



General Assembly

Amendment

February Session, 2018

LCO No. 5686



Offered by:

REP. DEMICCO, 21st Dist.
REP. HARDING, 107th Dist.
REP. CANDELORA, 86th Dist.

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SEN. MINER, 30th Dist.

To: Subst. House Bill No. 5360

File No. 78

Cal. No. 92

"AN ACT CONCERNING REVISIONS TO CERTAIN ENVIRONMENTAL QUALITY AND CONSERVATION PROGRAMS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION."

1 In line 86, after "may" insert the following: "adopt regulations in
2 accordance with chapter 54 of the general statutes to"

3 Strike lines 97 to 103 and insert the following in lieu thereof:

4 (b) The Commissioner of Energy and Environmental Protection
5 shall adopt regulations, in accordance with chapter 54, governing the
6 taking of carp by bow and arrow in the Thames River, the Connecticut
7 River and its coves downstream of the Arrigoni Bridge, the
8 Coginchaug River downstream of Route 3, including the Cromwell
9 Meadows Wildlife Management Area, the Quinnipiac River
10 downstream of Route 40 and the Housatonic River downstream of the

11 Derby Dam. Until such time as regulations are adopted there shall be
12 no closed season for carp taken by bow and arrow in said areas.

13 After the last section, add the following and renumber sections and
14 internal references accordingly:

15 "Sec. 501. Section 22-26jj of the general statutes is repealed and the
16 following is substituted in lieu thereof (*Effective October 1, 2018*):

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

44 such determination. The commissioner may purchase such property
45 for a lesser price than any price suggested by any such appraisal
46 provided all considerations for acquisition specified in this subsection
47 are taken into account. In determining the value of the property,
48 consideration shall be given to sales of comparable properties in the
49 general vicinity.

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

64 (c) The commissioner may lease all or part of one property acquired
65 by him under this section as part of a demonstration project, in
66 accordance with subsection (d) of this section, provided such project is
67 approved by the Secretary of the Office of Policy and Management.
68 Such property may be leased to one or more agricultural users for a
69 period not to exceed five years. Such lease may be renewed for periods
70 not to exceed five years. Any property leased under such
71 demonstration project shall be exempt from taxation by the
72 municipality in which the property is located. The assessed valuation
73 of the property shall be included with the assessed valuation of state-
74 owned land and buildings for purposes of determining the state's
75 grant in lieu of taxes under the provisions of section 12-18b.

76 (d) No contract to sell, lease or otherwise transfer, assign or manage

77 such property for agricultural, open space or other qualified purposes
78 shall be entered into by the commissioner unless there has been a
79 finding of the State Treasurer that such contract will preserve the
80 exclusion from federal taxation, if any, of the interest on the bonds of
81 the state issued to finance such acquisition. Any proceeds derived from
82 any such contract shall not be deemed revenues of the General Fund
83 and shall be deposited in the appropriate bond proceeds account. Any
84 such proceeds shall be applied, upon allotment thereof, to acquisition
85 of additional agricultural real property and related personal property
86 or, upon approval of the State Bond Commission, for such other
87 authorized capital purposes which the State Treasurer finds will best
88 assure the preservation of such exclusion from federal taxation, if any,
89 including payment of the principal, redemption price, if any, or
90 interest on the bonds issued for the purchase of the agricultural
91 property.

92 Sec. 502. (NEW) (*Effective from passage*) Not later than July 1, 2018,
93 the Commissioner of Energy and Environmental Protection, in
94 consultation with the Commissioner of Consumer Protection, shall
95 convene a working group of representatives of the apparel industry
96 and the environmental community for the purpose of developing a
97 consumer awareness and education program concerning the presence
98 of synthetic microfiber pollution. Such program shall include, but not
99 be limited to, consumer oriented information that explains the process
100 by which such microfibers are shed from clothing and are dispersed in
101 the state's waterways, best practices for consumers to eliminate and
102 reduce the disbursement of microfibers from clothing into the
103 waterways of the state and information on efforts that members of the
104 apparel industry, including, but not limited to, brand labels, are
105 undertaking to reduce or eliminate microfibers in clothing. The
106 working group shall include, but not be limited to, a representative of
107 each of the following organizations: (1) The Sustainable Apparel
108 Coalition, (2) the American Apparel and Footwear Association, (3) the
109 American Apparel and Producer's Network, (4) Fashion Group
110 International, (5) the National Retail Federation, (6) the Council of

111 Fashion Designers of America, (7) Fashion Business, Inc., and (8) the
112 Outdoor Industry Association. Not later than January 1, 2019, the
113 Commissioner of Energy and Environmental Protection shall, in
114 accordance with section 11-4a of the general statutes, submit a report
115 to the joint standing committee of the General Assembly having
116 cognizance of matters relating to the environment on the efforts of
117 such working group and any related recommendations for legislation
118 concerning such consumer awareness and education program and the
119 reduction of microfibers in our state's waterways.

120 Sec. 503. Section 22a-610 of the general statutes is repealed and the
121 following is substituted in lieu thereof (*Effective October 1, 2018*):

122 (a) As used in this section:

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

133 (2) "Tier II information" means information requested in accordance
134 with subsection (c) for hazardous chemicals including, but not limited
135 to, (A) the chemical name or common name of the chemical as
136 provided on the material safety data sheet, (B) an estimate, in ranges,
137 of the maximum amount of the hazardous chemicals present at the
138 facility at any time during the preceding calendar year, (C) an estimate,
139 in ranges, of the average daily amount of the hazardous chemicals
140 present at the facility during the preceding calendar year, (D) a brief
141 description of the manner of storage of the hazardous chemicals, (E)
142 the location at the facility of the hazardous chemicals and (F) an

143 indication of whether the owner elects to withhold location
144 information of a specific chemical from disclosure to the public under
145 Section 324 of the Emergency Planning and Community Right-to-
146 Know Act of 1986.

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

151 (b) On or before March 1, 1990, and annually thereafter, the owner
152 or operator of any facility required to prepare or have available a
153 material safety data sheet for a hazardous chemical under the
154 Occupational Safety and Health Act of 1970 and regulations
155 promulgated thereunder shall, for any such hazardous chemical
156 present at the facility in an amount equal to or in excess of the
157 minimum threshold level specified in Part 370 of Title 40 of the Code
158 of Federal Regulations, as amended from time to time, prepare and
159 submit an emergency and hazardous chemical inventory form
160 containing tier I or tier II information to the appropriate local
161 emergency planning committee, the commission and the fire
162 department with jurisdiction over the facility. The owner or operator
163 may comply with this section by (1) providing information on the
164 inventory form on each element or compound in the mixture which is
165 a hazardous chemical, or (2) providing information on the inventory
166 form on the mixture itself.

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

173 (2) Any state or municipal official may have access to tier II
174 information submitted in accordance with subsection (b) of this section

175 upon submitting a request to the commission or the local emergency
176 planning committee. Upon request for such information, the
177 commission or local committee shall request the owner or operator of
178 the facility for the tier II information and make available such
179 information to the official.

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

185 (e) For any such facility that the Department of Energy and
186 Environmental Protection identifies as being located in an area at high
187 risk of: (1) Flooding, (2) a severe weather event, or (3) a rise in sea
188 level, as identified in sea level change scenarios published by the
189 National Oceanic and Atmospheric Administration in Technical
190 Report OAR CPO-1 and updated pursuant to subsection (b) of section
191 25-680, not later than January 1, 2019, the owner or operator of such
192 facility shall update the hazard mitigation plan and any applicable
193 evacuation plan for such facility to address such risk. Any such
194 updated hazard mitigation plan and evacuation plan shall be
195 submitted to the applicable local emergency planning committee not
196 later than sixty days after it is updated pursuant to this subsection.
197 Each such local emergency planning committee shall review such
198 submissions and determine any necessary changes to the applicable
199 community plans for chemical emergencies, including, but not limited
200 to, any enhanced community notification and emergency evacuation
201 procedures.

202 Sec. 504. Section 10-16b of the 2018 supplement to the general
203 statutes is repealed and the following is substituted in lieu thereof
204 (*Effective October 1, 2018*):

205 (a) In the public schools the program of instruction offered shall
206 include at least the following subject matter, as taught by legally

207 qualified teachers, the arts; career education; consumer education;
208 health and safety, including, but not limited to, human growth and
209 development, nutrition, first aid, including cardiopulmonary
210 resuscitation training in accordance with the provisions of section 10-
211 16qq, disease prevention and cancer awareness, including, but not
212 limited to, age and developmentally appropriate instruction in
213 performing self-examinations for the purposes of screening for breast
214 cancer and testicular cancer, community and consumer health,
215 physical, mental and emotional health, including youth suicide
216 prevention, substance abuse prevention, safety, which shall include the
217 safe use of social media, as defined in section 9-601, and may include
218 the dangers of gang membership, and accident prevention; language
219 arts, including reading, writing, grammar, speaking and spelling;
220 mathematics; physical education; science, which may include the
221 climate change curriculum described in subsection (d) of this section;
222 social studies, including, but not limited to, citizenship, economics,
223 geography, government and history; computer programming
224 instruction; and in addition, on at least the secondary level, one or
225 more world languages and vocational education. For purposes of this
226 subsection, world languages shall include American Sign Language,
227 provided such subject matter is taught by a qualified instructor under
228 the supervision of a teacher who holds a certificate issued by the State
229 Board of Education. For purposes of this subsection, the "arts" means
230 any form of visual or performing arts, which may include, but not be
231 limited to, dance, music, art and theatre.

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

237 (c) Each local and regional board of education shall on September 1,
238 1982, and annually thereafter at such time and in such manner as the
239 Commissioner of Education shall request, attest to the State Board of
240 Education that such local or regional board of education offers at least

241 the program of instruction required pursuant to this section, and that
242 such program of instruction is planned, ongoing and systematic.

243 (d) The State Board of Education shall make available curriculum
244 materials and such other materials as may assist local and regional
245 boards of education in developing instructional programs pursuant to
246 this section. The State Board of Education, within available
247 appropriations and utilizing available resource materials, shall assist
248 and encourage local and regional boards of education to include: (1)
249 Holocaust and genocide education and awareness; (2) the historical
250 events surrounding the Great Famine in Ireland; (3) African-American
251 history; (4) Puerto Rican history; (5) Native American history; (6)
252 personal financial management, including, but not limited to, financial
253 literacy as developed in the plan provided under section 10-16pp; (7)
254 training in cardiopulmonary resuscitation and the use of automatic
255 external defibrillators; (8) labor history and law, including organized
256 labor, the collective bargaining process, existing legal protections in the
257 workplace, the history and economics of free market capitalism and
258 entrepreneurialism, and the role of labor and capitalism in the
259 development of the American and world economies; (9) climate
260 change consistent with the Next Generation Science Standards; and
261 [(9)] (10) topics approved by the state board upon the request of local
262 or regional boards of education as part of the program of instruction
263 offered pursuant to subsection (a) of this section. The Department of
264 Energy and Environmental Protection shall be available to each local
265 and regional board of education for the development of curriculum on
266 climate change as described in this subsection.

267 Sec. 505. Section 26-73 of the general statutes is repealed and the
268 following is substituted in lieu thereof (*Effective October 1, 2018*):

269 Sunday shall be a closed season except for hunting deer with bow
270 and arrow on private property and for the purpose of trapping under
271 the provisions of this chapter. The possession in the open air on
272 Sunday of any implement for hunting, except for bow and arrow, shall
273 be prima facie evidence of hunting in violation of the provisions of this

274 section. No provision of this section shall be construed so as to affect
275 any provision of section 26-31, 26-48, 26-52 or 27-35. Artificially
276 propagated birds designated by the commissioner may be shot on
277 Sundays on licensed private shooting preserves subject to such
278 regulations of the commissioner as may apply to such private shooting
279 preserves, provided permission so to shoot has been obtained from the
280 town or towns within which such licensed private shooting preserves
281 are located. Any person who hunts deer on Sunday with bow and
282 arrow on private property pursuant to this section shall: (1) [Conduct
283 such hunting only in deer management zones determined by the
284 Department of Energy and Environmental Protection to be
285 overpopulated and only in accordance with and pursuant to the
286 wildlife management principles and practices established by the
287 Commissioner of Energy and Environmental Protection, (2) have]
288 Have the written permission of the private property owner where such
289 hunting is conducted, and [(3)] (2) carry such written permission upon
290 his or her person during the hunting. No person shall hunt with bow
291 and arrow on Sunday on private property pursuant to this section
292 within forty yards of a blazed hiking trail.

293 Sec. 506. Subsection (j) of section 22-26cc of the general statutes is
294 repealed and the following is substituted in lieu thereof (*Effective from*
295 *passage*):

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

302 Sec. 507. Subsection (k) of section 22-26nn of the general statutes is
303 repealed and the following is substituted in lieu thereof (*Effective from*
304 *passage*):

305 (k) The commissioner, when acquiring the development rights of

306 any agricultural lands on behalf of the state pursuant to this section,
 307 may incorporate deed requirements in accordance with the provisions
 308 of the federal Farm and Ranch Lands Protection Program, 7 CFR
 309 1491.1, et seq., or under the Agricultural Conservation Easement
 310 Program, 7 CFR 1468.1, et seq., or any successive federal farmland
 311 protection program.

312 Sec. 508. (NEW) (*Effective October 1, 2018*) Notwithstanding
 313 subsection (f) of section 22a-220 of the general statutes, the Department
 314 of Energy and Environmental Protection, upon the request of a
 315 municipality, shall authorize a two-year pilot program for the
 316 collection of glass, by one or more third parties, separate from the
 317 curbside recycling collection program, including prohibiting the
 318 collection of glass from the curbside recycling collection program in
 319 such municipality, provided such pilot program includes one or more
 320 locations where glass is collected at no charge to residents, information
 321 about such program for residents of such municipality, the collection
 322 of any data required by the department for the purpose of measuring
 323 program outcomes, and any other requirements as determined by the
 324 department. The Commissioner of Energy and Environmental
 325 Protection shall submit a report, in accordance with section 11-4a of the
 326 general statutes to the joint standing committee of the General
 327 Assembly having cognizance of matters relating to the environment on
 328 such pilot program following such two-year period. Such report shall
 329 include, but not be limited to, any recommendations for legislation
 330 concerning such pilot program."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2018</i>	22-26jj
Sec. 502	<i>from passage</i>	New section
Sec. 503	<i>October 1, 2018</i>	22a-610
Sec. 504	<i>October 1, 2018</i>	10-16b
Sec. 505	<i>October 1, 2018</i>	26-73
Sec. 506	<i>from passage</i>	22-26cc(j)
Sec. 507	<i>from passage</i>	22-26nn(k)

Sec. 508	<i>October 1, 2018</i>	New section
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