HOUSE BILL 1353

M4, M1 9lr0140

By: **Chair, Environment and Transportation Committee (By Request – Departmental – Agriculture)**
Introduced and read first time: February 18, 2019
Assigned to: Rules and Executive Nominations
Re–referred to: Environment and Transportation, March 4, 2019

Committee Report: Favorable
House action: Adopted
Read second time: March 13, 2019

CHAPTER _____

AN ACT concerning

Agriculture – Nuisance Insects

FOR the purpose of authorizing the Secretary of Agriculture to implement, under certain circumstances, a program to control or eliminate nuisance insects in the State; authorizing the Secretary to carry out a certain project to control or eliminate nuisance insects if the county or municipality in which the nuisance insects are located agrees to pay a certain portion of certain costs; establishing the Nuisance Insects Fund as a special, nonlapsing fund; requiring the Secretary to remit certain payments to the Comptroller for deposit to the Fund; requiring the Secretary or the Secretary's designee to administer the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; repealing certain provisions of law relating to black fly management and control; authorizing the Secretary to adopt certain regulations; stating a certain finding of the General Assembly; defining certain terms; and generally relating to controlling or eliminating nuisance insects in the State.

BY adding to
Article – Agriculture
Section 5–1001 through 5–1005 to be under the new subtitle "Subtitle 10. Nuisance Insects"
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

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.



BY repealing
Article – Natural Resources
Section 8–2201 through 8–2205 and the subtitle "Subtitle 22. Black Fly Management and Control"
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

Article – Agriculture

SUBTITLE 10. NUISANCE INSECTS.

5–1001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "FUND" MEANS THE NUISANCE INSECTS FUND.

(C) (1) "NUISANCE INSECT" MEANS AN INSECT THAT IS DETERMINED BY THE SECRETARY TO PESTER OR ANNOY ONLY HUMANS.

(2) "NUISANCE INSECT" DOES NOT INCLUDE AN INSECT THAT IS A THREAT TO THE HEALTH OF HUMANS, ANIMALS, OR PLANTS.

5–1002.

THE GENERAL ASSEMBLY FINDS THAT THE PROLIFERATION OF CERTAIN SPECIES OF INSECTS, INCLUDING THE GROUP SIMULIUM JENNINGSI, COMMONLY KNOWN AS BLACK FLIES, WHILE NOT POSING A DIRECT THREAT TO THE HEALTH OF HUMANS, ANIMALS, OR PLANTS, MAY CONSTITUTE A PUBLIC AND COMMON NUISANCE ON LAND AND WATERS USED FOR RECREATION, EMPLOYMENT, AND TOURISM.

5–1003.

(A) (1) SUBJECT TO AVAILABLE FUNDING IN THE STATE BUDGET AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE SECRETARY MAY IMPLEMENT A PROGRAM TO CONTROL OR ELIMINATE NUISANCE INSECTS IN THE STATE.

(2) TO CARRY OUT THE PROGRAM, THE SECRETARY MAY AUTHORIZE ANY METHOD THE SECRETARY CONSIDERS NECESSARY TO CONTROL OR ELIMINATE

NUISANCE INSECTS, INCLUDING THE APPLICATION OF PESTICIDES.

(B) (1) THE SECRETARY MAY CARRY OUT A PROJECT TO CONTROL OR ELIMINATE NUISANCE INSECTS UNDER THIS SECTION IF THE COUNTY OR MUNICIPALITY IN WHICH THE NUISANCE INSECTS ARE LOCATED AGREES TO PAY 50% OF THE COSTS ASSOCIATED WITH THE PROJECT.

(2) THE SECRETARY SHALL REMIT ANY PAYMENT FROM A COUNTY OR MUNICIPALITY RECEIVED UNDER THIS SUBSECTION TO THE COMPTROLLER FOR DEPOSIT TO THE NUISANCE INSECTS FUND, ESTABLISHED UNDER § 5–1004 OF THIS SUBTITLE.

5–1004.

(A) THERE IS A NUISANCE INSECTS FUND.

(B) THE PURPOSE OF THE FUND IS TO FACILITATE THE CONTROL OR ELIMINATION OF NUISANCE INSECTS IN THE STATE.

(C) THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

(E) THE FUND CONSISTS OF:

(1) ANY MONEY DISTRIBUTED TO THE FUND UNDER § 5–1003(B) OF THIS SUBTITLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

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

(F) THE FUND MAY BE USED ONLY TO COVER THE ACTUAL, DOCUMENTED DIRECT AND INDIRECT COSTS ASSOCIATED WITH CONTROLLING OR ELIMINATING NUISANCE INSECTS IN ACCORDANCE WITH A PROGRAM IMPLEMENTED UNDER § 5–1003 OF THIS SUBTITLE.

5–1005.

THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

Article – Natural Resources

[Subtitle 22. Black Fly Management and Control.**]**

[8–2201.

(a) The General Assembly finds that the proliferation of certain species of the group Simulium jenningsi, commonly known as black flies, are a public and common nuisance on land and waters used for recreation, employment, and tourism.

(b) It is the intent of the General Assembly that the Department, in conjunction with the Department of Agriculture and the University of Maryland's Department of Entomology, significantly reduce the population of black flies in the State.**]**

[8–2202.

Subject to funding made available to the Department and the Department of Agriculture to implement the provisions of this subtitle, the Department may, in conjunction with the Department of Agriculture, implement a program to control the spread of black flies in the State.**]**

[8–2203.

(a) The program shall be implemented initially in Washington County on:

(1) State–owned property;

(2) Property owned by a local government with consent of the local government; and

(3) Private property with consent of the property owner.

(b) The Department, in conjunction with the Department of Agriculture and the University of Maryland's Department of Entomology, may:

(1) Treat the property with an aerial spraying or backpack spraying of Bacillus thuringiensis israelensis;

(2) Conduct field studies to determine the need for, location, and timing of spraying;

(3) Schedule spraying when the conditions are optimal for ingestion by the black flies;

(4) Notify appropriate persons of the date and location of an upcoming spraying;

(5) Review the effectiveness of the spraying; and

(6) Conduct biomonitoring of aquatic macroinvertebrates and fish in selected streams to ensure there is no impact on the environment.**]**

[8–2204.

The Department and the Department of Agriculture may accept, use, or expend any aid, gift, or grant made available from any private or public source to implement the provisions of this subtitle.**]**

[8–2205.

The Department may, in conjunction with the Department of Agriculture, adopt regulations to implement the provisions of this subtitle.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved:

_____

Governor.

_____

Speaker of the House of Delegates.

_____

President of the Senate.