



# Senate

General Assembly

**File No. 744**

January Session, 2003

Substitute Senate Bill No. 1157

*Senate, May 21, 2003*

The Committee on Finance, Revenue and Bonding reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING MINOR REVISIONS TO THE ENVIRONMENTAL PROTECTION PROVISIONS.**

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

1 Section 1. Subsection (g) of section 22a-619 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2003*):

4 (g) (1) Manufacturers shall meet all the requirements of this section  
5 for large appliances, including, but not limited to, washers, dryers,  
6 ovens, including microwave ovens, refrigerators, air conditioners,  
7 dehumidifiers or portable heaters sold in a store where such appliance  
8 is on display, except that no package labeling shall be required; (2)  
9 manufacturers shall meet all the requirements of this section for  
10 mercury fever thermometers, except that no product labeling shall be  
11 required; (3) in the case of vehicles, (A) manufacturers shall meet the  
12 product labeling requirements of this section for vehicles by placing a

13 label on the doorpost of the vehicles that lists the mercury-added  
14 components that may be present in the vehicle, and (B) manufacturers  
15 shall not be required to label the mercury-added components of the  
16 vehicle; (4) manufacturers of products that contain a mercury-  
17 containing lamp used for backlighting that cannot feasibly be removed  
18 by the purchaser shall meet the product labeling requirements of this  
19 section by placing the label on the product or its care and use manual;  
20 (5) manufacturers shall meet all the requirements of this section for  
21 button cell batteries containing mercury, except that no labeling shall  
22 be required; (6) in the case of products that contain button cell batteries  
23 containing mercury as the only mercury components, manufacturers  
24 shall meet the packaging requirements of this section by including a  
25 label in the product instructions, if any, and on the packaging, and no  
26 further product labeling shall be required; (7) manufacturers of  
27 fluorescent lights and high-intensity discharge lamps shall meet the  
28 labeling requirements of this section by labeling the product  
29 packaging; and (8) manufacturers of medical equipment not intended  
30 for use by nonmedical personnel are exempt from this section.

31 Sec. 2. Subsection (b) of section 7-131b of the general statutes is  
32 repealed and the following is substituted in lieu thereof (*Effective July*  
33 *1, 2003*):

34 (b) Any owner who encumbers his property by conveying a less  
35 than fee interest to any municipality under subsection (a) of this  
36 section or to a nonprofit land conservation organization shall, upon  
37 written application to the assessor or board of assessors of the  
38 municipality in which the property is located, be entitled to a  
39 revaluation of such property to reflect the existence of such  
40 encumbrance, effective with respect to the next-succeeding assessment  
41 list of such municipality. Any such owner shall be entitled to such  
42 revaluation, notwithstanding the fact that he conveyed such less than  
43 fee interest prior to October 1, 1971, provided no such revaluation shall  
44 be effective retroactively.

45 Sec. 3. Section 12-504c of the general statutes is repealed and the

46 following is substituted in lieu thereof (*Effective July 1, 2003*):

47 The provisions of section 12-504a shall not be applicable to the  
48 following: (a) Transfers of land resulting from eminent domain  
49 proceedings; (b) mortgage deeds; (c) deeds to or by the United States  
50 of America, state of Connecticut or any political subdivision or agency  
51 thereof; (d) strawman deeds and deeds which correct, modify,  
52 supplement or confirm a deed previously recorded; (e) deeds between  
53 husband and wife and parent and child when no consideration is  
54 received, except that a subsequent nonexempt transfer by the grantee  
55 in such cases shall be subject to the provisions of section 12-504a as it  
56 would be if the grantor were making such nonexempt transfer; (f) tax  
57 deeds; (g) deeds releasing any property which is a security for a debt  
58 or other obligation; (h) deeds of partition; (i) deeds made pursuant to a  
59 merger of a corporation; (j) deeds made by a subsidiary corporation to  
60 its parent corporation for no consideration other than the cancellation  
61 or surrender of the capital stock of such subsidiary; (k) property  
62 transferred as a result of death by devise or otherwise and in such  
63 transfer the date of acquisition or classification of the land for purposes  
64 of sections 12-504a to 12-504f, inclusive, as amended by this act,  
65 whichever is earlier, shall be the date of acquisition or classification by  
66 the decedent; (l) deeds to any corporation, trust or other entity, of land  
67 to be held in perpetuity for educational, scientific, aesthetic or other  
68 equivalent passive uses, provided such corporation, trust or other  
69 entity has received a determination from the Internal Revenue Service  
70 that contributions to it are deductible under applicable sections of the  
71 Internal Revenue Code; (m) land subject to a covenant specifically set  
72 forth in the deed transferring title to such land, which covenant is  
73 enforceable by the town in which such land is located or by a nonprofit  
74 land conservation organization, to refrain from selling or developing  
75 such land in a manner inconsistent with its classification as farm land  
76 pursuant to section 12-107c, forest land pursuant to section 12-107d or  
77 open space land pursuant to section 12-107e for a period of not less  
78 than eight years from the date of transfer, if such covenant is violated  
79 the conveyance tax set forth in this chapter shall be applicable at the  
80 rate which would have been applicable at the date the deed containing

81 the covenant was delivered and, in addition, the town or any taxpayer  
82 therein may commence an action to enforce such covenant; and (n)  
83 land the development rights to which have been sold to the state under  
84 chapter 422a. If such action is taken by such a taxpayer, the town shall  
85 be served as a necessary party.

86 Sec. 4. Subsection (c) of section 25-33o of the general statutes is  
87 repealed and the following is substituted in lieu thereof (*Effective July*  
88 *1, 2003*):

89 (c) The council shall, not later than January 1, 2002, and annually  
90 thereafter, report its preliminary findings and any proposed legislative  
91 changes to the joint standing committees of the General Assembly  
92 having cognizance of matters relating to public health, the  
93 environment and public utilities in accordance with section 11-4a,  
94 except that not later than February 1, 2004, the council shall report its  
95 final recommendations in accordance with this subsection with regard  
96 to (1) a water allocation plan based on water budgets for each  
97 watershed, (2) funding for water budget planning, giving priority to  
98 the most highly stressed watersheds, and (3) the feasibility of merging  
99 the data collection and regulatory functions of the Department of  
100 Environmental Protection's Inland Water Resources Program and the  
101 Department of Public Health's Water Supplies Section.

102 Sec. 5. Subsection (a) of section 26-86a of the general statutes is  
103 repealed and the following is substituted in lieu thereof (*Effective July*  
104 *1, 2003*):

105 (a) The commissioner shall establish by regulation adopted in  
106 accordance with the provisions of chapter 54 standards for deer  
107 management, and methods, regulated areas, bag limits, seasons and  
108 permit eligibility for hunting deer with bow and arrow, muzzleloader  
109 and shotgun, except that no such hunting shall be permitted on  
110 Sunday. No person shall hunt, pursue, wound or kill deer with a  
111 firearm without first obtaining a deer permit from the commissioner in  
112 addition to the license required by section 26-27. Application for such  
113 permit shall be made on forms furnished by the commissioner and

114 containing such information as he may require. Such permit shall be of  
115 a design prescribed by the commissioner, shall contain such  
116 information and conditions as the commissioner may require, and may  
117 be revoked for violation of any provision of this chapter or regulations  
118 adopted pursuant thereto. As used in this section, muzzleloader means  
119 a rifle or shotgun of at least forty-five caliber, incapable of firing a self-  
120 contained cartridge, which uses powder, [ball] a projectile and  
121 wadding loaded separately at the muzzle end and rifle means a long  
122 gun which uses centerfire ammunition and the projectile of which is  
123 six millimeters or larger in diameter. The fee for a firearms permit shall  
124 be fourteen dollars for residents of the state and fifty dollars for  
125 nonresidents, except that any nonresident who is an active full-time  
126 member of the armed forces, as defined in section 27-103, may  
127 purchase a firearms permit for the same fee as is charged a resident of  
128 the state. The commissioner shall issue, without fee, a private land  
129 deer permit to the owner of ten or more acres of private land and the  
130 husband or wife, parent, grandparent, sibling and any lineal  
131 descendant of such owner, provided no such owner, husband or wife,  
132 parent, grandparent, sibling or lineal descendant shall be issued more  
133 than one such permit per season. Such permit shall allow the use of a  
134 rifle, shotgun, muzzleloader or bow and arrow on such land from  
135 November first to December thirty-first, inclusive. Deer may be so  
136 hunted at such times and in such areas of such state-owned land as are  
137 designated by the Commissioner of Environmental Protection and on  
138 privately owned land with the signed consent of the landowner, on  
139 forms furnished by the department, and such signed consent shall be  
140 carried by any person when so hunting on private land. The owner of  
141 ten acres or more of private land may allow the use of a rifle to hunt  
142 deer on such land during the shotgun season. The commissioner shall  
143 determine, by regulation, the number of consent forms issued for any  
144 regulated area established by said commissioner. The commissioner  
145 shall provide for a fair and equitable random method for the selection  
146 of successful applicants who may obtain shotgun and muzzleloader  
147 permits for hunting deer on state lands. Any person whose name  
148 appears on more than one application for a shotgun permit or more

149 than one application for a muzzleloader permit shall be disqualified  
150 from the selection process for such permit. No person shall hunt,  
151 pursue, wound or kill deer with a bow and arrow without first  
152 obtaining a bow and arrow permit pursuant to section 26-86c, as  
153 amended by this act. "Bow and arrow" as used in this section and in  
154 section 26-86c, as amended by this act, means a bow [capable of  
155 propelling a hunting type arrow of not less than four hundred grains,  
156 one hundred fifty yards free flight on level ground] with a draw  
157 weight of not less than forty pounds. As used in this section,  
158 "projectile" includes, but is not limited to, a standard round ball, mini-  
159 balls, maxi-balls and Sabot bullets. The arrowhead shall have two or  
160 more blades and may not be less than seven-eighths of an inch at the  
161 widest point. No person shall carry firearms of any kind while hunting  
162 with a bow and arrow under said sections.

163 Sec. 6. Section 26-86c of the general statutes is repealed and the  
164 following is substituted in lieu thereof (*Effective July 1, 2003*):

165 No person may hunt deer or small game with a bow and arrow  
166 under the provisions of this chapter without a valid permit issued by  
167 the Commissioner of Environmental Protection pursuant to this  
168 section or section 26-86a, as amended by this act, for persons hunting  
169 deer with bow and arrow under private land deer permits issued free  
170 to qualifying landowners, husband or wife, parent, grandparent, lineal  
171 descendant or siblings under that section. The fee for such bow and  
172 arrow permit to hunt deer and small game shall be thirty dollars for  
173 residents and one hundred dollars for nonresidents, or thirteen dollars  
174 for any person twelve years of age or older but under sixteen years of  
175 age, except that any nonresident who is an active full-time member of  
176 the armed forces, as defined in section 27-103, may purchase a bow  
177 and arrow permit to hunt deer and small game for the same fee as is  
178 charged a resident of the state. Permits to hunt with a bow and arrow  
179 under the provisions of this chapter shall be issued only to qualified  
180 applicants therefor by the Commissioner of Environmental Protection,  
181 in such form as said commissioner prescribes. Applications shall be  
182 made on forms furnished by the commissioner containing such

183 information as he may require and all such application forms shall  
184 have printed thereon: "I declare under the penalties of false statement  
185 that the statements herein made by me are true and correct." Any  
186 person who makes any material false statement on such application  
187 form shall be guilty of false statement and shall be subject to the  
188 penalties provided for false statement and said offense shall be  
189 deemed to have been committed in the town in which the applicant  
190 resides. No such application shall contain any material false statement.  
191 On and after January 1, 2002, permits to hunt with a bow and arrow  
192 under the provisions of this chapter shall be issued only to qualified  
193 applicants who have successfully completed the conservation  
194 education bow hunting course as specified in section 26-31 or an  
195 equivalent course in another state.

196 Sec. 7. Section 14-387 of the general statutes is repealed and the  
197 following is substituted in lieu thereof (*Effective July 1, 2003*):

198 No person shall operate a snowmobile or all-terrain vehicle in the  
199 following manner: (1) On any public highway, except such  
200 snowmobile or all-terrain vehicle, if operated by a licensed motor  
201 vehicle operator, may cross a public highway if the crossing is made at  
202 an angle of approximately ninety degrees to the direction of the  
203 highway and at a location where no obstruction prevents a quick and  
204 safe crossing, the snowmobile or all-terrain vehicle is completely  
205 stopped before entering the traveled portion of the highway and the  
206 driver yields the right-of-way to motor vehicles using the highway,  
207 provided nothing in this subsection shall be construed to permit the  
208 operation of a snowmobile or all-terrain vehicle on a limited access  
209 highway, as defined in subsection (a) of section 13a-1; (2) in such a  
210 manner that the exhaust of the snowmobile or all-terrain vehicle makes  
211 an excessive or unusual noise; (3) without a functioning muffler,  
212 subject to the provisions of section 14-80, properly operating brakes,  
213 sufficient and adequate front and rear lighting and reflecting devices,  
214 except an all-terrain vehicle with an engine size of ninety cubic  
215 centimeters or less shall not be required to be equipped with front and  
216 rear lighting and shall not be operated after dark; (4) in any manner

217 which would cause harassment of any game or domestic animal; (5) on  
218 any [fenced agricultural land or posted] land without the written  
219 permission of the owner, or the agent of the owner, or in the case of  
220 state-owned land, without the written permission of the state agency  
221 or institution under whose control such land is, or in the case of land  
222 under the jurisdiction of a local municipality without the written  
223 permission of such municipality, which written permission shall be  
224 carried on the person operating the snowmobile or all-terrain vehicle  
225 while on such land; and (6) on any railroad right-of-way. Nothing in  
226 sections 14-379 to 14-390, inclusive, shall preclude the operation of a  
227 snowmobile or all-terrain vehicle (A) on the frozen surface of any  
228 public body of water, provided any municipality may by ordinance  
229 regulate the hours of operation of snowmobiles and all-terrain vehicles  
230 on public waters within such municipality and provided the operation  
231 of a snowmobile or all-terrain vehicle shall be subject to the provisions  
232 of section 25-43c; or (B) on any abandoned or disused railroad right-of-  
233 way or in any place or upon any land specifically designated for the  
234 operation of snowmobiles and all-terrain vehicles by statute,  
235 regulation or local ordinance. Any person who violates any provision  
236 of this section shall have committed a separate infraction for each such  
237 violation.

238 Sec. 8. Subsection (h) of section 22a-6 of the general statutes is  
239 repealed and the following is substituted in lieu thereof (*Effective July*  
240 *1, 2003*):

241 (h) The commissioner may adopt regulations pertaining to activities  
242 for which the federal government has adopted standards or  
243 procedures. All provisions of such regulations which differ from the  
244 applicable federal standards or procedures shall be clearly  
245 distinguishable from such standards or procedures either on the face  
246 of the proposed regulation or through supplemental documentation  
247 accompanying the proposed regulation at the time of the [public  
248 hearing on] notice concerning such regulation required under [chapter  
249 54] section 4-168. An explanation for all such provisions shall be  
250 included in the regulation-making record required under chapter 54

251 and shall be publicly available at the time of the notice concerning the  
252 regulation required under section 4-168. This subsection shall apply to  
253 any regulation for which a notice of intent to adopt is published on  
254 and after July 1, 1999.

255 Sec. 9. Section 22a-32 of the general statutes is repealed and the  
256 following is substituted in lieu thereof (*Effective July 1, 2003*):

257 No regulated activity shall be conducted upon any wetland without  
258 a permit. Any person proposing to conduct or cause to be conducted a  
259 regulated activity upon any wetland shall file an application for a  
260 permit with the commissioner, in such form and with such information  
261 as the commissioner may prescribe. Such application shall include a  
262 detailed description of the proposed work and a map showing the area  
263 of wetland directly affected, with the location of the proposed work  
264 thereon, together with the names of the owners of record of adjacent  
265 land and known claimants of water rights in or adjacent to the wetland  
266 of whom the applicant has notice. The commissioner shall cause a copy  
267 of such application to be mailed to the chief administrative officer in  
268 the town or towns where the proposed work, or any part thereof, is  
269 located, and the chairman of the conservation commission and  
270 shellfish commission of the town or towns where the proposed work,  
271 or any part thereof, is located. No sooner than thirty days and not later  
272 than sixty days after the receipt of such application, the commissioner  
273 or his duly designated hearing officer shall hold a public hearing on  
274 such application, provided, whenever the commissioner determines  
275 that the regulated activity for which a permit is sought is not likely to  
276 have a significant impact on the wetland, he may waive the  
277 requirement for public hearing after publishing notice, in a newspaper  
278 having general circulation in each town wherever the proposed work  
279 or any part thereof is located, of his intent to waive said requirement  
280 and of his tentative decision regarding the application, except that the  
281 commissioner shall hold a hearing on such application upon receipt of  
282 a petition, signed by at least twenty-five persons, which persons shall  
283 be not less than eighteen years of age and residents of the municipality  
284 in which the regulated activity is proposed, requesting such a hearing.

285 The following shall be notified of the hearing by mail not less than  
 286 fifteen days prior to the date set for the hearing: All of those persons  
 287 and agencies who are entitled to receive a copy of such application in  
 288 accordance with the terms hereof and all owners of record of adjacent  
 289 land and known claimants to water rights in or adjacent to the wetland  
 290 of whom the applicant has notice. The commissioner shall cause notice  
 291 of his tentative decision regarding the application and such hearing to  
 292 be published at least once not more than thirty days and not fewer  
 293 than ten days before the date set for the hearing in the newspaper  
 294 having a general circulation in each town where the proposed work, or  
 295 any part thereof, is located. All applications and maps and documents  
 296 relating thereto shall be open for public inspection at the office of the  
 297 commissioner. At such hearing any person or persons may appear and  
 298 be heard.

299 Sec. 10. Section 23-8b of the general statutes is amended by adding  
 300 subsection (f) as follows (*Effective July 1, 2003*):

301 (NEW) (f) Notwithstanding any provision of the general statutes,  
 302 special police officers for utility companies, appointed by the  
 303 Commissioner of Public Safety pursuant to section 29-19, and  
 304 conservation officers and special conservation officers and patrolmen,  
 305 appointed by the Commissioner of Environmental Protection pursuant  
 306 to section 26-5, shall have jurisdiction over any land purchased by the  
 307 state under the terms of any such contract and said officers shall have  
 308 the same authority to make arrests on such lands as they have under  
 309 section 29-18 for lands owned by the Department of Environmental  
 310 Protection.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>

Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>July 1, 2003</i>
Sec. 9	<i>July 1, 2003</i>
Sec. 10	<i>July 1, 2003</i>

**FIN**      *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:

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### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Type</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Department of Environmental Protection	Various	See Below	See Below

#### **Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Various Municipalities	See Below	Minimal	Minimal

#### **Explanation**

The bill sets a deadline of February 1, 2004 for the Water Planning Council to issue its final report. This is not anticipated to have a fiscal impact. The Council was created in 2001 and must report findings and proposed legislation annually to legislative committees.

It is anticipated that allowing non-resident, active full-time members of the armed services to purchase firearms permits to hunt deer and bow and arrow permits to hunt deer and small game for the same fee as residents will result in a minimal revenue loss to the Conservation Fund of the Department of Environmental Protection (DEP), estimated at under \$10,000 a year.

Specifying that an owner of open space land who conveys an easement to a nonprofit land conservation organization be entitled to a revaluation of the property could result in a minimal municipal workload increase and a potential grand list reduction.

Exempting from the conveyance tax sales of farm, forest and open space land subject to a covenant is anticipated to result in a minimal revenue loss to the state and impacted municipalities. Based on

annual acquisitions through the state programs the revenue loss is estimated at less than \$100,000 a year to the state and less than \$50,000 a year to all municipalities.

Tightening the requirements that petitioners must meet when asking the DEP to hold a hearing could minimally reduce the DEP workload.

Allowing for conservation officers, special conservation officers, special police officers and patrolmen appointed by the Commissioner of the DEP to have joint jurisdiction over the KELDA lands will provide for a more efficient mechanism for enforcement.

Changes in the timing of when the DEP Commissioner must indicate differences in proposed regulations, will have no fiscal impact.

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**OLR Bill Analysis**

sSB 1157

**AN ACT CONCERNING MINOR REVISIONS TO THE ENVIRONMENTAL PROTECTION PROVISIONS****SUMMARY:**

This bill:

1. requires warning labels on packaging for high-intensity discharge lamps containing mercury by July 1, 2004;
2. sets a February 1, 2004, deadline for the Water Planning Council to make final recommendations on water allocation and planning issues;
3. allows non-resident, active, full-time members of the armed services to purchase firearm permits to hunt deer and bow-and-arrow permits to hunt deer and small game for the same fee as state residents; expands the type of ammunition hunters may use in muzzle-loading rifles; and requires that bow hunters use a bow-and-arrow with a draw weight of at least 40 pounds to obtain a Department of Environmental Protection (DEP) bow-and-arrow permit to hunt deer;
4. prohibits anyone from operating a snowmobile or all-terrain vehicle (ATV) on any land, rather than just fenced farmland or posted land, without the owner's written permission, and requires the operator to carry the written permission on his person while operating the vehicle on such land;
5. entitles owners of open space land who convey an easement to a nonprofit land conservation organization to revaluation of the property when they apply to the assessor in the town where the property is located;
6. exempts from the conveyance tax for farm, forest and open space land sales property subject to a covenant, enforceable by a nonprofit land conservation organization, to refrain from selling the land in a manner inconsistent with its classification as farm, forest, or open space land for at least eight years from the date of

transfer;

7. tightens the requirements that petitioners must meet when asking the environmental protection commissioner to hold a hearing on whether to allow a regulated activity on a wetland;
8. gives certain utility company police officers, conservation officers and other law enforcement officers joint jurisdiction over lands the state and the Nature Conservancy purchased for conservation purposes in 2001 (the Kelda lands); and
9. requires that the commissioner state the differences between proposed state regulations and existing federal standards and procedures when he gives notice of the proposed regulations, rather than at the time of the public hearing

EFFECTIVE DATE: July 1, 2003

### **LABELING PRODUCTS THAT CONTAIN MERCURY**

By law, products containing mercury must be labeled beginning July 1, 2004. The bill requires that the labeling appear on packaging for high intensity discharge lights that contain mercury, such as streetlights, floodlights, and industrial lighting. Labels on packaging must be clearly visible and inform the buyer that mercury is present and that the product should be properly disposed of or recycled.

### **WATER PLANNING COUNCIL**

The bill requires the council, by February 1, 2004, to issue its final recommendations for (1) a water allocation plan, based on water budgets for each watershed; (2) funding for water budget planning, giving priority to the most highly-stressed watersheds; and (3) the feasibility of merging the data collection and regulatory functions of DEP's Inland Water Resources program and the public health departments' water supplies section. The council was created in 2001 to address issues involving the water companies, water resources and state polices regarding the future of the state's drinking water supply. By law, it must report its preliminary findings and any proposed legislative changes annually to the environment, public health, and energy and technology committees beginning January 1, 2002.

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**AMMUNITION FOR MUZZLE-LOADING RIFLES AND SHOTGUNS*****Permit Fees***

The bill allows nonresident, active, full-time members of the armed forces, as defined by law, to purchase firearms permits to hunt deer and bow-and-arrow permits to hunt deer and small game for the same fee as residents. Currently, the firearms permit fee is \$14 for residents and \$50 for nonresidents. The bow-and-arrow fee for residents is \$30 for residents and \$100 for nonresidents.

***Muzzle-loading Ammunition***

The bill allows hunters using muzzle-loading rifles to fire projectiles, rather than balls. Projectiles allowed by the bill include standard round ball, mini-ball, maxi-ball, and Sabot bullets (bullets encased in plastic containers). By law, muzzle-loading rifles or shotguns are at least .45 caliber, incapable of firing a self-contained cartridge, and use powder, ball, and wadding loaded separately at the weapon's muzzle end.

***Bow and Arrow Permit***

The bill requires that hunters use a bow with a draw weight of at least 40 pounds, rather than one capable of shooting a hunting arrow weighing at least 400 grains 150 yards over level ground, to obtain a DEP bow-and-arrow permit to hunt deer.

**CONVEYANCE TAX EXEMPTION**

The law exempts from the conveyance tax for farm, forest, and open space land sales, property subject to a covenant, enforceable by the town in which the land is located, to refrain from selling the land in a manner inconsistent with its classification as farm, forest, or open space land for at least eight years from the date of transfer. The bill creates the same exemption for such a covenant enforced by a nonprofit land conservation organization.

**WETLANDS PERMIT HEARING**

By law, the commissioner must hold a hearing on a proposal to conduct a regulated activity on a wetland if 25 people petition him. The bill requires that the petitioners be (1) at least 18 years old and (2) residents of the town in which the regulated activity is proposed.

Regulated activities include the draining, dredging, removal, dumping, filling or deposition of soil, stones, sand or gravel; the erection of structures; and the placing of obstructions.

## **KELDA LANDS**

The bill gives utility company special police officers and conservation officers, special conservation officers, and patrolmen appointed by the commissioner joint jurisdiction over property the state and the Nature Conservancy purchased for conservation purposes in 2001 (the Kelda lands). The officers will have the same authority to make arrests on the Kelda lands as they do on DEP-owned lands

## **NOTICE OF PROPOSED REGULATIONS**

By law, the commissioner, in adopting regulations that differ from federal standards, must indicate those differences either in the proposed regulations or in accompanying documentation. The bill requires that he provide this information when the law requires notice concerning the proposed regulations, rather than at the time of the public hearing on them. He must provide an explanation of the differences to the public at the time notice is required.

## **BACKGROUND**

### ***Legislative History***

On April 23, the Senate referred the bill (File 452) to the Public Safety Committee, which reported it favorably on April 30. On May 7, the Senate referred the bill to the Finance, Revenue and Bonding Committee, which reported it favorably on May 13, after eliminating provisions (1) allowing owners or operators of commercial underground storage tanks to apply for preauthorization of costs they incurred as the result of fuel oil leaks; (2) requiring the Underground Storage Tank Petroleum Clean-Up Account Review Board to decide on reimbursement of preauthorized costs in 30, rather than 90 days; and (3) barring reimbursement to owners or operators of interest or finance charges that accrued during the board's review.

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute  
Yea 27 Nay 0

Public Safety Committee

Joint Favorable Report  
Yea 20 Nay 0

Finance, Revenue and Bonding Committee

Joint Favorable Substitute  
Yea 42 Nay 1