

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 1429

(Delegate Frush)

Environmental Matters

Education, Health, and Environmental
Affairs

Reforestation - Replacing Trees Destroyed by Pest Treatments

This emergency bill allows money from the Reforestation Fund, administered by the Department of Natural Resources (DNR), to be used to replace trees, except nursery stock that has not been planted, destroyed by the application of treatment to destroy plant pests under a quarantine imposed by the Secretary of Agriculture. The money may be used regardless of whether or not the quarantine order is in effect in the county or watershed in which the construction activity for which the money was collected was located. DNR may adopt regulations to implement the bill.

Fiscal Summary

State Effect: Special fund expenditures could increase by approximately \$230,000 in FY 2008 to provide funding for tree replacement in Prince George's County. Additional expenditures in FY 2008 and future years cannot be reliably estimated but would have to be from any remaining fund balance. Revenues would not be affected.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: The Reforestation Fund helps finance the planting of trees on State or other publicly owned land to compensate for trees cut and cleared in connection with a construction activity by a State or local government unit or any other person using State

funding for the project. Money is contributed to the fund by constructing agencies that have cut or cleared trees.

Money from the fund may be used to plant trees on State or other publicly owned lands in the county or watershed in which the construction activity for which the money was contributed is located or to purchase credits in, establish, or maintain a forest mitigation bank in the county or watershed in which the construction activity is located. Money may also be used for specified administrative costs. DNR must accomplish the reforestation with money deposited in the fund within one year or two growing seasons after the completion of the construction project.

The Secretary of Agriculture has the right of entry onto any public or private land or property, vehicle, vessel, or aircraft to inspect, destroy, treat, or experiment with dangerously injurious plant pests. The Secretary may also quarantine any area of the State known or reasonably believed to be infested or infected with dangerously injurious plant pests. Maryland Department of Agriculture (MDA) regulations classify plant pests and establish stop-sale, condemnation seizure, and treatment and destruction procedures for infested or infected nursery stock.

State Fiscal Effect: Special fund expenditures could increase by approximately \$230,000 to provide funding to replace trees cut down in Prince George's County as part of an effort to eradicate the outbreak of emerald ash borers in the county. A quarantine order was issued by the Secretary of Agriculture on August 22, 2006 (and was most recently updated March 9, 2007) after the presence of emerald ash borers was detected in southern Prince George's County.

The bill's change would allow funds from the Reforestation Fund (which DNR reports has an approximate balance of \$230,000) to be directed toward tree replacement to mitigate the loss of trees during the eradication efforts. These funds would not be available for other reforestation purposes. DNR estimates at least 3,500 trees on private property could be cut down when the eradication efforts are complete but is not sure how many people would take advantage of funding provided for the purpose of replacing the trees. DNR anticipates distributing funding in the fall of 2007, potentially by offering nursery vouchers to residents to compensate for destroyed trees.

Expenditures from the Reforestation Fund for additional tree replacement in fiscal 2008 and future years cannot be reliably estimated and would depend on any future needs for pest eradication under a quarantine order of the Secretary of Agriculture.

Small Business Effect: Small businesses such as nurseries could benefit from the use by private property owners of funding distributed by DNR for tree replacement.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

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ncs/ljm

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