

SB0062/953027/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 62

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “**Management**” insert “**and Utility-Designated Pollinator Areas**”; strike beginning with “pollinator-friendly” in line 5 down through “companies” in line 7 and substitute “utility-designated pollinator areas maintained by a public service company”; in line 7, after “conditions;” insert “requiring certain public service companies to mow utility-designated pollinator areas in a certain manner;”; and in line 9, after “management” insert “and utility-designated pollinator areas”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 18 through 22, inclusive, and substitute:

“(2) “INTEGRATED VEGETATION MANAGEMENT” MEANS:

(I) THE USE OF A SCIENTIFICALLY ESTABLISHED COMBINATION OF NONCHEMICAL METHODS FOR CREATING AND MAINTAINING A STABLE LOW-GROWING PLANT COMMUNITY, INCLUDING MANUAL, MECHANICAL, OR BIOLOGICAL MEANS OF REMOVAL OR SUPPRESSION OF ANY SPECIES THAT IS NOT COMPATIBLE WITH THAT PLANT COMMUNITY; AND

(II) WHEN THE METHODS UNDER ITEM (I) OF THIS PARAGRAPH HAVE BEEN EXHAUSTED OR HAVE BEEN SCIENTIFICALLY DEMONSTRATED TO BE INEFFECTIVE FOR POLLINATOR-FRIENDLY HABITATS, THE USE OF THE LEAST TOXIC CHEMICAL METHODS AVAILABLE USED IN A MANNER THAT MINIMIZES THE USE OF THESE CHEMICAL METHODS AND THE RISKS TO NATIVE POLLINATORS AND OTHER NATIVE WILDLIFE, NATIVE PLANTS, HUMAN HEALTH, AND THE ENVIRONMENT.

(3) “LOW-GROWING PLANT COMMUNITY” MEANS A COLLECTION OF PLANT SPECIES THAT TYPICALLY APPEAR GROWING TOGETHER ON LANDSCAPES WHERE TREES HAVE BEEN:

(I) REMOVED; OR

(II) PREVENTED FROM BECOMING ESTABLISHED DUE TO:

1. SOIL AND MOISTURE CONDITIONS;

2. NATURAL PHYSICAL DISTURBANCE;

3. ANIMAL HERBIVORY; OR

4. HUMAN ACTIVITY.”;

in line 23, strike “**(3)**” and substitute “**(4)**”; in line 24, strike “**PIEDMONT REGION OR THE COASTAL PLAIN REGION OF THE**”; in the same line, after “**STATE**” insert “**:**”

(I)”;

strike beginning with “**U.S.**” in line 24 down through the second “**THE**” in line 25; and in line 26, after “**PROJECT**” insert “**;OR**”

(II) IN THE MARYLAND PLANT ATLAS OR “VASCULAR PLANTS OF MARYLAND, USA: A COMPREHENSIVE ACCOUNT OF THE STATE’S BOTANICAL DIVERSITY”, AS REVISED”.

**SB0062/953027/01 Education, Energy, and the Environment Committee
Amendments to SB 62
Page 3 of 6**

On pages 3 and 4, strike in their entirety the lines beginning with line 27 on page 3 through line 1 on page 4, inclusive.

On page 4, in line 6, after “**THAT**” insert “:

1.”;

in the same line, after “**FOR**” insert “**NATIVE**”; in line 7, after “**OTHER**” insert “**NATIVE**”; in the same line, strike “**BY PROVIDING**” and substitute “**AND NATIVE PLANTS THAT TOGETHER FORM AN INTERDEPENDENT NATURAL COMMUNITY; AND**

2. PROVIDES”;

strike in their entirety lines 10 through 22, inclusive, and substitute:

1. EMPLOYING NO-MOW METHODS, SUCH AS HAND-CUTTING, PULLING PLANTS, AND BIOCONTROLS TO MINIMIZE DISTURBANCES TO HABITATS;

2. EMPLOYING ROTATIONAL MOWING CYCLES:

A. TO PROMOTE THE AVAILABILITY OF STANDING VEGETATION AND HABITAT; AND

B. UNDER WHICH NOT MORE THAN HALF OF A UTILITY-DESIGNATED POLLINATOR AREA IS MOWED DURING A SINGLE FALL AND WINTER SEASON;

3. USING INTEGRATED VEGETATION MANAGEMENT TO MAINTAIN LOW-GROWING PLANT COMMUNITIES BY CONTROLLING PLANT

(Over)

SPECIES, SUCH AS TREES AND NONNATIVE INVASIVE PLANTS, IN A MANNER THAT REDUCES THE NEED TO MOW AND MINIMIZES THE RISK TO NATIVE POLLINATORS AND OTHER NATIVE WILDLIFE, NATIVE PLANTS, HUMAN HEALTH, AND THE ENVIRONMENT; AND

4. USING SCIENTIFICALLY ACCEPTED APPROACHES FOR THE PROTECTION OF THE STATE’S RARE, THREATENED, OR ENDANGERED PLANT AND WILDLIFE SPECIES.”;

and after line 32, insert:

“(9) “UTILITY-DESIGNATED POLLINATOR AREA” MEANS PROPERTY, INCLUDING ANY RIGHT-OF-WAY OR EASEMENT:

(I) THAT IS MAINTAINED BY A PUBLIC SERVICE COMPANY;

(II) FOR WHICH THE PUBLIC SERVICE COMPANY HAS EXCLUSIVE MAINTENANCE RIGHTS; AND

(III) THAT IS VOLUNTARILY IDENTIFIED BY THE PUBLIC SERVICE COMPANY AS AN AREA THAT WILL BE MAINTAINED WITH POLLINATOR-FRIENDLY VEGETATION MANAGEMENT TO SUPPORT POLLINATORS.”.

On page 5, in line 9, after “TO” insert “:

(I);

in lines 13 and 15, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in line 15, after “SAFETY” insert “; OR

(II) LIMIT OR RESTRICT MOWING OUTSIDE OF A UTILITY-DESIGNATED POLLINATOR AREA;

strike beginning with “ON” in line 17 down through “EASEMENT” in line 20 and substitute “, INCLUDING A LAND USE RESTRICTION, ON A UTILITY-DESIGNATED POLLINATOR AREA MAINTAINED BY A PUBLIC SERVICE COMPANY”; in line 20, strike “THE PUBLIC SERVICE COMPANY”; strike beginning with “HAS” in line 21 down through “AND” in line 22 and substitute “THE UTILITY-DESIGNATED POLLINATOR AREA IS SUBJECT TO A CANDIDATE CONSERVATION AGREEMENT BETWEEN THE U.S. FISH AND WILDLIFE SERVICE AND THE PUBLIC SERVICE COMPANY; OR”; in line 23, after “(2)” insert “THE PUBLIC SERVICE COMPANY”; in line 24, strike “POLLINATOR-FRIENDLY VEGETATION MANAGEMENT” and substitute “UTILITY-DESIGNATED POLLINATOR AREA BY PERFORMING OR OVERSEEING POLLINATOR-FRIENDLY VEGETATION MANAGEMENT IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION”; and after line 24, insert:

“(D) A PUBLIC SERVICE COMPANY THAT CHOOSES TO PERFORM OR OVERSEE POLLINATOR-FRIENDLY VEGETATION MANAGEMENT IN A UTILITY-DESIGNATED POLLINATOR AREA SHALL, AS PART OF ITS POLLINATOR-FRIENDLY VEGETATION MANAGEMENT, MOW THE UTILITY-DESIGNATED POLLINATOR AREA:

(1) ONLY FROM NOVEMBER 1 THROUGH MARCH 31, INCLUSIVE, AND NOT MORE THAN ONCE EVERY OTHER YEAR; OR

(2) ONLY FROM OCTOBER 1 THROUGH APRIL 30, INCLUSIVE, AND NOT MORE THAN ONCE EVERY OTHER YEAR IF THE UTILITY-DESIGNATED POLLINATOR AREA IS LOCATED IN THE APPALACHIAN PLATEAU PROVINCE OR THE RIDGE AND VALLEY PROVINCE AS DEFINED BY THE MARYLAND GEOLOGICAL SURVEY.

(Over)

**SB0062/953027/01 Education, Energy, and the Environment Committee
Amendments to SB 62
Page 6 of 6**

On page 6, after line 22, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that nothing in this Act shall be interpreted to modify, limit, or interfere with State or local laws relating to weed control under Title 9, Subtitle 4 of the Agriculture Article or with the vegetation management, pollinator–friendly vegetation management, or other activities of a public service company outside of a utility–designated pollinator area.”;

and in line 23, strike “2.” and substitute “3.”.