



General Assembly

Substitute Bill No. 463

February Session, 2004

* SB00463ENVJUD030804 *

**AN ACT CONCERNING NATURAL RESOURCES AND
ENFORCEMENT PROGRAMS OF THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION.**

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

1 Section 1. Section 12-107b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2004*):

3 When used in sections 12-107a to 12-107e, inclusive, as amended:

4 (a) The term "farm land" means any tract or tracts of land, including
5 woodland and wasteland, constituting a farm unit;

6 (b) The term "forest land" means any tract or tracts of land
7 aggregating twenty-five acres or more in area bearing tree growth [in
8 such quantity and so spaced as to constitute in the opinion of the State
9 Forester a forest area and maintained in the opinion of the State
10 Forester in a state of proper forest condition and such land consists]
11 that conforms to the forest stocking, distribution and condition
12 standards established by the State Forester pursuant to subsection (a)
13 of section 12-107d, as amended by this act, and consisting of (1) one
14 tract of land of twenty-five or more contiguous acres, which acres may
15 be in contiguous municipalities, (2) two or more tracts of land
16 aggregating twenty-five acres or more in which no single component
17 tract shall consist of less than ten acres, or (3) any tract of land which is

18 contiguous to a tract owned by the same owner [which] and has been
19 [designated as forest land by the State Forester, provided land
20 designated by the State Forester as forest land in accordance with
21 section 12-107d prior to July 1, 1976, shall not be subject to the
22 provisions of subdivisions (1) to (3), inclusive, of this subsection]
23 classified as forest land pursuant to this section;

24 (c) The term "open space land" means any area of land, including
25 forest land, land designated as wetland under section 22a-30 and not
26 excluding farm land, the preservation or restriction of the use of which
27 would (1) maintain and enhance the conservation of natural or scenic
28 resources, (2) protect natural streams or water supply, (3) promote
29 conservation of soils, wetlands, beaches or tidal marshes, (4) enhance
30 the value to the public of abutting or neighboring parks, forests,
31 wildlife preserves, nature reservations or sanctuaries or other open
32 spaces, (5) enhance public recreation opportunities, (6) preserve
33 historic sites, or (7) promote orderly urban or suburban development;

34 (d) The word "municipality" means any town, consolidated town
35 and city, or consolidated town and borough;

36 (e) The term "planning commission" means a planning commission
37 created pursuant to section 8-19, as amended;

38 (f) The term "plan of conservation and development" means a plan
39 of development, including any amendment thereto, prepared or
40 adopted pursuant to section 8-23, as amended;

41 (g) The term "certified forester" means a practitioner certified as a
42 forester pursuant to section 23-65h.

43 Sec. 2. Section 12-107d of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective July 1, 2004*):

45 (a) The State Forester may establish and implement standards for
46 forest stocking, distribution and conditions and procedures for
47 evaluation by a certified forester of land proposed for classification as

48 forest land. Such standards and procedures may be established and
49 implemented while in the process of adopting such standards and
50 procedures in regulation form, provided notice of intent to adopt the
51 regulations is published not later than twenty days after the date of
52 implementation. Such standards and procedures shall be valid until
53 June 1, 2006, or until final regulations are adopted, whichever date is
54 earlier.

55 (b) A certified forester may evaluate land proposed for classification
56 as forest land and attest to the qualifications of such land for
57 classification as forest land, provided such certified forester has
58 satisfactorily completed training by and obtained a certificate from the
59 State Forester or his or her designee related to policies and standards
60 for evaluating land proposed for classification as forest land and, in the
61 opinion of the State Forester, the certified forester acts in conformance
62 with such policies and standards.

63 [(a)] (c) An owner of land [may file a written application with the
64 State Forester for its designation by the State Forester as forest land.
65 When such application has been made, the State Forester shall examine
66 such application and, if] seeking classification of such land as forest
67 land shall employ a certified forester to examine the land to determine
68 if it conforms to forest stocking, distribution and condition standards
69 established by the State Forester pursuant to subsection (a) of this
70 section. If the [State Forester] certified forester determines that [it is
71 forest land, said] such land conforms to such standards, such forester
72 shall issue a [triplicate certificate designating it as such, and file one
73 copy of such certificate in the State Forester's office, furnish one to the
74 owner of the land and file one in the office of the assessor of the
75 municipality in which the land is located] report to the owner of the
76 land pursuant to subsection (g) of this section and retain one copy of
77 the report.

78 (d) Fees charged by a certified forester for services to examine land
79 and determine if said land conforms to the standards of forest
80 stocking, distribution and condition established by the State Forester

81 shall not be contingent upon or otherwise influenced by the
82 classification of the land as forest land or the failure of such land to
83 qualify for said classification.

84 [(b) When the State Forester finds that it is no longer forest land, the
85 State Forester shall issue a triplicate certificate canceling the
86 designation of such land as forest land, and file one copy of such
87 certificate in the State Forester's office, furnish one to the owner of the
88 land and file one in the office of such assessor.]

89 (e) Upon termination of classification as forest land, the assessor of
90 the municipality in which the land is located shall issue a notice of
91 cancellation and provide a copy of such notice to the owner of the land
92 and to the office of the assessor of any other municipality in which the
93 owner's land is classified as forest land.

94 [(c)] ~~(f)~~ An owner of land [designated as forest land by the State
95 Forester] may apply for its classification as forest land on any grand
96 list of a municipality by filing a written application for such
97 classification accompanied by a copy of the certified forester's report
98 described in subsection (g) of this section with the assessor thereof not
99 earlier than thirty days before or later than thirty days after the
100 assessment date and, if the [State Forester has not cancelled the
101 designation] assessor determines that the use of such land as forest
102 land has not changed as of a date at or prior to the assessment date
103 such assessor shall classify such land as forest land and include it as
104 such on the grand list, provided in a year in which a revaluation of all
105 real property in accordance with section 12-62 becomes effective such
106 application may be filed not later than ninety days after such
107 assessment date in such year.

108 [(d) An application to the State Forester for designation of land as
109 forest land shall be made upon a form prescribed by the State Forester
110 and approved by the Commissioner of Environmental Protection and
111 shall set forth a description of the land and such other information as
112 the State Forester may require to aid in determining whether such land

113 qualifies for such designation.]

114 (g) A report issued by a certified forester pursuant to subsection (c)
115 of this section shall be on a form prescribed by the State Forester and
116 shall set forth a description of the land, a description of the forest
117 growth upon the land, a description of forest management activities
118 recommended to be undertaken to maintain the land in a state of
119 proper forest condition and such other information as the State
120 Forester may require as measures of forest stocking, distribution and
121 condition and shall include the name, address and certificate number
122 of the certified forester and a signed, sworn statement that the certified
123 forester has determined that the land proposed for classification
124 conforms to the standards of forest stocking, distribution and
125 condition established by the State Forester. An application to an
126 assessor for classification of land as forest land shall be made upon a
127 form prescribed by such assessor and approved by the Commissioner
128 of Environmental Protection and shall set forth a description of the
129 land and the date of the issuance [by the State Forester of the certificate
130 designating it as forest land] of the certified forester's report and a
131 statement of the potential liability for tax under the provisions of
132 sections 12-504a to 12-504e, inclusive. The certified forester's report
133 shall be attached to and made a part of such application.

134 [(e)] (h) Failure to file an application for classification of land as
135 forest land within the time limit prescribed in subsection [(c)] (f) of this
136 section and in the manner and form prescribed in subsection [(d)] (g)
137 of this section shall be considered a waiver of the right to such
138 classification on such assessment list.

139 (i) The municipality within which land proposed for classification as
140 forest land is situated or the owner of such land may appeal to the
141 State Forester for a review of the findings of the certified forester as
142 issued in the certified forester's report. Such appeal shall be filed with
143 the State Forester not later than thirty business days after the issuance
144 of the report and shall be brought by petition in writing. The State
145 Forester shall review the report of the certified forester and any

146 information the certified forester relied upon in developing his or her
147 findings and may gather additional information at his or her
148 discretion. The State Forester shall render the results of his or her
149 review of the certified forester's report not later than sixty calendar
150 days after the appeal was filed.

151 [(f) The municipality within which land designated as forest land by
152 the State Forester is situated or the owner of land which the State
153 Forester has refused to designate as such may appeal from the decision
154 of the State Forester to the superior court for the judicial district within
155 which such municipality is situated. Such appeal shall be taken within
156 thirty days after the issuance of the certificate designating such land as
157 forest land or the refusal to issue such certificate, as the case may be,
158 and shall be brought by petition in writing with proper citation signed
159 by competent authority to the adverse party at least twelve days before
160 the return day. The Superior Court shall have the same powers with
161 respect to such appeals as are provided in the general statutes with
162 respect to appeals from boards of assessment appeals.]

163 [(g)] (j) An owner of land aggrieved by the denial of any application
164 to the assessor of a municipality for classification of land as forest land
165 shall have the same rights and remedies for appeal and relief as are
166 provided in the general statutes for taxpayers claiming to be aggrieved
167 by the doings of assessors or boards of assessment appeals.

168 (k) During the month of June each year the assessor of a
169 municipality within which land classified as forest land is situated
170 shall report to the State Forester, in a format prescribed by the State
171 Forester, the total number of owners of land classified as farm land,
172 forest land or open space land as of the most recent grand list and a
173 listing of the parcels of land so classified showing the acreage of each
174 parcel, the total acreage of all such parcels, the number of acres of each
175 parcel classified as farm land, forest land or open space land, and the
176 total acreage for all such parcels.

177 Sec. 3. Section 26-40a of the general statutes, as amended by section

178 2 of public act 03-192 and section 146 of public act 03-6 of the June 30
179 special session, is repealed and the following is substituted in lieu
180 thereof (*Effective October 1, 2004*):

181 For the purposes of this section, the following wildlife or any hybrid
182 thereof, shall be considered as potentially dangerous animals: The
183 felidae, including, but not limited to, the lion, leopard, cheetah, jaguar,
184 ocelot, jaguarundi cat, puma, lynx and bobcat; the canidae, including,
185 but not limited to, the wolf and coyote; [and] the ursidae, including,
186 but not limited to, the black bear, grizzly bear and brown bear; the
187 cercopithecidae, including, but not limited to, the baboon and
188 macaque; the hylobatidae, including, but not limited to, the gibbon or
189 lesser ape; the pongidae, including, but not limited to, the gorilla,
190 chimpanzee and orangutan; the alligatoridae, including, but not
191 limited to, the alligator and caiman; the crocodylidae, including, but
192 not limited to, the crocodile; the gavialidea, including, but not limited
193 to, the gavial; the elapidae, including, but not limited to, the cobra and
194 coral snake; the viperidae, including, but not limited to, the
195 copperhead, cottonmouth, viper and adder; the crotalidea, including,
196 but not limited to, the rattlesnake; and the dendrobatidae, including,
197 but not limited to, poison arrow frogs. No person shall possess a
198 potentially dangerous animal. Any such animal illegally possessed
199 may be ordered seized and may be disposed of as determined by the
200 Commissioner of Environmental Protection. The Department of
201 Environmental Protection shall issue a bill to the owner or person in
202 illegal possession of such potentially dangerous animal for all costs of
203 confiscation, care maintenance and disposal of such animal.
204 Additionally, any person who violates any provision of this section
205 shall be guilty of an unclassified misdemeanor and assessed a civil
206 penalty not to exceed one thousand dollars, to be fixed by the court, for
207 each offense. Each violation shall be a separate and distinct offense and
208 in the case of a continuing violation, each day's continuance thereof
209 shall be deemed to be a separate and distinct offense. The
210 Commissioner of Environmental Protection may request the Attorney
211 General to institute an action in Superior Court to recover such penalty

212 and any amounts owed pursuant to a bill issued in accordance with
213 this section. The provisions of this section shall not apply to municipal
214 parks, zoos and nature centers, or museums, laboratories and research
215 facilities maintained by scientific or educational institutions; to a
216 person possessing a Bengal cat certified by an internationally
217 recognized multiple-cat domestic feline breeding association as being
218 without wild parentage for a minimum of four prior generations
219 which cat was registered with the Commissioner of Agriculture and
220 Consumer Protection on or before October 1, 1996, provided no such
221 cat may be imported into this state after June 6, 1996; or to persons
222 possessing animals legally on or before May 23, 1983. In any action
223 taken by any official of the state or any municipality to control rabies, a
224 Bengal cat shall be considered not vaccinated for rabies in accordance
225 with accepted veterinary practice.

226 Sec. 4. Section 26-5 of the general statutes is repealed and the
227 following is substituted in lieu thereof (*Effective October 1, 2004*):

228 The Commissioner of Environmental Protection shall appoint such
229 number of conservation officers as may be necessary for the efficient
230 execution of the duties of the department under section 26-6, as
231 amended. The commissioner may supplement the regular conservation
232 officer force by appointing as special conservation officer [or as
233 patrolman] any employee of the department, any lake patrolman
234 appointed under section 7-151b who currently holds a certification as a
235 police officer in accordance with section 7-294d, or any sworn federal
236 law enforcement officer who is a member of the United States Fish and
237 Wildlife Service, the National Oceanic and Atmospheric
238 Administration, or the Office of Law Enforcement of the National
239 Marine Fisheries Service. Each conservation officer, special
240 conservation officer or patrolman shall complete a police training
241 course at the state police training school or an equivalent course
242 approved by the Commissioner of Public Safety. Special conservation
243 officers [and patrolmen] who are employees of the department shall be
244 entitled to the same benefits to which conservation officers are entitled
245 under the provisions of section 5-142, as amended; and such an

246 appointment shall be deemed not to be in conflict with any of the
247 provisions of chapter 67. In addition to their salaries, conservation
248 officers [] and special conservation officers [and patrolmen] shall be
249 reimbursed for all expenses incurred in performance of official duty.

250 Sec. 5. Section 1-217 of the general statutes is repealed and the
251 following is substituted in lieu thereof (*Effective October 1, 2004*):

252 (a) No public agency may disclose, under the Freedom of
253 Information Act, the residential address of any of the following
254 persons:

255 (1) A federal court judge, federal court magistrate, judge of the
256 Superior Court, Appellate Court or Supreme Court of the state, or
257 family support magistrate;

258 (2) A sworn member of a municipal police department, [or] a sworn
259 member of the Division of State Police within the Department of Public
260 Safety or a sworn law enforcement officer within the Department of
261 Environmental Protection, including any conservation officer
262 appointed pursuant to section 26-5;

263 (3) An employee of the Department of Correction;

264 (4) An attorney-at-law who represents or has represented the state
265 in a criminal prosecution;

266 (5) An attorney-at-law who is or has been employed by the Public
267 Defender Services Division or a social worker who is employed by the
268 Public Defender Services Division;

269 (6) An inspector employed by the Division of Criminal Justice;

270 (7) A firefighter;

271 (8) An employee of the Department of Children and Families;

272 (9) A member or employee of the Board of Parole;

273 (10) An employee of the judicial branch; or

274 (11) A member or employee of the Commission on Human Rights
275 and Opportunities.

276 (b) The business address of any person described in this section
277 shall be subject to disclosure under section 1-210, as amended. The
278 provisions of this section shall not apply to Department of Motor
279 Vehicles records described in section 14-10, as amended.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>

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Joint Favorable Subst. C/R

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