

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 1045 (Delegate Beitzel, *et al.*)
Environment and Transportation

Hunting - Use of Motorized Vehicles - Wounded or Disabled Military

This bill establishes a wounded or disabled military vehicle use exemption for hunting. A person who is a wounded or service-connected disabled member or veteran of the U.S. Armed Forces may use an off-road vehicle or motorized wheelchair to go to or from a hunting stand or location to retrieve game while hunting. The bill requires the Secretary of Natural Resources to authorize the operation of such a vehicle on property that is owned or controlled by the Department of Natural Resources (DNR) consistent with this exemption.

Fiscal Summary

State Effect: Potential significant increase in general fund expenditures for DNR to repair or mitigate damage caused by off-road vehicles in State parks, State forests, and wildlife management areas as a result of the bill. Potential decrease in special fund revenues for the Forest or Park Reserve Fund to the extent that the bill results in a decrease in timber sales.

Local Effect: The bill does not directly affect local operations or finances; however, to the extent special fund revenues to the Forest or Park Reserve Fund decrease, county payments from that fund decrease.

Small Business Effect: Minimal.

Analysis

Current Law/Background: In general, individuals are prohibited from shooting or pursuing animals with an “off-road vehicle.” An “off-road vehicle” means a motorized

vehicle designed for or capable of cross-country travel on land, water, snow, ice, marsh, swampland, or other natural terrain. It includes four-wheel drive or low-pressure tire vehicles, automobiles, trucks, motorcycles, amphibious machines, ground-effect or air-cushion vehicles, snowmobiles, boats, farm-type tractors, earth-moving or construction equipment, lawn mowers, snow blowers, garden or lawn tractors, or golf carts.

However, DNR authorizes hunters with mobility impairments who obtain a Universal Disability Pass to hunt from vehicles (regardless of whether the hunter is a veteran). Applications for a Universal Disability Pass must be certified by a physician. A number of public hunting lands in the State are designated as lands where individuals can hunt from a vehicle with such a permit.

In addition, DNR administers other programs for veterans. For example, DNR administers a Wounded Warrior and Veteran Outreach Program to offer hiking, biking, boating, fishing, swimming, horseback riding, teambuilding ropes courses, hunting, and camping opportunities to wounded warriors, veterans, and their families. DNR also offers a complimentary lifetime hunting license to a Maryland resident who is certified as a former prisoner of war or a 100% service connected disabled American veteran.

The U.S. Department of Veterans Affairs (VA) ranks service-connected disabilities based on a scale from 10% to 100% (in increments of 10%). According to the VA website, this scale is used to determine disability compensation for injuries or diseases that were incurred in or aggravated during active duty, active duty for training, or inactive duty training. A disability can apply to physical conditions, such as a chronic knee condition, as well as mental health conditions, such as post-traumatic stress disorder.

State Fiscal Effect: General fund expenditures increase, potentially significantly, beginning in fiscal 2016 for DNR to repair and mitigate damage caused by off-road vehicles in State parks, State forests, and wildlife management areas. However, the extent of damage, if any, cannot be reliably estimated because it depends on many factors, including (1) the number of eligible wounded or service-connected disabled military members or veterans that take advantage of the bill's authorization to hunt from off-road vehicles or motorized wheelchairs on property owned or controlled by DNR; (2) the types of vehicles used; (3) hunting locations; (4) the number of hunting days; and (5) environmental conditions. However, DNR advises that there is the potential for significant damage to sensitive areas.

As discussed above, specified areas are already open to hunting from a motorized vehicle for hunters with mobility impairments. DNR designates these areas as open to hunting from vehicles (with certain restrictions) only after determining that the use of motorized vehicles does not present an undue risk to public safety or compromise resource protection objectives. Thus, using an off-road vehicle or motorized wheelchair in areas that are not

designated as open to hunting from vehicles may pose a risk to public safety or compromise environmental resources.

Since 2011, all of the major State forests in Maryland have been certified by the Sustainable Forestry Initiative (SCI) and the Forest Stewardship Council (FSC) standards. SCI and FSC are nationwide sustainability standards. DNR's Forest Service advises that the bill's provision may jeopardize these certifications. These certifications provide the Forest Service with increased credibility and visibility regarding its sustainable forest management practices. Further, the FSC label increases marketability of FSC certified timber products. Thus, special fund revenues for the Forest or Park Reserve Fund may decrease to the extent that expanded use of off-road vehicles and motorized wheelchairs in State forests jeopardizes FSC or SCI certification and impacts timber sales from State forests.

Local Revenues: Because counties receive a percentage of the revenues derived from State forests located in their jurisdictions from the Forest or Park Reserve Fund, county payments from the fund decrease if revenues from timber sales decrease.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Forest Stewardship Council, Sustainable Forestry Initiative, U.S. Department of Veterans Affairs, Department of Legislative Services

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