvements to be achieved, with consideration  
12 given to the cumulative effect of other projects on the same body of water;

13 (ii) The estimated economic benefit to the participating farmer from  
14 use of the best management practice; and

15 (iii) Other relevant factors as determined by regulation.

16 (2) State cost sharing funds may not be used to reestablish agricultural  
17 practices which have deteriorated due to the negligence or mismanagement of an applicant.

18 (c) The Secretary of Agriculture and the Secretary of the Environment shall  
19 implement the cost sharing program for a project with the technical assistance of the  
20 appropriate soil conservation district. Technical representatives of the soil conservation  
21 district shall prepare or approve all design, construction, maintenance or other plans for  
22 best management practices and shall provide the necessary degree of layout and  
23 construction supervision.

24 **(D) THE UNIVERSITY OF MARYLAND EXTENSION SHALL PROVIDE A**  
25 **DEDICATED EXTENSION AGENT TO ASSIST INDIVIDUALS WITH THE ADOPTION OF**  
26 **MANAGEMENT-INTENSIVE FARMING AND GRAZING PRACTICES.**

27 **(E) (1) BEGINNING IN FISCAL YEAR 2022, THE GOVERNOR SHALL**  
28 **PROVIDE AT LEAST \$500,000 ANNUALLY TO SUPPORT THE DEPARTMENT'S**  
29 **ACTIVITIES RELATED TO MANAGEMENT-INTENSIVE FARMING AND GRAZING.**

30 **(2) APPROPRIATIONS FOR THE PURPOSES DESCRIBED IN**  
31 **PARAGRAPH (1) OF THIS SUBSECTION MAY BE MADE FROM:**

32 **(I) THE BAY RESTORATION FUND, ESTABLISHED IN §**  
33 **9-1605.2 OF THE ENVIRONMENT ARTICLE; AND**

(II) THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010  
TRUST FUND, ESTABLISHED IN § 8-2A-02 OF THE NATURAL RESOURCES ARTICLE.

Article – Environment

9-1605.2.

(a) (1) There is a Bay Restoration Fund.

(2) It is the intent of the General Assembly that the Bay Restoration Fund  
be:

(i) Used, in part, to provide the funding necessary to upgrade any of  
the wastewater treatment facilities that are located in the State or used by citizens of the  
State in order to achieve enhanced nutrient removal where it is  
cost-effective to do so; and

(ii) Available for treatment facilities discharging into the Atlantic  
Coastal Bays or other waters of the State, but that priority be given to treatment facilities  
discharging into the Chesapeake Bay.

(3) The Bay Restoration Fund shall be maintained and administered by the  
Administration in accordance with the provisions of this section and any rules or program  
directives as the Secretary or the Board may prescribe.

(4) There is established a Bay Restoration Fee to be paid by any user of a  
wastewater facility, an on-site sewage disposal system, or a holding tank that:

(i) Is located in the State; or

(ii) Serves a Maryland user and is eligible for funding under this  
subtitle.

(h) (2) The Comptroller shall:

(ii) Transfer 40% of the funds to the Maryland Agriculture Water  
Quality Cost Share Program in the Department of Agriculture in order to fund cover crop  
AND MANAGEMENT-INTENSIVE GRAZING activities.

(i) (2) Funds in the Bay Restoration Fund shall be used only:

(xi) Subject to the allocation of funds and the conditions under  
subsection (h) of this section, for projects related to the removal of nitrogen from on-site  
sewage disposal systems [and], cover crop activities, AND MANAGEMENT-INTENSIVE  
GRAZING ACTIVITIES;

## Article – Natural Resources

8-2A-01.

(c) (1) “Nonpoint source pollution control project” means a project to improve water quality by a reduction of nitrogen, phosphorus, or sediment pollution.

(2) “Nonpoint source pollution control project” includes:

(i) An agricultural best management implementation practice, including cover crops, riparian forested buffer, manure processing, grassed waterways, animal waste storage structures, **MANAGEMENT-INTENSIVE GRAZING**, and livestock fencing;

(ii) An urban or suburban stormwater practice;

(iii) A sustainable forest management practice, including a forest stewardship plan or a nonornamental urban and suburban tree planting project;

- (iv) Stream and wetland restoration;

- (v) Riparian buffer planting;

(vi) A project that demonstrates the effectiveness of an innovative nonpoint source pollution reduction measure provided that the measure is capable of integration into existing nonpoint source pollution programs;

(vii) Technical assistance necessary to implement a nonpoint source pollution control project;

(viii) Improvement of a municipal park located on or adjacent to a waterway, provided that the improvement is limited to state-of-the-art and sustainable nonpoint source pollution control measures that demonstrably improve water quality by reducing nitrogen, phosphorus, and sediment pollution; and

(ix) Strategic monitoring of water quality improvements from nonpoint source pollution control projects that have been funded, in whole or in part, with grants from the Trust Fund.

8-2A-02.

(a) There is a Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

(b) The purpose of the Fund is to provide financial assistance necessary to advance Maryland's progress in meeting the goals established in the 2014 Chesapeake Bay Watershed Agreement for the restoration of the Chesapeake Bay and its tributaries.

1 including the Patuxent River, and to restore the health of the Atlantic Coastal Bays and  
2 their tributaries, by focusing limited financial resources on nonpoint source pollution  
3 control projects in all regions of the State.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
5 1, 2020.