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**2009 PUBLIC AND SPECIAL ACTS AFFECTING
THE ENVIRONMENT, ENERGY, AND LAND USE
October 6, 2009**

The following are brief summaries of selected 2009 Public and Special Acts that affect the environment, energy, or land use issues in a direct or significant way. The summaries are not legal interpretations or advice and should not be construed or represented as such. Also, not all provisions of the Public or Special Acts are included in the summaries. Acts vetoed by the Governor are marked "vetoed" and do not take effect unless the veto was "overruled" by the Legislature. Many Public Acts are effective October 1. These Acts are marked with an asterisk ("*") in the Table of Contents.

For convenience in the e-mailed version of this document:

- the Public or Special Act number at the beginning of each summary is linked to a General Assembly website for the text of the Act; and
- the Bill History for each Act is available by clicking on "Bill Status" at the beginning of each summary.

We would like to acknowledge and thank the Connecticut General Assembly's Office of Legislative Research ("OLR") for its bill and Public Act summaries and the Legislative Commissioner's office for providing assistance and materials that was useful in compiling the Public or Special Act summaries. The summaries are not a substitute for the Public Acts. They are meant to be reference tools, not substitutes for the text. The Public Acts are available online from the Connecticut General Assembly's website (<http://www.cga.ct.gov>).

If you would like additional information on any 2009 Public or Special Act, or have suggestions or comments regarding this newsletter, please contact Matt Ranelli at (860) 251-5748 or e-mail at mraneli@goodwin.com. You may also contact members of Shipman & Goodwin's Environmental, Energy and Land Use Group by calling (860) 251-5000 or by visiting our website at <http://www.shipmangoodwin.com>.

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[PA 09-30](#); SB 1021; [Bill Status](#)
Environment Committee

AN ACT CONCERNING NOTIFICATION OF CONTAMINANTS IN DRINKING WATER

SUMMARY: This act requires the public health commissioner, no later than five business days after receiving notice that a public water system violates federal Environmental Protection Agency national primary drinking water standards, to notify, either in writing or electronically, the chief elected official of (1) the municipality where the public water system is located and (2) any municipality it serves. The existing state laws contain several definitions of "public water system." The federal Safe Drinking Water Act, defines "public water system" as a system that has at least 15 service connections or regularly serves at least 25 people (42 USC § 300f).

EFFECTIVE DATE: Upon passage

[PA 09-52](#); HB 5277; [Bill Status](#)
Environment Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE INVASIVE PLANT COUNCIL

SUMMARY: This act prohibits, from July 1, 2009 to October 1, 2014, municipalities from adopting ordinances regulating the retail sale or purchase of invasive plants. It loosens the restrictions on moving and cultivating invasive plants if done for eradication, research or educational purposes. The act expands the authority of the director of the Connecticut Agricultural Experiment Station to inspect nurseries and nursery stock for violations of the invasive

plant laws. The act also authorizes the agriculture commissioner to inspect pet shops for violations of the invasive plant laws.

EFFECTIVE DATE: July 1, 2009

[PA 09-56](#); SB 1020; [Bill Status](#)
Environment Committee

AN ACT CONCERNING PESTICIDE APPLICATIONS AT CHILD DAY CARE CENTERS AND SCHOOLS

SUMMARY: This act (1) eliminates certain restrictions on when applications of pesticides, other than lawn care pesticides, can be made in or on the grounds of day care centers; (2) broadens, with conditions, when pesticide applications are allowed in the centers; (3) establishes who may apply pesticide in the centers; and (4) requires day care center licensees or their designees to determine that emergency pesticide applications are necessary in or on the grounds of these facilities. The act defines "day care center" as a licensed child day care center, group day care home, or family day care home that provides child day care services.

The act also establishes pesticide application notification requirements for day care center licensees to inform parents and guardians of children in their care who have requested notice. By law, applications on day care center buildings and grounds cannot be of a pesticide the federal. Environmental Protection Agency considers a restricted use pesticide, and no child enrolled in a day care center or home may enter an area where a pesticide has been applied until it is safe to do so according to the provisions on the pesticide label.

The act extends from July 1, 2009 to July 1, 2010 an exception to the rule banning the use of pesticides at public or private schools grade eight for pesticide used on the school playing fields as part of an integrated pest management plan.

EFFECTIVE DATE: October 1, 2009, except for the extension of the lawn care pesticides exception, which is effective July 1, 2009.

[PA 09-80](#); HB 6463; [Bill Status](#)
Planning and Development Committee
Appropriations Committee

AN ACT CONCERNING MEMBERSHIP ON REGIONAL PLANNING AGENCIES

SUMMARY: This act increases the membership of Regional Planning Agencies' boards, which consist entirely of municipal representatives. RPAs operate in five of the state's 15 planning regions. Under prior law, each municipality belonging to an RPA was entitled to at least two board representatives. The act increases that number to three by making each municipality's chief elected official or his or her designee a board member. (See PA 09-___ (Sept. Sp. Sess.), HB 7007.) As under prior law, municipalities with over 25,000 people are entitled to one additional representative for each additional 50,000 people or fraction thereof. They may elect or appoint their respective representatives.

The act similarly increases the number of board representatives for cities and boroughs located within a town. The law entitles a city or borough to a representative if at least half of the town's total population resides there and its boundaries are not coterminous

with those of the town. Prior law entitled the town and the city or borough to one representative each. The act entitles the city or borough to an additional representative and allows one of these representatives to be its CEO or his or her designee. The act also increases the town's representatives to two, but it allows, rather than requires, one of these to be the town's CEO or his or her designee.

The act does not change the rule entitling the town or the city or borough to an additional representative. The rule applies if their combined population exceeds 25,000. In this case, either of these jurisdictions is entitled to an additional representative for each additional 50,000 people, depending whether they reside inside or outside the city or borough.

RPAs operate in five of the state's 15 planning regions. They are Central Connecticut RPA, Connecticut River Estuary RPA, Greater Bridgeport RPA, Midstate RPA, and Southwestern Connecticut RPA.

EFFECTIVE DATE: October 1, 2009

[PA 09-81](#); HB 6496; [Bill Status](#)
Education Committee
Appropriations Committee

AN ACT CONCERNING GREEN CLEANING PRODUCTS IN SCHOOLS

SUMMARY: By July 1, 2011, this act requires local and regional school boards to implement a green cleaning program to clean and maintain their schools. The program must provide for procurement and proper use of environmentally preferable cleaning products in schools.

Under the act, school districts must provide an annual written statement notifying staff and, if they request it, parents or guardians of enrolled students of the green cleaning program. Districts must publish notice of the program on the board of education's and each school's website or, if there is no website, publicize it in another way. They must also notify parents or guardians of transfer students and newly hired staff of the program.

The act expands an existing biennial report each school district must make to the education commissioner on the condition of its school facilities and the implementation of its indoor air quality program in those facilities to also cover implementation of the green cleaning program in each school.

EFFECTIVE DATE: October 1, 2009

[PA 09-89](#); HB 5536; [Bill Status](#)
Planning and Development Committee

AN ACT CONCERNING INTEREST ON CHARGES FOR SEWER SYSTEM EXPANSION

SUMMARY: This act allows a water pollution control authority to assess, in substantially equal installment payments over a period of up to 30 years, the cost of a sewer system whose acquisition, construction, or expansion is financed from the municipality's general reserves. It also allows the municipality to charge a reasonable rate of interest on such assessments. It requires the WPCA to have the town clerk where the assessed property is located place a certificate on the land records indicating the assessment.

By law, a certificate must be filed on the land records of property subject to sewer assessments. Under prior law, the town clerk had to cancel or remove the certificate within seven days after the last installment was paid or the total assessment was paid off. The act instead requires the tax collector to prepare a release of certificate and record the release on the land record under these circumstances.

EFFECTIVE DATE: October 1, 2009

[PA 09-103](#); HB 6572; [Bill Status](#)
Environment Committee
General Law Committee

AN ACT CONCERNING BANNING BISPHENOL-A IN CHILDREN'S PRODUCTS AND FOOD PRODUCTS

SUMMARY: The act bans the sale, manufacture, or distribution in the state of infant formula and baby food stored in containers made with bisphenol-A and reusable food and beverage containers made with bisphenol-A. It allows people who can prove they purchased such infant formula or such containers before October 1, 2011 to sell or distribute their existing inventory until October 1, 2012, if they can show they purchased about the same number of containers before October 1, 2011 that they purchased in the same period the previous year. Food or beverage containers intended for disposal after initial use are excluded from the act. It authorizes the Department of Consumer Protection to enforce the ban within available appropriations.

EFFECTIVE DATE: October 1, 2011

[PA 09-112](#); SB 3; [Bill Status \(VETOED\)](#)
Environment Committee
Planning and Development Committee

AN ACT PROHIBITING THE ACQUISITION OR USE OF CERTAIN PARCELS OF LAND AS ASH RESIDUE DISPOSAL AREAS AND CONCERNING THE OPERATION OF A FOOD-WASTE-TO-ENERGY PLANT

SUMMARY: This act prohibits the Connecticut Resources Recovery Authority or any other person or entity, regardless of any law to the contrary, from condemning, buying, leasing, accepting, taking title to, otherwise acquiring, or using certain parcels of land in the towns of Franklin and Windham for an ash residue disposal site.

It also prohibits the (1) Connecticut Siting Council from issuing a certificate of environmental compatibility and public need for, and (2) Department of Environmental Protection commissioner from issuing a solid waste permit to build or operate, a food-waste-to-energy plant in a distressed municipality of more than 100,000 people where there is a liquefied natural gas storage facility of between 10 million and 15 million gallons and a combustion turbine power plant of less than 100 megawatts, if the proposed plant would be within two miles of one or more university regional campuses; hospitals; performing arts centers; churches; and schools, including magnet schools. Waterbury appears to be the only municipality that meets these criteria.

EFFECTIVE DATE: Upon passage
(VETOED)

[PA 09-122](#); HB 6501; [Bill Status](#)
General Law Committee
Environment Committee
Energy and Technology Committee

AN ACT ELIMINATING SURETY BOND REQUIREMENTS FOR RESIDENTIAL UNDERGROUND HEATING OIL TANK REMOVAL OR REPLACEMENT CONTRACTORS

SUMMARY: This act eliminates the requirement that a contractor who intends to remove or replace residential underground heating oil tanks provide evidence of a \$250,000 surety bond to the Department of Consumer Protection when applying for a home improvement contractor registration certificate. It does not change the requirements that the applicant show that he or she has (1) completed the hazardous material training program approved by the Department of Environmental Protection and (2) liability insurance coverage of \$1 million. For contractors who wish to register for payment from DEP's residential underground heating oil storage tank clean-up subaccount, it eliminates a surety bond as a way to prove financial responsibility and raises the minimum amount of liability insurance coverage or liquid company assets that contractors must have from \$250,000 to \$1 million. It does not change the requirement that contractors provide DEP with evidence of training and experience to register.

EFFECTIVE DATE: Upon passage

[PA 09-141](#); SB 271; [Bill Status](#)
Environment Committee
Planning and Development Committee

**AN ACT CONCERNING FLOODPLAIN
MANAGEMENT AND USE OF MILL
PROPERTIES**

SUMMARY: By law, the Department of Environmental Protection commissioner must approve or exempt certain state agency actions proposed in or affecting floodplains. An agency proposing a nonexempt activity or critical activity in or affecting a floodplain must certify to the commissioner, among other things, that it will promote long-term, nonintensive floodplain uses and has utilities located to discourage floodplain development.

This act exempts from this requirement proposals to use a mill located on a brownfield if the proposing agency demonstrates that the activity (1) is subject to state environmental remediation regulations, (2) is limited to the area of the property where mill uses have historically occurred, and (3) complies with the National Flood Insurance Program. In addition, an agency proposing a critical activity must show that it is above the 500-year flood elevation. Under existing law, a "critical activity" is an activity, including treating, storing and disposing of hazardous waste; and the siting of hospitals, housing for the elderly, and certain other uses. (*See PA 09-235*).

EFFECTIVE DATE: Upon passage

[PA 09-151](#); SB 1078; [Bill Status](#)
(VETOED; VETO OVERRULED)
Environment Committee
*Government Administration and Elections
Committee*

**AN ACT ESTABLISHING A BI-STATE
LONG ISLAND SOUND COMMISSION**

SUMMARY: This act creates a Bi-State Long Island Sound Commission and limits the responsibilities of the Bi-State Long Island Sound Committee. The commission must:

1. review and consider major environmental, ecological, and energy issues involving (a) Long Island Sound and (b) the lower Hudson River Valley as they affect the Sound (formerly under the preview of the Bi-State Long Island Sound Committee);
2. seek consensus on strategies and policies on these issues; and
3. recommend administrative and legislative action to implement the strategies and policies.

The commission is created and assumes its responsibilities when New York adopts similar legislation. The act does not replace or override the statutory or regulatory authority of any state or municipal agency concerning the commission's projects, policies, or activities.

EFFECTIVE DATE: July 1, 2009, and when New York enacts similar legislation.
(VETOED; VETO OVERRULED)

[PA 09-154](#); HB 735; [Bill Status](#)
Transportation Committee
Planning and Development Committee
Government Administration and Elections
Committee
Appropriations Committee

AN ACT IMPROVING BICYCLE AND PEDESTRIAN ACCESS

SUMMARY: This act: (1) requires, beginning October 1, 2010, a minimum of 1% of the total funds received in any fiscal year by the Department of Transportation and any municipality for construction, restoration, rehabilitation, or relocation of any highway or street to be spent to provide facilities for "all users," including bikeways and sidewalks with curb cuts or ramps; (2) establishes an 11-member Connecticut Bicycle and Pedestrian Advisory Board to report to the governor, transportation commissioner, and the Transportation Committee on actions, policies, and procedures that improve the bicycling and walking environment in Connecticut; and (3) requires the transportation commissioner to report, this year and next, to the Transportation Committee and the advisory board with a list of transportation projects he has undertaken that contain bicycle and pedestrian access.

EFFECTIVE DATE: July 1, 2009

[PA 09-165](#); HB 6466; [Bill Status](#)
Planning and Development Committee
Government Administration and Elections
Committee
Appropriations Committee

AN ACT CONCERNING PROJECTS OF REGIONAL SIGNIFICANCE

SUMMARY: This act requires each Regional Planning Organization to establish a voluntary process for applicants to state or local agencies, departments, or commissions to request a pre-application review of proposed projects of regional significance. There are three types of RPOs: regional councils of governments, regional councils of elected officials, and regional planning agencies. Under the act, a project of regional significance is an open air theater, shopping center, or other development to be built by a private developer that is planned to create more than (1) 500,000 square feet of indoor commercial or industrial space, (2) 250 housing units in a one-to-three-story building, or (3) 1,000 parking spaces.

The act requires the RPO process to determine the components of the review. These components must include a procedure to assure that all relevant municipalities and regional and state agencies provide the applicant with (1) preliminary comment on the project, in a form determined by the agency; (2) summaries of each agency's review process; and (3) an opportunity for the applicant to discuss the project with representatives of each relevant municipality or state agency at a meeting convened by the RPO. At least one representative from each relevant municipality and each state agency, department, or commission must participate in the project's a review at the RPO's request at a meeting convened for this purpose. This requirement applies if the RPO notifies each agency, department, or commission of the meeting at least three weeks in advance. An RPO cannot convene more than one meeting for a particular project in any quarter of a calendar year. The act does not prevent two or more RPOs from convening joint meetings to carry out the act.

The results or information obtained from the pre-application review cannot be appealed

under any provision of the statutes and are not binding on the applicant or any authority, commission, department, agency, or other official having jurisdiction to review the proposed project.

The RPO must prepare a report of the agencies' comments reviewing the proposal and give a copy of the report to the applicant and each reviewing agency.

EFFECTIVE DATE: October 1, 2009

[PA 09-173](#); HB 5875; [Bill Status](#)
Environment Committee
Planning and Development Committee
Finance, Revenue and Bonding Committee

AN ACT AUTHORIZING SPECIAL DISTRICTS TO MAINTAIN WATER QUALITY IN LAKES, STATE LAND WHERE HUNTING IS PERMITTED, THE ESTABLISHMENT OF A MARINE WATERS FISHING LICENSE AND THE TAKING OF SHELLFISH IN WESTPORT

SUMMARY: This act expands the purposes for which residents may establish special taxing districts to include maintaining the water quality of a lake located solely in one town. The law allows residents to establish districts providing a wide range of public services and infrastructure, including collecting trash and constructing and maintaining drains and sewers. Under the act, residents must comply with the special district statutes when establishing, organizing, and operating a district for lake maintenance. Once established, the act allows the district to apportion assessment for this purpose equally among property owners.

The act also:

1. creates a recreational saltwater (marine sport) fishing license and fees, extends requirements similar to those for inland (freshwater) fishing, and adds marine licensing exceptions;
2. sets a baseline for the amount of state land available for hunting;
3. limits the use of marine sport fishing and hunting license fees to fish and game preservation and related activities; and
4. increases the fine, from \$25 to \$75, and eliminates prison as a potential penalty, for illegally taking shellfish from the shores, beaches, and flats at "Saugatuck Shores" in Westport.

The act creates several exceptions to the marine sport fishing license requirement. The following people do not have to have a license:

1. people rowing a boat or operating the motor of a boat from which other people are taking or attempting to take fish;
2. anyone fishing as a passenger on a registered party, charter, or head boat operating solely in the marine district; and
3. state residents participating in a fishing derby that the DEP commissioner authorized in writing if, (a) no fees are charged for the derby, (b) it lasts one day or less, and (c) it is sponsored by a nonprofit civic service organization. These organizations are limited to one derby in any calendar year.

Additionally, the DEP commissioner may designate one day in each calendar year when no license is required for sport fishing in the marine district.

EFFECTIVE DATE: Upon passage, except for provisions concerning (1) marine fishing licenses, which are effective June 15, 2009, and (2) special water quality districts, which are effective October 1, 2009.

[PA 09-181](#); HB 5254; [Bill Status](#)
Planning and Development Committee
Environment Committee

AN ACT CONCERNING EXTENDING THE TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS

SUMMARY: The act extends the initial and extended expiration deadlines that apply to subdivisions, wetlands permits, and relatively small-scale site plans that were approved between July 1, 2006 and July 1, 2009, inclusive. The table below highlights this change.

Deadlines and Extensions under Prior Law and the Act for Projects Approved between July 1, 2006 and July 1, 2009

| <i>Deadlines</i> | | |
|--|--|--|
| <i>Land Use Approval</i> | <i>Prior Law</i> | <i>Act</i> |
| Residential site plans for projects with 400 or more units | Within 10 years after approval (CGS § 8-3 (j)) | No change |
| Business site plans for projects with at least 400,000 square feet | Between five and 10 years after approval (CGS § 8-3 (j)) | No change |
| Other site plans | Within five years of approval (CGS § 8-3 (i)) | Not less than six years after approval |
| Subdivisions plans for 400 or more dwelling units | Within 10 years of approval (CGS § 8-26g) | 11 years after approval |
| Other subdivisions | Within five years of approval (CGS § 8-26c (a)) | Within six years of approval |

| Wetlands permits for site plans and subdivisions | Permit expires five years after approval (CGS § 22a-42a (d)(2)) | Permits expire within six years of approval |
|--|---|---|
| Other wetlands | Permit expires between two and five years after approval permits (CGS § 22a-42a (d)(2)) | |
| Extensions | | |
| <i>Land Use Approval</i> | <i>Prior Law</i> | <i>Act</i> |
| Residential site plans for projects with 400 or more units | No extensions (CGS § 8-3 (j)) | No change |
| Business site plans for projects with at least 400,000 square feet | Up to 10 years from approval if the initial deadline was less than 10 years (CGS § 8-3 (j)) | No change |
| Other site plans | Up to 10 years from approval (CGS § 8-3 (i)) | Up to 11 years from approval |
| Subdivision plans for 400 or more dwelling units | No extensions (CGS § 8-26g) | No change |
| Other subdivisions | Up to 10 years from approval (CGS § 8-26c (b)) | Up to 11 years from approval |
| Wetlands permits for site plans and subdivisions | Permit expiration date may be extended up to 10 years from approval (CGS § 22a-42a (d)(2)) | Permit expiration date may be extended up to 11 years from approval |
| Other wetlands permits | | |

EFFECTIVE DATE: Upon passage

[PA 09-190](#); HB 5861; [Bill Status](#)
Environment Committee
Planning and Development Committee
Appropriations Committee

AN ACT CONCERNING THE PROCESSING OF MUNICIPAL APPLICATIONS FOR STATE PERMITS

SUMMARY: This act requires the environmental protection, public health, and transportation commissioners and the State Traffic Commission, within 60 days after receiving a formal petition, application, or request for a permit from a municipality, to conduct a preliminary review solely to determine if it is acceptable for filing. The official must conduct the review within available appropriations and notify the municipality of the results of the review. The act does not preclude the officials from requesting additional information after sending this notice. It takes priority over laws requiring other procedures.

EFFECTIVE DATE: October 1, 2009

[PA 09-192](#); HB 6284; [Bill Status](#)
Public Safety and Security Committee
Environment Committee
Energy and Technology Committee

AN ACT CONCERNING GREEN BUILDING STANDARDS AND ENERGY EFFICIENCY REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL BUILDINGS

SUMMARY: This act delays the date when "green building" standards take effect and narrows their scope. It requires the state building inspector and Codes and Standards Committee to establish the threshold size for buildings subject to the standards. Under

prior law, the standards applied to certain new construction costing \$5 million or more and renovations costing \$2 million or more.

The act delays and modifies the requirement that the state building inspector and Codes and Standards Committee revise the State Building Code with regard to energy efficiency standards. It increases the committee's membership, from 17 to 18, and requires that one member have expertise in energy efficiency matters.

EFFECTIVE DATE: Upon passage

[PA 09-195](#); HB 5211; [Bill Status](#)
Environment Committee
Government Administration and Elections Committee
Planning and Development Committee

AN ACT CONCERNING LOCAL SHELLFISH COMMISSIONS AND THE TRANSFER OF COMMERCIAL FISHING LICENSES

SUMMARY: By law, local shellfish commissions must prepare and periodically update a shellfish management plan, which they must submit to the Department of Agriculture commissioner. This act requires all management plan updates and any comments that Agriculture Department makes regarding them to be in writing and subject to the Freedom of Information Act.

Generally, the law allows the Department of Environmental Protection commissioner to authorize the transfer of an active commercial fishing license if the person transferring the license landed finfish, lobster, sea scallops, crabs, or squid, as verified by seafood dealer reports, in at least

five of the eight calendar years before the transfer request. The act adds an exception, requiring the DEP commissioner to authorize the transfer of an active commercial fishing license when the person transferring the license (1) held the license every year from 1980 to 1989, (2) landed summer flounder in this state in at least six of the 10 years, (3) and reported the landings to the commissioner as required by law. By law, an "active" commercial fishing license is one that was renewed in the current year.

EFFECTIVE DATE: July 1, 2009, except the commercial fishing license exception is effective on passage.

[PA 09-198](#); HB 6552; [Bill Status](#)
Environment Committee
Judiciary Committee

AN ACT BANNING THE POSSESSION OF POTENTIALLY DANGEROUS ANIMALS AND THE IMPORTATION, POSSESSION AND LIBERATION OF CERTAIN WILD ANIMALS, ALLOWING THE IMPORTATION OF REINDEER AND BANNING INTERNET HUNTING

SUMMARY: This act makes amends the law (1) banning potentially dangerous animals and (2) Department of Environmental Protection regulation of owning and importing wildlife.

By law, members of the following wildlife species, or any hybrid of them, are considered potentially dangerous: (1) lions, leopards, cheetahs, jaguars, ocelots, jaguarundis, pumas (mountain lions), lynxes, and bobcats; (2) wolves and coyotes; and (3) black, brown, and grizzly bears.

The act increases the penalty for illegally owning a potentially dangerous animal, and adds the following primates: gorillas, chimpanzees, orangutans, and other members of the *hominidae* family (great apes and humans) to those animals considered potentially dangerous. It exempts from the ban (1) certain institutions and (2) primates weighing less than 35 pounds at maturity and imported into the state or owned before October 1, 2003. It eliminates an exemption for people who legally owned a potentially dangerous animal on or before May 23, 1983. It requires owners of legally allowed primates of any size to get a DEP permit, irrespective of when they acquired the animals.

By law, with certain exceptions, no one may import, possess, or release in the state a live fish, wild bird or mammal, reptile, amphibian, or invertebrate without a DEP permit. The act eliminates an exemption and increases the penalty for violating this law. It requires, rather than allows, DEP to adopt regulations (1) determining the (a) species that must meet permit requirements and (b) number and species of fish, birds, and animals that DEP will permit to be imported or introduced into, or owned or released in, the state and (2) exempting from permit requirements municipal parks and certain other organizations and institutions.

It prohibits anyone from operating, providing, selling, using, or offering to operate, provide, sell, or use any computer software or service in the state that allows someone, when not physically present, to remotely control a firearm or other weapon to hunt a live animal or bird. (This type of hunting is commonly referred to as Internet hunting.) A violation is a class A misdemeanor (*see* Table on Penalties).

Finally, it allows anyone to import reindeer into the state between Thanksgiving Day and New Year's Day, provided they are (1) individually identified, (2) certified to be in good health, and (3) exported from the state by January 8 of each year.

EFFECTIVE DATE: October 1, 2009, except the reindeer provision, which is effective July 1, 2009.

[PA 09-202](#); SB 1033; [Bill Status \(VETOED\)](#) (N.B.: see PA 09-__ (Sept Sp. Sess.); SB 2052 (establishing a green building tax credit)

Environment Committee
Finance, Revenue and Bonding Committee
Appropriations Committee

AN ACT ESTABLISHING A TAX CREDIT FOR GREEN BUILDINGS

SUMMARY: This act establishes a tax credit for taxpayers who build buildings that meet certain energy and environmental standards ("green buildings"). The credits can be taken against the corporation business, insurance company, air carriers, railroad company, utility company, and income taxes. The act limits the credit for all projects to \$25 million dollars.

The act specifies the projects and their costs that are eligible for the credit. It entitles eligible projects to a base credit that increases with the project's rating. It allows additional credits for mixed-use projects and those located in certain areas. Taxpayers can claim only 25% of the credit in any tax year and may carry remainder forward for up to five years. The credits are transferrable and assignable.

The act requires the Office of Policy and Management secretary, in consultation with the revenue services commissioner, to adopt credit regulations, by January 1, 2011. It requires the secretary to establish a uniform application fee of up to \$10,000 to cover all direct costs of administering the tax credit program. It allows the secretary to hire a private consultant or outside firm to administer and review applications for the program.

The act requires the secretary, in consultation with the commissioner, to report to the governor and Planning and Development and Finance, Revenue and Bonding committees by July 1, 2013 on (1) the number of taxpayers applying for the credits, (2) the amount of credits granted, (3) the geographical distribution of the granted credits, and (4) any other information deemed appropriate. A preliminary draft report must be submitted to the governor and the committees by July 1, 2012.

EFFECTIVE DATE: July 1, 2009, with the credits applying to income years starting on or after January 1, 2012. **(VETOED)**

[PA 09-211](#); SB 995; [Bill Status](#)
Environment Committee
Judiciary Committee
Energy and Technology Committee

AN ACT CONCERNING INDIVIDUAL AUTHORIZATIONS FOR BENEFICIAL USE OF SOLID WASTE

SUMMARY: This act allows the Department of Environmental Protection commissioner to issue, a general permit for the beneficial use of hazardous waste. Under prior law she could issue a general

permit for the beneficial use of solid waste but could not issue such a permit for the reuse of hazardous waste. Beneficial use is the use or reuse of processed municipal waste for a purpose that does not harm or threaten public health, safety, welfare, or the environment.

The act also allows the commissioner to issue an individual authorization for the beneficial use of solid waste in manufacturing, or as an effective substitute for a commercial product, if the authorization: (1) does not allow an activity for which DEP has issued an individual or general permit, (2) is consistent with federal Resource Conservation and Recovery Act requirements, and (3) the commissioner finds that the solid waste can be reused without harming or threatening harm to public health, safety, or the environment. The DEP commissioner must establish guidelines for these authorizations to protect public health, safety, and the environment, and notify the public on the DEP's website of the guidelines and subsequent revisions. She must give the public 30 days from publication of the notice to submit written comments, and must post a response to these comments on the website.

EFFECTIVE DATE: October 1, 2009

[PA 09-213](#); SB 1126; [Bill Status](#)
Judiciary Committee
Planning and Development Committee

AN ACT CONCERNING LAND RECORDS

SUMMARY: This act eliminates a town clerk's duty to make a notation in the land records in connection with various documents recorded in the town's land

records, including liens, mortgages, and certain certificates and condominium related documents. Instead, it requires that the town clerk record a (1) discharge of lien, attachment, or other encumbrance, or (2) certain certificates on the town's land records. It also makes several related and conforming technical changes.

EFFECTIVE DATE: October 1, 2009

[PA 09-218](#); HB 6306; [Bill Status](#)
Energy and Technology Committee
Judiciary Committee
Government Administration and Elections Committee

AN ACT ESTABLISHING A CODE OF CONDUCT FOR THE TRANSACTIONS BETWEEN NATURAL GAS DISTRIBUTION COMPANIES AND THEIR AFFILIATES, PREVENTING PROPANE TERMINATIONS FOR CERTAIN CUSTOMERS AND CONCERNING THE STATE'S ENERGY ASSESSMENT

SUMMARY: This act requires the Department of Public Utility Control to establish a code of conduct setting minimum standards for transactions between gas companies and their affiliates. The act gives DPUC various investigative powers regarding affiliates and their transactions with gas companies. It allows DPUC to issue enforcement orders against entities subject to the code, including cease and desist orders, and impose civil penalties of up to \$10,000 per violation of the code. DPUC must adopt regulations by November 1, 2010 establishing the code and related accounting and reporting requirements and procedures.

The act limits when propane dealers can terminate service to eligible residential customers for nonpayment of their bills. These limits are similar to those that apply to electric and natural gas utilities under current law.

The act requires electric companies to submit integrated resources assessments by January 1 of every even-numbered year, rather than every year.

EFFECTIVE DATE: Upon passage

[PA 09-220](#); HB 6539; [Bill Status](#)
Public Health Committee
Energy and Technology Committee

AN ACT CONCERNING ENVIRONMENTAL HEALTH

SUMMARY: This act requires exclusive service area providers to confirm in writing that they (1) have received the applications for public water supply certificates of need and public convenience submitted to the Public Health and Public Utility Control departments and (2) are prepared to assume responsibility for the system. It requires the departments, when deciding whether to issue a certificate, to consider whether the system's owner has the financial, managerial, and technical resources to operate it efficiently and reliably and provide continuous, adequate service to consumers.

It requires water company supply plans to include a brief summary of the company's underground infrastructure replacement practices. It lengthens, to between six and nine years from between three to five years, the time between required plan revisions, in most cases.

The act extends the time for DPH to establish and define discharge categories for certain alternative on-site sewage treatment systems.

Finally, it updates DPH's responsibilities concerning safe levels of radon and amends the duties of school boards concerning radon inspection and evaluation.

EFFECTIVE DATE: October 1, 2009

[PA 09-229](#); SB 891; [Bill Status](#)
Environment Committee
Finance, Revenue and Bonding Committee
Judiciary Committee
Planning and Development Committee
Appropriations Committee

AN ACT CONCERNING MILK PRODUCERS, MILK AND MILK PRODUCTS, AGRICULTURAL NOT-FOR-PROFIT ORGANIZATIONS AND THE MODERNIZATION OF CONNECTICUT FERTILIZER LAW

SUMMARY: This act creates a grant program for dairy farmers ("milk producers"); makes the law concerning adulterated milk, milk regulation, and eligibility for certain milk sustainability grants more stringent; and updates the laws regulating fertilizer.

The act establishes an account to assist milk producers. The account is funded a by temporary increase in the fee people pay when filing documents with town clerks from \$30 to \$40,. This increase is effective from the act's effective date until July 1, 2011. The act accordingly decreases temporarily a portion of funds from this fee that three entities receive for certain

programs and increases the amount the Department of Agriculture receives. It requires Agriculture Department to use the majority of the funds for the milk producer grant program.

The act explicitly prohibits selling, offering to sell, bartering, or exchanging adulterated milk, milk products, or cheese (i.e., dairy products), and related activities. A first violation is an infraction and a second violation within one year is a class A misdemeanor. It exempts production of dairy products for personal consumption or consumption by immediate family members from these prohibitions.

The act eliminates the Agriculture commissioner's option to adopt regulations that incorporate by reference the federal Pasteurized Milk Ordinance. It requires instead that all milk dealers processing, handling, storing, distributing, transporting, selling, offering for sale, bartering, or exchanging any dairy product comply with the sanitation, handling, storage, and processing requirements of relevant state milk and milk product laws and regulations.

The act eliminates nonprofit agriculture organizations' eligibility for the farm transition grant program. It instead (1) makes these entities eligible for the farm viability matching grant program and (2) adds the development of new marketing programs and venues through or in which a majority of products sold are state grown to that grant's purposes.

The act replaces the former fertilizer law, which was based on a 1965 recommended model law with a 2008 recommended model version. The act supersedes any inconsistent or conflicting special acts, municipal ordinances, or regulations concerning fertilizer. It prohibits municipalities from

enacting or attempting to enforce any ordinance or regulation concerning registration, packaging, labeling, sale, storage, distribution, use, or application of a fertilizer. It explicitly extends the Agriculture commissioner's enforcement powers to regulations he adopts and allows anyone aggrieved by the enforcement actions to appeal to Superior Court.

EFFECTIVE DATE: July 1, 2009, except (1) upon passage for the milk producer grant program and (2) October 1, 2009 for adulterated milk provisions.

[PA 09-230](#); HB 6467; [Bill Status](#)
Planning and Development Committee
Appropriations Committee

AN ACT CONCERNING SMART GROWTH AND THE STATE PLAN OF CONSERVATION AND DEVELOPMENT POLICIES PLAN

SUMMARY: The law requires the state, regions, and municipalities to prepare periodic plans for balancing the need to conserve and develop land. This act postpones, from March 1, 2009 to March 1, 2011, the deadline for revising the five-year State Plan of Conservation and Development, which the Office of Policy and Management prepares. In doing so, it resets the statutory schedule for revising the plan. The table below compares the schedule under the prior law and the act.

| <i>Action</i> | <i>Prior Law</i> | <i>Act</i> |
|--|--|--|
| Submit draft of revised plan to Continuing Committee | September 1, 2008 | September 1, 2010 |
| Make further revisions | Between December 1, 2008 and March 1, 2009 | Between December 1, 2010 and March 1, 2011 |

| | | |
|--|--|--|
| Publish and disseminate plan | No later than March 1, 2009 | March 1, 2011 |
| Conduct hearings | Not later than five months after publication (July 31, 2009) | Not later than five months after publication (July 31, 2011) |
| Submit final draft to Continuing Committee | No later than three months after the hearings (October 31, 2009) | By December 1, 2011 for the 2012-2017 plan (subsequent plans must be submitted no later than three months after the hearing) |

The act also requires the plan's next two revisions to be consistent with the state's plan for reducing greenhouse gas emissions.

Municipalities must prepare 10-year plans of conservation and development. Prior law disqualified those that failed to update their plans from discretionary state funds until they did so or the OPM secretary waived this provision. The act suspends the provision until the next time the state adopts its revised Plan of C&D, which, under the act, must happen by July 1, 2012.

Lastly, the act requires the Continuing Legislative Committee on State Planning and Development to study how OPM: (1) prepares the State Plan of C&D and incorporates specified smart growth principles in it, (2) applies the plan and these principles to state agency actions, and (3) integrates the plan with municipal and regional plans of C&D. The committee must consult with specified groups and report its findings and recommendations to the legislature by February 1, 2010.

EFFECTIVE DATE: Upon passage, except for the change concerning municipal plans of development, which takes effect July 1, 2010.

[PA 09-231](#); HB 6585; [Bill Status](#)

*Planning and Development Committee
Finance, Revenue and Bonding Committee*

AN ACT CONCERNING REGIONALISM

SUMMARY: This act allows the chief elected officials of two or more municipalities that belong to the same federal economic development district to enter into mutual agreements to (1) promote regional economic development and (2) share the real and personal property tax revenue from new economic development. The agreement must (1) provide that the municipalities not compete for new economic development and (2) specify the types of projects subject to the agreement. The municipalities must send a copy of the agreement to the Office of Policy and Management secretary who must determine, within 30 days, whether it is consistent with the act's requirements. The secretary must send a copy of this determination to the Revenue Services Department commissioner and to each municipality.

The act requires regional councils of elected officials to identify opportunities and obstacles to interlocal agreements that promote regional cooperation and promote agreements permitted under the act.

EFFECTIVE DATE: October 1, 2009.

[PA 09-235](#); HB 6097; [Bill Status](#)

Commerce Committee

Planning and Development Committee

Appropriations Committee

Judiciary Committee

AN ACT CONCERNING BROWN-FIELDS DEVELOPMENT PROJECTS

SUMMARY: This act makes many changes affecting the regulatory framework for identifying, investigating, remediating, and developing contaminated property (brownfields). It expands the protections from liability for municipalities when entering and inspecting brownfields and acquiring and conveying them to other parties. It also expands the circumstances under which municipalities are exempted from the Transfer Act when acquiring and conveying a potentially contaminated property (i.e., an establishment).

The act changes some of the rules under which parties may convey brownfields. Under the Transfer Act, the party conveying an establishment cannot do so until it assesses its condition and, if contaminated, identifies who will remediate it. The party is liable for damages if it transfers the property without complying with the Transfer Act. The act sets deadlines for remediating the property after transfer. It also sets conditions under which a party could transfer the property while the groundwater is still undergoing long-term monitoring and remediation.

The act establishes a program protecting brownfield developers from liability for contamination that escapes from a brownfield before they acquired it. It also allows any party, rather than just the owner or a municipality, to assess the property's environmental condition based on state criteria.

Lastly, the act reduces the regulatory criteria state agencies must meet when developing contaminated mill sites in floodplains. (See PA 09-141.) It also requires state agencies and quasi-public agencies to provide for the use of green remediation technologies when soliciting bids, requesting proposals, or negotiating contracts for remediating brownfields.

EFFECTIVE DATE: October 1, 2009, except for the floodplains, municipal Transfer Act exemptions, and municipal inspection provisions, which are effective upon passage, and the developers' liability protections and innocent third party status, which are effective July 1, 2009.

[PA 09-238](#); SB 586; [Bill Status](#) (*VETOED*)

(**N.B.:** see PA 09-__ (Sept. Sp. Sess.); HB 7007 (authorizing the Collinsville Hydroelectric facility without adjusting river flows))

Energy and Technology Committee

AN ACT CONCERNING A COLLINSVILLE HYDROELECTRICITY FACILITY

SUMMARY: This act requires the environmental protection commissioner to execute an agreement with Canton, Avon, and Burlington that allows the towns to: (1) enter upon and conduct physical examinations and studies of the upper and lower Collinsville dams on the Farmington River and associated structures, including power houses or gate houses, to determine the feasibility of using the dams and structures for hydroelectric generation; (2) install, operate, and maintain hydroelectric generating facilities and associated appurtenances, including fish

ladders, at the dams; and (3) control the flow of water at the dams to maximize hydroelectric generation while maintaining minimum flows required by federal and state regulatory agencies. However, another section of the act prohibits changes to river flows. The agreement may not provide any compensation to the state or additional costs to the towns for use of, or liability concerning, the dams and structures.

EFFECTIVE DATE: Upon passage
(*VETOED*)

[SA 09-16](#); SB 1068; [Bill Status](#)
(*VETOED*)

Commerce Committee
Energy and Technology Committee

AN ACT CONCERNING GREEN JOBS

SUMMARY: This act requires the Department of Economic and Community Development to apply for federal economic stimulus funds available under the American Recovery and Reinvestment Act of 2009 and use the funds to establish a program to create green jobs and promote green energy and conservation. The program must (1) target investments in renewable energy research, development, and deployment; (2) promote the use of renewable energy in state buildings, nonprofits, and educational institutions; and (3) include components that emphasize the use of the state's existing industries and examine the viability of other renewable industries. The program terminates once the stimulus funds are depleted.

EFFECTIVE DATE: Upon passage
(*VETOED*)

[PA 09-03 \(June Sp. Sess.\)](#); HB 6802;
[Bill Status](#)

Emergency Certification

AN ACT CONCERNING EXPENDITURES AND REVENUE FOR THE BIENNIUM ENDING JUNE 30, 2011

Tax Credit for Donating Open Space:

The act extends, from 15 to 25 years, the period for which a company may carry forward unused tax credits earned for donation or discounted sale of land for open space. As under current law, the carry-forward applies only to credits allowed for any tax year starting on or after January 1, 2000. Current law provides a credit against the corporation tax for donations or discounted sales of open space land or interests in land to the state, a political subdivision, or a nonprofit land conservation organization when the land will be permanently preserved as open space. The credit equals 50% of the (1) donated land's market value at its highest and best use or (2) value of the discounted sales price of the land or interest in the land.

Department of Environmental Protection Fee and Fund Provisions:

The act increases a number of Department of Environmental Protection fees. It eliminates a number of DEP funds and accounts, and transfers the revenue from those funds to the General Fund. It eliminates specific uses of several of these accounts (e. g. , the emergency spill response account).

The act doubles all DEP fees set by regulation at less than \$150. It increases all such fees that are currently between \$150 and \$1,000 by 25%, rounded up to the nearest \$5; and those of more than \$1,000 by \$250.

It also eliminates (1) the Clean Air Act account in the General Fund, (2) a \$2 million annual allocation to DEP from the Underground Storage Tank Petroleum Clean-Up Account, and (3) a requirement that \$3 million be credited annually to the Clean-Up Account from the Petroleum Products Gross Earnings Tax, and (4) a requirement that the revenue services commissioner deposit \$3 million from motor boat fuel sales to the Conservation Fund.

EFFECTIVE DATE: Upon passage and applicable to income years starting on or after January 1, 2009. The DEP fee and fund changes are effective October 1, 2009.

[PA 09- \(Sept. Sp. Sess.\); SB 2052;](#)
[Bill Status](#)

Emergency Certification

AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING REVENUE

Green Building Tax Credit: The act allows the state to establish a corporation tax credit for taxpayers who build buildings that meet certain energy and environmental standards ("green buildings") beginning with income years on or after January 1, 2012. It gives the Office of Policy and Management secretary discretion on whether to issue vouchers allowing taxpayers to claim the credits. It limits the credits for all projects to \$25 million.

To be eligible, a project would have to be an in-state real estate development that is designed to meet or exceed the applicable Leadership in Energy and Environmental Design Green Building Rating System gold certification or equivalent standard as determined by the environmental protection

commissioner. In addition, the project would be required to have energy use of no more than (1) 70% of the energy use permitted by the State Building Code for new construction or (2) 80% of the energy use permitted by the state energy code for renovation or rehabilitation of a building. Further, the project would have to use equipment and appliances that meet Energy Star standards, if applicable, for such things as refrigerators, dishwashers and washing machines. If a development consisted of more than one building, only those buildings that meet these standards would be eligible for the credit. In the case of a newly constructed building, the credits would apply to buildings that receive a certificate of occupancy on or after January 1, 2010.

Under the act, eligible projects could receive a base credit that increases with the project's green rating and allows additional credits for mixed-use projects and those located in certain areas. Taxpayers could claim only 25% of the credit in any tax year, with the remainder allowed to be carried forward for up to five years. The credits would be transferrable and assignable.

The bill requires the secretary, in consultation with the commissioner, to report to the governor and Planning and Development and Finance, Revenue and Bonding committees by July 1, 2013 on (1) the number of taxpayers applying for the credits, (2) the amount of credits granted, (3) the geographical distribution of the granted credits, and (4) any other information the secretary considers appropriate. A preliminary draft report must be submitted to the governor and the committees by July 1, 2012.

Solar Thermal Work Certificate: The act requires the Department of Consumer Protection commissioner, after consulting

with the Plumbing and Piping Work Board or the Heating, Piping, Cooling, and Sheet Metal Work Board as appropriate, to issue a solar thermal work certificate authorizing its holder to perform solar thermal work. To qualify for the certificate, a person must (1) hold a P-1, P-2, P-3, P-4, S-1, S-2, S-3 or S-4 license issued by DCP; (2) have completed a solar thermal installation training course approved by the commissioner; and (3) passed a solar thermal work examination approved by the commissioner. The certificate must be renewed in the same way that its holder's trade license is renewed. The initial certificate and renewal is \$50.

Air Emissions Permit Operating Fee Account: The act makes the air emissions permit operating fee account a separate account within the General Fund instead of within the Environmental Quality Fund. PA 09-3, June Special Session eliminated the latter fund. It requires revenue from fees the DEP commissioner charges owners or operators of air pollution sources to go into the account.

Department of Environmental Protection Fee Increases: The act raises to at least \$100 any fee that the DEP commissioner charges by regulation for activities the department regulates, such as those of solid waste facilities. PA 09-3, June Special Session, doubled such fees that were less than \$150 and the bill increases any of these fees that are currently less than \$100 to at least \$100. The act also increases the fee for a general permit (1) from \$1,000 to \$1,250, for people intending to engage in the regulated activity that requires registration with DEP and registration approval before the activity is authorized and (2) from \$500 to \$625, for people intending to engage in the regulated activity that only requires them

to register with DEP before the activity is authorized.

The act also raises the cap on general permit fees from no more than \$5,000 to a maximum of \$6,250.

Regional Greenhouse Gas Account: By law, the DEP commissioner, in consultation with the Department of Public Utility Control, must auction emission allowances and invest the proceeds. The act (1) creates a Regional Greenhouse Gas Account, which the comptroller must establish as a separate, non-lapsing account in the General Fund and (2) requires the auction emission allowance proceeds to be deposited in the account. By law, the proceeds are invested in energy conservation, load management, and certain renewable energy programs on behalf of the electric ratepayers.

EFFECTIVE DATE: Upon Passage.

[PA 09- \(Sept. Sp. Sess.\); HB 7007; Bill Status](#)

Emergency Certification

AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT AND MAKING CHANGES TO VARIOUS PROGRAMS

Dry Cleaning Establishment Account: The act requires that the economic and community development commissioner establish criteria specifying a method to ensure timely payment of funds to the dry cleaning establishment remediation account grant recipients. This account provides grants to owners or operators of dry cleaning

businesses to contain, remove, mitigate, or prevent pollution.

Grants for Milk Producers: The act authorizes the \$10 million appropriated to the Department of Agriculture for "dairy farmers" under PA 09-3, June Sp. Sess., to pay for grants to milk producers. The grants are to be used to pay milk producers to make up the difference between the federal pay price and the minimum sustainable monthly cost of production for milk, as the law defines. The act specifies that the Agriculture Commissioner must calculate grant payments based on the amount of milk each milk producer generated between January 1 and June 30, 2009. Under existing law, for each month that the federal pay price is below the minimum sustainable monthly cost of production, a milk producer is entitled to an amount equal to the difference between the federal pay price and the minimum sustainable monthly cost of production, multiplied by the amount of milk the producer produced during the month.

Regional Planning Agency Membership: The act reduces, from three to two, the minimum number of representatives per municipalities to Regional Planning Agencies, but requires one of them to be the municipality's CEO, or his or her designee. PA 09-80 had increased the number of municipal representatives to three by making each municipality's chief elected official, or his or her designee, a board member. By law, municipalities with over 25,000 people are entitled to one additional representative for each additional 50,000 people or fraction thereof.

Energy Technology Testing in State Agencies: The act allows the OPM secretary, under his energy-related powers, to direct a state agency to test technologies,

products, or processes that he finds would promote energy conservation or efficiency or renewable energy in order to validate their effectiveness. Agencies cannot undertake this testing unless the business manufacturing or marketing the technology, product, or process demonstrates (1) the agency's use of it will not harm safety, (2) a certified independent third-party or accredited laboratory has found it reduces energy consumption and cost, and (3) it is either commercially available or will be within two years after the testing is completed.

If the secretary finds that using the technology, product, or process is feasible and will not harm the agency's operations, he can direct an agency to undertake the testing program without going through state purchasing law. Proprietary information derived from the testing is exempt from the Freedom of Information Act. If the secretary determines that the testing sufficiently demonstrates that the technology reduces energy use, fossil fuel dependence, or greenhouse gas emissions, the agency may request that the Department of Administrative Services waive competitive bidding or negotiation requirements to procure the technology for any or all state agencies.

Elimination of the Property Rights Ombudsmen: The act eliminates the Office of Ombudsman for Property Rights, the position of ombudsmen for property rights, the corresponding non-lapsing account in the General Fund, and the related statutory requirements for agencies including participation in mediation if requested by the ombudsmen. The act also eliminates provisions on the property rights ombudsman reviewing a statement of compensation for a taking under the redevelopment statutes or other takings that

follow the procedures in the redevelopment statutes.

Collinsville Dams: The act requires the Department of Environmental Protection commissioner to execute an agreement with Canton, Avon, and Burlington that allows the towns to (1) enter the upper and lower Collinsville dams on the Farmington River and associated structures, such as power houses or gate houses, and conduct physical examinations and studies of them to determine their feasibility for hydroelectric generation and (2) install, operate, and maintain hydroelectric generating facilities and associated appurtenances, including fish ladders, at the dams without adjusting river flows. The commissioner can enter the agreement with some or all of the towns, under terms and conditions acceptable to her. This provision is similar to PA 09-238 (vetoed) but clearly provides for no adjustment of the river flows.

EFFECTIVE DATE: Upon passage

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