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Legislation that Passed:

- SB 553/HB 609 – Chesapeake Bay Phosphorous Reduction Act of 2009 - Establishing labeling requirements for lawn fertilizer on or after April 1, 2011; prohibiting a person from selling or distributing lawn fertilizer that is not low phosphorous fertilizer on or after April 1, 2011; requiring specified manufacturers to reduce specified phosphorous levels by April 1, 2011; prohibiting specified manufacturers from exceeding specified phosphorous levels under specified circumstances; requiring specified reports; authorizing the Department of Agriculture to adopt regulations; etc.
MaGIC Position: FYI
Status: [Passed with amendment to exempt new lawns and landscape contractors](#)
- SB 217 – Natural Resources – Tree Services – Advertising - Prohibiting a person from advertising the provision of tree services such as tree treatment, care, or removal, unless the advertisement includes information as to the license number of the licensed tree expert providing the service or a statement that all tree services are limited to trees 20 feet tall or less.
MaGIC Position: FYI
Status: Passed
- SB 270 and HB 310 - Unemployment Insurance - Eligibility - Part-Time Work - Authorizing an individual who is able to work only part time to be deemed eligible for specified benefits under specified circumstances; clarifying that the Secretary of Labor, Licensing, and Regulation may not use disability as a reason to find an individual is not available for work, actively seeking work, or eligible for benefits; etc.
MaGIC Position: FYI
Status: Passed with amendments
- SB 909 and HB 819 - Workplace Fraud Act of 2009 - Prohibiting specified employers from failing to properly classify individuals who perform work for remuneration paid by the employer; authorizing the Commissioner of Labor and Industry to initiate an investigation under specified circumstances to determine whether specified violations occurred; requiring the Commissioner to enforce specified provisions; establishing the method of determining whether an employer-employee relationship exists for purposes of proper classification under specified circumstances; etc.
In layman's terms this bill prohibits an individual in Maryland from misclassifying an employee as an independent contractor, subject to a fine of up to \$3,000 for each employee misclassified. The fine may be doubled in cases of willful or repeated violations. The bill adds new record-keeping requirements and requires employers to give individuals whom they classify as independent contractors written notice of such classification and its implications.
MaGIC Position: Working with Secretary of State and DLLR to incorporate industry input; ultimately MaGIC took no position on this bill
Status: Passed
Note: [This bill specifically address the landscape contractor industry](#)

- SB 10 / HB 175 - Consumer Protection - Telephone Directory Listings - Publication of Local Numbers by Nonlocal Businesses - Prohibiting nonlocal businesses from publishing an advertisement containing a local telephone number in local telephone classified advertising directories unless the advertisement states the nonlocal location of the business; prohibiting nonlocal businesses from listing or causing to be listed a local telephone number in specified directories under specified circumstances; etc.
 MaGIC Position: Follow this - FYI
 Status: Passed with amendments.
- SB 91 – Lawn and Turf Grass Seed – Testing and Labeling Requirements (by request of MDA) Establishing labeling requirements for cool season lawn and turf grass seed; and extending the valid time period for completing germination tests for specified lawn and turf grass seed from 9 months to 15 months.
 MaGIC Position: Support
 Status: Passed
- SB 581 and HB 800 - Natural Resources - Roadside Trees - Protection and Enforcement -
 Synopsis: Authorizing a county or municipality to adopt a local law or ordinance for the planting, care, and protection of roadside trees and to issue a stop work order under specified circumstances; authorizing the Department of Natural Resources to authorize a county or municipality to enforce specified provisions of State law under specified circumstances; prohibiting a county or municipality from issuing a building permit under specified circumstances; etc.
 MaGIC Position: FYI; MD Arborist Association supported with amendment to remove double fees (state and local level)
 Status: Passed with amendments
- SB 554 / HB 176 – Chesapeake Bay Nitrogen Reduction Act of 2009 - Prohibiting the installation of an on-site sewage disposal system unless the system utilizes nitrogen removal technology; requiring the Department of the Environment to assist homeowners in paying for specified costs; and establishing a penalty for a specified violation.
 MaGIC Position: FYI
 Status: Passed
- SB 47 / HB 1078 - Environment - Permit Applications - Notice Requirements - Requiring notification by mail to specified record residential property owners of specified permit applications under specified circumstances; requiring the notice to contain specified information; requiring permit applicants to pay the cost of the notice; and authorizing the Department of the Environment to require the permit applicant to publish and send specified notices.
 MaGIC Position: No position – just FYI.
 Status: Passed
- HB796 - Agriculture - Emerald Ash Borer Grant Fund - Establishing the Emerald Ash Borer Grant Fund; establishing the purpose and uses of the Fund; requiring the Secretary of Agriculture to administer the Fund and establish specified procedures; requiring that specified unspent or unencumbered funds revert to the General Fund of the State; specifying that the State Treasurer shall hold the Fund separately and that the Comptroller shall account for the Fund; designating the money to be deposited into the Fund; etc.
 MaGIC Position: FYI
 Status: Favorable with amendment

- SB 77 – Department of Agriculture – Organic Certification Program – Fees
Repealing a requirement that the Department of Agriculture adopt regulations to create an Organic Certification Program that meets the requirements of federal law; requiring the Organic Certification Program established by the Department to conform to specified federal law; eliminating the limit at which the Secretary is authorized to set a specified fee; etc.
MaGIC Position: No position – just FYI.
Status: Passed with amendment.

Bills that Were Withdrawn Due to Negative Reports or Died Due to Lack of Action:

- SB 623 and HB 1248 -Agriculture - Nutrient Management Plans - Confidentiality - Requiring the Department of Agriculture to destroy file copies of nutrient management plans or summaries of the plans after 3 years from the date of filing or return the copies to the individuals for whom they were prepared; and prohibiting the Department from sharing farm- specific information from specified sources with other government agencies or members of the general public.
MaGIC Position: supported, until the bill was withdrawn, pursuant to the outcome of the law suit
Status: unfavorable reports; withdrawn
- SB 917 and HB 929 - Agriculture - Fertilizers and Pesticides - Release Reporting - Requiring the Department of Agriculture to adopt specified regulations regarding reporting on the release of fertilizers and pesticides; declaring specified findings of the General Assembly; requiring a person that releases fertilizer and pesticide to submit a specified report to the Department; requiring the report to contain specified information; requiring the report to cover the preceding calendar year and be submitted annually beginning on March 1, 2011; requiring the Department to establish the format of the report; etc.
MaGIC Position: working on gaining consensus to oppose
Status: received unfavorable report in the House committee
- HB 49 – Agriculture – Specialty Fertilizers - “No Phosphate Fertilizer” (G. Clagett)
Requiring specified specialty fertilizer to be marked with specified words in a specified manner; prohibiting a person from using, selling, manufacturing, or distributing for use or sale in the State a specified specialty fertilizer on or after April 1, 2010; and defining terms.
MaGIC Position: Testified in opposition
Status: Received unfavorable report from committee
- HB – 136 – Specialty Fertilizer – Surcharge - Imposing a surcharge at a rate of \$2 on each ton of specialty fertilizer distributed in the State; exempting commercial fertilizer used for research or experimental purposes from the surcharge; requiring specified distributors to pay the surcharge before distributing specialty fertilizer in the State; requiring the Department of Agriculture to distribute the revenue from the surcharge to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund; etc.
MaGIC Position: Testified in opposition
Status: Received unfavorable report from committee
- SB 4 / HB 1054 - Environment - Permitting Process - Environmental Justice Review - Requiring the Department of the Environment, in consultation with the Commission on Environmental Justice and Sustainable Communities and the Department of Planning, to develop maps that identify environmentally stressed communities in the State; requiring an Environmental Justice Review as a condition of issuing or renewing specified permits; requiring the owner of a liquefied natural gas

facility to conduct a Review and submit information to the Department of the Environment under specified circumstances; etc.

MaGIC Position: No position – just FYI.

Status: Died

- SB 20 - Trade Regulation - Flags Sold in State - Place of Manufacture - Prohibiting a person from selling a flag of the United States or a State flag in Maryland unless it is manufactured in the United States; and specifying criminal penalties for a violation of the Act.
MaGIC Position: follow this on behalf of retailers
Status: Withdrawn on Feb 9
- SB 243 and HB 226 - State Capital Projects - High Performance Buildings - Green Globe Rating - Altering the definition of "high performance building" to include a building that achieves at least a two globe rating according to the Green Globes Program as adopted by the Green Building Initiative
MaGIC Position: FYI
Status: Died
- SB 418/ HB 126 - Commercial Law - Gift Certificates - Balances - Presumption of Abandonment – The state is attempting to claim 70% of the value of unused gift cards after 4 years or “unclaimed” balances after 1 year as abandoned property. Meaning these monies would revert to the state. Business would be required to maintain records for reporting sales and non-use of cards.
MaGIC Position: FYI – membership alerted, only 1 response
Status: Senate – withdrawn; House – unfavorable report
- SB 912 and HB 1070 – Labor and Employment – Misclassification of Employees as Independent Contractors - Prohibiting employers from misclassifying employees as independent contractors under specified circumstances; allowing the Commissioner of Labor and Industry to investigate alleged employee misclassification under specified circumstances; establishing specified penalties that may be imposed in specified proceedings relating to employment standards and conditions, workers' compensation, unemployment insurance, and income tax payment and withholding; etc.
MaGIC Position:
Status: Unfavorable reports
- HB 428 - Property Tax - Semiannual Payment Schedule - Small Business Property - Requiring the governing body of a county or the governing body of a municipal corporation to provide a semiannual payment schedule for State, county, municipal corporation, and special taxing district property taxes on small business property with a property tax bill of \$50,000 or less; applying the Act to taxable years beginning after June 30, 2010; etc.
MaGIC Position: FYI
Status: Died
- HB 502 / SB 696 – State Procurement – Employment of Unauthorized Aliens and the Federal E-Verify Program - Requiring employers under State procurement contracts or other grants to verify employees' employment eligibility using the federal E-Verify program; prohibiting employers under State procurement contracts or grants from intentionally or knowingly hiring unauthorized aliens under procurement contracts or grants; defining terms; authorizing the filing of a complaint with law enforcement officials; requiring investigations and suspensions of licenses; providing that a person who knowingly files a false complaint is guilty of a misdemeanor; etc.
MaGIC Position: FYI
Status: Unfavorable reports

- HB 699 / SB 979- Wind Energy - Tax Incentives - Exempting from the sales and use tax the sale of specified wind energy equipment; exempting from the State and local property tax specified wind energy property; requiring that specified wind energy property be assessed at no more than a specified value; defining terms; etc.
MaGIC Position: FYI
Status: Died
- HB 765 - Natural Resources - Land Available for Tree Planting - Database - Requiring the Department of Natural Resources to establish a database of public and private land, including land in urban areas, that is available and appropriate for tree planting; requiring the database to classify land by county and watershed and to identify sensitive areas on the land; requiring the Department to record specified land in the database and to solicit other persons to record land in the database; and requiring the Department to plant trees on the land recorded in the database.
MaGIC Position: FYI – long term implications of property rights and access to information
Status: House – unfavorable report
- HB 801 - Task Force to Study the Economic Impact of Environmental Legislation and Policy - Establishing a Task Force to Study the Economic Impact of Environmental Legislation and Policy; providing for the membership, chair, and staffing of the Task Force; prohibiting a member from receiving specified compensation; requiring the Task Force to study specified topics and make findings; requiring the Task Force to make a specified report to the Governor and General Assembly; and providing for the termination of the Act.
MaGIC Position: FYI
Status: Unfavorable report

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