



House of Representatives

General Assembly

File No. 769

January Session, 2001

Substitute House Bill No. 6997

House of Representatives, May 15, 2001

The Committee on Energy and Technology reported through REP. GIANNAROS of the 21st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING TECHNICAL REVISIONS TO THE ENVIRONMENTAL STATUTES.

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

1 Section 1. Section 26-47 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) When it is shown to the satisfaction of the commissioner that
4 wildlife is causing unreasonable damage to agricultural crops during
5 the night and it is found by the commissioner that control of such
6 damage by wildlife is impracticable during the daylight hours, the
7 commissioner may issue permits for the taking of such wildlife as [he]
8 the commissioner deems necessary to control such damage by such
9 method as [he] the commissioner determines, including the use of
10 lights, during the period between sunset and sunrise, upon written
11 application of the owner or lessee of record of the land on which such
12 crops are grown. Such permits may be issued to any qualified person

13 designated by such landowner or lessee. The person to whom such
14 permit is issued shall be held responsible for complying with the
15 conditions under which such permit is issued. The provisions of this
16 section shall not apply to deer.

17 (b) (1) No person shall engage in the business of controlling
18 nuisance wildlife, other than rats or mice, without obtaining a license
19 from the commissioner. Such license shall [expire on the last day of
20 December next succeeding its issuance] be valid for a period of two
21 years and may be renewed in accordance with a schedule established
22 by the commissioner. The fee for such license shall be [fifty] one
23 hundred dollars. The controlling of nuisance wildlife at the direction of
24 the commissioner shall not constitute engaging in the business of
25 controlling nuisance wildlife for the purposes of this section. No
26 person shall be licensed under this subsection unless [he provides] the
27 person: (A) Provides evidence, satisfactory to the commissioner, that
28 [he] the person has completed training which included instruction in
29 site evaluation, methods of nonlethal and approved lethal resolution of
30 common nuisance wildlife problems, techniques to prevent
31 reoccurrence of such problems and humane capture, handling and
32 euthanasia of nuisance wildlife and instruction in methods of
33 nonlethal resolution of common nuisance wildlife problems, including,
34 but not limited to, training regarding frightening devices, repellants,
35 one-way door exclusion and other exclusion methods, habitat
36 modification and live-trapping and releasing and other methods as the
37 commissioner may deem appropriate; and (B) is a resident of this state
38 or of a state that does not prohibit residents of this state from being
39 licensed as nuisance wildlife control operators because of lack of
40 residency.

41 (2) The licensure requirements shall apply to municipal employees
42 who engage in the control or handling of animals, including, but not
43 limited to, animal control officers, except that no license shall be
44 required of such employees for the emergency control of rabies.

45 Notwithstanding the requirements of this subsection, the
46 commissioner shall waive the licensure fee for such employees. The
47 commissioner shall provide to such municipal employees, without
48 charge, the training required for licensure under this subsection.

49 (3) The commissioner shall adopt regulations, in accordance with
50 the provisions of chapter 54, which (A) define the scope and methods
51 for controlling nuisance wildlife provided such regulations shall
52 incorporate the recommendations of the 1993 report of the American
53 Veterinary Medical Association panel on euthanasia and further
54 provided such regulations may provide for the use of specific
55 alternatives to such recommendations only in specified circumstances
56 where use of a method of killing approved by such association would
57 involve an imminent threat to human health or safety and only if such
58 alternatives are designed to kill the animal as quickly and painlessly as
59 practicable while protecting human health and safety, and (B) establish
60 criteria and procedures for issuance of a license.

61 [(2)] (4) Except as otherwise provided in regulations adopted under
62 this section, no person licensed under this subsection may kill any
63 animal by any method which does not conform to the
64 recommendations of the 1993 report of the American Veterinary
65 Medical Association panel on euthanasia. No person may advertise
66 any services relating to humane capture or relocation of wildlife unless
67 all methods employed in such services conform to such regulations.

68 [(3)] (5) Any person licensed under this subsection shall provide all
69 clients with a written statement approved by the commissioner
70 regarding approved lethal and nonlethal options, as provided in this
71 subsection, which are available to the client for resolution of common
72 nuisance problems. If a written statement cannot be delivered to the
73 client prior to services being rendered, the licensee shall leave the
74 statement at the job site or other location arranged with the client.

75 [(4) On or before February first of each year, each] (6) Each person

76 licensed under this subsection shall submit a report to the
77 commissioner, [which] on such date as the commissioner may
78 determine, that specifies the means utilized in each case of nuisance
79 wildlife control service provided in the preceding calendar year
80 including any method used in those cases where an animal was killed.
81 Any information included in such report which identifies a client of
82 such person or the client's street address may be released by the
83 commissioner only pursuant to an investigation related to enforcement
84 of this section.

85 (c) Any person who violates any provision of this section, or any
86 condition under which a permit or license is issued, shall be fined not
87 less than twenty-five dollars nor more than two hundred dollars or be
88 imprisoned not more than sixty days or be both fined and imprisoned;
89 and any permit or license issued to such person, and all other such
90 permits or licenses issued to any other person for such property, shall
91 be revoked by the commissioner and the right to obtain such permit or
92 license shall remain suspended for such period of time as the
93 commissioner determines.

94 (d) Any permit or license issued under this section shall not
95 authorize the taking of deer.

96 Sec. 2. Subdivision (2) of subsection (e) of section 22a-133u of the
97 general statutes is repealed and the following is substituted in lieu
98 thereof:

99 (2) The Commissioner of Economic and Community Development,
100 in consultation with said board shall establish criteria for (A) making
101 disbursements under subsection (b) of this section which criteria shall
102 include, but not be limited to, anticipated commercial value of the
103 property, potential tax revenue to the relevant municipality,
104 environmental or public health risk posed by the spill, potential
105 community or economic development benefit to the relevant
106 municipality, the status of any loans previously made under said

107 subsection to the municipality and potential for restoration of an
108 abandoned property, and (B) cancelling loans related to a property at
109 which the borrower of the loan elects not to proceed with remediation.
110 Such criteria shall further set forth the procedure for applying for a
111 loan from the fund and the procedure to be used for evaluation of such
112 an application. In approving any loan under said subsection to any
113 person, firm or corporation, the board may consider the loan
114 applicant's credit history and economic solvency, any plan of such
115 applicant for business development, municipal support for the
116 proposed use of the property and any existing indebtedness of such
117 applicant to any entity. Upon application for any such loan, the board
118 shall make a recommendation to the Commissioner of Economic and
119 Community Development regarding such loan. On or before February
120 1, [1997] 2003, and annually thereafter, said board and the
121 Commissioner of Economic and Community Development shall
122 submit a report to the joint standing committee of the General
123 Assembly having cognizance of matters relating to the environment
124 regarding the number of applications received, and the number and
125 amounts of loans made in the preceding year, the names of the
126 applicants, the time period between submission of application and the
127 decision to grant or deny the loan, which applications were approved
128 and which applications were denied and the reasons for denial. On or
129 before February 1, [2001] 2003, the board shall recommend to the joint
130 standing committee of the General Assembly whether the payments to
131 the State Treasurer pursuant to section 12-63f are sufficient for the
132 continued solvency of the Special Contaminated Property Remediation
133 and Insurance Fund and whether such payments should continue.

134 Sec. 3. Section 10 of special act 91-395, as amended by section 1 of
135 public act 95-55, is amended to read as follows:

136 The Office of Policy and Management shall amend the state plan of
137 conservation and development adopted pursuant to chapter 297 of the
138 general statutes to include therein a goal for reducing carbon dioxide

139 emissions within this state. Said office, in consultation with the
140 Department of Environmental Protection, shall submit a report to the
141 General Assembly on or before the thirtieth day following the effective
142 date of [this act] public act 95-55, on or before May 1, 1996, and
143 annually thereafter, which details the net amount of carbon dioxide
144 emitted annually within this state. Subsequent to the May 1, 2000,
145 submittal, said report shall be submitted every three years with the
146 first such report due May 1, 2003.

147 Sec. 4. Subsection (d) of section 25-32 of the general statutes is
148 repealed and the following is substituted in lieu thereof:

149 (d) The commissioner may grant a permit for the sale of class I or II
150 land to another water company, to a state agency or to a municipality,
151 or for the sale or assignment of a conservation restriction or public
152 access easement on class I land, if the purchasing entity or assignee
153 agrees to maintain the land subject to the provisions of this section, any
154 regulations adopted pursuant to this section and the terms of any
155 permit issued pursuant to this section. Such purchasing entity or
156 assignee may not sell, lease, assign or change the use of such land
157 without obtaining a permit pursuant to this section.

158 Sec. 5. (NEW) On and after June 1, 2002, federal regulations
159 promulgated by the United States Environmental Protection Agency
160 that implement Subtitle C of the Resource Conservation and Recovery
161 Act of 1976, 42 USC 6901 et seq., as amended from time to time, shall,
162 upon such promulgation, be controlling unless the commissioner has
163 published notice of intent to adopt regulations in accordance with the
164 provisions of chapter 54 of the general statutes that implement
165 chapters 445, 446d or 446k of the general statutes that relate to the
166 intent of said Subtitle C.

167 Sec. 6. Subsection (f) of section 22a-63 of the general statutes is
168 repealed and the following is substituted in lieu thereof:

169 [(f) Any person described in subsection (a) of this section who
170 violates subsection (d) of section 22a-61, subsection (e) of section 22a-
171 61, subsection (a) of section 23-61a or subsection (a) of section 23-61b
172 shall be assessed a civil penalty in an amount not less than one
173 thousand dollars nor more than two thousand dollars.]

174 (f) Any person who is not certified as a commercial applicator who
175 performs or advertises or solicits to perform commercial application of
176 a pesticide, or any person possessing an operational certificate for
177 commercial application under section 22a-54 who performs or
178 advertises or solicits to perform any activity requiring a supervisory
179 certificate for commercial application shall be assessed a civil penalty
180 in an amount not less than one thousand dollars nor more than two
181 thousand dollars for each day such violation continues. For any
182 subsequent violation, such penalty shall be not more than five
183 thousand dollars. The Attorney General, upon complaint of the
184 commissioner, may institute a civil action to recover such penalty in
185 the superior court for the judicial district of Hartford. Any penalties
186 collected under this subsection shall be deposited in the
187 Environmental Quality Fund established under section 22a-27g and
188 shall be used by the commissioner to carry out the purposes of this
189 section.

190 Sec. 7. Subsection (c) of section 5 of public act 95-127 is repealed and
191 the following is substituted in lieu thereof:

192 (c) The person to whom said parcels are conveyed shall agree to
193 renovate the current theater located thereon and to operate it as a
194 theater, which shall be known as the Connecticut-Stratford
195 Shakespeare Festival Theater, for live, theatrical performances,
196 including not less than one annual performance of a play by William
197 Shakespeare, for a period of not less than twenty years from the date of
198 the first performance. Such person shall further agree that (1) [he] such
199 person shall, within four months of the date upon which [he] such

200 person obtains control of said parcels, present to the commissioner a
201 plan of development for the theater and the parcels for [his] the
202 commissioner's approval, (2) the commissioner shall have two months
203 to approve or disapprove such plan, provided, if the commissioner
204 does not act, such plan shall be deemed to be approved, and provided
205 further, if the commissioner disapproves the plan, it may be
206 resubmitted, but such disapproval and resubmittal shall not extend the
207 other time limits set forth in this subsection, (3) [he] such person shall,
208 within one year of the date upon which [he] such person obtains
209 control of said parcels, present to the commissioner construction
210 documents consisting of design drawings and specifications for the
211 development of the theater and the parcels for [his] the commissioner's
212 approval, provided such drawings and specifications shall also be
213 under the jurisdiction of the local building official, (4) the
214 commissioner shall have two months to approve or disapprove such
215 documents, provided, if the commissioner does not act, such
216 documents shall be deemed to be approved, and provided further, if
217 the commissioner disapproves such documents, they may be
218 resubmitted, but such disapproval and resubmittal shall not extend the
219 other time limits set forth in this subsection, (5) [he] such person shall
220 reopen the theater, within three years of the date upon which [he] such
221 person obtains control of said parcels or within two years of the
222 conclusion of any lawsuit relating to said parcels which prohibits or
223 substantially inhibits development of said parcels, whichever is later.
224 Approval by the commissioner pursuant to subdivision (2) or (4) of
225 this subsection shall not be deemed to include any federal, state or
226 local approvals or permits necessary for the construction or siting of
227 facilities or for other regulated use of the property. If said parcels are
228 not, at any time, used for the purposes set forth in this subsection and
229 within the time periods set forth in this subsection, they shall revert to
230 the state of Connecticut, and the commissioner shall convey said
231 parcels to the town of Stratford, for park and recreational purposes
232 only, subject to the approval of the State Properties Review Board and

233 at a cost equal to the administrative costs of making such conveyance.
234 Nothing in this section shall affect a security interest held by a
235 mortgagee on said parcels. If said parcels are conveyed to the town
236 and at any time are not used for such purposes, they shall revert to the
237 state of Connecticut. Payments made to the commissioner prior to any
238 reversion of said parcels shall be retained by the state.

ET *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Cost, Various

Affected Agencies: Departments of Environmental Protection, Public Health, and Office of Policy and Management

Municipal Impact: Cost, STATE MANDATE

Explanation

State Impact:

This bill makes changes to various environmental laws. It requires all animal control officers and other municipal employees who handle animals to have a nuisance wildlife control (NWC) license and have the Department of Environmental Protection (DEP) provide free training and waive their fee. This provision will increase costs to the DEP which are not currently budgeted. It is anticipated that the DEP will need to hire a wildlife biologist and require funds for supplies and other administrative expenses totaling approximately \$60,000 a year.

Extending the NWC license from one year to two years and increasing the fee to compensate, (\$50 to \$100), will result in a minimal revenue impact to the General Fund. Since the fee payment date and

schedule is to be determined by the DEP, it is unclear when the change will take place. Annual fees currently collected are \$9,450.

The bill also extends the date from February 1, 2001 to 2003, for the report by the Special Contaminated Property Remediation and Insurance board on the loan program for the Special Contaminated Property Remediation and Insurance Fund (SCPRIF) and allows the Department of Economic and Community Development (DECD) and the SCPRIF board to skip the 2002 annual report. This will minimally reduce administrative costs to the DECD. There is little experience with the loan and no experience with the property tax repayment provisions of the program at this time.

In addition, the legislation provides that the Office of Policy and Management (OPM) submit their report to the legislature on the net amount of carbon dioxide emitted in the state every three years instead of every year. This will minimally reduce the agency workload.

Authorizing the Department of Public Health (DPH) to grant a permit for the sale or assignment of a conservation restriction or public access easement on class I land is anticipated to result in a minimal increase in permit requests and a corresponding workload increase. This can be accommodated within the DPH's anticipated budgetary resources.

Allowing federal regulations implementing laws governing the release of hazardous substances and their liability and compensation be controlling in the state, unless the DEP commissioner promulgates regulations, could minimally decrease the workload of the DEP due to

DEP adopting approximately one less regulation every five years.

Changes in the penalties for pesticide application are anticipated to result in a minimal revenue increase to the Environmental Quality Fund, based on past history.

In addition, it is unclear at this time if provisions of the bill specifying that the conveyance shall not affect a security interest held by a mortgagee on the property will have fiscal implications to the state due to reverter provisions.

Municipal Impact:

Requiring all animal control officers and other municipal employees that control or handle animals to be trained will increase costs to municipalities. The costs to municipalities will vary depending upon the salaries, number or status (there are 169 either full or part-time animal control officers, others to be trained are not known) of their employees. It is anticipated that they will be paid while they are in training and/or additional personnel will need to perform their duties. The exact impact is not known.

OLR Bill Analysis

sHB 6997

AN ACT CONCERNING TECHNICAL REVISIONS TO THE ENVIRONMENTAL STATUTES.

SUMMARY:

This bill makes several unrelated changes in environmental law. It specifies that, starting June 1, 2002, federal regulations implementing the federal law governing releases of hazardous substances and resulting liability and compensation are controlling in the state unless the DEP commissioner has published notice of intent to adopt regulations under parallel state law. The federal regulations control from the date they are promulgated by the Environmental Protection Agency.

The bill modifies the penalties for violations of certain pesticide application and arboriculture (tree work) laws.

The bill requires that certain municipal employees who control and handle animals obtain nuisance wildlife control licenses from the Department of Environmental Protection (DEP). It makes several other changes with regard to this license.

By law, the sale or assignment of class I water company land (land that is near water supply sources or that meets certain other criteria) requires a Department of Public Health (DPH) permit. Under current law, DPH can grant a permit for the sale of such land only to a state agency, municipality, or another water company, and the purchasing entity must meet certain requirements. The bill allows DPH to grant a permit for the sale or assignment of a conservation restriction or public access easement on such land to anyone, but it requires that the purchasing entity or assignee meet the requirements that apply under current law.

The bill modifies three reporting requirements, two concerning the Special Contaminated Property Remediation and Insurance Fund and

one concerning carbon dioxide emissions.

In 1995, the legislature conveyed land in Stratford to the Connecticut-Stratford Shakespeare Festival Theatre, subject to various restrictions. The bill specifies that conveyance does not affect any security interest that a mortgagee has in the land.

EFFECTIVE DATE: October 1, 2001

ARBORICULTURE PENALTIES

The bill eliminates the civil penalty for people in the pesticide industry who engage in tree work without a DEP arboriculture license. Arboriculture involves various types of work, including protecting trees from insect or disease and curing them from these conditions by spraying. The people affected are commercial pesticide applicators, uncertified people who engage in commercial applications, pesticide distributors, and various people required to register their pesticides. Under current law, the civil fine ranges from \$1,000 to \$2,000 for a first offense and up to \$5,000 for a subsequent offense.

PESTICIDE APPLICATION PENALTIES

Under current law, the above fine also applies to anyone:

1. who is not a commercial pesticide applicator who performs or seeks to perform commercial pesticide application or
2. who has an operational certificate for commercial applications who performs or seeks to perform work that requires the higher supervisory certificate.

For this group, the bill increases the fine to \$1,000 to \$2,000 for an initial offense for each day the violation continues, rather than imposing this fine for each offense regardless of duration. The bill does not make a parallel change for subsequent offenses.

NUISANCE WILDLIFE CONTROL OFFICERS

The bill requires municipal employees who control and handle

animals, including animal control officers but excluding employees engaged in the emergency control of rabies, to obtain DEP nuisance wildlife control licenses. The DEP commissioner must provide the training these employees need for licensure without charge. By law, the licensure requirement applies to people who engage in nuisance wildlife control as a business. The bill makes an out-of-state resident ineligible for a license if his home state does not extend reciprocity to Connecticut residents.

The bill also (1) extends the validity of the license from one to two years; (2) increases the fee from \$50 to \$100; (3) waives the fee for municipal employees; (4) allows the DEP commissioner to set the license renewal schedule, rather than requiring that all licenses expire on December 31; and (5) requires licensees to report to the commissioner by a date he specifies, rather than by February 1, annually, on the techniques they used to control animals.

REPORTING REQUIREMENTS

By law, the Department of Economic and Community Development (DECD) can use the Special Contaminated Property Remediation and Insurance Fund to provide loans for environmental assessments, investigations, and demolition costs. Under current law, DECD and a board that advises it on loan applications must report to the Environment Committee annually by February 1 on the loan program. The bill allows them to skip the 2002 report.

By law, part of the incremental property taxes of a contaminated site that has been remediated goes into the fund. The bill requires the board to report to the committee by February 1, 2003 on (1) whether the payments that flow into the fund are sufficient to keep it solvent and (2) whether the payments should continue.

Under current law, the Office of Policy and Management must submit a report to the legislature by May 1 annually on the net amount of carbon dioxide emitted in the state. The bill drops the requirement for 2002 and requires that the report be submitted every three years, starting May 1, 2003.

BACKGROUND

Legislative History

On April 24, the House referred the original bill (File 356) to the Energy and Technology Committee. On May 1, the committee reported this substitute, which deleted a provision that explicitly requires electric utilities providing power to customers who have not chosen alternative suppliers on or after January 1, 2004 to obtain part of this power from renewable resources.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 28 Nay 0

Energy and Technology Committee

Joint Favorable Substitute
Yea 11 Nay 0