



House of Representatives

General Assembly

File No. 486

January Session, 2009

Substitute House Bill No. 6659

House of Representatives, April 6, 2009

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE ENVIRONMENT STATUTES.

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

1 Section 1. Section 22-26gg of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The commissioner shall, in consultation with the Farmland
4 Preservation Advisory Board established under section 22-26ll, adopt,
5 in accordance with chapter 54, such regulations as the commissioner
6 deems necessary to carry out the purposes of this chapter. Such
7 regulations shall provide that individual landowners applying for
8 [such] the farmland preservation program established pursuant to
9 section 22-26cc shall be eligible to receive not more than twenty
10 thousand dollars per acre for development rights, and the schedule of
11 the state's contribution for joint ownership projects initiated by
12 municipalities shall be increased accordingly.

13 Sec. 2. Subsection (a) of section 22-26nn of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective from*
15 *passage*):

16 (a) The Commissioner of Agriculture may establish a community
17 farms program for the preservation of farmland that does not meet the
18 criteria of the farmland preservation program established pursuant to
19 section 22-26cc for reasons of size, soil quality or location but that may
20 contribute to local economic activity through agricultural production.
21 The commissioner may purchase up to one hundred per cent of the
22 value of development rights directly from an eligible owner, or may
23 acquire development rights on qualifying farmland jointly with a
24 municipality, subject to [the] any appraisal and review required by the
25 [regulations adopted pursuant to this section] commissioner. For the
26 purposes of this section, "development rights" and "owner" [shall] have
27 the same meaning as in section 22-26bb.

28 Sec. 3. Subsection (b) of section 22a-27s of the general statutes is
29 repealed and the following is substituted in lieu thereof (*Effective from*
30 *passage*):

31 (b) All initial appointments to the committee shall be made not later
32 than September 1, 2008. The term of each appointed member of the
33 steering committee shall be coterminous with the term of the
34 appointing authority or until a successor is chosen, whichever is later.
35 The Commissioner of Environmental Protection shall serve as the
36 chairperson of the committee for the two years following the
37 appointment of the committee, followed first by the Commissioner of
38 Agriculture for two years and subsequently by the executive director
39 of the Connecticut Commission on Culture and Tourism for two years
40 and subsequently by the Commissioner of Economic and Community
41 Development or said commissioner's designee for two years. Such
42 rotation shall repeat every two years thereafter in the order specified in
43 this subsection, except that if there is a vacancy in one of [said] such
44 positions, one of the other commissioners or the executive director
45 may serve as chairperson until the vacancy is filled.

46 Sec. 4. Subsection (e) of section 22a-63 of the general statutes is
47 repealed and the following is substituted in lieu thereof (*Effective from*
48 *passage*):

49 (e) Any person who violates any provision of this chapter [] or
50 section 10-231b, 10-231c or 10-231d, may be assessed a civil penalty of
51 not more than two thousand five hundred dollars per day for each day
52 such violation continues. The Attorney General, upon complaint of the
53 commissioner, shall institute a civil action to recover such penalty in
54 the superior court for the judicial district of Hartford. All actions
55 brought by the Attorney General shall have precedence in the order of
56 trial as provided in section 52-191.

57 Sec. 5. Section 22a-133dd of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective from passage*):

59 (a) Any agent of a municipality or any licensed environmental
60 professional employed or retained by a municipality may enter,
61 without liability to any person other than the Commissioner of
62 Environmental Protection, upon any property within such
63 municipality for the purpose of performing an environmental site
64 assessment or investigation on behalf of the municipality if: (1) The
65 owner of such property cannot be located; (2) such property is
66 encumbered by a lien for taxes due such municipality; (3) [upon a
67 filing of] a notice of eminent domain has been filed; (4) the
68 municipality's legislative body finds that such investigation is in the
69 public interest to determine if the property is underutilized or should
70 be included in any undertaking of development, redevelopment or
71 remediation pursuant to this chapter or chapter 130, 132 or 581; or (5)
72 any official of the municipality reasonably finds such investigation
73 necessary to determine if such property presents a risk to the safety,
74 health or welfare of the public or a risk to the environment. The
75 municipality shall give at least forty-five days' notice of such entry
76 before the first such entry by certified mail to the property owner's last
77 known address of record.

78 (b) [A] An agent of a municipality accessing or entering a property

79 to perform an investigation pursuant to this section shall not incur any
80 liability pursuant to section 22a-432 for any preexisting contamination
81 or pollution on such property, provided [, however,] a municipality
82 may be liable for any pollution or contamination resulting from a
83 negligent or reckless investigation.

84 (c) The owner of the property may object to such access and entry
85 by the agent of the municipality by filing an action in the Superior
86 Court not later than thirty days after receipt of the notice provided
87 pursuant to subsection (a) of this section, provided any objection shall
88 be limited to the owner affirmatively representing that [it] the owner is
89 diligently investigating the site in a timely manner and that any
90 municipal taxes owed will be paid in full.

91 Sec. 6. Subsection (b) of section 22a-174 of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective from*
93 *passage*):

94 (b) The commissioner shall have the power to (1) enter into
95 contracts with technical consultants, including, but not limited to,
96 nonprofit corporations created for the purpose of facilitating the state's
97 implementation of multistate air pollution control programs, for
98 special studies, advice and assistance; [to] (2) consult with and advise
99 and exchange information with other departments or agencies of the
100 state; and [(2)] (3) serve on the board of directors of a nonprofit
101 corporation, including, but not limited to, a nonprofit corporation
102 created for the purpose of facilitating the state's implementation of
103 multistate air pollution control programs.

104 Sec. 7. Subsection (b) of section 22a-430b of the general statutes is
105 repealed and the following is substituted in lieu thereof (*Effective from*
106 *passage*):

107 (b) Notwithstanding the provisions of chapter 54, a general permit
108 shall be issued, renewed, modified, revoked or suspended in
109 accordance with the standards and procedures specified for an
110 individual permit, in accordance with section 22a-430, as amended by

111 this act, and any regulations adopted thereunder, except that (1)
112 summary suspension may be ordered in accordance with subsection
113 (c) of section 4-182; (2) any proposed or final general permit and notice
114 thereof may address persons or municipalities which are or may be
115 covered by the general permit as a group, describe the facilities which
116 are or may be covered by the general permit in general terms; and (3)
117 upon issuance of a proposed or final general permit, the commissioner
118 shall publish notice thereof in a newspaper of substantial circulation in
119 the affected area. General permits shall be issued for a term specified
120 by the permit and such terms shall be consistent with the federal Water
121 Pollution Control Act and shall be subject to the provisions of section
122 22a-431. Such permits shall: [(1)] (A) Describe the category of discharge
123 regulated by the general permit; [(2)] (B) specify the manner, nature
124 and volume of discharge; [(3)] (C) require proper operation and
125 maintenance of any pollution abatement facility required by such
126 permit; and [(4)] (D) be subject to such other requirements and
127 restriction as the commissioner deems necessary to fully comply with
128 the purposes of this chapter, the federal Water Pollution Control Act
129 and the federal Safe Drinking Water Act. Any construction or
130 modification of a pollution abatement facility or disposal system which
131 is undertaken pursuant to and in accordance with a general permit
132 shall not require submission of plans and specifications to or approval
133 by the commissioner, unless required pursuant to the terms of the
134 general permit.

135 Sec. 8. Section 22a-439 of the general statutes is repealed and the
136 following is substituted in lieu thereof (*Effective from passage*):

137 (a) For the purposes of this section, "sewers" means (1) lateral or
138 collector sewers required to abate pollution; and (2) after October 1,
139 1979, sanitary and storm sewers required to serve primarily industrial
140 areas or outfall sewers required to convey to an acceptable point of
141 discharge the wastewater and cooling water which, prior to October 1,
142 1979, had been discharged from manufacturing firms to sanitary
143 sewers.

144 [(a)] (b) The commissioner shall make a grant to any municipality
145 which, after May 1, 1967, constructs, rebuilds, expands or acquires a
146 pollution abatement facility and the commissioner may make a grant
147 to any municipality which, after June 30, 1975, prepares an engineering
148 report or plans and specifications or which constructs, rebuilds,
149 expands, or acquires sewers. [For the purposes of this section, "sewers"
150 means (A) lateral or collector sewers required to abate pollution and
151 (B) after October 1, 1979, sanitary and storm sewers required to serve
152 primarily industrial areas or outfall sewers required to convey to an
153 acceptable point of discharge that wastewater and cooling water
154 which, prior to October 1, 1979, had been discharged from
155 manufacturing firms to sanitary sewers.] In the case of a municipality
156 which, on [said date] October 1, 1979, is in the process of constructing,
157 rebuilding, expanding or acquiring such a facility, such grant shall
158 apply only to that part of the facility constructed, rebuilt, expanded or
159 acquired after [said date] October 1, 1979.

160 (c) The grants under this section shall be subject to the following
161 conditions: (1) No grant shall be made for any report, plans and
162 specifications for sewers or a pollution abatement facility except where
163 such report, plans and specifications for sewers or a pollution
164 abatement facility are in accordance with a time schedule of the
165 commissioner, and subject to such requirements as the commissioner
166 shall impose. If the commissioner requires that the report, plans, and
167 specifications for sewers or a pollution abatement facility be approved
168 by the federal Environmental Protection Agency any grant shall be
169 conditioned upon the municipality complying with all of the
170 requirements of said agency; (2) no grant shall be made until the
171 municipality has agreed to pay that part of the total cost which is in
172 excess of the applicable state and federal grants; (3) except as otherwise
173 provided in this section the grant to each municipality shall equal
174 thirty per cent of the cost, which cost shall be that cost which the
175 federal Environmental Protection Agency uses or would use in making
176 a federal grant, except that where the commissioner has imposed
177 requirements exceeding the requirements of the federal act and for
178 which federal grants are not available, the grant shall be thirty per cent

179 of the actual cost provided the percentage of the cost which is the grant
180 under this section shall be reduced when federal grants are available
181 so that the total federal and state grants available to the municipality
182 shall not exceed ninety per cent of the cost unless the reduction of the
183 percentage will reduce the amount of the federal grant available in
184 which case the total grant may exceed ninety per cent in order to
185 maximize the federal grant; (4) on or after July 1, 1983, the grant to
186 each municipality shall equal fifty-five per cent of the cost, which cost
187 shall be that cost which the federal Environmental Protection Agency
188 uses or would use in making a federal grant, except that where the
189 commissioner has imposed requirements exceeding the requirements
190 of the federal act and for which federal grants are not available, the
191 grant shall be fifty-five per cent of the actual cost provided the
192 percentage of the cost which is the grant under this section shall be
193 reduced when federal grants are available so that the total federal and
194 state grants available to the municipality shall not exceed ninety per
195 cent of the cost unless the reduction of the percentage will reduce the
196 amount of the federal grant available in which case the total grant may
197 exceed ninety per cent in order to maximize the federal grant. To be
198 eligible for the grant a municipality shall have been on the priority list
199 for not less than three years and shall have the capability of initiating
200 construction not more than ninety days after being awarded the grant;
201 (5) the state grant under this section may be increased so that the total
202 federal and state grant available to the municipality is equal to one
203 hundred per cent of the cost of the engineering report provided the
204 commissioner has required that the report cover regional problems
205 outside of the corporate limits of the municipality; (6) the state grant
206 under this section may be increased, in the sole discretion of the
207 commissioner, so that the total federal and state grant available to the
208 municipality shall equal one hundred per cent of the cost of facilities
209 required to remove nutrients which are causing excessive growth of
210 aquatic freshwater plants in the inland waters of the state; (7) on or
211 after September 30, 1984, the total amount of federal and state grants
212 available to the municipalities shall be not more than fifty-five per cent
213 of the cost approved for the planning, design and construction of the

214 facility, except as otherwise provided in this section and in the
215 provisions of the federal Water Pollution Control Act concerning
216 innovative and alternative technology, except that the amount of state
217 and federal grants shall not be more than seventy-five per cent of the
218 costs for the planning, design and construction of treatment facilities in
219 excess of secondary treatment, as defined by the federal Water
220 Pollution Control Act, required to meet water quality standards and
221 new facilities required to meet secondary treatment where no previous
222 secondary treatment existed; (8) the state grant under this section shall
223 be paid to the municipality in partial payments similar to the time
224 schedule that such payments are or would be provided to the
225 municipality by the federal Environmental Protection Agency; (9) no
226 grant shall be made for a pollution abatement facility unless the
227 municipality assures the commissioner of the proper and efficient
228 operation and maintenance of the facility after construction; (10) no
229 grant shall be made unless the municipality has filed properly
230 executed forms and applications prescribed by the commissioner; (11)
231 any municipality receiving state or federal grants for pollution
232 abatement facilities shall keep separate accounts by project for the
233 receipt and disposal of such eligible project funds, and (12) no design
234 grant or advance shall be made under this section or section 22a-443, as
235 amended by this act, for work initiated after October 1, 1981, unless
236 local financing for design and construction is authorized. Any funds
237 advanced to a municipality prior to October 1, 1971, under the
238 provisions of this section shall be considered a part of the total amount
239 of the state grant provided for in this section.

240 [(b)] (d) If federal funds for an engineering report for a pollution
241 abatement facility are not available to a municipality at the time of its
242 scheduled planning, the commissioner may advance funds to such
243 municipality in an amount sufficient to pay the cost of the report. Such
244 funds shall be considered a part of the total amount of the state grant
245 provided for in this section. Notwithstanding any of the provisions of
246 this section to the contrary, twenty-five per cent of the funds advanced
247 shall be returned to the state if the report does not recommend the
248 construction, rebuilding, expansion or acquisition of a pollution

249 abatement facility.

250 [(c)] (e) The Commissioner of Environmental Protection shall adopt
251 regulations pursuant to chapter 54 to implement the provisions of this
252 section. The regulations shall be consistent with Part 35 of the federal
253 Construction Grant Regulations and the federal Water Pollution
254 Control Act and shall include, but not be limited to, the establishment
255 of a system setting the priority for making grants for municipal
256 pollution abatement facilities. The commissioner shall prepare a list by
257 priority of projects eligible for funding pursuant to this section. The
258 system and list shall be similar to and used with the list required by
259 Part 35 of the federal Construction Grant Regulations and the federal
260 Water Pollution Control Act.

261 Sec. 9. Section 22a-481 of the general statutes is repealed and the
262 following is substituted in lieu thereof (*Effective from passage*):

263 (a) Eligible water quality projects which have received advances for
264 planning and design pursuant to subsection [(b)] (d) of section 22a-439,
265 as amended by this act, or section 22a-443, as amended by this act,
266 shall be eligible for project grants and loans under this program. No
267 interest shall be charged on a grant advance prior to the time it is
268 converted to a project grant and loan.

269 (b) Contractual obligations of the state to municipalities for grant
270 assistance commitments made prior to July 1, 1986, shall be funded
271 pursuant to sections 22a-439 to 22a-443, inclusive, as amended by this
272 act.

273 Sec. 10. Subsection (a) of section 22a-478 of the general statutes is
274 repealed and the following is substituted in lieu thereof (*Effective from*
275 *passage*):

276 (a) The commissioner shall maintain a priority list of eligible water
277 quality projects and shall establish a system setting the priority for
278 making project grants, grant account loans and project loans. In
279 establishing such priority list and ranking system, the commissioner

280 shall consider all factors he deems relevant, including but not limited
281 to the following: (1) The public health and safety; (2) protection of
282 environmental resources; (3) population affected; (4) attainment of
283 state water quality goals and standards; (5) consistency with the state
284 plan of conservation and development; (6) state and federal
285 regulations; and (7) the formation in municipalities of local housing
286 partnerships pursuant to the provisions of section 8-336f. The priority
287 list of eligible water quality projects shall include a description of each
288 project and its purpose, impact, cost and construction schedule, and an
289 explanation of the manner in which priorities were established. The
290 commissioner shall adopt an interim priority list of eligible water
291 quality projects for the purpose of making project grants, grant account
292 loans and project loans prior to adoption of final regulations, which
293 priority list shall be the priority list currently in effect under subsection
294 [(c)] (e) of section 22a-439, as amended by this act.

295 Sec. 11. Section 22a-443 of the general statutes is repealed and the
296 following is substituted in lieu thereof (*Effective from passage*):

297 Except as otherwise provided in subsection [(b)] (d) of section 22a-
298 439, as amended by this act, if federal funds for contract plans and
299 specifications for the construction of a pollution abatement facility are
300 not available to the municipality at the time of its scheduled planning,
301 the commissioner shall advance to such municipality a sum equal to
302 seven per cent of the estimated construction cost, said amount to be
303 used by the municipality for the purpose of preparing contract plans
304 and specifications; provided any remaining balance of the seven per
305 cent advanced under this section shall be applied to the cost of
306 construction of the facility. The funds advanced to the municipality
307 under this section shall be considered a part of the total amount of the
308 state grant provided for in section 22a-439, as amended by this act.
309 Such facility shall be constructed in accordance with a schedule of the
310 commissioner and shall be in conformance with an engineering report
311 approved by the commissioner. Before approving the engineering
312 report required in this section and in section 22a-428, and as may be
313 required under section 22a-431, the commissioner shall, among other

314 factors, give due regard to whether such report is in conformance with
315 his applicable guidelines, whether such report makes adequate
316 recommendations concerning all existing and anticipated community
317 discharges, whether such report conforms with existing planning
318 studies and whether satisfactory considerations have been given to all
319 regional problems outlined to the engineer in a prereport conference
320 with the commissioner.

321 Sec. 12. Section 22a-902 of the general statutes is repealed and the
322 following is substituted in lieu thereof (*Effective from passage*):

323 The Commissioner of Environmental Protection may, within
324 available appropriations, participate in an interstate clearinghouse to
325 (1) classify chemicals existing in commercial goods into one of the
326 following four categories: (A) High concern, (B) moderate concern, (C)
327 low concern, or (D) unknown concern; (2) organize and manage
328 available data on chemicals, including, but not limited to, information
329 on uses, hazards and environmental concerns associated with
330 chemicals; (3) produce and inventory information on safer alternatives
331 for specific uses of chemicals and model policies and programs related
332 to such alternatives; (4) provide technical assistance to businesses and
333 consumers relating to safer chemicals; and (5) conduct other activities
334 related to this section.

335 Sec. 13. Subsection (b) of section 15-140e of the general statutes is
336 repealed and the following is substituted in lieu thereof (*Effective from*
337 *passage*):

338 (b) A safe boating certificate shall be issued under subsection (a) of
339 this section to any applicant regardless of age who provides proof that
340 such applicant has: (1) Successfully completed a course in safe boating
341 operation approved by the Commissioner of Environmental
342 Protection, which [courses] course may include those offered by the
343 United States Power Squadrons, Coast Guard Auxiliary or other
344 organizations, or (2) successfully passed an equivalency examination
345 testing knowledge of safe boating operation administered by the
346 commissioner.

347 Sec. 14. Subsection (c) of section 15-140j of the general statutes is
348 repealed and the following is substituted in lieu thereof (*Effective from*
349 *passage*):

350 (c) A certificate of personal watercraft operation shall be issued
351 under subsection (b) of this section to any applicant who provides
352 proof that such applicant has: (1) Successfully completed a combined
353 course in safe boating operation and safe personal watercraft handling
354 approved by the commissioner, which [courses include] course
355 includes, but [are] is not limited to, courses offered by the United
356 States Power Squadrons, Coast Guard Auxiliary or other similar
357 organization, (2) been issued or has satisfied the requirements for
358 issuance of a safe boating certificate and successfully completed a
359 course in safe personal watercraft handling approved by the
360 commissioner, which [include] course includes, but [are] is not limited
361 to, courses offered by the United States Power Squadrons, Coast Guard
362 Auxiliary or other similar organization, or (3) successfully passed an
363 equivalency examination testing knowledge of safe boating operation
364 and safe personal watercraft handling administered by the
365 commissioner.

366 Sec. 15. Subsection (c) of section 20-327f of the general statutes is
367 repealed and the following is substituted in lieu thereof (*Effective from*
368 *passage*):

369 (c) Nothing in this section shall be construed to impose liability on a
370 seller or real estate licensee for failing to disclose the existence of
371 hazardous waste facilities, as defined in section 22a-134f₂ or
372 information concerning environmental matters as specified in
373 subsection (b) of this section.

374 Sec. 16. Section 22-26j of the general statutes is repealed and the
375 following is substituted in lieu thereof (*Effective from passage*):

376 The Department of Agriculture shall establish and administer a
377 farm viability matching grant program [to] for any municipality, group
378 of municipalities, regional planning agency organized under the

379 provisions of chapter 127, regional council of elected officials
380 organized under the provisions of chapter 50, regional council of
381 governments organized under the provisions of sections 4-124i to 4-
382 124p, inclusive, or group of municipalities which have established a
383 regional interlocal agreement pursuant to sections 7-339a to 7-339l,
384 inclusive, to further agricultural viability. Such grants may be used for
385 the following purposes: (1) Local capital projects that foster
386 agricultural viability, including, but not limited to, processing facilities
387 and farmers' markets; and (2) the development and implementation of
388 agriculturally-friendly land use regulations and local farmland
389 protection strategies that sustain and promote local agriculture.

390 Sec. 17. Subsection (a) of section 22-38 of the general statutes is
391 repealed and the following is substituted in lieu thereof (*Effective from*
392 *passage*):

393 (a) For purposes of this section, "farm products" means products
394 resulting from the practice of agriculture or farming, as defined in
395 section 1-1_z and "Connecticut-Grown" means produce and other farm
396 products that have a traceable point of origin within Connecticut.

397 Sec. 18. Section 22-389 of the general statutes is repealed and the
398 following is substituted in lieu thereof (*Effective from passage*):

399 Every person licensed under the provisions of this chapter and
400 conducting business under such license shall keep a copy thereof, to be
401 furnished by the commissioner, posted in a conspicuous place in such
402 person's motor vehicle, on [their] his or her person or at such person's
403 place of business and exposed to inspection by any person entitled to
404 make such inspection. The licensee and each of such licensee's agents
405 shall, at all times when buying or receiving, selling, exchanging or
406 soliciting or negotiating the sale, resale or shipment of livestock, carry
407 an identification card, issued by the commissioner, stating that such
408 licensee or the principal of such agent is so licensed. The licensee or
409 agent shall exhibit such card to persons with whom the licensee or
410 agent is negotiating or from whom the licensee or agent is soliciting
411 business and to the commissioner or the commissioner's designated

412 assistant.

413 Sec. 19. Section 23-20 of the general statutes is repealed and the
414 following is substituted in lieu thereof (*Effective from passage*):

415 The Commissioner of Environmental Protection shall administer the
416 statutes relating to forestry and the protection of forests. The
417 commissioner may employ such field and office assistants as may be
418 necessary for the execution of his or her duties. The commissioner
419 may, from time to time, publish the forestry laws of the state and other
420 literature of general interest and practical value pertaining to forestry.
421 The commissioner may enter into cooperation with departments of the
422 federal government for the promotion of forest resource management
423 and protection within the state. The commissioner may, with the
424 assistance of the State Forester, develop and administer plans for the
425 protection and management of publicly owned woodlands. Such plans
426 shall include, but not be limited to proposals for the establishment of
427 forest plantations and the marketing of forest products. Not later than
428 January 10, 2010, the commissioner shall apply to have publicly owned
429 woodlands or products from such woodlands certified or licensed
430 under one or more of the following, provided the commissioner uses
431 private funding from gifts, donations or bequests, as authorized in this
432 section, for the cost of all such applications: (1) The Sustainable
433 Forestry Initiative Program, (2) the American Tree Farm System, (3) the
434 Canadian Standards Association's Sustainable Management System
435 Standards, (4) the Finnish Standard, (5) the Forest Stewardship
436 Council, (6) the Pan-European Forest Certification Program, (7) the
437 Swedish Standards, (8) the United Kingdom Woodland Assurance
438 Scheme, (9) the Smart Wood Program, as administered by the
439 Rainforest Alliance, or (10) any other programs deemed necessary, as
440 determined by the commissioner. The commissioner shall implement
441 any sustainable forestry practice necessary for such certification or
442 licensure. The commissioner may accept, on behalf of the Department
443 of Environmental Protection, any gifts, donations or bequests for the
444 purposes of applying for and obtaining such certification or licensure.
445 The commissioner may harvest forest products from woodlands

446 owned by the state and take such other measures as he or she deems
447 necessary for their efficient management and protection, may sell
448 wood, timber and other products from any state woodlands whenever
449 he or she deems such sales desirable and may develop recreational
450 facilities in the woodlands managed by the Department of
451 Environmental Protection. The commissioner shall charge no less than
452 ten dollars per cord for any such wood or timber sold as fuel. The
453 commissioner may rent state forest property and buildings thereon
454 under his or her jurisdiction for a period not exceeding twenty-five
455 years, provided any lease for such property and building for a term of
456 more than ten years shall be subject to the review and approval of the
457 State Properties Review Board. The proceeds of such sales, rentals and
458 any receipts resulting from management of the state forests, or from
459 reimbursements from other state departments or state institutions,
460 shall be deposited in the General Fund in accordance with the
461 provisions of section 4-32, provided the amount of annual proceeds in
462 excess of six hundred thousand dollars derived from the sale of wood,
463 timber and other products from publicly owned woodlands shall be
464 deposited in the Conservation Fund, as established in section 22a-27h
465 and shall be used only to support forestry programs. Expenditures
466 incurred by the commissioner for the protection, management and
467 development of the forests, the preparation and marketing of forest
468 products and the acquisition of land for the extension and completion
469 of the state forests as provided in section 23-21 may also be paid with
470 moneys appropriated from the General Fund. The provisions of this
471 section shall not apply to land owned or managed by the state on
472 which forest resource management measures may be restricted by
473 deed, statute [,] or incompatible use. As used in this section,
474 [woodland] "woodlands" means land owned or managed by a state
475 agency and stocked with forest tree species not less than six hundred
476 stems per acre and at least one year old.

477 Sec. 20. Section 23-32a of the general statutes is repealed and the
478 following is substituted in lieu thereof (*Effective from passage*):

479 (a) On or before July 1, 2009, the [Department] Commissioner of

480 Environmental Protection may, within existing budgetary resources
481 and in consultation with the Connecticut Agricultural Experiment
482 Station, The University of Connecticut and any other entities deemed
483 appropriate by said commissioner, complete a study regarding
484 sustainable harvesting of forests in this state.

485 (b) If a study is conducted in accordance with subsection (a) of this
486 section, the [Department] Commissioner of Environmental Protection,
487 in consultation with the Connecticut Agricultural Experiment Station,
488 The University of Connecticut and any other such entities deemed
489 appropriate by said commissioner, shall develop a sustainable forest
490 harvesting plan based on the results of such study. The plan shall take
491 into account carbon credit opportunities, the potential for maintaining
492 a sustainable supply of biomass fuels, and the agricultural and
493 silvicultural capability of the region.

494 (c) If a study is conducted in accordance with subsection (a) of this
495 section, not later than July 1, 2009, the Commissioner of Environmental
496 Protection shall report, in accordance with the provisions of section 11-
497 4a, to the joint standing committee of the General Assembly having
498 cognizance of matters relating to the environment the conclusions of
499 such study.

500 Sec. 21. Section 26-27e of the general statutes is repealed and the
501 following is substituted in lieu thereof (*Effective from passage*):

502 Each sport fishing license issued pursuant to this part shall contain a
503 conspicuous statement with or printed on such license stating that any
504 person who intentionally discards fishing line or other litter in the
505 waters of the state, on public property of the state or on private
506 property not owned by such person [,] shall be subject to a fine under
507 section 22a-250.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-26gg

Sec. 2	<i>from passage</i>	22-26nn(a)
Sec. 3	<i>from passage</i>	22a-27s(b)
Sec. 4	<i>from passage</i>	22a-63(e)
Sec. 5	<i>from passage</i>	22a-133dd
Sec. 6	<i>from passage</i>	22a-174(b)
Sec. 7	<i>from passage</i>	22a-430b(b)
Sec. 8	<i>from passage</i>	22a-439
Sec. 9	<i>from passage</i>	22a-481
Sec. 10	<i>from passage</i>	22a-478(a)
Sec. 11	<i>from passage</i>	22a-443
Sec. 12	<i>from passage</i>	22a-902
Sec. 13	<i>from passage</i>	15-140e(b)
Sec. 14	<i>from passage</i>	15-140j(c)
Sec. 15	<i>from passage</i>	20-327f(c)
Sec. 16	<i>from passage</i>	22-26j
Sec. 17	<i>from passage</i>	22-38(a)
Sec. 18	<i>from passage</i>	22-389
Sec. 19	<i>from passage</i>	23-20
Sec. 20	<i>from passage</i>	23-32a
Sec. 21	<i>from passage</i>	26-27e

ENV *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: None

Municipal Impact: None

Explanation

The bill makes various technical and conforming changes and has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6659*****AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE ENVIRONMENT STATUTES.*****SUMMARY:**

By law, the agriculture commissioner may create a community farms program to preserve farmland that does not meet the criteria of the Farmland Preservation program because of size, soil quality, or location, but that contributes to local economic activity. The law allows him to buy up to 100% of the development rights from an eligible owner, subject to an appraisal and review required by Department of Agriculture regulations. The bill eliminates the reference to the regulations, and allows the commissioner to purchase these development rights subject to any appraisal and review he requires.

The bill specifies that regulations the commissioner adopts in consultation with the Farmland Preservation Advisory Board, including those providing that individual landowners are eligible to receive up to \$20,000 per acre for development rights, refer to the Farmland Preservation program created under CGS § 22-26cc.

It also makes technical changes in environmental laws.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/20/2009)