

MEMORANDUM

July 25, 2014

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Action:** Expedited Bill 35-14, Weapons – Discharge of Bows - Amendments

Public Safety Committee recommendation (3-0): enact the Bill as introduced.

Expedited Bill 35-14, Weapons – Discharge of Bows - Amendments, sponsored by Council Vice President Leventhal, Councilmember Berliner and Council President Rice, was introduced on June 10. A public hearing was held on July 15 and a Public Safety Committee worksession was held on July 17.

Background

Under current County law, a person, other than the owner or occupant of the property, must not discharge a bow within 150 yards of a dwelling house, residence, church, or other building or camp occupied by human beings without the written consent from the owner or occupant of the property. This area is known as the “safety zone.” Bill 35-14 would reduce the safety zone for archery hunters in the County from 150 yards to 100 yards from a dwelling house, residence, church, or other building or camp occupied by human beings.

SB 309, enacted by the General Assembly this year reduced the archery hunting safety zone in the County from 150 yards to 100 yards. Bill 35-14 would keep County law regulating archery hunting consistent with State law. The background for the State law, SB 309, is described in the Fiscal Note at ©4. The Council supported SB 309 during the legislative session.

Public Hearing

Both speakers, Peggy Dennis, speaking for the Montgomery County Civic Federation, and Robert Cissel, speaking on behalf of the Montgomery Agricultural Producers (©10), supported the Bill. Each of the speakers discussed the overpopulation of deer in the County and argued that this Bill would provide an additional opportunity for a humane method of reducing the overpopulation. We also received a letter supporting the Bill from David Weitzer of the Montgomery County Agricultural Advisory Committee. (©11-12).

Public Safety Committee Worksession

Council Vice President George Leventhal attended the worksession in addition to the Committee members. County Police Captain Michael Wall represented the Executive Branch. M-NCPPC Police Chief Anthony DeVaul and Dr. John Hench represented the M-NCPPC. The Committee discussed the problem of overpopulation of deer in the County and how the Bill might help. The Committee also discussed M-NCPPC's current and future programs to control the deer population in the County.

The Committee (3-0) recommended approval of the Bill as introduced.

Issue

Should the County reduce the safety zone for bow hunting?

The public hearing testimony described the spotless safety record for bow hunters in the County. The deer population in the County continues to grow. This deer overpopulation results in many collisions with motor vehicles and the loss of food crops. The reduction of the safety zone will increase the opportunity for property owners to permit bow hunting on their property to reduce the deer population. **Committee recommendation (3-0):** approve the Bill as introduced.

This packet contains:

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Expedited Bill No. 35-14
Concerning: Weapons – Discharge of
Bows - Amendments
Revised: May 14, 2014 Draft No. 1
Introduced: June 10, 2014
Expires: December 10, 2015
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: [date expires]
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council Vice President Leventhal, Councilmember Berliner and Council President Rice

AN EXPEDITED ACT to:

- (1) reduce the safety zone for archery hunters in the County; and
- (2) generally amend the laws governing the discharge of bows.

By amending

Montgomery County Code
Chapter 57, Weapons
Section 57-6

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

LEGISLATIVE REQUEST REPORT

Expedited Bill 35-14

Weapons – Discharge of Bows - Amendments

DESCRIPTION: The Bill would decrease the archery hunting safety zone size in the County from 150 yards to 100 yards from a dwelling house, residence, church, or other building or camp occupied by human beings.

PROBLEM: State law was enacted this year to decrease the archery hunting safety zone in the County from 150 yards to 100 yards.

GOALS AND OBJECTIVES: Keep County law consistent with State law restrictions on archery hunting.

COORDINATION: Police, County Attorney

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Robert H. Drummer, Senior Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: Class A Violation

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 309

(Montgomery County Senators)

Education, Health, and Environmental Affairs

Environmental Matters

Montgomery County - Archery Hunting - Safety Zone

This bill decreases the archery hunting safety zone size, in Montgomery County, from 150 yards to 100 yards from a dwelling house, residence, church, or other building or camp occupied by human beings.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: Minimal or none.

Small Business Effect: Minimal.

Analysis

Current Law: A person, other than the owner or occupant, may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone,” of a dwelling house, residence, church, or other building or camp occupied by human beings without the specific advance permission of the owner or occupant. Also, a person, other than the owner or occupant, may not shoot at any animal while it is within the safety zone without the specific advance permission of the owner or occupant.

For archery hunters in Carroll and Frederick counties, the safety zone extends for 50 yards from a dwelling house, residence, church, or other building or camp occupied by human beings. For archery hunters in Harford County, the safety zone extends for

100 yards from a dwelling house, residence, church, or other building or camp occupied by human beings.

A person, while hunting for any wild bird or mammal, may not shoot or discharge any firearm within 300 yards of a school during school hours or when a school-approved activity is taking place.

During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any animal within the safety zone without the specific advance permission of the owner or occupant.

Background: The U.S. Fish and Wildlife Service's *2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation State Overview Report*, issued in September 2012, found that over 37 million people spent time fishing and/or hunting and wildlife-related recreation expenditures totaled \$145 billion nationally. In Maryland, it is estimated that every year over 88,000 hunters enjoy over 1 million days of hunting and contribute over \$264 million to the State's retail sales economy.

Over 8,000 people take the Maryland Hunter Education Course every year. However, hunting accidents do occur.

Montgomery County reports that as a result of the growing deer population, the county and the Maryland-National Capital Park and Planning Commission have implemented several deer management efforts.

Additional Information

Prior Introductions: HB 671 of 2013 received a hearing in the House Environmental Matters Committee, but no further action was taken.

Cross File: HB 138 (Montgomery County Delegation) - Environmental Matters.

Information Source(s): Department of Natural Resources, Montgomery County, U.S. Fish and Wildlife Service, Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2014
mc/lgc Revised - Senate Third Reader - March 18, 2014

Analysis by: Michael Sanelli

Direct Inquiries to:
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ROCKVILLE, MARYLAND

MEMORANDUM

July 7, 2014

TO: Craig Rice, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget
Joseph F. Beach, Director, Department of Finance

SUBJECT: Council Bill 35-14E, Weapons -Discharge of Bows Amendments

Please find attached the fiscal and economic impact statements for the above-referenced legislation.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
Joseph F. Beach, Director, Department of Finance
David Platt, Department of Finance
Robert Hagedoorn, Department of Finance
Thomas Manger, Chief, Department of Police
Bruce Meier, Office of Management and Budget
Alex Espinosa, Office of Management and Budget
Felicia Zhang, Office of Management and Budget
Naeem Mia, Office of Management and Budget

Fiscal Impact Statement
Legislation to Amend County Code Chapter 57, Weapons

1. Legislation Summary

The purpose of this code amendment is to (1) reduce the safety zone (distance from a dwelling house, residence, church, or other building or camp occupied by human beings within which a bow may not be discharged unless within a target archery facility) for archery hunters in the County from 150 yards to 100; and (2) generally amend the laws governing the discharge of bows.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

No impact on revenues or expenditures.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

No impact on revenues or expenditures.

4. An actuarial analysis through the entire amortization period for legislation that would affect retiree pension or group insurance costs.

Not Applicable

5. Later actions that may affect future revenue and expenditures if the legislation authorizes future spending.

Not Applicable

6. An estimate of the staff time needed to implement the legislation.

None

7. An explanation of how the addition of new staff responsibilities would affect other duties.

None.

8. An estimate of costs when an additional appropriation is needed.

Not Applicable

9. A description of any variable that could affect revenue and cost estimates.

Not Applicable

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not Applicable

11. If legislation is likely to have no fiscal impact, why that is the case.

The legislation will have no impact on police operations beyond the change in the standard applied.

12. Other fiscal impacts or comments.

None

13. The following contributed to and concurred with this analysis.

Captain Michael Wahl, Montgomery County Police Department
Bruce Meier, OMB



Jennifer A. Hughes, Director
Office of Management and Budget



Date

Economic Impact Statement
Bill 35-14E, Weapons – Discharge of Bows - Amendments

Background:

This legislation would reduce the safety zone for archery hunters from 150 yards to 100 yards from an occupied dwelling house, residence, church, or other building or camp.

1. The sources of information, assumptions, and methodologies used.

There are no assumptions and methodologies used in this economic impact statement.

2. A description of any variable that could affect the economic impact estimates.

Not applicable.

3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.

This bill has no economic impact on employment, spending, saving, investment, incomes, and property values in the County.

4. If a Bill is likely to have no economic impact, why is that the case?

Not applicable.

5. The following contributed to or concurred with this analysis: David Platt and Rob Hagedoorn, Finance.



Joseph F. Beach, Director
Department of Finance

6/27/14

Date



"Representing the Agricultural Producers of Montgomery County"

Craig Rice, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20856

RE: Agricultural Preservation Advisory Board (APAB) Written Testimony:
Expedited Council Bill 35-14 – Weapons – Discharge of Bows – Amendments
Public Hearing, July 12, 2014

Dear Council President Rice:

On behalf of the Montgomery Agricultural Producers (MAP), please accept this correspondence as testimony regarding Council Bill 35-14 – Weapons – Discharge of Bows – Amendments for the Public Hearing scheduled for July 12, 2014.

The agricultural community has long advocated the need to increase the tools available in the management of the County's Deer Population. This need is tied directly to adverse economic impacts as well as risks to public health and safety related directly to the deer population. Economic losses from crop damage in the agricultural community continue to be a challenge. As the County's deer population grows, so does their impacts in suburban and urban areas. Some of our members are truly "Farming on the Metro's Edge" and need every tool available to continue to manage these losses.

Deer hunting has proven to be the most cost effective way to manage deer population. Reducing the deer herds in the County will require that hunters have all the tools necessary to safely harvest the deer. Bill 35-14 can help expand the management of deer by reducing the safety distance from 150 yards to 100 yards. This bill makes even more sense since most bow hunting is done from an elevated tree stand and arrow shots are usually pointed towards the ground. This reduction in distance will make more properties eligible for bow hunting which will help to reduce deer herds and will not compromise the safety of the public.

It is our hope that the County Council will support this Bill so that the County can expand the management of deer in the County by making more properties eligible for bow hunting. The members of MAP believe that by supporting Council Bill 35-14, it will help to mitigate agricultural economic impacts caused by deer as well as help to reduce the risks to public health and safety.

Sincerely,

Robert Cissel
Director Montgomery Agricultural Producers

cc: Montgomery County Council



AGRICULTURAL ADVISORY COMMITTEE

July 11, 2014

The Honorable Craig Rice, President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear Council President Rice: Bill 35-14 Weapons-Discharge of Bows-Amendments to
reduce the Safety Zone from 150 yards to 100 yards

On behalf of the Montgomery County Agricultural Advisory Committee-AAC, please accept this letter in support for Bill 35-14 which reduces the Safety Zone for archery hunters from 150 yards to 100 yards.

The AAC has been advocating for over 10 years that the State of Maryland and the County Government needs to be more proactive in controlling the growing deer population that negatively impacts our residents. The AAC is committed to fostering an environment where public health and safety of our residents is most important. The AAC also believes the growing deer population negatively impacts the residents by increasing cases of lyme disease. Likewise, the safety of residents is also negatively impacted by the growing number of deer vehicle collisions.

All of the deer management programs that are currently in place are not reducing the deer population in the County. Farmers are very frustrated by the lack of deer management on many of the parks located in the Agricultural Reserve. While 2013 has been one of the best growing seasons on record, some farmers have witnessed 100 percent crop losses on their farms adjacent to the parks where the deer congregate and then browse on farmers crops planted on adjacent farmland.

Over the years, County residents have become more and more frustrated by the negative impacts of deer as they destroy property from deer vehicle collisions as well as deer destroying most plants and flowers that residents purchase for the use and enjoyment on their property.

Reducing the deer herds in the County will require that hunters have all the tools necessary to safely harvest the deer. This Bill 35-14 is a needed tool. It would be helpful if the County consulted with representatives from other jurisdictions to better understand the tools they have in place and how effective they are to reducing deer herds.

There is misconception by the general public that as development takes away the habitat for deer the outcome is that deer are congregating in down county parks close to where most of the County residents live and work.

According to the Maryland Department of Natural Resources the birth of wildlife management in the early 1900s, has expanded the Maryland's deer population back into all habitats. State wildlife biologists have restocked the white-tailed deer to all available habitats in the state. White-tailed deer thrive in habitat that is composed of woods and openings, the expansion of housing developments into forests or onto farms provides excellent whitetail habitat. Streets and home sites created in a wooded area produce habitat preferred by white-tailed deer. Open farm fields become better deer habitat as new homeowners plant trees and shrubs on their bare home site. Deer populations have escalated in these suburban landscapes where exceptional habitat is available and hunting becomes limited.

Montgomery County needs to recognize that the Maryland Department of Natural Resources and their wildlife biologists are largely responsible for our growing deer population and all the deer impacts that jeopardize our resident's public health and safety. The residents of Montgomery County need the leadership from our elected officials to reduce the deer population and achieve an environment that will benefit all residents.

Please support Bill 35-14 which increases opportunities for bow hunting in Montgomery County where the current 150 yard safety zone prohibits deer management. Thank you for considering the views of the Agricultural Advisory Committee.

Sincerely,



David Weitzer, Chairman

Cc: Members of the AAC
Members of the APAB
Members of the MCFB