



General Assembly

Substitute Bill No. 1157

January Session, 2003

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2 repealed and the following is substituted in lieu thereof (*Effective July*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32 repealed and the following is substituted in lieu thereof (*Effective July*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 11-4a₂
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.*