



General Assembly

**Amendment**

January Session, 2009

LCO No. 9049

\*HB0593409049HRO\*

Offered by:

REP. CHAPIN, 67<sup>th</sup> Dist.

REP. MINER, 66<sup>th</sup> Dist.

REP. CANDELORA, 86<sup>th</sup> Dist.

To: Subst. House Bill No. 5934

File No. 955

Cal. No. 327

**"AN ACT CONCERNING PRESERVING NATURAL VEGETATION  
NEAR WETLANDS AND WATERCOURSES."**

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

3 "Section 1. Section 22a-38 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2009*):

5 As used in sections 22a-36 to 22a-45a, inclusive, as amended by this  
6 act and section 5 of this act:

7 (1) "Commissioner" means the Commissioner of Environmental  
8 Protection;

9 (2) "Person" means any person, firm, partnership, association,  
10 corporation, limited liability company, company, organization or legal  
11 entity of any kind, including municipal corporations, governmental  
12 agencies or subdivisions thereof;

- 13 (3) "Municipality" means any town, consolidated town and city,  
14 consolidated town and borough, city and borough;
- 15 (4) "Inland wetlands agency" means a municipal board or  
16 commission established pursuant to and acting under section 22a-42;
- 17 (5) "Soil scientist" means an individual duly qualified in accordance  
18 with standards set by the federal Office of Personnel Management;
- 19 (6) "Material" means any substance, solid or liquid, organic or  
20 inorganic, including, but not limited to soil, sediment, aggregate, land,  
21 gravel, clay, bog, mud, debris, sand, refuse or waste;
- 22 (7) "Waste" means sewage or any substance, liquid, gaseous, solid or  
23 radioactive, which may pollute or tend to pollute any of the waters of  
24 the state;
- 25 (8) "Pollution" means harmful thermal effect or the contamination or  
26 rendering unclean or impure of any waters of the state by reason of  
27 any waste or other materials discharged or deposited therein by any  
28 public or private sewer or otherwise so as directly or indirectly to  
29 come in contact with any waters;
- 30 (9) "Rendering unclean or impure" means any alteration of the  
31 physical, chemical or biological properties of any of the waters of the  
32 state, including, but not limited to change in odor, color, turbidity or  
33 taste;
- 34 (10) "Discharge" means the emission of any water, substance or  
35 material into waters of the state whether or not such substance causes  
36 pollution;
- 37 (11) "Remove" includes, but shall not be limited to drain, excavate,  
38 mine, dig, dredge, suck, bulldoze, dragline or blast;
- 39 (12) "Deposit" includes, but shall not be limited to, fill, grade, dump,  
40 place, discharge or emit;

41 (13) "Regulated activity" means any operation within or use of a  
42 wetland or watercourse involving removal or deposition of material,  
43 or any obstruction, construction, alteration or pollution, of such  
44 wetlands or watercourses, but shall not include the specified activities  
45 in section 22a-40, as amended by this act;

46 (14) "License" means the whole or any part of any permit, certificate  
47 of approval or similar form of permission which may be required of  
48 any person by the provisions of sections 22a-36 to 22a-45a, inclusive, as  
49 amended by this act;

50 (15) "Wetlands" means land, including submerged land, not  
51 regulated pursuant to sections 22a-28 to 22a-35, inclusive, which  
52 consists of any of the soil types designated as poorly drained, very  
53 poorly drained, alluvial, and floodplain by the National Cooperative  
54 Soils Survey, as may be amended from time to time, of the Natural  
55 Resources Conservation Service of the United States Department of  
56 Agriculture;

57 (16) "Watercourses" means rivers, streams, brooks, waterways,  
58 lakes, ponds, marshes, swamps, bogs and all other bodies of water,  
59 natural or artificial, vernal or intermittent, public or private, which are  
60 contained within, flow through or border upon this state or any  
61 portion thereof, not regulated pursuant to sections 22a-28 to 22a-35,  
62 inclusive. Intermittent watercourses shall be delineated by a defined  
63 permanent channel and bank and the occurrence of two or more of the  
64 following characteristics: (A) Evidence of scour or deposits of recent  
65 alluvium or detritus, (B) the presence of standing or flowing water for  
66 a duration longer than a particular storm incident, and (C) the  
67 presence of hydrophytic vegetation;

68 (17) "Natural vegetation" means naturally occurring shrubs, trees or  
69 other plants growing around wetlands or watercourses, but does not  
70 include lawns or manicured grass areas;

71 (18) "Cultivated vegetation" means plants growing around wetlands  
72 or watercourses or on the grounds of the State Capitol that are grown

73 for the purpose of human consumption, including, but not limited to,  
74 plants in community gardens;

75 [(17)] (19) "Feasible" means able to be constructed or implemented  
76 consistent with sound engineering principles; and

77 [(18)] (20) "Prudent" means economically and otherwise reasonable  
78 in light of the social benefits to be derived from the proposed regulated  
79 activity provided cost may be considered in deciding what is prudent  
80 and further provided a mere showing of expense will not necessarily  
81 mean an alternative is imprudent.

82 Sec. 2. Section 22a-40 of the general statutes is repealed and the  
83 following is substituted in lieu thereof (*Effective October 1, 2009*):

84 (a) The following operations and uses shall be permitted in  
85 wetlands, areas around wetlands and watercourses, as of right:

86 (1) Grazing, farming, nurseries, gardening and harvesting of crops  
87 and farm ponds of three acres or less essential to the farming  
88 operation, agriculture as described in section 1-1 and activities  
89 conducted by, or under the authority of, the Department of  
90 Environmental Protection or the Department of Agriculture for the  
91 purposes of wetland or watercourse restoration or enhancement or  
92 mosquito control. The provisions of this subdivision shall not be  
93 construed to include road construction or the erection of buildings not  
94 directly related to the farming operation, relocation of watercourses  
95 with continual flow, filling or reclamation of wetlands or watercourses  
96 with continual flow, clear cutting of timber except for the expansion of  
97 agricultural crop land, the mining of top soil, peat, sand, gravel or  
98 similar material from wetlands or watercourses for the purposes of  
99 sale;

100 (2) A residential home (i) for which a building permit has been  
101 issued, or (ii) on a subdivision lot, provided the permit has been issued  
102 or the subdivision has been approved by a municipal planning, zoning  
103 or planning and zoning commission as of the effective date of

104 promulgation of the municipal regulations pursuant to subsection (b)  
105 of section 22a-42a, as amended by this act, or as of July 1, 1974,  
106 whichever is earlier, and further provided no residential home shall be  
107 permitted as of right pursuant to this subdivision unless the permit  
108 was obtained on or before July 1, 1987;

109 (3) Boat anchorage or mooring;

110 (4) Uses incidental to the enjoyment and maintenance of residential  
111 property, such property defined as equal to or smaller than the largest  
112 minimum residential lot site permitted anywhere in the municipality,  
113 provided in any town, where there are no zoning regulations  
114 establishing minimum residential lot sites, the largest minimum lot site  
115 shall be two acres. Such incidental uses shall include maintenance of  
116 existing structures and landscaping but shall not include removal or  
117 deposition of significant amounts of material from or onto a wetland  
118 or watercourse or diversion or alteration of a watercourse;

119 (5) Construction and operation, by water companies as defined in  
120 section 16-1 or by municipal water supply systems as provided for in  
121 chapter 102, of dams, reservoirs and other facilities necessary to the  
122 impounding, storage and withdrawal of water in connection with  
123 public water supplies except as provided in sections 22a-401 and 22a-  
124 403; [and]

125 (6) Maintenance relating to any drainage pipe which existed before  
126 the effective date of any municipal regulations adopted pursuant to  
127 section 22a-42a, as amended by this act, or July 1, 1974, whichever is  
128 earlier, provided such pipe is on property which is zoned as residential  
129 but which does not contain hydrophytic vegetation. For purposes of  
130 this subdivision, "maintenance" means the removal of accumulated  
131 leaves, soil, and other debris whether by hand or machine, while the  
132 pipe remains in place; and

133 (7) Activities conducted by, or under the authority of, the  
134 Department of Environmental Protection for the purposes of wetlands  
135 restoration and protection.

136 (b) The following operations and uses shall be permitted, as  
137 nonregulated uses in wetlands and watercourses, provided they do not  
138 disturb the natural and indigenous character of the wetland or  
139 watercourse by removal or deposition of material, alteration or  
140 obstruction of water flow or pollution of the wetland or watercourse:

141 (1) Conservation of soil, vegetation, water, fish, shellfish and  
142 wildlife; and

143 (2) Outdoor recreation including play and sporting areas, golf  
144 courses, field trials, nature study, hiking, horseback riding, swimming,  
145 skin diving, camping, boating, water skiing, trapping, hunting, fishing  
146 and shellfishing where otherwise legally permitted and regulated.

147 (c) Any dredging or any erection, placement, retention or  
148 maintenance of any structure, fill, obstruction or encroachment, or any  
149 work incidental to such activities, conducted by a state agency, which  
150 activity is regulated under sections 22a-28 to 22a-35, inclusive, or  
151 sections 22a-359b to 22a-363f, inclusive, shall not require any permit or  
152 approval under sections 22a-36 to 22a-45, inclusive, as amended by this  
153 act.

154 Sec. 3. Section 22a-41 of the general statutes is repealed and the  
155 following is substituted in lieu thereof (*Effective October 1, 2009*):

156 (a) For purposes of this section, "wetlands or watercourses" includes  
157 aquatic, plant or animal life and habitats in wetlands or watercourses,  
158 and "habitats" means areas or environments in which an organism or  
159 biological population normally lives or occurs.

160 (b) In carrying out the purposes and policies of sections 22a-36 to  
161 22a-45a, inclusive, as amended by this act, including matters relating to  
162 regulating, licensing and enforcing of the provisions thereof, the  
163 commissioner shall take into consideration all relevant facts and  
164 circumstances, including, but not limited to:

165 (1) The environmental impact of the proposed regulated activity on

166 wetlands or watercourses;

167 (2) The applicant's purpose for, and any feasible and prudent  
168 alternatives to, the proposed regulated activity which alternatives  
169 would cause less or no environmental impact to wetlands or  
170 watercourses;

171 (3) The relationship between the short-term and long-term impacts  
172 of the proposed regulated activity on wetlands or watercourses and  
173 the maintenance and enhancement of long-term productivity of such  
174 wetlands or watercourses;

175 (4) Irreversible and irretrievable loss of wetland or watercourse  
176 resources which would be caused by the proposed regulated activity,  
177 including the extent to which such activity would foreclose a future  
178 ability to protect, enhance or restore such resources, and any  
179 mitigation measures which may be considered as a condition of  
180 issuing a permit for such activity including, but not limited to,  
181 measures to (A) prevent or minimize pollution or other environmental  
182 damage, (B) maintain or enhance existing environmental quality, or  
183 (C) in the following order of priority: Restore, enhance and create  
184 productive wetland or watercourse resources;

185 (5) The character and degree of injury to, or interference with,  
186 safety, health or the reasonable use of property which is caused or  
187 threatened by the proposed regulated activity; [and]

188 (6) Impacts of the proposed regulated activity on wetlands or  
189 watercourses outside the area for which the activity is proposed and  
190 future activities associated with, or reasonably related to, the proposed  
191 regulated activity which are made inevitable by the proposed  
192 regulated activity and which may have an impact on wetlands or  
193 watercourses; and

194 (7) The significance of the wetlands or watercourses, and the  
195 existing or expected future development in the area around the  
196 wetlands or watercourses.

197 [(b)] (c) (1) In the case of an application which received a public  
198 hearing pursuant to (A) subsection (k) of section 22a-39, or (B) a  
199 finding by the inland wetlands agency that the proposed activity may  
200 have a significant impact on wetlands or watercourses, a permit shall  
201 not be issued unless the commissioner finds on the basis of the record  
202 that a feasible and prudent alternative does not exist. In making his  
203 finding, the commissioner shall consider the facts and circumstances  
204 set forth in subsection (a) of this section. The finding and the reasons  
205 therefor shall be stated on the record in writing.

206 (2) In the case of an application which is denied on the basis of a  
207 finding that there may be feasible and prudent alternatives to the  
208 proposed regulated activity which have less adverse impact on  
209 wetlands or watercourses, the commissioner or the inland wetlands  
210 agency, as the case may be, shall propose on the record in writing the  
211 types of alternatives which the applicant may investigate provided this  
212 subdivision shall not be construed to shift the burden from the  
213 applicant to prove that he is entitled to the permit or to present  
214 alternatives to the proposed regulated activity.

215 [(c) For purposes of this section, (1) "wetlands or watercourses"  
216 includes aquatic, plant or animal life and habitats in wetlands or  
217 watercourses, and (2) "habitats" means areas or environments in which  
218 an organism or biological population normally lives or occurs.]

219 (d) A municipal inland wetlands agency shall not deny or condition  
220 an application for a regulated activity in an area outside wetlands or  
221 watercourses on the basis of an impact or effect on aquatic, plant, or  
222 animal life unless such activity will likely impact or affect the physical  
223 characteristics of such wetlands or watercourses.

224 (e) In carrying out the purposes and policies of sections 22a-36 to  
225 22a-45a, inclusive, as amended by this act, including matters relating to  
226 regulating, licensing and enforcing the provisions concerning the area  
227 around wetlands and watercourses regulated pursuant to section 22a-  
228 42a, as amended by this act, the commissioner or any municipal inland

229 wetlands agency shall determine the area subject to review with the  
230 goal of preserving the natural vegetation in the greater of (A) the first  
231 one hundred feet around any wetlands or watercourse, or (B) the area  
232 of floodplain mapped by the Federal Emergency Management Agency.

233 Sec. 4. Section 22a-42a of the general statutes is repealed and the  
234 following is substituted in lieu thereof (*Effective October 1, 2009*):

235 (a) The inland wetlands agencies authorized in section 22a-42 shall  
236 through regulation provide for (1) the manner in which the boundaries  
237 of inland wetland and watercourse areas in their respective  
238 municipalities shall be established and amended or changed, (2) the  
239 form for an application to conduct regulated activities, (3) notice and  
240 publication requirements, (4) criteria and procedures for the review of  
241 applications, and (5) administration and enforcement.

242 (b) No regulations of an inland wetlands agency including  
243 boundaries of inland wetland and watercourse areas shall become  
244 effective or be established until after a public hearing in relation  
245 thereto is held by the inland wetlands agency. Any such hearing shall  
246 be held in accordance with the provisions of section 8-7d. A copy of  
247 such proposed regulation or boundary shall be filed in the office of the  
248 town, city or borough clerk as the case may be, in such municipality,  
249 for public inspection at least ten days before such hearing, and may be  
250 published in full in such paper. A copy of the notice and the proposed  
251 regulations or amendments thereto, except determinations of  
252 boundaries, shall be provided to the commissioner at least thirty-five  
253 days before such hearing. Such regulations and inland wetland and  
254 watercourse boundaries may be from time to time amended, changed  
255 or repealed, by majority vote of the inland wetlands agency, after a  
256 public hearing in relation thereto is held by the inland wetlands  
257 agency, in accordance with the provisions of section 8-7d. Regulations  
258 or boundaries or changes therein shall become effective at such time as  
259 is fixed by the inland wetlands agency, provided a copy of such  
260 regulation, boundary or change shall be filed in the office of the town,  
261 city or borough clerk, as the case may be. Whenever an inland

262 wetlands agency makes a change in regulations or boundaries it shall  
263 state upon its records the reason why the change was made and shall  
264 provide a copy of such regulation, boundary or change to the  
265 Commissioner of Environmental Protection no later than ten days after  
266 its adoption provided failure to submit such regulation, boundary or  
267 change shall not impair the validity of such regulation, boundary or  
268 change. All petitions submitted in writing and in a form prescribed by  
269 the inland wetlands agency, requesting a change in the regulations or  
270 the boundaries of an inland wetland and watercourse area shall be  
271 considered at a public hearing held in accordance with the provisions  
272 of section 8-7d. The failure of the inland wetlands agency to act within  
273 any time period specified in this subsection, or any extension thereof,  
274 shall not be deemed to constitute approval of the petition.

275 (c) (1) On and after the effective date of the municipal regulations  
276 promulgated pursuant to subsection (b) of this section, no regulated  
277 activity shall be conducted upon any inland wetland or watercourse  
278 without a permit. Any person proposing to conduct or cause to be  
279 conducted a regulated activity upon an inland wetland or watercourse  
280 shall file an application with the inland wetlands agency of the town or  
281 towns wherein the wetland or watercourse in question is located. The  
282 application shall be in such form and contain such information as the  
283 inland wetlands agency may prescribe. The date of receipt of an  
284 application shall be determined in accordance with the provisions of  
285 subsection (c) of section 8-7d. The inland wetlands agency shall not  
286 hold a public hearing on such application unless the inland wetlands  
287 agency determines that the proposed activity may have a significant  
288 impact on wetlands or watercourses, a petition signed by at least  
289 twenty-five persons who are eighteen years of age or older and who  
290 reside in the municipality in which the regulated activity is proposed,  
291 requesting a hearing is filed with the agency not later than fourteen  
292 days after the date of receipt of such application, or the agency finds  
293 that a public hearing regarding such application would be in the  
294 public interest. An inland wetlands agency may issue a permit without  
295 a public hearing provided no petition provided for in this subsection is

296 filed with the agency on or before the fourteenth day after the date of  
297 receipt of the application. Such hearing shall be held in accordance  
298 with the provisions of section 8-7d. If the inland wetlands agency, or  
299 its agent, fails to act on any application within thirty-five days after the  
300 completion of a public hearing or in the absence of a public hearing  
301 within sixty-five days from the date of receipt of the application, or  
302 within any extension of any such period as provided in section 8-7d,  
303 the applicant may file such application with the Commissioner of  
304 Environmental Protection who shall review and act on such  
305 application in accordance with this section. Any costs incurred by the  
306 commissioner in reviewing such application for such inland wetlands  
307 agency shall be paid by the municipality that established or authorized  
308 the agency. Any fees that would have been paid to such municipality if  
309 such application had not been filed with the commissioner shall be  
310 paid to the state. The failure of the inland wetlands agency or the  
311 commissioner to act within any time period specified in this  
312 subsection, or any extension thereof, shall not be deemed to constitute  
313 approval of the application.

314 (2) An inland wetlands agency may delegate to its duly authorized  
315 agent the authority to approve or extend an activity that is not located  
316 in a wetland or watercourse when such agent finds that the conduct of  
317 such activity would result in no greater than a minimal impact on any  
318 wetland or watercourse provided such agent has completed the  
319 comprehensive training program developed by the commissioner  
320 pursuant to section 22a-39. Notwithstanding the provisions for receipt  
321 and processing applications prescribed in subdivision (1) of this  
322 subsection, such agent may approve or extend such an activity at any  
323 time. Any person receiving such approval from such agent shall,  
324 within ten days of the date of such approval, publish, at the applicant's  
325 expense, notice of the approval in a newspaper having a general  
326 circulation in the town wherein the activity is located or will have an  
327 effect. Any person may appeal such decision of such agent to the  
328 inland wetlands agency within fifteen days after the publication date  
329 of the notice and the inland wetlands agency shall consider such

330 appeal at its next regularly scheduled meeting provided such meeting  
331 is no earlier than three business days after receipt by such agency or its  
332 agent of such appeal. The inland wetlands agency shall, at its  
333 discretion, sustain, alter or reject the decision of its agent or require an  
334 application for a permit in accordance with subdivision (1) of  
335 subsection (c) of this section.

336 (d) (1) In granting, denying or limiting any permit for a regulated  
337 activity the inland wetlands agency, or its agent, shall consider the  
338 factors set forth in section 22a-41, as amended by this act, and such  
339 agency, or its agent, shall state upon the record the reason for its  
340 decision. In granting a permit the inland wetlands agency, or its agent,  
341 may grant the application as filed or grant it upon other terms,  
342 conditions, limitations or modifications of the regulated activity which  
343 are designed to carry out the policy of sections 22a-36 to 22a-45,  
344 inclusive, as amended by this act. Such terms may include any  
345 reasonable measures which would mitigate the impacts of the  
346 regulated activity and which would (A) prevent or minimize pollution  
347 or other environmental damage, (B) maintain or enhance existing  
348 environmental quality, or (C) in the following order of priority:  
349 Restore, enhance and create productive wetland or watercourse  
350 resources. No person shall conduct any regulated activity within an  
351 inland wetland or watercourse which requires zoning or subdivision  
352 approval without first having obtained a valid certificate of zoning or  
353 subdivision approval, special permit, special exception or variance or  
354 other documentation establishing that the proposal complies with the  
355 zoning or subdivision requirements adopted by the municipality  
356 pursuant to chapters 124 to 126, inclusive, or any special act. The  
357 agency may suspend or revoke a permit if it finds after giving notice to  
358 the permittee of the facts or conduct which warrant the intended action  
359 and after a hearing at which the permittee is given an opportunity to  
360 show compliance with the requirements for retention of the permit,  
361 that the applicant has not complied with the conditions or limitations  
362 set forth in the permit or has exceeded the scope of the work as set  
363 forth in the application. The applicant shall be notified of the agency's

364 decision by certified mail within fifteen days of the date of the decision  
365 and the agency shall cause notice of their order in issuance, denial,  
366 revocation or suspension of a permit to be published in a newspaper  
367 having a general circulation in the town wherein the wetland or  
368 watercourse lies. In any case in which such notice is not published  
369 within such fifteen-day period, the applicant may provide for the  
370 publication of such notice within ten days thereafter.

371 (2) Any permit issued under this section for the development of  
372 property for which an approval is required under section 8-3, 8-25 or 8-  
373 26 shall be valid for five years provided the agency may establish a  
374 specific time period within which any regulated activity shall be  
375 conducted. Any permit issued under this section for any other activity  
376 shall be valid for not less than two years and not more than five years.  
377 Any such permit shall be renewed upon request of the permit holder  
378 unless the agency finds that there has been a substantial change in  
379 circumstances which requires a new permit application or an  
380 enforcement action has been undertaken with regard to the regulated  
381 activity for which the permit was issued provided no permit may be  
382 valid for more than ten years.

383 (e) The inland wetlands agency may require a filing fee to be  
384 deposited with the agency. The amount of such fee shall be sufficient  
385 to cover the reasonable cost of reviewing and acting on applications  
386 and petitions, including, but not limited to, the costs of certified  
387 mailings, publications of notices and decisions and monitoring  
388 compliance with permit conditions or agency orders.

389 (f) If a municipal inland wetlands agency regulates activities within  
390 areas around wetlands or watercourses, such regulation shall (1) be in  
391 accordance with the provisions of the inland wetlands regulations  
392 adopted by such agency related to application for, and approval of,  
393 activities to be conducted in wetlands or watercourses, and (2) apply  
394 only to those activities which are likely to impact or affect wetlands or  
395 watercourses in the immediate vicinity of the regulated activity or  
396 throughout the watershed of such wetland or watercourse.

397 Sec. 5. (NEW) (*Effective from passage*) (a) There is established a  
398 community garden program to be known as the Capitol Grounds  
399 Community Garden Program. Any parcel of land on the grounds of  
400 the State Capitol that, as of the effective date of this section, contains  
401 plants belonging to the family Liliaceae or any bulbs of such plants  
402 shall be converted to use as a parcel for cultivated vegetation as part of  
403 the program.

404 (b) Any Hartford resident who has an income level equal to or less  
405 than one hundred eighty-five per cent of the federal poverty level shall  
406 be eligible to apply to use an area not to exceed one hundred fifty  
407 square feet to grow cultivated vegetation. If the number of applicants  
408 exceeds the number of parcels available for such use, the Executive  
409 Director of the Office of Legislative Management shall establish a  
410 lottery system to allocate such parcels.

411 (c) Permitted bird and wildlife repellents on any such parcel shall  
412 include scare eye and holographic balloons, rotating head and motion  
413 sensor owls and scarecrows. Bird and wildlife repellents that make  
414 noise, including, but not limited to, bird bangers, screamers, rockets,  
415 and pyrotechnics shall be prohibited. No person using any such parcel  
416 for the purpose of cultivated vegetation may use any pesticide,  
417 herbicide or chemical fertilizer on the grounds of the State Capitol.  
418 Nothing in this section shall be construed to prohibit the use of  
419 manure fertilizers, including, but not limited to, manure produced by  
420 cattle, sheep, horses, pigs or chickens.

421 (d) The Executive Director of the Office of Legislative Management  
422 shall, within available appropriations, administer the Capitol Grounds  
423 Community Garden Program. The executive director's responsibilities  
424 under said program shall include, but not be limited to, (1) the  
425 development and processing of applications; (2) the creation of a  
426 lottery system, if necessary; (3) the resolution of any disputes between  
427 participants; (4) soil testing; (5) monitoring of fertilizer use; and (6)  
428 monitoring of bird and wildlife repellents.

429 (e) On or before December 31, 2009, and annually thereafter, the  
 430 executive director shall report to the General Assembly, in accordance  
 431 with the provisions of section 11-4a of the general statutes, concerning  
 432 the Capitol Grounds Community Garden Program, including, but not  
 433 limited to, the number of applicants, participants and parcels used,  
 434 fertilizer types used and recommendations for additional areas to be  
 435 converted from grass to areas of cultivated vegetation."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	22a-38
Sec. 2	<i>October 1, 2009</i>	22a-40
Sec. 3	<i>October 1, 2009</i>	22a-41
Sec. 4	<i>October 1, 2009</i>	22a-42a
Sec. 5	<i>from passage</i>	New section