

2010 Legislative Session Final Report on MASCD Bills of Interest

Budget

Soil Conservation Districts and the Office of Resource Conservation fared extremely well in the FY2011 budget. Most notable is that the legislature maintained the \$400,000 for the 7 new employees established by the Ag Stewardship Act of 2006 [SB 140](#) & [HB 150](#). We have Delegate Norm Conway to thank for his diligent support of the districts. This strong support also replaced \$1.9 million for MARBIDCO, which had, like the 7 positions, been slated for elimination bringing their budget back up to \$2.75 million (again as determined in the 2006 Ag Stewardship legislation). MACS funding in the capitol budget [SB 142](#) & [HB 152](#) was finalized at \$10 million and funding for cover crops stands at \$15m with \$9.52 million coming from the Chesapeake Bay 2010 Trust Fund and \$5.6 million from the Bay Restoration Fund (any remaining BRF unspent after 5/1/11 will revert back for wastewater treatment activities). Language calling for the governor to provide for 110 field positions for soil conservation districts in the annual budget remains intact [SB 141](#) & [HB 151](#). The Chesapeake Bay 2010 Trust fund was funded with \$22.5 million, so grant funds may be available to districts through this program. Funding for land acquisition programs was approved through bond sales approving Maryland Agricultural Land Preservation Program at \$17.814 million, Rural Legacy at \$16.95 million and Program Open Space at \$65.18 million.

Soil Conservation Issues

[HB 296](#) State Government - State Soil - Sassafras Soil. This bill was given an unfavorable report in the Health and Government Operations committee. MASCD supported this legislation.

[HB 943](#) & [SB 311](#) Chesapeake Conservation Corps. As passed this bill establishes the Chesapeake Conservation Corps Program within the Chesapeake Bay Trust to, provide young adults with meaningful service opportunities and promote, preserve, protect, and conserve the environment. The bill establishes several provisions relating to the funding of the Corps Program, including a requirement that for fiscal 2011 through 2015, \$250,000 annually from the Environmental Trust Fund (ETF) within the Department of Natural Resources (DNR) be provided to the Chesapeake Bay Trust for specified projects. There is the opportunity for these individuals to work in the soil conservation district offices. MASCD supported this legislation.

[HB 974](#) Nutrient Trading - Voluntary Agricultural Nutrient Credit Certification Program. This bill enables the Department of Agriculture to verify, certify and register agricultural nutrient credits to support voluntary nutrient trading activities. MASCD supported this legislation.

[HB 647](#) Department of Natural Resources - Conservation Service Opportunities - Procurement Exemption. This bill allows DNR to enter into negotiations with non-profit organizations to provide grants to carry out conservation activities without having to go through the state procurement process.

Estate Tax

[HB 160](#), [HB 221](#), [SB 155](#), [SB 337](#), [SB 396](#), [SB 526](#), [SB 59](#), [SB 592](#), [SB 790](#), [HB 1571](#) This is probably one of the most positive pieces of legislation for agriculture this year. Several bills were introduced to try to reduce the estate tax burden for agriculture. In the last days of session with strong support from Senator Mac Middleton and Delegate Norm Conway (plus many others) [SB 396](#) was amended and [HB 1571](#) was introduced to establish a four year pilot program to defer estate tax on agricultural property for three years and allowing a further three years over which the payback can occur under a schedule established by the Comptroller. Reports on the application and the effectiveness of the pilot program are to be provided in year three. The Senate version passed. MASCD supported this legislation.

Stormwater

[HB 964](#), [HB 1125](#), [HB 1408](#), [HB 1409](#), [HB 1480](#), [SB 420](#), [SB 1082](#): Several bills were introduced to delay the implementation date of the Stormwater Management Improvement Act of 2007. The chair of Environmental Matters asked the Department of the Environment to work with stakeholders to come up with an acceptable solution and to get regulations approved before the end of the session or else she would facilitate legislation. As a result, MDE established new regulations to provide developers with existing projects underway with additional time to get their projects completed under the current stormwater rules. MASCD took no position on this legislation.

[HB 999](#) & [SB 686](#) Watershed Protection and Restoration Act. These bills would have established a stormwater remediation fees on existing properties to retrofit stormwater problems. Both died in committee.

Fertilizer and Sludge

[HB 813](#) Agriculture - Sludge - Timing of Winter Application. Had this bill passed it would have required MDA to prepare regulations for winter sludge application that are essentially the same as for manure. MDA and MDE had already initiated action to limit winter sludge application and will move forward through the regulatory process. MASCD supported this legislation.

[HB 50](#) Agriculture - Specialty Fertilizers - Low Phosphorous Fertilizer. This bill failed on the senate floor, had it passed it would have lowered the P content in lawn fertilizers from the maximum of 5% passed in 2009 to 0.5%.

[HB 621](#) Agriculture - Commercial Fertilizer – Surcharge. This bill was withdrawn, had it passed it would have added a \$5 per ton surcharge to commercial fertilizer that was not low phosphorus.

[HB 930](#) & [SB 359](#) Agriculture - Fertilizers and Pesticides - Release Reporting. This bill did not pass out of either ENM or EHEA. Had it passed it would have established a new field by field – application by application reporting system for pesticides and fertilizer use.

Bay Restoration Fund

[HB 62](#) & [SB 1122](#) Environment - Payment of Cost Differential - Nitrogen Removal Technology. This bill requires MDE, in 2010 to 2012, to use Bay Restoration Fund (BRF) funds to pay 100% of the cost difference between a conventional on-site sewage disposal (septic) system and one that utilizes best available technology (BAT) for nitrogen removal for a homeowner required to replace a failing system in the Critical Area. The bill also expresses legislative intent that MDE may use an economic means test to determine the financial assistance awarded to a homeowner for the cost difference between a conventional septic system and one utilizing nitrogen removal technology, except for failing systems in the critical area covered under the bill.

General Ag Issues

[HB 421](#) Department of Agriculture - Advertising Agricultural Products as Locally Grown - Regulatory Authority. This bill gives MDA the authority to establish a definition of locally grown with input from farmers and other stakeholders.

[HB 953](#) & [SB 859](#) Agriculture - Commercial Feed - Arsenic Prohibition. This bill would have eliminated the use of food additives in poultry that include arsenic. There was no action on either bill in committee.

[SB 69](#) Woodland Incentives Program - Prohibition on Use of Federal Funds – Repeal. This bill allows federal funds to be used as co-cost share with state funds up to 100% of the cost of a project.

[SB 90](#) Secretary of Agriculture - Farm Quarantine. This departmental bill authorizes the Secretary to establish a farm quarantine and issue orders to control or restrict the use of farmland, crops, livestock, poultry, or a farm product existing on a farm that has been exposed to or contaminated by a radiological or chemical toxic material or agent or is infected or infested with a disease or pest. The bill also establishes quarantine notice requirements; provisions to allow landowners, tenants, or animal owners to request an alteration of a quarantine or order; additional powers of the Secretary; and enforcement provisions.

[SB 198](#) Farmer's Markets - Raw Agricultural Product Sales - Producer Mobile Farmer's Market License. This bill prohibits local jurisdictions from requiring a license for the sale of raw agricultural products in a farmer's market and requires the Department of Health and Mental Hygiene to establish a producer mobile farmer's market license.

[SB 199](#) Seasonal Farmer's Market Producer Sampling License. This bill authorizes a county to establish a seasonal farmer's market producer sampling license for a producer to prepare and offer samples of a farm product at a farmer's market under guidelines prepared by the Department of Health and Mental Hygiene.

[SB 858](#) Maryland Winery Modernization Act. This bill establishes a farmer's market permit and expands the scope of operations and activities of a Class 4 limited winery licensee.

Wildlife

[HB 246](#) Allegany County and Garrett County - Deer Hunting on Private Property – Sundays. This bill expands Sunday bow hunting in Allegany and Garrett Counties.

[SB 978](#) & [HB 851](#) Talbot County - Deer Hunting on Private Property – Sundays. This bill expands Sunday bow hunting in Talbot County.

[SB 259](#) & [HB 502](#) Calvert, Charles, and St. Mary's Counties - Deer Hunting. The Senate version passed over to the House and was significantly amended. The amendments in the House were not accepted by the Senate so the bill died; it would have provided additional flexibility to combat deer problems in Southern Maryland. Language was included in the budget bill calling on DNR to evaluate ways to manage the deer population on public lands in Southern Maryland.

Environmental Issues

[HB 351](#) & [SB 462](#) Chesapeake Bay Restoration Consumer Retail Choice Act of 2010. These bills calling for a 5¢ charge on plastic bags received no action in either committee.

[HB 356](#) Forest Product Operators - Standards, Procedures, and Enforcement. This bill establishes forest product operator's license within the Department of Natural Resources (DNR).

[HB 474](#) & [SB 278](#) Smart, Green, and Growing - Maryland Sustainable Growth Commission. This Administration bill repeals the Task Force on the Future for Growth and Development in Maryland and establishes a Maryland Sustainable Growth Commission to be staffed by the Maryland Department of Planning (MDP).

[HB 475](#) & [SB 285](#) Smart, Green, and Growing - The Sustainable Communities Act of 2010. This Administration bill reestablishes the Heritage Structure Rehabilitation Tax Credit Program as the Sustainable Communities Tax Credit Program, extends the program's termination date through fiscal 2014, requires the Governor to include an appropriation to the commercial program in fiscal 2011 through 2014, and alters eligibility requirements for the program. The bill also makes several changes to other State programs, including the Community Legacy and Neighborhood Business Development Programs.

[HB 606](#) & [SB 361](#) Natural Resources - Local Forest Conservation Funds - Use of Money. These bills repeal the provision that if the local funds paid into the Local Forest Conservation Funds are not spent in two-years they are returned to whoever paid the fee.

[SB 513](#) & [HB 1257](#) Natural Resources - Vessels - No-Discharge Designation for Maryland Waters. These bills would have made the Bay a no-discharge area for boats. The Senate version was amended to a study but no House action occurred on either bill.

[HB 1352](#) & [SB 914](#) Forest Conservation Fund - Contribution Rates - Priority Funding Areas. This bill alters the amount paid into the State Forest Conservation Fund so projects inside a Priority Funding Area (PFA) pay less than if outside a PFA, (30¢/sq ft in a PFA and 36¢ in a non PFA).

Energy

[HB 801](#) Electricity - Net Energy Metering – Credits. This bill extends the timeframe for receiving net metering benefits in excess of use.

[SB 569](#) & [HB 827](#) Biomass and Biofuels - In-State Production Incentives. These bills were promoted by the Chesapeake Bay Commission to advance biofuels in Maryland, neither bill passed.

[SB 277](#) & [HB 471](#) Renewable Energy Portfolio Standard - Solar Energy. This Administration bill increases the percentage requirements of the Renewable Energy Portfolio Standards (RPS) that must be purchased from Tier 1 solar energy sources each year between 2011 and 2020.

[SB 355](#) & [HB 701](#) Energy Companies - Net Energy Metering - Payment for Accrued Generation Credit. This bill alters the net energy metering program by changing the way an eligible customer-generator may accrue credits from excess generation from a kilowatt-hour (kWh) basis to a dollar basis.

Budget language was added to require the Maryland Agricultural Land Preservation Program to prepare a report on renewable energy policy recommendations on agricultural easements (along with the Maryland Energy Administration) and a report on Marcellus Shale extraction on agricultural easements.