

HOUSE BILL 140

M4

(PRE-FILED)

5lr0030
CF SB 176

By: **Chair, Environment and Transportation Committee (By Request –
Departmental – Agriculture)**

Requested: October 6, 2024

Introduced and read first time: January 8, 2025

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Soil Conservation and Water Quality Plan – Uses of Information**

3 FOR the purpose of authorizing the Department of Agriculture to use information from a
4 soil conservation and water quality plan for certain enforcement actions; and
5 generally relating to soil conservation and water quality plans.

6 BY repealing and reenacting, with amendments,

7 Article – Agriculture

8 Section 8–306

9 Annotated Code of Maryland

10 (2016 Replacement Volume and 2024 Supplement)

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

Article – Agriculture

14 8–306.

15 (a) A soil conservation district constitutes a political subdivision of the State, and
16 a public body corporate and politic, exercising public powers.

17 (b) The supervisors may:

18 (1) Conduct surveys, investigations, and research relating to the character
19 of soil erosion and the preventive and control measures needed and publish the results, if
20 the research program is executed in cooperation with the State, the United States, or any
21 of their agencies;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Disseminate information concerning preventive and control measures;

2 (3) Conduct demonstration projects within the district on State owned or
3 controlled land, with the cooperation of the agency administering and having jurisdiction
4 of them, or on any land within the district upon obtaining the consent of the land occupier
5 or the possessor of the necessary rights or interests in the land, in order to demonstrate by
6 example the means, methods, and measures for conserving soil and soil resources, and
7 preventing and controlling soil erosion in the form of soil blowing and washing;

8 (4) Carry out preventive and control measures within the district including
9 engineering operations, cultivation methods, the growing of vegetation, changes in land
10 use, and the measures listed in § 8–102(c) of this title, on State owned or controlled land,
11 with the cooperation of the agency administering and having jurisdiction of them, or on any
12 other land within the district upon obtaining the consent of the land occupier or the
13 possessor of the necessary rights or interests in the land;

14 (5) Cooperate or enter into agreements with any person to furnish financial
15 or other aid to any government or private agency or any land occupier within the district,
16 in carrying on erosion control and prevention operations within the district, subject to
17 conditions the supervisors deem necessary to advance the purposes of this subtitle;

18 (6) Obtain options upon and to acquire, by purchase, exchange, lease, gift,
19 grant, or otherwise, any real or personal property or rights or interests in it, which shall be
20 exempt from State, county, or municipal taxation;

21 (7) Maintain, administer, and improve any acquired properties, receive
22 income from the properties and expend the income to carry out the purposes and provisions
23 of this subtitle;

24 (8) Sell, lease, or otherwise dispose of its property or interests in it to
25 further the purposes and the provisions of this subtitle;

26 (9) Make available to land occupiers within the district, on terms the
27 supervisors prescribe, agricultural and engineering machinery and equipment, fertilizer,
28 seeds, seedlings, and other material or equipment, to assist land occupiers in conserving
29 soil resources and preventing and controlling soil erosion;

30 (10) Construct, improve, and maintain structures necessary or convenient
31 for the performance of any of the operations authorized in this title;

32 (11) Develop comprehensive plans for conserving soil resources and
33 controlling and preventing soil erosion within the district, if the plans specify in reasonable
34 detail, the acts, procedures, performances, and avoidances which are necessary or desirable
35 for the effectuation of the plans, including the specification of engineering operations,
36 cultivation methods, the growing of vegetation, cropping programs, tillage practices, and
37 changes in land use;

1 (12) Publish the plans and information and bring them to the attention of
2 land occupiers within the district;

3 (13) Take over, by purchase, lease, or otherwise, and administer any soil
4 conservation, erosion control, or erosion prevention project located within the district
5 undertaken by the United States, the State, or any of their agencies;

6 (14) Act as agent for the United States, the State, or any of their agencies,
7 in connection with the acquisition, construction, operation, or administration of any soil
8 conservation, erosion control, or erosion prevention project within its boundaries;

9 (15) Accept gifts in money, services, materials, or otherwise from the United
10 States, the State, or any of their agencies and to use or expend them to carry out the
11 operations of the districts;

12 (16) Borrow money on its negotiable paper to carry out its powers and
13 duties;

14 (17) Approve or disapprove plans for clearing, grading, transporting, or
15 otherwise distributing soil in accordance with § 4-105(a) of the Environment Article and
16 adopt general criteria and specific written recommendations concerning the control of
17 erosion and siltation of pollution associated with these activities;

18 (18) In accordance with subsection (c) of this section:

19 (i) Recommend a fee system to cover the cost of reviewing grading
20 and sediment control plans; and

21 (ii) Recommend a fee system to cover the cost of reviewing small
22 pond plans;

23 (19) Establish and implement a fee system to cover the cost of inspecting
24 sites with approved sediment control plans pursuant to a contractual agreement with the
25 Department of the Environment under § 4-103(f) of the Environment Article;

26 (20) (i) Sue and be sued in the name of the district;

27 (ii) Have a seal which shall be judicially noticed;

28 (iii) Have perpetual succession unless terminated;

29 (iv) Make and execute contracts and other instruments necessary or
30 convenient to the exercise of its powers; and

31 (v) Adopt, amend, and repeal, rules and regulations not inconsistent
32 with this title, to effectuate its purposes and powers;

1 (21) (i) Provide contracting services, equipment, and supplies to
2 landowners;

3 (ii) Establish prices for the sale of the contracting services,
4 equipment, and supplies; and

5 (iii) Promulgate any rule or regulation necessary to implement this
6 item; and

7 (22) In addition to the powers enumerated in this title, displace or limit
8 economic competition in the exercise of any power specified in this title; provided that the
9 powers granted to a district pursuant to this paragraph shall not be construed:

10 (i) To grant to the district powers in any substantive area not
11 otherwise granted to the district by other public general or public local law;

12 (ii) To restrict the district from exercising any power granted to the
13 district by other public general or public local law or otherwise;

14 (iii) To authorize the district or its officers to engage in any activity
15 which is beyond their power under other public general law, public local law, or otherwise;
16 or

17 (iv) To preempt or supersede the regulatory authority of any State
18 department or agency under any public general law.

19 (c) (1) Subject to § 8–311 of this subtitle, a fee system recommended under
20 subsection (b)(18) of this section shall take effect on enactment by the local governing body.

21 (2) Any fees collected under a fee system established in accordance with
22 this subsection shall be supplemental to county and State funds and may not:

23 (i) Be used to reduce county or State funds; or

24 (ii) As applicable, exceed the cost of reviewing:

25 1. Grading and sediment control plans; or

26 2. Small pond plans.

27 (d) (1) Subject to paragraph (2) of this subsection, the supervisor shall
28 maintain information from a soil conservation and water quality plan in a manner that
29 protects the identity of the person for whom the plan is prepared.

30 (2) The supervisor shall make a soil conservation and water quality plan
31 available to:

1 (i) The Department of the Environment for enforcement action
2 under § 4-413 of the Environment Article; and

3 (ii) The Department, [which may use the information for statistical
4 purposes] **FOR:**

5 **1. ENFORCEMENT ACTION UNDER SUBTITLE 8 OF THIS**
6 **TITLE; AND**

7 **2. STATISTICAL PURPOSES.**

8 (3) The Department shall:

9 (i) Maintain the information in the manner that protects the
10 identity of the person for whom the plan is prepared; and

11 (ii) Make any information from a plan available to the Department
12 of the Environment to support the development of a compliance or enforcement case for
13 purposes of addressing an existing water quality problem in accordance with procedures
14 established between the departments and the State Soil Conservation Committee.

15 (e) As a condition to extending any benefit of this title to any land not owned or
16 controlled by the State or any of its agencies, or to performing work on them, the
17 supervisors may require contributions in money, services, materials, or otherwise to any
18 operations conferring benefits, and may require the land occupier to enter into and perform
19 agreements or covenants concerning the permanent use of the land as tends to prevent or
20 control erosion.

21 (f) The supervisors of two or more districts may cooperate with one another in
22 the exercise of any powers conferred by this title.

23 (g) No provision relating to acquisition, operation, or disposition of property by
24 other public bodies is applicable to a district, unless the provision specifically so states.

25 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
26 **October 1, 2025.**