



General Assembly

**Amendment**

February Session, 2018

LCO No. 5572



Offered by:

REP. DEMICCO, 21<sup>st</sup> Dist.  
REP. HARDING, 107<sup>th</sup> Dist.  
REP. CANDELORA, 86<sup>th</sup> Dist.

REP. ALBIS, 99<sup>th</sup> Dist.  
SEN. KENNEDY, 12<sup>th</sup> Dist.  
SEN. MINER, 30<sup>th</sup> 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 Section 22-26jj of the general statutes is repealed and the  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 microfibers in clothing. Such program shall include, but  
99 not be limited to, consumer oriented information that explains the  
100 process by which such microfibers are shed from clothing and are  
101 dispersed in the state's waterways, best practices for consumers to  
102 eliminate and reduce the disbursement of microfibers from clothing  
103 into the waterways of the state and information on efforts that  
104 members of the apparel industry, including, but not limited to, brand  
105 labels, are undertaking to reduce or eliminate microfibers in clothing.  
106 The working group shall include, but not be limited to, a  
107 representative of each of the following organizations: (1) The  
108 Sustainable Apparel Coalition, (2) the American Apparel and Footwear  
109 Association, (3) the American Apparel and Producer's Network, (4)  
110 Fashion Group International, (5) the National Retail Federation, (6) the

111 Council of Fashion Designers of America, (7) Fashion Business, Inc.,  
112 and (8) the Outdoor Industry Association. Not later than January 1,  
113 2019, the Commissioner of Energy and Environmental Protection shall,  
114 in accordance with section 11-4a of the general statutes, submit a  
115 report 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)

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