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## #6: February 26, 2021

Welcome to the sixth Hotline. This week was filled with testimony on bills about the thermal biomass, land preservation, attorney general overreach and deer crop damage. Several counties held virtual legislative meetings to discuss this session's priority bills while Maryland Farm Bureau staff continued to work on key legislation in sub-committee meetings. As we move into the first week of March, committees will turn their focus to finishing up the remaining bill hearings and determining the fate of the many bills that have been heard in their committee. Bill crossover deadline is March 22<sup>nd</sup>. Several of the labor bills are up for bill hearings next week. If you have interest in participating in the bill hearings, reach out to us and we can assist with getting you an account set up on the MGA website.

The following bills will be heard next week:

**Tuesday, March 2, 2021**

**HB 841:** Labor and Employment - Maryland Wage and Hour Law - Agricultural Stands, Retail Farms, and Farmers' Markets  
*Delegate Otto, ECM at 1:30 PM in 230 HOB*

This bill establishes an exemption from the Maryland Wage and Hour Law for an individual employed at an agricultural stand, a retail farm, or a farmers' market that primarily sells agricultural products that the farmer has produced. If passed, the minimum wage would be \$10.10/hour.

Most of the employees that fill these seasonal farm market jobs are youth between 16 and 18 years old. In most cases, this is their first job. The cost of labor is a major issue

with farm profitability especially when the farmer retains ownership in their crop and looks to retail it to the consumer. Even at a retail price, margins are very small. Increasing the minimum wage 33% prevents a farmer from offering youth opportunities to have their first job at their operation. This bill would allow the farmer to offer those beginning jobs without a massive increase in labor costs.

Maryland Farm Bureau Policy: We support maximum opportunities for youth to work on farms. We believe youth gain important life skills, learn safety around animals and equipment, benefit from involvement in programs like 4-H and FFA, become interested in careers in agriculture, better understand that farmers are professionals and use best management practices, and establish a strong work ethic. Therefore, we urge government not to limit these opportunities.

### **MARYLAND FARM BUREAU SUPPORTS HB 841**

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**HB 1199:** Workers' Compensation – Occupational Disease Presumptions – COVID-19  
*Delegate Valderrama, ECM at 1:30 PM in 230 HOB*

This bill would allow employees that are considered essential workers who are suffering from the effects of severe acute respiratory syndrome coronavirus 2 are presumed to have an occupational disease that was suffered in the line of duty or course of employment to be compensated through workman's comp. This bill would require an individual who is eligible for these benefits to provide a copy of the positive test or the written documentation confirming the diagnosis to the employer or insurer.

The primary focus of the bill is on first responders and health care workers. However, it also includes businesses that were included as essential during the COVID pandemic. This would include agriculture. In most cases, the farm worker is not exposed to the public and would have a significantly less risk of contracting the virus at work. However, this bill would allow that worker to claim workman's comp by showing a positive test result. This would be devastating to farm operations.

We would support this exemption language that is currently included in the paid sick leave law: "Employee" does not include an individual who is employed in the agricultural sector on an agricultural operation under § 5-403(a) of the Courts Article.

### **MARYLAND FARM BUREAU OPPOSES HB 1199**

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**HB 1282:** Real Property – Nuisance Actions – Rodent Harborage  
*Delegate Grammer, E&T at 1:30 PM in 250 HOB*

This bill authorizes an individual to bring a nuisance action for damages caused by rodent harborage on real property against an owner of the property. It defines "rodent harborage" as a condition that provides sustenance or shelter for rodents, promotes their reproduction and continued existence on a property, creates or contributes to property damage, is injurious to public health and safety or obstructs the

reasonable use of the property. The bill authorizes the court to award compensatory and punitive damages to a prevailing plaintiff.

There is no farm exemption in the bill and if someone has a house on an adjacent property, this bill could allow them to bring a nuisance lawsuit on the farm.

The Maryland Right-to-Farm law protects agricultural operations, such as dairy, livestock, grain, fruit, vegetables, and poultry, or traditional forestry operations, with an affirmative defense to nuisance suits. However, this bill could override that Right-to-Farm protection.

Maryland Farm Bureau Policy: We strongly support responsible and workable actions designed to permit and protect the privilege and rights of farmers, commercial fisherman, and aquaculturalists, to produce without undue or unreasonable restrictions, regulations, or legislation. We support actions to ensure that farmers are protected from liability and nuisance suits when carrying out normal production practices.

### **MARYLAND FARM BUREAU OPPOSES HB 1282**

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**HB 1326:** Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave

*Delegate Dumais, ECM at 1:30 PM in 230 HOB*

This bill repeals the exemptions from the Maryland Healthy Working Families Act for several employee categories, including agriculture workers. The bill requires employers to allow employees to use earned sick and safe leave during a public health emergency and requires employers to provide employees earned sick and safe leave on the date that a public health emergency was declared or proclaimed for a jurisdiction. The bill requires an employer to provide earned sick and safe leave regardless of the employee's length of employment with the employer.

During the paid sick leave bill discussion several years ago, agriculture workers were exempted from this legislation do to the extreme difficulties a farm would have when trying to administer it. Unfortunately, this bill seeks to remove that exemption and add farms back into this discussion.

Maryland Farm Bureau requests the agriculture worker exemption to remain in place.

### **MARYLAND FARM BUREAU OPPOSES HB 1326**

**Thursday, March 4, 2021**

**HB 1144:** Economic Development – Western Maryland Economic Future Investment Board and Fund – Establishment

*Delegate Buckel, W&M at 1:30 PM in 130 HOB*

This bill establishes the Western Maryland Economic Future Investment Board. The bill establishes the Western Maryland Economic Future Investment Fund as a special, non-lapsing fund to provide grant funding to capital infrastructure projects and business development projects that improve the economic conditions in the region. The amount of the fund would be \$20,000,000. The bill requires the Tri-County Council for Western Maryland to administer the fund.

Maryland Farm Bureau Policy: We support the State of Maryland increasing funding to the Tri-County Councils for the purpose of including and funding agricultural and natural resources development in their mission.

## MARYLAND FARM BUREAU SUPPORTS HB 1144

**Friday, March 5, 2021**

**HB 801:** Calvert County – Public Safety – Buildings Used for Agritourism  
*Delegate Clark, E&T at 1:30 PM in 250 HOB*

This bill adds Calvert County to a list of other counties that exempt existing ag structures that are going to be used for agritourism from being required to retrofit the structure with bathrooms, sprinklers and other high occupancy requirements. This exemption allows up to 200 people in the structure. The structure must still adhere to the structural integrity standards as well as entrance and exit requirements.

Maryland Farm Bureau Policy: Agritourism should be defined as activities conducted on a farm and offered to the public or to invited groups for the purpose of education, recreation, or active involvement in the farm operation.

## MARYLAND FARM BUREAU SUPPORTS HB 801

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Maryland Farm Bureau members are urged to contact their legislators and members of the relevant committees in support of Farm Bureau's positions on the bills listed above. To contact legislators and follow important bills, visit Maryland Farm Bureau's [action center](#) and select "key legislation".

### **Committees & Room Numbers:**

Senate: Budget & Taxation (B&T), 3 West Miller; Education, Health & Environmental Affairs (EHEA), 2 West Miller; Finance (FIN), 3 East Miller; Judicial Proceedings (JPR), 2 East Miller

House: Appropriations (APP), 120 HOB; Economic Matters (ECM), 230 HOB; Environment & Transportation (E&T), 250 HOB; Health & Government Operations (HGO), 240 HOB; Judiciary (JUD), 100 HOB; Ways & Means (W&M), 130 HOB

**In Other Ag News**

## Hogan Administration Launches New "SpeedSurvey" Website; Announces Progress in Expanding Broadband Access for Students

Governor Hogan today announced significant progress being made by the Governor's Office of Rural Broadband to expand high-speed broadband access for students and to improve data collection of Marylanders' internet speeds, which will be used to direct future funding and projects. As part of today's announcement, the state of Maryland has launched the "SpeedSurvey" website. Residents can [click here](#) to test the speed of their internet connection on computers, tablets and smartphones or to report an address that does not have service.



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## New MARBIDCO "RELIEF Act" Grant Programs Are Now Open

The Maryland Agricultural and Resource-Based Industry Development Corporation (MARBIDCO) has announced that five new grant programs have been established to provide immediate pandemic adjustment and economic development assistance to agricultural and rural businesses in Maryland. These programs are funded with \$2 million that MARBIDCO will receive from the Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families Act, or "The RELIEF Act," a bipartisan measure sponsored by Governor Larry Hogan and passed by the Maryland General Assembly. [More here.](#)

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## 2021 Adverse Effect Wage Rate - Suspensions, Injunctions, and Announcements

The latest Adverse Effect Wage Rate (AEWR) is scheduled to be published in the Federal Register. For employers who are wondering about the status of the AEWR, this post will provide some background on the AEWR and briefly explain the recent policy changes (that have since been undone) that caused the delayed release of the 2021 AEWR. [More here.](#)

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## Maryland Receives Federal Crop Disaster Designation for Three Counties Due to Losses Caused By Excessive Rain



The U.S. Department of Agriculture (USDA) has issued a Secretarial disaster designation for counties in Delaware, Maryland, and New Jersey due to widespread crop losses caused by excessive rainfall that occurred from Aug. 1-Sept. 1, 2020. Maryland farmers in Caroline, Kent, and Queen Anne's counties are eligible to be considered for USDA Farm Service Agency (FSA) emergency loans. This assistance includes FSA emergency loans. Farmers in eligible counties have eight months from the date of the Secretarial disaster declaration to apply for emergency loans. Affected farmers in eligible counties should reach out to their [local FSA office](#) for more information.

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## Local Farm Enterprise Food Aggregation Grants Pilot Program Now Open

The Maryland Agricultural and Resource-Based Industry Development Corporation (MARBIDCO) is accepting applications for its new Local Farm Enterprise Food Aggregation Grant Pilot Program. This program is designed to support the development of a local food aggregation infrastructure in Maryland to help meet current and future wholesale and institutional market demand for locally produced food products. For Fiscal Year 2021, MARBIDCO has up to \$435,000 available to fund such projects. [More here.](#)

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## Still Time to Be Counted in the 2020 Local Food Marketing Practices Survey

Farmers and ranchers still have time to respond to their 2020 Local Food Marketing Practices Survey, according to the U.S. Department of Agriculture's (USDA) National Agricultural Statistics Service (NASS). NASS will continue to accept responses through April to ensure an accurate picture of U.S. local and regional food systems. [More here.](#)

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## Case IH: Spruce Up for Spring

Getting a new Case Maxxum series Series tractor has never been easier when you utilize your Maryland Farm Bureau discount. You can receive \$300-\$500 off your next dependable Case IH purchase. To download your discount certificate, [click here](#). Combine the Maryland Farm Bureau incentive with other discounts, promotions, rebates or available offers. #FBPays



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