
By: Senator Hafer

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Hunting Lands and Funds - Conversion Prohibited**

3 FOR the purpose of providing that hunting may not be prohibited on certain lands

4 purchased or leased using certain funds; prohibiting the use of certain funds related

5 to hunting from being used for nonhunting-related activities; and generally relating

6 to public hunting lands and funds.

7 BY repealing and reenacting, with amendments,

8 Article - Natural Resources

9 Section 5-207

10 Annotated Code of Maryland

11 (1989 Replacement Volume and 1996 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article - Natural Resources

14 Section 10-209

15 Annotated Code of Maryland

16 (1990 Replacement Volume and 1996 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Natural Resources**

20 5-207.

21 (a) (1) The Department may purchase and manage lands in the name of the

22 State, suitable for forest culture, reserves, watershed protection, State parks, scenic

23 preserves, historic monuments, parkways, and State recreational reserves, using for these

24 purposes any special appropriation or surplus money not otherwise appropriated, which is

25 standing to the credit of the Forest Reserve or Park Reserve Fund. However, an

26 individual tract of land or easement in excess of 100 acres may not be purchased in

27 Garrett County, except with the approval of the County Commissioners of that county.

28 The Department may accept any gift of land in the name of the State to be held,

29 protected, and administered by the Department as State parks, forests, or other reserves,

30 and used to demonstrate the practical utility of the land for recreational areas, State

31 parks, scenic preserves, parkways, historic monuments, timber culture, water

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1 conservation, and as a breeding place for wildlife. Any gift shall be absolute except for the
 2 reservation of mineral and mining rights over and under the land, and a stipulation that
 3 it shall be administered for State forest, park, or recreation purposes.

4 (2) The Department shall meet its needs for land in Garrett County by
 5 acquiring the land only from willing sellers, provided that the Department may acquire by
 6 condemnation easements of the minimal extent necessary for access or utility service to
 7 lands of the Department if there is no alternative location or means of providing the
 8 access or service.

9 (b) The Department may accept gifts, donations, or contributions of land from the
 10 federal government or any of its agencies, enter into agreements with the federal
 11 government or any of its agencies, and acquire by lease, purchase, or otherwise, lands the
 12 Department deems suitable for State forests or parks. The Department may make
 13 expenditures from any funds not otherwise obligated for the management, development,
 14 and utilization of the lands. It may sell or dispose of products from the lands, and make
 15 rules and regulations necessary to carry out the provisions of this subsection. Any revenue
 16 received from the lands shall be paid into the State treasury to the credit of the Forest or
 17 Park Reserve Fund in accordance with the provisions of § 5-212. However, at least 50
 18 percent of the gross revenues derived from the lands may be devoted to the payment of
 19 any obligations for the purchase incurred under the provisions of this subsection, until the
 20 obligations are fully paid.

21 (c) Notwithstanding any other provision of law, a lease into which the
 22 Department enters after July 1, 1979 for any land acquired under this title is not subject
 23 to redemption of the tenant, unless the lease expressly provides otherwise.

24 (D) (1) THIS SUBSECTION APPLIES TO STATE FOREST LAND PURCHASED
 25 WHOLLY OR PARTLY USING FUNDS DERIVED FROM THE SALE OF HUNTING
 26 LICENSES AND PERMITS.

27 (2) HUNTING MAY NOT BE PROHIBITED ON LAND SUBJECT TO THIS
 28 SUBSECTION.

29 (3) LAND SUBJECT TO THIS SUBSECTION MAY NOT BE SOLD, LEASED, OR
 30 CONVERTED BY THE DEPARTMENT INTO LAND ON WHICH HUNTING MAY BE
 31 PROHIBITED.

32 10-209.

33 (a) There is a State Wildlife Management and Protection Fund in the
 34 Department. Any money accruing to the Fund from any license, stamp, application, or
 35 permit fee provided in this title shall be credited, unless otherwise provided, to this Fund
 36 and used only for the scientific investigation, protection, propagation, and management of
 37 wildlife.

38 (b) The clerks of the courts shall transmit to the Department on the first day of
 39 each month all moneys received by the clerks for hunting licenses and stamps. The
 40 Department shall account for these funds to the Treasurer who then shall credit amounts
 41 received to the State Wildlife Management and Protection Fund. The Treasurer shall pay
 42 out funds on the warrant of the Comptroller upon requisition of the Department.

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1 (C) EXCEPT AS PROVIDED IN THIS SECTION, THE FUND MAY NOT BE USED
2 FOR EXPENDITURES THAT ARE NOT RELATED TO HUNTING.

3 (D) HUNTING ACTIVITIES MAY NOT BE PROHIBITED ON LANDS PURCHASED
4 OR LEASED BY THE DEPARTMENT WHOLLY OR PARTLY USING MONEYS OF THE
5 FUND. LANDS SO PURCHASED OR LEASED MAY NOT BE SOLD, LEASED, OR
6 CONVERTED BY THE DEPARTMENT INTO LAND ON WHICH HUNTING MAY BE
7 PROHIBITED.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 1997.