

HOUSE BILL 796

L2, M1

9lr2703

By: **Delegates Walker and Vaughn**

Introduced and read first time: February 11, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Emerald Ash Borer Grant Fund**

3 FOR the purpose of establishing the Emerald Ash Borer Grant Fund; establishing the
4 purpose and uses of the Fund; requiring the Secretary of Agriculture to
5 administer the Fund and establish certain procedures; requiring that certain
6 unspent or unencumbered funds revert to the General Fund of the State;
7 specifying that the State Treasurer shall hold the Fund separately and that the
8 Comptroller shall account for the Fund; designating the money to be deposited
9 into the Fund; requiring the Governor to appropriate to the Fund a certain
10 amount each fiscal year; defining certain terms; and generally relating to the
11 Emerald Ash Borer Grant Fund.

12 BY adding to

13 Article – Agriculture

14 Section 2–1501 to be under the new subtitle “Subtitle 15. Emerald Ash Borer
15 Grant Fund”

16 Annotated Code of Maryland

17 (2007 Replacement Volume and 2008 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Agriculture**

21 **SUBTITLE 15. EMERALD ASH BORER GRANT FUND.**

22 **2–1501.**

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
24 MEANINGS INDICATED.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) (I) “AUTHORIZED EQUIPMENT” MEANS ANY EQUIPMENT
2 NECESSARY FOR THE MANAGEMENT OF FOREST LAND.

3 (II) “AUTHORIZED EQUIPMENT” INCLUDES:

- 4 1. CHERRY PICKERS;
- 5 2. EQUIPMENT NECESSARY FOR THE:
 - 6 A. CONSTRUCTION AND STAGING OF MARSHALING
7 AREAS;
 - 8 B. PLANTING OF TREES; AND
 - 9 C. SURVEYING OF FOREST LAND;
- 10 3. VEHICLES CAPABLE OF TRANSPORTING
11 HARVESTED TREES;
- 12 4. WOOD CHIPPERS;
- 13 5. MATERIALS REQUIRED TO ADMINISTER
14 IMIDACLOPRID TO ASH TREES PLANTED IN QUARANTINED AREAS THAT ARE
15 CERTIFIED BY A LICENSED ARBORIST TO BE FREE OF INFESTATION; AND
- 16 6. ANY OTHER APPROPRIATE EQUIPMENT, AS
17 DETERMINED BY THE SECRETARY.

18 (3) “FUND” MEANS THE EMERALD ASH BORER GRANT FUND.

19 (B) THERE IS AN EMERALD ASH BORER GRANT FUND.

20 (C) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO
21 BUSINESSES AND ORGANIZATIONS TO FINANCE PURCHASES OF AUTHORIZED
22 EQUIPMENT TO MONITOR, REMOVE, DISPOSE OF, AND REPLACE TREES
23 INFESTED BY THE EMERALD ASH BORER THAT ARE LOCATED:

24 (1) WITHIN THE BORDERS OF QUARANTINE AREAS INFESTED BY
25 THE EMERALD ASH BORER; AND

26 (2) ON LAND IN PRINCE GEORGE’S COUNTY.

27 (D) THE SECRETARY SHALL ADMINISTER THE FUND.

1 **(E) (1) AT THE END OF EACH FISCAL YEAR, ANY UNSPENT OR**
2 **UNENCUMBERED BALANCE IN THE FUND SHALL REVERT TO THE GENERAL**
3 **FUND IN ACCORDANCE WITH § 7-302 OF THE STATE FINANCE AND**
4 **PROCUREMENT ARTICLE.**

5 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY**
6 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

7 **(F) (1) THE FUND CONSISTS OF:**

8 **(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE**
9 **FUND;**

10 **(II) ANY INVESTMENT EARNINGS OF THE FUND; AND**

11 **(III) ANY OTHER MONEY FROM ANY OTHER SOURCE**
12 **ACCEPTED FOR THE BENEFIT OF THE FUND.**

13 **(2) THE GOVERNOR SHALL INCLUDE \$250,000 IN THE STATE**
14 **BUDGET EACH FISCAL YEAR FOR THE FUND.**

15 **(G) (1) THE FUND MAY BE USED ONLY TO PROVIDE GRANTS IN**
16 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.**

17 **(2) A GRANT PROVIDED IN ACCORDANCE WITH THIS SECTION MAY**
18 **NOT EXCEED THE AMOUNT THAT THE BUSINESS OR ORGANIZATION HAS**
19 **APPROPRIATED TO FINANCE PURCHASES OF EQUIPMENT TO MONITOR,**
20 **REMOVE, DISPOSE OF, AND REPLACE INFESTED TREES LOCATED IN AREAS**
21 **DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION.**

22 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
23 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

24 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**
25 **CREDITED TO THE FUND.**

26 **(I) THE SECRETARY SHALL ESTABLISH PROCEDURES FOR A PERSON**
27 **TO APPLY FOR A GRANT FROM THE FUND.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2009.