

# 23:4-42.3

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2010                      **CHAPTER:** 54

**NJSA:** 23:4-42.3 (Authorizes counties to develop community based deer management plans and apply for special deer management permits for county-owned lands)

**BILL NO:** S1776 (Substituted for A2863)

**SPONSOR(S)** O'Toole and others

**DATE INTRODUCED:** March 15, 2010

**COMMITTEE:**                      **ASSEMBLY:** Agricultural and Natural Resources

**SENATE:** Environment and Energy

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                      **ASSEMBLY:** June 21, 2010

**SENATE:** June 10, 2010

**DATE OF APPROVAL:** August 18, 2010

### FOLLOWING ARE ATTACHED IF AVAILABLE:

#### FINAL TEXT OF BILL (First reprint enacted)

#### S1776

**SPONSOR'S STATEMENT:** (Begins on page 5 of introduced bill) Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### A2863

**SPONSOR'S STATEMENT:** (Begins on page 5 of introduced bill) Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** Yes

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/RWH

[First Reprint]

**SENATE, No. 1776**

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**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

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INTRODUCED MARCH 15, 2010

**Sponsored by:**

**Senator KEVIN J. O'TOOLE**

**District 40 (Bergen, Essex and Passaic)**

**Assemblyman ALBERT COUTINHO**

**District 29 (Essex and Union)**

**SYNOPSIS**

Authorizes counties to develop community based deer management plans and apply for special deer management permits for county-owned lands.

**CURRENT VERSION OF TEXT**

As reported by the Senate Environment and Energy Committee on June 3, 2010, with amendments.



**(Sponsorship Updated As Of: 6/22/2010)**

1 AN ACT concerning community based deer management plans for  
2 county-owned lands and amending P.L.2000, c.46.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 1 of P.L.2000, c.46 (C.23:4-42.3) is amended to read  
8 as follows:

9 1. a. Whenever a county board of agriculture determines that a  
10 farm or farms located within the county has incurred significant  
11 crop damage caused by deer, based on evidence submitted by the  
12 county board of agriculture or the Center for Wildlife Damage  
13 Control in the New Jersey Agriculture Experiment Station at  
14 Rutgers, The State University, the county board of agriculture may  
15 apply to the Division of Fish and Wildlife for designation of a  
16 special deer management area. The application shall describe the  
17 nature and extent of crop damage incurred, and delineate the area  
18 proposed for designation as a special deer management area. If the  
19 division determines that the significant crop damage has been  
20 caused by an overpopulation of deer in the area described in the  
21 application, it shall designate it as a special deer management area.  
22 In designating a special deer management area, the division may,  
23 after consultation with the county board of agriculture, modify the  
24 area proposed for designation in an application. The county board  
25 of agriculture or the division may request the Center for Wildlife  
26 Damage Control to coordinate and facilitate the application and  
27 designation of a special deer management area pursuant to this  
28 subsection.

29 b. Whenever a municipality determines that the deer population  
30 has caused significant damage to property, not including damage to  
31 agricultural property, in the municipality or has caused a significant  
32 number of vehicle collisions therein, the municipality may apply to  
33 the Division of Fish and Wildlife for designation of a special deer  
34 management area. Two or more municipalities may submit a single  
35 application for the designation of an area that includes more than  
36 one municipality. The application shall describe the nature and  
37 extent of property damage or vehicle collisions caused by deer, and  
38 delineate the area proposed for designation as a special deer  
39 management area. If the division determines that the significant  
40 damage to property or <sup>1</sup>[the] <sup>a</sup> significant <sup>1</sup>number of<sup>1</sup> vehicle  
41 collisions has been caused by an overpopulation of deer in the area  
42 described in the application, it shall designate it as a special deer  
43 management area. In designating a special deer management area,  
44 the division may, after consultation with the municipality, modify  
45 the area proposed for designation in an application.

**EXPLANATION** – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEN committee amendments adopted June 3, 2010.

1 c. Whenever the owner or operator of an airport determines  
2 that the existing population of deer within its boundaries and  
3 immediately adjacent property constitutes a hazard to the safe  
4 operation of aircraft, the owner or operator of the airport may apply  
5 to the Division of Fish and Wildlife for designation of a special deer  
6 management area. The application shall describe the nature and  
7 extent of the hazard to safe operations of aircraft, and delineate the  
8 area proposed for designation as a special deer management area. If  
9 the division determines that there is a hazard to the safe operation  
10 of aircraft at the airport due to deer in the area described in the  
11 application, it shall designate it as a special deer management area.  
12 In designating a special deer management area, the division may,  
13 after consultation with the owner or operator of the airport, modify  
14 the area proposed for designation in an application.

15 d. Whenever a county governing body determines that the deer  
16 population has caused significant damage to property, not including  
17 damage to agricultural property, in the county or has caused a  
18 significant number of vehicle collisions therein, the county  
19 governing body may apply to the Division of Fish and Wildlife for  
20 designation of a special deer management area. The application  
21 shall describe the nature and extent of property damage 'or vehicle  
22 collisions' caused by deer, and delineate the lands owned by the  
23 county proposed for designation as a special deer management area.  
24 If the division determines that the significant damage to property  
25 'or a significant number of vehicle collisions' has been caused by  
26 an overpopulation of deer in the area described in the application, it  
27 shall designate it as a special deer management area. In designating  
28 a special deer management area, the division may, after consultation  
29 with the county governing body, modify the area proposed for  
30 designation in an application.

31 (cf: P.L.2000, c.46, s.1)

32

33 2. Section 2 of P.L.2000, c.46 (C.23:4-42.4) is amended to read  
34 as follows:

35 2. a. Upon submission of an application pursuant to section 1 of  
36 **【this act】** P.L.2000, c.46 (C.23:4-42.3) , or at any time thereafter, a  
37 county board of agriculture, municipal governing body **【or】** , owner  
38 or operator of an airport , or county governing body may submit to  
39 the division for its approval a community based deer management  
40 plan proposing alternative control methods to reduce the number of  
41 deer in an area designated as a special deer management area  
42 pursuant to section 1 of **【this act】** P.L.2000, c.46 . A county board  
43 of agriculture, municipal governing body **【or】** , owner or operator  
44 of an airport , or county governing body may submit a community  
45 based deer management plan concurrently with an application to the  
46 division for designation of a special deer management area.

1 Two or more municipalities may submit a single community  
2 based deer management plan for a special deer management area  
3 that covers more than one municipality.

4 The county board of agriculture or the division may request the  
5 Center for Wildlife Damage Control in the New Jersey Agricultural  
6 Experiment Station at Rutgers, The State University, to coordinate  
7 and facilitate the development of a community based deer  
8 management plan.

9 b. A community based deer management plan shall:

10 (1) delineate the boundaries of the special deer management  
11 area;

12 (2) describe the proposed alternative control methods to reduce  
13 the number of deer in the special deer management area, which may  
14 include the methods authorized pursuant to section 3 of **[this act]**  
15 P.L.2000, c.46 (C.23:4-42.5) ;

16 (3) identify any organization that will participate in the  
17 implementation of the alternative control methods proposed in the  
18 plan, and describe its qualifications;

19 (4) describe the methods that will be used to notify the public,  
20 including residents located within and adjacent to the special deer  
21 management area, of the alternative control methods proposed in  
22 the plan and the specific times and the specific places when and  
23 where they will be used;

24 (5) describe the precautions that will be taken to ensure the  
25 safety of the public;

26 (6) document the written consent of each affected landowner for  
27 access to that person's land if access to private property is necessary  
28 to implement the plan;

29 (7) attach a resolution, adopted by the governing body of the  
30 municipality in which the special deer management area is located,  
31 which endorses the community based deer management plan ,  
32 except this requirement shall not apply to a community based deer  
33 management plan submitted by a county governing body for lands  
34 owned by the county ; and

35 (8) include such additional information as the division may  
36 determine to be necessary to properly review a community based  
37 deer management plan.

38 c. The division shall promptly review a community based deer  
39 management plan submitted pursuant to **[this act]** P.L.2000, c.46 ,  
40 and either approve the plan, approve the plan subject to  
41 modification, or disapprove the plan and return it to the applicant  
42 setting forth in writing the reasons for its decision. If the division  
43 approves a community based deer management plan, the division  
44 shall submit it to the Fish and Game Council for its review and  
45 action pursuant to section 3 of **[this act]** P.L.2000, c.46 (C.23:4-  
46 42.5) .

47 d. Whenever practicable, a community based deer management  
48 plan shall provide for the donation of deer in accordance with the

1 venison donation program established pursuant to section 1 of  
2 P.L.1997, c.268 (C.23:4-42.7).

3 e. For the purposes of **[this act]** P.L.2000, c.46 (C.23:4-42.3 et  
4 seq.), "alternative control method" or "alternative deer control  
5 method" means any technique, other than traditional hunting,  
6 employed to reduce a deer population, which may include, but need  
7 not be limited to, controlled hunting, shooting by an authorized  
8 agent, capture and euthanization, capture and removal, and fertility  
9 control.

10 (cf: P.L.2000, c.46, s.2)

11

12 3. This act shall take effect immediately.

**SENATE, No. 1776**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

INTRODUCED MARCH 15, 2010

**Sponsored by:**

**Senator KEVIN J. O'TOOLE**

**District 40 (Bergen, Essex and Passaic)**

**SYNOPSIS**

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**CURRENT VERSION OF TEXT**

As introduced.





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12 county board of agriculture or the Center for Wildlife Damage  
13 Control in the New Jersey Agriculture Experiment Station at  
14 Rutgers, The State University, the county board of agriculture may  
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26 Damage Control to coordinate and facilitate the application and  
27 designation of a special deer management area pursuant to this  
28 subsection.

29 b. Whenever a municipality determines that the deer population  
30 has caused significant damage to property, not including damage to  
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11 application, it shall designate it as a special deer management area.  
12 In designating a special deer management area, the division may,  
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15 d. Whenever a county governing body determines that the deer  
16 population has caused significant damage to property, not including  
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18 significant number of vehicle collisions therein, the county  
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6       b. A community based deer management plan shall:

7       (1) delineate the boundaries of the special deer management  
8 area;

9       (2) describe the proposed alternative control methods to reduce  
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11 include the methods authorized pursuant to section 3 of **[this act]**  
12 P.L.2000, c.46 (C.23:4-42.5) ;

13       (3) identify any organization that will participate in the  
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15 plan, and describe its qualifications;

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17 including residents located within and adjacent to the special deer  
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20 where they will be used;

21       (5) describe the precautions that will be taken to ensure the  
22 safety of the public;

23       (6) document the written consent of each affected landowner for  
24 access to that person's land if access to private property is necessary  
25 to implement the plan;

26       (7) attach a resolution, adopted by the governing body of the  
27 municipality in which the special deer management area is located,  
28 which endorses the community based deer management plan ,  
29 except this requirement shall not apply to a community based deer  
30 management plan submitted by a county governing body for lands  
31 owned by the county ; and

32       (8) include such additional information as the division may  
33 determine to be necessary to properly review a community based  
34 deer management plan.

35       c. The division shall promptly review a community based deer  
36 management plan submitted pursuant to **[this act]** P.L.2000, c.46 ,  
37 and either approve the plan, approve the plan subject to  
38 modification, or disapprove the plan and return it to the applicant  
39 setting forth in writing the reasons for its decision. If the division  
40 approves a community based deer management plan, the division  
41 shall submit it to the Fish and Game Council for its review and  
42 action pursuant to section 3 of **[this act]** P.L.2000, c.46 (C.23:4-  
43 42.5) .

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45 plan shall provide for the donation of deer in accordance with the  
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47 P.L.1997, c.268 (C.23:4-42.7) .

1 e. For the purposes of **[this act]** P.L.2000, c.46 (C.23:4-42.3 et  
2 seq.), "alternative control method" or "alternative deer control  
3 method" means any technique, other than traditional hunting,  
4 employed to reduce a deer population, which may include, but need  
5 not be limited to, controlled hunting, shooting by an authorized  
6 agent, capture and euthanization, capture and removal, and fertility  
7 control.

8 (cf: P.L.2000, c.46, s.2)

9  
10 3. This act shall take effect immediately.

11  
12  
13 STATEMENT

14  
15 This bill would authorize a county governing body to develop  
16 community based deer management plans and apply for special deer  
17 management permits for county-owned lands when the county  
18 governing body determines that the deer population has caused  
19 significant damage to property, not including damage to agricultural  
20 property, in the county or has caused a significant number of  
21 vehicle collisions therein.

22 The bill would amend P.L.2000, c.46 (C.23:4-42.3 et seq.),  
23 which established in law procedures to be followed for a county  
24 board of agriculture, municipal governing body, or owner or  
25 operator of an airport to receive approval from the Department of  
26 Environmental Protection's Division of Fish and Wildlife for a  
27 community based deer management plan. Under the current law,  
28 two or more municipalities may submit one plan for a special deer  
29 management area that covers more than one municipality; however,  
30 a county governing body may not submit a plan.

31 This bill would amend the law to allow a county governing body  
32 to apply directly for approval of a community based deer  
33 management plan and a special deer management permit for county-  
34 owned lands when the county governing body determines that the  
35 deer population has caused significant damage to property, not  
36 including damage to agricultural property, in the county or has  
37 caused a significant number of vehicle collisions therein. The bill  
38 also provides that a county governing body would not need to  
39 obtain a resolution, adopted by the governing body of the  
40 municipality in which the county-owned lands are located, as part  
41 of its application to the Division of Fish and Wildlife.

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### **SENATE, No. 1776**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 3, 2010

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1776 with committee amendments.

This bill would authorize a county governing body to develop community based deer management plans and apply for special deer management permits for county-owned lands when the county governing body determines that the deer population has caused significant damage to property, not including damage to agricultural property, in the county or has caused a significant number of vehicle collisions therein.

The bill would amend P.L.2000, c.46 (C.23:4-42.3 et seq.), which established procedures to be followed for a county board of agriculture, municipal governing body, or owner or operator of an airport to receive approval from the Department of Environmental Protection's Division of Fish and Wildlife for a community based deer management plan. Under the current law, two or more municipalities may submit one plan for a special deer management area that covers more than one municipality; however, a county governing body may not submit a plan.

This bill would amend the law to allow a county governing body to apply directly for approval of a community based deer management plan and a special deer management permit for county-owned lands when the county governing body determines that the deer population has caused significant damage to property, not including damage to agricultural property, in the county or has caused a significant number of vehicle collisions therein. The bill also provides that a county governing body would not need to obtain a resolution, adopted by the governing body of the municipality in which the county-owned lands are located, as part of its application to the Division of Fish and Wildlife.

The committee amendments make technical corrections to the bill.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 1776**

**STATE OF NEW JERSEY**

DATED: JUNE 14, 2010

The Assembly Agriculture and Natural Resources Committee reports favorably Senate Bill No. 1776 (1R).

This bill would authorize a county governing body to develop community based deer management plans and apply for special deer management permits for county-owned lands when the county governing body determines that the deer population has caused significant damage to property, not including damage to agricultural property, in the county or has caused a significant number of vehicle collisions therein.

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# ASSEMBLY, No. 2863

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 10, 2010

**Sponsored by:**  
**Assemblyman ALBERT COUTINHO**  
**District 29 (Essex and Union)**

### **SYNOPSIS**

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25 a significant number of vehicle collisions has been caused by an  
26 overpopulation of deer in the area described in the application, it  
27 shall designate it as a special deer management area. In designating  
28 a special deer management area, the division may, after consultation  
29 with the county governing body, modify the area proposed for  
30 designation in an application.

31 (cf: P.L.2000, c.46, s.1)

32

33 2. Section 2 of P.L.2000, c.46 (C.23:4-42.4) is amended to read  
34 as follows:

35 2. a. Upon submission of an application pursuant to section 1  
36 of **[this act]** P.L.2000, c.46 (C.23:4-42.3), or at any time thereafter,  
37 a county board of agriculture, municipal governing body **[or]** ,  
38 owner or operator of an airport , or county governing body may  
39 submit to the division for its approval a community based deer  
40 management plan proposing alternative control methods to reduce  
41 the number of deer in an area designated as a special deer  
42 management area pursuant to section 1 of **[this act]** P.L.2000, c.46.  
43 A county board of agriculture, municipal governing body **[or]** ,  
44 owner or operator of an airport , or county governing body may  
45 submit a community based deer management plan concurrently with  
46 an application to the division for designation of a special deer  
47 management area.

1 Two or more municipalities may submit a single community  
2 based deer management plan for a special deer management area  
3 that covers more than one municipality.

4 The county board of agriculture or the division may request the  
5 Center for Wildlife Damage Control in the New Jersey Agricultural  
6 Experiment Station at Rutgers, The State University, to coordinate  
7 and facilitate the development of a community based deer  
8 management plan.

9 b. A community based deer management plan shall:

10 (1) delineate the boundaries of the special deer management  
11 area;

12 (2) describe the proposed alternative control methods to reduce  
13 the number of deer in the special deer management area, which may  
14 include the methods authorized pursuant to section 3 of **[this act]**  
15 P.L.2000, c.46 (C.23:4-42.5);

16 (3) identify any organization that will participate in the  
17 implementation of the alternative control methods proposed in the  
18 plan, and describe its qualifications;

19 (4) describe the methods that will be used to notify the public,  
20 including residents located within and adjacent to the special deer  
21 management area, of the alternative control methods proposed in  
22 the plan and the specific times and the specific places when and  
23 where they will be used;

24 (5) describe the precautions that will be taken to ensure the  
25 safety of the public;

26 (6) document the written consent of each affected landowner for  
27 access to that person's land if access to private property is necessary  
28 to implement the plan;

29 (7) attach a resolution, adopted by the governing body of the  
30 municipality in which the special deer management area is located,  
31 which endorses the community based deer management plan ,  
32 except this requirement shall not apply to a community based deer  
33 management plan submitted by a county governing body for lands  
34 owned by the county ; and

35 (8) include such additional information as the division may  
36 determine to be necessary to properly review a community based  
37 deer management plan.

38 c. The division shall promptly review a community based deer  
39 management plan submitted pursuant to **[this act]** P.L.2000, c.46 ,  
40 and either approve the plan, approve the plan subject to  
41 modification, or disapprove the plan and return it to the applicant  
42 setting forth in writing the reasons for its decision. If the division  
43 approves a community based deer management plan, the division  
44 shall submit it to the Fish and Game Council for its review and  
45 action pursuant to section 3 of **[this act]** P.L.2000, c.46 (C.23:4-  
46 42.5).

47 d. Whenever practicable, a community based deer management  
48 plan shall provide for the donation of deer in accordance with the

1 venison donation program established pursuant to section 1 of  
2 P.L.1997, c.268 (C.23:4-42.7) .

3 e. For the purposes of **[this act]** P.L.2000, c.46 (C.23:4-42.3 et  
4 seq.), "alternative control method" or "alternative deer control  
5 method" means any technique, other than traditional hunting,  
6 employed to reduce a deer population, which may include, but need  
7 not be limited to, controlled hunting, shooting by an authorized  
8 agent, capture and euthanization, capture and removal, and fertility  
9 control.  
10 (cf: P.L.2000, c.46, s.2)

11

12 3. This act shall take effect immediately.

13

14

15

#### STATEMENT

16

17 This bill would authorize a county governing body to develop  
18 community based deer management plans and apply for special deer  
19 management permits for county-owned lands when the county  
20 governing body determines that the deer population has caused  
21 significant damage to property, not including damage to agricultural  
22 property, in the county or has caused a significant number of  
23 vehicle collisions therein.

24 The bill would amend P.L.2000, c.46 (C.23:4-42.3 et seq.),  
25 which established in law procedures to be followed for a county  
26 board of agriculture, municipal governing body, or owner or  
27 operator of an airport to receive approval from the Department of  
28 Environmental Protection's Division of Fish and Wildlife for a  
29 community based deer management plan. Under the current law,  
30 two or more municipalities may submit one plan for a special deer  
31 management area that covers more than one municipality; however,  
32 a county governing body may not submit a plan.

33 This bill would amend the law to allow a county governing body  
34 to apply directly for approval of a community based deer  
35 management plan and a special deer management permit for county-  
36 owned lands when the county governing body determines that the  
37 deer population has caused significant damage to property, not  
38 including damage to agricultural property, in the county or has  
39 caused a significant number of vehicle collisions therein. The bill  
40 also provides that a county governing body would not need to  
41 obtain a resolution, adopted by the governing body of the  
42 municipality in which the county-owned lands are located, as part  
43 of its application to the Division of Fish and Wildlife.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2863**

**STATE OF NEW JERSEY**

DATED: JUNE 14, 2010

The Assembly Agriculture and Natural Resources Committee reports favorably Assembly Bill No. 2863.

This bill would authorize a county governing body to develop community based deer management plans and apply for special deer management permits for county-owned lands when the county governing body determines that the deer population has caused significant damage to property, not including damage to agricultural property, in the county or has caused a significant number of vehicle collisions therein.

The bill would amend P.L.2000, c.46 (C.23:4-42.3 et seq.), which established procedures to be followed for a county board of agriculture, municipal governing body, or owner or operator of an airport to receive approval from the Division of Fish and Wildlife in the Department of Environmental Protection for a community based deer management plan. Under the current law, two or more municipalities may submit one plan for a special deer management area that covers more than one municipality; however, a county governing body may not submit a plan.

This bill would amend the law to allow a county governing body to apply directly for approval of a community based deer management plan and a special deer management permit for county-owned lands when the county governing body determines that the deer population has caused significant damage to property, not including damage to agricultural property, in the county or has caused a significant number of vehicle collisions therein. The bill also provides that a county governing body would not need to obtain a resolution, adopted by the governing body of the municipality in which the county-owned lands are located, as part of its application to the Division of Fish and Wildlife.