

CHAPTER 421

(House Bill 796)

AN ACT concerning

Agriculture – Emerald Ash Borer Grant Fund

FOR the purpose of 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 certain procedures; requiring that certain 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; ~~requiring the Governor to appropriate to the Fund a certain amount each fiscal year;~~ defining certain terms; and generally relating to the Emerald Ash Borer Grant Fund.

BY adding to

Article – Agriculture

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

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

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

Article – Agriculture

SUBTITLE 15. EMERALD ASH BORER GRANT FUND.

2–1501.

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

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

(II) “AUTHORIZED EQUIPMENT” INCLUDES:

1. ~~CHERRY PICKERS;~~

~~2.~~ EQUIPMENT NECESSARY FOR THE:

A. CONSTRUCTION AND STAGING OF MARSHALING AREAS;

B. PLANTING OF TREES; AND

C. ~~SURVEYING OF FOREST LAND~~ REMOVAL OF TREES;

~~3. 2.~~ VEHICLES CAPABLE OF TRANSPORTING HARVESTED TREES;

~~4. 3.~~ WOOD CHIPPERS;

~~5. 4.~~ MATERIALS REQUIRED TO ADMINISTER ~~IMIDACLOPRID~~ APPROVED PRODUCTS TO ASH TREES PLANTED IN QUARANTINED AREAS ~~THAT ARE CERTIFIED BY A LICENSED ARBORIST TO BE FREE OF INFESTATION;~~ AND

~~6. 5.~~ ANY OTHER APPROPRIATE EQUIPMENT, AS DETERMINED BY THE SECRETARY.

(3) "FUND" MEANS THE EMERALD ASH BORER GRANT FUND.

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

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

(1) ~~WITHIN THE BORDERS OF QUARANTINE AREAS INFESTED BY THE EMERALD ASH BORER~~ THAT ARE LOCATED WITHIN EMERALD ASH BORER QUARANTINE AREAS; AND

(2) ~~ON LAND IN PRINCE GEORGE'S COUNTY~~ IN ACCORDANCE WITH ANY APPLICABLE STATE OR FEDERAL LAW, REGULATION, OR QUARANTINE.

(D) THE SECRETARY SHALL ADMINISTER THE FUND.

(E) (1) AT THE END OF EACH FISCAL YEAR, ANY UNSPENT OR UNENCUMBERED BALANCE IN THE FUND SHALL REVERT TO THE GENERAL

FUND IN ACCORDANCE WITH § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

(F) ~~(1)~~ THE FUND CONSISTS OF:

~~(1)~~ (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

~~(2)~~ (2) ANY INVESTMENT EARNINGS OF THE FUND; AND

~~(3)~~ (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

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

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

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

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

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

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

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

Approved by the Governor, May 7, 2009.