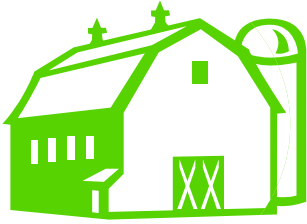


The Maryland Farm Bureau Hotline

Legislative proposals that impact Maryland's farm community



Contact: Val Connelly or Kurt Fuchs
(410) 269-0656

No. 2 January 28, 2010

DATES TO REMEMBER...

Thursday, February 4th – Maryland Agricultural Dinner

6:30pm Michael's Eighth Avenue, Glen Burnie, MD

Advanced reservations are required.

Members of the Maryland General Assembly seeking reservations should contact Susan Summers, President of the Maryland Ag Council at (240)446-3601

Tuesday, February 9th - Maryland Farm Bureau Day in Annapolis

8:30am Briefing for farmers at the Calvert House

12 noon lunch at the Calvert House, 58 State Circle, Annapolis

Farm Bureau Members must register for the event in advance.

All members of the Maryland General Assembly have been invited to attend.

Bill hearings for the week of February 1st include:

Tuesday, February 2, 2010

The Governor will deliver the State of the State Address at noon.

HB 160/SB 155 - Maryland Estate Tax - Exclusion for Family Farm Subject to Agricultural Preservation Easements – Delegate Malone & Senator Glassman

House: *Ways and Means, 130 Lowe HOB at 2:00pm*

Senate: *Budget & Taxation, 3 West Miller SOB at 1:30pm*

Under this bill, the Maryland estate tax would be determined by excluding from the value of the gross estate the value of any real property that is subject to a perpetual agricultural preservation easement that has been granted to the MD Agland Preservation Foundation (MALPF) or a local agricultural land preservation program that has been approved by MALPF. The bill also requires that the farm be used actively as a farm at the time of the transfer. The exclusion would apply to farmland that passes to a spouse, parent, grandparent, brother, sister child (or child's spouse) or lineal descendant of a child. The bill would take effect on July 1, 2010 and apply to decedents dying after December 31, 2009.

MARYLAND FARM BUREAU SUPPORTS HB 160 & SB 155.

HB 221 - Maryland Estate Tax - Exclusion for Qualified Agricultural Property –Delegate Kullen

House: *Ways and Means, 160 Lowe HOB at 2:00pm*

This bill amends the estate tax law in Maryland by providing that the estate tax shall be determined by excluding from the value of the gross estate the value of qualified agricultural property that passes from the decedent to or for the use of a qualified recipient. The bill allows for a recapture of the tax if the farm ceases to be used as a farm within 10 years. Maryland Farm Bureau may want to clarify in state law that

a farm can sell and easement to MALPF and still be considered to be in farm use and not trigger the recapture. Under federal law, the sale of the easement will trigger a recapture of federal estate tax.
MARYLAND FARM BUREAU SUPPORTS HB 221 WITH AMENDMENT.

HB 166 - Farmer's Markets - Raw Agricultural Product Sales - Producer Mobile Farmer's Market License – Delegate Hubbard House: *Health and Government Operation, 240 Lowe HOB at 2:00pm*

In general, this bill would reduce the regulatory burden with regards to licensing of farmer's markets and producers participating in farmer's markets by prohibiting a local jurisdiction from requiring a license to sell raw agricultural products at a farmers' market. The bill would ensure that a location in a farmers' market where raw ag products are would not be considered a food service facility. It would create a statewide "producer mobile farmer's market" license which would make producers eligible to sell their raw (as defined under regulation by DHMH) as well as on-farm processed products at farmer's markets statewide. The fee for the permit will be based on anticipated costs of the licensing, inspecting, and regulating licensees, but may not exceed \$100. The mobile unit must display the license and be inspected at least once a year by the Department. County health departments will enforce and levy fines for violations of the bill's provisions and any regulations adopted to carry them out.

MARYLAND FARM BUREAU SUPPORTS HB 166.

HB 167 - Seasonal Farmer's Market Producer Sampling License – Delegate Hubbard House: *Health and Government Operations, 240 Lowe HOB at 2:00pm*

This bill would create a county seasonal farmer's market sampling license to enable producers to offer samples and tastings at the market. The license would be valid at all farmers' markets within the county and for the entire season for which it is issued. A county issuing such a license would be required to adopt an ordinance to establish the license and its particulars, including the fees, sampling methods, duration of the season, penalties for violation of provisions, and any provisions deemed necessary to protect the public health. MFB has some concerns that leaving enactment of such a license to local jurisdictions could lead to more varied licenses and license requirements, instead of a more desirable streamlining of necessary direct-marketing requirements. **MARYLAND FARM BUREAU SUPPORTS AN AMENDMENT TO HB 167 TO ENSURE STATEWIDE UNIFORMITY FOR THE LICENSE.**

HB 184/ SB 143 - Constitutional Officers - Salaries – by request of the Governor's Salary Commission House: *Appropriations, 120 Lowe HOB at 2:30pm* Senate: *Budget & Taxation, 3 West Miller at 1:30pm*

This bill raises the starting salary for the Comptroller, the Treasurer and the Attorney General by \$11,000 to \$125,000. The bill raises the salary of the Secretary of State by \$9,000 to \$87,500.

MARYLAND FARM BUREAU OPPOSES HB 184 & SB 143.

SB 33 - Natural Resources - Right to Hunt, Fish, and Harvest Wild Game – Senator Haines Senate: *Education Health and Environmental Affairs, 2 West Miller SOB at 3:00pm*

This bill would create a Constitutional Amendment subject to the approval of the voting public at the next general election. The amendment would read "*That every person shall have a right to hunt, fish, or harvest wild game, subject to regulations and restrictions under laws that the General Assembly enacts.*" In order to move to the voters, the bill must first be approved by a three-fifths majority of both Houses of the General Assembly. **MARYLAND FARM BUREAU SUPPORTS SB 33.**

Wednesday, February 3, 2010

HB 36 - Environment - Bay Restoration Fund - Payments to Contractors – Delegate Haddaway

House: *Environmental Matters, 250 Lowe HOB at 1:00pm*

This bill changes the way the state makes payments from the Bay Restoration Fund to upgrade failing septic systems. Under the bill, payments would be made directly from the state to the contractor who installs the new system rather than to the homeowner. There have been numerous reports of homeowners failing to pay the contractor after receiving payment by the state. Many of the contractors providing septic services are based in rural communities. In 2009, the MGA passed legislation mandating upgrades to nitrogen removal septic systems in the Critical Area when replacing a failing system or building a new home. The critical area is the first 1000 feet from the water's edge of the Chesapeake Bay.

MARYLAND FARM BUREAU SUPPORTS HB 36.

HB 50 - Agriculture - Specialty Fertilizers - Low Phosphorous Fertilizer – Delegate G. Clagett

House: *Environmental Matters, 250 Lowe HOB at 1:00pm*

This bill lowers the maximum amount of phosphoric acid that may be in “low phosphorus fertilizer” from 5% to 0.5%. The bill also applies the new lower percentage to the prohibition on labeling fertilizers with higher phosphorous levels for use on established lawns. **FOR INFORMATION ONLY**

HB 62 - Environment - Payment of Cost Differential - Nitrogen Removal Technology

– Delegate V. Turner House: *Environmental Matters, 250 Lowe HOB at 1:00pm*

In the event that there are insufficient funds in the Bay Restoration Fund to pay for the additional cost of installing nitrogen removal septic systems as required in the Critical Area, the bill requires MDE to pay the cost differential with money from the Agency's General Fund. Maryland Farm Bureau supports the concept of this bill in that it sends a message to State Government that funding must be provided when mandates are placed on the citizens and businesses of Maryland.

MARYLAND FARM BUREAU SUPPORTS HB 62.

HB 70 - Bay Restoration Fund - Expanded Use of Funds – Chair of ENV by Request MDE

House: *Environmental Matters, 250 Lowe HOB at 1:00pm*

This bill allows MDE to give funds from the Bay Restoration Fund to local governments to be used as security for the issuance of bonds. Proceeds from the bonds must be used for eligible costs for enhancement to nutrient removal technology at waste water treatment plants.

FOR INFORMATION ONLY

Thursday, February 4, 2010

HB 63 - Eminent Domain - Condemnation Proceedings and Limitation on Condemnation

Authority – Delegate Smigiel House: *Environmental Matters, 250 Lowe HOB at 1:00pm*

This is a constitutional amendment to prohibit the state, counties and municipalities from using condemnation to take private property for economic development where ownership of the property is conveyed to a private party. The bill also prohibits counties and municipalities from transferring to a private party property taken for urban renewal. A constitutional amendment requires approval by 3/5 of the House and Senate before it is put to the votes for approval.

MARYLAND FARM BUREAU SUPPORTS HB 63.

HB 204 - Task Force to Review Property Tax Assessment Procedure and the Assessment Appeals

Process – Delegate Norman House: *Ways and Means, 130 Lowe HOB at 1:00pm*

This bill creates a Task Force to review the property tax assessment process to make it easier to understand for citizens of the state and to find a method to determine the true market value of property. Each county and Baltimore City would have a representative on the Task Force. The bill further states that at least one TF member must represent each of these industries: agriculture, building construction, civil engineer, financial lending, utilities, manufacturing and the real estate appraisal and sales community. The TF report is due to the Governor by January 1, 2011.

MARYLAND FARM BUREAU SUPPORTS HB 204.

SB 198 - Farmer's Markets - Raw Agricultural Product Sales - Producer Mobile Farmer's Market

License – Senator Glassman Senate: *Finance, 3 East Miller SOB at 2:00pm*

(See summary of companion bill, HB 166, under Tuesday's list of bills)

MARYLAND FARM BUREAU SUPPORTS SB 198.

SB 199 - Seasonal Farmer's Market Producer Sampling License – Senator Glassman

Senate: *Finance, 3 East Miller SOB at 2:00pm*

(See summary of companion bill, HB 167, under Tuesday's list of bills)

MARYLAND FARM BUREAU SUPPORTS SB 199 WITH AMENDMENT.

HB 156 - Mental Hygiene Administration - Upper Shore Community Mental Health Center -

Continued Operation – Delegate Sossi House: *Health and Government Operations, 240 Lowe at 1:00pm*

This bill adds the Upper Shore Community Mental Health Center to the list of 8 other hospitals that are maintained by the state Department of Health and Mental Hygiene. The bill also requires the administration to continue the operation of the Center indefinitely. Currently the Center is slated to close after budget cuts made by the Governor over the summer and fall.

MARYLAND FARM BUREAU SUPPORTS HB 156.

Additional Information

Poll: 77% Prioritize Jobs and Economy Over Reducing Pollution to the Chesapeake Bay

Three-quarters of Marylanders think that it should be a higher priority of the state to take steps to create jobs and improve Maryland's economy, compared to only 15 percent who say the state's higher priority should be to clean up the Chesapeake Bay, according to a poll released last weekend. The poll – by Gonzales Research & Marketing Strategies– also found that fewer than a third of Marylanders support enacting new taxes or fees to help the bay today, while 55 percent said the state should wait until economic conditions improve. To read the entire 16 page poll memo, click here: [Maryland State Builders Association poll](#)

Freeze on Discretionary Spending Won't Hit Farm Programs

President Barack Obama's plan for a three-year freeze on discretionary spending would have little impact on commodity subsidies and other major farm programs, according to House Agriculture Committee Chairman Collin Peterson (D-Minn.). "We expected this," said Peterson. "It only affects discretionary spending. The farm bill is mandatory spending, driven by a formula, not by appropriation. What's put in the law drives what the spending is, and direct payments, for example, are pretty much fixed."

In the meantime, Pat Wolff, director of congressional relations for the American Farm Bureau Federation, told the *Washington Post* that cuts to agriculture subsidies don't pose a worry because most farm program payments are entitlement spending.