



# House of Representatives

**File No. 950**

General Assembly

January Session, 2009

**(Reprint of File No. 486)**

Substitute House Bill No. 6659  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 11, 2009

**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 Section 22-26gg of the general statutes is repealed and the  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. Section 22-26nn of the general statutes is repealed and the

14 following is substituted in lieu thereof (*Effective from passage*):

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

27 (b) If the Commissioner of Agriculture establishes a program in  
28 accordance with subsection (a) of this subsection, the commissioner  
29 shall, in consultation with the Farmland Preservation Advisory Board  
30 established under section 22-26ll, establish criteria for said program.  
31 Such criteria shall give preference to farms that produce food or fiber,  
32 and at a minimum shall consider (1) the probability that the land will  
33 be sold for nonagricultural purposes, (2) the current productivity of  
34 the land and the likelihood of continued productivity of such land, (3)  
35 the suitability of the land for agricultural use, including whether the  
36 soil is classified as locally important soils by the United States  
37 Department of Agriculture, and (4) the demonstrated level of  
38 community support for preservation of the parcel. The commissioner  
39 shall, in consultation with said board, consider mechanisms that  
40 encourage continuation of the land in agricultural production to  
41 maintain its long-term availability and affordability for future  
42 generations of farmers, including, but not limited to, deed restrictions  
43 or stewardship requirements.

44 (c) The Commissioner of Agriculture shall adopt regulations, in  
45 accordance with the provisions of chapter 54, to implement the  
46 provisions of this section.

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

50 (b) All initial appointments to the committee shall be made not later  
51 than September 1, 2008. The term of each appointed member of the  
52 steering committee shall be coterminous with the term of the  
53 appointing authority or until a successor is chosen, whichever is later.  
54 The Commissioner of Environmental Protection shall serve as the  
55 chairperson of the committee for the two years following the  
56 appointment of the committee, followed first by the Commissioner of  
57 Agriculture for two years and subsequently by the executive director  
58 of the Connecticut Commission on Culture and Tourism for two years  
59 and subsequently by the Commissioner of Economic and Community  
60 Development or said commissioner's designee for two years. Such  
61 rotation shall repeat every two years thereafter in the order specified in  
62 this subsection, except that if there is a vacancy in one of [said] such  
63 positions, one of the other commissioners or the executive director  
64 may serve as chairperson until the vacancy is filled.

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

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

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

78 (a) Any agent of a municipality or any licensed environmental

79 professional employed or retained by a municipality may enter,  
80 without liability to any person other than the Commissioner of  
81 Environmental Protection, upon any property within such  
82 municipality for the purpose of performing an environmental site  
83 assessment or investigation on behalf of the municipality if: (1) The  
84 owner of such property cannot be located; (2) such property is  
85 encumbered by a lien for taxes due such municipality; (3) [upon a  
86 filing of] a notice of eminent domain has been filed; (4) the  
87 municipality's legislative body finds that such investigation is in the  
88 public interest to determine if the property is underutilized or should  
89 be included in any undertaking of development, redevelopment or  
90 remediation pursuant to this chapter or chapter 130, 132 or 581; or (5)  
91 any official of the municipality reasonably finds such investigation  
92 necessary to determine if such property presents a risk to the safety,  
93 health or welfare of the public or a risk to the environment. The  
94 municipality shall give at least forty-five days' notice of such entry  
95 before the first such entry by certified mail to the property owner's last  
96 known address of record.

97 (b) [A] An agent of a municipality accessing or entering a property  
98 to perform an investigation pursuant to this section shall not incur any  
99 liability pursuant to section 22a-432 for any preexisting contamination  
100 or pollution on such property, provided [, however,] a municipality  
101 may be liable for any pollution or contamination resulting from a  
102 negligent or reckless investigation.

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

110 Sec. 6. Subsection (b) of section 22a-174 of the general statutes is  
111 repealed and the following is substituted in lieu thereof (*Effective from*

112 *passage*):

113 (b) The commissioner shall have the power to (1) enter into  
114 contracts with technical consultants, including, but not limited to,  
115 nonprofit corporations created for the purpose of facilitating the state's  
116 implementation of multistate air pollution control programs, for  
117 special studies, advice and assistance; [to] (2) consult with and advise  
118 and exchange information with other departments or agencies of the  
119 state; and ~~[(2)]~~ (3) serve on the board of directors of a nonprofit  
120 corporation, including, but not limited to, a nonprofit corporation  
121 created for the purpose of facilitating the state's implementation of  
122 multistate air pollution control programs.

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

126 (b) Notwithstanding the provisions of chapter 54, a general permit  
127 shall be issued, renewed, modified, revoked or suspended in  
128 accordance with the standards and procedures specified for an  
129 individual permit, in accordance with section 22a-430, as amended by  
130 this act, and any regulations adopted thereunder, except that (1)  
131 summary suspension may be ordered in accordance with subsection  
132 (c) of section 4-182; (2) any proposed or final general permit and notice  
133 thereof may address persons or municipalities which are or may be  
134 covered by the general permit as a group, describe the facilities which  
135 are or may be covered by the general permit in general terms; and (3)  
136 upon issuance of a proposed or final general permit, the commissioner  
137 shall publish notice thereof in a newspaper of substantial circulation in  
138 the affected area. General permits shall be issued for a term specified  
139 by the permit and such terms shall be consistent with the federal Water  
140 Pollution Control Act and shall be subject to the provisions of section  
141 22a-431. Such permits shall: ~~[(1)]~~ (A) Describe the category of discharge  
142 regulated by the general permit; ~~[(2)]~~ (B) specify the manner, nature  
143 and volume of discharge; ~~[(3)]~~ (C) require proper operation and  
144 maintenance of any pollution abatement facility required by such

145 permit; and [(4)] (D) be subject to such other requirements and  
146 restriction as the commissioner deems necessary to fully comply with  
147 the purposes of this chapter, the federal Water Pollution Control Act  
148 and the federal Safe Drinking Water Act. Any construction or  
149 modification of a pollution abatement facility or disposal system which  
150 is undertaken pursuant to and in accordance with a general permit  
151 shall not require submission of plans and specifications to or approval  
152 by the commissioner, unless required pursuant to the terms of the  
153 general permit.

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

156 (a) For the purposes of this section, "sewers" means (1) lateral or  
157 collector sewers required to abate pollution; and (2) after October 1,  
158 1979, sanitary and storm sewers required to serve primarily industrial  
159 areas or outfall sewers required to convey to an acceptable point of  
160 discharge the wastewater and cooling water which, prior to October 1,  
161 1979, had been discharged from manufacturing firms to sanitary  
162 sewers.

163 [(a)] (b) The commissioner shall make a grant to any municipality  
164 which, after May 1, 1967, constructs, rebuilds, expands or acquires a  
165 pollution abatement facility and the commissioner may make a grant  
166 to any municipality which, after June 30, 1975, prepares an engineering  
167 report or plans and specifications or which constructs, rebuilds,  
168 expands, or acquires sewers. [For the purposes of this section, "sewers"  
169 means (A) lateral or collector sewers required to abate pollution and  
170 (B) after October 1, 1979, sanitary and storm sewers required to serve  
171 primarily industrial areas or outfall sewers required to convey to an  
172 acceptable point of discharge that wastewater and cooling water  
173 which, prior to October 1, 1979, had been discharged from  
174 manufacturing firms to sanitary sewers.] In the case of a municipality  
175 which, on [said date] October 1, 1979, is in the process of constructing,  
176 rebuilding, expanding or acquiring such a facility, such grant shall  
177 apply only to that part of the facility constructed, rebuilt, expanded or

178 acquired after [said date] October 1, 1979.

179 (c) The grants under this section shall be subject to the following  
180 conditions: (1) No grant shall be made for any report, plans and  
181 specifications for sewers or a pollution abatement facility except where  
182 such report, plans and specifications for sewers or a pollution  
183 abatement facility are in accordance with a time schedule of the  
184 commissioner, and subject to such requirements as the commissioner  
185 shall impose. If the commissioner requires that the report, plans, and  
186 specifications for sewers or a pollution abatement facility be approved  
187 by the federal Environmental Protection Agency any grant shall be  
188 conditioned upon the municipality complying with all of the  
189 requirements of said agency; (2) no grant shall be made until the  
190 municipality has agreed to pay that part of the total cost which is in  
191 excess of the applicable state and federal grants; (3) except as otherwise  
192 provided in this section the grant to each municipality shall equal  
193 thirty per cent of the cost, which cost shall be that cost which the  
194 federal Environmental Protection Agency uses or would use in making  
195 a federal grant, except that where the commissioner has imposed  
196 requirements exceeding the requirements of the federal act and for  
197 which federal grants are not available, the grant shall be thirty per cent  
198 of the actual cost provided the percentage of the cost which is the grant  
199 under this section shall be reduced when federal grants are available  
200 so that the total federal and state grants available to the municipality  
201 shall not exceed ninety per cent of the cost unless the reduction of the  
202 percentage will reduce the amount of the federal grant available in  
203 which case the total grant may exceed ninety per cent in order to  
204 maximize the federal grant; (4) on or after July 1, 1983, the grant to  
205 each municipality shall equal fifty-five per cent of the cost, which cost  
206 shall be that cost which the federal Environmental Protection Agency  
207 uses or would use in making a federal grant, except that where the  
208 commissioner has imposed requirements exceeding the requirements  
209 of the federal act and for which federal grants are not available, the  
210 grant shall be fifty-five per cent of the actual cost provided the  
211 percentage of the cost which is the grant under this section shall be

212 reduced when federal grants are available so that the total federal and  
213 state grants available to the municipality shall not exceed ninety per  
214 cent of the cost unless the reduction of the percentage will reduce the  
215 amount of the federal grant available in which case the total grant may  
216 exceed ninety per cent in order to maximize the federal grant. To be  
217 eligible for the grant a municipality shall have been on the priority list  
218 for not less than three years and shall have the capability of initiating  
219 construction not more than ninety days after being awarded the grant;  
220 (5) the state grant under this section may be increased so that the total  
221 federal and state grant available to the municipality is equal to one  
222 hundred per cent of the cost of the engineering report provided the  
223 commissioner has required that the report cover regional problems  
224 outside of the corporate limits of the municipality; (6) the state grant  
225 under this section may be increased, in the sole discretion of the  
226 commissioner, so that the total federal and state grant available to the  
227 municipality shall equal one hundred per cent of the cost of facilities  
228 required to remove nutrients which are causing excessive growth of  
229 aquatic freshwater plants in the inland waters of the state; (7) on or  
230 after September 30, 1984, the total amount of federal and state grants  
231 available to the municipalities shall be not more than fifty-five per cent  
232 of the cost approved for the planning, design and construction of the  
233 facility, except as otherwise provided in this section and in the  
234 provisions of the federal Water Pollution Control Act concerning  
235 innovative and alternative technology, except that the amount of state  
236 and federal grants shall not be more than seventy-five per cent of the  
237 costs for the planning, design and construction of treatment facilities in  
238 excess of secondary treatment, as defined by the federal Water  
239 Pollution Control Act, required to meet water quality standards and  
240 new facilities required to meet secondary treatment where no previous  
241 secondary treatment existed; (8) the state grant under this section shall  
242 be paid to the municipality in partial payments similar to the time  
243 schedule that such payments are or would be provided to the  
244 municipality by the federal Environmental Protection Agency; (9) no  
245 grant shall be made for a pollution abatement facility unless the  
246 municipality assures the commissioner of the proper and efficient

247 operation and maintenance of the facility after construction; (10) no  
248 grant shall be made unless the municipality has filed properly  
249 executed forms and applications prescribed by the commissioner; (11)  
250 any municipality receiving state or federal grants for pollution  
251 abatement facilities shall keep separate accounts by project for the  
252 receipt and disposal of such eligible project funds, and (12) no design  
253 grant or advance shall be made under this section or section 22a-443, as  
254 amended by this act, for work initiated after October 1, 1981, unless  
255 local financing for design and construction is authorized. Any funds  
256 advanced to a municipality prior to October 1, 1971, under the  
257 provisions of this section shall be considered a part of the total amount  
258 of the state grant provided for in this section.

259 [(b)] (d) If federal funds for an engineering report for a pollution  
260 abatement facility are not available to a municipality at the time of its  
261 scheduled planning, the commissioner may advance funds to such  
262 municipality in an amount sufficient to pay the cost of the report. Such  
263 funds shall be considered a part of the total amount of the state grant  
264 provided for in this section. Notwithstanding any of the provisions of  
265 this section to the contrary, twenty-five per cent of the funds advanced  
266 shall be returned to the state if the report does not recommend the  
267 construction, rebuilding, expansion or acquisition of a pollution  
268 abatement facility.

269 [(c)] (e) The Commissioner of Environmental Protection shall adopt  
270 regulations pursuant to chapter 54 to implement the provisions of this  
271 section. The regulations shall be consistent with Part 35 of the federal  
272 Construction Grant Regulations and the federal Water Pollution  
273 Control Act and shall include, but not be limited to, the establishment  
274 of a system setting the priority for making grants for municipal  
275 pollution abatement facilities. The commissioner shall prepare a list by  
276 priority of projects eligible for funding pursuant to this section. The  
277 system and list shall be similar to and used with the list required by  
278 Part 35 of the federal Construction Grant Regulations and the federal  
279 Water Pollution Control Act.

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

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

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

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

295 (a) The commissioner shall maintain a priority list of eligible water  
296 quality projects and shall establish a system setting the priority for  
297 making project grants, grant account loans and project loans. In  
298 establishing such priority list and ranking system, the commissioner  
299 shall consider all factors he deems relevant, including but not limited  
300 to the following: (1) The public health and safety; (2) protection of  
301 environmental resources; (3) population affected; (4) attainment of  
302 state water quality goals and standards; (5) consistency with the state  
303 plan of conservation and development; (6) state and federal  
304 regulations; and (7) the formation in municipalities of local housing  
305 partnerships pursuant to the provisions of section 8-336f. The priority  
306 list of eligible water quality projects shall include a description of each  
307 project and its purpose, impact, cost and construction schedule, and an  
308 explanation of the manner in which priorities were established. The  
309 commissioner shall adopt an interim priority list of eligible water  
310 quality projects for the purpose of making project grants, grant account  
311 loans and project loans prior to adoption of final regulations, which

312 priority list shall be the priority list currently in effect under subsection  
313 [(c)] (e) of section 22a-439, as amended by this act.

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

316 Except as otherwise provided in subsection [(b)] (d) of section 22a-  
317 439, as amended by this act, if federal funds for contract plans and  
318 specifications for the construction of a pollution abatement facility are  
319 not available to the municipality at the time of its scheduled planning,  
320 the commissioner shall advance to such municipality a sum equal to  
321 seven per cent of the estimated construction cost, said amount to be  
322 used by the municipality for the purpose of preparing contract plans  
323 and specifications; provided any remaining balance of the seven per  
324 cent advanced under this section shall be applied to the cost of  
325 construction of the facility. The funds advanced to the municipality  
326 under this section shall be considered a part of the total amount of the  
327 state grant provided for in section 22a-439, as amended by this act.  
328 Such facility shall be constructed in accordance with a schedule of the  
329 commissioner and shall be in conformance with an engineering report  
330 approved by the commissioner. Before approving the engineering  
331 report required in this section and in section 22a-428, and as may be  
332 required under section 22a-431, the commissioner shall, among other  
333 factors, give due regard to whether such report is in conformance with  
334 his applicable guidelines, whether such report makes adequate  
335 recommendations concerning all existing and anticipated community  
336 discharges, whether such report conforms with existing planning  
337 studies and whether satisfactory considerations have been given to all  
338 regional problems outlined to the engineer in a prereport conference  
339 with the commissioner.

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

342 The Commissioner of Environmental Protection may, within  
343 available appropriations, participate in an interstate clearinghouse to

344 (1) classify chemicals existing in commercial goods into one of the  
345 following four categories: (A) High concern, (B) moderate concern, (C)  
346 low concern, or (D) unknown concern; (2) organize and manage  
347 available data on chemicals, including, but not limited to, information  
348 on uses, hazards and environmental concerns associated with  
349 chemicals; (3) produce and inventory information on safer alternatives  
350 for specific uses of chemicals and model policies and programs related  
351 to such alternatives; (4) provide technical assistance to businesses and  
352 consumers relating to safer chemicals; and (5) conduct other activities  
353 related to this section.

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

357 (b) A safe boating certificate shall be issued under subsection (a) of  
358 this section to any applicant regardless of age who provides proof that  
359 such applicant has: (1) Successfully completed a course in safe boating  
360 operation approved by the Commissioner of Environmental  
361 Protection, which [courses] course may include those offered by the  
362 United States Power Squadrons, Coast Guard Auxiliary or other  
363 organizations, or (2) successfully passed an equivalency examination  
364 testing knowledge of safe boating operation administered by the  
365 commissioner.

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

369 (c) A certificate of personal watercraft operation shall be issued  
370 under subsection (b) of this section to any applicant who provides  
371 proof that such applicant has: (1) Successfully completed a combined  
372 course in safe boating operation and safe personal watercraft handling  
373 approved by the commissioner, which [courses include] course  
374 includes, but [are] is not limited to, courses offered by the United  
375 States Power Squadrons, Coast Guard Auxiliary or other similar

376 organization, (2) been issued or has satisfied the requirements for  
377 issuance of a safe boating certificate and successfully completed a  
378 course in safe personal watercraft handling approved by the  
379 commissioner, which [include] course includes, but [are] is not limited  
380 to, courses offered by the United States Power Squadrons, Coast Guard  
381 Auxiliary or other similar organization, or (3) successfully passed an  
382 equivalency examination testing knowledge of safe boating operation  
383 and safe personal watercraft handling administered by the  
384 commissioner.

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

388 (c) Nothing in this section shall be construed to impose liability on a  
389 seller or real estate licensee for failing to disclose the existence of  
390 hazardous waste facilities, as defined in section 22a-134f<sub>2</sub>, or  
391 information concerning environmental matters as specified in  
392 subsection (b) of this section.

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

395 The Department of Agriculture shall establish and administer a  
396 farm viability matching grant program [to] for any municipality, group  
397 of municipalities, regional planning agency organized under the  
398 provisions of chapter 127, regional council of elected officials  
399 organized under the provisions of chapter 50, regional council of  
400 governments organized under the provisions of sections 4-124i to 4-  
401 124p, inclusive, or group of municipalities which have established a  
402 regional interlocal agreement pursuant to sections 7-339a to 7-339l,  
403 inclusive, to further agricultural viability. Such grants may be used for  
404 the following purposes: (1) Local capital projects that foster  
405 agricultural viability, including, but not limited to, processing facilities  
406 and farmers' markets; and (2) the development and implementation of  
407 agriculturally-friendly land use regulations and local farmland

408 protection strategies that sustain and promote local agriculture.

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

412 (a) For purposes of this section, "farm products" means products  
413 resulting from the practice of agriculture or farming, as defined in  
414 section 1-1<sub>z</sub> and "Connecticut-Grown" means produce and other farm  
415 products that have a traceable point of origin within Connecticut.

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

418 Every person licensed under the provisions of this chapter and  
419 conducting business under such license shall keep a copy thereof, to be  
420 furnished by the commissioner, posted in a conspicuous place in such  
421 person's motor vehicle, on [their] his or her person or at such person's  
422 place of business and exposed to inspection by any person entitled to  
423 make such inspection. The licensee and each of such licensee's agents  
424 shall, at all times when buying or receiving, selling, exchanging or  
425 soliciting or negotiating the sale, resale or shipment of livestock, carry  
426 an identification card, issued by the commissioner, stating that such  
427 licensee or the principal of such agent is so licensed. The licensee or  
428 agent shall exhibit such card to persons with whom the licensee or  
429 agent is negotiating or from whom the licensee or agent is soliciting  
430 business and to the commissioner or the commissioner's designated  
431 assistant.

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

434 The Commissioner of Environmental Protection shall administer the  
435 statutes relating to forestry and the protection of forests. The  
436 commissioner may employ such field and office assistants as may be  
437 necessary for the execution of his or her duties. The commissioner  
438 may, from time to time, publish the forestry laws of the state and other

439 literature of general interest and practical value pertaining to forestry.  
440 The commissioner may enter into cooperation with departments of the  
441 federal government for the promotion of forest resource management  
442 and protection within the state. The commissioner may, with the  
443 assistance of the State Forester, develop and administer plans for the  
444 protection and management of publicly owned woodlands. Such plans  
445 shall include, but not be limited to proposals for the establishment of  
446 forest plantations and the marketing of forest products. Not later than  
447 January 10, 2010, the commissioner shall apply to have publicly owned  
448 woodlands or products from such woodlands certified or licensed  
449 under one or more of the following, provided the commissioner uses  
450 private funding from gifts, donations or bequests, as authorized in this  
451 section, for the cost of all such applications: (1) The Sustainable  
452 Forestry Initiative Program, (2) the American Tree Farm System, (3) the  
453 Canadian Standards Association's Sustainable Management System  
454 Standards, (4) the Finnish Standard, (5) the Forest Stewardship  
455 Council, (6) the Pan-European Forest Certification Program, (7) the  
456 Swedish Standards, (8) the United Kingdom Woodland Assurance  
457 Scheme, (9) the Smart Wood Program, as administered by the  
458 Rainforest Alliance, or (10) any other programs deemed necessary, as  
459 determined by the commissioner. The commissioner shall implement  
460 any sustainable forestry practice necessary for such certification or  
461 licensure. The commissioner may accept, on behalf of the Department  
462 of Environmental Protection, any gifts, donations or bequests for the  
463 purposes of applying for and obtaining such certification or licensure.  
464 The commissioner may harvest forest products from woodlands  
465 owned by the state and take such other measures as he or she deems  
466 necessary for their efficient management and protection, may sell  
467 wood, timber and other products from any state woodlands whenever  
468 he or she deems such sales desirable and may develop recreational  
469 facilities in the woodlands managed by the Department of  
470 Environmental Protection. The commissioner shall charge no less than  
471 ten dollars per cord for any such wood or timber sold as fuel. The  
472 commissioner may rent state forest property and buildings thereon  
473 under his or her jurisdiction for a period not exceeding twenty-five

474 years, provided any lease for such property and building for a term of  
475 more than ten years shall be subject to the review and approval of the  
476 State Properties Review Board. The proceeds of such sales, rentals and  
477 any receipts resulting from management of the state forests, or from  
478 reimbursements from other state departments or state institutions,  
479 shall be deposited in the General Fund in accordance with the  
480 provisions of section 4-32, provided the amount of annual proceeds in  
481 excess of six hundred thousand dollars derived from the sale of wood,  
482 timber and other products from publicly owned woodlands shall be  
483 deposited in the Conservation Fund, as established in section 22a-27h  
484 and shall be used only to support forestry programs. Expenditures  
485 incurred by the commissioner for the protection, management and  
486 development of the forests, the preparation and marketing of forest  
487 products and the acquisition of land for the extension and completion  
488 of the state forests as provided in section 23-21 may also be paid with  
489 moneys appropriated from the General Fund. The provisions of this  
490 section shall not apply to land owned or managed by the state on  
491 which forest resource management measures may be restricted by  
492 deed, statute [,] or incompatible use. As used in this section,  
493 [woodland] "woodlands" means land owned or managed by a state  
494 agency and stocked with forest tree species not less than six hundred  
495 stems per acre and at least one year old.

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

498 (a) On or before July 1, 2009, the [Department] Commissioner of  
499 Environmental Protection may, within existing budgetary resources  
500 and in consultation with the Connecticut Agricultural Experiment  
501 Station, The University of Connecticut and any other entities deemed  
502 appropriate by said commissioner, complete a study regarding  
503 sustainable harvesting of forests in this state.

504 (b) If a study is conducted in accordance with subsection (a) of this  
505 section, the [Department] Commissioner of Environmental Protection,  
506 in consultation with the Connecticut Agricultural Experiment Station,

507 The University of Connecticut and any other such entities deemed  
 508 appropriate by said commissioner, shall develop a sustainable forest  
 509 harvesting plan based on the results of such study. The plan shall take  
 510 into account carbon credit opportunities, the potential for maintaining  
 511 a sustainable supply of biomass fuels, and the agricultural and  
 512 silvicultural capability of the region.

513 (c) If a study is conducted in accordance with subsection (a) of this  
 514 section, not later than July 1, 2009, the Commissioner of Environmental  
 515 Protection shall report, in accordance with the provisions of section 11-  
 516 4a, to the joint standing committee of the General Assembly having  
 517 cognizance of matters relating to the environment the conclusions of  
 518 such study.

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

521 Each sport fishing license issued pursuant to this part shall contain a  
 522 conspicuous statement with or printed on such license stating that any  
 523 person who intentionally discards fishing line or other litter in the  
 524 waters of the state, on public property of the state or on private  
 525 property not owned by such person [ ] shall be subject to a fine under  
 526 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
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

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

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

House "A" alters the underlying bill by requiring that the Commissioner of Agriculture adopt regulations regarding the community farms program and does not result in a fiscal impact.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sHB 6659 (as amended by House "A")\******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 (1) requires the commissioner, in consultation with the Farmland Preservation Advisory Board, to set certain criteria if he establishes such a program and (2) allows the commissioner to buy up to 100% of the development rights from an eligible owner, or acquire development rights jointly with a municipality, subject to an appraisal and review required by agriculture department regulations. The bill specifically requires the commissioner to adopt regulations to implement the program.

It also requires that regulations the commissioner adopts in consultation with the Farmland Preservation Advisory Board specify that individual landowners applying to the Farmland Preservation program created under CGS § 22-26cc are eligible to receive up to \$20,000 per acre for development rights.

It also makes technical changes in environmental laws.

\*House Amendment "A" requires the commissioner to adopt regulations for the community farms program. It eliminates a provision removing a reference to the regulations and allowing the

commissioner to purchase development rights subject to any appraisal and review he requires.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/20/2009)