

MaGIC Legislative Update – Final Report

General Assembly – 2010

To view the complete text of bills at the following link: <http://mlis.state.md.us/#bill>.

House Bills:

HB 50 –Entitled: Agriculture – Specialty Fertilizers – Low Phosphorous Fertilizer

Synopsis:

Lowering the threshold for the phosphoric acid content of lawn fertilizers to which specified prohibitions and requirements apply; and altering the definition of “low phosphorous fertilizer”. The standard would decrease from 5% phosphorus to 0.5% phosphorus.

MaGIC Position: no position. Status: Passed House, but not Senate – hence did not pass the Session

HB 356 - Entitled: Forest Product Operators – Standards, Procedures, and Enforcement

Synopsis:

Establishing an application process for a forest product operator’s license; providing for the term of a forest product operator’s license; establishing standards and requirements for a forest product operator license holder; repealing obsolete provisions of law governing inspections of woodlands and leases on woodlands for timber harvesting; requiring reporting of quality and quantity of firewood processed; authorizing the Department of Natural Resources to suspend or revoke the license of a forest product operator under specified circumstances; etc.

MaGIC Position: FYI Status: Passed both chambers

HB 421 - Entitled: Department of Agriculture - Advertising Agricultural Products as Locally Grown - Regulatory Authority

Synopsis:

This bill authorizes the Secretary of Agriculture to adopt standards to regulate the use of the terms “locally grown” and “local” to advertise or identify an agricultural product. The bill is intended to promote and support local farmers and encourage retailers to use products grown in and near Maryland to meet consumer demand for local produce. The actual definition would be determined through meetings with local growers and other stakeholders during the regulatory process. The bill was amended to clarify advisory boards charge to define “locally grown”.

MaGIC Position: No position Status: Passed both chambers

HB 606 (cross-filed with SB 361) - Entitled: Natural Resources – Local Forest Conservation Funds – Use of Money

Synopsis:

Repeals the requirement that, at the end of 2 years or 3 growing seasons, un-used money in a local forest conservation fund be returned to the person who provided the money for tree planting purposes. A hearing is not scheduled in at this time.

MaGIC Position: FYI Status: Passed both chambers

HB 621 - Entitled: Agriculture – Commercial Fertilizer – Surcharge

HB 621 Entitled: Agriculture – Commercial Fertilizer - Surcharge

Synopsis:

Imposing a surcharge rate of \$5 on each ton of commercial fertilizer distributed in the State; exempting low phosphorous fertilizer from the surcharge; requiring distributors to pay the surcharge before distributing commercial fertilizer in the State; and requiring the Department of Agriculture to distribute the revenue from the surcharge to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund. Hearing is February 24 at 1PM in the Environmental Matters Committee. The bill was withdrawn by the sponsor.

Status: Bill withdrawn, given unfavorable report.

HB 721 (cross-filed with SB 844) - Entitled: Procurement - Use of Federal E-Verify Program to Prevent Employment of Unauthorized Alien Workers

Synopsis:

Declaring that it is the public policy of the State to restrict and deter the use of unauthorized alien workers in the performance of public contracts and grants in the State; specifying criteria for mandatory registration in a federal E-Verify program; prohibiting noncompliant persons or entities from performing specified contracts; imposing requirements on subcontractors, as specified; restricting eligibility for prequalification to contractors in compliance with specified provisions of law; etc.

MaGIC Position: FYI Status: HB 721 had a hearing on 3/3 and no action has been taken. Cross filed with SB 844 that has been referred to summer study.

HB 930 (Cross filed with SB359) - Entitled: Agriculture - Fertilizers and Pesticides - Release Reporting

Synopsis:

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 fertilizers and pesticides 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, 2012; requiring the Department to establish the format of the report; etc..

MaGIC Position: oppose Status: Bill withdrawn in House, given unfavorable report by Senate

HB 934 - Entitled: Vehicle Laws - Use of Wireless Telephone While Driving - Prohibitions

Synopsis:

Prohibiting a driver of a specified school vehicle from using a wireless telephone; prohibiting a holder of a learner's instructional permit or a provisional driver's license who is 18 years of age or older from driving a motor vehicle while using a wireless telephone; prohibiting a driver of a motor vehicle that is in motion from using the driver's hands to use a wireless telephone; providing exceptions to the prohibitions; providing for enforcement of and penalties for a violation of the Act; etc.

MaGIC position: FYI Status: Passed

HB 974 - Entitled: Nutrient Trading - Voluntary Ag. Nutrient Credit Certification Program

Synopsis:

This bill authorizes the Maryland Department of Agriculture to establish requirements for the voluntary certification and registration of nutrient credits on agricultural land; establishing specified certification and registration requirements; authorizing the Secretary of Agriculture to suspend or revoke the approval or certification of credits under specified circumstances; etc.

MaGIC Position: no position

Status: Passed in both chambers.

HB 1360 - Entitled: Department of Agriculture-Invasive Plants- Labeling and Notice

Synopsis:

This Bill designates certain 45 species of plant as invasive plants. It authorizes the Department of Agriculture to designate certain additional species of plants as invasive species if the species meet certain criteria. It prohibits a person except as provided under this Act, from selling or offering for sale in the State or from planting or supplying as part of a certain landscaping service invasive plants; It requires each container of invasive plant sold or offered for sale to have attached a label containing certain information including a statement that invasive species are harmful to the environment. It requires a retail display of invasive plants to include a certain sign containing certain information; requiring the Department to develop a certain sign and provide it at no cost to certain retailers; requiring a person, before supplying or planting an invasive plant as part of a certain landscaping service, to give a certain customer certain notice; requiring the notice to contain certain information in a certain form; prohibiting a person from concealing, detaching, altering, defacing, or destroying a certain label, sign, or notice; requiring the Secretary of Agriculture to adopt certain regulations; requiring the Secretary to provide a certain person with certain notice of a suspected violation of this Act; requiring the Secretary to provide a certain person with an opportunity to dispute a suspected violation of this Act; providing that a person who violates the provisions of this Act is guilty of a misdemeanor and, on conviction, is subject to a certain fine; defining certain terms; and generally relating to regulation of invasive plants.

MaGIC Position: Oppose

Status: No Action – died in committee

Senate Bills

SB 90 - Entitled: Secretary of Agriculture - Farm Quarantine

Synopsis:

Authorizing the Secretary of Agriculture to establish a farm quarantine and to issue appropriate orders necessary to control or restrict the use of specified farmland, crops, livestock, poultry or farm products; requiring the Secretary to consult with the Governor, the Secretary of Health and Mental Hygiene, and the Secretary of the Environment before establishing a quarantine; requiring the Secretary to give specified notice of a quarantine; requiring the Secretary to provide procedures to alter or remove a quarantine. This bill has passed the Senate and will be heard in the Environmental Matters Committee.

MaGIC Position: FYI

Status: Passed in both chambers.

SB 93 - Entitled: Agriculture - Pest Control - Fees and Registration

Synopsis:

Clarifying the authority of the Department of Agriculture to charge a \$10 fee for a pest control examination retaken after the initial examination; requiring a person who operates a pest control business to register annually specified employees with the Department of Agriculture; establishing specified employee registration and renewal fees of \$30; and requiring the payment of a specified late fee under specified circumstances. A hearing was held on January 27 in the Education, Health and Environmental Affairs Committee. The bill is Second reading Passed with amendment in the Senate. The amendment increases from 10 days to 30 days a company has before a late fee can be charged.

MaGIC Position: no position

Status: Passed in both chambers.

SB 321 - Entitled: The Delegate John Arnick Electronic Communications Traffic Safety Act of 2010

Synopsis:

Prohibiting a driver of a motor vehicle that is in motion from using the driver's hands to use a handheld telephone except to initiate or terminate a wireless call or to turn on or off the handheld phone; providing that a violation of the Act may be enforced only as a secondary violation; establishing penalties of \$40 for a first offense and \$100 for a second offense; prohibiting a driver of a school vehicle or a holder of an instructional permit or provisional driver's license from using a handheld phone while driving; etc.

MaGIC Position: FYI

Status: Passed both chambers with amendments.

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