



General Assembly

Amendment

January Session, 2009

LCO No. 7960

HB0587507960HDO

Offered by:

REP. JOHNSTON, 51st Dist.

REP. GIBBONS, 150th Dist.

REP. MINER, 66th Dist.

REP. ROY, 119th Dist.

REP. CHAPIN, 67th Dist.

REP. MIOLI, 136th Dist.

REP. RIGBY, 63rd Dist.

REP. PISCOPO, 76th Dist.

REP. ALBERTS, 50th Dist.

REP. ORANGE, 48th Dist.

To: House Bill No. 5875

File No. 323

Cal. No. 236

"AN ACT AUTHORIZING SPECIAL DISTRICTS TO MAINTAIN WATER QUALITY IN LAKES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 7-326 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2009*):

5 At such meeting, the voters may establish a district for any or all of
6 the following purposes: To extinguish fires, to light streets, to plant
7 and care for shade and ornamental trees, to construct and maintain
8 roads, sidewalks, crosswalks, drains and sewers, to appoint and
9 employ watchmen or police officers, to acquire, construct, maintain
10 and regulate the use of recreational facilities, to plan, lay out, acquire,
11 construct, reconstruct, repair, maintain, supervise and manage a flood

12 or erosion control system, to plan, lay out, acquire, construct, maintain,
13 operate and regulate the use of a community water system, to collect
14 garbage, ashes and all other refuse matter in any portion of such
15 district and provide for the disposal of such matter, to implement tick
16 control measures, to install highway sound barriers, to maintain water
17 quality in lakes that are located solely in one town in this state, to
18 establish a zoning commission and a zoning board of appeals or a
19 planning commission, or both, by adoption of chapter 124 or chapter
20 126, excluding section 8-29, or both chapters, as the case may be, which
21 commissions or board shall be dissolved upon adoption by the town of
22 subdivision or zoning regulations by the town planning or zoning
23 commission; and to adopt building regulations, which regulations
24 shall be superseded upon adoption by the town of building
25 regulations. Any district may contract with a town, city, borough or
26 other district for carrying out any of the purposes for which such
27 district was established.

28 Sec. 2. Section 7-328 of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective October 1, 2009*):

30 (a) The territorial limits of the district shall constitute a separate
31 taxing district, and the assessor or assessors of the town shall separate
32 the property within the district from the other property in the town
33 and shall annually furnish the clerk of the district with a copy of the
34 grand list of all property in the district after it has been completed by
35 the board of assessment appeals of the town. If the legislative body of
36 the town elects, pursuant to section 12-62c, to defer all or any part of
37 the amount of the increase in the assessed value of real property in the
38 year a revaluation becomes effective and in any succeeding year in
39 which such deferment is allowed, the grand list furnished to the clerk
40 of the district for each such year shall reflect assessments based upon
41 such deferment. When the district meeting has fixed the tax rate, the
42 clerk shall prepare a rate bill, apportioning to each owner of property
43 his proportionate share of the taxes, which rate bill, when prepared,
44 shall be delivered to the treasurer; and the district and the treasurer
45 thereof shall have the same powers as towns and collectors of taxes to

46 collect and enforce payment of such taxes, and such taxes when laid
47 shall be a lien upon the property in the same manner as town taxes,
48 and such liens may be continued by certificates recorded in the land
49 record office of the town, and foreclosed in the same manner as liens
50 for town taxes. The assessor or board of assessment appeals shall
51 promptly forward to the clerk of the district any certificate of
52 correction or notice of any other lawful change to the grand list of the
53 district. The district clerk shall, within ten days of receipt of any such
54 certificate or notice, forward a copy thereof to the treasurer, and the
55 assessment of the property for which such certificate or notice was
56 issued and the rate bill related thereto shall be corrected accordingly. If
57 the district constructs any drain, sewer, sidewalk, curb or gutter, such
58 proportion of the cost thereof as such district determines may be
59 assessed by the board of directors, in the manner prescribed by such
60 district, upon the property specially benefited by such drain, sewer,
61 sidewalk, curb or gutter, and the balance of such costs shall be paid
62 from the general funds of the district. In the construction of any flood
63 or erosion control system, the cost to such district may be assessed and
64 shall be payable in accordance with sections 25-87 to 25-93, inclusive.
65 The cost for the maintenance of water quality in a lake shall be
66 assessed on the land in a district and payment shall be apportioned
67 equally among the owners of parcels of property. Subject to the
68 provisions of the general statutes, the district may issue bonds and the
69 board of directors may pledge the credit of the district for any money
70 borrowed for the construction of any public works or the acquisition of
71 recreational facilities authorized by sections 7-324 to 7-329, inclusive,
72 and such board shall keep a record of all notes, bonds and certificates
73 of indebtedness issued, disposed of or pledged by the district. All
74 moneys received by the directors on behalf of the district shall be paid
75 to the treasurer. No contract or obligation which involves an
76 expenditure in the amount of (1) ten thousand dollars or more in
77 districts where the grand list is less than or equal to twenty million
78 dollars, or (2) twenty thousand dollars or more in districts where the
79 grand list is greater than twenty million dollars, in any one year shall
80 be made by the board of directors, unless the same is specially

81 authorized by a vote of the district, nor shall the directors borrow
82 money without like authority. The clerk of the district shall give
83 written notice to the treasurer of the town in which the district is
84 located of any final decision of the board of directors to borrow money,
85 not later than thirty days after the date of such decision. The district
86 may adopt ordinances, with penalties to secure their enforcement, for
87 the purpose of regulating the carrying out of the provisions of sections
88 7-324 to 7-329, inclusive, and defining the duties and compensation of
89 its officers and the manner in which their duties shall be carried out.

90 (b) Upon the request of the clerk of any district, the registrar of
91 voters and the assessor of the town in which the district is located shall
92 provide a list of voters of the district.

93 Sec. 3. (NEW) (*Effective from passage*) The Commissioner of
94 Environmental Protection shall not reduce the amount of state land
95 where hunting is permitted without providing for an equal amount of
96 such land elsewhere in the state. The amount of state land where
97 hunting is permitted shall not be less than the percentage of state land
98 where hunting was permitted as of July 1, 2008.

99 Sec. 4. (NEW) (*Effective June 15, 2009*) (a) Except as provided in
100 subsections (b), (d), (e) or (f) of this section and other provisions of
101 chapter 490 of the general statutes providing specific license
102 exemption, no person more than sixteen years of age shall take,
103 attempt to take or assist in taking any fish or bait species in the marine
104 district by any method or land marine fish and bait species in the state
105 regardless of where such marine fish or bait species are taken, without
106 first having obtained a marine waters fishing license as provided in
107 section 5 of this act.

108 (b) No marine waters fishing license shall be required for any
109 person who is rowing a boat or operating the motor of a boat from
110 which other persons are taking or attempting to take fish.

111 (c) The taking of fish and bait species as herein provided shall be
112 regarded as sport fishing and the taking or landing of such species in

113 the marine district by commercial methods for commercial purposes
114 shall be governed by other provisions of chapter 490 of the general
115 statutes.

116 (d) No marine waters fishing license shall be required for any
117 resident of the state who is participating in a fishing derby authorized
118 in writing by the Commissioner of Environmental Protection provided
119 (1) no fees are charged for such derby, (2) such derby has a duration of
120 one day or less, and (3) such derby is sponsored by a nonprofit civic
121 service organization. Such organization shall be limited to one derby in
122 any calendar year.

123 (e) No marine waters fishing license shall be required for any person
124 who is fishing as a passenger on a party boat, charter boat or head boat
125 registered under section 26-142a of the general statutes and operating
126 solely in the marine district.

127 (f) The Commissioner of Environmental Protection may designate
128 one day in each calendar year when no license shall be required for
129 sport fishing in the marine district.

130 Sec. 5. (NEW) (*Effective June 15, 2009*) (a) Except as provided in
131 subsection (b) of this section, the fee for a resident marine waters
132 fishing license shall be ten dollars and the fee for a nonresident marine
133 waters fishing license shall be fifteen dollars. Persons sixty-five years
134 of age and over who have been residents of this state for not less than
135 one year may be issued an annual marine waters fishing license
136 without fee. The town clerk shall retain a recording fee of one dollar
137 for each marine waters fishing license issued by him or her.

138 (b) Any nonresident residing in one of the New England states or
139 the state of New York may procure a marine waters fishing license for
140 the same fee or fees as a resident of this state if he or she is a resident of
141 a state the laws of which allow the same privilege to residents of this
142 state.

143 Sec. 6. Section 26-46 of the general statutes is repealed and the

144 following is substituted in lieu thereof (*Effective June 15, 2009*):

145 (a) If and when the state of New York, the state of Massachusetts or
146 the state of Rhode Island enacts a similar law granting reciprocal
147 privileges to residents of this state, any person who holds a license to
148 fish in inland waters in the state of New York, the state of
149 Massachusetts or the state of Rhode Island may fish in inland waters
150 lying partly in this state and partly in such adjoining state, or in such
151 waters as negotiated by the Commissioner of Environmental
152 Protection of this state and any similar authority in such adjoining
153 state, without a nonresident inland waters license to fish as required
154 by this chapter, [;] provided such nonresidents shall be subject to all
155 other provisions of the statutes and the regulations of the
156 commissioner relating to fishing in lakes and ponds.

157 (b) If and when the state of New York, the state of Massachusetts,
158 the state of New Hampshire, the state of Maine or the state of Rhode
159 Island enacts a similar law granting reciprocal privileges to residents
160 of this state, any nonresident who holds a marine waters fishing
161 license issued by one of said states having such reciprocal privileges
162 may fish in the marine district or land marine species in Connecticut
163 and shall not be required to purchase a Connecticut nonresident
164 marine waters fishing license. Such nonresidents shall be subject to all
165 other provisions of the statutes and the regulations of the
166 commissioner relating to fishing in the marine district.

167 Sec. 7. Section 26-15 of the general statutes is repealed and the
168 following is substituted in lieu thereof (*Effective from passage*):

169 The state of Connecticut assents to the provisions of the Act of
170 Congress entitled "An Act to Provide that the United States Shall Aid
171 the States in Wildlife Restoration Projects, and for Other Purposes",
172 approved September 2, 1937, and the Commissioner of Environmental
173 Protection is authorized and directed to perform such acts as may be
174 necessary to the establishment and operation of cooperative wildlife
175 restoration projects, as defined in said act of congress, in compliance

176 with said act and with rules and regulations promulgated by the
177 Secretary of the Interior thereunder, and no funds accruing to the state
178 from license fees paid by hunters, including, but not limited to, license
179 fees paid by hunters pursuant to section 26-28 shall be diverted for any
180 other purpose than the protection, propagation, preservation and
181 investigation of fish and game and administration of the functions of
182 the department relating thereto.

183 Sec. 8. Section 26-14 of the general statutes is repealed and the
184 following is substituted in lieu thereof (*Effective from passage*):

185 The state hereby assents to the provisions of Public Law 681, 81st
186 Congress, entitled "An Act to Provide that the United States Shall Aid
187 the States in Fish Restoration and Management Projects, and for Other
188 Purposes", approved August 9, 1950, and the Commissioner of
189 Environmental Protection is directed to perform such acts as may be
190 necessary to the conduct and establishment of cooperative fish
191 restoration projects, as defined in said act, in compliance with said act
192 and rules and regulations promulgated by the Secretary of the Interior
193 thereunder; and no funds accruing to the state from license fees paid
194 by fishermen, including, but not limited to, license fees paid by
195 fishermen pursuant to section 5 of this act, shall be diverted for any
196 other purpose than the protection, propagation, preservation and
197 investigation of fish and game and administration of the functions of
198 the department relating thereto.

199 Sec. 9. Section 26-280 of the general statutes is repealed and the
200 following is substituted in lieu thereof (*Effective from passage*):

201 No person shall take, remove or carry away shellfish of any kind
202 from the shores, beaches and flats at "Saugatuck Shores", so called, in
203 the town of Westport, between June first and October first in each year,
204 except under a written permit issued by the selectmen of said town or
205 as authorized by the shellfish commission of the town of Westport,
206 provided residents of the towns of Westport, Weston and Wilton may
207 take, remove or carry away shellfish from the shores, beaches and flats

208 between the westerly boundary of Sherwood Island Park and the
 209 mouth of the Saugatuck River without obtaining such a permit. Any
 210 other person desiring to take shellfish from said shores, beaches and
 211 flats shall make application to the police department of Westport on a
 212 form similar to that provided in connection with licenses or permits for
 213 fishing and such police department shall issue such number of permits
 214 and to such applicants as appear suitable and proper, and each
 215 permittee or licensee shall pay the sum of one dollar for such permit or
 216 license when issued to him and such license or permit, unless revoked
 217 for cause, shall continue in effect for the balance of the calendar year in
 218 which the same is issued. Any person who takes shellfish from said
 219 shores, beaches and flats in violation of the provisions hereof shall be
 220 fined not more than [twenty-five] seventy-five dollars. [or imprisoned
 221 not more than thirty days or both.] The provisions of this section shall
 222 not be deemed to extend the jurisdiction of the selectmen or the
 223 shellfish commission of the town of Westport to any shores, beaches,
 224 or flats not within the jurisdiction of such selectmen or commission on
 225 or before October 1, 1983."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	7-326
Sec. 2	<i>October 1, 2009</i>	7-328
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>June 15, 2009</i>	New section
Sec. 5	<i>June 15, 2009</i>	New section
Sec. 6	<i>June 15, 2009</i>	26-46
Sec. 7	<i>from passage</i>	26-15
Sec. 8	<i>from passage</i>	26-14
Sec. 9	<i>from passage</i>	26-280