

# MaGIC Legislative Update - Final 2014 Report

MD Green Industry Council (MaGIC)

April 8, 2014 # 9



**Dear MAA and MNLA members:**

This is the final legislative news bulletin of the 2014 Maryland General Assembly. The Assembly "closed" last evening. The full summary of bills followed during the session is below. Highlights denote the ones where action was taken, as many bills saw no action at all.

Thank you to those that supplied feedback this year and for paying attention to the legislative issues affecting the industry.

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## 2014 General Assembly Impact Summary

Bills Passed and to Signed In To Law:

### [HB 582 - Licensed Tree Experts - Notification](#)

This bill requires a licensed tree expert to provide certain notice to the Department of Natural Resources of the status of any company that engages in the business or work of the treatment, care, or removal of trees under the tree expert's license and of the liability and property damage insurance and workers' compensation insurance carried by each company; and generally relating to required notifications by licensed tree experts.

If you are in the practice of arboriculture, please read HB 582. Its only 2 pages, and the link is contained within the blue highlight, above.

### **HB621/SB700 Registration of Pesticides - Fee Increase - Disposition of Fees Delegate Lafferty and Senator Manno**

House Bill 621, cross-filed with Senate Bill 700, would increase the pesticide product registration fee (not the pesticide user, rather the producer/distributor) in Maryland by \$10 from \$100 to \$110. The differential in the registration fee collected is to be used by the Department of Agriculture only for activities relating to the collection, analysis and reporting of pesticide data in the state. This money would be supplemental to the funds already expended from the State Chemist Fund for these purposes. This legislation came as a result of recommendations from the Pesticide Working Group in order to fund a more robust NASS survey as opposed to mandatory pesticide application reporting.

Recommended position - none; FYI  
Status - 3/6 - passed both chambers

### **HB575/SB221 Farm Area Motor Vehicles - Registration and Authorized Use - Delegate Jacobs and Senator Middleton**

This bill would extend the radius from a farm which a person may operate a vehicle registered as a farm area motor vehicle (k tag) from 10 to 25 miles. The bill also requires that an applicant for registration of a farm area vehicle submit federal tax documentation of active farm status. This would be an emergency bill to take effect immediately.

Recommended position - support  
Status - Passed in House and Senate

### **HB861/SB259 Agriculture - Easements - Renewable Energy Generation Facilities - Senator Middleton and Delegate Fraiser-Hidalgo**

Senate Bill 259 and House bill 861 would allow land owners to construct Tier 1 and Tier 2 renewable energy generation facilities on lands with an agricultural easement from MALPF. Tier 1 and 2 renewable energy includes solar, wind, biomass, methane digesters, ocean waves, small hydroelectric, thermal energy and hydroelectric power other than pump storage generation. Under the provisions of this bill, the facility cannot occupy more than 5% of the surface area of the preserved land and must be in an area that will not interfere with the agricultural use of the land.

Passed

### **SB70 Agriculture - Fertilizer - Labeling and Restrictions on Use and Sale**

This bill's purpose is to clarify certain fertilizer labeling requirements and certain restrictions on the use and sale of certain fertilizers; altering certain definitions; and generally relating to the labeling, use, and sale of fertilizer in Maryland.

Passed

[HB295 Maryland Minimum Wage Age of 2014](#)

Passed; [Read summary from the Baltimore Business Journal](#)

[Link to the MD General Assembly Website.](#)

Vanessa

Bills that Died in Committee, were Withdrawn, or Defeated

**HB 1285 Agriculture - Neonicotinoid Pesticides - Restricted Use - Delegate Healey (co-sponsors include ENM chair Delegate McIntosh)**

HB 1285 makes Neonicotinoid Pesticides a restricted use pesticide requiring that only certified (licensed by the state) applicators may use the product.

Status - bill has been withdrawn

**HB576 Sustainable Growth and Agricultural Preservation Act of 2012 - Diminution in Value of Real Property - Compensation**

House Bill 576 requires the state to pay just compensation to a landowner that experiences a decrease in the fair market values of their land due to specified land use and development restrictions under the Sustainable Growth and Agricultural Preservation Act of 2012. The landowner must file a claim with the Department of Agriculture and the departments must determine the amount of just compensation.

Recommended position - support

Status - unfavorable committee report

**SB941 Transportation - Advertising Signs on State Highways for Agricultural Businesses Authorized - Senator Dyson**

This bill authorizes agricultural businesses to advertise on state highways subject to certain provisions established by the Department of Transportation. This bill may be relevant to members in retail or farm markets.

Recommended position - support  
Status - died in committee

### **Rain Tax Bills:**

[SB 277](#) - exempts Frederick County from having the rain tax - hearing Jan 28

Status - unfavorable committee report

[SB 316](#) - exempts AA County from having the rain tax- hearing Jan 28

Status - unfavorable committee report

[SB 317](#) - This bill would allow Maryland taxpayers who are required to pay a Stormwater Remediation Fee (rain tax) to subtract that fee during the calculation of income subject to state tax. This would be similar to the deduction taxpayers can take for the payment of property taxes. The deduction would be available for all tax years beginning December 31, 2013. Hearing Jan 30<sup>th</sup>

Status - unfavorable committee report

### [SB 359 -Watershed Protection and Restoration Programs - Impervious Surface - Definition - Senator Stone](#)

Senate Bill 359 alters the definition of impervious surface as it relates to watershed protection and restoration programs. The change is that "Impervious surface does not include gravel that is placed on top of a surface that allows stormwater to infiltrate into the ground. Heard on 2/4. As of 2/10 - no action.

Recommended position: Support  
Status - unfavorable report by committee

Senate Bill 44

### [Agriculture - Noxious Weeds - Reed Grass](#)

This bill seeks to classify Reed Grass (*Phragmites australis*) as a noxious weed, subject to investigation, abatement, eradication, and general regulation under the direction of MDA.

Status - bill was given unfavorable report by committee and subsequently withdrawn

## **Bills Provided for Member Review as Info. Only**

### Minimum Wage Bills:

HB072

HB187

HB293

SB 166

SB273

SB331

SB371

### [HB 193/ SB 27 - Nutrient Management - Phosphorous Risk Assessment Tool or Index - Economic Impact Analysis - Delegate Conway and Senator Mathias](#)

House Bill 193, cross-filed with Senate Bill 27, would require the Maryland Department of Agriculture to conduct a full economic impact study and prepare and analysis for any change to the Phosphorous Site Index. If the Phosphorous Management Tool is implemented prior to June 1, 2014 (bill's effective date), the regulation must be suspended until the economic impact analysis is complete and reported to the General Assembly by December 1, 2014 and until after the 2015 regular session of the General Assembly.

The fiscal note indicates that the economic impact study may increase general fund expenditures by of \$100,000 for FY14 or FY15. It also acknowledges that this bill has a "potential meaningful" effect on small businesses.

No action taken.

### [HB 284 - Department of Agriculture - Phosphorous Assessment and Management - Study and Economic Impact Analysis - Delegate Eckardt](#)

Similar to HB 193/ SB 27, House Bill 284 requires a comprehensive economic impact analysis of ANY regulation intended to manage and reduce phosphorous pollution from agricultural sources. Additionally, the report must include a review of current laws and regulations relating to phosphorous management on farms, voluntary initiatives and programs aimed at reducing phosphorous runoff from farms, an update on the implementation of the Agricultural Certainty Program and whether the program has helped reduced the burden of nutrient management regulations on farmers and, a comparison of phosphorous reductions achieved in agriculture to that of other sectors.

No action taken.