

SENATE BILL 1020

M1

EMERGENCY BILL

0lr3491
CF HB 295

By: **Senator Dyson**

Introduced and read first time: February 24, 2010

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 5, 2010

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2010

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger**
3 **Beetle – Requirements**

4 FOR the purpose of requiring the Secretary of Natural Resources to issue a permit to
5 an applicant that authorizes an incidental taking of the endangered Puritan
6 Tiger Beetle under certain circumstances; requiring the Secretary to adopt
7 certain regulations relating to an incidental taking permit for the endangered
8 Puritan Tiger Beetle; making this Act an emergency measure; and generally
9 relating to an incidental taking permit for the endangered Puritan Tiger Beetle.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 10–2A–05.1
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2009 Supplement)

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

17 **Article – Natural Resources**

18 10–2A–05.1.

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 (a) The Secretary [may] **SHALL** issue a permit to an applicant that
2 authorizes an incidental taking of the endangered Puritan Tiger Beetle if:

3 (1) The applicant submits a conservation plan to the Department that
4 specifies:

5 (i) The impact that will likely result from the incidental taking;

6 (ii) The steps that the applicant will take to minimize and
7 mitigate the impact, and the funding that will be available to implement the steps;

8 (iii) The alternative actions to the incidental taking that the
9 applicant considered and the reasons that the alternatives were not used; and

10 (iv) Any other measures that the Secretary requires as being
11 **REASONABLY** necessary or appropriate for the purposes of the plan; and

12 (2) The Secretary finds that:

13 (i) The incidental taking will not appreciably reduce the
14 likelihood of the survival or recovery of the Puritan Tiger Beetle in the wild;

15 (ii) The applicant will, to the extent practicable, minimize and
16 mitigate the impacts of the incidental taking;

17 (iii) Adequate funding for the conservation plan is available and
18 the plan will be implemented; and

19 (iv) The applicant has obtained the required federal
20 authorization for the incidental taking of the Puritan Tiger Beetle.

21 (b) The Secretary [may] **SHALL** adopt regulations to implement and enforce
22 this section.

23 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
24 ~~October 1, 2010.~~

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
26 measure, is necessary for the immediate preservation of the public health or safety,
27 has been passed by a yea and nay vote supported by three-fifths of all the members
28 elected to each of the two Houses of the General Assembly, and shall take effect from
29 the date it is enacted.