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## #10 April 23, 2021

Just like last year, this year's General Assembly session was like no other. With the state still in the middle of a COVID-19 pandemic, the session went totally virtual for the public. At the beginning, Senate and House leadership told the legislators to keep the number of bills down this session due to the virtual setting. That did temper the numbers some, but the final bill total was more than 2,350 bills. Even with the threat of possible positive COVID-19 tests, the legislature pushed through the entire 90-day session and finished on time with Sin-E-Die on April 12th.

As in other years, there were several bills that were harmful to Maryland agriculture. Yet, once again, we were able to kill or remove the ag issues on all but one of those bills. The one bill that passed was significantly amended to the point that there wasn't much left to oppose. That was HB581 – Essential Workers Bill. Along with opposing several bad bills, we worked to sustain the Governor's veto of SB 300 – Chlorpyrifos Ban from the 2020 session. In addition to working to prevent bad legislation from passing, we worked on many bills that would help our farmers. Even with virtual session, we were successful in getting 25 of those bills passed this year. One of the reasons for this success was the ability to work with the legislators, especially those in leadership. We appreciated the opportunity to meet virtually and work with legislators from both parties.

Some highlights from the budget this session included the full funding of all the Ag programs as well as SMADC and RMC. MARBIDCO was able to get an additional 5

years of funding for the Next Generation Ag Land Preservation program at \$2.5 million per year. Lastly, there was funding for a statewide Ag Tire Recycling program and the money to fund the insurance premium portion for every dairy farmer in the state, so they can cover the first 5 million pounds of their milk produced just in case the milk price crashes again in 2021.

For the remainder of the year, Maryland Farm Bureau will keep you informed through the Government Relations Bulletin, published every month. The GRB will be sent to those on our email subscription list and will be posted on our website [here](#). Listed below is a final update on the bills that Maryland Farm Bureau took a position on during session.

## 2021 Passed Bills

### **Agricultural Policy:**

#### **HB 92: Procurement - Invasive Plant Species - Prohibition on Use of State Funds**

*Delegate Luedtke*

As amended, this bill generally bars State funds from being used to purchase or plant an invasive plant species for an outdoor project, beginning July 1, 2022. The prohibition does not apply if the plant species is commonly used for agricultural or horticultural purposes and is being maintained for the purposes of education or research.

### **MARYLAND FARM BUREAU SUPPORTS HB 92**

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#### **HB 269/SB 673: Department of Agriculture - Urban Agriculture Grant Program**

*Delegate Wells & Senator Gallion*

This bill establishes an Urban Agriculture Grant Program within the Maryland Department of Agriculture (MDA) and an Urban Agriculture Grant Fund to support the program. The bill was amended to remove the funding mandate and allows the Governor to include funding at his discretion.

## MARYLAND FARM BUREAU SUPPORTS HB 269 & SB 673

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### **HB 801: Calvert County – Public Safety – Buildings Used for Agritourism**

*Delegate Clark*

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 SUPPORTS HB 801

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### **HB 831/SB 723: Maryland Food System Resiliency Council**

*Delegate Charkoudian & Senator Hester*

This bill establishes the Maryland Food System Resiliency Council. The council is to address the food insecurity crisis in the State due to the pandemic, develop recommendations to increase the long-term resiliency of the food system, and develop by November 1, 2021, a plan to increase the production and procurement of Maryland certified food. MDFB Executive Director or designee is listed as one of the 26 council members.

## MARYLAND FARM BUREAU SUPPORTS HB 831 & SB 723

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### **SB 344: Agriculture - Cost-Sharing Program - State Cost-Sharing Funds**

*Chair of Senate EHEA (By Request - Office of MDA)*

This departmental bill increases the amount of State funding that projects, that are being considered for State cost-sharing, are eligible to receive under the Maryland Department of Agriculture's (MDA) Maryland Agricultural Water Quality Cost-Share Program (MACS). There are a select number of eligible practices that will qualify for

the increased funding. The bill changes it from up to 87.5% of eligible costs to up to 100% of eligible costs. The bill was amended to include a 5-year sunset.

### **MARYLAND FARM BUREAU SUPPORTS SB 344**

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#### **Aquaculture:**

##### **HB 800: Aquaculture Leases - Marking and Recording Requirements - Mobile Application**

*Delegate Clark*

This bill requires that DNR develop a mobile app. authorizes DNR to use a third party to develop the mobile app. The purpose of the mobile application is to aid an individual who is on the waters of the state in determining the individual's location, in real time, relative to: aquaculture enterprise zones; aquaculture leases; demonstration leases; fixed fishing devices; natural clam or oyster bars; oyster sanctuaries; public shellfish fishery areas; sav protection zones; Yates bars; or any other data that the department deems relevant.

With so many issues of people not knowing that they are in areas that aren't open for fishing/harvesting, this mobile app will address that excuse and assist those on the water in making the right decision when trying to decide where to fish.

### **MARYLAND FARM BUREAU SUPPORTS HB 800**

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#### **Energy:**

##### **HB 569/SB 407: Electricity - Net Energy Metering - Limit**

*Delegate Clippinger & Senator Kramer*

This bill increases the state's net metering cap from 1,500 megawatts to 3,000 megawatts.

By increasing the net metering cap, this allows more opportunities for small-scale electric generating to exist. Projects like rooftop solar, on-farm solar, community solar and anaerobic manure digestion. The state has an in-state solar carve out of

14.5% of the energy used in Maryland. This far exceeds 1,500 megawatt net metering cap. Therefore, if not raised, the state would be forced to install large-scale commercial solar to meet the 14.5% carve out.

### MARYLAND FARM BUREAU SUPPORTS HB 569 & SB 407

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#### **HB 584/SB 508: Public Utilities – Net Energy Metering**

*Delegate Watson & Senator Peters*

As amended, this bill prohibits the Public Service Commission from prohibiting the construction or operation of multiple net metered solar generating facilities located on contiguous lots that are owned by a local government solely because the capacity of the combined net metering systems exceeds the 2 megawatt limit. After the bill was amended, Maryland Farm Bureau removed its opposition to the bill.

### FOR INFORMATION ONLY

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#### **Environmental Protection:**

#### **HB 391/SB 716: Solid Waste Management – Prohibition on Releasing a Balloon Into the Atmosphere**

*Delegate Hartman & Senator Carozza*

This bill prohibits, with specific exceptions, a “person” from (1) knowingly and intentionally releasing, or causing to be released, a balloon into the atmosphere or (2) organizing or participating in a “mass balloon release.” The bill establishes a civil penalty of up to \$100 per violation for organizing or participating in a mass balloon release. This does not apply to: (1) a balloon that is released for scientific or meteorological purposes; (2) a hot air balloon that is recovered after launch; or (3) the negligent or unintentional release of a balloon.

### MARYLAND FARM BUREAU SUPPORTS HB 391 & SB 716

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**HB 507/SB 119: Clean Water Commerce Act of 2021**

*Delegate Stein & Senator Guzzone*

This bill addresses the sunset of the pilot program and establishes the Clean Water Commerce Fund as a special, non-lapsing fund. It requires the Department of the Environment to transfer \$20,000,000 from the Bay Restoration Fund to the Clean Water Commerce Fund beginning in fiscal year 2022. The bill alters the authorized uses of the Bay Restoration Fund and repeals the authorization to use funds in the Bay Restoration Fund for costs associated with nutrient or sediment load reductions. Within the funding, 35% of the money is dedicated to Ag Best Management Practices (BMP's).

**MARYLAND FARM BUREAU SUPPORTS HB 507 & SB 119**

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**Government:**

**HB 639/SB 51: Tri-County Council for Southern Maryland – Property Management – Southern Maryland Regional Agricultural Center**

*Delegate W. Davis & Senator Bailey*

This bill authorizes the Tri-County Council for Southern Maryland to act as a property manager of the Southern Maryland Regional Agricultural Center (RAC) that is being built in cooperation with St. Mary's County for the benefit of all Southern Maryland agricultural producers. This bill is a technical correction to allow the Tri-County Council and SMADC to partner with St. Mary's County on this valuable project and allow SMADC to manage the property.

**MARYLAND FARM BUREAU SUPPORTS HB 639 & SB 51**

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**Labor:**

**HB 581: Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)**

*Delegate D. Davis*

As amended, this emergency bill establishes benefits and protections for essential workers during a catastrophic health emergency, and related responsibilities for each employer of an essential worker. The bill requires (1) the Maryland Department of Labor (MDL) to enforce the bill and adopt a specified emergency temporary standard to address the COVID-19 pandemic and (2) the Maryland Department of Health (MDH) to adopt a template health emergency preparedness plan. The bill applies prospectively and may not be applied or interpreted to require an essential employer to pay an essential worker for leave taken before the effective date of the bill. The bill's requirements related to an emergency temporary standard and the adoption of a template health emergency preparedness plan terminate six months from the date the COVID-19 state of emergency ends. The mandatory hazard pay was removed and any additional paid sick leave must be funded by the state or federal government before the employer is required to make available.

### **MARYLAND FARM BUREAU OPPOSES HB 581**

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#### **Land Preservation:**

##### **HB 860/SB 692: State Planning – Preservation of Agricultural Land – Goal**

*Delegate Gilchrist & Senator Young*

This bill simply extends and codifies an unwritten State goal of preserving a total of 1,030,000 acres of productive agricultural land to 2030 through the Maryland Agricultural Land Preservation Foundation, the Maryland Green Print Program, the Rural Legacy Program, the Maryland Environmental Trust, and local land preservation programs. The previous goal was to expire in 2022. As amended, this bill does include MARBIDCO's Next Generation Ag Land Acquisition Program in the total.

### **MARYLAND FARM BUREAU SUPPORTS HB 860 & SB 692**

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##### **HB 991: Natural Resources – Forest Mitigation Banks – Qualified Conservation**

*Delegate Gilchrist*

This bill establishes the use of qualified conservation in a forest mitigation bank of all

or a part of existing forests as a standard for meeting afforestation or reforestation requirements under the Forest Conservation Act. The bill defines the term qualified conservation as it applies to the Forest Conservation Act and alters the defined term forest mitigation banking as it applies to the Forest Conservation Act to include the qualified conservation of forests that were approved by January 1, 2021. There was a 3-year sunset included. In addition, the bill was amended to establish the policy of the State to support and encourage 15 tree-planting efforts, with a goal of planting and helping to maintain in the State a total of 5 million additional trees.

### MARYLAND FARM BUREAU SUPPORTS HB 991

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#### **Tax Credits:**

#### **HB 7: Income Tax Credit - Venison Donation Expenses - Montgomery County Deer Donation Program**

*Delegate Luedtke*

This bill allows a Montgomery County hunter to claim the venison donation tax credit in when the Montgomery County Deer Donation Program pays to have the donated deer processed. Under current law, the donation tax credit is to offset the cost of the processing the deer being donated to a food bank.

### MARYLAND FARM BUREAU SUPPORTS HB 7

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#### **HB 497: Property Tax Credit - Urban Agricultural Property - Repeal of Repayment Requirement**

*Delegate Boyce*

This bill repeals a requirement that the owner of an urban agriculture property repay all property taxes that would have been imposed if the property tax credits had not been granted if the property ceases to be used for urban agricultural purposes. It applies to taxable years beginning after June 30, 2021.

Because of this claw-back clause, this tax credit program has very seldom been used



as willing and qualified projects have been scared off due to the repayment mandate if they don't succeed. These projects are already risky and are tied to keeping expenses low as profit margins are low in food sales. If the farm isn't successful and has to close, they would not only lose their investment, but would be required to pay back any back taxes to boot. This repayment clause was put into the bill initially to deter land developers for using the tax credit while they worked to get the necessary permits to develop the property. There are other ways to prevent this from happening. This repayment requirement shouldn't be one of them.

### MARYLAND FARM BUREAU SUPPORTS HB 497

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#### **HB 752/SB 539: Income Tax Credit - Food Donation Pilot Program - Extension**

*Delegate Ebersole & Senator Guzzone*

This bill simply extends the Food Donation Pilot Program Income Tax Credit for two additional years from December 31, 2021, to December 31, 2023.

The pilot program tax credit was enacted in 2016. Program allows a credit of up to \$5,000 against the State income tax; providing that the credit is equal to 50% of the value of the fresh farm products for human consumption (Eligible Food) donation or 75% of the value of donated certified organic produce. Each week, the Secretary of Ag shall establish and publish the categories and value of certified organic produce and eligible food donations. The Secretary of Ag, in consultation with the Comptroller, shall establish a process to certify a person or an organization to act as a tax credit certificate administrator. The total amount of tax credit certificates issued under this program may not exceed \$100,000 for a calendar year.

### MARYLAND FARM BUREAU SUPPORTS HB 752 & SB 539

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#### **Wildlife Management:**

#### **HB 1017/SB 769: Income Tax Credit for Venison Donation - Reporting Requirement and Testing for Chronic Wasting Disease**

*Delegate Beitzel & Senator Hester*

As amended, this bill requires a venison donation program to report annually to the Comptroller by January 31 of each year the name, address, and number of deer donated by individuals in the preceding tax year. The Department of Natural Resources (DNR) must report to the General Assembly by December 31, 2021, on the testing of deer brought to deer processors for chronic wasting disease. Unfortunately, the bill was amended to remove the tax credit increase that MDFB supported. Instead, the bill just became an additional reporting bill. Because of this change, MDFB removed its support of the bill and took no position on the new version.

### FOR INFORMATION ONLY

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#### **HB 1134/SB 318: Natural Resources - Fishing and Hunting Rights**

*Delegate Carey & Senator Bailey*

This bill simply establishes a Right-to-Fish & Hunt in Maryland as long as the person is following the regulations and restrictions outlined in state law.

### MARYLAND FARM BUREAU SUPPORTS HB 1134 & SB 318

#### 2021 Unsuccessful Bills

#### **Agricultural Policy:**

#### **HB 84/SB 412: Consumer Protection - Right to Repair**

*Delegate Feldmark & Senator Hester*

This bill requires an original equipment manufacturer, on fair and reasonable terms, to make available to an independent repair provider or owner of digital electronic equipment any documentation, parts, tools, or updates to information or embedded software. It also requires, as it applies to equipment that contains a security-related function, any documentation, tools, parts, or updates needed to reset the lock or function when disabled.

This bill was killed in committee. There is strong legislative interest in assisting the farmers with their right-to-repair issues, but this bill did significantly more than the farm equipment. We recommend this be a Maryland Farm Bureau Issue of Concern for 2021 policy development and if supported, a bill should be introduced in the 2022 legislative session to specifically target farm equipment.

### MARYLAND FARM BUREAU SUPPORTS HB 84 & SB 412

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#### **HB 249/SB 562: Agriculture – License to Produce Hemp – Limitation**

*Delegate Cardin & Senator Hettleman*

This bill (1) removes the authority for a person to obtain approval to produce hemp under the State’s Hemp Farming Program from the U.S. Department of Agriculture (USDA) and (2) prohibits the Maryland Department of Agriculture (MDA) from issuing a license to a person to produce hemp under the program if MDA determines that the land subject to the license application is located within 25 feet of a property or properties with three or more individual residences, unless the applicant agrees to produce hemp in an indoor facility that exhausts its fumes, as specified. This bill was withdrawn by the sponsor.

### MARYLAND FARM BUREAU OPPOSES HB 249 & SB 562

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#### **HB 317: Maryland Green Purchasing Committee - Food and Beverage Procurement - Greenhouse Gas Emissions**

*Delegate Gilchrist*

This bill requires the Maryland Green Purchasing Committee in consultation with the Departments of the Environment, Agriculture, General Services, and other stakeholders, to develop, by January 1, 2022, a methodology for State agencies to estimate greenhouse gas emissions of food and beverages procured. They will need to establish a baseline measurement by January 1, 2023 and develop strategies and policy recommendations while establishing a goal to reduce food generated greenhouse gas emissions in State units by 25% by fiscal year 2031. As was said during last year’s bill hearing, there is no direction in this bill on how food products will be measured and what impacts this will have on Maryland farmers, especially livestock and poultry producers. Without guidelines in the bill to ensure Maryland

farmers are not excluded from the procurement process due to national or international baseline GHG emissions, this bill could/would put Maryland farmers out of business.

### **MARYLAND FARM BUREAU OPPOSES HB 317**

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#### **HB 508/SB 210: COVID-19 Claim - Civil Immunity**

*Delegate Attar & Senator West*

This bill would make it that if a business, government, non-profit, school or healthcare facility was abiding by federal, state, local statutes, rules, regulations, executive orders and agency orders related to COVID-19, they would be immune from civil liability for a COVID-19 claim, unless there is gross negligence or intentional wrongdoing.

### **MARYLAND FARM BUREAU SUPPORTS HB 508 & SB 210**

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#### **HB 634/SB 621: Association Health Coverage Plans**

*Delegate Beitzel & Senator Edwards*

This bill specifies that, for purposes of group health insurance, an “association” may include a chamber of commerce. The bill repeals application of Maryland’s small group market reforms to any health benefit plan offered by an association, a professional employer organization, or any other entity, including a plan issued under the laws of another state. The definitions of “health benefit plan” are altered to exclude certain association plans from premium rate review and to exclude a multiple employer trust or association from the requirements of the small group market. We are asking to be added to the Chamber of Commerce as eligible entities to offer association health coverage plans.

### **MARYLAND FARM BUREAU SUPPORTS HB 634 & SB 621 WITH AMENDMENT**

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#### **HB 1144/SB 803: Economic Development – Western Maryland Economic Future Investment Board and Fund – Establishment**

*Delegate Buckel & Senator Edwards*

This bill establishes the Western Maryland Economic Future Investment Board. The bill establishes the Western Maryland Economic Future Investment Fund as a special, nonlapsing 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 SUPPORTS HB 1144 & SB 803

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#### **SB 24: Gaming – Sports and Event Wagering License – Maryland State Fair and Agricultural Society, Inc.**

*Senator West*

This bill requires the State Lottery and Gaming Control Commission to issue a sports and event wagering license to the Maryland State Fair and Agricultural Society, Inc. if they issue a license to any another entity in the state. This bill was added to HB 940 and the Maryland State Fair will receive a license.

### MARYLAND FARM BUREAU SUPPORTS SB 24

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#### **Aquaculture:**

#### **HB 145: Unlawful Taking of Oysters From Submerged Land Leases, Aquaculture Leases, and Water Column Leases – Penalties**

*Delegate Boyce*

This bill requires DNR to suspend a person with a tidal fish license on conviction of the license holder for oyster heft. The bill requires the convicted person who has a tidal fish license suspended under the Act to complete a class (at their own expense) provided by the department on commercial fishery laws before engaging in any commercial fishing activity under a tidal fish license. The bill prohibits a person who has a seafood dealer authorization from purchasing, offering to purchase, or possessing oysters that were unlawfully harvested from an oyster lease. The bill strengthens the penalties as well.

## MARYLAND FARM BUREAU SUPPORTS HB 145

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### **SB 203: Aquaculture Lease Applications - Notices, Protests, Meetings, and Conflict Resolution**

*Senator Bailey*

This bill extends the riparian land owners that have standing on a Aquaculture lease application from land directly in front of the proposed lease to land that is within 500 feet from the edge of a proposed lease.

It also requires DNR to work with the landowners that have an issue with the proposed lease and the lease applicant to mitigate the concerns raised in the petition and consider conflict resolution between the shoreline property owners and lease applicants before issuing they can issue the lease permit. Lastly, the bill further defines when DNR is required to hold a public hearing on a lease application. It adds: if the department determines that the person is raising a significant public health, safety, or welfare concern.

## MARYLAND FARM BUREAU OPPOSES SB 203

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### **Education:**

#### **SB 668: Good Job Opportunities for High School Graduates Act of 2021**

*Senator Rosapepe*

This bill requires county boards of education to consider the pursuit of Career & Technology Education (CTE) certificates, certifications, or apprenticeships as the equivalent of pursuing postsecondary education. It authorizes a student or student's parent or guardian to release the student's information to eligible apprenticeship sponsors and employers. Finally, the bill requires public high schools to inform students of employment and skills training opportunities through apprenticeships and CTE certifications.

## MARYLAND FARM BUREAU SUPPORTS SB 668

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## **Energy:**

### **HB 682/SB 549: Renewable Energy Portfolio Standard - Thermal Biomass Systems**

*Delegate Buckel & Senator Hershey*

This bill authorizes thermal biomass systems, for purposes of the State's Renewable Energy Portfolio Standard (RPS), to use food waste, qualifying biomass, or animal manure as a source of fuel, regardless of the relative mix of those fuel sources. Other eligibility requirements related to thermal biomass systems and their fuel components are unchanged. Maryland Farm Bureau supports the clarifying amendments being offered by the Maryland Forests Association to include Silvicultural products and natural wood waste. The bill was moved to a summer study.

**MARYLAND FARM BUREAU SUPPORTS HB 682 & SB 549**

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## **Environmental Protection:**

### **HB 8: Maryland Strategic Energy Investment Fund - Regional Greenhouse Gas Initiative - Use of Proceeds for Maryland Healthy Soils Program**

*Delegate Krimm*

This bill would add the Maryland Healthy Soils Program to what is considered climate change and resiliency programs within the Maryland Strategic Energy Investment Fund. In addition, this bill would dedicate \$500,000 of the fund to be used for the Maryland Healthy Soils Program to help meet the air quality goals outlined in the statute and in Maryland's 40 by 30 Regional Greenhouse Gas goals. Carbon sequestration from production agriculture has proven to greatly reduce the greenhouse gases in our atmosphere. Healthy soils practices like cover crops, no-till farming, rotational grazing and conservation tillage greatly increase the removal of greenhouse gasses. Increasing these practices in Maryland will help lessen climate volatility in the region. Healthy soils programs are a key part of Maryland's regional greenhouse gas reduction goals. Data collected that compares Maryland's current healthy soils practices to the State's Regional Greenhouse Gas Initiative (RGGI) finds that over the last 10 years, Maryland's healthy soils practices have reduced the

amount of GHG by 6.14 mmt compared to 3.6 mmt for RGGI over the same timeframe. This bill was withdrawn by the sponsor.

### MARYLAND FARM BUREAU SUPPORTS HB 8

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#### **HB 33/SB 76: Climate Crisis and Education Act**

*Delegate Fraser-Hidalgo & Senator Kramer*

This bill establishes a Climate Crisis Initiative in the Department of the Environment for to establish a greenhouse gas reduction target of 60% from 2006 levels by 2030 and net-zero by 2045; establishes a Climate Crisis Council to develop a plan to reach the reduction targets and submit it to the General Assembly by December 31, 2022; requires a greenhouse gas pollution fee on all fossil fuels brought into the State for combustion in the State with \$340 million of those fees to be used to pay for the Kirwan education recommendations. This bill goes over and above what the Maryland Commission on Climate Change is recommending. The negative economic impacts to Maryland citizens will be substantial. To make matters worse, the fees that would be collect through the proposed fuel tax wouldn't be used to cover the cost of transitioning to zero emission vehicles, but instead to pay for new Pre-K through 12 education programs that has nothing to do with Climate Change.

### MARYLAND FARM BUREAU OPPOSES HB 33 & SB 76

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#### **HB 82/SB 151: Constitutional Amendment - Environmental Rights**

*Delegate Fisher & Senator Patterson*

This proposed constitutional amendment establishes that every person has the right to a clean and healthy environment, including the right to clean air; pure water; ecosystems that sustain the State's natural resources, including the waters of the State, air, flora, fauna, climate, and public lands; and the preservation of the natural, healthful, scenic, and historic values of the environment. The bill authorizes the State, a political subdivision of the State, and any person to enforce these rights against any public party through appropriate legal proceedings. Every person also has the right to intervene in an action brought by the State or a political subdivision of the State to protect the rights established by the bill. The bill also (1) establishes that the State's natural resources are the common property of every person and (2)



establishes standards of treatment for the State's natural resources. This would give citizens in Maryland standing to intervene on any state application process if they believe it interferes with any of those clean environment definitions mentioned above. Some examples would include, CAFO's, irrigation, hemp, new buildings, composting, commercial fishing and aquaculture permits.

## **MARYLAND FARM BUREAU OPPOSES HB 82 & SB 151**

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### **HB 472: Agriculture - Use of Glyphosate - Prohibition**

*Delegate Young*

This bill would ban the use of glyphosate (Round-Up) by anyone in the State on or after October 1, 2022. There are multiple reasons on why this bill would be devastating to farmers in Maryland not to mention the virtual impossibility to control noxious weeds and the state meeting its 2025 water quality goals. Not only have "real" science proved that Round-Up is one of the safest herbicides available, but the alternatives are more toxic. This bill was withdrawn by the sponsor.

## **MARYLAND FARM BUREAU OPPOSES HB 472**

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### **HB 739/SB 524: Environment - Multidefendant Oil and Hazardous Substance Pollution Cases - Effect of Settlement**

*The Speaker & The President (By Request - Office of the Attorney General)*

This bill exempts pollution cases related to the discharge of oil and release of a hazardous substance from the Maryland Uniform Contribution Among Joint Tortfeasors Act (MUCATA). The bill (1) requires a factfinder to make a determination of liability and assign comparative responsibility to all parties joined in the legal action; (2) authorizes the State to continue to pursue or begin new legal action if a settlement does not provide complete relief; (3) establishes that a settlement with the State for claims does not release other persons from liability but does reduce the remaining responsible persons' "proportionate share of liability,"; and (4) authorizes a person who satisfies claims with the State to seek contribution from other responsible persons.

## MARYLAND FARM BUREAU OPPOSES HB 739 & SB 524

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### **HB 1025: Pesticides – Carbofuran – Collection, Disposal, and Prohibition on Possession or Storage**

*Delegate Terrasa*

This bill requires the Department of Agriculture, in coordination with the Department of Natural Resources, to establish a program to address the illegal use of carbofuran and to eliminate stockpiles of carbofuran in the State by prohibiting a person from possessing or storing any quantity of carbofuran in the State on or after January 1, 2024. Lastly, this bill authorizes the Secretary of Agriculture, the Secretary of Natural Resources, or a Natural Resources police officer to seize any quantity of carbofuran for enforcement purposes. Carbofuran was voluntarily canceled at the federal level in 2009. However, since there was no buyback program, there still seems to be some of this product on farms. MDFB has no issue with this program being created, but it should remain within the Maryland Department of Agriculture's authority. The Department of Natural Resources does not work in pesticide regulation and the Natural Resources Police are not trained to understand what to look for. MDA has rolled out the pesticide disposal program to help address the concerns of this bill.

## MARYLAND FARM BUREAU OPPOSES HB 1025

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### **HB 1078: Attorney General - Climate Change Actions - Authorization**

*Delegate Terrasa*

This bill authorizes the Attorney General to investigate, commence, and prosecute or defend any civil or criminal suit or action that holds accountable businesses whose tortious or otherwise unlawful conduct has contributed to climate change through fraud, deception, or any other mechanism, action, inaction, or practice. The bill also authorizes the Attorney General to hire outside counsel on a contingency fee basis to assist if the Attorney General determines that hiring outside counsel is in the State's best interest. This bill is extremely broad and would open up farms to potential lawsuits if the Attorney General determines a farming practice, action or inaction contributes to Climate Change

## MARYLAND FARM BUREAU OPPOSES HB 1078

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### **HB 1282: Real Property – Nuisance Actions – Rodent Harborage**

*Delegate Grammer*

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 OPPOSES HB 1282

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### **Labor:**

### **HB 577: Health and Welfare of H-2 Visa and Migrant Workers – COVID-19 Pandemic – Regulations (Healthy Farmworkers Act)**

*Delegate Stewart*

This bill would require the Secretary of Labor to adopt regulations, on or before October 1, 2021, relating to housing, accommodations, safety, health, rights, and welfare of H-2A and H-2B visa and migrant workers during the COVID-19 pandemic. This bill would put in state law requirements over and above the guidance provided by the Centers for Disease Control (CDC) and the US Department of Labor. These restrictions would be almost impossible for a farm to adhere to and would most likely put them out of business due to the not being allowed H-2A

seasonal workers. In addition, MD Department of Labor doesn't have the manpower to inspect these operations in time to meet the limited timelines farmers have to apply for and receive H-2A visa workers. H-2A housing is already inspected annually. The farm-worker housing requirements to meet the COVID pandemic have already been created by CDC and are being adhered to by farmers in Maryland. This legislation is a solution looking for a problem and is not needed.

### **MARYLAND FARM BUREAU OPPOSES HB 577**

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#### **HB 841/SB 502: Labor and Employment - Maryland Wage and Hour Law - Agricultural Stands, Retail Farms, and Farmers' Markets**

*Delegate Otto & Senator Carozza*

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.

### **MARYLAND FARM BUREAU SUPPORTS HB 841 & SB 502**

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#### **HB 1199/SB 813: Workers' Compensation – Occupational Disease Presumptions – COVID-19**

*Delegate Valderrama & Senator Klausmeier*

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 & SB 813**

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#### **HB 1326/SB 727: Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave**

*Delegate Dumais & Senator Feldman*

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 OPPOSES HB 1326 & SB 727**

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#### **Tax Policy & Budget:**

#### **HB 474/SB 534: Income Tax Credit - Wineries and Vineyards - Sunset Extension**

*Delegate Guyton & Senator Guzzone*

This bill extends the state income tax credit on expenses related to wineries and vineyards in Maryland to June 30, 2026. Current law has the tax credit sunsetting June 30, 2021. This tax credit has been very helpful to build the winery industry in

Maryland, but it is still small in size and needs to continue to grow to make sure the industry survives and the services that supply this industry survive.

## MARYLAND FARM BUREAU SUPPORTS HB 474 & SB 534

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### **SB 11: Sales and Use Tax - Agricultural Purpose Exemption - Seedlings and Fruit Trees**

*Senator Ellis*

The bill expands an exemption from the sales and use tax for the sale of items for an agricultural purpose to include the sale of seedlings and fruit trees. After talking with the winery groups, they would like to have vines be added to the bill. Maryland Farm Bureau will include this amendment in testimony.

## MARYLAND FARM BUREAU SUPPORTS SB 11

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### **Wildlife Management:**

#### **HB 594/SB 798: Prohibition on Sale of Wildlife - Local Venison Donation Programs - Application**

*Delegate Fraser-Hidalgo & Senator Gallion*

This bill establishes that the prohibition against selling, offering for sale, bartering, or exchanging deer taken from the wild **does not** apply to venison from a lawfully-harvested white-tailed deer that is donated to a venison donation program, administered by the county in which the deer was harvested, for processing and distribution to a food bank.

This bill was withdrawn by the sponsor, but there will be a summer discussion on ways to address the overpopulation of deer.

## MARYLAND FARM BUREAU SUPPORTS HB 594 & SB 798

In Other Ag News

### Three Farm Trucking Forums Offered

Maryland Farm Bureau is hosting three farm trucking forums throughout the state in early 2021. Representatives from the Maryland State Highway Administration, Maryland State Police, and Maryland Vehicle Administration will be on hand to present and answer questions. These forums will be held from 9:00 AM—1:00 PM.

- May 20th | St. Mary's County Fairgrounds
- May 27th | Garrett Community College
- June 4th | Queen Anne's County 4-H Park

Registration will be limited to 50 guests per location! You must register ahead of time in order to attend. [Register here.](#)



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### Protect Stepped-Up Basis for American Family Farms

Proposed legislation in Congress would tax capital gains at death and eliminate stepped-up basis as a way to raise revenue for government spending. This would be devastating to American agriculture. Many farmers and ranchers hold assets such as land for decades, passed on from generation to generation. Stepped-up basis is a process that allows a farmer to pay capital gains taxes only on a property's increase in value since the time that land was inherited, instead of paying the full increase in value since it was purchased by a deceased relative. In addition, the tax on the new



stepped-up value is deferred until property is sold by the surviving family member. Your message is important. [Take action now!](#)

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### **The Estate Tax Needs Your Support**

Farmers and ranchers are disproportionately impacted by estate taxes due to the value of farmland, making it difficult to continue a family business after the death of a loved one. Many of you have experienced the impacts of the estate tax, or death tax. The Tax Cuts and Jobs Act of 2017 temporarily doubled the estate tax exemption from \$5.5 million to \$11 million per person through 2025. If

this exemption were to be reduced it would be devastating to the continuity of America's farms and ranches, impacting 10% of farms or 65% of farmland. [Take action now!](#)

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### **American Rescue Plan Debt Payments**

The American Rescue Plan includes provisions for USDA to pay up to 120% of loan balances, as of January 1, 2021, for Farm Service Agency Direct and Guaranteed Farm Loans and Farm Storage Facility Loans debt relief to any socially disadvantaged producer who has a qualifying loan with the Farm Service Agency. This includes producers who identify as one or more of the following: Black/African American, American Indian, Alaskan native, Hispanic/Latino, Asian American, or Pacific Islander. [More here.](#)

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### **Member Benefit: Hipcamp**

Maryland Farm Bureau Members, welcome to Hipcamp! Earn income by partnering with Hipcamp to host campers, glampers, and RVers on your land. [Learn more here.](#)





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