

SENATE BILL 876

M1

(6lr3539)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Environment and Transportation —

Introduced by **Senator Serafini**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Black Fly Management and Control – Washington County**

3 FOR the purpose of ~~requiring~~ authorizing the Department of Natural Resources, *in*
4 *conjunction with the Department of Agriculture*, to establish a program to control the
5 spread of black flies in the State under certain circumstances; requiring that the
6 program be implemented initially on certain property in Washington County;
7 authorizing the Department *of Natural Resources*, in conjunction with *the*
8 *Department of Agriculture and* the University of Maryland's Department of
9 Entomology, to conduct the program in a certain manner; authorizing the
10 Department of Natural Resources *and the Department of Agriculture* to accept, use,
11 or expend certain funding to implement this Act; ~~requiring~~ authorizing the
12 Department *of Natural Resources, in conjunction with the Department of Agriculture*,
13 to adopt certain regulations; stating a certain finding and the intent of the General
14 Assembly; and generally relating to the management and control of black flies in the
15 State.

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY adding to
 2 Article – Natural Resources
 3 Section 8–2201 through 8–2205 to be under the new subtitle “Subtitle 22. Black Fly
 4 Management and Control”
 5 Annotated Code of Maryland
 6 (2012 Replacement Volume and 2015 Supplement)

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

9 **Article – Natural Resources**

10 **SUBTITLE 22. BLACK FLY MANAGEMENT AND CONTROL.**

11 **8–2201.**

12 (A) THE GENERAL ASSEMBLY FINDS THAT THE PROLIFERATION OF
 13 CERTAIN SPECIES OF THE GROUP *SIMULIUM JENNINGSI*, COMMONLY KNOWN AS
 14 BLACK FLIES, ARE A PUBLIC AND COMMON NUISANCE ON LAND AND WATERS USED
 15 FOR RECREATION, EMPLOYMENT, AND TOURISM.

16 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
 17 DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE AND
 18 THE UNIVERSITY OF MARYLAND’S DEPARTMENT OF ENTOMOLOGY, SIGNIFICANTLY
 19 REDUCE THE POPULATION OF BLACK FLIES IN THE STATE.

20 **8–2202.**

21 ~~THE SUBJECT TO FUNDING MADE AVAILABLE TO THE DEPARTMENT AND THE~~
 22 DEPARTMENT OF AGRICULTURE TO IMPLEMENT THE PROVISIONS OF THIS
 23 SUBTITLE, THE DEPARTMENT ~~SHALL~~ MAY, IN CONJUNCTION WITH THE
 24 DEPARTMENT OF AGRICULTURE, IMPLEMENT A PROGRAM TO CONTROL THE
 25 SPREAD OF BLACK FLIES IN THE STATE.

26 **8–2203.**

27 (A) THE PROGRAM SHALL BE IMPLEMENTED INITIALLY IN WASHINGTON
 28 COUNTY ON:

29 (1) STATE-OWNED PROPERTY;

30 (2) PROPERTY OWNED BY A LOCAL GOVERNMENT WITH CONSENT OF
 31 THE LOCAL GOVERNMENT; AND

1 **(3) PRIVATE PROPERTY WITH CONSENT OF THE PROPERTY OWNER.**

2 **(B) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF**
3 **AGRICULTURE AND THE UNIVERSITY OF MARYLAND'S DEPARTMENT OF**
4 **ENTOMOLOGY, MAY:**

5 **(1) TREAT THE PROPERTY WITH AN AERIAL SPRAYING OR BACKPACK**
6 **SPRAYING OF BACILLUS THURINGIENSIS ISRAELENIS;**

7 **(2) CONDUCT FIELD STUDIES TO DETERMINE THE NEED FOR,**
8 **LOCATION, AND TIMING OF SPRAYING;**

9 **(3) SCHEDULE SPRAYING WHEN THE CONDITIONS ARE OPTIMAL FOR**
10 **INGESTION BY THE BLACK FLIES;**

11 **(4) NOTIFY APPROPRIATE PERSONS OF THE DATE AND LOCATION OF**
12 **AN UPCOMING SPRAYING;**

13 **(5) REVIEW THE EFFECTIVENESS OF THE SPRAYING; AND**

14 **(6) CONDUCT BIOMONITORING OF AQUATIC MACROINVERTEBRATES**
15 **AND FISH IN SELECTED STREAMS TO ENSURE THERE IS NO IMPACT ON THE**
16 **ENVIRONMENT.**

17 **8-2204.**

18 **THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE MAY ACCEPT,**
19 **USE, OR EXPEND ANY AID, GIFT, OR GRANT MADE AVAILABLE FROM ANY PRIVATE OR**
20 **PUBLIC SOURCE TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.**

21 **8-2205.**

22 **THE DEPARTMENT ~~SHALL~~ MAY, IN CONJUNCTION WITH THE DEPARTMENT OF**
23 **AGRICULTURE, ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS**
24 **SUBTITLE.**

25 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
26 **October 1, 2016.**