



House of Representatives

General Assembly

File No. 453

January Session, 2013

Substitute House Bill No. 5412

House of Representatives, April 11, 2013

The Committee on Environment reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DEER MANAGEMENT PROGRAMS ON PRIVATE PROPERTY AND AUTHORIZING BOW AND ARROW HUNTING ON PRIVATE PROPERTY ON SUNDAYS.

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

1 Section 1. Subsection (a) of section 26-82 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (a) No person shall hunt, pursue, wound or kill any deer or sell or
5 offer for sale or have in possession the flesh of any deer captured or
6 killed in this state, or have in possession the flesh of any deer from any
7 other state or country unless it is properly tagged as required by such
8 state or country except as provided by the terms of this chapter or
9 regulations adopted pursuant thereto, and except that any landowner
10 or primary lessee of land owned by such landowner or the husband or
11 wife or any lineal descendant of such landowner or lessee or any
12 designated agent of such landowner or lessee may kill deer with a
13 shotgun, rifle or bow and arrow provided a damage permit has first

14 been obtained from the commissioner and such person has not been
15 convicted for any violation of this section, section 26-85, 26-86a, as
16 amended by this act, 26-86b or 26-90 or subsection (b) of section 26-
17 86a-2 of the regulations of Connecticut state agencies within three
18 years preceding the date of application. Upon the receipt of an
19 application, on forms provided by the commissioner and containing
20 such information as said commissioner may require, from any
21 landowner who has or whose primary lessee has an actual or potential
22 gross annual income of twenty-five hundred dollars or more from the
23 commercial cultivated production of grain, forage, fruit, vegetables,
24 flowers, ornamental plants or Christmas trees and who is experiencing
25 an actual or potential loss of income because of severe damage by deer,
26 the commissioner shall issue not more than six damage permits
27 without fee to such landowner or the primary lessee of such
28 landowner, or the wife, husband, lineal descendant or designated
29 agent of such landowner or lessee. The application shall be notarized
30 and signed by all landowners or by the landowner or a lessee to whom
31 a farmer tax exemption permit has been issued pursuant to
32 subdivision (63) of section 12-412. Such damage permit shall be valid
33 through October thirty-first of the year in which it is issued and may
34 specify the hunting implement or shot size or both which shall be used
35 to take such deer. The commissioner may at any time revoke such
36 permit for violation of any provision of this section or for violation of
37 any regulation pursuant thereto or upon the request of the applicant.
38 Notwithstanding the provisions of section 26-85, the commissioner
39 may issue a permit to any landowner or primary lessee of land owned
40 by such landowner or the husband or wife or any lineal descendant of
41 such landowner or lessee and to not more than three designated agents
42 of such landowner or lessee to use a jacklight for the purpose of taking
43 deer when it is shown, to the satisfaction of the commissioner, that
44 such deer are causing damage which cannot be reduced during the
45 daylight hours between sunrise and one-half hour after sunset on the
46 land of such landowner. The commissioner may require notification as
47 specified on such permit prior to its use. Any deer killed in accordance
48 with the provisions of this section shall be the property of the owner of

49 the land upon which the same has been killed, but shall not be sold,
50 bartered, traded or offered for sale, and the person who kills any such
51 deer shall tag and report each deer killed, as provided in section 26-
52 86b. Upon receipt of the report required by section 26-86b, the
53 commissioner shall issue an additional damage permit to the person
54 making such report. Any deer killed otherwise than under the
55 conditions provided for in this chapter or regulations adopted
56 pursuant thereto shall remain the property of the state and may be
57 disposed of by the commissioner at the commissioner's discretion to
58 any state institution or may be sold and the proceeds of such sale shall
59 be remitted to the State Treasurer, who shall apply the same to the
60 General Fund, and no person, except the commissioner, shall retail, sell
61 or offer for sale the whole or any part of any such deer. No person
62 shall be a designated agent of more than one landowner or primary
63 lessee in any calendar year. No person shall make, set or use any trap,
64 snare, salt lick, bait or other device for the purpose of taking, injuring
65 or killing any deer, except that deer may be taken over an attractant in
66 areas designated by the commissioner. For the purposes of this section,
67 an attractant means any natural or artificial substance placed, exposed,
68 deposited, distributed or scattered that is used to attract, entice or lure
69 deer to a specific location including, but not limited to, salt, chemicals
70 or minerals, including their residues or any natural or artificial food,
71 hay, grain, fruit or nuts. The commissioner may authorize any
72 municipality, landowner, homeowner association or nonprofit land-
73 holding organization approved by the commissioner under the
74 provisions of this section to take deer at any time, other than Sundays,
75 or place using any method consistent with professional wildlife
76 management principles when a severe nuisance or ecological damage
77 can be demonstrated to the satisfaction of the commissioner. Any such
78 municipality, landowner, homeowner association or nonprofit land-
79 holding organization shall submit to the commissioner, for the
80 commissioner's review and approval, a plan that describes the extent
81 and degree of the nuisance or ecological damage and the proposed
82 methods of taking. Prior to the implementation of any such approved
83 plan, the municipality, landowner, homeowner association or

84 nonprofit land-holding organization shall provide notice of such plan
85 to any abutting landowners of such place where the plan will be
86 implemented. Such plan shall not authorize the use of a snare. No
87 person shall hunt, pursue or kill deer being pursued by any dog,
88 whether or not such dog is owned or controlled by such person, except
89 that no person shall be guilty of a violation under this section when
90 such a deer is struck by a motor vehicle operated by such person. No
91 person shall use or allow any dog in such person's charge to hunt,
92 pursue or kill deer. No permit shall be issued when in the opinion of
93 the commissioner the public safety may be jeopardized.

94 Sec. 2. Section 26-73 of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective October 1, 2013*):

96 Sunday shall be a closed season except for hunting deer with bow
97 and arrow and for the purpose of trapping under the provisions of this
98 chapter. The possession in the open air on Sunday of any implement
99 for hunting, except for bow and arrow, shall be prima facie evidence of
100 hunting in violation of the provisions of this section. No provision of
101 this section shall be construed so as to affect any provision of section
102 26-31, 26-48, 26-52 or 27-35. [or apply to the use of bow and arrow for
103 purposes other than hunting.] Artificially propagated birds designated
104 by the commissioner may be shot on Sundays on licensed private
105 shooting preserves subject to such regulations of the commissioner as
106 may apply to such private shooting preserves, provided permission so
107 to shoot has been obtained from the town or towns within which such
108 licensed private shooting preserves are located. Any person who hunts
109 deer on Sunday with bow and arrow pursuant to this section shall
110 conduct such hunting in accordance with and pursuant to the wildlife
111 management principles and practices established by the Commissioner
112 of Energy and Environmental Protection, have the written permission
113 of the private property owner where such hunting is conducted and
114 carry such written permission upon his or her person during the
115 hunting. No person shall hunt with bow and arrow on Sunday
116 pursuant to this section within forty yards of a blazed hiking trail.

117 Sec. 3. Subsection (a) of section 26-86a of the general statutes is
118 repealed and the following is substituted in lieu thereof (*Effective*
119 *October 1, 2013*):

120 (a) The commissioner shall establish by regulation adopted in
121 accordance with the provisions of chapter 54 standards for deer
122 management, and methods, regulated areas, bag limits, seasons and
123 permit eligibility for hunting deer with bow and arrow, muzzleloader
124 and shotgun, except that no such hunting shall be permitted on
125 Sunday by any means other than with bow and arrow pursuant to
126 section 26-73, as amended by this act. No person shall hunt, pursue,
127 wound or kill deer with a firearm without first obtaining a deer permit
128 from the commissioner in addition to the license required by section
129 26-27. Application for such permit shall be made on forms furnished
130 by the commissioner and containing such information as he may
131 require. Such permit shall be of a design prescribed by the
132 commissioner, shall contain such information and conditions as the
133 commissioner may require, and may be revoked for violation of any
134 provision of this chapter or regulations adopted pursuant thereto. As
135 used in this section, "muzzleloader" means a rifle or shotgun of at least
136 forty-five caliber, incapable of firing a self-contained cartridge, which
137 uses powder, a projectile, including, but not limited to, a standard
138 round ball, mini-balls, maxi-balls and Sabot bullets, and wadding
139 loaded separately at the muzzle end, and "rifle" means a long gun the
140 projectile of which is six millimeters or larger in diameter. The fee for a
141 firearms permit shall be nineteen dollars for residents of the state and
142 sixty-eight dollars for nonresidents, except that any nonresident who is
143 an active full-time member of the armed forces, as defined in section
144 27-103, may purchase a firearms permit for the same fee as is charged a
145 resident of the state. The commissioner shall issue, without fee, a
146 private land deer permit to the owner of ten or more acres of private
147 land and the husband or wife, parent, grandparent, sibling and any
148 lineal descendant of such owner, provided no such owner, husband or
149 wife, parent, grandparent, sibling or lineal descendant shall be issued
150 more than one such permit per season. Such permit shall allow the use
151 of a rifle, shotgun, muzzleloader or bow and arrow on such land from

152 November first to December thirty-first, inclusive. Deer may be so
 153 hunted at such times and in such areas of such state-owned land as are
 154 designated by the Commissioner of Energy and Environmental
 155 Protection and on privately owned land with the signed consent of the
 156 landowner, on forms furnished by the department, and such signed
 157 consent shall be carried by any person when so hunting on private
 158 land. The owner of ten acres or more of private land may allow the use
 159 of a rifle to hunt deer on such land during the shotgun season. The
 160 commissioner shall determine, by regulation, the number of consent
 161 forms issued for any regulated area established by said commissioner.
 162 The commissioner shall provide for a fair and equitable random
 163 method for the selection of successful applicants who may obtain
 164 shotgun and muzzleloader permits for hunting deer on state lands.
 165 Any person whose name appears on more than one application for a
 166 shotgun permit or more than one application for a muzzleloader
 167 permit shall be disqualified from the selection process for such permit.
 168 No person shall hunt, pursue, wound or kill deer with a bow and
 169 arrow without first obtaining a bow and arrow permit pursuant to
 170 section 26-86c. "Bow and arrow", as used in this section and in section
 171 26-86c, means a bow with a draw weight of not less than forty pounds.
 172 The arrowhead shall have two or more blades and may not be less
 173 than seven-eighths of an inch at the widest point. No person shall
 174 carry firearms of any kind while hunting with a bow and arrow under
 175 this section and section 26-86c.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	26-82(a)
Sec. 2	October 1, 2013	26-73
Sec. 3	October 1, 2013	26-86a(a)

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:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Energy and Environmental Protection	GF - Potential Revenue Gain	Less than 10,000	Less than 10,000

Municipal Impact: None

Explanation

The bill allows the taking of deer on Sunday with a bow and arrow under certain conditions. As this could lead to additional resident and non-resident archery permits being sold, there may be a revenue gain to the Department of Energy and Environmental Protection (DEEP), anticipated to be less than \$10,000 annually. In FY 12, DEEP issued 11,433 permits for hunting deer and small game with a bow and arrow for (1) junior residents and non-residents (at a cost of \$19 each), (2) adult residents (at a cost of \$41 each), and (3) adult non-residents (at a cost of \$135 each) generating \$592,227 in revenue.

In addition, the bill may result in less violations of the prohibition against hunting on Sundays. This may result in decreased penalties though it is anticipated to be minimal, if any, as there are currently few violations. In FY 12, there were three offenses and none were charged.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of permits sold.

Sources: *Judicial Department Offenses and Revenue Database*

OLR Bill Analysis**sHB 5412*****AN ACT CONCERNING DEER MANAGEMENT PROGRAMS ON PRIVATE PROPERTY AND AUTHORIZING BOW AND ARROW HUNTING ON PRIVATE PROPERTY ON SUNDAYS.*****SUMMARY:**

This bill permits Sunday deer hunting with a bow and arrow. The hunting (1) must be in accordance with the Department of Energy and Environmental Protection's (DEEP) wildlife management principles and practices and (2) cannot take place within 40 yards of a blazed (clearly marked) hiking trail. When hunting on private land, the hunter must have the private property owner's written consent to hunt there and carry it during the hunting. By law, no one is permitted to hunt deer with a bow and arrow without first obtaining a DEEP bow and arrow permit.

A violation of the Sunday hunting rules is a class D misdemeanor, punishable by a fine of up to \$250, imprisonment of up to 30 days, or both (CGS § 26-81). The bill eliminates a provision that makes possessing a bow and arrow outdoors on Sunday prima facie evidence of hunting in violation of the law.

The bill also authorizes the DEEP commissioner to allow landowners to take (kill) deer under certain specified conditions and in accordance with a plan the commissioner approves. By law, the commissioner already may allow municipalities, homeowner associations, or nonprofit land-holding organizations to take deer under the same conditions.

EFFECTIVE DATE: October 1, 2013

TAKING OF DEER

The bill authorizes the DEEP commissioner to permit a landowner to take deer in a manner consistent with professional wildlife management principles if the landowner can show to his satisfaction that the deer present a severe nuisance or are causing ecological damage. The landowner must (1) submit for the commissioner's approval a plan describing the extent and degree of the nuisance or damage and the proposed methods of taking the deer and (2) notify abutting landowners of the approved plan before implementing it. The taking of deer cannot involve the use of snares or occur on Sundays.

A first violation of these provisions is punishable by a fine of between \$200 and \$500, imprisonment of between 30 days and six months, or both. Subsequent violations are punishable by a fine of between \$200 and \$1,000, imprisonment of up to one year, or both (CGS § 26-82(b)).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 7 (03/27/2013)