



# House of Representatives

General Assembly

**File No. 114**

February Session, 2016

Substitute House Bill No. 5315

*House of Representatives, March 22, 2016*

The Committee on Environment reported through REP. ALBIS of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE PREVENTION OF THE HABITUATION OF POTENTIALLY DANGEROUS ANIMALS AND THE STATUS OF SNAPPING TURTLES UNDER STATE LAW.***

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

1 Section 1. Section 26-25a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The Commissioner of Energy and Environmental Protection may  
4 adopt regulations in accordance with the provisions of chapter 54  
5 prohibiting or restricting the feeding of wildlife on state-owned  
6 property and prohibiting or restricting the feeding of potentially  
7 dangerous animals, as listed in section 26-40a, on property that is not  
8 owned by the state. Such regulations shall include, but not be limited  
9 to, procedures for designating areas subject to such prohibitions or  
10 restrictions. Any such designation shall be effective after public notice  
11 and a public comment period.

12 (b) Any conservation officer appointed pursuant to section 26-5 and

13 any other officer authorized to serve criminal process may enforce any  
14 regulations adopted pursuant to subsection (a) of this section. Any  
15 violation of such regulations shall be an infraction.

16 Sec. 2. Section 26-78 of the general statutes is repealed and the  
17 following is substituted in lieu thereof (*Effective October 1, 2016*):

18 No person shall buy, sell or exchange, or have in possession with  
19 intent to sell or exchange, any wild or game bird, wild quadruped,  
20 reptile or amphibian, alive or dead, or parts thereof, including  
21 plumage of any such bird, except as provided in this chapter, provided  
22 any game bird, wild quadruped, reptile or amphibian, alive or dead, or  
23 parts thereof, not including plumage of any such bird, legally taken  
24 and legally transported into this state from any other state or country  
25 which does not prohibit the sale or exportation of such bird, wild  
26 quadruped, reptile or amphibian, may be bought or sold in this state at  
27 any time of the year under such regulations as may be made by the  
28 commissioner. The commissioner may make regulations governing the  
29 importation, transportation, purchase, sale or exchange of wild or  
30 game bird plumage. Any wild or game bird, wild quadruped, reptile  
31 or amphibian, alive or dead, or parts thereof, including plumage of  
32 such birds, possessed contrary to any of the provisions of this section  
33 or any regulation made by the commissioner, shall be seized by any  
34 representative of the department; and the commissioner or his  
35 authorized agent shall make disposition of the same by sale or  
36 destruction or by gift to any educational institution, museum,  
37 zoological park or any other suitable place where in the opinion of the  
38 commissioner an educational purpose will be served. The provisions of  
39 this section shall not prohibit the possession, sale or exchange of heads,  
40 hides or pelts of legally acquired deer and fur-bearing animals or the  
41 possession and mounting of legally acquired game birds, wild  
42 quadrupeds, reptiles and amphibians. Each wild or game bird, wild  
43 quadruped, reptile or amphibian, or part thereof, or each lot or  
44 package of wild or game bird plumage, possessed contrary to any  
45 provision of this section or any regulation issued by the commissioner,  
46 shall constitute a separate offense. Said commissioner may make

47 regulations authorizing the importation, exportation, possession, sale  
 48 and exchange of legally acquired, protected and unprotected species of  
 49 live wild birds, live wild quadrupeds, reptiles and amphibians under  
 50 such conditions as said commissioner shall determine. Said  
 51 commissioner may order any such bird, quadruped, reptile or  
 52 amphibian impounded for such period, at such place and in such  
 53 manner as is determined by the commissioner, to allow examination to  
 54 determine if such bird, quadruped, reptile or amphibian is diseased or  
 55 infected with parasites, and the commissioner is authorized to order  
 56 the destruction of such bird, quadruped, reptile or amphibian when in  
 57 his opinion such action would be advisable in the public interest. Any  
 58 person who violates any provision of this section or any regulation or  
 59 order issued by the commissioner under this section shall be guilty of a  
 60 class C misdemeanor. [The provisions of this section shall not apply to  
 61 snapping turtles.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	26-25a
Sec. 2	<i>October 1, 2016</i>	26-78

**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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 17 \$</b>	<b>FY 18 \$</b>
Department of Energy and Environmental Protection	GF - Potential Revenue Gain	Under \$150	Under \$150

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill expands the authority of the Department of Energy and Environmental Protection (DEEP) to adopt regulations for restricting the feeding of certain animals on private property.

To the extent these regulations are adopted and enforced, there could be a revenue gain associated with infractions, anticipated to be less than \$150 annually. In FY 15, there were five wildlife infractions for which \$375 in revenue was collected.

Also, the bill removes a current exemption on a ban of commercially harvested snapping turtles, once DEEP adopts regulations. As there is no fee for the commercial snapping turtle endorsement, and regulations have already been adopted for this purpose, there is no fiscal impact associated with this provision. There have been 452 endorsements issued to date.

**The Out Years**

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

**OLR Bill Analysis**

**HB 5315**

***AN ACT CONCERNING THE PREVENTION OF THE HABITUATION OF POTENTIALLY DANGEROUS ANIMALS AND THE STATUS OF SNAPPING TURTLES UNDER STATE LAW.***

**SUMMARY:**

This bill:

1. expands the Department of Energy and Environmental Protection's (DEEP) regulatory authority to include prohibiting or restricting the feeding of potentially dangerous animals on private property and
2. generally prohibits, until DEEP adopts applicable regulations, the commercial trade in snapping turtles.

EFFECTIVE DATE: Upon passage, except the snapping turtle provision takes effect October 1, 2016.

**FEEDING POTENTIALLY DANGEROUS ANIMALS**

The bill allows the DEEP commissioner to adopt regulations to prohibit or restrict feeding potentially dangerous animals on private property. The commissioner already has the authority to adopt regulations concerning feeding wildlife on state-owned property, though none have been adopted.

By law, members of the following wildlife species, or any hybrid of them, are considered potentially dangerous animals:

1. lions, leopards, cheetahs, jaguars, ocelots, jaguarundis, pumas, lynxes, and bobcats;
2. wolves and coyotes;

3. black, brown, and grizzly bears; and
4. gorillas, chimpanzees, and orangutans (CGS § 26-40a).

### **SNAPPING TURTLE TRADE**

Under the bill, no one can engage in the commercial trade of snapping turtles (*Chelydra serpentina*) unless DEEP adopts applicable regulations.

Current law exempts snapping turtles from the law that generally bans, absent applicable DEEP regulations, purchasing, selling, exchanging, or possessing with intent to sell or exchange, wild birds, quadrupeds, reptiles, or amphibians. The bill removes this exemption. Accordingly, it allows DEEP to regulate the commercial trade of these turtles. Existing law, unchanged by the bill, exempts from the ban birds or animals lawfully taken and transported from a state or country that allows their sale or export.

By law, violating the commercial trade ban or applicable regulations is a class C misdemeanor, punishable by a fine of up to \$500, up to three months in prison, or both.

Existing DEEP regulations allow possessing up to 30 wild adult snapping turtles at a time. The daily and seasonal snapping turtle bag limits are five and 30, respectively. The open season for taking snapping turtles extends from July 15 to September 30 annually (Conn. Agencies Reg. §§ 26-55-3 and 26-66-14).

### **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 17      Nay 11      (03/04/2016)