



Substitute House Bill No. 5360

Public Act No. 18-181

AN ACT CONCERNING REVISIONS TO CERTAIN ENVIRONMENTAL QUALITY AND CONSERVATION PROGRAMS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND CERTAIN FARMLAND PRESERVATION PROGRAMS OF THE DEPARTMENT OF AGRICULTURE AND ESTABLISHING A WORKING GROUP ON MICROFIBER POLLUTION, AUTHORIZING SCHOOL INSTRUCTION AND CURRICULUM ON CLIMATE CHANGE, REQUIRING UPDATED HAZARDOUS MITIGATION PLANS FOR CERTAIN HAZARDOUS CHEMICAL FACILITIES, PERMITTING SUNDAY BOW HUNTING OF DEER THROUGHOUT THE STATE AND ESTABLISHING A PILOT PROGRAM ON THE SEPARATE COLLECTION OF GLASS FROM OTHER RECYCLING PROGRAMS.

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

Section 1. Section 22a-208i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) Notwithstanding any provision of this chapter, or chapter 446e or 446k, any facility where the sole business or activity conducted is composting of leaves or composting of leaves with the addition of grass clippings at a ratio of not less than 3.0 leaves to 1.0 grass clippings, shall be exempt from the requirements of sections 22a-208a and 22a-430. The commissioner may adopt regulations in accordance with the provisions of chapter 54 concerning facilities for the

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composting of leaves or leaves with the addition of grass clippings. Such regulations shall, without limitation, provide for the design, operation and monitoring of and reporting from such facilities.

(b) The commissioner may, by regulations adopted in accordance with chapter 54, exempt categories or classes of recycling facilities from the requirements of said section 22a-208a or 22a-430 provided such exemption would not adversely affect the environment and would advance the objectives of the solid waste management plan adopted and revised under sections 22a-228 and 22a-241a and the municipal solid waste recycling plan adopted under section 22a-241. No person or municipality may operate or continue to operate a recycling facility without permits issued under said section 22a-208a or 22a-430 unless such person or municipality first files with the commissioner a written request for exemption under the regulations adopted under this section.

(c) The provisions of subsection (a) of this section exempting facilities composting leaves or composting leaves with the addition of grass clippings and the provisions of subsection (b) of this section exempting recycling facilities from the requirements of section 22a-208a shall not be construed to relieve such facilities from the obligation to comply with any other provision of this chapter or chapter 446e, including, but not limited to, operational requirements and other applicable requirements of regulations adopted under section 22a-209.

Sec. 2. Section 26-40 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

No person, association or corporation shall possess more than one live specimen of, breed or propagate any wild game bird or wild game quadruped of the following species without a game breeder's license as provided herein: In the family Anatidae, all ducks, geese and swans; in the family Phasianidae, all quail, partridge and the following strains

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of pheasant: Blackneck, Chinese, English, Formosan, melanistic mutant and Mongolian or any cross-breeding thereof and for the purpose of section 22-327 all other members of this family shall be classed as domestic fowls; in the family Tetranoidae, the ruffed grouse; in the family Melegrididae, turkeys except domestic strains; in the family Cervidae, the sika, [and white tail] white-tailed and fallow deer; in the family Procyonidae, the raccoon; in the family Mustelidae, the otter; in the family Castoridae, the beaver; and in the family Leporidae, all species except domestic strains. The commissioner, upon written application and the payment of a fee of twenty-seven dollars, may license any person, association or corporation to possess, breed, propagate and sell any birds or mammals specified in this section. Such license shall be annual and nontransferable and shall expire on the thirty-first day of December after its issuance. The commissioner may adopt regulations concerning the granting of such licenses and the sale, propagation and transportation of birds or mammals specified in this section propagated and possessed by any such licensee. All applications for such licenses shall be upon blanks prepared and furnished by the commissioner. Any person, association or corporation, licensed under the provisions of this section, shall keep a record of all birds or mammals specified in this section which are sold, transported or propagated by such licensee, whether the same are sold dead or alive, and shall report to the commissioner not later than the January thirty-first of the year following the expiration of the license period. Such report shall contain the number of birds and mammals procured, possessed and propagated and the name of each person to whom any such sale has been made and the date of such sale or transportation. Each package containing birds or mammals specified in this section, or any part thereof, so propagated or possessed and offered for transportation shall be plainly labeled with the name and license number of the licensee offering the same for transportation, the name of the consignee and a statement of the contents of such package. Any license granted under the provisions of this section may be

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revoked by the commissioner. No person, association or corporation may breed, propagate or sell any skunk or raccoon, except that such animals, with the approval of the commissioner may be kept in a zoo, nature center, museum, laboratory or research facility maintained by a scientific or educational institution. In no instance shall such animals be accessible to handling by the general public. No person may possess any skunk purchased in any Connecticut retail establishment after May 1, 1979, or any raccoon purchased after October 1, 1985. Any person, association or corporation which violates any provision of this section or any regulation issued by the commissioner pursuant thereto shall be fined not more than ninety dollars for each offense.

Sec. 3. (NEW) (*Effective October 1, 2018*) Notwithstanding the provisions of chapter 490 of the general statutes, the Commissioner of Energy and Environmental Protection may adopt regulations in accordance with chapter 54 of the general statutes to establish and issue lifetime hunting and fishing licenses, permits and stamps and combinations thereof.

Sec. 4. Section 26-128 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) No person shall sell, offer for sale, transport, transfer, possess or use any carp or goldfish for bait fish purposes. No person shall introduce any carp or goldfish into any of the inland waters of the state without first having secured a written permit from the commissioner. Any person who violates any provision of this section shall be fined one hundred dollars.

(b) The Commissioner of Energy and Environmental Protection shall adopt regulations, in accordance with chapter 54, governing the taking of carp by bow and arrow in the Thames River, the Connecticut River and its coves downstream of the Arrigoni Bridge, the Coginchaug River downstream of Route 3, including the Cromwell

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Meadows Wildlife Management Area, the Quinnipiac River downstream of Route 40 and the Housatonic River downstream of the Derby Dam. Until such time as regulations are adopted there shall be no closed season for carp taken by bow and arrow in said areas.

Sec. 5. Section 22-26jj of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) The Commissioner of Agriculture, with the approval of the State Properties Review Board, may acquire by purchase or accept as a gift, on behalf of the state, the fee simple title of any agricultural real property and any personal property related to such real property, including, but not limited to, machinery, equipment, fixtures and livestock. The state conservation and development plan established pursuant to chapter 297 shall be used as an advisory document in connection with acquisition of such property. The commissioner, in deciding whether or not to acquire such property, shall consider all of the factors stated in section 22-26cc and shall further consider the likelihood of subsequent sale of such property by the department for agricultural purposes, subject to the state's retention of development rights or future purchase of such development rights if such property is sold to a municipality or a nonprofit organization described in subsection (b) of this section. After a preliminary evaluation of such factors, the Commissioner of Agriculture shall obtain and review one or more fee appraisals of the property in order to determine the value of such property. Each such appraisal shall include an itemization of (1) the total value of the land, (2) the value of the land as agricultural land, (3) the value of the development rights of the land, and (4) the value of any related personal property proposed to be included in any sale. The commissioner shall give notice of any such appraisal to the Departments of Transportation, Economic and Community Development and Energy and Environmental Protection and the Office of Policy and Management. Any such appraisal may be obtained by

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the owner of the property and, if performed in a manner approved by the commissioner, shall be considered by the commissioner in making such determination. The commissioner may purchase such property for a lesser price than any price suggested by any such appraisal provided all considerations for acquisition specified in this subsection are taken into account. In determining the value of the property, consideration shall be given to sales of comparable properties in the general vicinity.

(b) After the acquisition of the fee simple title of any agricultural real property and any related personal property, the commissioner shall: [sell] (1) Sell such property, exclusive of any development rights, for agricultural purposes as soon as practicable [. The state shall] and retain any development rights, or (2) if the purchaser is a municipality or a nonprofit organization that has the preservation of agricultural lands as one of its purposes, the commissioner shall sell such property for use as agricultural land, including any development rights, and enter an agreement with such municipality or nonprofit organization for the purchase of such land's development rights. The commissioner may lease or otherwise transfer, assign or manage such property for agricultural, open space or other qualified purposes, in accordance with subsection (d) of this section, until such time as a sale as required by this section is completed.

(c) The commissioner may lease all or part of one property acquired by him under this section as part of a demonstration project, in accordance with subsection (d) of this section, provided such project is approved by the Secretary of the Office of Policy and Management. Such property may be leased to one or more agricultural users for a period not to exceed five years. Such lease may be renewed for periods not to exceed five years. Any property leased under such demonstration project shall be exempt from taxation by the municipality in which the property is located. The assessed valuation

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of the property shall be included with the assessed valuation of state-owned land and buildings for purposes of determining the state's grant in lieu of taxes under the provisions of section 12-18b.

(d) No contract to sell, lease or otherwise transfer, assign or manage such property for agricultural, open space or other qualified purposes shall be entered into by the commissioner unless there has been a finding of the State Treasurer that such contract will preserve the exclusion from federal taxation, if any, of the interest on the bonds of the state issued to finance such acquisition. Any proceeds derived from any such contract shall not be deemed revenues of the General Fund and shall be deposited in the appropriate bond proceeds account. Any such proceeds shall be applied, upon allotment thereof, to acquisition of additional agricultural real property and related personal property or, upon approval of the State Bond Commission, for such other authorized capital purposes which the State Treasurer finds will best assure the preservation of such exclusion from federal taxation, if any, including payment of the principal, redemption price, if any, or interest on the bonds issued for the purchase of the agricultural property.

Sec. 6. (NEW) (*Effective from passage*) Not later than July 1, 2018, the Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Consumer Protection, shall convene a working group of representatives of the apparel industry and the environmental community for the purpose of developing a consumer awareness and education program concerning the presence of synthetic microfiber pollution. Such program shall include, but not be limited to, consumer oriented information that explains the process by which such microfibers are shed from clothing and are dispersed in the state's waterways, best practices for consumers to eliminate and reduce the disbursement of microfibers from clothing into the waterways of the state and information on efforts that members of the

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apparel industry, including, but not limited to, brand labels, are undertaking to reduce or eliminate microfibers in clothing. The working group shall include, but not be limited to, a representative of each of the following organizations: (1) The Sustainable Apparel Coalition, (2) the American Apparel and Footwear Association, (3) the American Apparel and Producer's Network, (4) Fashion Group International, (5) the National Retail Federation, (6) the Council of Fashion Designers of America, (7) Fashion Business, Inc., and (8) the Outdoor Industry Association. Not later than January 1, 2019, the Commissioner of Energy and Environmental Protection shall, in accordance with section 11-4a of the general statutes, submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on the efforts of such working group and any related recommendations for legislation concerning such consumer awareness and education program and the reduction of microfibers in our state's waterways.

Sec. 7. Section 22a-610 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) As used in this section:

(1) "Tier I information" means information in aggregate terms for hazardous chemicals in categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 and regulations promulgated thereunder, including (A) an estimate, in ranges, of the maximum amount of hazardous chemicals in each category present at the facility at any time during the preceding calendar year, (B) an estimate, in ranges, of the average daily amount of hazardous chemicals in each category present at the facility during the preceding calendar year and (C) the general location of hazardous chemicals in each category.

(2) "Tier II information" means information requested in accordance

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with subsection (c) for hazardous chemicals including, but not limited to, (A) the chemical name or common name of the chemical as provided on the material safety data sheet, (B) an estimate, in ranges, of the maximum amount of the hazardous chemicals present at the facility at any time during the preceding calendar year, (C) an estimate, in ranges, of the average daily amount of the hazardous chemicals present at the facility during the preceding calendar year, (D) a brief description of the manner of storage of the hazardous chemicals, (E) the location at the facility of the hazardous chemicals and (F) an indication of whether the owner elects to withhold location information of a specific chemical from disclosure to the public under Section 324 of the Emergency Planning and Community Right-to-Know Act of 1986.

(3) "Hazardous chemical" means a chemical for which a material safety data sheet is required under the Occupational Safety and Health Act of 1970 (15 USC 651 et seq.) or a chemical on a list required to be filed under section 22a-609.

(b) On or before March 1, 1990, and annually thereafter, the owner or operator of any facility required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated thereunder shall, for any such hazardous chemical present at the facility in an amount equal to or in excess of the minimum threshold level specified in Part 370 of Title 40 of the Code of Federal Regulations, as amended from time to time, prepare and submit an emergency and hazardous chemical inventory form containing tier I or tier II information to the appropriate local emergency planning committee, the commission and the fire department with jurisdiction over the facility. The owner or operator may comply with this section by (1) providing information on the inventory form on each element or compound in the mixture which is

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a hazardous chemical, or (2) providing information on the inventory form on the mixture itself.

(c) (1) The owner or operator of a facility submitting an emergency and hazardous chemical inventory form in accordance with subsection (b) of this section shall provide tier II information for a facility to the commission, a local emergency planning committee or a fire department with jurisdiction over the facility upon request of such commission, committee or department.

(2) Any state or municipal official may have access to tier II information submitted in accordance with subsection (b) of this section upon submitting a request to the commission or the local emergency planning committee. Upon request for such information, the commission or local committee shall request the owner or operator of the facility for the tier II information and make available such information to the official.

(d) The owner or operator of a facility which files an inventory form under this section shall, upon request of the fire department with jurisdiction over the facility, allow such fire department to conduct an on-site inspection of the facility and provide to the fire department specific location information on hazardous chemicals at the facility.

(e) For any such facility that the Department of Energy and Environmental Protection identifies as being located in an area at high risk of: (1) Flooding, (2) a severe weather event, or (3) a rise in sea level, as identified in sea level change scenarios published by the National Oceanic and Atmospheric Administration in Technical Report OAR CPO-1 and updated pursuant to subsection (b) of section 25-680, not later than January 1, 2019, the owner or operator of such facility shall update the hazard mitigation plan and any applicable evacuation plan for such facility to address such risk. Any such updated hazard mitigation plan and evacuation plan shall be

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submitted to the applicable local emergency planning committee not later than sixty days after it is updated pursuant to this subsection. Each such local emergency planning committee shall review such submissions and determine any necessary changes to the applicable community plans for chemical emergencies, including, but not limited to, any enhanced community notification and emergency evacuation procedures.

Sec. 8. Section 10-16b of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) In the public schools the program of instruction offered shall include at least the following subject matter, as taught by legally qualified teachers, the arts; career education; consumer education; health and safety, including, but not limited to, human growth and development, nutrition, first aid, including cardiopulmonary resuscitation training in accordance with the provisions of section 10-16qq, disease prevention and cancer awareness, including, but not limited to, age and developmentally appropriate instruction in performing self-examinations for the purposes of screening for breast cancer and testicular cancer, community and consumer health, physical, mental and emotional health, including youth suicide prevention, substance abuse prevention, safety, which shall include the safe use of social media, as defined in section 9-601, and may include the dangers of gang membership, and accident prevention; language arts, including reading, writing, grammar, speaking and spelling; mathematics; physical education; science, which may include the climate change curriculum described in subsection (d) of this section; social studies, including, but not limited to, citizenship, economics, geography, government and history; computer programming instruction; and in addition, on at least the secondary level, one or more world languages and vocational education. For purposes of this

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subsection, world languages shall include American Sign Language, provided such subject matter is taught by a qualified instructor under the supervision of a teacher who holds a certificate issued by the State Board of Education. For purposes of this subsection, the "arts" means any form of visual or performing arts, which may include, but not be limited to, dance, music, art and theatre.

(b) If a local or regional board of education requires its pupils to take a course in a world language, the parent or guardian of a pupil identified as deaf or hard of hearing may request in writing that such pupil be exempted from such requirement and, if such a request is made, such pupil shall be exempt from such requirement.

(c) Each local and regional board of education shall on September 1, 1982, and annually thereafter at such time and in such manner as the Commissioner of Education shall request, attest to the State Board of Education that such local or regional board of education offers at least the program of instruction required pursuant to this section, and that such program of instruction is planned, ongoing and systematic.

(d) The State Board of Education shall make available curriculum materials and such other materials as may assist local and regional boards of education in developing instructional programs pursuant to this section. The State Board of Education, within available appropriations and utilizing available resource materials, shall assist and encourage local and regional boards of education to include: (1) Holocaust and genocide education and awareness; (2) the historical events surrounding the Great Famine in Ireland; (3) African-American history; (4) Puerto Rican history; (5) Native American history; (6) personal financial management, including, but not limited to, financial literacy as developed in the plan provided under section 10-16pp; (7) training in cardiopulmonary resuscitation and the use of automatic external defibrillators; (8) labor history and law, including organized labor, the collective bargaining process, existing legal protections in the

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workplace, the history and economics of free market capitalism and entrepreneurialism, and the role of labor and capitalism in the development of the American and world economies; (9) climate change consistent with the Next Generation Science Standards; and ~~[(9)]~~ (10) topics approved by the state board upon the request of local or regional boards of education as part of the program of instruction offered pursuant to subsection (a) of this section. The Department of Energy and Environmental Protection shall be available to each local and regional board of education for the development of curriculum on climate change as described in this subsection.

Sec. 9. Section 26-73 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

Sunday shall be a closed season except for hunting deer with bow and arrow on private property and for the purpose of trapping under the provisions of this chapter. The possession in the open air on Sunday of any implement for hunting, except for bow and arrow, shall be prima facie evidence of hunting in violation of the provisions of this section. No provision of this section shall be construed so as to affect any provision of section 26-31, 26-48, 26-52 or 27-35. Artificially propagated birds designated by the commissioner may be shot on Sundays on licensed private shooting preserves subject to such regulations of the commissioner as may apply to such private shooting preserves, provided permission so to shoot has been obtained from the town or towns within which such licensed private shooting preserves are located. Any person who hunts deer on Sunday with bow and arrow on private property pursuant to this section shall: (1) [Conduct such hunting only in deer management zones determined by the Department of Energy and Environmental Protection to be overpopulated and only in accordance with and pursuant to the wildlife management principles and practices established by the Commissioner of Energy and Environmental Protection, (2) have]

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Have the written permission of the private property owner where such hunting is conducted, and [(3)] (2) carry such written permission upon his or her person during the hunting. No person shall hunt with bow and arrow on Sunday on private property pursuant to this section within forty yards of a blazed hiking trail.

Sec. 10. Subsection (j) of section 22-26cc of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(j) The commissioner, when acquiring the development rights of any agricultural lands on behalf of the state, may incorporate deed requirements in accordance with the provisions of the federal Farm and Ranch Lands Protection Program, 7 CFR 1491.1, et seq., or under the Agricultural Conservation Easement Program, 7 CFR 1468.1, et seq., or any successive federal farmland protection program.

Sec. 11. Subsection (k) of section 22-26nn of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(k) The commissioner, when acquiring the development rights of any agricultural lands on behalf of the state pursuant to this section, may incorporate deed requirements in accordance with the provisions of the federal Farm and Ranch Lands Protection Program, 7 CFR 1491.1, et seq., or under the Agricultural Conservation Easement Program, 7 CFR 1468.1, et seq., or any successive federal farmland protection program.

Sec. 12. (NEW) (*Effective October 1, 2018*) Notwithstanding subsection (f) of section 22a-220 of the general statutes, the Department of Energy and Environmental Protection, upon the request of a municipality, shall authorize a two-year pilot program for the collection of glass, by one or more third parties, separate from the

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curbside recycling collection program, including prohibiting the collection of glass from the curbside recycling collection program in such municipality, provided such pilot program includes one or more locations where glass is collected at no charge to residents, information about such program for residents of such municipality, the collection of any data required by the department for the purpose of measuring program outcomes, and any other requirements as determined by the department. The Commissioner of Energy and Environmental Protection shall submit a report, in accordance with section 11-4a of the general statutes to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on such pilot program following such two-year period. Such report shall include, but not be limited to, any recommendations for legislation concerning such pilot program.

Approved June 14, 2018