



**House Bill No. 6159**

**Public Act No. 11-59**

**AN ACT CONCERNING TECHNICAL REVISIONS TO ENVIRONMENT RELATED STATUTES.**

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

Section 1. Subsection (c) of section 15-140q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) If the person arrested refuses to submit to such test or analysis, or submits to such test or analysis and the results of such test or analysis indicate that at the time of the alleged offense such person had an elevated blood alcohol content, the peace officer shall immediately revoke the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation, if any, of such person for a twenty-four-hour period. The peace officer shall prepare a written report of the incident and shall mail the report, together with any certificate taken into possession and a copy of the results of any chemical test or analysis, to the commissioner within three business days. The report shall be made on a form approved by the commissioner and shall be subscribed and sworn to under penalty of false statement as provided in section 53a-157b by the peace officer before whom such refusal was made or who administered or caused to be administered such test or

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analysis. If the person arrested refused to submit to such test or analysis, the report shall be endorsed by a third person who witnessed such refusal. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for operating such vessel while under the influence of intoxicating liquor or any drug, or both, or while such person has an elevated blood alcohol content and shall state that such person refused to submit to such test or analysis when requested by such peace officer or that such person submitted to such test or analysis and the results of such test or analysis indicated that such person at the time of the alleged offense had an elevated blood alcohol content.

Sec. 2. Section 15-170 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

For the purposes of this section and sections 15-171 to 15-175, inclusive:

[(a)] (1) "Discharge" means spill, leak, pump, pour, emit, empty or dump;

[(b)] (2) "Docking facility" means any public, private or commercial marina, yacht club, dock, wharf or in-water mooring used for anchoring, berthing, mooring, serving or otherwise handling vessels, and includes a facility organized as a common interest community;

[(c)] (3) "Marine sanitation device" means any equipment for installation on board a vessel which is designed to receive, retain, treat or discharge sewage;

[(d)] (4) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

[(e)] (5) "Vessel" means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of

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transportation on water; and

[(f)] (6) "No discharge zone" means those bodies of water in this state that the United States Environmental Protection Agency designates as no discharge areas pursuant to 33 USC 1322.

Sec. 3. Subsection (g) of section 16a-21b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) Not later than February 1, 2012, and each year thereafter, the Commissioner of Consumer Protection, in consultation with the Distillate Advisory Board, shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to energy and the environment on the progress in meeting the requirements of this section and on any [affect] effect that such requirements may have on the price or supply of heating oil in this state.

Sec. 4. Section 21a-24a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section:

(1) "Acidified food product" means a food item, with a pH value of 4.6 or less upon completion of the recipe for such product, including, but not limited to, pickles, salsa and hot sauce, produced on the premises of a residential farm. "Acidified food products" does not include food consisting in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean ingredients or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

(2) "Jam" means a food, with a pH value of 4.6 or less, made by

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cooking fruit or vegetables with sugar to a thick mixture.

(3) "Jelly" means a food, with a pH value of 4.6 or less, made by cooking fruit or vegetable juice that has been boiled with sugar.

(4) "Preserves" means a food, with a pH value of 4.6 or less, consisting of fruit or vegetables preserved whole by cooking with sugar.

(5) "Residential farm" means property (A) being utilized as a farm, as defined in subsection (q) of section 1-1, and (B) serving as the primary residence of the owner of such property.

(b) Notwithstanding the provisions of sections 21a-91 to 21a-120, inclusive, and section 19-13-B40 of the regulations of Connecticut state agencies, the preparation and sale of acidified food products, jams, jellies or preserves on a residential farm shall be allowed in a room used as living quarters and exempt from inspection by any state or local agency, provided such acidified food products, jams, jellies or preserves are prepared with fruit or vegetables grown on such farm and in the case of acidified [foods] food products, provided (1) the water supply of such residential farm comes from a public water supply system or, if from a private well, is tested and tests negative for coliform bacteria, (2) a pH test of such [foods] acidified food products is performed by a laboratory after completion of the recipe for such [product] acidified food products, (3) use of the kitchen where such [foods] acidified food products are prepared is restricted from nonprocessing individuals, pets, children or any other potential contaminants during such preparation, and (4) the preparer of such [foods] acidified food products (A) possesses documentation of such preparer's successful completion of an examination concerning safe food handling techniques administered by an organization approved by the Department of Public Health for qualified food operators, or possesses documentation indicating successful completion of an

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approved course concerning safe food processing techniques administered by an organization approved by the Department of Consumer Protection, and (B) such documentation is made available to the local health department or the Department of Consumer Protection upon request. If the local health department or the Department of Public Health has reason to believe that a private well used pursuant to subdivision (1) of this subsection may be contaminated with coliform bacteria, such department may require such private well to be retested for the presence of coliform bacteria. Each container of acidified food products, jam, jelly or preserves offered for sale on such farm shall have on its label, in ten-point type: "Not prepared in a government inspected kitchen".

Sec. 5. Subsection (b) of section 22a-245a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) Any reimbursement of the refund value for a redeemed beverage container shall be paid from the deposit initiator's special account, with such payment to be computed, subject to the provisions of subdivision (2) of this subsection, under the cash receipts and disbursements method of accounting, as described in Section 446(c)(1) of the Internal Revenue Code of 1986, or any subsequent corresponding Internal Revenue Code of the United States, as amended from time to time.

(2) A deposit initiator may petition the Commissioner of Revenue Services for an alternate method of accounting by filing with such deposit initiator's return a statement of objections and other proposed alternate method of accounting, as such deposit initiator believes proper and equitable under the circumstances, that is accompanied by supporting details and proof. The Commissioner of Revenue Services shall promptly notify such deposit initiator whether the proposed alternate method is accepted as reasonable and equitable and, if so [.]

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accepted, shall adjust such deposit initiator's return [,] and payment of reimbursement [,] accordingly.

Sec. 6. Subsection (c) of section 22a-245a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) (1) Each deposit initiator shall submit a report on March 15, 2009, for the period from December 1, 2008, to February 28, 2009, inclusive. Each deposit initiator shall submit a report on July 31, 2009, for the period from March 1, 2009, to June 30, 2009, inclusive, and thereafter shall submit a quarterly report for the immediately preceding calendar quarter one month after the close of such quarter. Each such report shall be submitted to the Commissioner of Environmental Protection, on a form prescribed by the commissioner and with such information as the commissioner deems necessary, including, but not limited to: (A) The balance in the special account at the beginning of the quarter for which the report is prepared; (B) a list of all deposits credited to such account during such quarter, including all refund values paid to the deposit initiator and all interest, dividends or returns received on the account; (C) a list of all withdrawals from such account during such quarter, all service charges and overdraft charges on the account and all payments made pursuant to subsection (d) of this section; and (D) the balance in the account at the close of the quarter for which the report is prepared.

(2) Each deposit initiator shall submit a report on October 31, 2010, for the calendar quarter beginning July 1, 2010. Subsequently, each deposit initiator shall submit a quarterly report for the immediately preceding calendar quarter, on or before the last day of the month next succeeding the close of such quarter. Each such report shall be submitted to the Commissioner of Revenue Services, on a form prescribed by the [commissioner] Commissioner of Revenue Services, and with such information as the [commissioner] Commissioner of

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Revenue Services deems necessary, including, but not limited to, the following information: (A) The balance in the special account at the beginning of the quarter for which the report is prepared, (B) all deposits credited to such account during such quarter, including all refund values paid to the deposit initiator and all interest, dividends or returns received on such account, (C) all withdrawals from such account during such quarter, including all service charges and overdraft charges on such account and all payments made pursuant to subsection (d) of this section, and (D) the balance in such account at the close of the quarter for which the report is prepared. Such quarterly report shall be filed electronically with the Commissioner of Revenue Services, in the manner provided by chapter 228g.

Sec. 7. Subsection (d) of section 22a-245a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) (1) On or before April 30, 2009, each deposit initiator shall pay the balance outstanding in the special account that is attributable to the period from December 1, 2008, to March 31, 2009, inclusive, to the Commissioner of Environmental Protection for deposit in the General Fund. Thereafter the balance outstanding in the special account that is attributable to the immediately preceding calendar quarter shall be paid by the deposit initiator one month after the close of such quarter to the Commissioner of Environmental Protection for deposit in the General Fund. If the amount of the required payment pursuant to this subdivision is not paid by the date seven days after the due date, a penalty of ten per cent of the amount due shall be added to the amount due. The amount due shall bear interest at the rate of one and one-half per cent per month or fraction thereof, from the due date. Any such penalty or interest shall not be paid from funds maintained in the special account.

(2) On or before October 31, 2010, each deposit initiator shall pay the

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balance outstanding in the special account that is attributable to the period from July 1, 2010, to September 30, 2010, inclusive, to the Commissioner of Revenue Services for deposit in the General Fund. Subsequently, the balance outstanding in the special account that is attributable to the immediately preceding calendar quarter shall be paid by the deposit initiator on or before the last day of the month next succeeding the close of such quarter to the [commissioner] Commissioner of Revenue Services for deposit in the General Fund. If the amount of the required payment pursuant to this subdivision is not paid on or before the due date, a penalty of ten per cent of the amount due and unpaid, or fifty dollars, whichever is greater, shall be imposed. The amount due and unpaid shall bear interest at the rate of one per cent per month or fraction thereof, from the due date. Any such penalty or interest shall not be paid from funds maintained in such special account. Such required payment shall be made by electronic funds transfer to the [commissioner] Commissioner of Revenue Services, in the manner provided by chapter 228g.

Sec. 8. Subsection (f) of section 22a-245a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) The Commissioner of Revenue Services may examine the accounts and records of any deposit initiator maintained under this section or sections 22a-243 to 22a-245, inclusive, and any related accounts and records, including receipts, disbursements and such other items as the [commissioner] Commissioner of Revenue Services deems appropriate.

Sec. 9. Subsection (h) of section 22a-245a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) The provisions of sections 12-548, 12-550 to 12-554, inclusive, and

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[section] 12-555a shall be deemed to apply to the provisions of this section, except any provision of sections 12-548, 12-550 to 12-554, inclusive, and [section] 12-555a that is inconsistent with the provision in this section.

Sec. 10. Subsection (c) of section 23-15b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) On or before October 1, 2010, and semiannually thereafter, the Commissioner of Environmental Protection shall report to the Office of Fiscal Analysis on the state parks for which funds have been collected pursuant to subsection (a) of this section. Such report shall include (1) the amount of funds received into the maintenance, repair and improvement account, itemized by subaccount, (2) the amount of funds the Department of Environmental Protection has expended from the account for each park, and (3) the projects for which such funds have been expended. Said commissioner shall post the same information on the department's Internet web site.

Sec. 11. Subsection (c) of section 23-26 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The commissioner shall issue to any resident of the state, upon payment of a fee established by said commissioner, a nontransferable Connecticut private passenger motor vehicle pass which permits free parking throughout the calendar year at any state park, forest, boat launch or other state recreational facility provided the commissioner shall not be required to issue such a pass to any park, forest or facility which is wholly managed by a private concessionaire and may require payment of fees for special events. Not later than May 1, 2010, said commissioner shall establish the amount of such fee for residents of this state in an amount not greater than one hundred thirty-five per

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cent of the amount charged for such fee by said commissioner as of April 1, 2009. Not later than May 1, 2010, said commissioner shall establish the amount of such fee for nonresidents of this state in an amount not greater than one hundred fifty per cent of the amount charged for such fee by said commissioner as of April 1, 2009.

Sec. 12. Subsections (c) and (d) of section 26-6 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Any conservation officer, special conservation officer or patrolman may, anywhere within the boundaries of the state, examine the contents of any boat, ship, automobile or other vehicle, box, locker, basket, creel, crate, game bag or game coat or other package in which he has probable cause to believe that any fish, crustacean, bird or quadruped is being kept, in violation of any said statutory provisions or any regulation issued by the commissioner, or any regulation issued by the United States Fish and Wildlife Service as provided by section 26-91, and to ascertain whether any provision of any law or any regulation for the protection of any fish, crustacean, bird or quadruped has been or is being violated, and [.] shall have the same authority as police officers to obtain and execute search warrants as provided for in sections 54-33a, 54-33b and 54-33c.

(d) Any conservation officer, special conservation officer or patrolman [.] may be appointed a special policeman under the provisions of section 29-18.

Sec. 13. Section 26-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The state of Connecticut assents to the provisions of the Act of Congress titled "Pittman-Robertson Wildlife Restoration Act", approved September 2, 1937, and the provisions of the Act of Congress

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titled "Dingell-Johnson Sport Fish Restoration Act", approved August 9, 1950. The Commissioner of Environmental Protection is authorized and directed to perform such acts as may be necessary to the establishment and operation of cooperative fish and wildlife restoration projects, as defined in said acts of congress, in compliance with said [act] acts and with rules and regulations promulgated by the Secretary of the Interior thereunder, and no funds accruing to the state from license, permit, tag and stamp fees, other than the stamp fee paid pursuant to section 26-27b, paid by hunters, trappers and anglers, including, but not limited to, license fees paid by hunters pursuant to sections 26-28, 26-30, 26-31, 26-36, 26-48a, 26-86a and 26-86c, and real or personal property acquired with license, permit, tag and stamp fees, interest, dividends, or other income earned on license, permit, tag and stamp fees shall be diverted for any other purpose than to fund the programs and functions of the Bureau of Natural Resources within the Department of Environmental Protection, in accordance with 50 CFR 80.4.

Sec. 14. Subsection (a) of section 32-324a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established an account to be known as the "Connecticut qualified biodiesel producer incentive account", which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. The account may contain any moneys available from any agency or department of the federal government or any state agency for the purpose described in subsection (b) of this section. [Such] Said account shall not terminate upon the lack of any funds in [such] said account.

Sec. 15. Subsection (a) of section 21a-12b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective*

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October 1, 2011):

(a) For the purposes of this section, "reusable food or beverage container" means a receptacle for storing food or beverages, including, but not limited to, baby bottles, spill-proof cups, sports bottles and thermoses, and excluding food or beverage containers intended for disposal after initial use and any bottle that is part of a water cooler system.

Sec. 16. Section 22-80 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

Said board shall meet not less than quarterly during any calendar year upon the call of the president at such times and places as he deems necessary, except that the board shall meet [on the third Tuesday of] in January at such place [in the city of Hartford] as may be designated by its president. Five members of said board shall constitute a quorum. Said board shall annually choose from its number a president, a secretary and a treasurer who shall hold their respective offices one year and until their successors are chosen, and may fill any vacancy in any office filled by said board. The treasurer shall endorse all drafts and checks and receive and receipt for all moneys payable to the station. Members of the board shall not be compensated for their services but shall be reimbursed for necessary expenses incurred in the performance of their duties. Any member who fails to attend three consecutive meetings or who fails to attend fifty per cent of the meetings held during any calendar year shall be deemed to have resigned from office. Minutes of any meeting shall be recorded by the board.

Approved July 1, 2011