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By: Senator Hafer Introduced and read first time: January 29, 1997 Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 Wildlife Advisory Commission - Membership and Authority

3 FOR the purpose of increasing the membership of the Wildlife Advisory Commission in

- 4 the Department of Natural Resources; specifying the membership and terms of the
- 5 Commission; requiring approval of certain regulations by the Commission before
- 6 adoption by the Department; requiring approval by the Commission of certain
- 7 activities on certain State lands; requiring the Department to conduct certain
- 8 meetings during the process of adopting certain regulations; and generally relating
- 9 to wildlife and angling regulation.

10 BY repealing and reenacting, with amendments,

- 11 Article Natural Resources
- 12 Section 1-102(c)(2) and (3), 4-602(a), and 5-209(a)
- 13 Annotated Code of Maryland
- 14 (1989 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, with amendments,

- 16 Article Natural Resources
- 17 Section 10-205(a) and 10-808
- 18 Annotated Code of Maryland
- 19 (1990 Replacement Volume and 1996 Supplement)
- 20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 21 MARYLAND, That the Laws of Maryland read as follows:

23 1-102.

24 (c) (2) (i) The Wildlife Advisory Commission is composed of [9] 13

25 members appointed by the Governor.

26 [(ii) 1. The Governor shall solicit nominations for vacancies on the

27 Wildlife Advisory Commission from individuals or organizations that promote the future

- 28 of hunting and individuals or organizations that promote the preservation of wildlife in
- 29 the State, with geographical distribution being a prime consideration for filling vacancies.
- 30

2. There shall be representation from the farming community.]

1 (II) THE MEMBERS OF THE WILDLIFE ADVISORY COMMISSION 2 SHALL BE APPOINTED AS FOLLOWS:
 THREE SHALL BE INDIVIDUALS, OR REPRESENTATIVES OF ORGANIZATIONS, THAT PROMOTE THE FUTURE OF HUNTING IN THE STATE;
 2. THREE SHALL BE INDIVIDUALS, OR REPRESENTATIVES 6 OF ORGANIZATIONS, THAT PROMOTE THE PRESERVATION OF WILDLIFE IN THE 7 STATE;
8 3. ONE SHALL REPRESENT THE FARMING COMMUNITY;
9 4. FOUR SHALL BE SPORTSMEN, OR REPRESENTATIVES OF A 10 SPORTSMEN'S ORGANIZATION, FROM EACH OF THE FOLLOWING REGIONS:
11 A. WESTERN MARYLAND;
12 B. CENTRAL MARYLAND;
13 C. SOUTHERN MARYLAND; AND
14 D. THE EASTERN SHORE; AND
15 5. TWO SHALL BE MEMBERS OF THE GENERAL PUBLIC.
 (III) GEOGRAPHICAL DISTRIBUTION SHALL BE A PRIME CONSIDERATION FOR FILLING VACANCIES ON THE COMMISSION.
18 [(iii)] (IV) The term of a member is 4 years.
19[(iv)] (V) A member may not serve more than 2 terms on the20 Commission.
21 [(v)] (VI) The terms of members are [staggered so that:
22 1. 3 shall end in 1987;
23 2. 3 shall end in 1988; and
243. 3 shall end in 1989] STAGGERED AS REQUIRED BY THE25 TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 1997.
26 [(vi)] (VII) At the end of a term, a member continues to serve until a 27 successor is appointed and qualifies.
[(vii)] (VIII) A member who is appointed after a term has begun servesonly for the rest of the term and until a successor is appointed and qualifies.
 30 (IX) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, 31 UNLESS WAIVED BY THE WILDLIFE ADVISORY COMMISSION, THE COMMISSION 32 SHALL APPROVE:
 1. A REGULATION GOVERNING ANGLING OR HUNTING 34 UNDER TITLE 4, SUBTITLE 6 OR TITLE 10 OF THIS ARTICLE, INCLUDING A CATCH 35 LIMIT OR SEASON, BEFORE THE DEPARTMENT MAY SUBMIT THE REGULATION FOR 46 ADOPTION UNDER THE E 10 SUBTITLE 1 OF THE STATE COVERNMENT ARTICLE; AND

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36 ADOPTION UNDER TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE; AND

12. ACTIVITIES OTHER THAN HUNTING IN A WILDLIFE2 MANAGEMENT AREA OR STATE FOREST.

3 (3) A member shall be knowledgeable in the area of interest of the advisory4 commission on which [he] THE MEMBER serves.

5 4-602.

6 (a) With due regard for distribution, abundance, economic value, and breeding
7 habits of fish in nontidal waters, AND SUBJECT TO § 1-102(C)(2)(IX) OF THIS ARTICLE,
8 the Secretary may adopt rules and regulations to extend, restrict, or prohibit catching,
9 possessing, purchasing, transporting, or exporting fish from nontidal waters. THE
10 DEPARTMENT SHALL CONDUCT PUBLIC INFORMATIONAL MEETINGS DURING THE
11 PROCESS OF ADOPTING THESE REGULATIONS.

12 5-209.

13 (a) [The] SUBJECT TO § 1-102(C)(2)(IX) OF THIS ARTICLE, THE Department

14 may make rules and regulations for the maintenance of order, safety, sanitation, traffic

15 control, or for the protection of trees and other property and the preservation of the 16 natural beauty within the State parks and forests, State reserves, scenic preserves,

17 parkways, historical monuments, recreational areas, and any other lands under its control.

18 The rules and regulations shall be posted in conspicuous places upon the lands and

19 enforced by the forest and park officers.

20 10-205.

21 (a) Having a due regard for the distribution, abundance, economic value, and

22 breeding habits of wildlife, AND SUBJECT TO § 1-102(C)(2)(IX) OF THIS ARTICLE, the

23 Secretary may adopt regulations to enlarge, extend, restrict, or prohibit hunting,

24 possessing, selling, purchasing, shipping, carrying, transporting, or exporting wildlife. THE

25 DEPARTMENT SHALL CONDUCT PUBLIC INFORMATIONAL MEETINGS DURING THE

26 PROCESS OF ADOPTING THESE REGULATIONS.

27 10-808.

[The] SUBJECT TO § 1-102(C)(2)(IX) OF THIS ARTICLE, THE Department may
 adopt and post rules and regulations for the proper use and administration of any State
 land or water the Department controls or owns.

31 SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) the members of the Wildlife Advisory Commission on September 30,
1997 shall continue as members appointed under § 1-102(c)(2)(ii)1, 2, 3, and 5 of the

34 Natural Resources Article, as enacted by this Act, with their terms unchanged; and

35 (2) the terms of the additional members appointed under § 1-102(c)(2)(ii)436 shall expire as follows:

(i) two in 2001;

- 38 (ii) one in 2000; and
- 39 (iii) one in 1999.

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- 1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 2 October 1, 1997.