

**Proposed Substitute  
Bill No. 102**

February Session, 2018

LCO No. 1829

**AN ACT CONCERNING MINOR REVISIONS TO ENVIRONMENTAL  
PROTECTION AND AGRICULTURE-RELATED STATUTES.**

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

1 Section 1. Section 23-53 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 The Governor on behalf of this state is authorized to enter into a  
4 compact, substantially in the following form, with any one or more of  
5 the states of Maine, Massachusetts, New Hampshire, New York,  
6 Rhode Island and Vermont and with such other states of the United  
7 States or provinces of the Dominion of Canada as may legally join  
8 therein:

9 NORTHEASTERN INTERSTATE FOREST FIRE PROTECTION  
10 COMPACT

11 ARTICLE I

12 The purpose of this compact is to promote effective prevention and  
13 control of forest fires in the northeastern region of the United States  
14 and adjacent areas in Canada by the development of integrated forest  
15 fire plans, by the maintenance of adequate forest fire fighting services  
16 by the member states, by providing for mutual aid in fighting forest  
17 fires among the states of the region and for procedures that will

18 facilitate such aid, and by the establishment of a central agency to  
19 coordinate the services of member states and perform such common  
20 services as member states may deem desirable.

21 ARTICLE II

22 This agreement shall become operative immediately as to those  
23 states ratifying it whenever any two or more of the states of Maine,  
24 New Hampshire, Vermont, Rhode Island, Connecticut, New York and  
25 the Commonwealth of Massachusetts have ratified it and the Congress  
26 has given its consent. Any state not mentioned in this article which is  
27 contiguous with any member state may become a party to this  
28 compact. Subject to the consent of the Congress of the United States,  
29 any province of the Dominion of Canada which is contiguous with any  
30 member state may become a party to this compact by taking such  
31 action as its laws and the laws of the Dominion of Canada may  
32 prescribe for ratification. In this event, the term "state" in this compact  
33 shall include within its meaning the term "province" and the  
34 procedures prescribed shall be applied in the instance of such  
35 provinces, in accordance with the forms and practices of the Canadian  
36 government.

37 ARTICLE III

38 Each state joining herein shall appoint three representatives to a  
39 commission hereby designated as the Northeastern Forest Fire  
40 Protection Commission. One shall be the state forester or officer  
41 holding an equivalent position in such state who is responsible for  
42 forest fire control. The second shall be a member of the legislature of  
43 such state designated by the commission or committee on interstate  
44 cooperation of such state, or if there be none, or if said commission on  
45 interstate cooperation cannot constitutionally designate the said  
46 member, such legislator shall be designated by the governor thereof;  
47 provided that if it is constitutionally impossible to appoint a legislator  
48 as a commissioner from such state, the second member shall be  
49 appointed by the governor of said state in his discretion. The third  
50 member shall be a person designated by the governor as the

51 responsible representative of the governor. In the event that any  
52 province of the Dominion of Canada shall become a member of this  
53 commission, it shall designate three members who will approximate  
54 this pattern of representation to the extent possible under the law and  
55 practices of such province. This commission shall be a body corporate  
56 with the powers and duties set forth herein.

57 ARTICLE IV

58 It shall be the duty of the commission to make inquiry and ascertain  
59 from time to time such methods, practices, circumstances and  
60 conditions as may be disclosed for bringing about the prevention and  
61 control of forest fires in the area comprising the member states, to  
62 coordinate the forest fire plans and the work of the appropriate  
63 agencies of the member states and to facilitate the rendering of aid by  
64 the member states to each other in fighting forest fires.

65 The commission shall formulate and, in accordance with need, from  
66 time to time, revise a regional forest fire plan for the entire region  
67 covered by the compact which shall serve as a common forest fire plan  
68 for that area.

69 The commission shall, more than one month prior to any regular  
70 meeting of the legislature in any signatory state, present to the  
71 governor and to the legislature of the state its recommendations  
72 relating to enactments to be made by the legislature of that state in  
73 furthering the interests and purposes of this compact.

74 The commission shall consult with and advise the appropriate  
75 administrative agencies of the states party hereto with regard to  
76 problems connected with the prevention and control of forest fires and  
77 recommend the adoption of such regulations as it deems advisable.

78 The commission shall have power to recommend to the signatory  
79 states any and all measures that will effectuate the prevention and  
80 control of forest fires.

81 ARTICLE V

82 Any two or more member states may designate the Northeastern  
83 Forest Fire Protection Commission as a joint agency to maintain such  
84 common services as those states deem desirable for the prevention and  
85 control of forest fires. Except in those cases where all member states  
86 join in such designation for common services, the representatives of  
87 any group of such designating states in the Northeastern Forest Fire  
88 Protection Commission shall constitute a separate section of such  
89 commission for the performance of the common service or services so  
90 designated provided that, if any additional expense is involved, the  
91 state so acting shall appropriate the necessary funds for this purpose.  
92 The creation of such a section as a joint agency shall not affect the  
93 privileges, powers, responsibilities or duties of the states participating  
94 therein as embodied in the other articles of this compact.

95 ARTICLE VI

96 The commission may request the United States Forest Service to act  
97 as the primary research and coordinating agency of the Northeastern  
98 Forest Fire Protection Commission, in cooperation with the  
99 appropriate agencies in each state and the United States Forest Service  
100 may accept the initial responsibility in preparing and presenting to the  
101 commission its recommendations with respect to the regional fire plan.  
102 Representatives of the United States Forest Service may attend  
103 meetings of the commission and of groups of member states.

104 ARTICLE VII

105 The commission shall annually elect from its members a chairman  
106 and a vice-chairman. The commission shall appoint such officers or  
107 employees as may be required to carry the provisions of this compact  
108 into effect, shall fix and determine their duties, qualifications and  
109 compensation, and may at its pleasure, remove or discharge any such  
110 officer or employee. The commission shall adopt rules and regulations  
111 for the conduct of its business. It may establish and maintain one or  
112 more offices for the transaction of its business and may meet at any  
113 time or place but must meet at least once a year.

114 A majority of the members of the commission representing a  
115 majority of the signatory states shall constitute a quorum for the  
116 transaction of its general business, but no action of the commission  
117 imposing any obligation on any signatory state shall be binding unless  
118 a majority of the members from such signatory state shall have voted  
119 in favor thereof. For the purpose of conducting its general business,  
120 voting shall be by state units.

121 The representatives of any two or more member states, upon notice  
122 to the chairman as to the time and purpose of the meeting, may meet  
123 as a section for the discussion of problems common to those states.

124 Sections established by groups of member states shall have the same  
125 powers with respect to officers, employees and the maintenance of  
126 offices as are granted by this article to the commission. Sections may  
127 adopt such rules, regulations and procedures as may be necessary for  
128 the conduct of their business.

129 ARTICLE VIII

130 It shall be the duty of each member state to formulate and put in  
131 effect a forest fire plan for that state and to take such measures as may  
132 be recommended by the commission to integrate such forest fire plan  
133 with regional forest fire plan.

134 Whenever the state forest fire control agency of a member state  
135 requests aid from the state forest fire control agency of any other  
136 member state in combatting, controlling or preventing forest fires, it  
137 shall be the duty of the state forest fire control agency of that state to  
138 render all possible aid to the requesting agency which is consonant  
139 with the maintenance of protection at home.

140 Each signatory state agrees to render aid to the Forest Service or  
141 other agencies of the government of the United States in combatting,  
142 controlling or preventing forest fires in areas under their jurisdiction  
143 located within the member state or a contiguous member state.

144 ARTICLE IX

145 Whenever the forces of any member state are rendering outside aid  
146 pursuant to the request of another member state under this compact,  
147 the employees of such state shall, under the direction of the officers of  
148 the state to which they are rendering aid, have the same powers  
149 (except the power of arrest), duties, rights, privileges and immunities  
150 as comparable employees of the state to which they are rendering aid.

151 No member state or its officers or employees rendering outside aid  
152 pursuant to this compact shall be liable on account of any act or  
153 omission on the part of such forces while so engaged, or on account of  
154 the maintenance or use of any equipment or supplies in connection  
155 therewith.

156 All liability that may arise either under the laws of the requesting  
157 state or under the laws of the aiding state or under the laws of a third  
158 state on account of or in connection with a request for aid, shall be  
159 assumed and borne by the requesting state.

160 Any member state rendering outside aid pursuant to this compact  
161 shall be reimbursed by the member state receiving such aid for any  
162 loss or damage to, or expense incurred in the operation of any  
163 equipment answering a request for aid, and for the cost of all  
164 materials, transportation, wages, salaries, and maintenance of  
165 employees and equipment incurred in connection with such request.  
166 Provided, that nothing herein contained shall prevent any assisting  
167 member state from assuming such loss, damage, expense or other cost  
168 or from loaning such equipment or from donating such services to the  
169 receiving member state without charge or cost.

170 Each member state shall provide for the payment of compensation  
171 and death benefits to injured employees and the representatives of  
172 deceased employees in case employees sustain injuries or are killed  
173 while rendering outside aid pursuant to this compact, in the same  
174 manner and on the same terms as if the injury or death were sustained  
175 within such state.

176 For the purposes of this compact the term employee shall include

177 any volunteer or auxiliary legally included within the forest fire  
178 fighting forces of the aiding state under the laws thereof.

179 The commission shall formulate procedures for claims and  
180 reimbursement under the provisions of this article.

181 Aid by a member state to an area subject to federal jurisdiction  
182 beyond the borders of such state shall not be required under this  
183 compact unless substantially the same provisions of this article relative  
184 to powers, liabilities, losses and expenses in connection with such aid  
185 are embodied in federal laws.

186 The provisions of this article that relate to the rendering of outside  
187 aid in combating, controlling or preventing forest fires shall be  
188 applicable to the provision of such aid by any state that is party to this  
189 compact to any other state that is party to a regional forest fire  
190 protection compact in another region provided the legislature of such  
191 other state assents to the outside aid provisions of this compact.

192 ARTICLE X

193 When appropriations for the support of this commission or for the  
194 support of common services maintained by the commission or a  
195 section thereof under the provisions of article V are necessary, the  
196 commission or a section thereof shall allocate the costs among the  
197 states affected with consideration of the amounts of forested land in  
198 those states that will receive protection from the service to be rendered  
199 and the extent of the forest fire problem involved in each state, and  
200 shall submit its recommendations accordingly to the legislatures of the  
201 affected states.

202 The commission shall submit to the governor of each state, at such  
203 time as he may request, a budget of its estimated expenditures for such  
204 period as may be required by the laws of such state for presentation to  
205 the legislature thereof.

206 The commission shall keep accurate books of account, showing in  
207 full its receipts and disbursements, and said books of account shall be

208 open at any reasonable time to the inspection of such representatives  
209 of the respective signatory states as may be duly constituted for that  
210 purpose.

211 On or before the first day of December of each year, the commission  
212 shall submit to the respective governors of the signatory states a full  
213 and complete report of its activities for the preceding year.

214 ARTICLE XI

215 The representatives from any member state may appoint and  
216 consult with an advisory committee composed of persons interested in  
217 forest fire protection.

218 The commission may appoint and consult with an advisory  
219 committee of representatives of all affected groups, private and  
220 governmental.

221 ARTICLE XII

222 The commission may accept any and all donations, gifts and grants  
223 of money, equipment, supplies, materials and services from the federal  
224 or any local government, or any agency thereof and from any person,  
225 firm or corporation, for any of its purposes and functions under this  
226 compact, and may receive and utilize the same subject to the terms,  
227 conditions and regulations governing such donations, gifts and grants.

228 ARTICLE XIII

229 Nothing in this compact shall be construed to authorize or permit  
230 any member state to curtail or diminish its forest fire fighting forces,  
231 equipment, services or facilities, and it shall be the duty and  
232 responsibility of each member state to maintain adequate forest fire  
233 fighting forces and equipment to meet normal demands for forest fire  
234 protection within its borders.

235 Nothing in this compact shall be construed to limit or restrict the  
236 powers of any state ratifying the same to provide for the prevention,



237 control and extinguishment of forest fires, or to prohibit the enactment  
238 or enforcement of state laws, rules or regulations intended to aid in  
239 such prevention, control and extinguishment in such state.

240 Nothing in this compact shall be construed to affect any existing or  
241 future cooperative relationship or arrangement between the United  
242 States Forest Service and a member state or states.

243 ARTICLE XIV

244 This compact shall continue in force and remain binding on each  
245 state ratifying it until the legislature or the governor of such state takes  
246 action to withdraw therefrom. Such action shall not be effective until  
247 six months after notice thereof has been sent by the chief executive of  
248 the state desiring to withdraw to the chief executives of all states then  
249 parties to the compact.

250 Sec. 2. Subsection (c) of section 23-65h of the general statutes is  
251 repealed and the following is substituted in lieu thereof (*Effective from*  
252 *passage*):

253 (c) An application for the certification as a forest practitioner shall  
254 be made to the Commissioner of Energy and Environmental Protection  
255 and shall contain such information regarding the applicant's  
256 qualifications and proposed operations and other relevant matters as  
257 the commissioner deems necessary.

258 (1) The commissioner shall require the applicant for forester  
259 certification to demonstrate, upon examination, that he possesses  
260 adequate knowledge concerning the proper application of forest  
261 management techniques, the ecological and environmental  
262 consequences of harvesting activity and mitigating measures to be  
263 employed to minimize possible adverse impacts on environmental  
264 conditions within the harvest area.

265 (2) The commissioner shall require the applicant for supervising  
266 forest products harvester certification to demonstrate, upon  
267 examination, that [he] the applicant possesses adequate knowledge

268 concerning techniques and procedures normally employed in the  
269 conduct and supervision of a harvest operation, the safe and  
270 environmentally responsible operation of harvesting equipment, and  
271 mitigating measures to be employed to minimize possible adverse  
272 impacts of harvesting activity on environmental conditions within the  
273 harvest area.

274 (3) The commissioner shall require the applicant for forest products  
275 harvester certification to demonstrate, upon examination, that [he] the  
276 applicant possesses adequate knowledge concerning techniques and  
277 procedures normally employed in the conduct of a harvest operation  
278 and the safe and environmentally responsible operation of harvesting  
279 equipment, except that an applicant who demonstrates to the  
280 satisfaction of the commissioner that [he] the applicant has engaged in  
281 commercial forest practices at least once per year for the ten years  
282 immediately preceding October 1, 1991, shall be exempt from such  
283 examination requirement.

284 (4) (A) If the commissioner finds that the applicant is competent  
285 with respect to the required qualifications, including those provided in  
286 section 23-65o, [he] the commissioner shall certify the applicant to  
287 perform such forest practices as appropriate to the requested  
288 certification. The certification shall be valid for a period not to exceed  
289 five years and may be renewed by the commissioner with or without  
290 further examination. The commissioner may establish regulations for  
291 forest practitioner certification so that one-fifth of the certificates expire  
292 each year. The commissioner may certify a forest practitioner for less  
293 than five years and prorate the registration fee accordingly to  
294 implement the regulations established pursuant to this subsection.

295 (B) Notwithstanding the provisions of subparagraph (A) of this  
296 subdivision, the commissioner may grant a sixty-day extension for any  
297 forest practitioner who failed to submit a complete application for  
298 renewal prior to the expiration date of such forest practitioner's  
299 certification. Such forest practitioner shall submit a complete  
300 application for renewal within such sixty-day extension period. Any

301 renewed certification issued by the commissioner pursuant to this  
302 subparagraph shall not require reexamination by such forest  
303 practitioner prior to such issuance but shall require the submission of  
304 an additional fee, as determined by the commissioner.

305 (5) If the commissioner finds that the applicant is not competent  
306 with respect to the requirements for the requested certification, the  
307 commissioner shall refuse to issue the applicant a certificate. The  
308 commissioner shall inform the applicant of the refusal in writing,  
309 giving the reasons for such refusal. Any person aggrieved by such  
310 refusal may, within thirty days from date of issuance of such denial,  
311 request a hearing before the commissioner, which hearing shall be  
312 conducted in accordance with chapter 54.

313 (6) The commissioner may certify without examination any person  
314 who is certified: [in] (A) In another state under a law which provides  
315 substantially similar qualifications for certification and which grants  
316 similar privileges of certification without examination to residents of  
317 this state certified under the provisions of this section, or (B) through  
318 examination by the Society of American Foresters, or a similar  
319 organization, that provides substantially similar qualifications for  
320 certification provided such person can demonstrate knowledge of the  
321 forestry laws of this state to the commissioner's satisfaction.

322 (7) The commissioner may, by regulation, adopted in accordance  
323 with the provisions of chapter 54, prescribe fees for applicants to  
324 defray the cost of administering examinations and carrying out the  
325 provisions of this chapter. A state or municipal employee who engages  
326 in activities for which certification is required by this section solely as  
327 part of his employment shall be exempt from payment of a fee. Any  
328 certificate issued to a state or municipal employee for which a fee has  
329 not been paid shall be void upon termination of such government  
330 employment.

331 (8) The commissioner may require the display of a decal or other  
332 evidence, indicating that a commercial forest practitioner has met the  
333 requirements of sections 23-65f to 23-65o, inclusive, in a prominent

334 place on any licensed motor vehicle used in the practitioner's  
335 operations. A fee may be charged to the certified practitioner to cover  
336 the cost of the decal or other evidence.

337 (9) The commissioner shall require all forest practitioners certified  
338 under sections 23-65f to 23-65o, inclusive, to participate [biennially] in  
339 a relevant program of professional education to improve or maintain  
340 professional forestry skills that is sponsored by the Department of  
341 Energy and Environmental Protection, the New England Society of  
342 American Foresters, The University of Connecticut, Yale University or  
343 the Connecticut cooperative extension system, or participation in  
344 another program approved by the department.

345 Sec. 3. Section 23-65i of the general statutes is repealed and the  
346 following is substituted in lieu thereof (*Effective from passage*):

347 (a) Each certified forester, except any state employee who engages  
348 in activities regulated by sections 23-65f to 23-65o, inclusive, solely as  
349 part of his employment, shall submit an annual report to the  
350 Commissioner of Energy and Environmental Protection on or before  
351 June first of each year in a form prescribed by the commissioner. Such  
352 report shall include, but not be limited to, the following information:

353 (1) The number of forest management plans completed and acres  
354 covered by said plans;

355 (2) The number and type of timber stand improvements completed  
356 and acres so improved;

357 (3) The number of acres planted in reforestation, afforestation and in  
358 Christmas tree plantations;

359 (4) The number of commercial forest product sales, the total number  
360 of acres harvested in such sales, the type and total volumes of products  
361 generated by such sales and total annual expenditure for the purchase  
362 of such sales;

363 (5) [Evidence] Attestation of [biennial] participation in a relevant

364 program of professional education to improve or maintain professional  
365 forestry skills that is sponsored by the Department of Energy and  
366 Environmental Protection, the New England Society of American  
367 Foresters, The University of Connecticut, Yale University or the  
368 Connecticut cooperative extension system, or participation in another  
369 program approved by the department, provided proof of such  
370 participation shall be furnished to the commissioner upon request; and

371 (6) Other information which the commissioner deems necessary.

372 (b) Each certified supervising forest products harvester shall be  
373 required to submit an annual report to the Commissioner of Energy  
374 and Environmental Protection on or before June first of each year in a  
375 form prescribed by the commissioner. Such report shall include, but  
376 not be limited to, the following information:

377 (1) The number of commercial forest product sales harvested, and  
378 the type and total volumes of products generated by such sales;

379 (2) [Evidence] Attestation of [biennial] participation in a relevant  
380 program of professional education to improve or maintain forest  
381 products harvesting skills that is sponsored by the Department of  
382 Energy and Environmental Protection, the New England Society of  
383 American Foresters, the University of Connecticut, Yale University, the  
384 Connecticut cooperative extension system or is otherwise approved by  
385 the department, provided proof of such participation shall be  
386 furnished to the commissioner upon request; and

387 (3) Other information which the commissioner deems necessary.

388 (c) All certified forest products harvesters shall be required to  
389 submit to the Commissioner of Energy and Environmental Protection,  
390 on or before June first of each year, annual reports in a form prescribed  
391 by the commissioner. Such reports shall include, but not be limited to,  
392 the following information:

393 (1) [Evidence] Attestation of [biennial] participation in a relevant  
394 program of professional education to improve or maintain forest

395 products harvesting skills that is sponsored by the Department of  
396 Energy and Environmental Protection, the New England Society of  
397 American Foresters, The University of Connecticut, Yale University,  
398 the Connecticut cooperative extension system or is otherwise  
399 approved by the department, provided proof of such participation  
400 shall be furnished to the commissioner upon request; and

401 (2) Other information the commissioner deems necessary.

402 Sec. 4. Subsection (f) of section 22a-54 of the general statutes is  
403 repealed and the following is substituted in lieu thereof (*Effective from*  
404 *passage*):

405 (f) (1) The commissioner may, by regulation adopted pursuant to  
406 the provisions of chapter 54, prescribe fees for applicants to defray the  
407 cost of administering examinations and assisting in carrying out the  
408 purposes of section 22a-451, except the fees for certification and  
409 renewal of a certification shall be as follows: [(1)] (A) For supervisory  
410 certification as a commercial applicator, two hundred eighty-five  
411 dollars; [(2)] (B) for operational certification as a commercial  
412 applicator, eighty dollars, and [(3)] (C) for certification as a private  
413 applicator, one hundred dollars. A federal, state or municipal  
414 employee who applies pesticides solely as part of his employment  
415 shall be exempt from payment of a fee. Any certificate issued to a  
416 federal, state or municipal employee for which a fee has not been paid  
417 shall be void if the holder leaves government employment. The fees  
418 collected in accordance with this section shall be deposited in the  
419 General Fund.

420 (2) The commissioner may renew any certification issued pursuant  
421 to this section for the holder of a certification that has lapsed less than  
422 sixty days provided the holder of such certification submits to the  
423 commissioner a signed renewal application, payment of the applicable  
424 renewal fee and any late fee. Such late fee shall be calculated as  
425 follows: Beginning on the first day that such certification lapses, ten  
426 per cent of the applicable renewal fee plus one and one-quarter per  
427 cent per month, or part thereof, for a period not to exceed sixty days.

428 Any holder of a certification that has lapsed more than sixty days shall  
429 be examined in accordance with the requirements of this section and  
430 any regulation adopted pursuant to the provisions of this section.

431 Sec. 5. Subsection (j) of section 22-26cc of the general statutes is  
432 repealed and the following is substituted in lieu thereof (*Effective from*  
433 *passage*):

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

440 Sec. 6. Subsection (k) of section 22-26nn of the general statutes is  
441 repealed and the following is substituted in lieu thereof (*Effective from*  
442 *passage*):

443 (k) The commissioner, when acquiring the development rights of  
444 any agricultural lands on behalf of the state pursuant to this section,  
445 may incorporate deed requirements in accordance with the provisions  
446 of the federal Farm and Ranch Lands Protection Program, 7 CFR  
447 1491.1, et seq., or under the Agricultural Conservation Easement  
448 Program, 7 CFR 1468.1, et seq., or any successive federal farmland  
449 protection program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	23-53
Sec. 2	<i>from passage</i>	23-65h(c)
Sec. 3	<i>from passage</i>	23-65i
Sec. 4	<i>from passage</i>	22a-54(f)
Sec. 5	<i>from passage</i>	22-26cc(j)
Sec. 6	<i>from passage</i>	22-26nn(k)