



Senate

General Assembly

File No. 97

January Session, 2015

Senate Bill No. 867

Senate, March 17, 2015

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE ENFORCEMENT OF FIREWOOD
TRANSPORT RESTRICTIONS BY THE DEPARTMENT OF ENERGY
AND ENVIRONMENTAL PROTECTION.***

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

1 Section 1. Section 22-84 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The director of the Connecticut Agricultural Experiment Station
4 shall have charge of all matters pertaining to official control,
5 suppression or extermination of insects or diseases which are, or
6 threaten to become, serious pests of plants of economic importance.
7 The director shall receive no additional compensation for such work,
8 and may designate members of the station staff to carry out certain
9 lines thereof and may employ such other assistance as may be
10 required. Said director may: (1) Cooperate with the agents of the
11 United States Department of Agriculture in the control of plant pests;
12 (2) make regulations and orders regarding the destruction or treatment
13 of infested plants; (3) seize, treat, disinfect or destroy any plants or

14 plant material moved in violation of any quarantine or regulation
15 established under the provisions of this section or suspected of being
16 infested by any dangerous insect pest or plant disease; (4) prohibit or
17 regulate the transportation of plants and plant materials, brick, stone
18 and quarry products or any other objects or materials liable to carry
19 dangerous pests and may designate certain areas or districts wherein
20 all such plants may be destroyed; (5) adopt, and enforce by
21 appropriate regulations, a quarantine prohibiting or restricting the
22 transportation of any class of nursery stock, plant, fruit, seed or other
23 article capable of carrying any dangerous plant disease or insect
24 infestation, with reference to which the Secretary of Agriculture of the
25 United States has not determined that a quarantine is necessary and
26 established such quarantine, into or through this state or any portion
27 thereof from any other state, the District of Columbia or any part of
28 such state or said district in which said director finds such plant
29 disease or insect infestation to exist; (6) adopt regulations for the
30 seizure, inspection, disinfection, destruction or other disposition of any
31 nursery stock, plant, fruit, seed or other article capable of carrying any
32 dangerous plant disease or insect infestation, a quarantine with respect
33 to which has been established by the Secretary of Agriculture of the
34 United States, and which have been transported to, into or through this
35 state in violation of such quarantine; (7) inspect nurseries and nursery
36 stock, as defined in section 22-97, for any violation of the provisions of
37 section 22a-381d; and (8) establish and maintain a quarantine against
38 any premises, district, town or group of towns in this state, provided,
39 before any quarantine is established within the state, a public hearing
40 shall be held, of which five days' notice shall be given to the parties
41 affected, either by mail or by publishing such notice in two
42 newspapers having a circulation in the part of the state affected by
43 such quarantine. In carrying out the duties and authority described in
44 this subsection, the director may issue permits to any party or enter
45 into compliance agreements with any party.

46 (b) The director or a designee may, at any reasonable time, enter any
47 public or private premises to enforce the provisions of this section.
48 Any person aggrieved by any order of quarantine issued under the

49 provisions of this section may appeal to the Superior Court, or to any
50 judge thereof if said court is not in session, and said court or such
51 judge may grant such relief or issue such order or judgment in the
52 premises as to equity may appertain.

53 (c) [Any] Except as provided in subsection (d) of this section, any
54 person interfering with the director or the director's designee in the
55 performance of said director's duty under the provisions of this section
56 or violating any quarantine or any regulation established under the
57 provisions of this section shall be fined not less than five hundred
58 dollars or more than two thousand five hundred dollars.

59 (d) Any person who transports firewood by any means in violation
60 of subsection (a) of this section or any regulation adopted pursuant to
61 subsection (a) of this section shall be fined two hundred dollars if such
62 firewood was intended for sale. Any person who transports firewood
63 by any means in violation of subsection (a) of this section or any
64 regulation adopted pursuant to subsection (a) of this section shall be
65 fined eighty-five dollars if such firewood was intended for personal
66 use.

67 Sec. 2. Subsection (b) of section 51-164n of the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective from*
69 *passage*):

70 (b) Notwithstanding any provision of the general statutes, any
71 person who is alleged to have committed (1) a violation under the
72 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
73 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
74 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,
75 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
76 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
77 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
78 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
79 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
80 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
81 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)

82 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
83 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
84 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
85 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
86 14-153 or 14-163b, a first violation as specified in subsection (f) of
87 section 14-164i, section 14-219 as specified in subsection (e) of said
88 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
89 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
90 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)
91 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-
92 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of
93 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,
94 subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22,
95 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,
96 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734,
97 subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-
98 87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107,
99 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297,
100 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425,
101 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-
102 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-
103 47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19, section 21a-
104 21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or
105 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63
106 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154,
107 subdivision (1) of subsection (a) of section 21a-159, subsection (a) of
108 section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34,
109 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49,
110 22-54, subsection (d) of section 22-84, as amended by this act, 22-89, 22-
111 90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-
112 320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-
113 344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or
114 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-
115 256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section
116 22a-381e, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b,

117 subsection (a) or subdivision (1) of subsection (c) of section 23-65,
118 section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d,
119 25-135, 26-16, 26-18, 26-19, 26-21, 26-31, 26-31c, 26-40, 26-40a, 26-42, 26-
120 49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d)
121 of section 26-61, section 26-64, subdivision (1) of section 26-76, section
122 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-
123 117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section
124 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of
125 section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260,
126 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-
127 109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section
128 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198,
129 section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c,
130 section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12,
131 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38,
132 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or
133 (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or
134 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1)
135 of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or
136 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-
137 22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a,
138 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-
139 322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or
140 section 53-450, or (2) a violation under the provisions of chapter 268, or
141 (3) a violation of any regulation adopted in accordance with the
142 provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any
143 ordinance, regulation or bylaw of any town, city or borough, except
144 violations of building codes and the health code, for which the penalty
145 exceeds ninety dollars but does not exceed two hundred fifty dollars,
146 unless such town, city or borough has established a payment and
147 hearing procedure for such violation pursuant to section 7-152c, shall
148 follow the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	22-84
Sec. 2	<i>from passage</i>	51-164n(b)

ENV *Joint Favorable*

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.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

This bill reduces the fine, from between \$500 and \$2,500 to \$85 or \$200 depending on the circumstances, for transporting firewood under certain circumstances. As no revenue has been collected for this purpose during the past ten fiscal years, this is not anticipated to result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 867*****AN ACT CONCERNING THE ENFORCEMENT OF FIREWOOD TRANSPORT RESTRICTIONS BY THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.*****SUMMARY:**

This bill reduces the fine, from between \$500 and \$2,500 to \$85 or \$200 depending on the circumstances, for transporting firewood in violation of a Connecticut Agricultural Experiment Station (CAES) quarantine or regulation.

The fine for violating a CAES quarantine or regulation under current law is at least \$500, but capped at \$2,500. The bill reduces the fine in cases of improper firewood transport to (1) \$85 if the wood is for personal use and (2) \$200 if the wood is for sale. It also allows violators to pay the fine without having to appear in court, using the mail-in procedures for infractions and certain violations.

By law, the CAES director is charged with controlling insects or diseases that threaten plants of economic importance (e.g., the Asian longhorned beetle or emerald ash borer). He may (1) prohibit or regulate the transport of plants and plant material likely to carry dangerous pests and (2) enforce other provisions of the law concerning plant and insect disease and infestation.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 15 Nay 12 (02/27/2015)