

SENATE BILL 142

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By: **Senators Simonaire, Beidle, Eckardt, Edwards, Ellis, Hershey, Jennings, Reilly, and Young**

Introduced and read first time: January 10, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Recreational License Donation Program and Healing**
3 **Hunting and Fishing Fund – Revisions**

4 FOR the purpose of requiring the Department of Natural Resources to establish a process
5 for an individual purchasing certain licenses and stamps in a certain manner to
6 make a voluntary monetary donation to the Healing Hunting and Fishing Fund;
7 requiring the Department to collect donations and deposit them into the Fund;
8 specifying requirements for certain donation processes; repealing the recreational
9 license donation program; authorizing the Chesapeake Bay Trust to make grants to
10 eligible sponsor organizations, subject to a certain determination; specifying the
11 purposes for which a grant awarded to an eligible sponsor organization may be used;
12 requiring the Department to adopt regulations establishing eligibility requirements
13 for applicants for grants to eligible sponsor organizations; altering the purpose of the
14 Fund; requiring the Chesapeake Bay Trust, rather than the Secretary of Natural
15 Resources, to administer the Fund; altering the contents of the Fund; altering the
16 purposes for which the Fund may be used; repealing a certain reporting requirement;
17 repealing a termination provision for certain provisions of law relating to the
18 recreational license donation program and the Fund; defining a certain term; making
19 stylistic and conforming changes; and generally relating to the recreational license
20 donation program and the Healing Hunting and Fishing Fund.

21 BY repealing and reenacting, with amendments,
22 Article – Natural Resources
23 Section 1–403 and 1–405
24 Annotated Code of Maryland
25 (2018 Replacement Volume and 2019 Supplement)

26 BY repealing
27 Chapter 424 of the Acts of the General Assembly of 2016
28 Section 3

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, with amendments,
Chapter 424 of the Acts of the General Assembly of 2016, as amended by Chapter
261 of the Acts of the General Assembly of 2019
Section 4

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

Article – Natural Resources

1–403.

(a) Notwithstanding any other provision of this article, the Department may develop and implement an electronic system for the sale and issuance of licenses, permits, and registrations and the recording and releasing of security interests.

(b) The electronic system may include provisions for:

(1) Recording titling and registration data;

(2) Recording and releasing liens without the issuance of a security interest filing; and

(3) Recording information relating to an application for a license, permit, or registration.

(c) The Department shall develop the electronic system consistent with the statewide information technology master plan developed under Title 3A, Subtitle 3 of the State Finance and Procurement Article.

[(d) The Department may adopt regulations to:

(1) Implement the electronic system authorized under this section; and

(2) Determine the appropriate fee levels that may be charged by a vendor and by the Department for the electronic transmission service.]

(D) (1) SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE DEPARTMENT SHALL ESTABLISH A PROCESS THROUGH WHICH AN INDIVIDUAL WHO PURCHASES AN ANGLER'S LICENSE, A CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE, OR A HUNTING LICENSE AND ANY CORRESPONDING STAMPS THROUGH THE ELECTRONIC SYSTEM MAY MAKE A VOLUNTARY MONETARY DONATION TO THE HEALING HUNTING AND FISHING FUND AT THE TIME OF PURCHASE.

(2) THE DEPARTMENT SHALL COLLECT THE DONATIONS RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND DEPOSIT THEM INTO THE HEALING HUNTING AND FISHING FUND.

(e) (1) [(i) The] **SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE** Department shall establish a process through which an individual who purchases a license, permit, or registration through the electronic system may make a voluntary monetary donation to the Chesapeake Bay Trust and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund at the time the license, permit, or registration is purchased.

paragraph: [(ii) The donation process established in subparagraph (i) of this

1. Shall be made available only to an individual purchasing directly through the electronic system; and

2. May not be made available to an individual purchasing through an authorized vendor.]

(2) The Department shall:

(i) Collect any donations made under this subsection; and

(ii) Distribute the proceeds of the donations as follows:

1. 50% to the Chesapeake Bay Trust established under § 8-1902 of this article; and

2. 50% to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund established under § 8-2A-02 of this article.

(3) (i) The Chesapeake Bay Trust may use the funds it receives under this subsection only to provide grants and other resources to nonprofit organizations, community associations, civic groups, schools, or public agencies for projects to enhance or promote:

1. Public education, including the publication or production of educational materials, concerning the Chesapeake Bay, the Maryland coastal bays, the Youghiogheny watershed, and other natural resources;

2. The preservation or enhancement of water quality and fish or wildlife habitat;

3. The restoration of aquatic or land resources;

4. Reforestation; and

5. Training in environmental studies or enhancement.

(ii) Funds distributed to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund may be used to provide financial assistance necessary to advance Maryland's progress in meeting the goals established in the 2014 Chesapeake Bay Watershed Agreement and to restore the health of the Atlantic Coastal Bays by focusing on nonpoint source pollution control projects, as authorized under Title 8, Subtitle 2A of this article.

(4) On or before December 1 each year, the Department shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on the collection, distribution, and expenditure of any voluntary monetary donations made under this subsection in the previous fiscal year.

(F) THE DONATION PROCESS ESTABLISHED UNDER SUBSECTIONS (D) AND (E) OF THIS SECTION:

(1) SHALL BE MADE AVAILABLE ONLY TO AN INDIVIDUAL PURCHASING DIRECTLY THROUGH THE ELECTRONIC SYSTEM;

(2) MAY NOT BE MADE AVAILABLE TO AN INDIVIDUAL PURCHASING THROUGH AN AUTHORIZED VENDOR; AND

(3) SHALL BE LIMITED TO PROVIDING NOT MORE THAN TWO OPTIONS TO WHICH AN INDIVIDUAL MAY MAKE A MONETARY DONATION.

(G) THE DEPARTMENT MAY ADOPT REGULATIONS TO:

(1) IMPLEMENT THE ELECTRONIC SYSTEM AUTHORIZED UNDER THIS SECTION; AND

(2) DETERMINE THE APPROPRIATE FEE LEVELS THAT MAY BE CHARGED BY A VENDOR AND BY THE DEPARTMENT FOR THE ELECTRONIC TRANSMISSION SERVICE.

1-405.

(a) **(1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "ELIGIBLE SPONSOR ORGANIZATION" MEANS A NONPROFIT CHARITABLE ORGANIZATION THAT PROVIDES ANY OF THE FOLLOWING OPPORTUNITIES FOR GOLD STAR RECIPIENTS, DISABLED VETERANS OR OTHER VETERANS WHO COULD BENEFIT FROM ONE OF THE OPPORTUNITIES PROVIDED,

1 **DISABLED MEMBERS OF THE ARMED FORCES OF THE UNITED STATES OR OTHER**
2 **MEMBERS OF THE ARMED FORCES OF THE UNITED STATES WHO COULD BENEFIT**
3 **FROM ONE OF THE OPPORTUNITIES PROVIDED, OR PERMANENTLY DISABLED**
4 **PERSONS WHO REQUIRE THE USE OF A WHEELCHAIR:**

5 (I) **RECREATIONAL HUNTING OR FISHING;**

6 (II) **RECREATIONAL WATER ACTIVITIES;**

7 (III) **OTHER RECREATIONAL OUTDOOR ACTIVITIES;**

8 (IV) **THERAPEUTIC OUTDOOR ACTIVITIES; OR**

9 (V) **WORKFORCE TRAINING FOR GREEN JOBS, INCLUDING**
10 **OUTDOOR AGRICULTURAL JOBS.**

11 (3) “Gold Star recipient” means a recipient of the U.S. Department of
12 Defense Gold Star for surviving spouses, parents, and next of kin of members of the armed
13 forces of the United States who lost their lives in combat.

14 [(b) A person may purchase and donate an angler’s license, a Chesapeake Bay and
15 coastal sport fishing license, or a hunting license and any corresponding stamps for
16 issuance in accordance with this section.

17 (c) (1) The Department may issue a donated license or stamp only for use by
18 a Gold Star recipient, a disabled veteran, a disabled member of the armed forces of the
19 United States, or a permanently disabled person who requires the use of a wheelchair.

20 (2) A recipient of a donated license or stamp shall be sponsored by a
21 nonprofit charitable organization that provides recreational hunting or fishing
22 opportunities for Gold Star recipients, disabled veterans, disabled members of the armed
23 forces of the United States, or permanently disabled persons who require the use of a
24 wheelchair.

25 (3) A recipient of a donated hunting license is subject to the hunting safety
26 requirements under § 10–301.1 of this article.

27 (d) Only one eligible person may hunt under the authority of a donated license or
28 stamp during one recreational license year.

29 (e) The Department:

30 (1) May not charge a fee for the issuance of a donated license or stamp; and

31 (2) May issue a donated license or stamp to an eligible resident or

1 nonresident of the State.

2 (f) On or before October 1, 2017, and each year thereafter, the Department shall
3 post on its website the names of the persons who donated recreational licenses or stamps
4 in the previous recreational license years, unless a person who donates a license or stamp
5 requests anonymity.]

6 (B) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
7 CHESAPEAKE BAY TRUST MAY USE THE HEALING HUNTING AND FISHING FUND
8 ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION TO MAKE GRANTS TO
9 ELIGIBLE SPONSOR ORGANIZATIONS.

10 (II) IN AWARDING A GRANT TO AN ELIGIBLE SPONSOR
11 ORGANIZATION THAT PROVIDES OPPORTUNITIES THAT THE ELIGIBLE SPONSOR
12 ORGANIZATION BELIEVES BENEFIT VETERANS OR MEMBERS OF THE ARMED FORCES
13 OF THE UNITED STATES, THE CHESAPEAKE BAY TRUST SHALL DETERMINE
14 WHETHER THE OPPORTUNITIES PROVIDED BY THE ELIGIBLE SPONSOR
15 ORGANIZATION WILL, IN FACT, BENEFIT VETERANS OR MEMBERS OF THE ARMED
16 FORCES OF THE UNITED STATES.

17 (2) A GRANT AWARDED UNDER THIS SUBSECTION MAY BE USED ONLY
18 TO PAY CAPITAL, OPERATIONAL, OR PROGRAMMING COSTS INCURRED BY AN
19 ELIGIBLE SPONSOR ORGANIZATION IN PROVIDING ANY OF THE FOLLOWING
20 OPPORTUNITIES:

21 (I) RECREATIONAL HUNTING OR FISHING;

22 (II) RECREATIONAL WATER ACTIVITIES;

23 (III) OTHER RECREATIONAL OUTDOOR ACTIVITIES;

24 (IV) THERAPEUTIC OUTDOOR ACTIVITIES; OR

25 (V) WORKFORCE TRAINING FOR GREEN JOBS, INCLUDING
26 OUTDOOR AGRICULTURAL JOBS.

27 [(g)] (C) The Department shall adopt regulations to implement this section,
28 including regulations establishing eligibility requirements for [donors, sponsors, and
29 recipients of donated recreational licenses and stamps] APPLICANTS FOR GRANTS TO
30 ELIGIBLE SPONSOR ORGANIZATIONS.

31 [(h)] (D) (1) In this subsection, "Fund" means the Healing Hunting and
32 Fishing Fund.

(2) There is a Healing Hunting and Fishing Fund.

(3) The purpose of the Fund is to provide [recreational hunting and fishing] **ANY OF THE FOLLOWING** opportunities for Gold Star recipients, disabled veterans **OR OTHER VETERANS WHO COULD BENEFIT FROM ONE OF THE OPPORTUNITIES**, disabled members of the armed forces of the United States **OR OTHER MEMBERS OF THE ARMED FORCES OF THE UNITED STATES WHO COULD BENEFIT FROM ONE OF THE OPPORTUNITIES**, and permanently disabled persons who require the use of a wheelchair:

(I) **RECREATIONAL HUNTING OR FISHING;**

(II) **RECREATIONAL WATER ACTIVITIES;**

(III) **OTHER RECREATIONAL OUTDOOR ACTIVITIES;**

(IV) **THERAPEUTIC OUTDOOR ACTIVITIES; OR**

(V) **WORKFORCE TRAINING FOR GREEN JOBS, INCLUDING OUTDOOR AGRICULTURAL JOBS.**

(4) The [Secretary] **CHESAPEAKE BAY TRUST** shall administer the Fund.

(5) (i) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(ii) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(6) The Fund consists of:

[(i) Revenue collected by the Department for the purchase and donation of recreational hunting or fishing licenses or stamps under this section;]

(I) **DONATIONS COLLECTED BY THE DEPARTMENT UNDER § 1–403(D) OF THIS SUBTITLE;**

(ii) Money appropriated in the State budget to the Fund; and

(iii) Any other money from any other source accepted for the benefit of the Fund.

(7) The Fund may be used only for [donated recreational hunting or fishing licenses or stamps for use by Gold Star recipients, disabled veterans, disabled members of the armed forces of the United States, or permanently disabled persons who require the use of a wheelchair] **GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS IN ACCORDANCE**

1 **WITH SUBSECTION (B) OF THIS SECTION.**

2 (8) (i) The State Treasurer shall invest the money of the Fund in the
3 same manner as other State money may be invested.

4 (ii) Any interest earnings of the Fund shall be credited to the
5 General Fund of the State.

6 (9) Expenditures from the Fund may be made only in accordance with the
7 State budget.

8 (10) Money expended from the Fund for [donated recreational licenses or
9 stamps] **GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS** is supplemental to and is not
10 intended to take the place of funding that otherwise would be appropriated for [recreational
11 licenses or stamps for use by] **ANY OF THE OPPORTUNITIES SPECIFIED UNDER**
12 **SUBSECTION (B)(2) OF THIS SECTION THAT ARE PROVIDED TO** Gold Star recipients,
13 disabled veterans **OR OTHER VETERANS WHO COULD BENEFIT FROM ONE OF THE**
14 **OPPORTUNITIES**, disabled members of the armed forces of the United States **OR OTHER**
15 **MEMBERS OF THE ARMED FORCES OF THE UNITED STATES WHO COULD BENEFIT**
16 **FROM ONE OF THE OPPORTUNITIES**, or permanently disabled persons who require the
17 use of a wheelchair.

18 **Chapter 424 of the Acts of 2016**

19 **[SECTION 3. AND BE IT FURTHER ENACTED,** That, on or before December 31,
20 2018, the Department of Natural Resources shall submit a report to the Governor and, in
21 accordance with § 2–1246 of the State Government Article, the General Assembly that
22 states:

23 (1) the number of donated licenses and stamps issued under the
24 recreational license donation program, aggregated by:

25 (i) the types of licenses issued; and

26 (ii) the status that formed the basis of the license recipient's
27 eligibility for the donated licenses;

28 (2) the nonprofit charitable organizations that sponsored recipients of
29 donated licenses, aggregated by the number and types of licenses issued;

30 (3) an accounting of the money deposited into and redeemed out of the
31 Recreational License Donation Fund; and

32 (4) any other information related to the recreational license donation
33 program that the Department considers relevant.]

1 **Chapter 424 of the Acts of 2016, as amended by Chapter 261 of the Acts of 2019**

2 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
3 1, 2016. [It shall remain effective for a period of 6 years and, at the end of June 30, 2022,
4 with no further action required by the General Assembly, this Act shall be abrogated and
5 of no further force and effect.]

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2020.