

CHAPTER 282

(House Bill 1429)

AN ACT concerning

Reforestation – Replacing Trees Destroyed by Pest Treatments

FOR the purpose of altering the purposes of the Restoration Fund in the Department of Natural Resources to include planting trees on private property to replace certain trees under certain circumstances; authorizing the use of the Fund to replace trees that were destroyed under a certain quarantine with certain exceptions; authorizing the Department to adopt regulations to implement this Act; making this Act an emergency measure; and generally relating to the replacement of trees in the State.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–103(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Article – Natural Resources

5–103.

- (e) (1) In this subsection, “Fund” means the Reforestation Fund.
- (2) There is a Reforestation Fund in the Department.
- (3) The purpose of the Fund is to finance the planting of trees on:

(I) State or other publicly owned lands located in the county and watershed in which construction projects giving rise to Fund contributions are located; **AND**

(II) PRIVATE PROPERTY ON WHICH TREES WERE DESTROYED BY A TREATMENT TO DESTROY PLANT PESTS THAT WAS APPLIED BY THE DEPARTMENT OF AGRICULTURE.

(4) The Department shall administer the Fund.

(5) (i) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(ii) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(6) The Fund consists of any money received from contributions by a constructing agency under subsection (d) of this section.

(7) (i) Subject to subparagraph (ii) of this paragraph, the Fund may be used only to:

1. Plant trees on State or other publicly owned lands located in the county and watershed in which construction projects giving rise to Fund contributions are located; [or]

2. If reforestation cannot be reasonably accomplished in the county and watershed in which the construction activity is located:

A. Plant trees on State or other publicly owned lands located in the county or in the watershed in the State in which the construction activity is located; or

B. Purchase credits in, establish, or maintain a forest mitigation bank in the county or watershed in which the construction activity is located in accordance with Department regulations; **OR**

3. REPLACE TREES, EXCEPT NURSERY STOCK THAT HAS NOT BEEN REPLANTED, THAT WERE DESTROYED BY THE APPLICATION OF A TREATMENT APPLIED TO DESTROY PLANT PESTS UNDER A QUARANTINE IMPOSED BY THE SECRETARY OF AGRICULTURE, WHETHER OR NOT THE QUARANTINE IS IN EFFECT IN THE COUNTY OR WATERSHED WHERE THE CONSTRUCTION ACTIVITY OCCURRED.

(ii) 1. Except as provided in subparagraph 2 of this subparagraph, moneys in the Fund may be used for administrative costs calculated in accordance with § 1-103(b)(2) of this article.

2. The Fund may not be used to finance administrative activities associated with a mitigation bank.

3. Any credits created by the Fund may not be sold to compensate for additional forest impacts.

(iii) 1. The Department shall accomplish the reforestation for which money is deposited in the Fund within 1 year or two growing seasons after project completion, as appropriate.

2. Money deposited in the Fund under subsection (d) of this section shall remain in the Fund for a period of 1 year or two growing seasons, and at the end of that time period, any portion that is not used to meet the reforestation requirements shall be returned to the constructing agency.

(8) (i) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(ii) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(9) Expenditures from the Fund may be made only in accordance with the State budget.

(10) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 24, 2007.