



House of Representatives

General Assembly

File No. 417

February Session, 2010

Substitute House Bill No. 5128

House of Representatives, April 8, 2010

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ENVIRONMENTAL CONSERVATION LICENSING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 23-11 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 The Commissioner of Environmental Protection may grant
4 revocable licenses for public purposes to any person for the use of any
5 portion of any state forest, [or] state park or other lands under the
6 commissioner's control if [said] the commissioner finds that such
7 purposes are not in conflict with [park or forest] the purposes of such
8 park, forest or other lands.

9 Sec. 2. Section 26-1 of the general statutes is amended by adding
10 subdivision (23) as follows (*Effective January 1, 2011*):

11 (NEW) (23) "Agent", unless the context clearly indicates otherwise,
12 means any town clerk or retail establishment authorized by the

13 Commissioner of Environmental Protection to issue certain hunting,
14 fishing and trapping licenses, permits, stamps and tags.

15 Sec. 3. Subsection (a) of section 26-28 of the 2010 supplement to the
16 general statutes is repealed and the following is substituted in lieu
17 thereof (*Effective January 1, 2011*):

18 (a) Except as provided in subsection (b) of this section, the fees for
19 firearms hunting, archery hunting, trapping and sport fishing licenses
20 or for the combination thereof shall be as follows: (1) Resident firearms
21 hunting license, twenty-eight dollars; (2) resident fishing license, forty
22 dollars; (3) resident marine waters fishing license, ten dollars; (4) one-
23 day resident marine waters fishing license, fifteen dollars; (5) resident
24 all-waters fishing license, fifty dollars; (6) resident combination license
25 to fish in inland waters and firearms hunt, fifty-six dollars; (7) resident
26 combination license to fish in marine waters and firearms hunt, fifty
27 dollars; (8) resident combination license to fish in all waters and
28 firearms hunt, sixty dollars; (9) resident combination license to fish in
29 all waters and bow and arrow permit to hunt deer and small game
30 issued pursuant to section 26-86c, as amended by this act, eighty-four
31 dollars; (10) resident firearms super sport license to fish in all waters
32 and firearms hunt, firearms private land shotgun or rifle deer permit
33 issued pursuant to section 26-86a, as amended by this act, and permit
34 to hunt wild turkey during the spring season on private land issued
35 pursuant to section 26-48a, as amended by this act, one hundred
36 sixteen dollars; (11) resident archery super sport license to fish in all
37 waters, bow and arrow permit to hunt deer and small game issued
38 pursuant to section 26-86c, as amended by this act, and permit to hunt
39 wild turkey during the spring season on private land issued pursuant
40 to section 26-48a, as amended by this act, one hundred four dollars;
41 (12) resident trapping license, fifty dollars; (13) resident junior trapping
42 license for persons under sixteen years of age, fifteen dollars; (14)
43 junior firearms hunting license, fifteen dollars; (15) nonresident
44 firearms hunting license, one hundred thirty-four dollars; (16)
45 nonresident inland waters fishing license, eighty dollars; (17)
46 nonresident inland waters fishing license for a period of three

47 consecutive days, thirty-two dollars; (18) nonresident marine waters
48 fishing license, sixty dollars; (19) nonresident marine waters fishing
49 license for a period of three consecutive days, twenty-four dollars; (20)
50 nonresident all-waters fishing license, one hundred dollars; (21)
51 nonresident combination license to firearms hunt and inland waters
52 fish, one hundred seventy-six dollars; (22) nonresident combination
53 license to fish in all waters and firearms hunt, one hundred ninety
54 dollars; (23) nonresident combination license to fish in marine waters
55 and firearms hunt, one hundred seventy dollars; and (24) nonresident
56 trapping license, two hundred fifty dollars. Persons sixty-five years of
57 age and over who have been residents of this state for not less than one
58 year and who meet the requirements of subsection (b) of section 26-31,
59 as amended by this act, may be issued an annual license to firearms
60 hunt or to fish or combination license to fish and firearms hunt or a
61 license to trap without fee. The issuing agency shall indicate on a
62 combination license the specific purpose for which such license is
63 issued. The [town clerk] agent shall remit license fees in accordance
64 with the procedures and schedule established by the Commissioner of
65 Environmental Protection and retain such a recording fee [of one
66 dollar] as established by the commissioner for each license issued by
67 [him] such agent.

68 Sec. 4. Section 26-30 of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective January 1, 2011*):

70 (a) Resident licenses to firearms hunt, archery hunt, trap or fish, or
71 the combination thereof, shall be issued only to qualified applicants
72 therefor by the [town clerk of any town, an agent of such town clerk
73 deputized pursuant to subsection (f) of this section or an agent of the]
74 Commissioner of Environmental Protection or an agent licensed
75 pursuant to subsection [(g)] (f) of this section. Such licenses shall be
76 issued in such form as the commissioner [shall prescribe] prescribes.

77 (b) Nonresident licenses shall be issued by [any town clerk, an agent
78 of such town clerk or an agent of] the commissioner or an agent, except
79 that nonresident trapping licenses shall be issued by the commissioner.

80 Such licenses shall be issued in such form as prescribed by the
81 commissioner.

82 (c) Applications shall be made on forms furnished by the
83 commissioner, containing such information as the commissioner may
84 require, and any such application forms shall have printed thereon, "I
85 declare under the penalties of false statement that the statements
86 herein made by me are true and correct." Any person who makes any
87 material false statement on such application form shall be guilty of
88 false statement and shall be subject to the penalties provided for false
89 statement, and said offense shall be deemed to have been committed in
90 the town in which such application is presented or received for
91 processing.

92 (d) No application shall contain any material false statement.

93 (e) The [town clerk, an agent of such town clerk or an agent of the]
94 commissioner or agent shall, upon receipt of such application,
95 correctly filled out and accompanied by the required fee, issue to such
96 applicant the appropriate license. [If such application is by mail, the
97 town clerk shall mail such license to such applicant within five days
98 from the receipt of the application and proper fee.]

99 [(f) The town clerk of any town may deputize agents in such town to
100 issue firearms hunting, archery hunting, trapping and fishing licenses,
101 or the combination thereof, provided he shall be solely responsible for
102 compliance with the provisions of the statutes relating to the duties of
103 the town clerk in connection with such licenses and the moneys
104 received therefor.]

105 [(g)] (f) The Commissioner of Environmental Protection may, upon
106 application by persons on forms furnished by the commissioner and
107 containing such information as the commissioner may require, license
108 such persons as agents for the issuance of firearms hunting, archery
109 hunting, trapping and fishing licenses, or the combination thereof.
110 [Upon the request of any agent licensed by the commissioner, the town
111 clerk of the town in which such agent conducts business shall sell

112 license forms to such agent at the regular license cost minus twenty-
113 five cents for such agent's fee. Not later than the first Monday of each
114 month, such agent shall remit to the town clerk from whom the license
115 forms were purchased any license forms voided by such agent and two
116 copies of all licenses sold by such agent during the preceding month.
117 Upon the request of an agent, the town clerk shall reimburse such
118 agent for any unused or voided license forms remitted to such town
119 clerk] The agent shall remit license fees to the Department of
120 Environmental Protection in accordance with the procedures and
121 schedule established by the commissioner.

122 Sec. 5. Subsection (b) of section 26-31 of the general statutes is
123 repealed and the following is substituted in lieu thereof (*Effective*
124 *January 1, 2011*):

125 (b) No firearms hunting, archery hunting or trapping license shall
126 be issued to any person unless he presents proof in the form of a
127 license or certified copy thereof that he has held a similar resident
128 license to hunt with firearms or with bow and arrow or to trap within
129 five years from the date of application in any state or country or
130 possession thereof, or unless he presents to the [town clerk] agent or
131 Commissioner of Environmental Protection a certificate of completion
132 issued under subsection (a) of this section or an equivalent, as deemed
133 by the commissioner, of such certificate. Each [town clerk] agent shall
134 transmit all such certificates presented to [him to the Commissioner of
135 Environmental Protection] such agent to the commissioner in
136 connection with [his] such agent's report to the commissioner under
137 section 26-36, as amended by this act.

138 Sec. 6. Section 26-36 of the general statutes is repealed and the
139 following is substituted in lieu thereof (*Effective January 1, 2011*):

140 Each [town clerk] agent shall keep a record of all licenses issued by
141 such [clerk] agent under the provisions of this chapter for a period of
142 two years after issuance, which record shall be open to public
143 inspection, and such [clerk] agent shall [, on the first Monday of each
144 month,] remit to the commissioner all money, except the recording

145 fees, received by such [clerk] agent for such licenses issued during the
146 month preceding [and shall also forward to the commissioner copies of
147 all licenses issued during the month preceding. Within fifteen days
148 following] in accordance with the schedule established by the
149 commissioner. Following the close of each calendar year, the [town
150 clerk] agent shall send to the commissioner [(1) all license forms, other
151 than lifetime license forms, allotted to such clerk which were not
152 issued, (2)] an annual report in such form as is required by the
153 commissioner, accounting for all [license forms furnished such clerk by
154 the commissioner,] licenses sold or cancelled by such [clerk, licenses
155 voided by such clerk and licenses unused, and (3) an affidavit attesting
156 to the accuracy of the accounting in said annual report] agent.

157 Sec. 7. Subsection (b) of section 26-48a of the 2010 supplement to the
158 general statutes is repealed and the following is substituted in lieu
159 thereof (*Effective January 1, 2011*):

160 (b) Such permits, tags or stamps shall be issued to qualified
161 applicants by [any town clerk] the commissioner or an agent.
162 Application for such permits, tags or stamps shall be on such form and
163 require of the applicant such information as the commissioner may
164 prescribe. The commissioner may [adopt regulations in accordance
165 with the provisions of chapter 54 authorizing a town clerk] authorize
166 an agent to retain part of any fee paid for a permit, tag or stamp issued
167 by such [town clerk] agent pursuant to this section. [, provided the]
168 The amount retained by such agent shall [not be less than fifty cents]
169 be the amount established by the commissioner.

170 Sec. 8. Subsection (a) of section 26-86a of the 2010 supplement to the
171 general statutes is repealed and the following is substituted in lieu
172 thereof (*Effective January 1, 2011*):

173 (a) The commissioner shall establish by regulation adopted in
174 accordance with the provisions of chapter 54 standards for deer
175 management, and methods, regulated areas, bag limits, seasons and
176 permit eligibility for hunting deer with bow and arrow, muzzleloader
177 and shotgun, except that no such hunting shall be permitted on

178 Sunday. No person shall hunt, pursue, wound or kill deer with a
179 firearm without first obtaining a deer permit from the commissioner or
180 an agent in addition to the license required by section 26-27.
181 Application for such permit shall be made on forms furnished by the
182 commissioner and containing such information as he may require.
183 Such permit shall be of a design prescribed by the commissioner, shall
184 contain such information and conditions as the commissioner may
185 require, and may be revoked for violation of any provision of this
186 chapter or regulations adopted pursuant thereto. As used in this
187 section, "muzzleloader" means a rifle or shotgun of at least forty-five
188 caliber, incapable of firing a self-contained cartridge, which uses
189 powder, a projectile, including, but not limited to, a standard round
190 ball, mini-balls, maxi-balls and Sabot bullets, and wadding loaded
191 separately at the muzzle end and "rifle" means a long gun the projectile
192 of which is six millimeters or larger in diameter. The fee for a firearms
193 permit shall be twenty-eight dollars for residents of the state and one
194 hundred dollars for nonresidents, except that any nonresident who is
195 an active full-time member of the armed forces, as defined in section
196 27-103, may purchase a firearms permit for the same fee as is charged a
197 resident of the state. The commissioner shall issue, without fee, a
198 private land deer permit to the owner of ten or more acres of private
199 land and the husband or wife, parent, grandparent, sibling and any
200 lineal descendant of such owner, provided no such owner, husband or
201 wife, parent, grandparent, sibling or lineal descendant shall be issued
202 more than one such permit per season. Such permit shall allow the use
203 of a rifle, shotgun, muzzleloader or bow and arrow on such land from
204 November first to December thirty-first, inclusive. Deer may be so
205 hunted at such times and in such areas of such state-owned land as are
206 designated by the Commissioner of Environmental Protection and on
207 privately owned land with the signed consent of the landowner, on
208 forms furnished by the department, and such signed consent shall be
209 carried by any person when so hunting on private land. The owner of
210 ten acres or more of private land may allow the use of a rifle to hunt
211 deer on such land during the shotgun season. The commissioner shall
212 determine, by regulation, the number of consent forms issued for any

213 regulated area established by said commissioner. The commissioner
214 shall provide for a fair and equitable random method for the selection
215 of successful applicants who may obtain shotgun and muzzleloader
216 permits for hunting deer on state lands. Any person whose name
217 appears on more than one application for a shotgun permit or more
218 than one application for a muzzleloader permit shall be disqualified
219 from the selection process for such permit. No person shall hunt,
220 pursue, wound or kill deer with a bow and arrow without first
221 obtaining a bow and arrow permit pursuant to section 26-86c, as
222 amended by this act. "Bow and arrow" as used in this section and in
223 section 26-86c, as amended by this act, means a bow with a draw
224 weight of not less than forty pounds. The arrowhead shall have two or
225 more blades and may not be less than seven-eighths of an inch at the
226 widest point. No person shall carry firearms of any kind while hunting
227 with a bow and arrow under said sections.

228 Sec. 9. Section 26-86b of the general statutes is repealed and the
229 following is substituted in lieu thereof (*Effective January 1, 2011*):

230 The commissioner [shall] may issue tags to be attached to the
231 carcass of any deer killed under the provisions of sections 26-82 and
232 26-86a to 26-86c, inclusive, as amended by this act, which tag shall be
233 immediately attached to such deer and remain affixed until such
234 carcass is dressed and butchered and packaged for consumption. Each
235 person so taking deer shall, within twenty-four hours, report such kill
236 to the commissioner on a form furnished by him.

237 Sec. 10. Section 26-86c of the 2010 supplement to the general statutes
238 is repealed and the following is substituted in lieu thereof (*Effective*
239 *January 1, 2011*):

240 No person may hunt deer or small game with a bow and arrow
241 under the provisions of this chapter without a valid permit issued by
242 the Commissioner of Environmental Protection or an agent pursuant
243 to this section or section 26-86a, as amended by this act, for persons
244 hunting deer with bow and arrow under private land deer permits
245 issued free to qualifying landowners, or their husbands or wives,

246 parents, grandparents, lineal descendants or siblings under that
247 section. The fee for such bow and arrow permit to hunt deer and small
248 game shall be sixty dollars for residents and two hundred dollars for
249 nonresidents, or twenty-six dollars for any person twelve years of age
250 or older but under sixteen years of age, except that any nonresident
251 who is an active full-time member of the armed forces, as defined in
252 section 27-103, may purchase a bow and arrow permit to hunt deer
253 and small game for the same fee as is charged a resident of the state.
254 Permits to hunt with a bow and arrow under the provisions of this
255 chapter shall be issued only to qualified applicants therefor by the
256 Commissioner of Environmental Protection or an agent, in such form
257 as said commissioner prescribes. Applications shall be made on forms
258 furnished by the commissioner containing such information as he may
259 require and all such application forms shall have printed thereon: "I
260 declare under the penalties of false statement that the statements
261 herein made by me are true and correct." Any person who makes any
262 material false statement on such application form shall be guilty of
263 false statement and shall be subject to the penalties provided for false
264 statement and said offense shall be deemed to have been committed in
265 the town in which the applicant resides. No such application shall
266 contain any material false statement. On and after January 1, 2002,
267 permits to hunt with a bow and arrow under the provisions of this
268 chapter shall be issued only to qualified applicants who have
269 successfully completed the conservation education bow hunting
270 course as specified in section 26-31, as amended by this act, or an
271 equivalent course in another state.

272 Sec. 11. Subsection (a) of section 26-28c of the 2010 supplement to
273 the general statutes is repealed and the following is substituted in lieu
274 thereof (*Effective January 1, 2011*):

275 (a) Except as provided in subsection (b) of this section, the fee for a
276 resident marine waters fishing license shall be as specified in section
277 26-28. Persons sixty-five years of age and over who have been
278 residents of this state for not less than one year may be issued an
279 annual marine waters fishing license without fee. The [town clerk]

280 agent shall retain a recording fee of one dollar for each marine waters
 281 fishing license issued by him or her.

282 Sec. 12. Section 26-37 of the general statutes is repealed. (*Effective*
 283 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	23-11
Sec. 2	<i>January 1, 2011</i>	26-1
Sec. 3	<i>January 1, 2011</i>	26-28(a)
Sec. 4	<i>January 1, 2011</i>	26-30
Sec. 5	<i>January 1, 2011</i>	26-31(b)
Sec. 6	<i>January 1, 2011</i>	26-36
Sec. 7	<i>January 1, 2011</i>	26-48a(b)
Sec. 8	<i>January 1, 2011</i>	26-86a(a)
Sec. 9	<i>January 1, 2011</i>	26-86b
Sec. 10	<i>January 1, 2011</i>	26-86c
Sec. 11	<i>January 1, 2011</i>	26-28c(a)
Sec. 12	<i>from passage</i>	Repealer section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which codifies current practice and makes other technical and conforming changes to Department of Environmental statutes, does not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5128****AN ACT CONCERNING ENVIRONMENTAL CONSERVATION LICENSING.****SUMMARY:**

This bill allows “agents” as well as town clerks, to (1) issue hunting, fishing, and trapping licenses, (2) keep records of licenses issued, and (3) retain a portion of fees for permits, tags, or stamps issued. “Agents” include, unless context indicates otherwise, any town clerk or retail establishment authorized by the Commissioner of Environmental Protection (DEP). The bill permits, rather than requires, DEP to issue deer tags. It also (1) eliminates several town clerk requirements, (2) requires the DEP commissioner to create a schedule and procedure for agents to remit fees, and (3) amends the records license issues must keep.

The bill eliminates provisions and fees for obtaining a duplicate license if an individual’s license has been lost, destroyed, or mutilated beyond recognition.

It allows the DEP commissioner to grant revocable licenses for use of any land under DEP control for public purposes rather than just state parks and forests.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2011 except the provisions relating to duplicate licenses, which are effective upon passage, and the provisions relating to use of state land, which are effective October 1, 2010.

ELIMINATION OF TOWN CLERK REQUIREMENTS

The bill eliminates (1) the requirement that town clerks mail licenses within five days, (2) town clerks' right to deputize agents, and (3) provisions relating to town clerks selling forms to agents.

EXPANDED DEP ROLE

The bill requires first time applicants for licenses to present a certificate of completion of a safe hunting, trapping, or archery course to agents or the DEP commissioner, rather than to town clerks, and requires agents to transmit the certificate to DEP. It also requires the DEP to provide a form on which nonresident hunting, trapping, or fishing licenses must be issued. It requires agents to remit license fees according to the DEP procedure and schedule, and to retain a recording fee established by the DEP commissioner.

RECORDING REQUIREMENTS

Current law requires town clerks to keep a record of all issued licenses for 2 years, and to remit on the first Monday of each month all money, less recording fees, for licenses issued in the preceding month. The bill applies this requirement to agents, and requires the DEP commissioner to set the remittance schedule.

The bill also removes the requirement that the license issuer send all license forms not issued, voided, or unused and an affidavit attesting to accounting accuracy to the DEP commissioner in the annual accounting report license issuers must submit. The bill instead requires agents to submit accounting for all licenses sold, as under current law, and also all licenses cancelled.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/19/2010)