



2019-2020 General Assembly

SENATE BILL 681: Agency Policy Directives/2019-2020, Sec. 8.3: Natural Heritage Program Administration and Fund Correction

Committee:		Date:	November 5, 2020
Introduced by:		Prepared by:	Jeff Cherry Staff Attorney
Analysis of:	Sec. 8.3 of S.L. 2020-78		

OVERVIEW: *Sec. 8.3 of S.L. 2020-78 clarifies and conforms existing laws applicable to the Natural Heritage Program (NHP) to reflect the 2015 reorganization transferring the Natural Heritage Program from the Department of Environmental Quality (DEQ) to the Department of Natural and Cultural Resources (DNCR). The provision clarifies the treatment of fees collected by DNCR for the Natural Heritage Program, and transfers all duties and responsibilities related to stewardship and oversight of properties and interests for which tax credits for tax years beginning before January 1, 2014, were granted under the Conservation Tax Credit program from DEQ to DNCR, specifying that those duties and responsibilities transferred must be exercised through the Natural Heritage Program.*

This section became effective July 1, 2020.

CURRENT LAW: Prior to 2015, the NHP, which administers lands and interests in land donated to the State to obtain the Conservation Tax Credit, was administered by DEQ. A major reorganization of both DEQ and DNCR enacted in the 2015 Appropriations Act (S.L. 2015-241, Section 14.30) included the transfer of the Natural Heritage Program from DEQ to DNCR. However, the reorganization budget provision failed to set out the responsibility for stewardship and oversight of properties donated for tax years prior to the transfer of the NHP. In addition, the statute authorizing the NHP to charge reasonable fees for certain activities included an outdated reference to the proper destination for the collected fees.

BILL ANALYSIS: Section 8.3 of S.L. 2020-78: (i) corrects a fund reference in the NHP fee authorization statute; and (ii) clarifies that stewardship and oversight responsibilities for properties and property interests donated to the NHP in order to obtain a Conservation Tax Credit for tax years beginning before January 1, 2014, belong to DNCR, and not DEQ, and that those responsibilities should be exercised through the NHP.

EFFECTIVE DATE: This section became effective July 1, 2020.

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Director



Legislative Drafting
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