M2, P1	5lr0761 CF HB 494
	OF 11D 494

By: Senators Simonaire, Salling, Jennings, Gallion, Mautz, and Bailey, and <u>M. Jackson</u>

Introduced and read first time: January 10, 2025 Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments Senate action: Adopted with floor amendments Read second time: February 22, 2025

CHAPTER _____

1 AN ACT concerning

$\mathbf{2}$

Recreational Equality for Service Members Act

- FOR the purpose of establishing rules of interpretation related to the uniformed services;
 altering the rule of interpretation for "veteran"; altering the application of certain
 provisions of law governing natural resources to apply to all uniformed services,
 rather than only the armed forces; altering the circumstances under which licenses
 for fishing in tidal waters do not lapse; authorizing active service members, veterans,
 and vehicles of which an active service member or veteran is an occupant to enter a
 State park without paying a certain fee; and generally relating to service members
- 10 and veterans.
- 11 BY adding to
- 12 Article General Provisions
- 13 Section 1–101.1, 1–101.2, 1–103.1, 1–114.1, 1–114.2, and 1–116
- 14 Annotated Code of Maryland
- 15 (2019 Replacement Volume and 2024 Supplement)
- 16 BY repealing and reenacting, with amendments,
- 17 Article General Provisions
- 18 Section 1–117
- 19 Annotated Code of Maryland
- 20 (2019 Replacement Volume and 2024 Supplement)
- 21 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- $\mathbf{2}$
- 1 Article Natural Resources
- 2 Section 1–106, 1–405(a), (b), and (d)(3) and (10), 4–217(b)(1), 4–705, and 4–745(c)(5) 3 and (e)(1)
- 4 Annotated Code of Maryland
- 5 (2023 Replacement Volume and 2024 Supplement)
- 6 BY repealing and reenacting, without amendments,
- 7 Article Natural Resources
- 8 Section 1–405(c) and (d)(1) and (2) and 4–745(e)(2) and (3)
- 9 Annotated Code of Maryland
- 10 (2023 Replacement Volume and 2024 Supplement)
- 11 BY adding to
- 12 Article Natural Resources
- 13 Section 5–1014 and 5–1015
- 14 Annotated Code of Maryland
- 15 (2023 Replacement Volume and 2024 Supplement)
- 16 BY repealing and reenacting, with amendments,
- 17 Article State Government
- 18 Section 9–901
- 19 Annotated Code of Maryland
- 20 (2021 Replacement Volume and 2024 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 22 That the Laws of Maryland read as follows:
- 23

Article – General Provisions

24 **1–101.1.**

25 "ACTIVE DUTY" HAS THE MEANING STATED IN § 9–901 OF THE STATE 26 GOVERNMENT ARTICLE.

27 **1–101.2.**

28 "ACTIVE SERVICE MEMBER" HAS THE MEANING STATED IN § 9–901 OF THE 29 STATE GOVERNMENT ARTICLE.

30 **1–103.1.**

31 "ARMED FORCES" HAS THE MEANING STATED IN § 9–901 OF THE STATE 32 GOVERNMENT ARTICLE.

33 **1–114.1.**

1 "RESERVE COMPONENT" HAS THE MEANING STATED IN § 9–901 OF THE STATE 2 GOVERNMENT ARTICLE.

3 **1–114.2.**

4 "Service member" has the meaning stated in § 9–901 of the State 5 Government Article.

6 **1–116.**

"Uniformed services" has the meaning stated in § 9–901 of the State
 Government Article.

9 1-117.

10(A)"VETERAN" HAS THE MEANING STATED IN § 9–901 OF THE STATE11GOVERNMENT ARTICLE.

12 (B) With respect to any State program of benefits, rights, or privileges applicable 13 to a veteran under this Code, "veteran" includes [4, if the individual is eligible under 38 14 U.S.C. § 101, a member of the commissioned corps of:

- 15
- (1) the Public Health Service; or

16 (2) the National Oceanic and Atmospheric Administration or its 17 predecessor, the Coast and Geodetic Survey] AN INDIVIDUAL WHO MEETS THE 18 **DEFINITION OF "VETERAN" UNDER § 9-901 OF THE STATE GOVERNMENT ARTICLE**.

19

Article – Natural Resources

20 1–106.

21 (a) In this article the following words have the meanings indicated.

22 (B) "ACTIVE DUTY" HAS THE MEANING STATED IN § 9–901 OF THE STATE 23 GOVERNMENT ARTICLE.

24 (C) "ACTIVE SERVICE MEMBER" HAS THE MEANING STATED IN § 9–901 OF 25 THE STATE GOVERNMENT ARTICLE.

26 (D) "ARMED FORCES" HAS THE MEANING STATED IN § 9–901 OF THE STATE 27 GOVERNMENT ARTICLE.

28 [(b)] (E) "Informational meeting" means a meeting, open to the public, at which 29 the applicant or the Department of Natural Resources presents information concerning a

permit or certificate application. An informational meeting is not a contested case hearing
nor an agency hearing under § 10–202(d) of the State Government Article.

3 [(c)] (F) "Public hearing" means a meeting, open to the public, at which the 4 Department of Natural Resources receives oral and written comments concerning a 5 decision to issue or deny a permit or certificate. A public hearing is not a contested case 6 hearing nor an agency hearing under § 10–202(d) of the State Government Article.

7 (G) "SERVICE MEMBER" HAS THE MEANING STATED IN § 9–901 OF THE 8 STATE GOVERNMENT ARTICLE.

9 (H) "UNIFORMED SERVICES" HAS THE MEANING STATED IN § 9–901 OF THE 10 STATE GOVERNMENT ARTICLE.

11 (I) "VETERAN" HAS THE MEANING STATED IN § 9–901 OF THE STATE 12 GOVERNMENT ARTICLE.

13 1-405.

(a)

(1)

14

In this section the following words have the meanings indicated.

means a nonprofit charitable "Eligible sponsor organization" 15(2)organization that provides any of the following opportunities for Gold Star recipients, 16 disabled veterans or other veterans who could benefit from one of the opportunities 17provided, disabled SERVICE members [of the armed forces of the United States] or other 18SERVICE members [of the armed forces of the United States] who could benefit from one 19 20of the opportunities provided, or permanently disabled persons who require the use of a 21wheelchair:

22		(i)	Recreational hunting or fishing, including providing at no cost:
23			1. An angler's license and trout stamps;
24			2. A Chesapeake Bay and coastal sport fishing license; or
25			3. A hunting license and any corresponding stamps;
26		(ii)	Recreational water activities;
27		(iii)	Other recreational outdoor activities;
28		(iv)	Therapeutic outdoor activities; or
29 30	jobs.	(v)	Workforce training for green jobs, including outdoor agricultural

4

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) (1) (i) Subject to subparagraph (ii) of this paragraph, the Chesapeake 5 Bay Trust may use the Healing Hunting and Fishing Fund established under subsection 6 (d) of this section to make grants to eligible sponsor organizations.

7 (ii) In awarding a grant to an eligible sponsor organization that 8 provides opportunities that the eligible sponsor organization believes benefit veterans or 9 SERVICE members [of the armed forces of the United States], the Chesapeake Bay Trust 10 shall determine whether the opportunities provided by the eligible sponsor organization 11 will, in fact, benefit veterans or SERVICE members [of the armed forces of the United 12 States].

13 (2) A grant awarded under this subsection may be used only to pay capital, 14 operational, or programming costs incurred by an eligible sponsor organization in providing 15 any of the following opportunities:

16			(i)	Recre	ational hunting or fishing, including providing at no cost:
17				1.	An angler's license and trout stamps;
18				2.	A Chesapeake Bay and coastal sport fishing license; or
19				3.	A hunting license and any corresponding stamps;
20			(ii)	Recre	ational water activities;
21			(iii)	Other	r recreational outdoor activities;
22			(iv)	Thera	apeutic outdoor activities; or
$\frac{23}{24}$	jobs.		(v)	Work	force training for green jobs, including outdoor agricultural
25 26 27	(c) regulations sponsor orga	establ	lishing		hall adopt regulations to implement this section, including bility requirements for applicants for grants to eligible
$28 \\ 29$	(d) Fund.	(1)	In thi	is sub	section, "Fund" means the Healing Hunting and Fishing
30		(2)	There	is a H	lealing Hunting and Fishing Fund.
31 32	for Gold Sta	(3) r recip	_	-	e of the Fund is to provide any of the following opportunities ed veterans or other veterans who could benefit from one of

1 the opportunities, disabled **SERVICE** members [of the armed forces of the United States]

2 or other **SERVICE** members [of the armed forces of the United States] who could benefit 3 from one of the opportunities, and permanently disabled persons who require the use of a 4 wheelchair:

5		(i)	Recreational hunting or fishing, including providing at no cost:
6			1. An angler's license and trout stamps;
7			2. A Chesapeake Bay and coastal sport fishing license; or
8			3. A hunting license and any corresponding stamps;
9		(ii)	Recreational water activities;
10		(iii)	Other recreational outdoor activities;
11		(iv)	Therapeutic outdoor activities; or
$\frac{12}{13}$	jobs.	(v)	Workforce training for green jobs, including outdoor agricultural

14Money expended from the Fund for grants to eligible sponsor (10)15organizations is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for any of the opportunities specified under subsection 16 17(b)(2) of this section that are provided to Gold Star recipients, disabled veterans or other 18veterans who could benefit from one of the opportunities, disabled SERVICE members of the armed forces of the United States] or other SERVICE members [of the armed forces of 19 the United States] who could benefit from one of the opportunities, or permanently disabled 2021persons who require the use of a wheelchair.

22 4-217.

23 (b) (1) The Department may issue an annual license exemption to a 24 governmental entity or a nonprofit organization to:

(i) Take individuals with physical or mental disabilities who are
[serving or have served in the armed forces of the United States] VETERANS OR ACTIVE
SERVICE MEMBERS fishing in the tidal or nontidal waters of the State; or

28 (ii) Provide fishing clinics and instructional opportunities to:

291.Individuals who are [serving or have served in the armed30forces of the United States] VETERANS OR ACTIVE SERVICE MEMBERS;

12.Individuals who are participating in a physical or mental2wellness outdoor event;

3 3. Individuals who are participating in a special needs 4 outdoor event;

5 4. Individuals who are acting under the authority of a 6 scientific collection permit issued under § 4–212 of this subtitle; or

7 5. Residents of the State who are underserved with respect
8 to fishing opportunities, as determined by the Department in regulation.

9 4-705.

10 (A) A license does not lapse if the licensee fails to renew or make bona fide use of 11 [his] THE license because of [induction or enlistment into] THE LICENSEE'S 12 DEPLOYMENT IN the [armed forces] UNIFORMED SERVICES or employment in essential 13 war industries[, and the].

14 **(B)** THE licensee [applies] SHALL INFORM THE DEPARTMENT BEFORE THE 15 LICENSEE'S DEPLOYMENT AND APPLY to the Department for the renewal of [his] THE 16 license within [one] 1 year of the termination of hostilities or from the date of [his] THE 17 LICENSEE'S release from DEPLOYMENT IN the [armed forces] UNIFORMED SERVICES.

18 (C) If a licensee cannot fish every net for which [he] THE LICENSEE was licensed 19 at any time during a war emergency because of some condition arising out of a war, [he] 20 THE LICENSEE may not be deprived of [his] THE right to a license for these nets thereafter.

 $21 \quad 4-745.$

(c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries or
 in State waters of the Atlantic Ocean and coastal bays and their tributaries without a
 Chesapeake Bay and coastal sport fishing license if the person:

25 (5) Is a resident [serving in the armed forces of the United States] WHO IS 26 AN ACTIVE SERVICE MEMBER while on leave in the State, during the resident's leave 27 period, if, while fishing, the resident possesses a copy of the resident's official leave order;

(e) (1) In this subsection, "former prisoner of war" means a person who, while
[serving in the active military, naval, or air service of the United States] AN ACTIVE
SERVICE MEMBER, was forcibly detained or interned in the line of duty by an enemy
government or its agents, or a hostile force, during a period of armed conflict.

32 (2) The Department may issue a lifetime complimentary Chesapeake Bay
 33 and coastal sport fishing license to any Maryland resident who certifies that the resident
 34 is:

1	(i)	A former prisoner of war;
$\frac{2}{3}$	(i Affairs determines is	i) s une	An American veteran who the U.S. Department of Veterans mployable; or
4	(i	ii)	A 100% service connected disabled American veteran.
$5 \\ 6$			epartment may issue a lifetime complimentary Chesapeake Bay license to an out–of–state person:
7	(i)	Who certifies that the person is:
8			1. A former prisoner of war;
9 10	Veterans Affairs dete	ermii	2. An American veteran who the U.S. Department of nes is unemployable; or
11			3. A 100% service connected disabled American veteran; and
$12 \\ 13 \\ 14 \\ 15$	prisoners of war, A		Whose state of residence extends similar privileges to former ican veterans who the U.S. Department of Veterans Affairs yable, or 100% service connected disabled American veterans of
16	5-1014.		
17 18 19		VE	TATION OF <u>A</u> VALID UNIFORMED SERVICES IDENTIFICATION SERVICE MEMBER <u>OR ANY MEMBER OF THE MARYLAND</u>
20 21 22	MARYLAND NATIO	NAL	ACTIVE SERVICE MEMBER <u>OR ANY MEMBER OF THE</u> <u>Guard</u> may enter a State park without paying any iat has been established; and
23 24 25 26	MEMBER OF THE M STATE PARK WIT ESTABLISHED.	M <u>ar</u> Thou	HICLE OF WHICH AN ACTIVE SERVICE MEMBER <u>OR ANY</u> <u>YLAND NATIONAL GUARD</u> IS AN OCCUPANT MAY ENTER A JT PAYING ANY PER-VEHICLE FEE THAT HAS BEEN
27 28 29 30	MEMBER OF THE M	ARY	ION DOES NOT EXEMPT AN ACTIVE SERVICE MEMBER <u>, ANY</u> <u>LAND NATIONAL GUARD</u> , OR <u>ANY</u> OTHER INDIVIDUAL FROM IY USE SERVICES FEES NOT DESCRIBED IN SUBSECTION (A)

5–1015.

1 (A) ON PRESENTATION OF A VALID VETERAN IDENTIFICATION CARD, A 2 DRIVER'S LICENSE THAT INDICATES THE LICENSE HOLDER IS A VETERAN, OR ANY 3 OTHER FORM OF IDENTIFICATION ACCEPTED BY THE DEPARTMENT THAT 4 ESTABLISHES THE HOLDER'S VETERAN STATUS:

- 5 (1) A VETERAN MAY ENTER A STATE PARK WITHOUT PAYING ANY 6 DAY-USE ENTRY FEE THAT HAS BEEN ESTABLISHED; AND
- 7 (2) A VEHICLE OF WHICH A VETERAN IS AN OCCUPANT MAY ENTER A 8 STATE PARK WITHOUT PAYING ANY PER-VEHICLE FEE THAT HAS BEEN 9 ESTABLISHED.

10 **(B)** THIS SECTION DOES NOT EXEMPT A VETERAN OR OTHER INDIVIDUAL 11 FROM PAYING ANY OTHER FACILITY USE SERVICES FEES NOT DESCRIBED IN 12 SUBSECTION (A) OF THIS SECTION.

13

Article – State Government

- 14 9-901.
- 15 (a) In this subtitle the following words have the meanings indicated.
- 16 (B) "ACTIVE DUTY" HAS THE MEANING STATED IN 37 U.S.C. § 101.
- 17 (C) "ACTIVE SERVICE MEMBER" MEANS AN INDIVIDUAL WHO IS:
- 18 (1) AN ACTIVE DUTY MEMBER OF THE UNIFORMED SERVICES; OR
- 19 (2) SERVING IN A RESERVE COMPONENT OF THE UNIFORMED 20 SERVICES ON ACTIVE DUTY ORDERS.
- 21 (D) "ARMED FORCES" HAS THE MEANING STATED IN 10 U.S.C. § 101.

22 [(b)] (E) "Board" means the Board of Trustees of the Maryland Veterans Trust.

23 [(c)] (F) "Department" means the Department of Veterans and Military 24 Families.

(G) "MILITARY FAMILY" INCLUDES THE SPOUSE AND DEPENDENT
 CHILDREN OF A SERVICE MEMBER OR VETERAN RELATED BY BLOOD, MARRIAGE, OR
 ADOPTION.

28 (H) "RESERVE COMPONENT" HAS THE MEANING STATED IN 37 U.S.C. § 101.

	10	SENATE BILL 282
1	[(d)] (I)	"Secretary" means the Secretary of Veterans and Military Families.
2	(J) "Sei	RVICE MEMBER" MEANS AN INDIVIDUAL WHO IS A MEMBER OF:
3	(1)	THE UNIFORMED SERVICES; OR
4	(2)	A RESERVE COMPONENT OF THE UNIFORMED SERVICES.
5	[(e)] (K)	"Trust" means the Maryland Veterans Trust.
6	(L) "UN	IFORMED SERVICES" HAS THE MEANING STATED IN 37 U.S.C. § 101.
7 8 9 10	for training, and v	Except as otherwise provided in this subtitle, "veteran" [means an erved on active duty in the armed forces of the United States, other than vas discharged or released under conditions other than dishonorable] HAS FATED IN 38 U.S.C. § 101.
$\begin{array}{c} 11 \\ 12 \end{array}$	SECTION October 1, 2025.	2. AND BE IT FURTHER ENACTED, That this Act shall take effect

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.