

**Act No. 159 (H.869). Agriculture; dairy operations; water quality; pesticide application; current use; land use**

**An act relating to miscellaneous agricultural subjects**

This act amends multiple provisions related to agriculture in the State. The act repeals the Apple Marketing Board and allocates the unexpended funds of the Board to the Agency of Agriculture, Food and Markets (AAFM) for promotional activities for the State's fruit tree sector. The act also repeals the exemptions from license fees for motor fuel meters at a location with three or fewer meters and for scales at a retail location of less than 2,000 square feet.

The act authorizes the AAFM to award funds from the Mosquito Control Grant Program for capital equipment that may be required for mosquito larval control. The act also amends the requirements for commercial applicators of pesticides to require \$1 million in liability insurance or other financial security. In addition, the act requires AAFM to evaluate whether the use of neonicotinoid pesticides poses a threat to human health or the health of bees and other pollinators.

The act amends the milk handler license renewal process by separating the requirements for bonding from the renewal process. The act rewrites the current exemption to a milk handler license to clarify that a farmer does not need a milk handler license in order to sell raw milk to a licensed milk handler. The act also requires a person selling dairy equipment to register with the AAFM. In addition, the act clarifies the requirements for calibration of bulk milk tanks.

The act amends when a nutrient management plan may be suspended to provide that suspension is authorized only if financial assistance is unavailable from both the State and the U.S. Department of Agriculture. The act clarifies and streamlines the corrective action process AAFM must follow in response to an alleged violation of a water quality requirement. The act authorizes AAFM to adopt by rule a process by which the Secretary may issue an exemption from the winter manure spreading ban or may extend the spreading ban to December 1 or April 30 of a calendar year. In addition, the act requires the AAFM to report to the General Assembly with a proposed voluntary training program for the owners and operators of small farms.

The act authorizes the AAFM to respond to certain emergency situations on farms, including remediation of mass animal death, agricultural structure fires, and prevention of adulteration of food. The act clarifies requirements for captive deer operations by providing that farmers shall make available to AAFM all mortalities for testing, and by requiring the AAFM to bear the cost of testing.

The act expands the existing agricultural land one-to-one mitigation to apply in downtown development districts, new town centers designated on or before January 1, 2014, and neighborhood development areas associated with downtown development districts. The act also redefines primary agricultural soils under Act 250. The act clarifies that ecologically significant treatment areas (ESTAs) qualify as managed forestland under the current use program, and the act repeals the provision that managed forestland in current use can have no more than 20 percent of ESTAs. In addition, the act amends the deadlines for renewal of a forest management plan for forestland in current use.

Multiple effective dates, beginning on May 28, 2014