
By: **Senators Hooper and Colburn**

Introduced and read first time: February 6, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Weed Control - Property Used for Nonagricultural Purposes**

3 FOR the purpose of authorizing the Secretary of Agriculture to take certain actions in
4 regard to the effect of certain weed species on the ordinary use of
5 nonagricultural property; authorizing the Secretary to take certain actions in
6 order to control certain weed species affecting or threatening the ordinary use of
7 nonagricultural property; specifying that certain control or eradication practices
8 may occur on land used for agricultural or nonagricultural purposes; making a
9 certain technical correction; and generally relating to certain weed control
10 activities on property used for nonagricultural purposes.

11 BY repealing and reenacting, with amendments,
12 Article - Agriculture
13 Section 9-402 and 9-403
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2003 Supplement)

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

18 **Article - Agriculture**

19 9-402.

20 The Secretary may:

21 (1) Make investigations, studies, and determinations he deems advisable
22 in order to ascertain the extent of growth and infestation of a noxious weed[,] OR
23 other weed species in the State, and the effect of the species on agricultural
24 production OR THE ORDINARY USE OF NONAGRICULTURAL PROPERTY;

25 (2) Following public hearing, designate as noxious weeds other species of
26 plants which adversely affect or threaten agricultural production OR THE ORDINARY
27 USE OF NONAGRICULTURAL PROPERTY, and carry out practices necessary to bring
28 about control or abatement of the species, or both;

- 1 (3) Institute programs of control and eradication;
- 2 (4) Enter into agreements with any county and subdivision of the State,
3 with any adjoining state, and with agencies of the federal government to effect a
4 program of control and eradication;
- 5 (5) Accept, use, or expend any aid, gift, grant, or loan made available
6 from any private or public source to carry out the provisions of this subtitle; and
- 7 (6) Following a public hearing declare a quarantine to control or
8 eradicate any exotic plant, which means a plant species not previously known to occur
9 in the State or known to be of only limited distribution in the State, as determined by
10 the Secretary.

11 9-403.

12 After an agreement between the Secretary and the county is executed, the
13 Secretary and the county may conduct surveys to determine the location and amount
14 of infestation of a noxious weed or other plant species within the county. Both parties
15 may provide technical assistance to landowners in a cooperative control or eradication
16 program, and may effect a program of mowing, spraying, or other control or
17 eradication practices on any road right-of-way, drainage ditch bank, park,
18 playground, and any other public or private land USED FOR AGRICULTURAL OR
19 NONAGRICULTURAL PURPOSES. The agreement between the Secretary and county
20 may be terminated by either party on 30 days written notice.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2004.