

HB 126

Department of Legislative Services Maryland General Assembly 2017 Session

FISCAL AND POLICY NOTE **Third Reader**

House Bill 126

(Chair, Environment and Transportation Committee)(By Request - Departmental - Natural Resources)

Environment and Transportation

Education, Health, and Environmental Affairs

Natural Resources - Wildlife and Hunting

This departmental bill clarifies that the State Wildlife Management and Protection Fund may be used *only* for the scientific investigation, protection, propagation, and management of wildlife as well as for administrative costs. The bill also repeals provisions that require a certain portion of hunting license fee revenue to be used to (1) promote activities related to bow and muzzle loader hunting and (2) provide funding for the processing of deer for donation to the needy. The bill also modifies the required check-in procedures for killed deer to conform to current practice and establishes provisions relating to the reporting of other killed game birds and mammals. Finally, the bill repeals provisions related to (1) deer killed by motor vehicles on highways in the State; (2) clothing worn by hunters or assistants; and (3) nonresidents hunting or trapping beaver or otter in the State.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances. The Department of Natural Resources (DNR) advises that the bill largely codifies current practice and clarifies current law.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: DNR has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: The bill repeals statutory provisions requiring a person who kills a deer to report with the deer to a designated checking station within 24 hours after killing the deer. Instead, a person who harvests a game bird or mammal must report the harvest in accordance with regulations adopted by DNR. A person who possesses a game bird or mammal killed by means other than hunting must also report the possession in accordance with regulations adopted by DNR. The bill also repeals the statutory provision that exempts a person who is hunting on his/her own property (with or without a hunter's license) from the general requirement to wear daylight fluorescent orange while hunting.

Current Law/Background: Generally, a person must be licensed to hunt in the State. DNR establishes the open season to hunt forest and upland game birds and mammals by regulation each year. Funds generated from the sale of any license, stamp, application, or permit fee under the wildlife provisions in the Natural Resources Article must be credited to the State Wildlife Management and Protection Fund and used for the scientific investigation, protection, propagation, and management of wildlife. Under current law, \$1 from the sale of each resident regular and full season nonresident hunting license must be used (1) for specified activities that benefit bow and muzzle loader hunting and (2) to provide funding for the processing of deer for donation to the needy.

Wildlife Management and Protection Fund – Audit Findings

DNR advises that a 2011 audit report by the U.S. Fish and Wildlife Services included a recommendation that, in order to comply with federal regulations under the federal Wildlife Restoration Program, DNR seek passage of legislation to explicitly prohibit the use of hunting license fee revenue for purposes other than the administration of wildlife. The audit report also identified the use of that revenue for the processing of deer for donation as a nonauthorized use of federal funds.

As a result of the audit report, DNR has since used general funds to provide funding for the processing of deer for donation to the needy. In addition, DNR advises that, while statute does not explicitly prohibit the use of funds from the State Wildlife Management and Protection Fund for other purposes, in practice, it is only used for the administration of wildlife. Thus, although the bill's changes to those provisions merely codify current practice, DNR advises that they are necessary to ensure compliance with the federal program and continued eligibility for federal funds. DNR advises that it is eligible for between \$5 million and \$7 million in annual grants through the federal program.

Reporting of Deer Harvested or Killed by Motor Vehicles

Current law requires a hunter to physically take a harvested deer to a designated checking station within 24 hours. However, DNR advises that it now has a telephone and online reporting system that makes physically presenting a deer unnecessary. The bill's changes to the check-in provisions codify current practice.

Under current law, a person who accidentally hits and kills a deer in a vehicle is authorized to keep the deer only if the person produces visible evidence of the collision to a police officer or other designated representative of the Secretary of Natural Resources. DNR advises that police officers carry a supply of printed tags that are used to identify deer killed by motor vehicle accidents. The bill allows the personal inspection that is required under current law to be replaced by the telephone and online reporting system that now exists. Further, the bill expands the provision to include any game bird or mammal killed by means other than hunting.

Clothing Required to be Worn by Hunters or Assistants

In general, a person who is hunting, or a person who is assisting a hunter, must wear specified daylight fluorescent orange clothing. However, there are several exemptions to this general requirement, including individuals hunting on their own property (with or without a hunting license).

Additional Information

Prior Introductions: HB 1506 of 2016, a similar bill, passed the House and was referred to the Senate Rules Committee, but no further action was taken.

Cross File: None.

Information Source(s): Department of Natural Resources; Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2017
mm/lgc Third Reader - February 19, 2017

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Department of Natural Resources – Wildlife and Hunting

BILL NUMBER: HB 126

PREPARED BY: Glenn D. Therres

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

This bill will not result in any increases or decreases in sales of hunting equipment by small businesses, nor will it result in any more or less sales of other products purchased by hunters such as food, gas or lodging.