

# SENATE BILL 95

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By: ~~Senator Simonaire~~ **Senators Simonaire and Bailey**

Introduced and read first time: January 11, 2019

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources – Recreational License Donation Program and Fund –**  
3 **~~Program Extension and Monetary Donations via Electronic Licensing~~ Revisions**

4 FOR the purpose of changing the name of the Recreational License Donation Fund to the  
5 Healing Heroes Hunting and Fishing Fund; requiring the Department of Natural  
6 Resources to establish a process for an individual purchasing certain licenses and  
7 stamps in a certain manner to make a voluntary monetary donation to the  
8 ~~Recreational License Donation~~ Fund; requiring the Department to collect donations  
9 and deposit them into the Fund; authorizing the Fund to be used for grants to certain  
10 eligible sponsor organizations that provide recreational hunting or fishing  
11 opportunities for Gold Star recipients or certain disabled persons; authorizing the  
12 Department to make grants to eligible sponsor organizations; specifying the  
13 purposes for which a grant awarded to an eligible sponsor organization may be used;  
14 expanding the contents of the Fund to include donations made under this Act;  
15 defining a certain term; making conforming changes; extending the termination date  
16 for certain provisions of law establishing the recreational license donation program;  
17 providing for the termination of this Act; ~~making a stylistic change~~; and generally  
18 relating to the recreational license donation program and the Healing Heroes  
19 Hunting and Fishing Fund.

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

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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 BY repealing and reenacting, with amendments,  
 2 Chapter 424 of the Acts of the General Assembly of 2016  
 3 Section 4

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

6 **Article – Natural Resources**

7 1–403.

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

11 (b) The electronic system may include provisions for:

12 (1) Recording titling and registration data;

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

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

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

20 [(d) The Department may adopt regulations to:

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

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

24 **(D) (1) THE DEPARTMENT SHALL ESTABLISH A PROCESS THROUGH**  
 25 **WHICH AN INDIVIDUAL WHO PURCHASES AN ANGLER’S LICENSE, A CHESAPEAKE**  
 26 **BAY AND COASTAL SPORT FISHING LICENSE, OR A HUNTING LICENSE AND ANY**  
 27 **CORRESPONDING STAMPS THROUGH THE ELECTRONIC SYSTEM MAY MAKE A**  
 28 **VOLUNTARY MONETARY DONATION TO THE ~~RECREATIONAL LICENSE DONATION~~**  
 29 **HEALING HEROES HUNTING AND FISHING FUND AT THE TIME OF PURCHASE.**

30 **(2) THE DEPARTMENT SHALL COLLECT THE DONATIONS RECEIVED**  
 31 **UNDER PARAGRAPH (1) OF THIS SUBSECTION AND DEPOSIT THEM INTO THE**

1 ~~RECREATIONAL LICENSE DONATION~~ HEALING HEROES HUNTING AND FISHING  
2 FUND.

3           **(3) THE DONATION PROCESS ESTABLISHED UNDER PARAGRAPH (1)**  
4 **OF THIS SUBSECTION:**

5                   **(I) SHALL BE MADE AVAILABLE ONLY TO AN INDIVIDUAL**  
6 **PURCHASING DIRECTLY THROUGH THE ELECTRONIC SYSTEM; AND**

7                   **(II) MAY NOT BE MADE AVAILABLE TO AN INDIVIDUAL**  
8 **PURCHASING THROUGH AN AUTHORIZED VENDOR.**

9           (e) (1) (i) The Department shall establish a process through which an  
10 individual who purchases a license, permit, or registration through the electronic system  
11 may make a voluntary monetary donation to the Chesapeake Bay Trust and the  
12 Chesapeake and Atlantic Coastal Bays 2010 Trust Fund at the time the license, permit, or  
13 registration is purchased.

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

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

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

20           (2) The Department shall:

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

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

23                           1. 50% to the Chesapeake Bay Trust established under §  
24 8–1902 of this article; and

25                           2. 50% to the Chesapeake and Atlantic Coastal Bays 2010  
26 Trust Fund established under § 8–2A–02 of this article.

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

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

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

6                   3.     The restoration of aquatic or land resources;

7                   4.     Reforestation; and

8                   5.     Training in environmental studies or enhancement.

9                   (ii)    Funds distributed to the Chesapeake and Atlantic Coastal Bays  
10 2010 Trust Fund may be used to provide financial assistance necessary to advance  
11 Maryland's progress in meeting the goals established in the 2014 Chesapeake Bay  
12 Watershed Agreement and to restore the health of the Atlantic Coastal Bays by focusing  
13 on nonpoint source pollution control projects, as authorized under Title 8, Subtitle 2A of  
14 this article.

15                  (4)    On or before December 1 each year, the Department shall report to the  
16 Governor and, in accordance with § 2-1246 of the State Government Article, the General  
17 Assembly on the collection, distribution, and expenditure of any voluntary monetary  
18 donations made under this subsection in the previous fiscal year.

19                  **(F)    THE DEPARTMENT MAY ADOPT REGULATIONS TO:**

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

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

25 1-405.

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

28                  **(2)    “ELIGIBLE SPONSOR ORGANIZATION” MEANS A NONPROFIT**  
29 **CHARITABLE ORGANIZATION THAT PROVIDES RECREATIONAL HUNTING OR FISHING**  
30 **OPPORTUNITIES FOR GOLD STAR RECIPIENTS, DISABLED VETERANS, DISABLED**  
31 **MEMBERS OF THE ARMED FORCES OF THE UNITED STATES, OR PERMANENTLY**  
32 **DISABLED PERSONS WHO REQUIRE THE USE OF A WHEELCHAIR.**

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

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

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

10           **(2)** A recipient of a donated license or stamp shall be sponsored by [a  
11 nonprofit charitable organization that provides recreational hunting or fishing  
12 opportunities for Gold Star recipients, disabled veterans, disabled members of the armed  
13 forces of the United States, or permanently disabled persons who require the use of a  
14 wheelchair] **AN ELIGIBLE SPONSOR ORGANIZATION.**

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

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

19           **(e)** The Department:

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

21           **(2)** May issue a donated license or stamp to an eligible resident or  
22 nonresident of the State.

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

27           **(g)** **(1)** **THE DEPARTMENT MAY USE FUNDS DONATED UNDER THIS**  
28 **SECTION TO MAKE GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS.**

29           **(2)** **A GRANT AWARDED UNDER THIS SUBSECTION MAY BE USED ONLY**  
30 **TO PAY CAPITAL, OPERATIONAL, OR PROGRAMMING COSTS INCURRED BY AN**  
31 **ELIGIBLE SPONSOR ORGANIZATION IN PROVIDING RECREATIONAL HUNTING AND**  
32 **FISHING OPPORTUNITIES FOR GOLD STAR RECIPIENTS, DISABLED VETERANS,**  
33 **DISABLED MEMBERS OF THE ARMED FORCES OF THE UNITED STATES, OR**  
34 **PERMANENTLY DISABLED PERSONS WHO REQUIRE THE USE OF A WHEELCHAIR.**

1 (H) The Department shall adopt regulations to implement this section, including  
 2 regulations establishing eligibility requirements for [donors]:

3 (1) DONORS, sponsors, and recipients of donated recreational licenses and  
 4 stamps; AND

5 (2) APPLICANTS FOR GRANTS TO ELIGIBLE SPONSOR  
 6 ORGANIZATIONS.

7 ~~(h)~~ (I) (1) In this subsection, "Fund" means the ~~Recreational License Donation~~  
 8 HEALING HEROES HUNTING AND FISHING Fund.

9 (2) There is a ~~Recreational License Donation~~ HEALING HEROES  
 10 HUNTING AND FISHING Fund.

11 (3) The purpose of the Fund is to provide recreational hunting and fishing  
 12 opportunities for Gold Star recipients, disabled veterans, disabled members of the armed  
 13 forces of the United States, and permanently disabled persons who require the use of a  
 14 wheelchair.

15 (4) The Secretary shall administer the Fund.

16 (5) (i) The Fund is a special, nonlapsing fund that is not subject to §  
 17 7-302 of the State Finance and Procurement Article.

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

20 (6) The Fund consists of:

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

23 (ii) **DONATIONS COLLECTED BY THE DEPARTMENT UNDER §**  
 24 **1-403(D) OF THIS SUBTITLE;**

25 **(III) Money appropriated in the State budget to the Fund; and**

26 ~~[(iii)]~~ **(IV) Any other money from any other source accepted for the**  
 27 **benefit of the Fund.**

28 (7) The Fund may be used only for ~~donated~~;

29 **(I) DONATED** recreational hunting or fishing licenses or stamps for  
 30 use by Gold Star recipients, disabled veterans, disabled members of the armed forces of the  
 31 United States, or permanently disabled persons who require the use of a wheelchair; **AND**

1 (II) GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS, IN  
 2 ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.

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

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

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

9 (10) Money expended from the Fund for donated recreational licenses or  
 10 stamps AND GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS is supplemental to and is  
 11 not intended to take the place of funding that otherwise would be appropriated for  
 12 ~~recreational licenses or stamps for use by~~ PROVIDING RECREATIONAL HUNTING AND  
 13 FISHING OPPORTUNITIES FOR Gold Star recipients, disabled veterans, disabled members  
 14 of the armed forces of the United States, or permanently disabled persons who require the  
 15 use of a wheelchair.

16 **Chapter 424 of the Acts of 2016**

17 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 18 1, 2016. It shall remain effective for a period of [3] **6** years and, at the end of June 30,  
 19 **[2019] 2022**, with no further action required by the General Assembly, this Act shall be  
 20 abrogated and of no further force and effect.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 22 1, 2019. It shall remain effective until the taking effect of the termination provision in  
 23 Section 4 of Chapter 424 of the Acts of the General Assembly of 2016, as enacted by Section  
 24 1 of this Act. If that termination provision takes effect, this Act, with no further action  
 25 required by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.