

HOUSE BILL 796

L2, M1

9lr2703

By: **Delegates Walker and Vaughn**

Introduced and read first time: February 11, 2009

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2009

CHAPTER _____

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.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **2-1501.**

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

4 (2) (I) "AUTHORIZED EQUIPMENT" MEANS ANY EQUIPMENT
5 NECESSARY FOR THE MANAGEMENT OF FOREST LAND.

6 (II) "AUTHORIZED EQUIPMENT" INCLUDES:

7 1. ~~CHERRY PICKERS;~~

8 ~~2.~~ EQUIPMENT NECESSARY FOR THE:

9 A. CONSTRUCTION AND STAGING OF MARSHALING
10 AREAS;

11 B. PLANTING OF TREES; AND

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

14 ~~3.~~ 2. VEHICLES CAPABLE OF TRANSPORTING
15 HARVESTED TREES;

16 ~~4.~~ 3. WOOD CHIPPERS;

17 ~~5.~~ 4. MATERIALS REQUIRED TO ADMINISTER
18 ~~IMIDACLOPRID~~ APPROVED PRODUCTS TO ASH TREES PLANTED IN
19 QUARANTINED AREAS THAT ARE CERTIFIED BY A LICENSED ARBORIST TO BE
20 FREE OF INFESTATION; AND

21 ~~6.~~ 5. ANY OTHER APPROPRIATE EQUIPMENT, AS
22 DETERMINED BY THE SECRETARY.

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

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

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

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

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

7 (D) THE SECRETARY SHALL ADMINISTER THE FUND.

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

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

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

15 ~~(1)~~ (1) MONEY APPROPRIATED IN THE STATE BUDGET
16 TO THE FUND;

17 ~~(2)~~ (2) ANY INVESTMENT EARNINGS OF THE FUND; AND

18 ~~(3)~~ (3) ANY OTHER MONEY FROM ANY OTHER SOURCE
19 ACCEPTED FOR THE BENEFIT OF THE FUND.

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.