

# AGRICULTURE

## *Subtitle 1. General Provisions*

### **§ 8-101. Definitions**

- (a) *In general.* - In this subtitle the following words have the meanings indicated.
- (b) *Committee.* - “Committee” means the State Soil Conservation Committee.
- (c) *Conservation.* - “Conservation” means the wise utilization of natural resources and includes any one or more of the following: the development, improvement, maintenance, protection or preservation of these resources; the control and prevention of flood water and sediment damage; and the controlled disposal of water.
- (d) *County.* - “County” means every county of the State, excluding Baltimore City unless expressly designated.
- (e) *District.* - “District” means a soil conservation district, a political subdivision of the State continued in accordance with the provisions of this subtitle.
- (f) *Due Notice.* - “Due notice” means notice published at least twice, with an interval of at least seven days between the two publication dates, in a newspaper or other publication of general circulation within the appropriate area. If no publication of general circulation is available, the notice may be posted at a reasonable number of conspicuous places within the appropriate area, including if possible, public places where it is customary to post notices concerning county or municipal affairs generally. At any hearing held pursuant to the notice, at the time and place designated in the notice, adjournment may be made without renewing notice for the adjourned dates.
- (g) *Land Occupier.* - “Land occupier” means any person holding title to or possessing any lands lying within a district, whether as owner, lessee, tenant, or otherwise.
- (h) *Supervisor.* - “Supervisor” means a member of the governing body of a district.

### **§ 8-102. Legislative determinations and declaration of policy.**

(a) *The Condition.* - The soil, water and related resources of the State are among the basic assets of the State and the conservation of these resources is necessary to protect and promote the health, safety, and general welfare of its people. Improper land-use practices cause and contribute to a progressively more serious erosion of the lands of the State by wind and water. The breaking of natural grass, plant, and forest cover has interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion. The topsoil is being blown and washed away and there has been an accelerated washing of sloping areas. These processes of erosion by wind and water speed up when absorptive topsoil is removed, causing exposure of less absorptive and less protective but more erosive subsoil. The failure by any land occupier to conserve the soil and control erosion on his land causes a washing and blowing of soil and water from his land onto other lands and makes the conservation of soil and control of erosion of other lands difficult or impossible.

**§ 8-102. (Continued) Legislative determinations and declaration of policy.**

(b) *The Consequences.* - The consequences of soil erosion in the form of soil blowing and soil washing are: the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil and its fertility, deterioration of crops grown on the soil, and declining acre yields despite development of scientific processes for increasing them; loss of soil and water which causes destruction of food and cover for wildlife; a blowing and washing of soil into streams which silts over spawning beds, destroys water plants, and diminishes the food supply of fish; diminution of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; an increase in the speed and volume of rainfall runoff, causing severe and increasing floods, which bring suffering, disease, and death; impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, farm buildings, and other property from floods and from dust storms; and losses in navigation, hydroelectric power, municipal water supply, irrigation developments, farming, and grazing.

(c) *The appropriate corrective method.* - To conserve soil resources and control and prevent soil erosion, it is necessary that land-use practices contributing to soil wastage and soil erosion be discouraged and discontinued, and appropriate soil conserving land-use practices be adopted and carried out. Among the procedures necessary for widespread adoption are the carrying on of engineering operations such as the construction of terraces, terrace outlets, checkdams, dikes, ponds, ditches, and similar structures; the utilization of strip cropping, lister furrowing, contour cultivating, and contour furrowing; land irrigation; seeding and planting of waste, sloping, abandoned, or eroded lands with water conserving and erosion preventing plants, trees, and grasses; forestation and reforestation; rotation of crops; soil stabilization with trees, grasses, legumes, and other thick-growing, soil-holding crops; retardation of runoff by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas, and areas badly gullied or otherwise eroded.

(d) *Declaration of Policy.* - It is the policy of the General Assembly to provide for the conservation of the soil, water and related resources of the State and for the control and prevention of soil erosion in order to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect the public lands, protect and promote the health, safety, and general welfare of the people of the State, and otherwise enhance their living environment.

(e) *Activities to be pursued irrespective of effect on economic competition.* - It has been and shall continue to be the policy of this State that the activities related to soil conservation which are authorized by this title shall be pursued irrespective of the fact that such activities may displace or limit economic competition.

**§ 8–201. Composition of Committee; appointment of soil conservation district supervisor; tenure of members; filling vacancies**

(a) *Membership.* - The following persons shall serve as members of the Committee:

(1) The Secretary, or any employee of the Department the Secretary designates;

(2) The Secretary of Natural Resources, or any employee of the Department of Natural Resources whom the Secretary of Natural Resources designates;

(3) The Secretary of the Environment, or any employee of the Department of the Environment designated by the Secretary of the Environment;

(4) The principal administrative official for agricultural affairs at the University System of Maryland as designated by the Chancellor of the University;

(5) The Chairman of the Maryland Agricultural Commission, or the Chairman's designee;

(6) The President of the Maryland Association of Soil Conservation Districts;

(7) Five soil conservation district supervisors representing the five different geographic areas of the State, as provided in subsection (b) of this section;

(8) The Director of the Cooperative Extension Service and the principal administrative officer for Maryland of the Soil Conservation Service of the United States Department of Agriculture, who shall be nonvoting members; and

(9) Other representatives of cooperating State and federal agencies serving as consultants to the Committee as selected by the Committee.

(b) The Secretary shall appoint the soil conservation district supervisors from recommendations submitted by the district supervisors of each area represented. Each supervisor shall be from one of the following five geographic areas:

(1) Area No. 1: Garrett, Allegany, Washington County, Catoctin, Frederick, and Carroll Soil Conservation Districts;

(2) Area No. 2: Anne Arundel, Prince George's, Charles, St. Mary's, and Calvert Soil Conservation Districts;

(3) Area No. 3: Kent, Queen Anne's, Caroline, and Talbot Soil Conservation Districts;

(4) Area No. 4: Baltimore County, Harford, Montgomery, Howard and Cecil Soil Conservation Districts; and

(5) Area No. 5: Dorchester, Wicomico, Worcester, and Somerset Soil Conservation Districts.

**§ 8–201. Composition of Committee; appointment of soil conservation district supervisor; tenure of members; filling vacancies**

(c) *Tenure.* - The term of each supervisor appointed after July 1, 1974, is four years. Each supervisor shall serve until the supervisor's successor is appointed. A supervisor may not serve as a member more than two full successive terms. Every other member shall hold office as long as the member retains the office by virtue of which the member is serving on the Committee.

(d) *Filling vacancies.* - An appointment to fill an unexpired term shall be made in the same manner as for a full term.

**§ 8–202. Chairman and vice-chairman; quorum; compensation and expenses; audit.**

(a) *Chairman and vice-chairman; quorum.* - The Committee annually shall elect in July a chairman and vice-chairman from among its members. A majority of the Committee constitutes a quorum, and the concurrence of a majority in any matter is required for its determination.

(b) *Compensation and expenses; audit.* - The chairman and members of the Committee receive no compensation for their services on the Committee, but are entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the Committee. The Committee shall be subject to an annual audit of the accounts of receipts and disbursements by the Legislative Auditor.

**§ 8–203. Administrative officer and employees; legal services; district employees.**

(a) *Administrative officer and employees.* - The Committee may employ any administrative officer, technical experts, and other permanent or temporary employees that it requires and shall determine their qualifications and duties.

(b) *Legal Services.* - The Committee may call upon the Attorney General for legal services it requires.

(c) *Clerical, administrative or technical employees for districts.* - As authorized by the annual State budget, the Committee may employ clerical, administrative, or technical employees to be assigned to soil conservation districts organized under this title to assist the district boards of supervisors in carrying out the conservation program authorized under this title. This subsection does not authorize the hiring of employees to assist in the operation of equipment or similar optional activities for which a charge is made by the district, other than demonstration type projects approved by the Committee.

(d) *Cooperation in providing personnel, space and other items for districts.* - The Committee may cooperate with local governments in providing soil conservation districts with personnel, space, and other items or assistance to aid the district in carrying out the soil and water conservation program authorized under this title. The Committee may accept from local governments, financial or other aid to supplement State funds allocated to provide personnel, space, and other items for soil conservation districts. The Committee may spend public funds of the State, appropriated for administration of this title, to pay the State share of costs of the cooperative program as may be agreed on by the Committee and the county government.

**§ 8-203. (Continued) Administrative officer and employees; legal services; district employees.**

(e) *Eligibility of district employees for appointment under State Personnel Management System.* - (1) The district clerical and administrative employees supported by State funds on July 1, 1978, on application by the district, shall become eligible for appointment under the State Personnel Management System as classified service employees of the State Soil Conservation Committee to be assigned to districts as provided in this subsection. The Committee may employ part-time classified personnel for these positions if full funding is not available from State or local sources, or both.

(2) (i) Any soil conservation district, with concurrence of the State Soil Conservation Committee and on application to the Secretary of Personnel before July 1, 1979, may have all of its clerical and administrative employees who are currently supported by State funds and who were employed on June 30, 1978, and who are otherwise eligible, appointed under the State Personnel Management System as classified service employees of the State Soil Conservation Committee assigned to the district.

(ii) Any employee appointed to the classified service under this paragraph (2) shall be appointed without further examination or qualification. Each employee shall be placed in the classification that is comparable to, or most closely compares with, the employee's former position in duties and responsibilities.

(iii) Employees appointed to the classified service under this paragraph (2) may not suffer a diminution of salary or wages, accrued paid leave whether earned or granted, or seniority rights. Any increase in salary or wages granted after December 31, 1977, may be retained upon appointment to the classified service only if approved by the Secretary of Personnel.

(iv) For all employees appointed to the classified service under this paragraph (2), the Secretary of Personnel shall consider the monetary value of any and all other benefits, entitlements, services, or prerogatives and, at the Secretary's discretion and in consideration of the best interests of the classified service, may take such values or any portion thereof into consideration when establishing the rate of salary upon appointment. Once the rate of salary has been established upon appointment, the employee shall be entitled to the same benefits provided to classified service employees under Division I of the State Personnel and Pensions Article. Funding for these positions may be on a cost-sharing arrangement with local governments.

(3) (i) Personnel who are employed on or after July 1, 1978, or who have been employed for fewer than 6 months on the date of application by the district will be appointed to the skilled service or professional service, with the exception of special appointments, on completion of 6 months of satisfactory employment with the district, and in conformity with the provisions of this subsection.

(ii) Clerical and administrative personnel appointed after the date of application by the district shall be appointed in conformity with the provisions of the State Personnel and Pensions Article that govern the skilled service or professional service, with the exception of special appointments.

**§ 8–203. (Continued) Administrative officer and employees; legal services; district employees.**

(4) (i) An employee who has been included in the skilled service or professional service under this subsection shall become a member of the Employees' Retirement System of the State of Maryland with service credit beginning on the date the employee is covered in the skilled service or professional service.

(ii) If the member's compensation is paid wholly or partly from funds other than State funds, the employer's cost of Social Security and retirement contributions shall also be proportionately paid from the other funds.

(5) (i) Employees appointed effective July 1, 1978, under paragraph (2) of this subsection shall be given a January increment date and shall receive their first increment on January 1, 1979.

(ii) Employees appointed after July 1, 1978, shall receive an increment as if the appointment date were the entry on duty date.

**§ 8–204. Acceptance, management, and disposal of federal grants.**

The Committee may accept any allotment of federal funds and commodities. It manage and dispose of it in whatever manner may be required by federal law.

**§ 8–301. Soil conservation districts continued; boundaries.**

The 24 soil conservation districts are established and continued with boundaries corresponding to county boundaries, except for Frederick County, and include all land and water and incorporated areas, as follows:

- (1) Allegany Soil Conservation District;
- (2) Anne Arundel Soil Conservation District;
- (3) Baltimore County Soil Conservation District;
- (4) Calvert Soil Conservation District;
- (5) Caroline Soil Conservation District;
- (6) Carroll Soil Conservation District;
- (7) Cecil Soil Conservation District;
- (8) Charles Soil Conservation District;
- (9) Dorchester Soil Conservation District;
- (10) Garrett Soil Conservation District;

**§ 8–301. (Continued) Soil conservation districts continued; boundaries.**

- (11) Harford Soil Conservation District;
- (12) Howard Soil Conservation District;
- (13) Kent Soil Conservation District;
- (14) Montgomery Soil Conservation District;
- (15) Prince George’s Soil Conservation District;
- (16) Queen Anne’s Soil Conservation District;
- (17) St. Mary’s Soil Conservation District;
- (18) Somerset Soil Conservation District;
- (19) Talbot Soil Conservation District;
- (20) Washington County Soil Conservation District;
- (21) Wicomico Soil Conservation District;
- (22) Worcester Soil Conservation District;
- (23) Catoctin Soil Conservation District within the area of Frederick County bounded by the Washington-Frederick County line, the Potomac River, and the eastern and northern boundaries of the Catoctin Creek watershed; and
- (24) The Frederick Soil Conservation District comprising the balance of Frederick County land and water area.

**§ 8–302. District supervisors constituted governing body; number, qualifications, appointment and removal; tenure; vacancies.**

(a) *Membership of governing body of each district.* - The governing body of each district consists of five supervisors.

(b) *Qualifications of supervisors.* - Each supervisor shall be interested and knowledgeable in conservation of soil, water, and related natural resources. By training and experience, each supervisor shall be qualified to perform the specialized skilled services which are required in performing the duties under this subtitle.

**§ 8-302. (Continued) District supervisors constituted governing body; number, qualifications, appointment and removal; tenure; vacancies.**

(c) *Appointment of supervisors.* - The supervisors shall be appointed in the following manner, and consideration shall be given to representation from farming, forestry, wildlife, and urban interests where appropriate:

(1) One district resident by the county governing body and serving at the pleasure of the county governing body. In those counties with both an executive and a legislative branch of government, the appointment shall be made by the executive and approved by the legislative branch;

(2) One by the Committee from a list of three district residents submitted by the county farm bureau;

(3) One by the Committee from a list of three district residents submitted by the county extension service; and

(4) Two by the Committee from among residents of the district.

(d) *Tenure; vacancies.* - The term of office of each Committee appointed member is 5 years. Each supervisor shall hold office until his successor is appointed and qualifies. Vacancies shall be filled for any unexpired term by appointments made in the same manner as for the full term.

(e) *Removal.* - The Committee, upon notice and hearing, may remove any supervisor from office for neglect of duty or malfeasance in office. In addition, any supervisor who, during any period of 12 consecutive months, shall fail to attend at least 50 percent of all regular meetings of the board of supervisors of the district of which he is an appointed member, shall be considered to have resigned and the chairman of the board of supervisors shall notify the appropriate appointing body of the resultant vacancy. However, if the reasons for the supervisor's inability to attend meetings as required in this subtitle are found by the appointing body to be satisfactory, the appointing body may reinstate the supervisor to office.

**§ 8-303. Meetings of supervisors; bonds; audit; representatives of localities; services of Attorney General.**

(a) *Chairman; quorum, travel expenses and per diem allowances.* - The supervisors shall designate annually a chairman and such other officers as may be necessary, and shall have authority to change these designations. A majority of the supervisors constitutes a quorum and the concurrence of a majority in any matter is required for its determination. A supervisor may receive his travel expenses and per diem allowance, as set by the Committee and provided in the annual State budget, for each day spent in the performance of his duties. A supervisor may receive an additional per diem allowance provided by sources other than the State, not to exceed the allowance set by the Committee.



**§ 8-303. (Continued) Meetings of supervisors; bonds; audit; representatives of localities; services of Attorney General.**

(b) *Officers and employees.* - The supervisors may employ a secretary, technical experts, and other permanent and temporary officers and employees as they require, and shall determine their qualifications, duties, and compensation. The supervisors may delegate to the chairman, to any supervisor, or any employee powers and duties as they deem proper.

(c) *Surety bonds; record of proceedings; audit.* - The supervisors shall provide for the execution of surety bonds for every employee and officer who is entrusted with funds or property. They shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, rules and regulations, and orders issued or adopted. They shall provide for an annual audit of the accounts of receipts and disbursements.

(d) *Representatives of localities.* - The supervisors may invite the legislative body of any municipality or county, located near or within the district, to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of the municipality or county.

(e) *Services of Attorney General.* - The Office of the Attorney General may provide services to the supervisors as needed.

**§ 8-303.1.**

A member or employee of a board of supervisors for a soil conservation district shall have the immunity from liability described under § 5-517 of the Courts and Judicial Proceedings Article.

**§ 8-304. Committee to be furnished information by supervisors.**

The supervisors, upon request, shall furnish the Committee with copies of each ordinance, rule or regulation, order, contract, form, or other document they adopt or employ, and other information concerning their activities as the Committee requires in the performance of its duties under this subtitle.

**§ 8-305. State agencies to cooperate with supervisors; right of entry on public land.**

(a) *State agencies to cooperate with supervisors.* - Any State agency, or any agency of any county, or other political subdivision of the State having jurisdiction over or charged with the administration of any State, county, or other publicly owned lands lying within the boundaries of any district, shall cooperate to the fullest extent with the supervisors of the district to effectuate the programs and operations undertaken by the supervisors under this subtitle.

(b) *Right of entry on public land.* - The supervisors shall be given free access to enter and perform work on publicly owned lands.

## § 8-306. Power of supervisors.

(a) *Powers generally.* - A soil conservation district constitutes a political subdivision of the State, and a public body corporate and politic, exercising public powers. The supervisors may:

- (1) Conduct surveys, investigations, and research relating to the character of soil erosion and the preventive and control measures needed and publish the results, if the research program is executed in cooperation with the State, the United States, or any of their agencies;
- (2) Disseminate information concerning preventive and control measures;
- (3) Conduct demonstration projects within the district on State owned or controlled land, with the cooperation of the agency administering and having jurisdiction of them, or on any land within the district upon obtaining the consent of the land occupier or the possessor of the necessary rights or interests in the land, in order to demonstrate by example the means, methods, and measures for conserving soil and soil resources, and preventing and controlling soil erosion in the form of soil blowing and washing;
- (4) Carry out preventive and control measures within the district including engineering operations, cultivation methods, the growing of vegetation, changes in land use, and the measures listed in § 8-102(c) of this title, on State owned or controlled land, with the cooperation of the agency administering and having jurisdiction of them, or on any other land within the district upon obtaining the consent of the land occupier or the possessor of the necessary rights or interests in the land;
- (5) Cooperate or enter into agreements with any person to furnish financial or other aid to any government or private agency or any land occupier within the district, in carrying on erosion control and prevention operations within the district, subject to conditions the supervisors deem necessary to advance the purposes of this subtitle;
- (6) Obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, or otherwise, any real or personal property or rights or interests in it, which shall be exempt from State, county, or municipal taxation;
- (7) Maintain, administer, and improve any acquired properties, receive income from the properties and expend the income to carry out the purposes and provisions of this subtitle;
- (8) Sell, lease, or otherwise dispose of its property or interests in it to further the purposes and the provisions of this subtitle;
- (9) Make available to land occupiers within the district, on terms the supervisors prescribe, agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, and other material or equipment, to assist land occupiers in conserving soil resources and preventing and controlling soil erosion;

**§ 8–306. (Continued) Powers of supervisors.**

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

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

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

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

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

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

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

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

(18) Recommend a fee system to cover the cost of reviewing the grading and sediment control plans. Subject to § 8–311 of this subtitle, any recommended fee shall take effect upon enactment by the local governing body. Any fees collected pursuant to this fee system shall be supplementary to county and State funds and may not (i) be used to reduce county or State funds, and (ii) exceed the cost of reviewing the plans;

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

**§ 8–306. (Continued) Powers of supervisors.**

(20) Sue and be sued in the name of the district; have a seal which shall be judicially noticed; have perpetual succession unless terminated; make and execute contracts and other instruments necessary or convenient to the exercise of its powers; and adopt, amend, and repeal, rules and regulations not inconsistent with this title, to effectuate its purposes and powers;

(21) Provide contracting services, equipment, and supplies to landowners; establish prices for the sale of these items; and promulgate any rule or regulation necessary to implement these powers; and

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

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

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

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

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

*(b) Maintenance of information from a soil conservation and water quality plan. -*

(1) The supervisor shall maintain information from a soil conservation and water quality plan in a manner that protects the identity of the person for whom the plan is prepared. However, the supervisors shall make a soil conservation and water quality plan available to the Department of the Environment for enforcement action under § 4–413 of the Environment Article and the Maryland Department of Agriculture which may use the information for statistical purposes.

(2) The Department shall:

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

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

**§ 8–306. (Continued) Powers of supervisors.**

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

(d) *Cooperation between districts.* - The supervisors of two or more districts may cooperate with one another in the exercise of any powers conferred by this title.

(e) *Applicability of other laws relating to acquisition or disposition of property.* - No provision relating to acquisition, operation, or disposition of property by other public bodies is applicable to a district, unless the provision specifically so states.

**§ 8–307. Land-use rules and regulations - Generally.**

(a) *Authority to formulate public meetings and hearings.* - The supervisors of any district may formulate rules and regulations governing the use of land within the district in order to conserve soil and soil resources and prevent and control soil erosion. The supervisors may conduct public meetings and public hearings upon tentative rules and regulations as necessary.

(b) *Subject matter.* - The district supervisors, by rules and regulations, may:

(1) Require necessary engineering operations, including the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches, and other necessary structures;

(2) Require observance of particular methods of cultivation including (i) contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, and seeding; (ii) planting of lands with water conserving and erosion preventing plants, trees, and grasses; and (iii) forestation and reforestation;

(3) Specify cropping programs and tillage practices to be observed;

(4) Require retirement from cultivation of any highly erosive area on which erosion may not be adequately controlled if cultivation is carried on; and

(5) Provide for other means, measures, operations, and programs that may assist conservation of soil resources and prevent or control soil erosion in the district, having due regard to the legislative findings set forth in § 8–102 of this title.

**§ 8-307. (Continued) Land-use rules and regulations - Generally**

(c) *Rules and regulations to be uniform throughout the district.* - The regulations shall be uniform throughout the district, except the supervisors may classify district lands with reference to factors such as soil type, degree of slope, degree of erosion threatened or existing, cropping and tillage practices in use, and other relevant factors, and may provide rules and regulations varying with the type or class of land affected, but uniform as to all lands within each class or type.

(d) *Copies* - Copies of land-use regulations adopted under the provisions of this section shall be printed and made available to all land occupiers within the district.

(e) *Administrative agency to observe rules and regulations.* - Any agency administering any publicly owned lands shall observe the land-use rules and regulations in every respect.

**§ 8-308. Same - Procedure for adopting; effect, amendment or repeal.**

(a) *Notice.* - Before any land-use rule or regulation is enacted into law the supervisors shall give due notice of their intention to submit the rules and regulations to a referendum among the land occupiers within the boundaries of the district for their approval or disapproval.

(b) *Publication of ordinance.* - The proposed rules and regulations shall be embodied in a proposed ordinance. Copies of the proposed ordinance shall be available for the inspection of all eligible voters during the period between publication of the notice and the date of the referendum. The notices of the referendum shall contain a fair summary of the contents, or state where copies of the proposed ordinance may be examined.

(c) *Conduct of referendum; publication of results; eligibility to vote.* - The supervisors shall supervise the referendum, prescribe appropriate rules and regulations governing its conduct, and publish the results. Only land occupiers within the district are eligible to vote in the referendum.

(d) *Referendum not invalidated by informality.* - No informality in the conduct of the referendum or in any matter relating to it may invalidate the referendum or its results if notice is given substantially in accordance with the provisions of this title and the referendum is fairly conducted.

(e) *Enactment of ordinance.* - The supervisors may not enact the proposed ordinance into law unless at least a majority of the votes cast have been cast for its approval, but the approval of the proposed ordinance by a majority of the votes cast in the referendum does not require the supervisors to enact the proposed ordinance into law.

(f) *Adopted rules and regulations have effect of law* - Land-use rules and regulations prescribed in an ordinance adopted by the supervisors of any district have the force and effect of law in the district and shall be binding and obligatory upon all land occupiers within the district.

**§ 8–308. (Continued) Same - Procedure for adopting; effect, amendment or repeal.**

(g) *Amendment, supplementation, or repeal of rules and regulations.* - Any land occupier within the district may file a petition at any time with the supervisors requesting amendment, supplement, or repeal of any land-use rule or regulation prescribed in any ordinance adopted by the supervisors. Land-use regulations prescribed in any ordinance may not be amended, supplemented, or repealed except in accordance with the procedure prescribed in this section for adoption of land-use regulations. Referenda on adoption, amendment, supplementation, or repeal of land-use rules and regulations may not be held more than once in six months.

**§ 8–309. Same - Enforcement.**

The supervisors may go upon any lands within the district to determine whether land-use rules and regulations are being observed. The supervisors may provide, by ordinance, that any land occupier who sustains damages from any violation of the rules and regulations by any other land occupier may recover damages at law from the other land occupier for the violation.

**§ 8–310. Same - Same - Judicial proceedings.**

(a) *Supervisors may seek equitable relief.* - If the supervisors of any district find that any provision of the land-use rules and regulations is not being complied with on any parcel of land and that noncompliance tends to increase erosion on the land, and is interfering with prevention or control of erosion on other land in the district, the supervisors may seek relief in the circuit court of the county where the district is located.

(b) *Joiner of land owner.* - In any case where the person in possession of the land is not the owner, the owner of the land shall be joined as a party defendant.

(c) *Failure of defendant to comply with decree.* - The court may provide that upon failure of the defendant to initiate performance of the work within the time specified by the court and complete it with reasonable diligence, the supervisors may enter on the land to perform the work and bring the conditions of the land into compliance with the land-use rules and regulations.

(d) *Retention of jurisdiction; judgment for supervisors' expenses.* - The court shall retain jurisdiction of the case until the work is completed. Upon completion of the work pursuant to the order of the court, the supervisors may file a petition with the court stating the costs and expenses sustained by them in performing work and praying judgment with interest. The court may enter a judgment for the amount of the supervisor's costs and expenses, with interest at the rate of 5 percent per year, together with the costs of suit, including a reasonable attorney's fee fixed by the court.

**§ 8-311. Costs of review of grading and sediment control plans - fee system.**

(a) *In general.* - In order to develop a fee system to be implemented under § 8-306(a)(18) of this subtitle and § 4-103(c) of the Environment Article, a soil conservation district shall each year determine the reasonable costs of review of grading and sediment control plans for the succeeding year.

(b) *Developing the fee system.* - The soil conservation district shall develop the fee system based on the costs determined under subsection (a) of this section, and shall submit the fee system to the local governing body.

(c) *Local governing body.* - Within 90 days after the soil conservation district submits the final fee system, the local governing body may:

(1) Enact the fee system of the soil conservation district, to take effect within 90 days after the soil conservation district submits the final fee system to the local governing body; or

(2) Enact a different fee system or otherwise provide funding.

(d) *Final fee system.* - If the local governing body fails to accept or modify the fee system submitted by the soil conservation district, the final fee system submitted by the soil conservation district shall take effect on the 91st day after the district submits the fee system to the local governing body, without requiring enactment by the local governing body.

**§ 8-312. Supplementation of employee's income.**

A soil conservation district or a county in which a soil conservation district is located may supplement the salary of an employee of the Department who is assigned to work for a district by providing a grant to the employee.

*Subtitle 4. Division, Combination, and Termination of District.*

**§ 8-401. Procedure to divide or combine districts.**

(a) *Petition to divide or combine.* - Any district or districts continued in accordance with the provisions of this title may be divided or combined, or divided and combined with any other district or districts. At least 25 land occupiers of any district affected by a proposed division or combination, or both, shall sign and file with the Committee a petition requesting that any district and its operations be divided or combined, or both, in the manner requested. The Committee shall prescribe the form of the petition.

(b) *Hearings; definition of proposed boundaries.* - The Committee may conduct public meetings and public hearings on the petition as necessary to assist it in the consideration of the petition. The Committee may define in more detail the boundaries outlined in the petition for any district proposed to result from the division or combination, or both.



**§ 8-401. (Continued) Procedure to divide or combine districts.**

(c) *Notice of referendum; conduct; eligibility to vote.* - Within 60 days after the petition has been filed with the Committee, the Committee shall give due notice of the holding of a referendum, supervise and conduct the referendum, and issue appropriate rules and regulations governing its conduct. Only land occupiers within any district to be affected may vote. The Committee shall make provision on the referendum for each land occupier to vote (1) on whether he approves of any proposed division of the district in which his land is located, and (2) on whether he approves of the proposed new district in which his land will be located under any proposed combination.

(d) *Referendum not invalidated by informality.* - No informality in the conduct of the referendum or in any matter relating to it invalidates the referendum or its results, if notice has been given substantially in accordance with this section and the referendum has been fairly conducted.

(e) *Publication of results of referendum; factors to be considered in determining feasibility of division or combination.* - The Committee shall publish the results of the referendum and then shall determine whether the requested division or combination, or both, is administratively feasible. In making this determination the Committee shall give due regard and weight to the following factors:

(1) The attitudes of land occupiers within the defined boundaries of the districts to be affected;

(2) The number of land occupiers who voted in the referendum;

(3) The proportion of the votes cast in the referendum in favor of the division or combination, or both, of any district to the total number of votes cast;

(4) The approximate wealth and income of the land occupiers of the proposed new district;

(5) The probable expense of carrying on erosion control operations within any district; and

(6) Other economic and social factors relevant to the determination, having due regard to the legislative determinations set forth in § 8-102. However, no district or districts may be divided or combined, or both, if a majority of land occupiers vote against either the particular division or combination which is submitted to their vote.

(f) *Recording determination of feasibility.* - If the Committee determines that the division or combination, or both, is not administratively feasible, it shall record the determination and deny the petition. If the Committee determines that the division or combination, or both, is administratively feasible, it shall record the determination and proceed with the division or combination, or both.

**§ 8-402. Appointment of supervisors to governing body; disposal of district property.**

(a) *Appointment of supervisors to governing body.* - If the Committee determines that the division or combination, or both, is feasible in its entirety, it shall appoint as the governing body for each district resulting from the proposed division or combination, or both, four supervisors and the county governing body shall appoint one supervisor. The appointments shall be made in accordance with the provisions of § 8-302 of this title. Any existing supervisor is eligible to be appointed as a new supervisor.

(b) *Certification to supervisors.* - The Committee shall certify to the new supervisors, and to the supervisors of each existing district to be divided or combined, or both, (1) the determination of the Committee concerning the administrative feasibility of the division or combination, or both; (2) the boundaries of the proposed districts; (3) the names, addresses, and positions of the supervisors appointed for each new district; and (4) other data it deems appropriate.

(c) *Disposal of property of district to be divided.* - The supervisors of any existing district to be divided shall decide the proportion and manner of dividing its property, assets, and rights, except executory contracts, among the new districts into which the old district is to be divided, taking into consideration the nature and source of the property, assets, and rights, the comparative sizes of the new divisions, the number of land occupiers of each division, and general considerations of fairness in making the allocation. The supervisors shall notify the Committee and the new supervisors who are to receive any property, rights, or assets of their decision. The property, assets, or rights shall be divided and transferred accordingly.

(d) *Same - By Committee.* - If the supervisors of a district to be divided are unable to agree on the division of the property, assets, and rights within 60 days after the certification of determination from the Committee, they shall notify the Committee. After a hearing of the supervisors and any other person within the district whom the Committee judges to be reasonably entitled to be heard, the Committee shall determine finally the proportions and manner of the division and shall certify its decision to the supervisors, who immediately shall proceed to divide the property, assets, and rights, accordingly.

(e) *Transfer to property to combined district.* - If the district is to be combined and not divided, the supervisor shall transfer the assets, property, and rights of the district to the new supervisors of the combined district of which it will comprise a part.

**§ 8-403. Application and statement of supervisors and Committee.**

(a) *Filing application with Secretary of State.* - The supervisors of each resulting district shall file a verified application with the Secretary of State when the property, assets, and rights to which they are entitled under division or combination, or both, are received.

(b) *Contents of application.* - The application shall recite:

(1) The petition for the division or combination, or both, of the district was filed with the Committee pursuant to the provisions of this subtitle;

(2) The proceedings specified in this subtitle were taken pursuant to the petition;

(3) The application is being filed in order to complete the division or combination, or both, of any old district;

(4) The supervisors have been appointed;

(5) The name and official residence of each supervisor, together with a certified copy of the appointments evidencing his rights to office;

(6) The term of office of each supervisor;

(7) The name of the district; and

(8) The location of the principal office of the supervisors.

(c) *Execution of application.* - The application shall be executed and sworn to by each supervisor before an officer, authorized by law to take and certify oaths, who shall certify on the application that he personally knows each supervisor, knows him to be the officer as affirmed in the application, and that each has subscribed to the application in his presence.

(d) *Statement of Committee to accompany application.* - The application shall be accompanied by a statement of the Committee, which shall recite the fact that:

(1) A petition was filed;

(2) Notice was given;

(3) A referendum was held on the question of dividing or combining, or both, the named districts;

(4) The Committee determined that division or combination, or both, was administratively feasible;

(5) The division or combination, or both, of the property, assets, and rights was decided upon and carried out in accordance with this subtitle; and

(6) The boundaries of the district are as described in the petition, or as further defined by the Committee.

**§ 8-404. Certificate of constitution of district; powers of new districts and supervisors.**

(a) *Recordation of applications; issuance of certificate of constitution of district.* - When the Secretary of State has examined, received, filed, and recorded the application, in the book for the recording of applications for the organization of districts, the old districts shall cease to exist, and the resulting districts shall constitute political subdivisions of the State and public bodies corporate and politic. The Secretary of State shall issue to the supervisors of each resulting district, under the seal of the State, a certificate of constitution by division or combination, or both, of any district, and shall record the certificate with the application and statement.

(b) *Effect of certificate of constitution of district.* - Upon the issuance of the certificate of constitution, every ordinance and rule or regulation previously adopted and in force within the former districts has no further force and effect. Any contract, to which the former district or its supervisors are parties, is effective for the period provided in the contract. The Committee shall be substituted for the district or supervisors as a party to the contract. The Committee is entitled to every benefit and subject to every liability under the contract and has the same right and liability to perform, to require performance, to sue and be sued, and to modify or terminate any contract by mutual consent or otherwise, as the supervisors of the former district.

(c) *Designation of new district to act as agent of Committee.* - The Committee may designate and direct any new district to act as its agent to carry out any contract or duty, enforce any right, or perform any other work which accrues to it under this section on account of the division or combination, or both, of an old district.

(d) *Powers of newly constituted districts and supervisors.* - Any district constituted by division or combination, or both, and its supervisors have the same powers and are subject to the same restrictions as any district continued in accordance with § 8-301 of this title and its supervisors.

**§ 8-405. Adequate personnel and resources for Soil Conservation Districts.**

(a) *Legislative finding.* - The General Assembly finds that, from fiscal year 1991 through fiscal year 1998, inadequate resources have been provided for the soil conservation districts to employ adequate field personnel to assist farmers in the preparation of soil conservation and water quality plans.

(b) *Legislative intent.* - It is the intent of the General Assembly to provide sufficient technical assistance and resources through the soil conservation districts to assist farmers in pursuit of soil conservation and water quality plans and other activities authorized under this title.

**§ 8-405. (Continued) Adequate personnel and resources for Soil Conservation Districts.**

(c) *Budget for minimum number of personnel.* - (1) The Governor shall include in the annual budget bill an amount sufficient to employ not less than 110 field personnel in the soil conservation districts under this title.

(2) The appropriation for the 24 soil conservation districts shall be as follows:

- (i) For fiscal year 2008, \$8,800,000;
- (ii) For fiscal year 2009, \$9,200,000;
- (iii) For fiscal year 2010, \$9,600,000; and
- (iv) For fiscal year 2011 and each fiscal year thereafter, \$10,000,000.