



Senate

General Assembly

File No. 365

February Session, 2016

Substitute Senate Bill No. 139

Senate, March 31, 2016

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE AUTHORITY OF THE COMMISSIONER OF ENERGY AND ENVIRONMENTAL PROTECTION TO ESTABLISH A TROUT STAMP AND A RESIDENT GAME BIRD CONSERVATION STAMP, AMENDING CERTAIN HUNTING AND FISHING FEES FOR RESIDENTS LESS THAN EIGHTEEN YEARS OF AGE AND ERECTING A PHEASANT STOCKING ACCOUNT AND PROGRAM.

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

1 Section 1. Section 26-48a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2016*):

3 (a) The commissioner may establish, by regulations adopted in
4 accordance with the provisions of chapter 54, standards for the
5 management of salmon, trout, migratory and resident game birds in
6 accordance with section 26-92, pheasant and turkey which shall
7 include provision for the issuance of permits, tags or stamps. The
8 commissioner may charge a fee for a permit, tag or stamp as follows:
9 Not more than nineteen dollars for turkey; not more than [thirteen]
10 seventeen dollars for migratory game birds; not more than twenty-
11 eight dollars for resident game birds; not more than twenty-eight

12 dollars for pheasant, not more than ten dollars for trout and not more
13 than twenty-eight dollars for salmon. No person shall be issued a
14 permit, tag or stamp for migratory birds, resident game birds,
15 pheasant or turkey without first obtaining a license to hunt and no
16 person shall be issued a permit, tag or stamp for salmon or trout
17 without first obtaining a license to fish. Notwithstanding any provision
18 of any regulation to the contrary, the commissioner may charge a fee of
19 nineteen dollars for the issuance of a permit to hunt wild turkey on
20 state-owned or private land during the fall season.

21 (b) Such permits, tags or stamps shall be issued to qualified
22 applicants by any town clerk. Application for such permits, tags or
23 stamps shall be on such form and require of the applicant such
24 information as the commissioner may prescribe. The commissioner
25 may adopt regulations in accordance with the provisions of chapter 54
26 authorizing a town clerk to retain part of any fee paid for a permit, tag
27 or stamp issued by such town clerk pursuant to this section, provided
28 the amount retained shall not be less than fifty cents.

29 (c) There is established an account to be known as the "pheasant
30 stocking account", which shall be a separate, nonlapsing account
31 within the General Fund. The funds in such account shall be used for
32 the purpose of conducting a pheasant stocking program that includes
33 the purchase and stocking of pheasants. The following funds shall be
34 deposited in such account: (1) All funds collected pursuant to
35 subsection (a) of this section for pheasant, and (2) any voluntary
36 donation made in furtherance of the pheasant stocking program. The
37 pheasant stocking program described in this subsection shall be
38 conducted within the available resources of such account.

39 Sec. 2. Section 26-28 of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective July 1, 2016*):

41 (a) Except as provided in subsections (b) to (f), inclusive, of this
42 section, the fees for firearms hunting, archery hunting, trapping and
43 sport fishing licenses or for the combination thereof shall be as follows:
44 (1) Resident firearms hunting license, nineteen dollars; (2) resident

45 fishing license, twenty-eight dollars; (3) resident marine waters fishing
46 license, ten dollars; (4) one-day resident marine waters fishing license,
47 five dollars; (5) resident all-waters fishing license, thirty-two dollars;
48 (6) resident combination license to fish in inland waters and firearms
49 hunt, thirty-eight dollars; (7) resident combination license to fish in
50 marine waters and firearms hunt, twenty-five dollars; (8) resident
51 combination license to fish in all waters and firearms hunt, forty
52 dollars; (9) resident combination license to fish in all waters and bow
53 and arrow permit to hunt deer and small game issued pursuant to
54 section 26-86c, sixty-five dollars; (10) resident firearms super sport
55 license to fish in all waters and firearms hunt, firearms private land
56 shotgun or rifle deer permit issued pursuant to section 26-86a, and
57 permit to hunt wild turkey during the spring season on private land
58 issued pursuant to section 26-48a, as amended by this act, seventy
59 dollars; (11) resident archery super sport license to fish in all waters,
60 bow and arrow permit to hunt deer and small game issued pursuant to
61 section 26-86c and permit to hunt wild turkey during the spring season
62 on private land issued pursuant to section 26-48a, as amended by this
63 act, eighty-two dollars; (12) resident firearms super sport license to fish
64 in all waters and firearms hunt, firearms private land shotgun or rifle
65 deer permit, muzzleloader private land deer permit, pursuant to
66 section 26-86 and private land permit to hunt wild turkey during
67 spring season pursuant to section 26-48a, as amended by this act,
68 eighty-four dollars; (13) resident firearms super sport license to fish in
69 all waters and firearms hunt, migratory bird conservation stamp, and
70 migratory bird harvest permit (HIP), fifty dollars; (14) resident
71 trapping license, thirty-four dollars; (15) resident junior trapping
72 license for persons under sixteen years of age, eleven dollars; (16)
73 junior firearms hunting license, eleven dollars; (17) nonresident
74 firearms hunting license, ninety-one dollars; (18) nonresident inland
75 waters fishing license, fifty-five dollars; (19) nonresident inland waters
76 fishing license for a period of three consecutive days, twenty-two
77 dollars; (20) nonresident marine waters fishing license, fifteen dollars;
78 (21) nonresident marine waters fishing license for a period of three
79 consecutive days, eight dollars; (22) nonresident all-waters fishing

80 license, sixty-three dollars; (23) nonresident combination license to
81 firearms hunt and inland waters fish, one hundred ten dollars; (24)
82 nonresident combination license to fish in all waters and firearms hunt,
83 one hundred twenty dollars; (25) nonresident combination license to
84 fish in marine waters and firearms hunt, ninety-four dollars; and (26)
85 nonresident trapping license, two hundred fifty dollars. Persons sixty-
86 five years of age and over who have been residents of this state for not
87 less than one year and who meet the requirements of subsection (b) of
88 section 26-31 may be issued an annual license to firearms hunt or to
89 fish or combination license to fish and firearms hunt or a license to trap
90 without fee. The issuing agency shall indicate on a combination license
91 the specific purpose for which such license is issued. The town clerk
92 shall retain a recording fee of one dollar for each license issued by such
93 clerk.

94 (b) Any nonresident residing in one of the New England states or
95 the state of New York may procure a license to hunt or to fish or to
96 hunt and fish for the same fee or fees as a resident of this state if such
97 nonresident is a resident of a state the laws of which allow the same
98 privilege to residents of this state.

99 (c) The fee for a group fishing license, as described in subsection (h)
100 of section 26-30, shall be one hundred twenty-five dollars.

101 (d) (1) The fee charged for any firearms hunting, archery hunting,
102 trapping or sport fishing license that is issued to any Connecticut
103 resident who is sixteen or seventeen years of age shall be equal to fifty
104 per cent of the fee provided for such license in subsection (a) of this
105 section, rounded to the next highest dollar.

106 (2) The fee charged pursuant to section 26-27b, as amended by this
107 act, 26-48a, as amended by this act, 26-86a or 26-86c for any firearms
108 hunting, archery hunting, trapping or sport fishing permit, tag or
109 stamp that is issued to any Connecticut resident who is [sixteen or
110 seventeen] less than eighteen years of age shall be equal to fifty per
111 cent of the fee provided for such permit, tag or stamp in said sections,
112 rounded to the next highest dollar.

113 (e) In addition to the calendar day designated pursuant to
114 subsection (f) of section 26-27, the Commissioner of Energy and
115 Environmental Protection may designate two additional days in each
116 calendar year on which a one-day license for sport fishing may be
117 issued free of charge. The commissioner may make such one-day
118 license available to all members of the public or to all members of an
119 age group designated by said commissioner.

120 (f) From time to time and for the purpose of increasing
121 participation, the Commissioner of Energy and Environmental
122 Protection with the concurrence of the Secretary of the Office of Policy
123 and Management, may reduce, but not completely waive, the fee or
124 cost for any license, permit, tag or stamp, or combination thereof, as
125 provided for in this section, section 26-27b, as amended by this act, 26-
126 48a, as amended by this act, 26-86a or 26-86c. Any such reduction shall:
127 (1) Be for a portion of a calendar year, (2) remain in effect only during
128 the calendar year in which such reduction is made, and (3) be made
129 only if such reduction is provided to all members of the public, to all
130 members of a certain age group, or to individuals who, in such
131 calendar year, successfully complete a course of instruction in fishing
132 techniques, as provided for in section 26-31a or a conservation
133 education course of instruction, as provided for in subsection (a) of
134 section 26-31.

135 Sec. 3. Section 26-27b of the general statutes is repealed and the
136 following is substituted in lieu thereof (*Effective July 1, 2016*):

137 (a) [On or after July 1, 1993, no] No person sixteen years of age or
138 older may hunt [waterfowl] migratory game birds or take [waterfowl]
139 migratory game birds in the state without first procuring a Connecticut
140 Migratory Bird Conservation Stamp and having such stamp in his or
141 her possession and no person may hunt a resident game bird or take a
142 resident game bird without first procuring a Connecticut Resident
143 Game Bird Conservation Stamp. [The] Each such stamp shall not be
144 transferable and shall be issued annually.

145 (b) The Commissioner of Energy and Environmental Protection

146 shall provide for the design, production and procurement of the
147 mandatory Connecticut Migratory Bird Conservation Stamp and the
148 mandatory Connecticut Resident Game Bird Conservation Stamp and
149 shall, by regulations adopted in accordance with the provisions of
150 chapter 54, provide for the issuance of [the] each stamp. Stamps shall
151 be sold at a price determined by the commissioner, provided the price
152 of a mandatory [stamp] Connecticut Migratory Bird Conservation
153 Stamp shall not exceed [thirteen] seventeen dollars and the price of a
154 mandatory Connecticut Resident Game Bird Conservation Stamp shall
155 not exceed twenty-eight dollars. The commissioner shall establish an
156 additional voluntary migratory bird and resident game bird
157 conservation donation of not less than two dollars that shall be
158 deposited in the migratory bird and resident game bird conservation
159 account established under section 26-27c, as amended by this act. Any
160 agent issuing such stamps may retain a fee established by the
161 Commissioner of Energy and Environmental Protection pursuant to
162 section 26-3c for each stamp sold and shall remit the balance to the
163 Department of Energy and Environmental Protection.

164 Sec. 4. Section 26-27c of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective July 1, 2016*):

166 The Commissioner of Energy and Environmental Protection may
167 provide for the Connecticut Migratory Bird Conservation Stamp and
168 the Connecticut Resident Game Bird Conservation Stamp to be
169 reproduced and marketed in the form of prints and other related
170 artwork. Funds generated from such marketing and the sale of such
171 stamps pursuant to section 26-27b, as amended by this act, shall be
172 deposited in a separate account maintained by the Treasurer and
173 known as the migratory bird and resident game bird conservation
174 account. Within said account, there shall be a subaccount for the
175 voluntary migratory bird and resident game bird conservation
176 donation collected pursuant to section 26-27b, as amended by this act.
177 The migratory bird and resident game bird conservation account shall
178 be a separate, nonlapsing account of the General Fund. All funds
179 credited to the migratory bird and resident game bird conservation

180 account and subaccount shall only be used for: (1) The development,
181 management, preservation, conservation, acquisition, purchase and
182 maintenance of [waterfowl] migratory and resident game birds,
183 migratory and resident game bird habitat and wetlands and purchase
184 or acquisition of recreational rights or interests relating to migratory
185 and resident game birds; and (2) the design, production, promotion
186 and procurement and sale of the prints and related artwork.

187 Sec. 5. Section 26-27d of the general statutes is repealed and the
188 following is substituted in lieu thereof (*Effective July 1, 2016*):

189 (a) There is established a Citizens' Advisory Board for the
190 Connecticut Migratory Bird and Resident Game Bird Conservation
191 [Stamp] Stamps program. The board shall consist of seven members
192 appointed by the Commissioner of Energy and Environmental
193 Protection. The members of the board shall be individuals representing
194 organizations having a record of activity in migratory or resident game
195 bird or [wetland] habitat conservation or who have an expertise or
196 recognized knowledge in an area pertinent and valuable to the
197 program. The board shall elect a chairman from among its
198 membership on or before July 1, 1992. The chairman shall be
199 unaffiliated with any administrative agency of the state.

200 (b) The board shall advise the Commissioner of Energy and
201 Environmental Protection on the design, production and procurement
202 of the Connecticut Migratory Bird Conservation Stamp and the
203 Connecticut Resident Game Bird Conservation Stamp and the
204 expenditure of funds generated from the sale of such stamps and
205 associated art products pursuant to sections 26-27b, as amended by
206 this act, and 26-27c, as amended by this act.

207 Sec. 6. (NEW) (*Effective July 1, 2016*) The Commissioner of Energy
208 and Environmental Protection shall adopt regulations, in accordance
209 with the provisions of chapter 54 of the general statutes, to establish a
210 three day out-of-state bird hunting license that may be used to hunt
211 migratory waterfowl upland game birds. The fee for such license shall
212 be thirty-five dollars and shall be in addition to any other permit or

213 stamp requirement. All funds collected from such fee shall be
214 deposited into the migratory and resident game bird conservation
215 account established pursuant to section 26-27c of the general statutes,
216 as amended by this act.

| | | |
|---|---------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2016</i> | 26-48a |
| Sec. 2 | <i>July 1, 2016</i> | 26-28 |
| Sec. 3 | <i>July 1, 2016</i> | 26-27b |
| Sec. 4 | <i>July 1, 2016</i> | 26-27c |
| Sec. 5 | <i>July 1, 2016</i> | 26-27d |
| Sec. 6 | <i>July 1, 2016</i> | New 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:

| Agency Affected | Fund-Effect | FY 17 \$ | FY 18 \$ |
|---|-------------------|------------------|------------------|
| Department of Energy and Environmental Protection | GF - Revenue Gain | At least 100,000 | At least 100,000 |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows the Department of Energy and Environmental Protection (DEEP) to establish regulations for the sale of trout stamps at a fee of up to \$10. It is anticipated that if regulations are adopted, the fee would be set at \$5. This would result in a revenue gain anticipated to be at least \$100,000.

The bill expands the type of birds that can be hunted with a migratory bird stamp and increases, from \$13 to \$17, the maximum fee DEEP can charge for the stamp. Assuming the same number of stamps sold as last year, this would result in a revenue gain of \$13,128. In 2015, there were 3,282 migratory bird stamps sold.

Additionally, the bill expands a voluntary \$2 donation program for migratory game bird conservation. To the extent donations increase, there may be a revenue gain to the subaccount of the migratory bird conservation account, which is a separate, non-lapsing account of the general fund.

Additionally, the bill decreases the fee by 50% (rounded to the next highest dollar) for any hunting, trapping, or fishing permit, tag, or stamp, for a child under age 16. In 2015, there were 1,654 hunting permits, stamps, and tags issued to youth hunters generating \$29,800.

Assuming the same number of permits, stamps, and tags sold as last year, this provision would result in a revenue loss of \$14,900 annually.

Also, the bill establishes a separate, non-lapsing pheasant stocking account for the pheasant stocking program. This does not result in a fiscal impact, as the bill does not appropriate funding for the account.

Lastly, the bill requires DEEP to adopt various hunting regulations related to these new provisions, which can be done with existing staff expertise. This does not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact described above depends on the number of stamps/licenses sold and the amount of donations received.

OLR Bill Analysis**sSB 139*****AN ACT CONCERNING THE AUTHORITY OF THE COMMISSIONER OF ENERGY AND ENVIRONMENTAL PROTECTION TO ESTABLISH A TROUT STAMP AND A RESIDENT GAME BIRD CONSERVATION STAMP, AMENDING CERTAIN HUNTING AND FISHING FEES FOR RESIDENTS LESS THAN EIGHTEEN YEARS OF AGE AND ERECTING A PHEASANT STOCKING ACCOUNT AND PROGRAM.*****SUMMARY:**

This bill makes various changes to the laws governing fishing and hunting. Among its provisions, the bill:

1. establishes a pheasant stocking account for the Department of Energy and Environmental Protection (DEEP) to use to conduct its pheasant stocking program;
2. expands the birds that a person can hunt with a migratory bird conservation stamp and increases, from \$13 to \$17, the maximum fee DEEP can charge for the stamp;
3. requires a person to buy a resident game bird conservation stamp to hunt resident game birds and sets related requirements for the stamp and stamp proceeds;
4. requires the DEEP commissioner to adopt regulations establishing a three-day out-of-state bird hunting license; and
5. authorizes the DEEP commissioner to adopt regulations establishing a trout stamp.

Additionally, the bill decreases the fee charged for any hunting, trapping, or fishing permit, tag, or stamp by 50%, rounded to the next higher dollar, for a child under age 16. Existing law already reduces

the fee by 50% for children age sixteen or seventeen.

EFFECTIVE DATE: July 1, 2016

§ 1 — PHEASANT STOCKING ACCOUNT

The bill establishes a pheasant stocking account as a separate, nonlapsing account in the General Fund. The funds must be used (presumably by DEEP) to conduct a pheasant stocking program, including purchasing and stocking pheasants, which must be done within the available resources of the account. (In practice, DEEP already conducts a pheasant stocking program.)

By law, the DEEP commissioner may establish by regulation a pheasant permit, tag, or stamp, for which he may charge up to \$28. DEEP already makes pheasant stamps available. Under the bill, pheasant stamp proceeds and any voluntary donations made to the program must be deposited to the pheasant stocking account.

§§ 1 & 3-5 — MIGRATORY AND RESIDENT GAME BIRD STAMPS

§§ 1 & 3 — *Migratory Game Birds*

Under current law, anyone age 16 or older wishing to hunt or take waterfowl in Connecticut must obtain a hunting license and a Connecticut migratory bird conservation stamp. Waterfowl, a subset of migratory game birds, generally includes ducks and geese.

The bill expands the game birds that hunters with a migratory bird conservation stamp may hunt to include all migratory game birds. Migratory game birds generally include birds that spend the summer in northern latitudes and the winter in southern latitudes. These include waterfowl, certain webless waterbirds (e.g., rails and coots), and certain webless upland birds (e.g., woodcocks and snipes).

The bill increases, from \$13 to \$17, the maximum fee DEEP may charge for a migratory bird conservation stamp.

§§ 1 & 3 — *Resident Game Birds*

The bill requires anyone wishing to hunt or take resident game

birds to obtain a Connecticut resident game bird conservation stamp, in addition to a hunting license already required by law. The bill:

1. requires the DEEP commissioner to (a) arrange for the design, production, and procurement of the stamp and (b) adopt regulations establishing the stamp;
2. authorizes him to reproduce the stamp as a print or related artwork for sale; and
3. establishes \$28 as the maximum fee DEEP can charge for the stamp.

Resident game birds, those that stay in the area year-round, generally include an array of commonly hunted birds, including crows, wild turkeys, ruffed grouse, prairie chickens, partridges, and quail.

§ 3 — Voluntary Donations

Under current law, the DEEP commissioner must establish a program through which people may voluntarily donate \$2 or more for the conservation of migratory game birds. Donations must be deposited to a subaccount in the state's migratory bird conservation account. The bill requires the commissioner to expand the program to accept voluntary donations of \$2 or more for the conservation of resident game birds. It renames the account the migratory bird and resident game bird conservation account. Any voluntary donations received must be deposited in the subaccount.

§ 4 — Migratory Bird and Resident Game Bird Conservation Account

The bill expands the funds that DEEP must deposit into the renamed account, which the treasurer must maintain as a separate, nonlapsing account in the General Fund. Currently, DEEP must deposit fees received from the sale of migratory game bird stamps and any related artwork. The bill instead requires the account to contain fees received for the sale of migratory game bird stamps, resident

game bird stamps, and any artwork related to both stamps, as well as voluntary donations described above and license fees collected from the new out-of-state bird hunting license (see § 6 below).

The bill expands the purposes for which the funds in the account and subaccount may be used. Current law requires the funds to be used for (1) developing, managing, preserving, conserving, acquiring, purchasing, and maintaining waterfowl habitat and wetlands and (2) purchasing or acquiring recreational rights or interests related to migratory birds. Under the bill, funds must instead be used for (1) developing, managing, preserving, conserving, acquiring, purchasing, and maintaining migratory and resident game birds, such game birds' habitats, and wetlands and (2) purchasing or acquiring recreational rights or interests related to migratory and resident game birds. By law, and under the bill, the account funds may also be used for designing, producing, promoting, procuring, and selling artwork related to the stamps.

§ 5 — Citizen's Advisory Board

The bill expands the purposes of the citizen's advisory board that, by law, advises the DEEP commissioner on the design, production, and procurement of the migratory bird conservation stamp and the use of funds in the conservation account. Under the bill, the board must also advise him on the design, production, and procurement of the resident game bird conservation stamp.

Current law requires the seven-member advisory board, which the DEEP commissioner appoints, to include people active in migratory bird or wetland habitat conservation. Under the bill, the board must instead include people active in migratory or resident game bird or habitat conservation. By law, they may, in lieu of such activity, have expertise or knowledge that is pertinent and valuable to the program.

§ 6 — OUT-OF-STATE BIRD HUNTING LICENSE

The bill requires the DEEP commissioner to adopt regulations to establish a three-day bird hunting license for out-of-state people to

hunt “migratory waterfowl upland game birds” in Connecticut. (It is unclear what game birds they can hunt under this license.)

Under the bill, the commissioner must charge \$35 for the license, which is in addition to any permit or stamp required by law. All license fees collected must be deposited in the migratory bird and resident game bird conservation account described above.

§ 1 — TROUT STAMP

The bill allows the DEEP commissioner to adopt regulations establishing a trout permit, tag, or stamp, which anyone wishing to fish for trout in Connecticut would have to purchase in addition to a general fishing license. Under the bill, DEEP may charge up to \$10 for each trout permit, tag, or stamp.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/16/2016)