



Agency Legislative Proposal - 2020 Session

Document Name: 101619_DEEP_DangerousAnimals

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers

Phone: 860.424.3109

E-mail: Mandi.Careathers@ct.gov

Lead agency division requesting this proposal: Wildlife Division

Agency Analyst/Drafter of Proposal: Jenny Dickson

Title of Proposal: An Act Concerning the Feeding of Dangerous Animals

Statutory Reference: 26-25a

Proposal Summary:

This proposal would expand authority under the existing statute concerning the feeding of wild animals to restrict the intentional feeding of wild canids (coyotes and foxes), wild felids (bobcats), and ursids (bears), collectively defined as potentially dangerous animals, on private land and enable DEEP to adopt regulations that would prohibit or restrict the unintentional feeding of wild canids (coyotes and foxes), wild felids (bobcats), and ursids (bears) on private land when there is a determination of a public safety threat. This authority is currently limited to prohibiting or restricting the feeding of wildlife on state-owned property. This change would enable DEEP to address public safety issues that arise from the feeding of bears and coyotes on private property and would likely reduce the need for more aggressive responses.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Populations of wild animals that may pose a threat to humans (especially bear and coyote) are increasing and their ranges are expanding. As a result, the number of negative interactions between the public and these wild animals is increasing. The feeding of such wildlife by the public, whether



intentional or inadvertent (e.g., unsecured garbage cans), can reduce their fear of humans and lead animals to associate humans with food. Most notably, bears that routinely forage on human-sourced foods often develop bold or aggressive behavior towards humans, leading to home incursions, attacks on pets and livestock, or even direct threats to humans (note reports of black bear killing a human in New Jersey, September 20, 2014, and more recent mauling of a human in Maryland on November 16, 2016, and more recently of 21 home incursions in Connecticut between June 19 and August 31, 2018).

Currently, federal law pursuant to CFR Title 36: Parks, Forests, and Public Property, Section 2.2, Wildlife protection prohibits the feeding of wildlife on properties managed by the National Park Service (NPS) and both the National Park Service and the U.S. Fish and Wildlife Service have extensive, ongoing campaigns warning people of the dangers of feeding wildlife. The Connecticut General Assembly's Office of Legislative Research produced a report in November 2012 (2012-R-0351) specifically addressing *Bear Feeding Laws in the Northeast*. In 2012, New Hampshire, New Jersey, New York, and Rhode Island prohibited the feeding of bears. Since that time Massachusetts, Vermont, and Maine have passed "no feeding of wildlife" laws. Across the rest of the country, California, Montana, Florida, Arizona and Washington State are among the other states that have "no feeding wildlife" laws.

This proposal would prohibit the intentional feeding of potentially dangerous animals on private property, and authorize DEEP to develop regulations concerning the unintentional feeding of potentially dangerous wild animals on private property. The ability to regulate feeding in specific instances on private property would provide the Agency with a much needed tool for use in reducing negative interactions between the public and bear or coyote, and would provide an additional nonlethal response mechanism. This authority would be used judiciously to respond to threats to the public to deescalate issues with dangerous animals.

Origin of Proposal

New Proposal

Resubmission

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

This bill was part of the administration's legislative proposals submitted in 2016 and 2017. It was passed out of the Environment Committee in 2016 with substitute language (a new and unrelated section concerning snapping turtles was added) as substitute House Bill 5315. This bill was amended and passed by the House, but was not voted on by the Senate. The House amendment removed the snapping turtle language, limited "wild animals" to bears and coyotes, and provided for a lesser penalty for first time minor violations. The bill did not pass out of the Environment Committee in 2017.



PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** (please list for each affected agency)

Agency Name: NONE Agency Contact (name, title, phone): n/a Date Contacted: n/a Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments n/a
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

◇ **FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) Potential impact if municipal law enforcement officers enforce the provisions of the bill, but such enforcement would likely occur within current resources as law enforcement officers in many communities are already dealing with dangerous animals on a regular basis.
State No impact; any enforcement would occur within current resources.
Federal No impact
Additional notes on fiscal impact Has potential to reduce state and municipal staff time associated with dangerous animal response.

◇ **POLICY and PROGRAMMATIC IMPACTS** (Please specify the proposal section associated with the impact)

None; is consistent with current programmatic recommendations.
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◇ **EVIDENCE BASE**

<i>What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can</i>



help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

The number of dangerous animals complaints related to feeding can be tracked and compared to previous years to assess impact of this proposal over time. Data exists for these types of encounters over many years; it is currently available and routinely collected.

Insert fully drafted bill here

Section 1. Section 26-25a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall feed, place, provide, give, expose, deposit, scatter or distribute any edible material or attractant with the purpose of feeding, attracting or enticing potentially dangerous animals, except as provided for in this chapter, on lands not owned by the state.

(b) The Commissioner of Energy and Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54 and pursuant to this section, to prohibit or restrict the unintentional feeding of potentially dangerous animals on lands not owned by the state.

[(a)] (c) The Commissioner of Energy and Environmental Protection may adopt regulations in accordance with the provisions of chapter 54 prohibiting or restricting the feeding of wildlife on state-owned property. Such regulations shall include, but not be limited to, procedures for designating areas subject to such prohibitions or restrictions. Any such designation shall be effective after public notice and a public comment period.

[(b)] (d) Any conservation officer appointed pursuant to section 26-5 and any other officer authorized to serve criminal process may enforce the provisions of this section and any regulations adopted pursuant to [subsection (a) of] this section. Any violation of [such regulations] the provisions of this section or of any regulation adopted pursuant to this section shall be an infraction.

(e) For purposes of this section, "potentially dangerous animal" includes any of the following wildlife: (1) The felidae, including, but not limited to, the bobcat; (2) the canidae, including, but not limited to, the coyote and the fox; and (3) the ursidae, including, but not limited to, the black bear.



Agency Legislative Proposal - 2020 Session

Document Name: 101619_DEEP_MinorRevisions

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers

Phone: 860.424.3109

E-mail: Mandi.Careathers@ct.gov

Lead agency division requesting this proposal: Several

Agency Analyst/Drafter of Proposal: James Albis

Title of Proposal: An Act Concerning Minor Revisions to Environmental Statutes

Statutory Reference: **Section 1:** 22a-416; **Section 2:** 16-159a; **Section 3:** 22a-50(g); **Section 4:** 22a-54; **Section 5:** 25-138 through 25-142, inclusive, and 25-157n; **Section 6:** 22-11h; **Section 7:** 26-107h; **Section 8:** 26-107i; **Section 9:** 26-137; **Section 10:** 23-5d; **Section 11:** 23-5e; **Section 12:** 26-314; **Section 13:** 22a-73

Proposal Summary:

Section 1: Allow for the transition of the Wastewater Treatment Facility Operator Certification administrative program requirements to the New England Interstate Water Pollution Control Commission (NEIWPCC).

Section 2: Repeal special penalty provisions for violations of striped bass sport fishing regulations to treat such violations the same as the violations of other sport fishing regulations by authorizing issuance of infractions (tickets).

Section 3: Amend statute to allow flexibility to have annual pesticide product registrations rather than the statutory 5 year period. This annual registration would help if we move to use of an online system to process product registrations and is consistent with most of our neighboring states.

Section 4: Allow holder of a pesticide certification that has lapsed for less than one year to renew their certification without re-examination and to establish late fees for the late renewal. This will ease staff burden of administering exams to applicators who are late with their renewals.

Section 5: Repeal from Chapter 483 the LIS Bi-State Committee & Commission, cable & pipeline task force and moratorium which is made obsolete by the Long Island Sound Blue Plan.



Section 6: This proposal would make clear that aquaculture structures approved by the Army Corps of Engineers are exempt from state permits under sections 22a-359 through 22a-363f, in accordance with existing practice and legislative intent.

Section 7: Technical revisions to Section 26-107h to remove an obsolete mandate.

Section 8: Technical revisions to 26-107i to allow for private donations to increase opportunities to leverage federal funds.

Section 9: Remove the exemption for the taking of sea lamprey from the prohibition on fishing near fishways.

Sections 10-12: Financial and staff support for the Natural Area Preserve program was eliminated in the early 2000's during a spate of retirements. Without funding or staffing, the mandates for public hearings have stifled DEEP management of existing Natural Area Preserves. As a result, the proposal is to repeal section 26-314 (Natural Area Preserve Advisory Committee) and amend section 23-5b to (1) remove the reference to the Natural Area Preserves Advisory Committee, and (2) remove the mandate that management of existing Natural Area Preserves be predicated on a public hearing.

Section 13: Repeals the requirement that Connecticut municipalities obtain approval from the Department of Energy and Environmental Protection (DEEP) prior to the adoption of a municipal noise control ordinance. This simplifies the process for municipalities and eases an administrative burden for DEEP.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Section 1: This proposal is to amend statute and regulations to allow for online wastewater treatment facility operator certification exams, revise existing regulations to incorporate a Class 4 Operator In Training classification and allow an operator to retain certification through appropriate continuing education after leaving the field and allow transition of administration of an operator certification renewal program to the New England Interstate Water Pollution Control Commission (NEIWPC) which administers wastewater certification programs for other New England States. Program administration requires approximately 160 hours per year in exam preparation, coordination and finalization as well as staff resources to physically proctor exams twice per year. NEIWPC has established wastewater operator certification program for other New England states and has the ability to administer a similar



program for Connecticut including online exams. These changes would allow us to implement program elements similar to neighboring states, including MA, RI, NY and ME.

Section 2: This proposal will facilitate more effective enforcement of striped bass sportfishing regulations. The Atlantic striped bass stock was recently declared overfished by the Atlantic States Marine Fisheries Commission (ASMFC), and as a result more conservative fishing regulations will be enacted coastwide in 2020. Effective enforcement of striped bass regulations will be a key component of stock rebuilding efforts. At recent public hearings on the issue of 2020 striped bass regulations, DEEP and ASMFC received multiple comments that more effective enforcement of striped bass regulations was necessary. Under the current statute the only option available to law enforcement officers is to make a misdemeanor arrest with the offender elevated to the court system. With the overburdening of the courts, such arrests are commonly dismissed without action. The authority to issue infractions would remove the burden on the courts and increase the frequency with which a penalty, albeit lower, would ultimately be paid by the violator.

Section 3: This proposal would give the commissioner the flexibility to register, renew and collect fees on an annual basis. Currently, state statutes establish a 5 year cycle for pesticide product registration and renewal. This proposal will provide flexibility as the department works toward moving the pesticide product registration process to an online system. This proposal does not change the amount of the registration fee registrants currently pay. It only adds flexibility to the schedule by which the commissioner registers and renews pesticide products.

Section 4: This proposal is for a one year grace period and late fees for the renewal of lapsed pesticide certification (commercial supervisor, commercial operator and Private Applicator). In circumstances where a person's certification has lapsed, staff expends significant resources to re-administer the appropriate exam when the need for re-examination does not otherwise exist. This proposal will enable more efficient processing of applications for certification renewal as well as provide for consistency in the way that these certifications are managed compared to holders of arborist certification for which Regulations of Connecticut State Agencies (RCSA Sec 23-61a-4(c) already provide for a grace period.

Section 5: The statute is made obsolete by the Long Island Sound Blue Plan.

Section 6: Public Act 99-93 intended to make the Department of Agriculture, Bureau of Aquaculture the lead agency for regulating aquaculture structures in the state's waters, and sought to exempt aquaculture projects from DEEP structures and dredging regulation. However, if read literally, the language of 22a-11h(c) contradicts this intent. The exemption applies to "individual structures used for aquaculture . . . which do not otherwise require a permit under federal Army Corps of Engineers regulations . . ." However, placement of virtually any structure in U.S. waters requires some type of Corps permit, although many activities are authorized almost automatically by general permit. It is



believed that the statute was intended to apply only to individual Corps permits, which are used only for the most complex or controversial applications. In practice, the Interagency Aquaculture Working Group has followed this interpretation, and not required a DEEP permit under sections 22a-359 through 22a-363f for Corps-authorized projects. The proposed language change would codify this practice and provide certainty for agencies, applicants, and the general public.

Section 7: Section 26-107h is one of a collection of sections (26-107a through 26-107i) related to the mandate to create a nonharvested wildlife program, the provision of funding to support such a program and the requirement to produce an annual report documenting progress made subject to the funding provided. Since its inception, program specific state funding has been withdrawn rendering reporting on progress made subject to the funding moot. Amending section 26-107h would remove a mandate that no longer serves its intended purpose with the Commissioner's discretion on reporting ancillary actions related to nonharvested wildlife conservation.

Section 8: Amending section 26-107i, to include private donations would create greater transparency in donations made to the program and would allow for an additional source of match to allow for greater leveraging of federal funds used to support program functions.

Section 9: Removing the exemption for the taking of sea lamprey from the prohibition on fishing near fishways will remove a long standing loophole that has allowed a singular fishery to be prosecuted within selected waters (i.e., near fishways) within which fishing is otherwise prohibited. The requested action is not being taken to comply with any recent changes in State or Federal law, but rather will better align with more enlightened or modern fisheries management wherein the native anadromous sea lamprey is not treated as an environmental threat as it rightfully is in landlocked populations elsewhere (e.g., the Great Lakes, where state and federal governments of the US and Canada spend millions of dollars annually to eradicate landlocked populations of sea lamprey from the waters under their control due to the devastating effect these parasitic fishes have on game fish populations and local economies). The CT DEEP Fisheries Division now considers the native sea lamprey in our waters to be no more, or less, worthy of restoration than other native migratory fishes in our waters, and thus seeks removal of the exemption that has allowed the taking of sea lampreys in the areas near fishways where fishing is otherwise prohibited. Removal of the current exemption from the prohibition on fishing near fishways will increase protection of this resource and better conform to current DEEP anadromous fisheries restoration goals. The proposed change will also simplify enforcement of the general prohibition on fishing near fishways as there could be no question as to whether anglers are in violation of the prohibition regardless of the species being targeted.

Sections 10-12: Financial and staff support for the Natural Area Preserve program was eliminated in the early 2000's. Without funding or staffing, the mandates for public hearings have stifled DEEP management of existing Natural Area Preserves. Management actions that would preserve unique habitats, protect state and federally listed species, and allow for rapid response to emerging issues or damaging natural events (e.g., hurricanes, tornados,



flooding) have been negatively impacted. To provide for better protection of these natural areas and the species that depend on them given current fiscal and staffing constraints, the proposal would repeal section 26-314 (Natural Area Preserve Advisory Committee) and amend sections 23-5d and 23-5e to remove the reference to the Natural Area Preserves Advisory Committee. Actions would continue to follow management plans developed by natural resource experts within the department.

Section 13: This proposal makes amendments to the state’s noise program to providing municipalities the option to adopt a noise program without obtaining approval from DEEP. Funding for the state noise program was eliminated over 30 years ago. As such, DEEP does not have staff trained for noise related issues nor does DEEP have the equipment to test and enforce noise regulations. Regulation of noise has been transferred to local authorities. Noise events are highly localized, limited in duration and often occur outside of normal working hours. Making the state’s noise control program smarter and more flexible by providing municipalities the opportunity to adopt a program that best serves their need is a reasonable and responsible approach to this issue since local governments are the authorities best situated for effective enforcement.

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

Some provisions below have been proposed before by DEEP; some are new proposals. Each proposal will be delineated as new proposal or a resubmission. If a resubmission, explanation will be included regarding past legislative action.

Section 1: NEW

Section 2: NEW

Section 3: The department processes pesticide product registration applications manually. There are currently over 1,000 registrants and approximately 13,000 products registered. To spread out the workload, pesticides products are registered and renewed in five year cycles based on the first letter of the registrant’s name. However, registrants find this schedule very confusing and often submit the incorrect fee. Therefore, a significant amount of staff time is spent working with registrants to collect the correct fee and issuing refunds for overpayments. The department is working to move the pesticide product registration process to an online system. Electronic submission of registration and renewal applications will reduce the staff time required to process these applications and allow the department to register and renew products on an annual basis, thereby eliminating the confusion currently created



by the current 5 year registration cycle. Because the department does not know exactly when electronic filing of pesticide registration and renewal applications will be available, state statutes must give the commissioner the flexibility to maintain the 5 year registration cycle until an electronic filing system is up and running. All of the other New England states currently register and renew products on an annual basis and have found that this registration schedule greatly simplifies the pesticide registration and renewal process. Registrants prefer an annual registration cycle and have expressed interest to DEEP in paying annually because it is less confusing and spreads payment of their fees out over time. Registrants who are not sure how long their product will be distributed do not want to pay the registration fee five years in advance. If a registrant discontinues a product during the 5 year registration cycle, the department must, per regulation, issue a refund which adds to the staff workload. In addition, many registrants, particularly small businesses, find it difficult to pay the registration fee for multiple years up front. (NEW)

Section 4: RESUBMISSION. This proposal passed the Senate as part of DEEP's 2019 Minor Revisions bill, but did not receive a vote in the House due to time running out on the last day of session. There were no policy concerns from legislators to our knowledge.

Section 5: NEW

Section 6: RESUBMISSION. This proposal passed the Senate as part of DEEP's 2019 Minor Revisions bill, but did not receive a vote in the House due to time running out on the last day of session. There were no policy concerns from legislators to our knowledge.

Section 7: RESUBMISSION. This proposal passed the Senate as part of DEEP's 2019 Minor Revisions bill, but did not receive a vote in the House due to time running out on the last day of session. There were no policy concerns from legislators to our knowledge. The language in the amendment that passed the Senate, LCO No. 11059, reflected a negotiation in the language that was agreed upon by the legislature and DEEP, thus it is a slight change from the language DEEP proposed to OPM last year.

Section 8: NEW

Section 9: NEW

Sections 10-12: NEW

Section 13: RESUBMISSION. This proposal passed the Senate as part of DEEP's 2019 Minor Revisions bill, but did not receive a vote in the House due to time running out on the last day of session. There were no policy concerns from legislators to our knowledge.



PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

<p>Agency Name: Section 6: Bureau of Aquaculture, Department of Agriculture Agency Contact (<i>name, title, phone</i>): Section 6: David Carey, Director, (203) 874-0696 Date Contacted: Section 6: July 15, 2019 and periodically before and afterwards</p> <p>Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing</p>
<p>Summary of Affected Agency's Comments Section 6: DA/BA is supportive of the proposal.</p>
<p>Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

<p>Municipal <i>(please include any municipal mandate that can be found within legislation)</i></p> <p>Section 1: This proposal may have a minimal fiscal impact on municipalities only if there is an agreement between the municipality and their wastewater operators that requires the municipality to pay for any certification fees or continuing education.</p> <p>Section 2: This proposal will have no fiscal impact on municipalities.</p> <p>Section 3: This proposal will have no fiscal impact on municipalities. Municipalities do not register pesticide products with the state.</p> <p>Section 4: This proposal will have no fiscal impact on municipalities.</p> <p>Section 5: No fiscal impact.</p> <p>Section 6: None.</p> <p>Section 7: None.</p> <p>Section 8: None.</p> <p>Section 9: This proposal will have no fiscal impact on municipalities.</p> <p>Sections 10-12: None.</p>
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Section 13: This proposal eases administrative burdens for towns and would decrease the time spent by municipal staff and legal counsel on the approval process.

State

Section 1: This proposal may result in minimal fiscal impacts to the state due to the need to revise existing regulations.

Section 2: This proposal is expected to generate revenues resulting from issuance of infractions for striped bass sportfishing violations. DEEP Environmental Conservation Police currently receive approximately 300-400 calls for service (CFS) annually related to enforcement of striped bass sportfishing regulations. A conservative estimate of 300 striped bass infractions annually at \$75.00 per infraction equates to an estimated \$22,500 of annual revenue. This proposal is intended to enable more effective enforcement of striped bass sportfishing regulation and deter illegal sportfishing activity. Revenues generated may therefore decline over time as fewer individuals engage in illegal sportfishing for striped bass.

Section 3: Moving to an online system coupled with collecting fees annually will streamline the current registration process and reduce the demand on staff resources. Under the current framework, there is some variability in revenues received because of our alphabetical scheme – some companies register more products than others and some years we are renewing more companies than others and they sometimes change their names. Under the current scheme, over a 5 year cycle, registrants register on a staggered basis based on the first letter of the company name (A-B, C-E, F-L, M-R, S-Z). Applications submitted in the first year of the cycle are billed at \$940 per product (\$188 annual registration x 5 years) per product to cover the full five-year period. An annual registration will provide for relatively consistent revenues.

Section 4: Generation of revenues due to the collection of late fees and savings in staff time due to the streamlining of the renewal process.

Section 5: No fiscal impact.

Section 6: Potential positive impact in avoided costs to DEEP for staff resources that might be spent on duplicative regulatory proceedings and hearings.

Section 7: No fiscal impact.

Section 8: This proposal would generate small private donations that could be used to leverage additional federal dollars for program operation. It does not require establishment of a new account.



Section 9: This proposal will have no fiscal impact on the State of Connecticut.

Sections 10-12: This proposal will save staff time and more effectively deploy existing staff resources.

Section 13: Eliminates the time DEEP staff spend to review and amend the approximately 3-5 municipal ordinances that are submit each year. DEEP would realize savings in staff time, which could be redistributed to efforts such as meeting climate change goals.

Federal

Section 1: This proposal will have no federal fiscal impacts.

Section 2: This proposal will have no federal fiscal impacts.

Section 3: This proposal will have no federal fiscal impacts. The federal government does not register pesticide products with the state.

Section 4: This proposal will have no federal fiscal impacts.

Section 5: No fiscal impact.

Section 6: None.

Section 7: None.

Section 8: This proposal would provide a clearly defined source of matching funds for federal grants.

Section 9: This proposal will have no federal fiscal impacts.

Sections 10-12: None.

Section 13: None.

Additional notes on fiscal impact

Section 1: This proposal will have fiscal impacts on the wastewater treatment plant operators. There will likely be a fee assessed to take an online exam at an examination location. In addition, there will be a renewal fee assessed which will be paid to NEIWPC to administer the renewal program (in line with MA and ME programs) and a cost to obtain continuing education credits. However, the stakeholder groups representing the majority of operators and municipal water pollution control authorities are supportive of this proposal.



Section 8: This proposal provides a transparent process for donations to be included in an established program account.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Section 1: This proposal will impact the municipal wastewater facilities program by removing an administrative function that can be conducted efficiently and effectively electronically. Currently 7 staff members proctor physical exams twice per year. This proposal is estimated to save approximately 112 staff hours per year in proctoring and 160 staff hours per year in preparation, coordination and finalization. In addition it provides considerably more flexibility for the regulated community as they will not be limited to two opportunities per year to take certification exams. Adding continuing education and renewal requirements will provide a higher level of professionalism and continuity in the program, which stakeholder groups and non-profit groups have been promoting.

Section 2: This proposal represents a shift in policy concerning penalties for striped bass sportfishing violations. By eliminating the specific and more severe penalty schedule for striped bass violations in favor of enabling enforcement officers to issue standard tickets and fines for such violations, the proposal will ultimately provide for more effective enforcement and deterrence given the overburdened nature of the court system. This proposal will also streamline programmatic operations by eliminating the substantial time requirements (paperwork, attending court dates) for Environmental Conservation Police associated with misdemeanor arrests for striped bass sportfishing violations.

Section 3: This proposal will have a positive impact on the Pesticide Program. The ability of the commissioner to register and renew pesticides on an annual basis, coupled with receiving registration and renewal applications electronically, will significantly reduce the demand on limited staff resources and increased efficiency in processing registrations (permits).

Section 4: This proposal will have a positive impact on the Pesticide Program. This proposal will streamline the certification renewal process and reduce administrative burdens for both the department and the regulated community by eliminating the need to re-administer examinations for re-instatement of certification who are late with their renewals. This grace period will also provide parity with the holders of arborist certifications which already have a 1 year grace period. See RCSA 23-61a-4(c).

Section 5: No programmatic impact.

Section 6: Aquaculture projects are currently reviewed on a cooperative basis by staff of DA/BA, DEEP, and the Army Corps. Opponents of certain aquaculture projects have discovered the flaw in the 22-11h(c) language and have pressed for the full DEEP permit process to apply, potentially including time-consuming hearings. The proposed language would codify current practice, in which the Corps is responsible for public notice and comment procedures for aquaculture projects.



Section 7: This proposal removes the need for generation of a duplicative report already required for federal grant agreements.

Section 8: This proposal would provide greater clarity to the public pursuant to donations received with program-specific requests.

Section 9: This proposal properly aligns the statute with modern day fisheries management policy of native anadromous sea lamprey by eliminating the exemption that has allowed for prosecution of the sea lamprey fishery adjacent to fishways in the state. When the exemption was created by establishment of this statute in 1949, the sea lamprey was not considered to be an important component of the state's fish fauna and as such, management actions favored harvest without any control rules and often encouraged harvest (i.e., the exemption for fishing sea lampreys near fishways that this action seeks to revoke). Current fisheries management policy should not incentivize options for harvesting sea lamprey above and beyond the rules for other fish species, thus the requested action.

Sections 10-12: This proposal will update a process that was reflective of a dedicated budget and program staff which no longer exist within the agency. Duties for management and protection of Natural Area Preserves has shifted to existing programs, primarily with in the Bureau of Natural Resources. This change will provide streamlined and more flexible management of unique natural areas and the species that depend on them under the guidance of highly-trained experts within the department.

Section 13: The Connecticut noise program has not been funded for at least 30 years. Repealing the need for municipalities to receive DEEP approval would better align noise control policies to allow for local control and enforcement. It would provide municipalities with more flexibility in addressing their local concerns regarding noise and ease administrative burdens. Programmatically it would allow DEEP to reallocate the time staff spends on noise approvals to higher priority goals within the Department.

◇ EVIDENCE BASE

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

Section 1: The impact of this proposal can be tracked through the measurement of passing rates for certification exams. Continuing education requirements can help improve performance on certification exams. In addition, improving accessibility to testing can increase the number of certified operators, a metric that can also be tracked.

Section 2: The impact of this proposal can be tracked by assessing the number of infractions issued annually by Environmental Conservation Police for striped bass sportfishing violations. The enhanced deterrence provided by this proposal should be evident over time in lower rates of striped bass non-



compliance observed by Environmental Conservation Police, as measured by annual calls for service (CFS) and infractions/warning issued.

Section 3: The impact of this proposal can be tracked by assessing the reduction in the number of unsuccessful registrants (e.g., those paying the incorrect fee), and through reallocation of staff time, the increase in the number of registrations processed.

Section 4: The impact of this proposal can be tracked by recording the number of late fees charged, which will replace the staff time used to re-administer examinations for re-instatement of certifications.

Section 5: N/A

Section 6: N/A

Section 7: N/A

Section 8: The impact of this proposal could be measured in terms of additional federal funds leveraged through increased matching funds.

Section 9: N/A

Sections 10-12: N/A

Section 13: No ongoing metrics are needed to tracking the impact of the proposal over time as it is a repeal of DEEP administrative approval process for municipalities. It will free staff for other priorities.

[Insert fully drafted bill here](#)

Section 1: Subsection (d) of Section 22a-416 of the general statutes is repealed and the following is substituted in lieu thereof:

(d) As used in this section the terms "class I", "class II", "class III" and "class IV" mean the classifications of wastewater treatment plants provided for in regulations adopted by the Department of Energy and Environmental Protection. The Commissioner of Energy and Environmental Protection may establish requirements for the presence of approved operators at pollution abatement facilities. Applicants for class I, and class II, class III and class IV certificates shall [only] be required to pass the relevant standardized national examination prepared by the Association of Boards of Certification for Wastewater Treatment Facility Operators. [Applicants for class III and class IV certificates shall only be required to pass the relevant standardized national examination prepared by the Association of Boards of Certification for Wastewater Treatment Facility Operators supplemented with additional questions submitted by the commissioner to such board. Operators with certificates issued by the commissioner prior to May 16, 1995, shall not be required to



be reexamined.] The commissioner or designated agent shall administer and proctor the examination of all applicants. The qualifications of the operators at such facilities shall be subject to the approval of the commissioner. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, concerning application, certification, renewal and continuing education requirements [requiring all operators at pollution abatement facilities to satisfactorily complete, on a regular basis, a state certified training course, which may include training on the type of municipal pollution abatement facility at which the operator is employed and training concerning regulations promulgated during the preceding year. Any applicant for certification who passed either the examination prepared and administered on December 8, 1994, by the commissioner or the examination prepared by the Association of Boards of Certification for Wastewater Treatment Facility Operators and administered on December 8, 1994, by the commissioner shall be issued the appropriate certificate in accordance with the regulations adopted under this section]. On and after October 1, 2018, each certified operator shall obtain not less than six hours of continuing education each year. Continuing education units and associated courses shall be approved by the commissioner or designated agent in consultation with the operator certification advisory board. A record of such continuing education shall be maintained by the certified operator and by the facility employing the operator and shall be made available for inspection upon request by the commissioner.

Section 2: Sec. 26-159a of the general statutes is repealed and the following is substituted in lieu thereof:

To establish and manage populations of marine and anadromous finfish and marine arthropods and to facilitate the establishment of unified coast-wide regulations in accordance with the provisions of fishery management plans developed pursuant to the Fishery Conservation and Management Act of 1976 (Public Law 94-265, as amended) or other regional fishery management authorities, the Commissioner of Energy and Environmental Protection may adopt regulations in accordance with the provisions of chapter 54 governing possession of such species, sport fishing and commercial fishing by persons fishing for such species in the waters of this state or landing such species in this state, regardless of where such species were taken. Such regulations may: (1) Establish the open and closed seasons; (2) establish hours, days or periods during the open season when fishing shall not be permitted in designated waters or areas for all or limited species by all or limited methods; (3) establish legal lengths; (4) prescribe the legal methods of sport fishing for all or limited species; (5) establish for sport fishing the daily creel limit, the season creel limit and the possession limit; (6) restrict sport fishing from boats and other floating devices and sport fishing from designated areas; (7) determine the species which may be taken by commercial fishing methods, provided striped bass, Atlantic salmon, other anadromous salmon, brown trout, rainbow trout and brook trout may only be taken by angling and, if taken in the waters of this state, shall not be sold, bartered, exchanged or offered for sale, barter or exchange; (8) prescribe the legal methods of commercial fishing; (9) determine the specifications, materials and dimensions of nets, seines, fykes, traps, pounds, trawls, trolling gear, long lines, set lines and other commercial fishing gear used in the waters of this state; (10) regulate the use and marking of commercial fishing gear, including boats used to conduct activities authorized pursuant to section 26-142a; (11) determine the number and size of finfish and marine arthropods which may be taken by commercial fishermen; (12) determine the total number and pounds of finfish and marine arthropods, by species, which may be taken by commercial fishing methods or for commercial purposes during a calendar year or lesser period; (13) prohibit the landing of protected species; (14) for a fishing derby or tournament, require that such activity be registered and that an accurate report of all fish tagged, marked and taken, time spent on an area and any other data required by the commissioner for management purposes be returned within a specified period of time. Any person who violates any regulation concerning sport fishing adopted in accordance with the



provisions of chapter 54 and this section shall have committed an infraction and may pay the fine by mail or plead not guilty under the provisions of section 51-164n., except that any person who violates any regulation adopted in accordance with the provisions of chapter 54 and this section pertaining to the taking of striped bass shall be fined one hundred dollars for each fish taken or possessed for the first violation, be fined two hundred dollars for each fish taken or possessed for the second violation and be fined five hundred dollars for each fish taken or possessed or imprisoned not more than thirty days, or both for each subsequent violation. No part of any fine imposed for the taking or possession of any striped bass in violation of any such regulation shall be remitted.]

Section 3: Section 22a-50(g) of the general statutes is repealed and the following is substituted in lieu thereof:

The registrant shall pay a fee of [nine hundred forty dollars] one hundred and eighty eight dollars per calendar year, or any portion thereof, for each pesticide registered and for each renewal of a registration. [A registration shall expire after five years.] The commissioner may register a pesticide for a period of one year or five years. [The] For a five year registration period, the commissioner shall establish regulations to phase in pesticide registration so that one fifth of the pesticides registered expire each year. The commissioner may register a pesticide for less than five years and prorate the registration fee accordingly to implement the regulations established pursuant to this subsection. The fees collected in accordance with this section shall be deposited in the General Fund. There shall be no refund of a registration fee if a product is voluntarily withdrawn or cancelled before the end of its registration period.

Section 4: Sec. 8. Subsection (f) of section 22a-54 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

(2) At least sixty days before the date of expiration of a certification, the commissioner shall mail or otherwise provide a written notice of expiration and a renewal application to each licensee. If a signed renewal application accompanied by the statutory renewal fee has not been received by the commissioner on or before midnight of the expiration date, or is the expiration date is Saturday, Sunday, or a legal holiday, on or bother midnight of the next working day following, the license automatically lapses. Failure of a licensee to receive a notice of expiration and renewal application shall not prevent a lapse of a license.



(3) The commissioner may renew any certification issued pursuant to this section for the holder of a certification that has lapsed less than one year provided the holder of such certification submits to the commissioner a signed renewal application, payment of the applicable renewal fee and any late fee. Such late fee shall be calculated as follows: Beginning on the first day that such certification lapses, ten per cent of the applicable renewal fee plus one and one-quarter per cent per month, or part thereof, for a period not to exceed one year. Any holder of a certification that has lapsed more than one year shall be examined in accordance with the requirements of this section and any regulation adopted pursuant to the provisions of this section.

Section 5: Repeal Sections 25-138 through 25-142 of the general statutes, inclusive. Repeal Section 25-157n of the general statutes.

Section 6: Section 22-11h of the general statutes is repealed and the following is substituted in lieu thereof:

(c) Individual structures used for aquaculture as defined in section 22-11c, including, but not limited to, racks, cages or bags, as well as buoys marking such structures, which [do not otherwise require] have received a permit under federal Army Corps of Engineers regulations and do not interfere with navigation in designated or customary boating or shipping lanes and channels, shall be placed in leased or designated shellfish areas and shall be exempt from the requirements of sections 22a-359 to 22a-363f, inclusive.

Section 7: Section 26-107h of the general statutes is repealed and the following is substituted in lieu thereof:

On or before February first, annually, the Commissioner of Energy and Environmental Protection [shall] may submit to the joint standing committee of the General Assembly having cognizance of matters relating to the environment a report on the progress of the program established under section 26-107f, the purposes for which any funds allocated to said program were expended and the future of the program.

Section 8: Section 26-107i of the general statutes is repealed and the following is substituted in lieu thereof:

The Commissioner of Energy and Environmental Protection may establish a program for the sale of wildlife stamps, prints, posters, calendars, publications or other items, and for receipt of private donations. Any revenue received from the sale of such goods or materials or donations shall be deposited in the General Fund and allocated to the program established under section 26-107f.

Section 9: Section 26-137 of the general statutes is repealed and the following is substituted in lieu thereof

(Effective from passage): No person shall take or attempt to take any fish[, with the exception of lamprey eels during the open season for the same,] within two hundred fifty feet of any fishway, except that the commissioner when he or she deems necessary may extend or reduce such distance and shall indicate such other distance by posting.

Section 10: Section 23-5d of the general statutes is repealed and the following is substituted in lieu thereof
(Effective from passage):

(a) The commissioner may approve a natural area preserve [only upon the recommendation of the Natural Area Preserves Advisory Committee and] only after public hearing and upon notice. The notice required by this section shall set forth the substance of the proposed action and describe, with or without legal description, the area



affected and shall set forth the time and place of the hearing, and shall be published at least once in the Connecticut Law Journal not less than fifteen days nor more than sixty days before such hearing. Such notice shall also be published twice in a newspaper having a substantial circulation in the municipality or municipalities in which the natural area is situated, at intervals of not less than ten days, the first not more than forty-five days nor less than thirty days, and the last not less than five days before such hearing.

(b) In addition to lands owned by the state or conveyed to the state within ninety days after designation, the commissioner may approve and the Governor may designate as a natural area preserve land subject to a conservation restriction, as defined in section 47-42a, where such conservation restriction has been conveyed to the state. Any conservation restriction agreed to by the owner and the commissioner shall contain rights and restrictions to protect the qualifying features of the land and shall include a statement of the public purposes served by the conveyance and a statement that the commissioner shall hold such interests in trust for the public as a natural area preserve as designated by the Governor under the terms and authority of sections 23-5a to 23-5i, inclusive. Such conservation restriction shall be conveyed by deed to the commissioner who shall record such deed on the land records in the municipality in which such land is located.

(c) The owner of land designated a natural area preserve pursuant to subsection (b) of this section shall notify the commissioner before sale or transfer by deed or lease of the land or other interests therein. The commissioner may not regulate or prohibit such sale or transfer. The executor of a will or the administrator of an estate shall notify the commissioner whenever such lands are transferred by will or as part of an estate.

Section 11: Section 23-5e of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) An area designated as a natural area preserve is declared to be put to its highest, best and most important use for public benefit and no interest therein owned by the state shall be alienated or put to any use other than as a natural area preserve, except upon a finding by the commissioner [in consultation with the natural area preserves committee] that (1) such alienation or other use serves a public necessity and that no prudent alternative exists or (2) the features of the land found worthy of preservation have been destroyed or irretrievably damaged so that the public purpose in preserving such land has been frustrated, and after the approval of such proposed alienation or other use by the Governor. Any alienation shall be subject to the payment of just compensation to the state for the use of the commissioner and to such other terms and conditions as the commissioner shall determine. Any finding which the commissioner is required to make under sections 23-5a to 23-5i, inclusive, shall be made only after public hearing and upon notice. The notice required by this section shall set forth the substance of the proposed action and describe, with or without legal description, the area affected, and shall set forth the time and place of the hearing, and shall be published at least twice in the Connecticut Law Journal, at intervals of not less than fifteen days, the first not more than sixty days nor less than thirty days, and the last not less than five days before such hearing. Such notice shall also be published twice in a newspaper having a substantial circulation in the municipality or municipalities in which the area directly affected is situated, at intervals of not less than ten days, the first not more than forty-five days, nor less than thirty days, and the last not less than five days before such hearing. No finding which the



commissioner is required to make under sections 23-5a to 23-5i, inclusive, shall be effective until, after the approval by the Governor of the proposed action based on such finding, the finding has been published in the Connecticut Law Journal. No action shall be taken by the state pursuant to such finding prior to the expiration of sixty days after such finding becomes effective. During such sixty-day period, any such finding may be appealed by any resident of this state, in a suit brought against the commissioner in the superior court for the judicial district of Hartford. In any such action, the court shall vacate such finding if it finds the commissioner acted arbitrarily or illegally with bad faith or with malice in making such finding. During the pendency of such appeal, the state shall take no action pursuant to the findings of the commissioner.

Section 12: Section 26-314 of the general statutes is repealed (*Effective from passage*).

Section 13: Section 22a-73 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) To carry out and effectuate the purposes and policies of this chapter it is the public policy of the state to encourage municipal participation by means of regulation of activities causing noise pollution within the territorial limits of the various municipalities. To that end, any municipality may develop and establish a comprehensive program of noise regulation. Such program may include a study of the noise problems resulting from uses and activities within its jurisdiction and its development and adoption of a noise control ordinance.

(b) Any municipality may adopt, amend and enforce a noise control ordinance which may include the following: (1) Noise levels which will not be exceeded in specified zones or other designated areas; (2) designation of a noise control officer and the designation of an existing board or commission, or the establishment of a new board or commission to direct such program; (3) implementation procedures of such program and the relation of such program to other plans within the jurisdiction of the municipality; (4) procedures for assuring compliance with state and federal noise regulations; (5) noise level restrictions applicable to construction activities, including limitation on on-site hours of operation.

(c) [No ordinance shall be effective until such ordinance has been approved by the commissioner. No] Any such ordinance shall be [approved unless it is in conformity with] at least as stringent as any state noise control plan, including ambient noise standards, adopted pursuant to section 22a-69 or any standards or regulations adopted by the administrator of the United States Environmental Protection Agency pursuant to the Noise Control Act of 1972 (P.L. 92-574) or any amendment thereto. Notwithstanding the provisions of this subsection, any municipality may adopt more stringent noise standards than those adopted by the commissioner[, provided such standards are approved by the commissioner].



Agency Legislative Proposal - 2020 Session

Document Name: 101619_DEEP_Radiation_Security_Safety_and_Sustainability

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers

Phone: 860.424.3109

E-mail: Mandi.Careathers@ct.gov

Lead agency division requesting this proposal: Department of Energy and Environmental Protection

Agency Analyst/Drafter of Proposal: Paul Kritzler, Air Bureau

Title of Proposal: An Act Radiation Security, Safety and Sustainability

Statutory Reference: 22a-151, 22a-153, 22a-154, 22a-156, 22a-157, 22a-6a

Proposal Summary:

This proposal amends several sections of the general statutes to authorize the Governor to begin the three to five year process to enter into an agreement with the United State Nuclear Regulatory Commission (NRC) in accordance with section 247b of the Atomic Energy Act of 1954 whereby the NRC relinquishes to the State portions of its regulatory authority to license and regulate byproduct materials (radioisotopes); source materials (uranium and thorium); and certain quantities of special nuclear materials in order to enhance local control and security. Upon approval by the NRC and assumption of regulatory authority for this radioactive material, Connecticut would become an "Agreement State." *The NRC would remain the sole regulatory authority for commercial nuclear reactors (Millstone), spent fuel storage facilities (Connecticut Yankee), consumer product distribution, and certain amounts of special nuclear material in the state.* The amendment would also authorize the Governor and DEEP to take actions necessary to implement radiation safety and security measures recommended in the National Council on Radiation Protection and Measurements Reports No. 138 "Management of Terrorists Events Involving Radioactive Material" and No. 179, "Guidance for Emergency Response Dosimetry." Upon implementation, the Agreement State program is self-funded through fee based regulations.

PROPOSAL BACKGROUND



◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

This proposal will centralize all aspects of authority over ionizing radiation and radioactive material which will provide a number of benefits including: increased safety and security, decreased state financial liability and increased state revenue for the General Fund, ensured sustainability of radiation safety resources for the State of Connecticut, decreased barriers to interstate commerce by ensuring compatible requirements, and decreased costs for Connecticut State agencies and businesses.

Increased Revenue

Currently the State of Connecticut collects \$25,000 per year in fees from the 125 licensed entities in the states. The NRC collects \$1.3 million in fees per year from those licenses. Connecticut State Agencies (UCONN Health, Connecticut Agriculture Station, DOT, DPH and DEEP) pay \$115,900 annually to NRC in radioactive material license fees. Following approval from NRC those licensing fees will be transferred to the State of Connecticut, a portion of which must be used to expand DEEP's radiation group and the remainder of which will be transferred to the General Fund at the end of each fiscal year. Please see the fiscal note for more information.

Decreased Business Costs and Better Administration

Due to the transfer of licenses to a single entity from NRC to DEEP, there will be a centralization for ionizing radiation sources within the regulated community, such as medical institutions, educational institutions, pharmaceutical companies and physicians. Currently, the regulated community must interact with a federal agency for part of their operations and a state agency for the remainder, a framework that is cumbersome and leaves gaps in the efficient control and security of radioactive material that could place the public at potential risk to exposure to ionizing radiation as well as adversely impact efficiency of business operations. As an Agreement State, licensees will have ready access state inspection and licensing personnel to more efficiently resolve questions and issues. Current DEEP response time to questions and requests is approximately one month on average while response from NRC can typically take eight months or more.

Connecticut is only one of ten states that are not Agreement States. All other states in New England and New York are Agreement States. Ensuring regulatory and licensing requirements are compatible with nearby states minimizes barriers to interstate commerce due to reciprocity agreements and ensures a consistent framework that enhances industry compliance.



Increased Security and Decreased State Financial Liability (Examples of Savings)

The proposal will work to reduce security gaps and decrease state financial liability, examples of which include: 1) DEEP investigating concerns about potential personnel over exposure to radiation at a NRC licensed facility because the NRC did not have the resources to send someone to investigate and requested DEEP assistance, 2) Homeowner found a radioactive material source on their property and federal government requested DEEP assistance to secure and safely remove the source – federal radiological responders were not immediately available to respond to incident, 3) DEEP identified loss of control of radioactive material at NRC licensed facility and reported incident to the NRC – NRC did not have resources to immediately send to Connecticut so DEEP conducted an on-scene investigation while NRC did a telephone interview with the facility, 4) DEEP identified residual radioactive material during a state confirmatory survey at a facility after NRC terminated the license so DEEP ensured the material was properly removed prior to transfer of ownership of the facility. In all these instances DEEP expended resources with no means for reimbursement.

Additionally, increased state control over these licenses would allow for better coordination with other state agencies. This proposal would also ease burdens on legacy radiation sites such as those in Waterbury and New Haven by expanding local control of oversight. It would ensure protective standards are met through the DEEP Radiation group's expanded authority.

Sustainability

With the passage of the bill and attaining Agreement State status, DEEP would be adequately funded to respond properly to protect public health, and funding would continue despite potential disruptions in funding from other sources such as the Millstone Nuclear Power Plant. Additionally, as the NRC states on their website, states entering into agreements gain the benefits of additional NRC training and workshops, evaluation of technical licensing and inspection issues, early involvement in NRC regulatory efforts, and participation in the Organization of Agreement States (OAS). These benefits will provide more security and protection for Connecticut citizens with regards to sources of ionizing radiation,^[1] and additionally the trained radiation professional staff would provide defense-in-depth for radiation emergency response for Millstone Nuclear Power Station."

^[1]<https://www.nrc.gov/about-nrc/state-tribal/agreement-states.html>

Origin of Proposal

New Proposal

Resubmission



If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

New Proposal

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** (please list for each affected agency)

Agency Name: DPH, DOL, DMV, State Police, DESPP, DPUC, Insurance, DEMHS, DOT

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Affected agencies per C.G.S. section 16a-103 are directed to initiate studies for changes in their laws and regulations which may be effected by the presence of nuclear materials in the state. However all authority over regulation of such materials is vested in the Commissioner of DEEP. As such, notification of the proposal is largely informative, as this the number or amount of nuclear materials in state will not change due to this proposal as it is only a transfer of NRC licenses to the state for existing sources.

Will there need to be further negotiation? YES NO

◇ **FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

None

State

This legislation and the formation of the subsequent program could result in increase in revenue and administrative costs for DEEP.



Increased Revenue

The increased revenue can support the additional positions needed to develop and implement the program. Through contact with the NRC, DEEP anticipates that approximately 125 licenses will be transferred to DEEP. The fees for these licenses is anticipated to be \$1.3 million dollars per year. DEEP collects \$25,000 from these same sources with NRC licenses in fees. As such the new Materials Program would provide \$1,275,000 in additional revenue annually before accounting for operation costs (explained below). The revenue gain has been benchmarked against fees collected in Vermont, Massachusetts, New York and Rhode Island. Additional revenue could be gained through licensing actions such as application for a new license, renewal, or amendment. Connecticut would also collect a nominal amount of money for reciprocity fees (NRC charges \$2500 per year) for sources who are licensed in other states but may be doing business in Connecticut.

Savings

Connecticut State Agencies (UCONN Health, Connecticut Agriculture Station, DOT, DPH and DEEP) pay \$115,900 annually to NRC in radioactive material license fees which would be exempted under a new Materials Program. NRC also provides training and travel expenses for state personnel. The proposal also transfers all funds not used for administration in the fiscal year to the General Fund.

Costs

The establishment of the program would require increased staff to oversee the new licenses. It is anticipated that the new program would require four additional staff including a Supervising Radiation Control Physicists, an Environmental Analyst, and two Environmental Compliance Specialists. At current rates the total fiscal cost of this increased staff is anticipated to be \$511,656 per year. Staff costs and operating fees would be covered by revenue gained through licensing fees. The NRC provides training and funds training travel for agreement state personnel.

Overall

The overall increase in revenue would be 1.2 million dollars per year (1.3 in current NRC licensing fees minus \$100,000 in fees from Connecticut state agencies), while costs would be approximately \$500,000 per year (estimated staff costs), resulting in a yearly transfer of approximately \$500,000 per year to the General Fund, even granted a potential decrease in licensing fees which would save Connecticut businesses money.

Federal

Decrease in revenue and workload as licenses are transferred from NRC to DEEP.

Additional notes on fiscal impact



The proposal would be positioned to reduce costs for 125 businesses in Connecticut who are currently licensed by the NRC. Connecticut will both decrease licensing fees in regulation adopted pursuant to this passage of this proposal, decrease administrative costs and time as licenses will now be administered by DEEP rather than the federal NRC.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

This proposal would align policy with that of forty other states in the nation and expand the control over sources of ionizing radiation in the state to improve safety and security. It would build a robust radiation control program for Connecticut and secure future funding, training and oversight. All administrative costs would be borne by the fees collected on the facilities whose licenses are being transferred to DEEP.

Programmatically, this proposal would transfer license oversight from NRC to the DEEP for administration. Following adoption of the proposal and letter for intent from the Governor, the NRC will assign a program manager to Deep's Division of Radiation to assist in the process of building up the Agreement materials program, a process that would be expected to take three to five years as the NRC reviews the Agreement State application. The DEEP Division of Radiation would need to hire 4 FTE positions. Existing programs would experience a co-benefit from the NRC training and the decrease in regulatory gaps as explained above between the NRC and state programs. Anticipated program adoption would require the adoption of new regulations to meet NRC requirements, and to implement a new fee schedule in year 1, the transfer of existing staff and hiring of new staff through existing resources in year 2, and the transfer of administrative costs to the NRC fund upon completion and acceptance by NRC of the State program in the subsequent years (anticipated to be year 3-5).

◇ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

Agreement States maintain Performance Indicators (PIs) for the following categories:

- Status of the Materials Inspection Program
- Technical Quality of Inspections
- Technical and Staffing Training
- Technical Quality of Licensing Actions
- Technical Quality of Incident and Allegation Activities



In addition the NRC conduct periodic assessment of the Agreement State by conducting an Integrated Materials Performance Evaluation Program (IMPEP) review (Including review of the above listed PIs.). This review is conduction one year after the Agreement State is initiated and every four years thereafter. Additionally, special reviews may be scheduled due to loss of key staff, loss of operating funding, or other acute problems that may affect program performance including changes to regulatory structure, regulatory overreach, or a group of licenses requires special attention. Additionally both the NRC and the Agreement State may schedule a special review.

AN ACT CONCERNING RADIATION SECURITY, SAFETY, AND SUSTAINABILITY

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

Section 1. Section 22a-151 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

- (1) “By-product material” means radioactive material as defined in Section 11e of Public Law 85-256 (Act of September 2, 1957) and Public Law 89-645 (Act of October 13, 1966), as amended or as interpreted or modified by duly promulgated regulations of the United States Atomic Energy Commission pursuant thereto;
- (2) “Ionizing radiation” means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles, but not sound or radio waves, or visible, infrared or ultra violet light. The Commissioner of Energy and Environmental Protection shall be empowered to make regulations amending or modifying this definition;
- (3) “General license” means a license effective pursuant to regulations promulgated by the Commissioner of Energy and Environmental Protection without the filing of an application for, or issuance of a licensing document for, the transfer, transport, acquisition, ownership, possession or use of quantities of, or devices or equipment utilizing by-product, source, special nuclear materials or other radioactive material occurring naturally or produced artificially;
- (4) “Specific license” means a license, issued after application, to use, manufacture, produce, transfer, transport, receive, acquire, own, or possess quantities of, or devices or equipment utilizing by-product, source, special nuclear materials or other radioactive material occurring naturally or produced artificially;
- (5) “Person” means any individual, corporation, limited liability company, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of any of the foregoing, other than the United States Atomic Energy Commission or any



successor thereto, and other than agencies of the government of the United States licensed by the United States Atomic Energy Commission or any successor thereto;

(6) "Registration" means registration in conformance with the requirements of section 22a-148. The issuance of a specific license pursuant to sections 22a-151 to 22a-158, inclusive, shall be deemed to satisfy fully any registration requirements set forth in said section;

(7) "Source material" means material as defined in Section 11z of Public Law 85-256 (Act of September 2, 1957) and Public Law 89-645 (Act of October 13, 1966), as amended or as interpreted or modified by duly promulgated regulations of the United States Atomic Energy Commission pursuant thereto;

(8) "Special nuclear material" means material as defined in Section 11aa of Public Law 85-256 (Act of September 2, 1957) and Public Law 89-645 (Act of October 13, 1966), as amended or as interpreted or modified by duly promulgated regulations of the United States Atomic Energy Commission pursuant thereto.

(9) "Radioactive materials" means any solid, liquid or gas that emits ionizing radiation spontaneously.

(10) "Commissioner" means the Commissioner of Energy or Environmental Protection or a designee or agent of the Commissioner of Energy or Environmental Protection.

Sec. 2. Section 22a-153 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

(a) The [Commissioner of Energy and Environmental Protection] commissioner shall supervise and regulate in the interest of the public health and safety the use of ionizing radiation within the state.

(b) [Said] The commissioner may employ, subject to the provisions of chapter 67, and prescribe the powers and duties of such persons as may be necessary to carry out the provisions of sections 22a-151 to 22a-158, inclusive, as amended by this act.

(c) [Said] The commissioner shall [make such regulations as may be necessary to carry out the provisions of said sections] adopt regulations, in accordance with the provisions of chapter 54, regarding sources of ionizing radiation and radioactive materials, including, but not limited to:

(1) Regulations necessary to secure agreement state status from the Nuclear Regulatory Commission pursuant to Section 274 of the Atomic Energy Act of 1954, 42 USC 2021, as amended;

(2) Regulations relating to the construction, operation, control, tracking, security or decommissioning of sources of ionizing radiation, including, but not limited to, any modification or alteration of such sources;



(3) Regulations relating to the production, transportation, use, storage, possession, management, treatment, disposal or remediation of radioactive materials;

(4) Regulations relating to planning for and responding to terrorist or other emergency events, or the potential for such events, that involve or may include radioactive materials;

(5) Regulations as may be necessary to carry out the provisions of sections 22a-151 to 22a-158, inclusive, as amended by this act;

(6) Regulations establishing fees for the licensure of sources of ionizing radiation, which fees, in conjunction with the fees collected pursuant to section 22a-148 shall be sufficient for the administration, implementation and enforcement of an ionizing radiation program;

(7) Regulations to reciprocate in the recognition of specific licenses issued by the NRC or another state that has reached agreement with the NRC pursuant to 42 U.S.C. § 2021(b).

(d) The Governor or the commissioner is authorized to employ such consultants, experts and technicians as [he shall deem] necessary for the purpose of conducting investigations and reporting [to him] on matters connected with the implementation of the provisions of [said sections] sections 22a-148 to 22a-158, inclusive, as amended by this act.

(e) There is established an account to be known as the "ionizing radiation management account". Said account shall be established by the Comptroller as a separate, nonlapsing account within the General Fund. All moneys collected in accordance with section 22a-148, or 22a-150, or any regulations adopted in accordance with subsection (c) of this section, shall be deposited in the General Fund and credited to the ionizing radiation management account. Any balance remaining in the account at the end of any fiscal year shall be transferred to the General Fund. Said account may also receive moneys from other sources. The account shall be available to the commissioner to implement, administer and enforce (1) the ionizing radiation program, or (2) the provisions of sections 22a-148 to 22a-158, inclusive, as amended by this act, and section 7 of this act, or any regulations or guidelines adopted pursuant to said sections. Nothing in this subsection shall prevent the commissioner from obtaining or using funds from sources other than the ionizing radiation management account for the purposes of implementing, administering, and enforcing an ionization radiation program.

(f) The commissioner may establish radiation exposure guidelines for emergency responders and the public for the management of emergencies involving radioactive materials. Any such guidelines may be based upon the recommendations of the federal government and the National Council on Radiation Protection and Measurements.

Sec. 3. Subsection (a) of section 22a-154 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):



(a) The [Commissioner of Energy and Environmental Protection may provide by regulation for] commissioner shall adopt regulations, in accordance with the provisions of chapter 54, for the general or specific licensing of [by-product, source, special nuclear materials and other] sources of ionizing radiation, [or devices or equipment utilizing such materials, and for amendment, suspension, or revocation of licenses issued pursuant thereto.] The commissioner may issue, deny, renew, modify, suspend or revoke such licenses and may include such terms and conditions in such licenses that the commissioner deems necessary.

Sec. 4. (NEW) (*Effective October 1, 2020*) (a) Any person who violates any provision of sections 22a-148 to 22a-150, inclusive, sections 22a-153 to 22a-154, inclusive, section 22a-157 or 22a-158 of the general statutes, as amended by this act, or any regulation adopted or license or order issued pursuant to said sections, or any owner of land who permits such violations to occur on such owner's land, shall be assessed a civil penalty of not more than ten thousand dollars per day for each offense. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct offense. If two or more persons are responsible for such violation, such persons shall be jointly and severally liable under this section. The Attorney General, upon request of the Commissioner of Environmental Protection, shall institute a civil action in the superior court for the judicial district of Hartford to recover such penalty. Any such action brought by the Attorney General pursuant to this section shall have precedence in the order of trial as provided for in section 52-191 of the general statutes. For the purposes of this section, "person" includes, but is not limited to, any responsible corporate officer or municipal official.

(b) Any person who, with criminal negligence, violates any provision of sections 22a-148 to 22a-150, inclusive, sections 22a-153 to 22a-154, inclusive, section 22a-157 or 22a-158 of the general statutes, as amended by this act, or any regulation adopted or license or order issued pursuant to said sections shall be fined not more than twenty-five thousand dollars per day for each violation or be imprisoned not more than one year, or both. A subsequent conviction for any such violation shall carry a fine of not more than fifty thousand dollars per day for each day of violation or imprisonment for not more than two years, or both. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day a violation continues shall be deemed to be a separate and distinct offense.

(c) Any person who knowingly violates any provision of sections 22a-148 to 22a-150, inclusive, sections 22a-153 to 22a-154, inclusive, section 22a-157 or 22a-158 of the general statutes, as amended by this act, or any regulation adopted or license or order issued pursuant to said sections shall be fined not more than fifty thousand dollars per day for each day of violation or be imprisoned not more than three years, or both. A subsequent conviction for any such violation shall carry a fine of not more than one hundred thousand dollars per day for each day of violation or imprisonment for not more than ten



years, or both. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day a violation continues shall be deemed to be a separate and distinct offense.

(d) Any person who knowingly makes a false statement, representation or certification in an application, record, report, plan or other document filed or required to be maintained under sections 22a-148 to 22a-150, inclusive, sections 22a-153 to 22a-154, inclusive, section 22a-157 or 22a-158 of the general statutes, as amended by this act, or any regulation adopted or license or order issued pursuant to said sections, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under said sections, or any regulation adopted or registration, license or order issued pursuant to said sections, shall, upon conviction, be fined not more than twenty-five thousand dollars per day for each violation or imprisoned not more than two years for each violation, or both. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day a violation continues shall be deemed to be a separate and distinct offense. For the purposes of this subsection, "person" includes, but is not limited to, any responsible corporate officer or municipal official.

Sec. 5. Section 22a-157 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

No person shall construct, operate, use, manufacture, produce, transport, transfer, receive, acquire, decommission, own or possess any source of ionizing radiation, [unless exempt, licensed or registered in accordance with the provisions of sections 22a-151 to 22a-158, inclusive] unless such activity is in compliance with all requirements of this chapter, including any regulations adopted, or registration or license issued under this chapter. No person shall produce, transport, store, possess, manage, treat, remediate, or dispose of any radioactive materials, unless such activity is in compliance with all requirements of this chapter including any regulations adopted, or registration or license issued under this chapter. No person shall fail to register a source of ionizing radiation required to be registered under this chapter, including any regulations adopted, or registration or license issued under this chapter.

Sec. 6. (NEW) (*Effective October 1, 2020*) (a) If a person causes or is responsible for any exposure hazard or potential exposure hazard from radioactive materials, radioactive waste, or a source of ionizing radiation, or causes or is responsible for pollution, contamination or potential pollution or contamination of any land, water, air or other natural resource of the state through a discharge, spillage, uncontrolled loss, release, leakage, seepage, or filtration of radioactive material or radioactive waste, and who does not act immediately to prevent, abate, contain, mitigate or remove such hazard, potential hazard, pollution, contamination, or potential pollution or contamination, to the satisfaction of the commissioner, or if such person is unknown, and such hazard, potential hazard, pollution, contamination, or potential pollution or contamination, is not being prevented, abated, contained, mitigated or removed by the federal government, a state agency, a municipality or a regional or



interstate authority, the commissioner may take steps he or she deems necessary to protect human health and the environment including, but not limited to, investigating, monitoring, abating, containing, mitigating, or removing such hazard, potential hazard, pollution, contamination, or potential pollution or contamination. The commissioner may enter into a contract with any person for the purpose of carrying out the provisions of this subsection.

(b) Any person who causes or is responsible for any exposure hazard or potential exposure hazard from radioactive materials, radioactive waste, or a source of ionizing radiation or who causes or is responsible for pollution, contamination, or potential pollution or contamination of any land, water, air or other natural resource of the state through a discharge, spillage, uncontrolled loss, release, leakage, seepage, or filtration of radioactive material or radioactive waste shall be liable for all costs and expenses incurred by the commissioner pursuant to subsection (a) of this section, including all costs and expenses to restore the air, water, land and other natural resources of the state, and shall be liable for all attorneys' fees, court costs and any other legal expenses incurred by the state regarding the recovery of such costs. Nothing in this subsection shall preclude the commissioner from seeking additional compensation or such other relief that a court may award, including punitive damages. When such hazard, potential hazard, pollution, contamination or potential pollution or contamination results from the action or inaction of more than one person, each person shall be held jointly and severally liable for such costs. Upon request of the commissioner, the Attorney General shall bring a civil action to recover all such costs and expenses from the person who caused or is responsible for any hazard, potential hazard, pollution, contamination or potential pollution or contamination.

(c) Any person who prevents, abates, contains, removes or mitigates any (1) exposure hazard or potential exposure hazard from radioactive materials, radioactive waste, or a source of ionizing radiation that is not authorized by regulation, registration or license, or (2) any pollution or contamination or potential pollution or contamination of any land, water, air or other natural resources of the state through a discharge, spillage, uncontrolled loss, release, leakage, seepage, or filtration of radioactive material or radioactive waste that is not authorized by regulation, registration or license, shall be entitled to reimbursement of the reasonable costs incurred or expended for such abatement, containment, removal, or mitigation from any person whose negligent, reckless, or intentional action or inaction caused such hazard, potential hazard, pollution, contamination or potential pollution or contamination. When such hazard, potential hazard, pollution, contamination or potential pollution or contamination results from the action or inaction of more than one person, each person shall be held jointly and severally liable for such costs.

(d) Whenever the commissioner incurs contractual obligations in carrying out the duties of subsection (a) of this section and the person who causes or is responsible for the hazard, potential hazard, pollution, contamination or potential pollution or contamination does not assume such contractual obligations, the commissioner shall request the Attorney General to bring a civil action pursuant to



subsection (a) of this section to recover the costs and expenses of such contractual obligations and other costs and expenses provided for in subsection (b) of this section. If any such person is unknown, the commissioner shall request the federal government to assume such contractual obligations to the extent provided for by federal law.

Sec. 7. Subsection (a) of section 22a-6a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

(a) Any person who knowingly or negligently violates any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6 or 22a-7, chapter 440, chapter 441, section 22a-69 or 22a-74, subsection (b) of section 22a-134p, section 22a-148 to 22a-150, inclusive, 22a-153, 22a-154, as amended by this act, 22a-157, as amended by this act, 22a-158, 22a-162, 22a-171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-225, 22a-231, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-358, 22a-359, 22a-361, 22a-362, 22a-365 to 22a-379, inclusive, 22a-401 to 22a-411, inclusive, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted or issued thereunder by the Commissioner of Energy and Environmental Protection shall be liable to the state for the reasonable costs and expenses of the state in detecting, investigating, controlling and abating such violation. Such person shall also be liable to the state for the reasonable costs and expenses of the state in restoring the air, waters, lands and other natural resources of the state, including plant, wild animal and aquatic life to their former condition insofar as practicable and reasonable, or, if restoration is not practicable or reasonable, for any damage, temporary or permanent, caused by such violation to the air, waters, lands or other natural resources of the state, including plant, wild animal and aquatic life and to the public trust therein. Institution of a suit to recover for such damage, costs and expenses shall not preclude the application of any other remedies.

Sec. 8. Section 16a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*effective October 1, 2020*):

Sec. 16a-101. (Formerly Sec. 19-405). Definitions. As used in this chapter:

- (1) "Atomic energy" means [all forms of energy released in the course of nuclear fission or nuclear transformation;]"Atomic energy" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;
- (2) "By-product material" means [any radioactive materials, except special nuclear materials, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear materials;]is defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;



(3) "Production facility" means [(A) any equipment or device capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (B) any important component part especially designed for such equipment or device;]"Production Facility" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

(4) "Radioactive material" means "Radioactive Material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

(5) "Source material" means "Source Material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

[(4)] (6) "Special nuclear material" means [(A) plutonium and uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Governor declares by order to be special nuclear material after the United States Atomic Energy Commission has determined the material to be such; or (B) any material artificially enriched by any of the foregoing;]"Special Nuclear Material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

[(5)] (7) "Utilization facility" means [(A) any equipment or device, except an atomic weapon, capable of making use of special nuclear materials in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (B) any important component part especially designed for such equipment or device.]"Utilization Facility" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time.



Agency Legislative Proposal - 2020 Session

Document Name: 101619_DEEP_SafeBoating

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers

Phone: 860.424.3109

E-mail: Mandi.Careathers@ct.gov

Lead agency division requesting this proposal: Boating Division

Agency Analyst/Drafter of Proposal: Peter Francis, Director and Timothy Delgado, EA III

Title of Proposal: An Act Concerning Safe Boating

Statutory Reference: **Section 1:** 15-140g(a); **Section 2:** 15-140j(g); **Section 3:** 15-140j(a); **Section 4:** 15-144(e); **Section 5:** 15-149(a); **Section 6:** 15-154(e); **Section 7:** 15-140e; **Section 8:** 15-140j

Proposal Summary:

The DEEP proposes to amend the boating statutes to effect the following changes:

Section 1: Allow the use of electronic proof of boating safety certification.

Section 2: Allow the use of electronic proof for personal watercraft operator certification.

Section 3: Update the definition of Personal Watercraft so as to include the vessels so configured but powered by electric motors.

Section 4: Remove a restriction so as to allow marine dealers to take on greater vessel registration responsibility to provide better customer service and help alleviate DMV overburden.

Section 5: Raise the state boating accident reporting threshold to match the federal reporting threshold.

Section 6: Provide safer working conditions for law enforcement making vessel stops and commercial vessels responding to vessels in distress.

Sections 7-8: Require approved boating education of non-residents as a prerequisite to operating a vessel in Connecticut (CGS Sec. 15-140e(a));

1. Reduce the period for which a temporary safe boating certificate or certificate of personal watercraft operation is valid from 3 months to 45 days, and restrict such operation to daylight hours (CGS Sec. 15-140e(c) and CGS Sec. 15-140j(e)).



2. Reduce the grace period from two weeks to one week that a person can legally operate a rental vessel without the benefit of having safe boating education, and restrict such operation to daylight hours (CGS Sec 15-140e(d));
3. Allow persons from all states who are of age and who can legally boat in Connecticut to have the ability to obtain a Safe Waterskiing Endorsement (CGS Sec. 15-140e(f)); and,
4. Allow persons from all states who are of age and who have approved personal watercraft operation education to operate a personal watercraft in Connecticut subject to existing operational laws and regulations (CGS Sec. 15-140j(f)).

PROPOSAL BACKGROUND

◇ Reason for Proposal

Section 1 and Section 2: Section 15-140g(a) mandates that any person required to have a Safe Boating Certificate shall have such certificate on board at all times while operating a vessel. Similarly, section 15-140j(g) mandates that any person required to have a certificate of personal watercraft operation have such certificate on board at all times while operating a PWC. In acknowledgment to the growing customer practice of retaining copies of important documents on their cellular devices in lieu of carrying paper copies, DEEP proposes to amend Sec 15-140g(a) and 15-140j(g) to allow vessel operators and PWC operators to carry electronic proof of SBC/CPWO education in lieu of paper certificates.

Section 3: The definition for "personal watercraft" in this section is defined as any inboard powered vessel less than sixteen feet in length that has an internal combustion engine powering a water-jet pump as its primary source of motor propulsion and that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than the conventional manner of sitting or standing inside the vessel. There are now a number of electric powered jet skis and personal watercraft on the market which would fall outside this definition because their motive power is an electric motor, not an internal combustion engine. The age and operation restrictions for PWCs that we have carefully crafted and that we teach in boating safety class would simply not apply to a person who operates a jet ski powered by an electric motor, but all of the inherent danger to operating a PWC (regardless of its power source) remain intact. This fix is necessary to keep up with today's technology changes that provide new propulsion types which were not considered when the definition was originally crafted. The change would simply seek to remove the reference to "internal combustion engine."

Section 4: Currently marine dealers can issue temporary registrations on behalf of the DMV to patrons who purchase a vessel, but they cannot issue permanent registrations, requiring the DMV issue a finalized permanent registration to the customer. The DMV and the DEEP now collaborate to allow marine dealers to issue permanent registrations, similar to the manner done by auto dealers. This would provide a better experience for the customer and eliminate a burdensome administrative step for the DMV.

Section 5: It is a requirement of federal regulation that persons involved in a boating accident file a boating accident report with the DEEP if property damage exceeds \$2000. It is a state law that persons involved in a boating accident file a boating accident report with the DEEP if property damage exceeds \$500. It serves no practical purpose to have two reporting thresholds and the existence of two reporting thresholds causes a good bit of confusion, so we now propose to unify state requirements with federal



requirements by making the state reporting threshold \$2000 - the same as the federal reporting threshold.

Section 6: When a law enforcement vessel stops another vessel it typically leaves its flashing blue lights operating but stills the siren so as to allow the officers to converse with occupants of the stopped vessel. It is law enforcement's expectation that any other vessel transiting the area will slow down so as to minimize wakes that might upset or interfere with persons aboard either the law enforcement vessel or the stopped vessel. However, current law specifies that such a transiting vessel need slow down only if the law enforcement vessel activates both the siren and lights simultaneously. We believe this is a drafting mistake, and we now move to correct the mistake. The second part of this proposal is similar: no protection from wakes caused by nearby transiting vessels is currently provided for a commercial towing or response vessel that has its yellow lights flashing while attending to or towing a vessel in distress. This change would improve the safety of these responding crews and the crews of the vessel in distress. This is a safety improvement that has been requested by industry.

Section 7-8: Under state law, the DEEP Commissioner has the obligation to "Cooperate with the United States and the several states in promoting uniformity of boating laws and regulations and their administration and enforcement..." (CGS Sec. 15-121(b)(10)). Accordingly, the DEEP now proposes to amend the boating statutes to make changes to more closely reflect current national boating education and regulation standards.

Connecticut was, for a time, a leader in boating safety education and regulation, being one of the first to develop and require safety education as a prerequisite to operating a personal watercraft (PWC, or "jet ski"). At that time, Connecticut allowed those persons who were thusly educated but who were from another state to operate on our waters only if their state entered into a written reciprocal agreement regarding boating education standards with the DEEP Commissioner. Four such states did so: New York, New Hampshire, Rhode Island and Massachusetts. However, most states have now adopted universal reciprocity based on national boating education standards set forth through a federal/state consortium under an umbrella group called the National Association of State Boating Law Administrators, or NASBLA, obviating the need for reciprocal agreements with respect to boating education.

At the same time that Connecticut imposed stringent prerequisites to operating a PWC, it required that only residents obtain safe boating education as a prerequisite to operating a motorboat. In other words, non-residents can operate a motorboat here without the benefit of any safe boating education; an oversight that causes DEEP ongoing concern.

Several years ago a tragic waterskiing accident led DEEP to restrict the operation of waterskiing vessels to those persons who obtained waterskiing education, the successful completion of which is evidenced by the issuance of a Safe Waterskiing Endorsement. At that time, the DEEP restricted the availability of such an endorsement to those holding a Connecticut Safe Boating Certificate or Certificate of Personal Watercraft Operation, and to those who held the equivalent from one of the reciprocal states (NY, NH, RI, MA). Now, with several years of experience behind us, the DEEP believes that it is time to allow access to the Safe Waterskiing Endorsement to all persons from any state who have approved safe boating education and who successfully complete our online safe waterskiing instruction.



Therefore, in Section 1, the DEEP proposes to amend the boating education statutes to require approved boating education of non-residents as a prerequisite to operating a vessel in Connecticut, allow persons from all states who are of age and who can legally boat in Connecticut to have the ability to obtain a Safe Waterskiing Endorsement, and allow persons from all states who are of age and who have approved personal watercraft operation education to operate a personal watercraft in Connecticut subject to existing operational laws and regulations. In addition, the DEEP takes this opportunity to make three changes in the interest of safety by addressing three special provisions where a person is allowed to temporarily operate a motorboat on state waters without the benefit of safe boating education; first, by limiting them to daylight operation only and, second, by reducing the duration of their respective allowable operation period. While no accidents have yet been attributed to these special provisions, we believe these proposed changes are common sense in nature and not unduly restrictive.

In Section 2, for the reasons discussed above, the DEEP proposes to allow persons from all states who are of age and who have approved personal watercraft operation education to operate a personal watercraft in Connecticut subject to existing operational laws and regulations.

Origin of Proposal **New Proposal** **Resubmission**

This proposal originates with the Boating Division of the DEEP, based on extensive interaction with the residential and non-residential boating public, boating industry, and - through NASBLA - representatives of the federal government and the governments of the several states.

PROPOSAL IMPACT

AGENCIES AFFECTED *(please list for each affected agency)*

Agency Name: Section 4: DMV

Agency Contact (name, title, phone): Section 4: Sharon Geanuracos, Director of Legal, (860) 263-5026

Date Contacted: Section 4: Continuous contact in 2019

Approve of Proposal **YES** **NO** **Talks Ongoing**

Summary of Affected Agency's Comments

Section 4: DMV suggested this proposal as a means to provide efficiency for boat buyers and reduce unnecessary registration steps through DMV.

Will there need to be further negotiation? **YES** **NO**



◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

<p>Municipal <i>(please include any municipal mandate that can be found within legislation)</i> No fiscal impact to municipalities is anticipated.</p>
<p>State Section 1: No fiscal impact. Section 2: No fiscal impact. Section 3: No fiscal impact. Section 4: There are no DEEP costs but It appears to me there would be a reduction in staff time at DMV at the front end but there would still be administrative responsibility to process and send decal. Section 5: We would expect some positive fiscal savings by reducing the number of boating accident reports processed by DEEP for those accidents that currently require reporting between \$500 and \$2000. Between 2009 – 2018, DEEP handled a total of 557 boating accidents. Of those, 211 accident reports (37.78%) were above the \$500 state threshold but below the \$2000 federal reporting threshold. It takes approximately 1 hour of Boating Division staff time per accident report to properly complete the report and enter the information into the Boating Accident Reporting Database (BARD). Additional time would be saved from EnCon who complete the report and have additional processing steps in review, approval, scanning, and sending to Boating. Section 6: No fiscal impact. Section 7-8: No fiscal impact.</p>
<p>Federal No fiscal impact to the federal government is anticipated.</p>
<p>Additional notes on fiscal impact Not Applicable</p>

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

<p>Section 1: None. Section 2: None.</p>
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Section 3: None.

Section 4: Removal of the barrier to marine dealers that prevents them from issuing permanent vessel registrations will allow greater participation by the private sector in vessel registration matters, and may lead to broader use of the private sector for this purpose. Ultimately the goal would be to make vessel registration easier for Connecticut boaters while alleviating some burden for the DMV.

Section 5: Implementation of this proposal should reduce the confusion for the public and reduce busy work for the DEEP, as the type of accident reports at issue here represent those accidents with minimal property damage and no physical injuries.

Section 6: None.

Section 7-8: These proposed changes will bring Connecticut closer to current national standards by requiring boating safety education for all operators of motorboats, opening PWC operation to all who have been properly trained and certified, and opening the Safe Waterskiing Endorsement to all who have been properly trained and certified. These proposed changes are proffered pursuant to the DEEP Commissioner's obligation to "Cooperate with the United States and the several states in promoting uniformity of boating laws and regulations and their administration and enforcement..." (CGS Sec. 15-121(b)(10)).

◇ **EVIDENCE BASE**

Section 4: The number of permanent registrations done by private dealers would be an applicable metric.



Insert fully drafted bill here

Section 1: Subsection (a) of Section 15-140g of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any person required to obtain a safe boating certificate or proof of boating education pursuant to section 15-140e shall have such certificate or proof on board at all times while operating a vessel. On demand of an officer authorized to enforce the provisions of this chapter, such person shall exhibit the certificate to the officer. For the purposes of this subsection, such certificate or proof may be exhibited in electronic form on a mobile electronic device.

Section 2: Subsection (g) of Section 15-140j of the general statutes is repealed and the following is substituted in lieu thereof:

(g) Any person required to obtain a certificate of personal watercraft operation or proof of personal watercraft operation education pursuant to this section shall have such certificate or proof on board at all times while operating a personal watercraft. On demand of an officer authorized to enforce the provisions of this chapter, such person shall exhibit the certificate to the officer. For the purposes of this subsection, such certificate or proof may be exhibited in electronic form on a mobile electronic device.

Section 3: Subsection (a) of Section 15-140j of the general statutes is repealed and the following is substituted in lieu thereof:

(a) As used in this section, "personal watercraft" is any inboard powered vessel less than sixteen feet in length that has [an internal combustion engine powering] a water-jet pump as its primary source of motor propulsion and that is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel, "jetted articulated vessel" or "JAV" has the same meaning as provided in section 15-127 and "operator of a JAV" means any person who, in whole or in part, from such person's position on the JAV can: (1) Energize or de-energize the JAV, or (2) control or partially control the thrust, speed or direction of the JAV.



Section 4: Subsection (e) of Section 15-144 of the general statutes is repealed and the following is substituted in lieu thereof:

(e) (1) The Commissioner of Motor Vehicles may permit marine dealers, as defined in section 15-141, to assign registration numbers and issue [temporary] certificates of number upon the sale or transfer of a vessel. The dealer shall within ten days from the issuance of such [temporary] certificate submit to the Commissioner of Motor Vehicles an application together with all necessary documents, information and fees [for a permanent] corresponding to the certificate of number issued for the vessel transfer.

(2) The Commissioner of Motor Vehicles may permit such marine dealers to issue [temporary] certificates of decal upon the sale or transfer of a documented vessel. The dealer shall within ten days from the issuance of such [temporary] certificate submit to the Commissioner of Motor Vehicles an application together with all necessary documents, information and fees [for a permanent] corresponding to the certificate of decal [with respect to] issued for such vessel.

(3) [On and after March 1, 2005, the] The Commissioner of Motor Vehicles shall permit marine dealers, as defined in section 15-141, to submit the applications and documents required under subdivisions (1) and (2) of this subsection by electronic means. [Said commissioner shall adopt regulations, in accordance with chapter 54, to carry out the provisions of this subdivision.]

Section 5: Subsection (a) of Section 15-149a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any person operating a vessel upon the waters of this state which vessel is in any manner involved in an accident in which any person dies, is injured so as to require medical attention, or disappears, shall immediately notify the nearest law enforcement agency having jurisdiction over such accident and, not later than forty-eight hours after such accident, report the matter in writing to the Commissioner of Energy and Environmental Protection. The report shall be on a form prescribed by the commissioner and shall state as accurately as possible the time, place and cause of such accident, the injuries occasioned by the accident and any other facts the commissioner deems necessary. If such operator is physically incapable of notifying the nearest law enforcement agency or of making such report and there is another participant or passenger in the accident not incapacitated, such participant or passenger shall immediately notify the nearest law enforcement agency having jurisdiction over such accident and make the report to the commissioner not later than forty-eight hours after such accident. Any person operating a vessel upon the waters of this state which is in any manner involved in an



accident in which the total damages to all property affected by such accident, including property of such operator, is in excess of [five hundred] two thousand dollars, such person shall, not later than five days after such accident, report the matter in writing to the commissioner on such forms as said commissioner may prescribe. If there is no person other than the owner capable of making such report or if the report has not been submitted and the owner of such vessel is not incapacitated, such owner shall, not later than five days after learning of the facts of such accident, report the matter to the commissioner, on such forms as said commissioner may prescribe. Any such operator of a vessel, or surviving participant or passenger in any such accident, or the owner of the vessel involved in any such accident, shall provide any other information or additional report as the commissioner shall require. Failure of any person to comply with any provision of this subsection shall be an infraction.

Section 6: Subsection (e) of Section 15-154 of the general statutes is repealed and the following is substituted in lieu thereof:

(d) Upon the immediate approach of a law enforcement vessel using an audible signal device [and] or flashing blue lights or a fire rescue vessel using an audible signal device [and] or flashing red or yellow lights, any person operating a vessel shall immediately slow to a speed sufficient to maintain steerage only, shall alter course, within its ability, so as not to inhibit or interfere with the operation of the law enforcement vessel or fire rescue vessel, and shall proceed, unless otherwise directed by an officer in the law enforcement vessel or fire rescue vessel, at a reduced speed until beyond the area of operation of the law enforcement vessel or fire rescue vessel. Any person operating a vessel who wilfully or negligently obstructs or retards any law enforcement or fire rescue vessel answering an emergency call or in pursuit of fleeing law violators shall be fined not more than two hundred fifty dollars.

(e) Any person operating a vessel passing within two hundred feet of a stationary law enforcement vessel using an audible signal device [and] or flashing blue lights or a stationary fire rescue vessel using flashing red or yellow lights shall reduce speed to a speed of slow-no-wake until there is a distance of more than two hundred feet between such person's vessel and the law enforcement vessel or fire rescue vessel. Any person operating a vessel passing within two hundred feet of a commercial vessel responding to or towing a vessel in distress when such commercial vessel is displaying flashing red or yellow lights shall reduce speed to a speed of slow-no-wake. For purposes of this subsection, "slow-no-wake" means operation of a vessel at a speed that does not produce more than a minimum wake and is not greater than six miles per hour over ground, unless a higher minimum speed is necessary to maintain steerage when traveling with a strong current.



Section 7: Section 15-140e of the general statutes is repealed and the following is substituted in lieu thereof:

(a) (1) No resident of the state, person owning real property in the state or person owning a vessel in the state shall operate on the waters of the state a vessel which is required to be registered or numbered pursuant to this chapter unless such person has a valid vessel operator license issued by the United States Coast Guard or has obtained a safe boating certificate issued by the Commissioner of Energy and Environmental Protection. On or after January 1, 2022, no other person shall operate on the waters of the state a vessel which is required to be registered or numbered pursuant to this chapter unless such person possesses a valid vessel operator license issued by another state or proof of successful completion of boating safety education. Such license or proof shall contain the mark or logo of the National Association of State Boating Law Administrators or other mark as approved by the Commissioner of Energy and Environmental Protection or it shall not be considered valid.

(2) No owner of a vessel shall knowingly authorize or permit a person who is less than sixteen years of age who is required by this section to obtain a safe boating certificate issued by the Commissioner of Energy and Environmental Protection to operate such vessel on the waters of the state without a safe boating certificate, unless such person is under the direct onboard supervision of a person who is at least eighteen years of age who has been issued a safe boating certificate and who has held such certificate for at least two years.

(3) A safe boating certificate may be suspended or revoked, pursuant to section 15-132a, 15-133, 15-140/ or 15-140n, and shall be valid for the life of the person to whom it is issued unless otherwise suspended or revoked.

(4) The provisions of this section shall not apply to any person who, between one hour before sunrise and one hour after sunset, operates a vessel propelled exclusively by an electric motor that is rated at one hundred six pounds of thrust or less on the inland waters of this state upon which motor powered vessels exceeding ten horsepower are prohibited.

(b) A safe boating certificate shall be issued under subsection (a) of this section to any applicant regardless of age who provides proof that such applicant has: (1) Successfully completed a course in safe boating operation approved by the Commissioner of Energy and Environmental Protection, which courses may include those offered by the United States Power Squadrons, Coast Guard Auxiliary or other organizations, or (2) successfully passed an equivalency examination testing knowledge of safe boating operation administered by the commissioner.



(c) Notwithstanding subsection (a) of this section, any person who purchases a new or used vessel may, upon vessel registration, apply to the Department of Energy and Environmental Protection for a temporary safe boating certificate which shall be valid for [three months] forty five days from the date of registration, and valid only between sunrise and sunset. No person shall be issued more than one temporary safe boating certificate.

(d) Any person operating a vessel other than a personal watercraft, as defined in section 15-140j, which is rented for a period of [fourteen] seven days or less from a boat livery need not obtain a certificate during the rental period, provided such person operates the rented vessel only between sunrise and sunset. An owner, agent or employee of a boat livery shall furnish to each rental customer literature on safety and rules of navigation as supplied by the commissioner.

(e) Any person enrolled in a course in safe boating operation approved by the Commissioner of Energy and Environmental Protection may operate a vessel without a safe boating certificate when under the direct onboard supervision of a boating instructor holding a valid instructor number issued by the Department of Energy and Environmental Protection.

(f) Notwithstanding the provisions of subsection (a) of this section, on and after October 1, 2015, no person shall operate on the waters of the state a vessel that is required to be registered or numbered pursuant to this chapter and that is engaged in water skiing, as defined in section 15-127, unless such person: (1) Is not less than sixteen years of age, (2) has a valid vessel operator license issued by the United States Coast Guard, has obtained a safe boating certificate or certificate of personal watercraft operation issued by the Commissioner of Energy and Environmental Protection or holds a boating safety certificate from a state that has a reciprocal agreement with the commissioner pursuant to section 15-140f or 15-140j or, on or after January 1, 2022, meets the conditions set forth in subsection (a) of this section regarding the operation on the waters of the state a vessel which is required to be registered or numbered, and (3) has a safe water skiing endorsement on or accompanying such certificate that was issued by the Commissioner of Energy and Environmental Protection upon such person's completion of the safe water skiing instruction described in section 15-140f. No owner of a vessel shall knowingly authorize or permit a person who is less than sixteen years of age to operate such vessel while engaged in water skiing on the waters of the state. The requirements of subdivision (3) of this subsection shall not apply to any resident or person who, on or before October 1, 2015, received a valid vessel operator license issued by the United States Coast Guard, obtained a safe boating certificate or certificate of personal watercraft operation from the commissioner or held a boating safety certificate from a state that has such a reciprocal agreement with the commissioner. Nothing in this subsection shall be construed to prohibit the towing of a person or a vessel during the course of an emergency that poses a threat to human life or property.



(g) Any person who violates any provision of this section shall be fined not less than sixty or more than two hundred fifty dollars for each such violation.

(h) Any course in safe boating operation approved by the Commissioner of Energy and Environmental Protection, as described in subsection (b) of this section, shall include instruction on the proper means of: (1) Inspecting a vessel and trailers used for transporting such vessels for the presence of vegetation and aquatic invasive species, as determined by the commissioner pursuant to subsection (a) of section 15-180; and (2) properly disposing of such vegetation and such aquatic invasive species.

Section 8: Section 15-140j of the general statutes is repealed and the following is substituted in lieu thereof:

(a) As used in this section, "personal watercraft" is any inboard powered vessel less than sixteen feet in length that has an internal combustion engine powering a water-jet pump as its primary source of motor propulsion and that is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel, "jetted articulated vessel" or "JAV" has the same meaning as provided in section 15-127 and "operator of a JAV" means any person who, in whole or in part, from such person's position on the JAV can: (1) Energize or de-energize the JAV, or (2) control or partially control the thrust, speed or direction of the JAV.

(b) No person shall operate a personal watercraft or a JAV unless such person has been issued a certificate of personal watercraft operation by the Commissioner of Energy and Environmental Protection [,] or a valid vessel operator license or certificate of personal watercraft operation issued by another state or an agent of such state approved to issue such certificate or license. Such license or certificate shall contain the mark or logo of the National Association of State Boating Law Administrators or other mark as approved by the Commissioner of Energy and Environmental Protection and must have been issued during or after 2008 or it shall not be considered valid. No person less than sixteen years of age shall operate a JAV. No owner of a personal watercraft or a JAV shall knowingly authorize or permit a person who is less than sixteen years of age who does not have a certificate of personal watercraft operation issued by the commissioner to operate such personal watercraft or JAV on the waters of the state. Notwithstanding the provisions of this section, the commissioner may modify or suspend, by written permission, any age or certification requirement set forth in this section for the purpose of a marine event held pursuant to section 15-140b. In those waters where the United States Coast Guard has jurisdiction over marine events, such permit shall not be valid unless and until the commissioner receives a copy of the United States Coast Guard authorization for a marine event.



(c) A certificate of personal watercraft operation shall be issued under subsection (b) of this section to any applicant who provides proof that such applicant has: (1) Successfully completed a combined course in safe boating operation and safe personal watercraft handling approved by the commissioner, which courses include, but are not limited to, courses offered by the United States Power Squadrons, Coast Guard Auxiliary or other similar organization, (2) been issued or has satisfied the requirements for issuance of a safe boating certificate and successfully completed a course in safe personal watercraft handling approved by the commissioner, which include, but are not limited to, courses offered by the United States Power Squadrons, Coast Guard Auxiliary or other similar organization, or (3) successfully passed an equivalency examination testing knowledge of safe boating operation and safe personal watercraft handling administered by the commissioner.

(d) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, establishing the content of courses in safe personal watercraft handling. Such regulations may include provisions for examinations, issuance of certificates of personal watercraft operation and establishment of a reasonable fee for such course and examination and for the issuance of a certificate and duplicate certificate.

(e) Notwithstanding subsection (b) of this section, any person who purchases a new or used personal watercraft may, upon vessel registration, apply to the Commissioner of Energy and Environmental Protection for a temporary certificate of personal watercraft operation that shall be valid for [three months] forty five days from the date of registration, provided the applicant has successfully completed a course in safe personal watercraft handling prior to application for the temporary certificate. No person shall be issued more than one temporary certificate of personal watercraft operation.

(f) The commissioner may enter into a reciprocal agreement with any other state that has a similar safe personal watercraft handling certificate program that the commissioner deems acceptable for purposes of this subsection. Any person who successfully completes a course in safe personal watercraft handling and holds a certificate or license from another state that has such a reciprocal agreement with the commissioner may operate a personal watercraft on the waters of this state.

(g) Any person required to obtain a certificate of personal watercraft operation pursuant to this section shall have such certificate on board at all times while operating a personal watercraft. On demand of an officer authorized to enforce the provisions of this chapter, such person shall exhibit the certificate to the officer.

(h) No passenger shall be permitted to ride in front of the operator on a personal watercraft. No passenger shall be permitted to ride upon a personal watercraft unless the passenger is able to securely hold onto the person in front of them or to the handholds on the personal watercraft, and is able to



keep both feet on the deck of the personal watercraft so as to maintain balance while the personal watercraft is in operation.

(i) Unless otherwise authorized by the commissioner pursuant to section 15-140b, no person shall operate a JAV in any slow-no-wake area except to transit such slow-no-wake area. No person shall operate a JAV within two hundred feet of any dock, shore, pier or fixed structure or within one hundred feet of any vessel except to directly transit the area of such dock, shore, pier, fixed structure or vessel.

(j) No person shall teach a course in safe personal watercraft handling that satisfies the requirements for issuance of a certificate of personal watercraft operation unless the commissioner has approved such course.

(k) No Department of Energy and Environmental Protection agent or employee shall use department safe personal watercraft handling course materials for personal financial gain.

(l) Any person who violates any provision of this section shall be fined not less than sixty dollars or more than two hundred fifty dollars for each such violation.

(m) A certificate of personal watercraft operation may be suspended or revoked in accordance with the provisions of section 15-132a, 15-133, 15-140/ or 15-140n.



Agency Legislative Proposal - 2020 Session

Document Name: 101619_DEEP_Sportsmen

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers

Phone: 860.424.3109

E-mail: Mandi.Careathers@ct.gov

Lead agency division requesting this proposal: Wildlife Division

Agency Analyst/Drafter of Proposal: Jenny Dickson

Title of Proposal: An Act Concerning Sportsmen

Statutory Reference: **Section 1:** 26-86; **Section 2:** 26-86c; **Section 3:** 26-31; **Section 4:** New; **Section 5:** 26-85

Proposal Summary:

Section 1: Deer, moose or black bear killed or wounded by motor vehicle.

Section 2: Permits to hunt deer and small game with bow and arrow. Fees. Applications. Education course requirement. Remove inconsistencies that exist between firearms and archery hunting privileges.

Section 3: Instruction in handling and use of hunting weapons. Amend section 26-31 of the CGS to reflect policy requiring all archers to hold an archery safety certification prior to obtaining an archery license.

Section 4 Reestablish the "Turn In Poachers account" as a separate, non-lapsing account within the General Fund. Moneys in the account shall be used to provide grants to a third party nonprofit organization and to staff the department's toll-free hotline for reporting violations of wildlife laws.

Section 5: Jacklighting for deer. Forfeiture and disposal of weapons. Revise to include the broader array of devices designed to magnify or supplement ambient light during the period from ½ hour after sunset to ½ hour before sunrise for taking deer illegally, including thermal imaging devices, light intensification devices and other similar electronic technology.



PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) Have certain constituencies called for this action?*
- (4) What would happen if this was not enacted in law this session?*

Section 1: Add new subsection to authorize police and conservation officers, and veterinarians to euthanize mortally injured wildlife.

Section 2: Revise to create greater consistency between firearms and archery requirements and to reflect creation of an archery license

Section 3: Revise to reflect policy requiring all archers to hold an archery safety certification prior to obtaining an archery license

Section 4: Reestablish the “Turn in Poachers” account to provide grants to the Turn in Poachers nonprofit organization and to staff the department’s toll-free hotline for reporting wildlife law violations.

Section 5: Revise to include the broader array of devices available including thermal imaging devices, light intensification devices, and other electronic technology designed to magnify or supplement ambient light to aid the illegal take of deer. The existing wording no longer reflects the breadth of technologies that may be employed in the illegal take of deer. Revising the section will make it current and simplify enforcement of the section.

◇ Origin of Proposal

New Proposal

Resubmission

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?*
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) What was the last action taken during the past legislative session?*

All sections reflect new proposals.



PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: none Agency Contact (name, title, phone): Date Contacted:
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments n/a
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> No municipal impact.
State Section 4: This proposal would fund staffing of the department's toll-free hotline for reporting wildlife violations.
Federal No federal impact.
Additional notes on fiscal impact Section 1: This proposal has the potential to reduce costs associated with department staff being required to euthanize mortally wounded wildlife associated with motor vehicle collisions. Section 4: Tips received could reduce staff time required to investigate wildlife violations.



◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Section 1: Provides increased flexibility in response to animals mortally wounded by motor vehicle collisions.

Section 2: Creates consistency between firearms and archery requirements

Section 3: Reflects policy requiring all archers to hold an archery safety certification prior to obtaining an archery license

Section 4: This proposal would reestablish a program consistent with the public's desire to for wildlife violations to be investigated.

Section 5: Allows section to reflect current technology and simplifies enforcement actions.

◇ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

Section 1: N/A

Section 2: N/A

Section 3: N/A

Section 4: Number of tips received can be tracked as part of existing case logs; tips could be tracked relative to successful resolutions of violations.

Section 5: This proposed change is an update to match current technology; metrics for success not applicable.



Insert fully drafted bill here

Section 1: Section 26-86 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Any deer, moose or black bear killed or seriously wounded as the result of a collision with a motor vehicle may, after inspection of such deer, moose or black bear by the local police authorities, state police or conservation officer and after issuance of a copy of a wildlife kill incident report, become the property of the operator of such motor vehicle or any other person if such operator declines possession.

(b) Deer, moose or black bear seriously wounded as a result of a collision with a motor vehicle may, after inspection of such deer, moose or black bear by the local police authorities, state police or conservation officer, be euthanized by such authority or officer, or by a veterinarian licensed within the State of Connecticut.

Section 2: Section 26-86c of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

No person may hunt deer or small game with a bow and arrow under the provisions of this chapter without a valid permit issued by the Commissioner of Energy and Environmental Protection pursuant to this section or section 26-86a for persons hunting deer with bow and arrow under private land deer permits issued free to qualifying landowners, or their husbands or wives, parents, grandparents, lineal descendants or siblings under that section. The fee for such bow and arrow permit to hunt deer and small game shall be forty-one dollars for residents and one hundred thirty-five dollars for nonresidents, or nineteen dollars for any person twelve years of age or older but under sixteen years of age, except that any nonresident who is an active full-time member of the armed forces, as defined in section 27-103, may purchase a bow and arrow permit to hunt deer and small game for the same fee as is charged a resident of the state. Permits to hunt with a bow and arrow under the provisions of this chapter shall be issued only to qualified applicants therefor by the Commissioner of Energy and Environmental Protection, in such form as said commissioner prescribes. Applications shall be made on forms furnished by the commissioner containing such information as he may require and all such application forms shall have printed thereon: "I declare under the penalties of false statement that the statements herein made by me are true and correct." Any person who makes any material false statement on such application form shall be guilty of false statement and shall be subject to the penalties provided for false statement and said offense shall be deemed to have been committed in the town in which the applicant resides. No such application shall contain any material false statement. [On and after January 1, 2002, permits to hunt with a bow and arrow under the provisions of this chapter shall be issued only to qualified applicants who have successfully



completed the conservation education bow hunting course as specified in section 26-31 or an equivalent course in another state.] “Bow and arrow”, as used in this section and in section 26-86a, means a bow with a draw weight of not less than forty pounds. The arrowhead shall have two or more blades and may not be less than seven-eighths of an inch at the widest point. No person shall carry firearms of any kind while hunting with a bow and arrow under this section and section 26-86a, as amended by this act.

Section 3: Section 26-86c of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The Commissioner of Energy and Environmental Protection shall formulate conservation courses of instruction in safe trapping, hunting and archery practices and the handling and use of traps and hunting implements, including bow and arrow, for such persons as are applying for a license to hunt with firearms or to hunt with bow and arrow or trap [for the first time and for minors who fall within the provisions of section 26-38,] and shall designate one or more competent persons or organizations to give such instruction. Any person or organization so designated shall give such instruction to any person requesting the same and shall, upon the successful completion thereof, recommend to the commissioner issuance of a certificate of completion to such person. Successful completion of such instruction for hunting license applicants shall include, but not be limited to, achieving a passing grade on an examination formulated by the commissioner, which shall include correctly stating in writing, or reciting orally, the regulations for hunting in proximity to buildings occupied by persons or domestic animals or used for storage of flammable or combustible materials and the regulations for shooting towards persons, buildings or animals. Any such person or organization may charge any person taking the course of instruction in trapping a reasonable fee, established by regulation adopted by the commissioner in accordance with chapter 54, to cover the cost of supplies, materials and equipment necessary for such course of instruction. No fee shall be charged for a course of instruction in hunting or archery.

(b) No firearms hunting[, archery hunting] or trapping license, or archery hunting permit shall be issued to any person unless he presents proof in the form of a license or permit, or certified copy thereof that he has held a similar resident license or permit to hunt with firearms or with bow and arrow or to trap within five years from the date of application in any state or country or possession thereof, or unless he presents to the town clerk a certificate of completion issued under subsection (a) of this section or an equivalent, as deemed by the commissioner, of such certificate. Each town clerk shall transmit all such certificates presented to him to the Commissioner of Energy and Environmental Protection in connection with his report to the commissioner under section 26-36.

Any person who obtains a firearms hunting[, archery hunting] or trapping license, or archery hunting permit by giving false information or by presenting a fraudulent certificate shall be fined not less than



twenty-five dollars nor more than one hundred dollars and such license, or any such subsequent license procured by such person on the basis of any fraudulent statement or act in procuring such original license, shall be revoked and shall not be reissued for one year from the date of such revocation.

(d) Any certified conservation education-firearms safety instructor while giving such instruction and any person scheduled to receive such instruction may possess and transport shotguns and rifles on Sunday and on said day may discharge such firearms on any state-owned property with prior approval of the agency controlling such property and on any privately-owned property with the permission of the owner, the provisions of section 26-73 to the contrary notwithstanding.

(e) There is annually appropriated to the Department of Energy and Environmental Protection from the General Fund the sum of fifty thousand dollars to be used by said department for the purchase of supplies and materials and necessary personal services in carrying out the provisions of this section.

(f) Any person who has been refused a certificate of completion under the provisions of subsection (a) of this section may appeal from such refusal to the commissioner, who shall make the final determination on issuance of such certificate to the applicant.

(g) Any holder of a hunting license which has been suspended under section 26-61, for a hunting safety violation [as identified by the commissioner in the Hunting and Trapping Guide published annually by the Department of Energy and Environmental Protection] or any holder of such a license which has been suspended under section 26-62 shall successfully complete a remedial hunter education course formulated by the Commissioner of Energy and Environmental Protection and show proof that the hunter has successfully completed a conservation education-firearms safety course or its equivalent, as deemed by the commissioner, prior to any reinstatement of such license.

Section 4: NEW (Effective July 1, 2020)

There is established a "Turn In Poachers" account. The account shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account and any funds received from any public or private contributions to the account. Moneys in the account shall be used to provide grants to the Turn in Poachers nonprofit organization and to staff the department's toll-free hotline for reporting violations of wildlife laws.

Section 5: Section 26-85 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

No person shall use or attempt to use or possess any [jacklight] night vision enhancement device for the purpose of taking any deer. For the purpose of establishing a prima facie case under the



provisions of this section, a [jacklight] night vision enhancement device shall be construed as any artificial light, or thermal imaging or electronic light intensification scope or camera when used in conjunction with any rifle larger than a twenty-two long rifle, or with a shotgun and ball shells or shot larger than No. 2 shot or with a bow and arrow or crossbow, in any area frequented by deer or where deer are known to be present, or in any deer habitat, and possession of such articles in any such place, or any road, lane or passageway adjacent to such place, by any person during the period from one-half hour after sunset to sunrise shall be prima facie evidence of a violation of this section. Any person who kills or wounds any deer with any firearm or other weapon by the aid or use of any [artificial light] night vision enhancement device during the period from one-half hour after sunset to sunrise shall be subject to the provisions of this section. Any person who violates any provision of this section shall be fined not less than two hundred dollars nor more than five hundred dollars or be imprisoned not less than thirty days nor more than six months or be both fined and imprisoned, for the first offense, and for each subsequent offense shall be fined not less than two hundred dollars nor more than one thousand dollars or imprisoned not more than one year, or be both fined and imprisoned. Any firearm, shell, cartridge and any other weapon and portable lights, batteries and any other device used, or intended to be used by, and found by the trial court to have been in the possession of, any person charged with a violation of any provision of this section, when such person is convicted, or upon the forfeiture of any bond taken upon any such complaint, shall be ordered by the trial court to be forfeited to the state and all such articles shall, by order of said court, be turned over to the commissioner and may be retained for use by the department or assigned by the commissioner to any other state agency, may be sold at public auction by the Commissioner of Administrative Services at the request of the commissioner or may be destroyed at the discretion of the commissioner. The proceeds of any such sale shall be paid to the State Treasurer and by him credited to the General Fund. If a motor vehicle is used to transport such person to or toward or away from the place where the illegal act was committed, the operator's license of such person or, if he has no such license, the privilege to obtain such license shall be suspended by the Commissioner of Motor Vehicles for a period of one year from the date of such conviction or forfeiture of such bond. Said commissioner, after a hearing is held thereon, may issue to such person a restricted, limited operator's license if such license is required by such person to earn a livelihood. Said commissioner shall suspend such license for the remainder of the original suspension period if such restricted license is used for purposes other than those determined by said commissioner.

Agency Legislative Proposal - 2020 Session

Document Name: 102819_DEEP_StateParksFees

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection
Liaison: Mandi Careathers Phone: 860.424.3109 E-mail: Mandi.Careathers@ct.gov
Lead agency division requesting this proposal: State Parks and Public Outreach Division
Agency Analyst/Drafter of Proposal: Tom Tyler, Director

Title of Proposal: An Act Concerning State Park Fees
Statutory Reference: CGS Sections 23-26(a)
Proposal Summary: The DEEP proposes to amend the state parks statutes to provide greater flexibility to the Commissioner to adjust out-of-state parking fees at state parks, as well as admission and other fees by removing the current requirement that any adjustments to these fees must be done through the regulation-making process.

PROPOSAL BACKGROUND

- **Reason for Proposal**

Under the state’s new Passport to the Parks program, which charges in-state residents \$10 on vehicle registration fees and grants them free access to Connecticut state parks, we do not charge a parking fee to in-state vehicles, but still charge out-of-state vehicles at some (26) of our 142 State Parks and State Forests. We are being urged by local officials, legislators, and other stakeholders to expand the number of locations where we charge out-of-state visitors, or to increase our fees for non-residents. As we further explore those locations where we might charge, and through what mechanism (ticket booths vs. electronic fee collection mechanisms), we need the flexibility to impose, delete or change a fee to react to changing use patterns, or information that we gain when we begin to collect. Having to begin a year-long rule making process anytime we might change or impose a fee will limit our ability to respond in a timely and effective way or to reflect the varying “cost of collection” based on the collection method used.

- **Origin of Proposal** **New Proposal** **Resubmission**

This proposal originates with the State Parks Division of the DEEP, based on internal agency discussion and a desire to have a more efficient and streamlined mechanism to make changes to state park fees that may be contemplated as a reaction to change in public use of our facilities.

PROPOSAL IMPACT

- **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: No other agency besides DEEP is expected to be impacted Agency Contact (name, title, phone): Click here to enter text. Date Contacted: Click here to enter text.
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments Not applicable
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

- **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> No fiscal impact to municipalities is anticipated.
State No fiscal impact to the state is anticipated, other than the small savings in staff time that would otherwise be required to make a change to fees.
Federal No fiscal impact to the federal government is anticipated
Additional notes on fiscal impact Not Applicable

- **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

These proposed changes will allow DEEP more flexibility in determining state park parking fees.

- **EVIDENCE BASE**

Not applicable

Insert fully drafted bill here

Section 1: Subsection (a) of section 23-26 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

Sec. 23-26. Revenue from state parks and facilities. Motor vehicle parking passes. Lifetime passes for residents sixty-five years of age or older or disabled veterans. (a) The commissioner may (1) provide for the collection of fees for parking, admission, boat launching and other uses of state parks, forests, boat launches and other state recreational facilities, (2) establish from time to time the daily and seasonal amount thereof, (3) enter into contractual relations with other persons for the operation of concessions, (4) establish other sources of revenue to be derived from services to the general public using such parks, forests and facilities, (5) employ such assistants as may be necessary for the collection of such revenue. The commissioner shall deposit such revenue derived therefrom with the State Treasurer in the Passport to the Parks account established pursuant to section 23-15h. **[On and after July 1, 1992, any increase in any fee or any establishment of a new fee under this section shall be by regulations adopted in accordance with the provisions of chapter 54. Not later than May 1, 2010, said commissioner shall establish the daily and seasonal amount of such parking, admission, boat launching and other use fees for residents of this state in amounts not greater than one hundred thirty-five per cent of the amounts charged for such fees by said commissioner as of April 1, 2009. Not later than May 1, 2010, said commissioner shall establish the daily and seasonal amount of such parking, admission, boat launching and other use fees for nonresidents of this state in amounts not greater than one hundred fifty per cent of the amounts charged for such fees by said commissioner as of April 1, 2009.]** Notwithstanding the provisions of this section, the commissioner may enter into an agreement with any municipality under which the municipality may retain fees collected by municipal officers at state boat launches when state employees are not on duty.



Agency Legislative Proposal - 2020 Session

Document Name: 101619_DEEP_TechRevisions

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers

Phone: 860.424.3109

E-mail: Mandi.Careathers@ct.gov

Lead agency division requesting this proposal: Multiple

Agency Analyst/Drafter of Proposal: James Albis

Title of Proposal: An Act Concerning Technical Revisions to Environmental Statutes

Statutory Reference: **Section 1:** 27-27b; **Section 2:** 26-40; **Sections 3-9:** 23-35, 23-37, 23-53, 23-65g, 23-65h(c)(4), 23-65h(c)(6), 23-65h(c)(9), 23-65i(a)(5), 23-65i(b)(2), and 23-65i(c)(1); **Sections 10-11:** 26-113 and 26-159c.

Proposal Summary:

Section 1: Hunting or taking of waterfowl, stamp required. Connecticut Migratory Bird Conservation Stamp. Remove the phrase "On or after July 1, 1993, no person sixteen years of age or older may hunt waterfowl or" to simplify the section as the phrase no longer has any meaning given that all persons born on or before July 1, 1993 are older than sixteen years of age.

Section 2: Game breeders license. Possession of skunks or raccoons. Revisions to correct an oversight regarding inclusion of fallow deer as a species of cervid that requires a license to possess, breed, propagate, or sell.

Sections 3-9: The proposed technical revisions to statutes pertaining to the Northeastern Interstate Forest Fire Protection Compact address outdated provisions regarding mutual aid with other multi-state forest fire compacts

Sections 10-11: Hearings. These two sections require notice of public hearings on inland regulations (26-113) and marine regulations (26-159c) to be posted in newspapers prior to the



public hearing (at least 14 days prior for inland regulations, and between 14 and 30 days for marine regulations). These requirements are both outdated and costly and should be either repealed or amended to indicate that notice is posted on the eRegulations system and on the agency website (and also otherwise distributed electronically).

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

Section 1: Simplifies the section by removing an age-date requirement that no longer has any meaning given that all persons born on or before July 1, 1993 are older than sixteen years of age.

Section 2: A game breeder's license is currently required of persons who possess, breed, propagate, or sell wild game birds or wild game mammals and had proven effective in controlling risks of disease transmission from those animals so regulated to wild stocks. Although Sika and white-tailed deer have been included in this regulation as species of Cervids that require a license, fallow deer have not been included. Fallow deer herds have become more common in Connecticut necessitating legal oversight of the population. This oversight is important due to the possibility of animals escaping into the wild and interacting with native deer species. Fallow deer, like white-tailed deer, are susceptible to and can transmit a number of potentially harmful diseases such as Chronic Wasting Disease. Currently, the possession and propagation of fallow deer is not regulated and the potential for captive raised individuals to have contact with wild deer populations and transmit harmful diseases is uncontrolled.

Sections 3-9: Tech Revision to Sec 23-37(d) eliminating statutory conflict with Sec 23-35 and 23-55 whereby the State Fire Warden has the ability to maintain trained and equipped fire crews for BOTH in-state and out-of-state forest fire response. To provide consistent, reliable, nationally accepted pay scale rates for temporary emergency workers hired under 23-37(d) who provide the same services in-state that they do on an incident out of state as a temporary federal emergency worker hire. Pay rates are from the [Federal Administratively Determined \(AD\) Pay Plan For Emergency Workers \(Casuals\)](#). These rates are published in the [US](#)



[Department of Agriculture's Forest Service Handbook FSH 5109.34 Interagency Incident Business Management Handbook Chapter 10- Personnel .](#)

Sec 23-35 and 23-55 authorizes the State Fire Warden to maintain trained and equipped fire crews for in-state and out-of-state forest fire response. [Public Act 19-37 An Act Concerning Qualified Forest Firefighters](#) inserted language into Sec 23-37(d) "in this state" which appears to create a conflict for the Agency to hire qualified temporary emergency workers to provide obligated mutual aid to the Northeastern Interstate Forest Fire Protection Compact and national response through requests from the USDA Forest Service.

The Northeastern Interstate Forest Fire Protection Compact, established in 1949, was the nation's first regional forest fire compact, and established a mechanism for resource sharing between member states (and later provinces). Since then, eight Forest Fire Compacts have been created across the United States and Canada, including 45 states and all Canadian provinces. Since the Northeastern Compact was the first compact created, there was no language included addressing liability coverage for inter-compact (compact-to-compact) resource exchanges. According to the National Association of State Foresters (NASF), four compacts created later addressed this issue, and adopted language on liability coverage for resources exchanged between compacts, but the Northeastern Compact and others that used similar language to what the Northeastern Compact used did not include such language. "Without this liability coverage, they are unable to share life-saving resources across compacts due to the legal risk. (NASF)".

Article IX of the Northeastern Interstate Forest Fire Protection Compact is outdated, lacking the current federally endorsed compact-to-compact liability language found in other compacts. Article IX addressing mutual aid combating, controlling or preventing forest fires should be operative between all participating Northeast Compact states and any other state nationally which is party to a regional forest fire protection compact, provided that the legislature of such other state has given its assent to such mutual aid provisions allowing for exchange of Compact to Compact resources for mutual aid response.

If Connecticut were in the position of needing assistance, events over the last few years have shown that at least three of the eight compacts nationally wouldn't send resources to Connecticut because we do not have this language in place. In 2016, during the severe drought in the southeastern United States, Massachusetts had engines available to assist with firefighting efforts in another compact area, but was unable to send resources because Massachusetts did not have this mutual aid language in place.



The Forest Practices Advisory Board (FPAB) was established by section 23-26h in 1991 and is charged with periodically reviewing applicable regulations concerning forest practices and certification of forest practitioners. The FPAB also periodically reviews programs and policies of the Department regarding forests, forest health, and the technical proficiency of forest practitioners. FPAB members are appointed for a four year term and serve until their successor is appointed. FPAB appointments are very specific to the appointing authority as well as the background, representation, and professional experience of the Board members themselves. This ensures a well-balanced advisory body to the Department. Currently, 23-65g(b) states: "Vacancies on the board shall be filled in the same manner as the original appointments." and that members shall be appointed for a term of four years. Appointments are made by the Governor and General Assembly leadership. As considerable time has passed since the original appointments were made and the appointing authorities are currently not explicitly stated in statute, some confusion has ensued. Since 1991, the Agency has forwarded FPAB recommended vacancy refills to the appointing authority based upon membership criteria and the original appointment. This process was recently questioned and a recent vacancy refill resulted in membership criteria duplication, continued absence of a board member meeting essential criteria, and confusion as to who the appointing authority is. This proposal reestablishes these authorities as they always have existed by explicitly stating the membership criteria that the Governor and General Assembly leadership have, based upon the original FPAB appointments.

This proposal updates Section 23-65h which creates a 60 day grace period whereby forest practitioners who fail to submit a complete application for renewal on or before the expiration date of their forest practitioner certification may submit such completed application and achieve forest practitioner certification without also having to submit to re-examination. Late applications would be subject to a late fee. Currently, forest practitioners that fail to renew in a timely basis must also submit to the certification examination. This places an unnecessary burden on the Department as the practitioner has already proven their ability by a previous examination. In addition, the practitioner might wait up to six months before the next available examination is offered. Non-compliance with the certification requirement in the meantime could cause an additional enforcement burden on the Department. At least six states that have Forester licensing have similar provisions (Alabama, Maine, New Hampshire, North Carolina, South Carolina and California). Late fee penalties ranged from \$3.25 per month up to 100% of the original cost of the application and registration fees.



This proposal authorizes the Commissioner to grant forest practitioner certification pursuant to section 23-65h without examination to persons possessing either a license or certification from another state or professional organization such as the Society of American Foresters (SAF). The purpose is to grant certification to persons who already have proven their ability and knowledge through a credible credentialing process. By recognizing credentialed practitioners the Department would be relieved of maintaining reciprocity agreements with other entities and the responsibility of examining persons who have already proven themselves in a similar venue. This would result in DEEP staff time savings and allow the private sector a quicker transition into a forestry position. The existing statute only provides that the Commissioner may certify without examination any person who is certified in another state under a law which provides substantially similar qualifications for certification and which grants similar privileges of certification without examination to residents of Connecticut. When this statute was created, many states did not have professional forest practitioner licensure and SAF had not yet developed its Certified Forester program. Georgia, Maine, South Carolina, and Vermont currently accept the SAF CF exam as a substitute for their state administered forester licensure exams.

Due diligence including written confirmation of good standing from the certifying/licensing state or organization and an attestation of knowledge and understanding of Connecticut's forest practices laws and regulations by the applicant would be required prior to Connecticut forest practitioner certification issuance.

This revision simplifies the requirement that forest practitioners obtain and report their required continuing education credits (CEUs). The proposal would remove the biennial schedule of CEU obtainment while keeping the current total number of CEUs the same for a four year certification. Tracking biennial forest practitioner educational achievements places an unnecessary burden on both the forest practitioner and DEEP. Biennial educational requirements also penalizes forest practitioners that take classes offering more continuing education units than required during a single biennial period. For example, a Supervising Forest Products Harvester must submit four CEUs each biennial period for a total of eight CEUs over the four- year certification period. A forest practitioner taking the full Game of Logging training, approved for twelve CEUs, would still be required to participate in an educational workshop in the second biennial period despite having exceeded the four year requirement. Removing the biennial education requirement will reduce DEEP's administrative burden tracking forest practitioner CEU attainment for both biennial periods to just one four year certification period.



This revision also simplifies the CEU evidentiary reporting requirement from annual to once every four years upon recertification application with an attestation provided on required annual activity reports. Annual educational record keeping for forest practitioners is an excessive administrative burden and subjects the Department to a continuous stream of requests by practitioners who seek an accounting of their attained CEUs. This proposal shifts CEU record keeping responsibility to the practitioner. RCSA 23-65h-1(c) requires the forest practitioner provide a CEU attainment record upon applying for recertification. Should this proposal be adopted the Forestry Division will pursue regulatory changes to RCSA 23-65h-1(c) requiring evidence of sufficient CEU attainment.

Sections 10-11: The requirement to notice public hearings on inland regulations (26-113) and marine regulations (26-159c) in newspapers is outdated and costly. The E-Regulations system recently created pursuant to 4-173b(b) allows for a much more efficient, more widely available, and generally paper free process for all aspects surrounding public awareness of and participation in the regulations process. Repeal of the requirement to post notifications of proposed regulations in newspapers coincident with a requirement to post such proposed regulations to both the ERegulation systems and the DEEP website will reduce cost to the agency while improving public notification of proposed regulations. It is anticipated that public notification via other electronic means (listserves, Social media, etc.) will also continue to be practiced even if not outright required by statute as is the current practice to maximize public notification of such proposed regulations.

Origin of Proposal

New Proposal

Resubmission

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

Section 1: New

Section 2: New

Sections 3-9: 2017 - Clarifying language for Forest Practices Advisory Board was part of the administration's proposals submitted in 2017. It was included in raised SB-834, heard at public



hearing and passed out by the Environment Committee. SB-834 was passed by the Senate, but was not voted on by the House.

2018 - Northeastern Interstate Forest Fire Protection Compact liability language and technical revisions to Forest Practitioner certification were new proposals in 2018 and raised SB-102. SB-102 was passed out of the Environment committee and placed on the Senate Calendar but did not receive a final vote.

2019 - This 2020 proposal was included SB-998 with addition of 2018 SB-102 Senate LCO Amendment #3648. SB-998 was passed by the Senate and temporarily passed by the House on the last day of the 2019 Session. SB-998 did not, however, receive a final House vote.

Sections 10-11: N/A

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: none

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal *(please include any municipal mandate that can be found within legislation)*

No municipal fiscal impact is anticipated.

State



Section 1: None

Section 2: Minor costs associated with issuing additional permits may be offset by potential reduction in disease monitoring and response.

Sections 3-9: Minimal gain due to increased efficiencies.

Sections 10-11: Minor cost savings is anticipated since space (for public notifications) will no longer be required in newspapers.

Federal

No federal fiscal impact anticipated.

Additional notes on fiscal impact

N/A

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Section 1: Updates language to simplify the section

Section 2: Correction of oversight will enhance program efficiency in the reduction of disease transmission risk to native, wild populations.

Sections 3-9: Proposed language will clarify the process of receiving a request for assistance regarding Connecticut fire fighting crews. This proposal will allow the private individuals that the Department of Energy and Environmental Protection provides specialized annual wildfire response training to, and maintains an annual roster for, to be utilized for their intended purposes: both for instate fire suppression, and for mutual aid response to other states and provinces through Compact and/or individual state or province requests, as outlined in Sec 23-35 and 23-55, and as committed to in Article VIII of Sec. 23-53 the Northeastern Interstate Forest Fire Protection Compact. Having a mechanism in place prior to an actual emergency would assure a more timely and coordinated response. Adopting nationally accepted rates will



streamline the reimbursement payment process by utilizing established, proven rates. Amending Section 23-53 by including language regarding liability coverage for resources exchanged between compacts reduce the state's risk exposure and will allow other Compacts to provide assistance to Connecticut if needed. Often when Connecticut experiences increased wildfire activity, the potential for wildfire is occurring regionally, usually as a result of widespread drought conditions. This limits the ability of Northeast Compact member states and provinces to provide mutual aid to Connecticut, as their resources may be needed in their home states or provinces. This proposal also acknowledges other state and non-state forest practitioner certification programs that require examination and offers existing practitioners whose certification has lapsed a grace period to renew without reexamination. These changes will improve efficiency and save staff time. Additional programmatic simplifications will provide increased efficiencies administering the Forest Practices Act Program and improve customer service for certified practitioners.

Sections 10-11: Proposed language will avoid duplication of effort and result in increased administrative efficiency insofar as all proposed regulatory changes are now routed through the ERegulations system administered through the Secretary of State's Office as a matter of practice and law. In addition, public notification of new regulatory proposals will be enhanced since the information delivered via the ERegulations system, the DEEP Website, and through other electronic means will more effectively be delivered to the general public and interested constituents than via newspapers as is currently done.

◇ EVIDENCE BASE

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

Section 1: N/A

Section 2: Number of permit requests for fallow deer can be tracked over time.

Section 3-9: N/A

Section 10-11: N/A



Insert fully drafted bill here

Section 1: Section 22a-73 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) [On or after July 1, 1993, no person sixteen years of age or older may hunt waterfowl or] No person may take waterfowl in the state without first procuring a Connecticut Migratory Bird Conservation Stamp and having such stamp in his possession. The stamp shall not be transferable and shall be issued annually.

(b) The Commissioner of Energy and Environmental Protection shall provide for the design, production and procurement of the mandatory Connecticut Migratory Bird Conservation Stamp and shall, by regulations adopted in accordance with the provisions of chapter 54, provide for the issuance of the stamp. Stamps shall be sold at a price determined by the commissioner, provided the price of a mandatory stamp shall not exceed thirteen dollars. The commissioner shall establish an additional voluntary migratory bird conservation donation of not less than two dollars that shall be deposited in the migratory bird conservation account established under section 26-27c. Any agent issuing such stamps may retain a fee established by the Commissioner of Energy and Environmental Protection pursuant to section 26-3c for each stamp sold and shall remit the balance to the Department of Energy and Environmental Protection.

Section 2: Section 26-40 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No person, association or corporation shall possess more than one live specimen of, breed or propagate any wild game bird or wild game quadruped of the following species without a game breeder's license as provided herein: In the family Anatidae, all ducks, geese and swans; in the family Phasianidae, all quail, partridge and the following strains of pheasant: Blackneck, Chinese, English, Formosan, melanistic mutant and Mongolian or any cross-breeding thereof and for the purpose of section 22-327 all other members of this family shall be classed as domestic fowls; in the family Tetraonidae, the ruffed grouse; in the family Meleagrididae, turkeys except domestic strains; in the family Cervidae, the [sika and white tail] sika, white-tailed and fallow deer; in the family Procyonidae, the raccoon; in the family Mustelidae, the otter; in the family Castoridae, the beaver; and in the family Leporidae, all species except domestic strains. The commissioner, upon written application and the payment of a fee of twenty-seven dollars, may license any person, association or corporation to possess, breed, propagate and sell any birds or mammals specified in this section. Such license shall be annual and nontransferable and shall expire on the thirty-first day of December after its issuance.



The commissioner may adopt regulations concerning the granting of such licenses and the sale, propagation and transportation of birds or mammals specified in this section propagated and possessed by any such licensee. All applications for such licenses shall be upon blanks prepared and furnished by the commissioner. Any person, association or corporation, licensed under the provisions of this section, shall keep a record of all birds or mammals specified in this section which are sold, transported or propagated by such licensee, whether the same are sold dead or alive, and shall report to the commissioner not later than the January thirty-first of the year following the expiration of the license period. Such report shall contain the number of birds and mammals procured, possessed and propagated and the name of each person to whom any such sale has been made and the date of such sale or transportation. Each package containing birds or mammals specified in this section, or any part thereof, so propagated or possessed and offered for transportation shall be plainly labeled with the name and license number of the licensee offering the same for transportation, the name of the consignee and a statement of the contents of such package. Any license granted under the provisions of this section may be revoked by the commissioner. No person, association or corporation may breed, propagate or sell any skunk or raccoon, except that such animals, with the approval of the commissioner may be kept in a zoo, nature center, museum, laboratory or research facility maintained by a scientific or educational institution. In no instance shall such animals be accessible to handling by the general public. No person may possess any skunk purchased in any Connecticut retail establishment after May 1, 1979, or any raccoon purchased after October 1, 1985. Any person, association or corporation which violates any provision of this section or any regulation issued by the commissioner pursuant thereto shall be fined not more than ninety dollars for each offense.

Section 3: Section 23-35 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The State Forest Fire Warden shall equip trained fire-fighting crews at major department field facilities and maintain them during periods when forest fires are most likely to occur. Such crews shall be prepared to respond to requests for assistance from the State Forest Fire Warden when a fire occurs on or endangers either state or private forest and timber land, or upon call from the United States Forest Service to assist them or any requesting state or province in the Dominion of Canada in the suppression of forest fires.

Section 4: Section 23-37(d) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*): If the state forest fire warden determines that additional state forest fire control personnel are required to assist in extinguishing a forest fire [in this state], the state forest fire warden may temporarily supplement state forest fire control personnel with temporary emergency workers who meet the training and qualification requirements of the National Incident Management System: Wildland Fire Qualification System Guide published by the National Wildfire Coordinating Group, as amended from time to time. The Department of



Administrative Services shall assist the state fire warden in developing appropriate classifications for such temporary emergency workers.

Section 5: Section 23-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The compensation of district and deputy fire wardens, trained firefighters organized in accordance with rules issued by the State Forest Fire Warden and such laborers as said warden finds it necessary to employ shall be fixed by said warden on an hourly basis, subject to the approval of the Commissioner of Administrative Services. Volunteer fire companies may be compensated in accordance with section 23-36. The chief of the fire department in any town, city or borough who receives a regular salary shall be paid no additional compensation when acting as a fire warden. District fire wardens shall prepare their bills for services rendered by them and by the personnel and automobiles and other apparatus employed or used by them in extinguishing fires. The chief of any volunteer fire company may prepare bills for services rendered by said company and by the personnel and automobiles and other apparatus employed or used by them in extinguishing forest fires, if said company is allowed by town ordinance to receive payment for such bills. Such bills shall be on a form prescribed by the State Forest Warden and shall be submitted to the State Forest Fire Warden within one month after the services have been rendered, and, if found correct and approved by said warden, shall be ordered paid by the State Comptroller. A copy of each bill so paid on account of any fire within a city, as provided in section 23-36, shall be sent by the State Forest Fire Warden to the city treasurer of the city in which the fire occurred, except bills for which a railroad company is liable under the provisions of section 23-42, and, on or before the tenth day of December in each year, such city treasurer shall draw the treasurer's order in favor of the State Treasurer for the full amount of such bills submitted during the twelve months next preceding. The State Forest Fire Warden may forgive such bills if the state would incur administrative costs in collecting the debt owed that would exceed the actual debt owed. Bills for expenses incurred or services rendered by district or deputy wardens in the performance of duties other than fire fighting shall be submitted to the State Forest Fire Warden on or before the tenth day of December and the tenth day of June in each year. Upon approval by the State Forest Fire Warden, such bills shall be ordered paid by the State Comptroller from any sums available for the expenses of the State Forest Fire Warden. All fire warden bills authorized by sections 23-37, 23-38, 23-40 to 23-42, inclusive, and this section shall show in detail the amount and character of the services performed, the exact duration thereof and all disbursements made by such wardens.

(b) The compensation of temporary emergency workers organized in accordance with rules issued by the State Forest Fire Warden and who meet the training and qualifications requirements specified in 23-37(d), as amended, shall be commensurate with the Federal Administratively Determined (AD) Pay



Plan For Emergency Workers (Casuals) published in the U.S. Department of Agriculture's Forest Service Handbook FSH 5109.34 Interagency Incident Business Management Handbook Chapter 10- Personnel.

Section 6: Section 23-53 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

ARTICLE IX

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

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

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

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

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

For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.



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

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

The provisions of Article IX of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region: Provided that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

Section 7: Section 23-65g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established a Forest Practices Advisory Board consisting of the State Forester or his designee, and nine public members [six of whom shall be appointed one each by the president pro tempore of the Senate, the majority leader of the Senate, the minority leader of the Senate, the speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives and three of whom shall be appointed by the Governor. The members appointed shall include a professional forester in private practice, a representative of the forest products industry, an officer of an environmental organization headquartered within the state which is concerned primarily with forests, a professor of forestry or natural resources from a college or university within the state, an owner of not less than ten nor more than two hundred fifty acres of forest land, a representative of an environmental organization not primarily concerned with forests and a member of an inland wetlands agency.] appointed as follows: (1) three appointed by the Governor, one of whom shall be an officer of an environmental organization headquartered within the state which is concerned primarily with forests, one of whom shall be a representative of an environmental organization not primarily concerned with forests, and one of whom shall be a member of an inland wetlands agency; (2) one appointed by the speaker of the House of Representatives who shall be an owner of not less than ten nor more than two hundred fifty acres of forest land; (3) one appointed by president pro tempore of the Senate, who shall be a professional forester in private practice; (4) one appointed by the majority leader of the House of Representatives, who shall be a representative of the forest products industry; (5) one appointed by the majority leader of the Senate who shall be a professor of forestry or natural resources from a college or university within the state; (6) one appointed by the minority leader of the House of



Representatives who shall be a member of the public; and (7) one appointed by the minority leader of the Senate who shall be a member of the public.

(b) The appointed members of the initial board shall be appointed so that the terms of two members shall expire on December 31, 1993, the terms of two members shall expire on December 31, 1994, the terms of two members shall expire on December 31, 1995, and the term of one member shall expire on December 31, 1996. Thereafter, each member shall be appointed for a term of four years. [Vacancies on the board shall be filled in the same manner as the original appointments.] Each member of the board shall serve until his successor is appointed.

(c) The State Forester or his designee shall serve as chairman of the board. The board shall meet at least three times, annually, at such time and place as shall be designated by the chairman, or upon the written request of a majority of the members of the board. A majority of the members shall constitute a quorum for the transaction of business. The principal office of the board shall be the State Forester's office.

(d) Members of the board shall be entitled to reimbursement for travel expenses incurred in the performance of their duties.

(e) The Forest Practices Advisory Board shall have the following powers and duties:

(1) To periodically review applicable regulations concerning forest practices or the certification of forest practitioners and to issue recommendations to the Commissioner of Energy and Environmental Protection for changes to such regulations;

(2) To periodically review the programs and policies of the department regarding forests, forest health and forest practices and to issue recommendations to the commissioner for changes to such programs and policies; and

(3) To provide advice and guidance to the commissioner regarding the certification of technically proficient forest practitioners and the revocation or suspension of such certification.

Section 8: Section 23-65h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On or after July 1, 1992, no person shall advertise, solicit, contract or engage in commercial forest practices within this state at any time without a certificate issued in accordance with the provisions of this section, appropriate to the forest practices advertised, solicited, contracted or engaged in, except as provided in subsections (b) and (c) of this section.



(b) There shall be three classifications for commercial forest practitioners: Forester, supervising forest products harvester and forest products harvester. Forester certification shall be required for commercial forest practitioners who supervise or engage in the planning and design of forest practices, including but not limited to, commercial forest product harvest operations, or act as a property owner's agent in the sale of commercial forest products. A certified forester may also execute contracts or agreements, written or verbal, for the purchase of commercial forest products, act in the buyers behalf in the supervision of commercial forest product harvest operations and engage in the execution of commercial forest product harvest operations. Supervising forest products harvester certification shall be required for commercial forest practitioners who execute contracts or agreements, written or verbal, for the purchase of commercial forest products or who act in the buyer's behalf in the supervision of commercial forest product harvest operations. A certified supervising forest products harvester may also engage in the execution of commercial forest product harvest operations. Forest products harvester certification shall be required for commercial forest practitioners who engage in the execution of commercial forest product harvest operations, provided no such certification shall be required for persons engaging in the execution of commercial forest practices under the direct, on-site supervision of a certified forest product harvester. No forest product harvester certified under this section shall engage in the on-site supervision of more than two noncertified persons executing commercial forest practices.

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

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

(2) The commissioner shall require the applicant for supervising forest products harvester certification to demonstrate, upon examination, that [he] the applicant possesses adequate knowledge concerning techniques and procedures normally employed in the conduct and supervision of a harvest operation, the safe and environmentally responsible operation of harvesting equipment, and mitigating measures to be employed to minimize possible adverse impacts of harvesting activity on environmental conditions within the harvest area.



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

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

(B) Notwithstanding the provisions of subparagraph (A) of this subdivision, the commissioner may grant a sixty-day extension for any forest practitioner who failed to submit a complete application for renewal prior to the expiration date of such forest practitioner's certification. Such forest practitioner shall submit a complete application for renewal within such sixty-day extension period. Any renewed certification issued by the commissioner pursuant to this subparagraph shall not require reexamination by such forest practitioner prior to such issuance but shall require the submission of an additional fee, as determined by the commissioner.

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

(6) The commissioner may certify without examination any person who is certified: [in] (A) In another state under a law which provides substantially similar qualifications for certification [and which grants similar privileges of certification without examination to residents of this state certified under the provisions of this section] or (B) through examination by the Society of American Foresters, or a similar organization, that provides substantially similar qualifications for certification provided such



person can demonstrate knowledge of the forestry laws of this state to the commissioner's satisfaction.

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

(8) The commissioner may require the display of a decal or other evidence, indicating that a commercial forest practitioner has met the requirements of sections 23-65f to 23-65o, inclusive, in a prominent place on any licensed motor vehicle used in the practitioner's operations. A fee may be charged to the certified practitioner to cover the cost of the decal or other evidence.

(9) The commissioner shall require all forest practitioners certified under sections 23-65f to 23-65o, inclusive, to participate [biennially] in a relevant program of professional education to improve or maintain professional forestry skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, The University of Connecticut, Yale University or the Connecticut cooperative extension system, or participation in another program approved by the department. Professional education shall take place during the recertification cycle and be in accordance with the prescribed schedule set forth within regulations adopted in accordance with Sections 23-65f to 23-65o.

Section 9: Section 23-65i of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

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

- (1) The number of forest management plans completed and acres covered by said plans;
- (2) The number and type of timber stand improvements completed and acres so improved;
- (3) The number of acres planted in reforestation, afforestation and in Christmas tree plantations;
- (4) The number of commercial forest product sales, the total number of acres harvested in such sales, the type and total volumes of products generated by such sales and total annual expenditure for the purchase of such sales;



(5) [Evidence] Attestation of [biennial] participation in a relevant program of professional education to improve or maintain professional forestry skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, The University of Connecticut, Yale University or the Connecticut cooperative extension system, or participation in another program approved by the department, provided proof of such participation shall be furnished to the commissioner upon request and be in accordance with the prescribed schedule set forth within regulations adopted in accordance with Sections 23-65f to 23-65o; and

(6) Other information which the commissioner deems necessary.

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

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

(2) [Evidence] Attestation of [biennial] participation in a relevant program of professional education to improve or maintain forest products harvesting skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, the University of Connecticut, Yale University, the Connecticut cooperative extension system or is otherwise approved by the department, provided proof of such participation shall be furnished to the commissioner upon request and be in accordance with the prescribed schedule set forth within regulations adopted in accordance with Sections 23-65f to 23-65o; and

(3) Other information which the commissioner deems necessary.

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

(1) [Evidence] Attestation of [biennial] participation in a relevant program of professional education to improve or maintain forest products harvesting skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, The University of Connecticut, Yale University, the Connecticut cooperative extension system or is otherwise approved by the department, provided proof of such participation shall be



furnished to the commissioner upon request and be in accordance with the prescribed schedule set forth within regulations adopted in accordance with Sections 23-65f to 23-65o; and

(2) Other information the commissioner deems necessary.

Section 10: Section 26-113 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Notice of such hearing shall be posted in the ERegulations system and posted on the DEEP website.[advertised in one or more newspapers having a general circulation in each of the counties of the state or in the locality where such waters are situated.] Such notice shall specify the time, not less than fourteen days thereafter, the agenda and the place designated by the commissioner at which such hearing shall be held, and at which persons having an interest therein will have an opportunity to be heard. The commissioner or his designated representative shall conduct such hearing and cause a record thereof to be made. After such notice and hearing the commissioner shall issue his regulations based upon standards of sound fisheries management including the following: (a) Scientific and factual findings of a biological nature; (b) the availability of the species involved; (c) unusual weather conditions and special hazards; (d) the available supply of food and natural cover; (e) the general condition of the waters; (f) the control of the species; (g) the number of permits issued; (h) the area available; (i) the rights and privileges of sportsmen, landowners and the general public; (j) the problem of providing and perpetuating a sound program of fisheries management and a sound recreational program consistent with the availability of the species.

Section 11: Section 26-159c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):Prior to the adoption of any regulation under subsection (g) of section 26-142a or section 26-159a, the commissioner or his designated representative shall conduct a public hearing or hearings in those coastal areas where persons substantially affected by such regulation and having an interest therein may be heard. The commissioner shall cause notice of such hearing or hearings to be published at least once not more than thirty days and not fewer than ten days before the date set for such hearing or hearings in the ERegulations system and on the DEEP website. [in a newspaper or newspapers having general circulation in those areas which may be affected by such regulation.]



Agency Legislative Proposal - 2020 Session

Document Name: 110619_DEEP_DERImprovements

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

Liaison: Mandi Careathers
Phone: 860.424.3109
E-mail: Mandi.Careathers@ct.gov

Lead agency division requesting this proposal: Bureau of Energy and Technology Policy

Agency Analyst/Drafter of Proposal: Victoria Hackett, Deputy Commissioner of Energy

Title of Proposal: AAC Distributed Energy Resources System Improvements

Statutory Reference:
 Section 1: Conn. Gen. Stat. § 16-244w

Proposal Summary:
 Section 1: Amends the grid-side system enhancement pilot program to allow the Public Utilities Control Authority and the Department of Energy and Environmental Protection to review proposed projects either jointly or concurrently as opposed to only sequentially.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

SECTION 1:

1. With technology rapidly improving and declining in costs, there are opportunities for the state’s electric distribution companies to develop programs that have the potential to increase reliability, decrease costs, and/or further state environmental policies. The proposed changes would increase the flexibility and speed of the review process for pilot programs designed to maximize the value, efficiency, and reliability of distributed energy resources.

◇ **Origin of Proposal** **New Proposal** **Resubmission**



If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** (please list for each affected agency)

Agency Name: Public Utilities Regulatory Authority Agency Contact (name, title, phone): Marissa Gillett, Chairwoman, 860-827-2086 Date Contacted:
Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

◇ **FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) SECTION 1: Not applicable
State SECTION 1: Not applicable
Federal SECTION 1: Not applicable
Additional notes on fiscal impact SECTION 1: Not applicable

◇ **POLICY and PROGRAMMATIC IMPACTS** (Please specify the proposal section associated with the impact)



SECTION 1: The proposal would expedite the review process of proposed projects.

◇ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

Section 1: Not applicable

Insert fully drafted bill here

Section 1. Section 16-244w(b) of the general statutes is amended as follows (*Effective July 1, 2020*):

(a) Notwithstanding subsection (a) of section 16-244e, each electric distribution company, as defined in section 16-1, shall submit a proposal or proposals to the Department of Energy and Environmental Protection for a pilot program to build, own or operate grid-side system enhancements, including, but not limited to, energy storage systems, as defined in section 16-1, for the purpose of demonstrating and investigating how distributed energy resources, as defined in section 16-1, can be reliably and efficiently integrated into the operation of the electric distribution system in a manner that maximizes the value provided to the electric grid, electric ratepayers and the public from such resources. Such proposal shall complement and enhance the programs, products and incentives available through the Connecticut Green Bank and the Connecticut Energy Efficiency Fund, pursuant to sections 16-244r, 16-244s and 16-244t, and other similar programs that support the deployment of distributed energy resources.

(b) The department shall evaluate such proposals and may approve such proposals if such proposals demonstrate: (1) How grid-side system enhancements, including, but not limited to, energy storage systems, can be reliably and cost-effectively integrated into the electric distribution system; and (2) that such proposals maximize the value provided to ratepayers. Any proposal that is approved by the department shall be subject to review and approval by the Public Utilities Regulatory Authority, and shall be approved by the authority if the



authority concludes that investment in such grid-side system enhancement is reasonable, prudent and provides value to ratepayers. The department and the authority may perform their reviews jointly or concurrently at the discretion of the chairperson of the authority and the commissioner of the department. (1) In joint review proceedings, the department and authority shall conduct one proceeding to develop one administrative evidentiary record. Based on the record of the joint proceeding, the department and authority may issue one joint decision. Notwithstanding section 16-9b, the department shall not be a party or participant when the authority and department agree to conduct a joint review proceeding pursuant to this subsection. (2) In concurrent review proceedings, the department and authority each conduct their own proceeding. For purposes of concurrent review, the department and authority may develop one administrative evidentiary record. The department and authority shall each issue their own independent decision or determination in their respective concurrent proceedings. The department may be a party or participant in the authority's concurrent proceeding.

(c) Each electric distribution company may enter into joint ownership agreements, partnerships or other contractual agreements for services with private entities to carry out the provisions of this section. The costs incurred by the electric distribution companies pursuant to this section shall be recovered from all customers of the contracting electric distribution company through a fully reconciling component of electric rates for all customers of electric distribution companies, until the electric distribution company's next rate case, at which time such costs and investments shall be recoverable through base distribution rates.

(d) Not later than January 1, 2017, the department shall evaluate such approved proposals pursuant to this section and submit a report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to energy, regarding the performance, costs and benefits associated with grid-side system enhancements, including, but not limited to, energy storage systems procured pursuant to this section.

Agency Legislative Proposal - 2020 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 112119_DEEP_EnergySavings
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(If submitting electronically, please label with date, agency, and title of proposal –
092611_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection
Liaison: Mandi Careathers Phone: 860-424-3109 E-mail: Mandi.Careathers@ct.gov
Lead agency division requesting this proposal: Bureau of Energy and Technology Policy
Agency Analyst/Drafter of Proposal: Julia Dumaine

Title of Proposal: AAC Energy Savings and Efficiency
Statutory Reference: CGS Section 16a-48
Proposal Summary: To protect Connecticut’s businesses and residents from the repeal of federal lighting efficiency standards and to establish and update state appliance and equipment energy and water efficiency standards.

PROPOSAL BACKGROUND

◇ Reason for Proposal

<p><i>Please consider the following, if applicable:</i></p> <ol style="list-style-type: none">(1) <i>Have there been changes in federal/state/local laws and regulations that make this legislation necessary?</i>(2) <i>Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?</i>(3) <i>Have certain constituencies called for this action?</i>(4) <i>What would happen if this was not enacted in law this session?</i> <ol style="list-style-type: none">1. This model act sets specific, up-to-date efficiency standards for selected residential and commercial products. These energy- and water-efficiency standards are based on various sources including ENERGY STAR® and WaterSense specifications that have achieved high market shares, standards developed and adopted by the California Energy Commission, and standards issued by the U.S. Department of Energy (DOE) in 2016 that have been put on indefinite hold by the current federal administration. 2. Several

other states are using the model bill, including Maine, Massachusetts, Rhode Island and Illinois. Hawaii, Colorado, Nevada, Vermont and Washington passed bills this year using the 2019 version of the model bill. 3. Product efficiency organizations have organized action in a coordinated manner to work toward a common approach across multiple states, to simplify implementation by manufacturers. 4. If CT does not adopt this bill then federal actions may preempt CT’s ability to continue its progress in saving energy and could also result in inefficient products being “dumped” into Connecticut’s market by states that have passed standards for these products.

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

In early 2019, the bill was passed through the Joint Committee on Energy and Technology and was provided with a House calendar number and a favorable report. The substitute language approved by said committee addressed the concerns of stakeholders that emerged during the public hearing process, and most stakeholders actively withdrew their opposition to the bill. However, the bill was never called to a vote before the end of the session, resulting in a failure of passage. Since then, DEEP has been working with E&T Committee leadership to address concerns and gauge interest in the bill in 2020. This proposal makes a handful of changes from last year’s proposal, including adding new updated standards, addressing many of the same concerns that the 2019 substitute language addressed, and changing dates to reflect implementation based on 2020 passage rather than 2019 passage.

PROPOSAL IMPACT

AGENCIES AFFECTED *(please list for each affected agency)*

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> Initial upfront costs will be more than offset by savings over time. Most payback periods within a year. More information on attached fact sheets.
State Initial upfront costs will be more than offset by savings over time. Most payback periods within a year. More information on attached fact sheets.
Federal Initial upfront costs will be more than offset by savings over time. Most payback periods within a year. More information on attached fact sheets.
Additional notes on fiscal impact

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

See attached fact sheets and estimates of savings.
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Insert fully drafted bill here

Section 16a-48 of the General Statutes is amended with the following new sections:

Section 1. Section 16a-48 of the general statutes is repealed and the following is substituted in lieu thereof *(Effective July 1, 2020)*:

(a) As used in this section:

(1) "Department" means the Department of Energy and Environmental Protection;

(2) "Fluorescent lamp ballast" or "ballast" means a device designed to operate fluorescent lamps by providing a starting voltage and current and limiting the current during normal operation, but does not include such devices that have a dimming capability or are intended for use in ambient temperatures of zero degrees Fahrenheit or less or have a power factor of less than sixty-one hundredths for a single F40T12 lamp;

(3) "F40T12 lamp" means a tubular fluorescent lamp that is a nominal forty-watt lamp, with a forty-eight-inch tube length and one and one-half inches in diameter;

(4) "F96T12 lamp" means a tubular fluorescent lamp that is a nominal seventy-five-watt lamp with a ninety-six-inch tube length and one and one-half inches in diameter;

(5) "Luminaire" means a complete lighting unit consisting of a fluorescent lamp, or lamps, together with parts designed to distribute the light, to position and protect such lamps, and to connect such lamps to the power supply;

(6) "New product" means a product that is sold, offered for sale, or installed for the first time and specifically includes floor models and demonstration units;

(7) "Commissioner" means the Commissioner of Energy and Environmental Protection;

(8) "State Building Code" means the building code adopted pursuant to section 29-252;

(9) "Torchiere lighting fixture" means a portable electric lighting fixture with a reflector bowl giving light directed upward so as to give indirect illumination;

(10) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane and that is designed to be installed without ducts within the heated space. "Unit heater" does not include a product regulated by federal standards pursuant to 42 USC 6291, as amended from time to time, a product that is a direct vent, forced flue heater with a sealed combustion burner, or any oil fired heating system;

(11) "Transformer" means a device consisting of two or more coils of insulated wire that transfers alternating current by electromagnetic induction from one coil to another in order to change the original voltage or current value;

(12) "Low-voltage dry-type transformer" means a transformer that: (A) Has an input voltage of six hundred volts or less; (B) is between fourteen kilovolt-amperes and two thousand five hundred one kilovolt-amperes in size; (C) is air-cooled; and (D) does not use oil as a coolant. "Low-voltage dry-type transformer" does not include such transformers excluded from the low-voltage dry-type distribution transformer definition contained in the California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations;

(13) "Pass-through cabinet" means a refrigerator or freezer with hinged or sliding doors on both the front and rear of the refrigerator or freezer;

(14) "Reach-in cabinet" means a refrigerator, freezer, or combination thereof, with hinged or sliding doors or lids;

(15) "Roll-in" or "roll-through cabinet" means a refrigerator or freezer with hinged or sliding doors that allows wheeled racks of product to be rolled into or through the refrigerator or freezer;

(16) "Commercial refrigerators and freezers" means reach-in cabinets, pass-through cabinets, roll-in cabinets and roll-through cabinets that have less than eighty-five feet of capacity, which are designed for the

refrigerated or frozen storage of food and food products;

(17) "Traffic signal module" means a standard eight-inch or twelve-inch round traffic signal indicator consisting of a light source, lens and all parts necessary for operation and communication of movement messages to drivers through red, amber and green colors;

(18) "Illuminated exit sign" means an internally illuminated sign that is designed to be permanently fixed in place and used to identify an exit by means of a light source that illuminates the sign or letters from within where the background of the exit sign is not transparent;

(19) "Packaged air-conditioning equipment" means air-conditioning equipment that is built as a package and shipped as a whole to end-user sites;

(20) "Large packaged air-conditioning equipment" means air-cooled packaged air-conditioning equipment having not less than two hundred forty thousand BTUs per hour of capacity;

(21) "Commercial clothes washer" means a soft mount front-loading or soft mount top-loading clothes washer that is designed for use in (A) applications where the occupants of more than one household will be using it, such as in multifamily housing common areas and coin laundries; or (B) other commercial applications, if the clothes container compartment is no greater than three and one-half cubic feet for horizontal-axis clothes washers or no greater than four cubic feet for vertical-axis clothes washers;

(22) "Energy efficiency ratio" means a measure of the relative efficiency of a heating or cooling appliance that is equal to the unit's output in BTUs per hour divided by its consumption of energy, measured in watts;

(23) "Electricity ratio" means the ratio of furnace electricity use to total furnace energy use;

(24) "Boiler" means a space heater that is a self-contained appliance for supplying steam or hot water primarily intended for space-heating. "Boiler" does not include hot water supply boilers;

(25) "Central furnace" means a self-contained space heater designed to supply heated air through ducts of more than ten inches in length;

(26) "Residential furnace or boiler" means a product that utilizes only single-phase electric current or single-phase electric current or DC current in conjunction with natural gas, propane or home heating oil and that (A) is designed to be the principal heating source for the living space of a residence; (B) is not contained within the same cabinet as a central air conditioner with a rated cooling capacity of not less than sixty-five thousand BTUs per hour; (C) is an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace or low pressure steam or hot water boiler; and (D) has a heat input rate of less than three hundred thousand BTUs per hour for an electric boiler and low pressure steam or hot water boiler and less than two hundred twenty-five thousand BTUs per hour for a forced-air central furnace, gravity central furnace and electric central furnace;

(27) "Furnace air handler" means the section of the furnace that includes the fan, blower and housing, generally upstream of the burners and heat exchanger. The furnace air handler may include a filter and a cooling coil;

(28) "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter;

(29) "Metal halide lamp" means a high intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors;

(30) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp;

(31) "Probe start metal halide ballast" means a ballast used to operate metal halide lamps that does not contain an ignitor and that instead starts lamps by using a third starting electrode probe in the arc tube;

(32) "Single voltage external AC to DC power supply" means a device that (A) is designed to convert line voltage AC input into lower voltage DC output; (B) is able to convert to only one DC output voltage at a time; (C) is sold with, or intended to be used with, a separate end use product that constitutes the primary power load; (D) is contained within a separate physical enclosure from the end use product; (E) is connected to the end use product in a removable or hard-wired male and female electrical connection, cable, cord or other wiring; (F) does not have batteries or battery packs, including those that are removable or that physically attach directly to the power supply unit; (G) does not have a battery chemistry or type selector switch and indicator light or a battery chemistry or type selector switch and a state of charge meter; and (H) has a nameplate output power less than or equal to two hundred fifty watts;

(33) "State regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, has an inner reflective coating on the outer bulb to direct the light, has an E26 medium screw base, a rated voltage or voltage range that lies at least partially within one hundred fifteen to one hundred thirty volts, and that falls into one of the following categories: (A) A bulged reflector or elliptical reflector or a blown PAR bulb shape and that has a diameter that equals or exceeds two and one-quarter inches, or (B) a reflector, parabolic aluminized reflector, bulged reflector or similar bulb shape and that has a diameter of two and one-quarter to two and three-quarters inches. "State regulated incandescent reflector lamp" does not include ER30, BR30, BR40 and ER40 lamps of not more than fifty watts, BR30, BR40 and ER40 lamps of sixty-five watts and R20 lamps of not

more than forty-five watts;

(34) "Bottle-type water dispenser" means a water dispenser that uses a bottle or reservoir as the source of potable water;

(35) "Commercial hot food holding cabinet" means a heated, fully-enclosed compartment with one or more solid or [\[partial glass\] transparent](#) doors [\[that is\]](#) designed to maintain the temperature of hot food that has been cooked [\[in\] using](#) a separate appliance. "Commercial hot food holding cabinet" does not include heated glass merchandizing cabinets, drawer warmers or cook-and-hold appliances;

(36) "Pool heater" means an appliance designed for heating nonpotable water contained at atmospheric pressure for swimming pools, spas, hot tubs and similar applications, including natural gas, heat pump, oil and electric resistance pool heaters;

(37) "Portable electric spa" means a factory-built electric spa or hot tub, [\[supplied with equipment for heating and circulating water\] which may include any combination of integral controls, water heating or water circulating equipment;](#)

(38) "Residential pool pump" means a pump used to circulate and filter pool water to maintain clarity and sanitation;

(39) "Walk-in refrigerator" means a space refrigerated to temperatures at or above thirty-two degrees Fahrenheit that has a total chilled storage area of less than three thousand square feet, can be walked into and is designed for the refrigerated storage of food and food products. "Walk-in refrigerator" does not include refrigerated warehouses and products designed and marketed exclusively for medical, scientific or research purposes;

(40) "Walk-in freezer" means a space refrigerated to temperatures below thirty-two degrees Fahrenheit that has a total chilled storage area of less than three thousand square feet, can be walked into and is designed for the frozen storage of food and food products. "Walk-in

freezer" does not include refrigerated warehouses and products designed and marketed exclusively for medical, scientific or research purposes;

(41) "Central air conditioner" means a central air conditioning model that consists of one or more factory-made assemblies, which normally include an evaporator or cooling coil, compressor and condenser. Central air conditioning models may provide the function of air cooling, air cleaning, dehumidifying or humidifying;

(42) "Combination television" means a system in which a television or television monitor and an additional device or devices, including, but not limited to, a digital versatile disc player or video cassette recorder, are combined into a single unit in which the additional devices are included in the television casing;

[(43) "Compact audio player" means an integrated audio system encased in a single housing that includes an amplifier and radio tuner with attached or separable speakers and can reproduce audio from one or more of the following media: Magnetic tape, compact disc, digital versatile disc or flash memory. "Compact audio player" does not mean a product that can be independently powered by internal batteries, has a powered external satellite antenna or can provide a video output signal;]

[(44) (43) "Component television" means a television composed of two or more separate components, such as a separate display device and tuner, marketed and sold as a television under one model or system designation, which may have more than one power cord;

[(45) (44) "Computer monitor" means an analog or digital device designed primarily for the display of computer generated signals and that is not marketed for use as a television;

[(46) (45) "Digital versatile disc" means a laser-encoded plastic medium capable of storing a large amount of digital audio, video and

computer data;

[(47)] (46) "Digital versatile disc player" means a commercially available electronic product encased in a single housing that includes an integral power supply and for which the sole purpose is the decoding of digitized video signals;

[(48) "Digital versatile disc recorder" means a commercially available electronic product encased in a single housing that includes an integral power supply and for which the sole purpose is the production or recording of digitized audio, video and computer signals on a digital versatile disc. "Digital versatile disc recorder" does not include a model that has an electronic programming guide function;]

[(49)] (47) "Television" means an analog or digital device designed primarily for the display and reception of a terrestrial, satellite, cable, internet protocol television or other broadcast or recorded transmission of analog or digital video and audio signals. "Television" includes combination televisions, television monitors, component televisions and any unit that is marketed to consumers as a television but does not include a computer monitor;

[(50)] (48) "Television monitor" means a television that does not have an internal tuner/receiver or playback device; [.]

(49) "Air compressor" means a compressor designed to compress air that has an inlet open to the atmosphere or other source of air, and is made up of a compression element or bare compressor, one or more drivers, mechanical equipment to drive the compressor element and any ancillary equipment;

(50) "Compressor" means a machine or apparatus that converts different types of energy into the potential energy of gas pressure for displacement and compression of gaseous media to any higher-pressure values above atmospheric pressure and has a pressure ratio at full-load operating pressure greater than 1.3;

(51) "Air purifier," also known as "room air cleaner," means an electric, cord-connected, portable appliance with the primary function of removing particulate matter from the air and which can be moved from room to room.

(52) "Industrial air purifier" means an indoor air cleaning device manufactured, advertised, marketed, labeled, and used solely for industrial use that are marketed solely through industrial supply outlets or businesses and prominently labeled as "Solely for industrial use. Potential health hazard: emits ozone."

(53) "Cold temperature fluorescent lamp" means a fluorescent lamp that is not a compact fluorescent lamp that is (1) specifically designed to start at -20°F when used with a ballast conforming to the requirements of ANSI C78.81 and ANSI C78.901; and (2) is expressly designated as a cold temperature lamp both in markings on the lamp and in marketing materials, including catalogs, sales literature, and promotional material.

(54) "Commercial dishwasher" means a machine designed to clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils and trays by applying sprays of detergent solution, with or without blasting media granules, and a sanitizing rinse;

(55) "Commercial fryer" means an appliance, including a cooking vessel, in which oil is placed to such a depth that the cooking food is supported by displacement of the cooking fluid rather than by the bottom of the vessel and heat is delivered to the cooking fluid by means of an immersed electric element of band-wrapped vessel, including, but not limited to, an electric fryer, or by heat transfer from gas burners through either the walls of the fryer or through tubes passing through the cooking fluid, including, but not limited to, a gas fryer;

(56) "Commercial steam cooker" or "compartment steamer" means a device with one or more food-steaming compartments in which the energy in the steam is transferred to the food by direct contact, including, but not limited to, the following models: Countertop models,

wall-mounted models and floor models mounted on a stand, pedestal or cabinet-style base;

(57) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered;

(58) "Electric vehicle supply equipment" means the conductors, including the ungrounded, grounded, and equipment grounding conductors, the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of delivering energy from the premises wiring to the electric vehicle. Charging cords with NEMA 5-15P and NEMA 5-20P attachment plugs are considered electric vehicle supply equipment. Excludes conductors, connectors, and fittings that are part of a vehicle.

(59) "General service lamp" means a lamp that: (A) Has an American National Standards Institute base; (B) is able to operate at a voltage of twelve volts or twenty-four volts, at or between one hundred to one hundred thirty volts, at or between two hundred twenty to two hundred forty volts, or of two hundred seventy-seven volts for integrated lamps, or is able to operate at any voltage for nonintegrated lamps; (C) has an initial lumen output of greater than or equal to three hundred ten lumens, or two hundred thirty-two lumens for modified spectrum general service incandescent lamps, and less than or equal to three thousand three hundred lumens; (D) is not a light fixture; (E) is not an LED downlight retrofit kit; and (F) is used in general lighting applications. "General service lamps" include, but are not limited to, general service incandescent lamps, compact fluorescent lamps, general service light-emitting diode lamps and general service organic light-emitting diode lamps. "General service lamps" do not include: (i) Appliance lamps; (ii) black light lamps; (iii) bug lamps; (iv) colored lamps; (v) G shape lamps with a diameter of five inches or more as defined in American National Standards Institute C79.1-2002; (vi)

general service fluorescent lamps; (vii) high-intensity discharge lamps; (viii) infrared lamps; (ix) J, JC, JCD, JCS, JCV, JCX, JD, JS and JT shape lamps that do not have Edison screw bases; (x) lamps that have a wedge base or prefocus base; (xi) left-hand thread lamps; (xii) marine lamps; (xiii) marine signal service lamps; (xiv) mine service lamps; (xv) MR shape lamps that have a first number symbol equal to sixteen and a diameter equal to two inches as defined in American National Standards Institute C79.1-2002, operate at twelve volts and have a lumen output greater than or equal to eight hundred; (xvi) other fluorescent lamps; (xvii) plant light lamps; (xviii) R20 short lamps; (xix) reflector lamps that have a first number symbol less than sixteen and a diameter less than two inches as defined in American National Standards Institute C79.1-2002 and that do not have E26/E24, E26d, E26/50x39, E26/53x39, E29/28, E29/53x39, E39, E39d, EP39 or EX39 bases; (xx) S shape or G shape lamps that have a first number symbol less than or equal to 12.5 and a diameter less than or equal to 1.5625 inches as defined in American National Standards Institute C79.1-2002; (xxi) sign service lamps; (xxii) silver bowl lamps; (xxiii) showcase lamps; (xxiv) specialty MR lamps; (xxv) T shape lamps that have a first number symbol less than or equal to eight and a diameter less than or equal to one inch as defined in American National Standards Institute C79.1-2002, have nominal overall length less than twelve inches and are not compact fluorescent lamps; and (xxvi) traffic signal lamps;

(60) "High color rendering index fluorescent lamp" means a fluorescent lamp with a color rendering index of eighty-seven or greater that is not a compact fluorescent lamp;

(61) "Impact-resistance fluorescent lamp" means a fluorescent lamp that is not a compact fluorescent lamp that (1) has a coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken; and (2) is designated and marketed for the intended application, with the designation on the lamp packaging; and marketing materials that identify the lamp as being impact-resistant, shatter-resistant, shatter-

proof, or shatter-protected.

(62) "Faucet" means a lavatory faucet, kitchen faucet, metering faucet, public lavatory faucet or replacement aerator for a lavatory, public lavatory or kitchen faucet;

(63) "Public lavatory faucet" means a fitting intended to be installed in nonresidential bathrooms that are exposed to walk-in traffic;

(64) "Metering faucet" means a fitting that, when turned on, will gradually shut itself off over a period of several seconds;

(65) "Replacement aerator" means an aerator sold as a replacement, separate from the faucet to which it is intended to be attached;

(66) "Plumbing fixture" means an exchangeable device that connects to a plumbing system to deliver and drain away water and waste;

(67) "Urinal" means a plumbing fixture that receives only liquid body waste and conveys the waste through a trap into a drainage system;

(68) "Water closet" means a plumbing fixture having a water-containing receptor that receives liquid and solid body waste through an exposed integral trap into a drainage system;

(69) "Dual-flush effective flush volume" means the average flush volume of two reduced flushes and one full flush;

(70) "Dual-flush water closet" means a water closet incorporating a feature that allows the user to flush the water closet with either a reduced or a full volume of water;

(71) "Trough-type urinal" means a urinal designed for simultaneous use by two or more persons;

(72) "Portable air conditioner" means a portable encased assembly, other than a packaged terminal air conditioner, room air conditioner or dehumidifier, that delivers cooled, conditioned air to an enclosed space,

is powered by single-phase electric current, includes a source of refrigeration, may include additional means for air circulation and heating and may be a single-duct portable air conditioner or a dual-duct portable air conditioner;

(73) "Single-duct portable air conditioner" means a portable air conditioner that draws all of the condenser inlet air from the conditioned space without the means of a duct and discharges the condenser outlet air outside the conditioned space through a single duct attached to an adjustable window bracket;

(74) "Dual-duct portable air conditioner" means a portable air conditioner that draws some or all of the condenser inlet air from outside the conditioned space through a duct attached to an adjustable window bracket, may draw additional condenser inlet air from the conditioned space and discharges the condenser outlet air outside the conditioned space by means of a separate duct attached to an adjustable window bracket;

(75) "Residential ventilating fan" means a ceiling, wall-mounted or remotely mounted in-line fan designed to be used in a bathroom or utility room, whose purpose is to move air from inside the building to the outdoors;

(76) "Showerhead" means a device through which water is discharged for a shower bath and includes a hand-held showerhead but does not include a safety shower showerhead;

(77) "Hand-held showerhead" means a showerhead that can be held or fixed in place for the purpose of spraying water onto a bather and that is connected to a flexible hose;

(78) "Pressure regulator" means a spray sprinkler device that maintains constant operating pressure immediately downstream from the device, given higher pressure upstream;

(79) "Spray sprinkler body" means the exterior case or shell of a

sprinkler incorporating a means of connection to the piping system designed to convey water to a nozzle or orifice;

(80) "Uninterruptible power supply" means a battery charger consisting of a combination of convertors, switches and energy storage devices, including, but not limited to, batteries, constituting a power system for maintaining continuity of load power in case of input power failure;

(81) "Water cooler" means a freestanding device that consumes energy to cool or heat potable water;

(82) "Cold only unit water cooler" means a water cooler that dispenses cold water only;

(83) "Hot and cold unit water cooler" means a water cooler that dispenses both hot and cold water and may dispense room-temperature water;

(84) "Cook and cold unit water cooler" means a water cooler that dispenses both cold and room-temperature water;

(85) "Storage-type water cooler" means a water cooler where thermally conditioned water is stored in a tank in the water cooler and is available instantaneously, including, but not limited to, point-of-use, dry storage compartment and bottled water coolers;

(86) "On demand water cooler" means a water cooler that heats water as it is requested and typically takes a few minutes to deliver.

(b) The provisions of this subsection and subsections (c) to (h), inclusive, of this section apply to the testing, certification and enforcement of efficiency standards for the following types of new products sold, offered for sale or installed in the state: (1) **[Commercial clothes washers; (2) commercial]** Commercial refrigerators and freezers; **[(3)] (2)** illuminated exit signs; **[(4)] (3)** large packaged air-conditioning equipment; **[(5)] (4)** low voltage dry-type distribution transformers; **[(6)]**

(5) torchiere lighting fixtures; [(7)] (6) traffic signal modules; [(8)] (7) unit heaters; [(9)] (8) residential furnaces and boilers; [(10)] (9) residential pool pumps; [(11)] (10) metal halide lamp fixtures; [(12)] (11) single voltage external AC to DC power supplies; [(13)] (12) state regulated incandescent reflector lamps; [(14)] (13) bottle-type water dispensers; [(15) commercial hot food holding cabinets; (16) portable electric spas; (17)] (14) walk-in refrigerators and walk-in freezers; [(18)] (15) pool heaters; [(19) compact audio players; (20)] (16) televisions; [(21) digital versatile disc players; (22) digital versatile disc recorders;] and [(23)] (17) any other products as may be designated by the commissioner in accordance with subdivision (3) of subsection (d) of this section.

(c) The provisions of subsections (b) to (h), inclusive, of this section do not apply to (1) new products manufactured in the state and sold outside the state, (2) new products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state, (3) products installed in mobile manufactured homes at the time of construction, or (4) products designed expressly for installation and use in recreational vehicles.

(d) (1) The Commissioner of Energy and Environmental Protection ~~shall~~ may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of subsections (b) to (h), inclusive, of this section and to establish minimum energy efficiency standards for the types of new products set forth in subsection (b) of this section exceeding those provided in subpart (A) of this subsection. Upon the effective date of this act ~~[The regulations shall provide for]~~ the following minimum energy efficiency standards shall apply:

(A) Commercial clothes washers shall meet the requirements ~~[shown in Table P-3 of section 1605.3 of the California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4]~~ of federal efficiency standards, provided such standards are equivalent to or have a higher efficiency than the standards required by the United States Department of Energy on January 1, 2018;

(B) Commercial refrigerators and freezers shall meet the August 1, 2004, requirements shown in Table A-6 of said California regulation;

(C) Illuminated exit signs shall meet the version 2.0 product specification of the "Energy Star Program Requirements for Exit Signs" developed by the United States Environmental Protection Agency;

(D) Large packaged air-conditioning equipment having not more than seven hundred sixty thousand BTUs per hour of capacity shall meet a minimum energy efficiency ratio of 10.0 for units using both electric heat and air conditioning or units solely using electric air conditioning, and 9.8 for units using both natural gas heat and electric air conditioning;

(E) Large packaged air-conditioning equipment having not less than seven hundred sixty-one thousand BTUs per hour of capacity shall meet a minimum energy efficiency ratio of 9.7 for units using both electric heat and air conditioning or units solely using electric air conditioning, and 9.5 for units using both natural gas heat and electric air conditioning;

(F) Low voltage dry-type distribution transformers shall meet or exceed the energy efficiency values shown in Table 4-2 of the National Electrical Manufacturers Association Standard TP-1-2002;

(G) Torchiere lighting fixtures shall not consume more than one hundred ninety watts and shall not be capable of operating with lamps that total more than one hundred ninety watts;

(H) Traffic signal modules shall meet the product specification of the "Energy Star Program Requirements for Traffic Signals" developed by the United States Environmental Protection Agency that took effect in February, 2001, except where the department, in consultation with the Commissioner of Transportation, determines that such specification would compromise safe signal operation;

(I) Unit heaters shall not have pilot lights and shall have either power

venting or an automatic flue damper;

(J) On or after January 1, 2009, residential furnaces and boilers purchased by the state shall meet or exceed the following annual fuel utilization efficiency: (i) For gas and propane furnaces, ninety per cent annual fuel utilization efficiency, (ii) for oil furnaces, eighty-three per cent annual fuel utilization efficiency, (iii) for gas and propane hot water boilers, eighty-four per cent annual fuel utilization efficiency, (iv) for oil-fired hot water boilers, eighty-four per cent annual fuel utilization efficiency, (v) for gas and propane steam boilers, eighty-two per cent annual fuel utilization efficiency, (vi) for oil-fired steam boilers, eighty-two per cent annual fuel utilization efficiency, and (vii) for furnaces with furnace air handlers, an electricity ratio of not more than 2.0, except air handlers for oil furnaces with a capacity of less than ninety-four thousand BTUs per hour shall have an electricity ratio of 2.3 or less;

(K) On or after January 1, 2010, metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to one hundred fifty watts but less than or equal to five hundred watts shall not contain a probe-start metal halide lamp ballast;

(L) Single-voltage external AC to DC power supplies manufactured on or after January 1, 2008, shall meet the energy efficiency standards of table U-1 of section 1605.3 of the January 2006 California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations. This standard applies to single voltage AC to DC power supplies that are sold individually and to those that are sold as a component of or in conjunction with another product. This standard shall not apply to single-voltage external AC to DC power supplies sold with products subject to certification by the United States Food and Drug Administration. A single-voltage external AC to DC power supply that is made available by a manufacturer directly to a consumer or to a service or repair facility after and separate from the original sale of the product requiring the power supply as a service part or spare part shall not be required to meet the standards in said table U-1 until five years

after the effective dates indicated in the table;

(M) On or after January 1, 2009, state regulated incandescent reflector lamps shall be manufactured to meet the minimum average lamp efficacy requirements for federally regulated incandescent reflector lamps contained in 42 USC 6295(i)(1)(A). Each lamp shall indicate the date of manufacture;

(N) On or after January 1, 2009, **[bottle-type water dispensers, commercial hot food holding cabinets, portable electric spas,]** walk-in refrigerators and walk-in freezers shall meet the efficiency requirements of section 1605.3 of the January 2006 California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations. On or after January 1, 2010, residential pool pumps shall meet said efficiency requirements;

(O) On or after July 19, 2021, residential pool pumps shall meet federal efficiency requirements specified in the dedicated pool pump rules published by the United States Department of Energy on January 18, 2017, and effective on May 18, 2017;

[(O)] (P) On or after January 1, **[2009] 2020**, pool heaters shall meet the efficiency requirements **[of sections 1605.1 and 1605.3 of the January 2006 California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations]** established in 10 CFR 430 by the United States Department of Energy as of April 16, 2013, for gas-fired and oil-fired pool heaters and the Air-conditioning, Heating, and Refrigeration Institute Certification Reference 1160 for electric heat pump pool heaters;

[(P) By January 1, 2014, compact audio players, digital versatile disc players and digital versatile disc recorders shall meet the requirements shown in Table V-1 of Section 1605.3 of the November 2009 amendments to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, unless the commissioner, in accordance with subparagraph (B) of subdivision (3) of this subsection, determines that such standards are

unwarranted and may accept, reject or modify according to subparagraph (A) of subdivision (3) of this subsection;]

(Q) On or after January 1, 2014, televisions manufactured on or after July 1, 2011, shall meet the requirements shown in Table V-2 of Section 1605.3 of the November 2009 amendments to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, unless the commissioner [in accordance with subparagraph (B) of subdivision (3) of this subsection,] determines that such standards are unwarranted and may accept, reject or modify according to [subparagraph (A) of] subdivision (3) of this subsection; and

(R) In addition to the requirements of subparagraph (Q) of this subdivision, televisions manufactured on or after January 1, 2014, shall meet the efficiency requirements of Sections 1605.3(v)(3)(A), 1605.3(v)(3)(B) and 1605.3(v)(3)(C) of the November 2009 amendments to the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, unless the commissioner [in accordance with subparagraph (B) of subdivision (3) of this subsection,] determines that such standards are unwarranted and may accept, reject or modify according to [subparagraph (A) of] subdivision (3) of this subsection.

(2) Such efficiency standards, where in conflict with the State Building Code, shall take precedence over the standards contained in the Building Code. Not later than July 1, 2007, and biennially thereafter, the Commissioner of Energy and Environmental Protection [shall] may review and increase the level of such efficiency standards by adopting regulations in accordance with the provisions of chapter 54 upon a determination that increased efficiency standards would serve to promote energy conservation in the state and would be cost-effective for consumers who purchase and use such new products, provided no such increased efficiency standards shall become effective within one year following the adoption of any amended regulations providing for such increased efficiency standards.

(3) [(A)] The Commissioner of Energy and Environmental Protection

~~[shall]~~ may adopt regulations, in accordance with the provisions of chapter 54, to designate additional products to be subject to the provisions of subsections (b) to (h), inclusive, of this section and to establish efficiency standards for such products upon a determination that such efficiency standards ~~[(i)]~~ (A) would serve to promote energy conservation in the state, ~~[(ii)]~~ (B) would be cost-effective for consumers who purchase and use such new products, and ~~[(iii)]~~ (C) would not impose an unreasonable burden on Connecticut businesses.

~~[(B) The Commissioner of Energy and Environmental Protection, in consultation with the Multi-State Appliance Standards Collaborative, shall identify additional appliance and equipment efficiency standards. The commissioner shall review all California standards and may review standards from other states in such collaborative. The commissioner shall issue notice of such review in the Connecticut Law Journal, allow for public comment and may hold a public hearing within six months of adoption of an efficiency standard by a cooperative member state regarding a product for which no equivalent Connecticut or federal standard currently exists. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 adopting such efficiency standard unless the commissioner makes a specific finding that such standard does not meet the criteria in subparagraph (A) of this subdivision.]~~

(e) On or after July 1, 2006, except for ~~[commercial clothes washers, for which the date shall be July 1, 2007,]~~ commercial refrigerators and freezers, for which the date shall be July 1, 2008, and large packaged air-conditioning equipment, for which the date shall be July 1, 2009, no new product of a type set forth in subsection (b) of this section or designated by the Commissioner of Energy and Environmental Protection may be sold, offered for sale, or installed in the state unless the energy efficiency of the new product meets or exceeds the efficiency standards set forth in such regulations adopted pursuant to subsection (d) of this section.

(f) The Commissioner of Energy and Environmental Protection shall

adopt procedures for testing the energy efficiency of the new products set forth in subsection (b) of this section or designated by the commissioner if such procedures are not provided for in the State Building Code. The commissioner shall use United States Department of Energy approved test methods, or in the absence of such test methods, other appropriate nationally recognized test methods. The manufacturers of such products shall cause samples of such products to be tested in accordance with the test procedures adopted pursuant to this subsection or those specified in the State Building Code.

(g) Manufacturers of any new products set forth in **[subsection (b)]** subsections (b) and (i) of this section for which (1) no efficiency standards exist in California, and (2) the **[Commissioner of Energy and Environmental Protection]** state of Connecticut adopts efficiency standards, shall certify to the **[commissioner]** Commissioner of Energy and Environmental Protection that such products are in compliance with the provisions of this section, except that certification is not required for single voltage external AC to DC power supplies and walk-in refrigerators and walk-in freezers. All single voltage external AC to DC power supplies shall be labeled as described in the January 2006 California Code of Regulations, Title 20, Section 1607(9). The commissioner **[shall promulgate]** may adopt regulations governing the certification of such products. The commissioner shall publish an annual list of any products set forth in **[subsection (b)]** subsections (b) and (i) of this section on the department's Internet web site that designates which such products are certified in California and which such products not certified in California have demonstrated compliance with efficiency standards adopted **[by the commissioner pursuant to subparagraph (B) of subdivision (3) of subsection (d) of this section]** in the state of Connecticut.

(h) The Attorney General may institute proceedings to enforce the provisions of subsections (b) to (n), inclusive, of this section. Any person who violates any provision of subsections (b) to (n), inclusive, of this section shall be subject to a civil penalty of not more than two hundred

fifty dollars. Each violation of subsections (b) to (n), inclusive, of this section shall constitute a separate offense, and each day that such violation continues shall constitute a separate offense.

(i) Notwithstanding subsection (d) of this section, the provisions of this subsection and subsections (j) to (n), inclusive, of this section apply to the testing, certification and enforcement of efficiency standards for the following types of new products sold, offered for sale, lease or rent or installed in the state: (1) Air compressors; (2) air purifier; (3) cold temperature fluorescent lamps; (4) commercial dishwashers; (5) commercial fryers; (6) commercial hot-food holding cabinets; (7) commercial steam cookers; (8) computers and computer monitors; (9) electrical vehicle supply equipment; (10) faucets; (11) general service lamps; (12) high color rendering index fluorescent lamps; (13) impact-resistant fluorescent lamps; (14) portable air conditioners; (15) portable electric spas; (16) residential ventilating fans; (17) showerheads; (18) spray sprinkler bodies; (19) uninterruptible power supplies; (20) urinals; (21) water closets; and (22) water coolers.

(j) The provisions of subsections (i) to (n), inclusive, of this section, do not apply to (1) new products manufactured in the state and sold outside the state, (2) new products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state, (3) products installed in mobile manufactured homes at the time of construction, or (4) products designed expressly for installation and use in recreational vehicles.

(k) Notwithstanding subsection (d) of this section, the following minimum energy efficiency standards are established for the types of products set forth in subsection (i) of this section:

(1) Air compressors that meet the twelve criteria listed on pages 350 to 351, inclusive, of the "Energy Conservation Standards for Air Compressors" final rule issued by the United States Department of Energy on December 5, 2016, shall meet the requirements shown in Table 1 on page 352 of said final rule, following the instructions on page

353 of said final rule and as measured in accordance with the "Uniform Test Method for Certain Air Compressors" in Appendix A to 10 CFR 431, Subpart T in effect on July 3, 2017;

(2) Air purifiers, except industrial air purifiers, shall meet the following requirements as measured in accordance with the ENERGY STAR Program Requirements Product Specification for Room Air Cleaners, Version 2.0: (1) Clean air delivery rate (CADR) for smoke shall be 30 or greater; (2) models with a CADR for smoke less than 100, CADR/Watt for smoke shall be greater than or equal to 1.7; (3) models with a CADR for smoke greater than or equal to 100 and less than 150, CADR/Watt for smoke shall be greater than or equal to 1.9; (4) models with a CADR for smoke greater than or equal to 150, CADR/Watt for smoke shall be greater than or equal to 2.0; (5) for ozone-emitting models, measured ozone shall be less than or equal to 50 parts per billion (ppb); (6) models with a Wi-Fi network connection enabled by default when shipped, partial on mode power shall not exceed 2 watts; and (7) models without a Wi-Fi network connection enabled by default when shipped, partial on mode power shall not exceed 1 watt.

(3) Commercial dishwashers included in the scope of the version 2.0 product specification of the "Energy Star Program Requirements Product Specification for Commercial Dishwashers" developed by the United States Environmental Protection Agency shall meet the qualification criteria of that specification;

(4) Commercial fryers included in the scope of the version 2.0 product specification of the "Energy Star Program Requirements Product Specification for Commercial Fryers" developed by the United States Environmental Protection Agency shall meet the qualification criteria of that specification;

(5) Commercial hot-food holding cabinets shall meet the qualification criteria of the version 2.0 "Energy Star Program Requirements Product Specification for Commercial Hot Food Holding Cabinets";

(6) Commercial steam cookers shall meet the requirements of the version 1.2 product specification of the "Energy Star Program Requirements Product Specification for Commercial Steam Cookers" developed by the United States Environmental Protection Agency;

(7) Computers and computer monitors shall meet the requirements of subsection (v) of section 1605.3 of the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, and compliance with such requirements shall be as measured in accordance with test methods prescribed in subsection (v) of section 1604 of said California regulation. Any regulations adopted by the commissioner pursuant to this subsection shall define "computer" and "computer monitor" to have the same meaning as set forth in subsection (v) of section 1602 of the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, provided the commissioner may amend such regulations so that the definitions of "computer" and "computer monitor" and the minimum efficiency standards for computers and computer monitors conform to subsequently adopted versions of the referenced sections of the California Code of Regulations;

(8) Electric vehicle supply equipment included in the scope of the version 1.0 "Energy Star Program Requirements Product Specification for Electric Vehicle Supply Equipment" (Rev. Apr-2017), shall meet the qualification criteria of that specification.

(9) Faucets, except for metering faucets, shall meet the standards in this subparagraph when tested in accordance with the "Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads" in Appendix S to Subpart B to 10 CFR 430, Subpart B in effect on January 1, 2020. Lavatory faucets and replacement aerators shall not exceed a maximum flow rate of 1.5 gallons per minute at 60 pounds per square inch. Residential kitchen faucets and replacement aerators shall not exceed a maximum flow rate of 1.8 gallons per minute at 60 pounds per square inch, with optional temporary flow of 2.2 gallons per minute, provided they default to a maximum flow rate of 1.8

gallons per minute at 60 pounds per square inch after each use. Public lavatory faucets and replacement aerators shall not exceed a maximum flow rate of 0.5 gallons per minute at 60 pounds per square inch;

(10) General service lamps shall meet or exceed a lamp efficacy of 45 lumens per watt, when tested in accordance with the applicable federal test procedures for general service lamps, prescribed in 10 CFR 430.23(gg) in effect on January 1 2020;

(11) High color rendering index, cold temperature, and impact-resistant fluorescent lamps shall meet the minimum efficacy requirements contained in 10 CFR 430.32(n)(4) in effect on January 1, 2020, as measured in accordance with the "Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps" in Appendix R to 10 CFR 430, Subpart B in effect on January 1, 2020;

(12) Portable air conditioners shall have a Combined Energy Efficiency Ratio, as measured in accordance with the "Uniform Test Method for Measuring the Energy Consumption of Portable Air Conditioners" in Appendix CC to 10 CFR 430, Subpart B as in effect on January 1, 2020, that is greater than or equal to:

$$1.04 \times \frac{\text{SACC}}{(3.7117 \times \text{SACC}^{0.6384})}$$

where "SACC" is Seasonally Adjusted Cooling Capacity in Btu/h;

(13) Portable electric spas shall meet the requirements of the "American National Standard for Portable Electric Spa Energy Efficiency" ANSI/APSP/ICC-14 2019;

(14) Residential ventilating fans shall meet the qualification criteria of the version 4.1 product specification of the "Energy Star Program Requirements Product Specification for Residential Ventilating Fans" developed by the United States Environmental Protection Agency;

(15) Showerheads shall not exceed a maximum flow rate of 2.0 gallons per minute at 80 pounds per square inch when tested in accordance with the "Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads" in Appendix S to 10 CFR 430, Subpart B in effect on January 1, 2020;

(16) Spray sprinkler bodies that are not specifically excluded from the scope of the version 1.0 product specification of the "WaterSense Specification for Spray Sprinkler Bodies" developed by the United States Environmental Protection Agency shall include an integral pressure regulator and shall meet the water efficiency and performance criteria and other requirements of that specification;

(17) Uninterruptible power supplies that utilize a NEMA 1-15P or 5-15P input plug and have an AC output shall have an average load adjusted efficiency that meets or exceeds the values shown on page 193 of the prepublication final rule "Energy Conservation Program: Energy Conservation Standards for Uninterruptible Power Supplies" issued by the United States Department of Energy on December 28, 2016, as measured in accordance with test procedures prescribed in the "Uniform Test Method for Measuring the Energy Consumption of Battery Chargers" in Appendix Y to 10 CFR 430, Subpart B in effect on January 1, 2020;

(18) Urinals and water closets, other than those designed and marketed exclusively for use at prisons or mental health facilities, shall meet the standards in subparagraphs (A) to (D), inclusive, of this subdivision when tested in accordance with the "Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals" in Appendix T to 10 CFR 430, Subpart B in effect on January 1, 2020, and water closets shall pass the waste extraction test for water closets in Section 7.10 of the American Society of Mechanical Engineers A112.19.2/CSA B45.1-2018. (A) Wall-mounted urinals, except for trough-type urinals, shall have a maximum flush volume of 0.5 gallons per flush. (B) Floor-mounted urinals, except for trough-type urinals,

shall have a maximum flush volume of 0.5 gallons per flush. (C) Water closets, except for dual-flush tank-type water closets, shall have a maximum flush volume of 1.28 gallons per flush. (D) Dual-flush tank-type water closets shall have a maximum dual-flush effective flush volume of 1.28 gallons per flush;

(19) Water coolers included in the scope of the version 2.0 product specification of the "Energy Star Program Requirements Product Specification for Water Coolers" developed by the United States Environmental Protection Agency shall have on mode with no water draw energy consumption less than or equal the following values as measured in accordance with the test requirements of that program: (A) 0.16 kilowatt-hours per day for cold only unit water coolers and cook and cold unit water coolers; (B) 0.87 kilowatt-hours per day for storage-type hot and cold unit water coolers; and (C) 0.18 kilowatt-hours per day for on demand hot and cold unit water coolers.

(l) (l) No later than six months from the date of enactment of this Act, and as necessary thereafter, the Commissioner, in consultation with the Attorney General, shall determine which general service lamps are subject to federal preemption. On or after the date six months after enactment of this act, no general service lamp that is not subject to federal preemption may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards provided in subsection (k)

(2) Before January 1, 2022, no new commercial hot-food holding cabinet, portable electric spa or bottle-type water dispenser may be sold or offered for sale, lease or rent in the state unless the efficiency of the new product meets or exceeds any efficiency standards set forth in the regulations of state agencies.

(3) On and after January 1, 2022, no new air compressor, air purifier, cold temperature fluorescent lamp, commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial steam cooker, computer or computer monitor, electric vehicle supply

equipment, faucet, impact-resistant fluorescent lamp, portable electric spa, residential ventilating fan, showerhead, spray sprinkler body, uninterruptible power supply, urinal, water closet or water cooler may be sold or offered for sale, lease or rent in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in subsection (k) of this section.

(4) On and after February 1, 2022, no new portable air conditioner may be sold or offered for sale, lease or rent in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in subsection (k) of this section.

(5) On and after January 1, 2023, no new high color rendering index fluorescent lamp may be sold or offered for sale, lease or rent in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in subsection (k) of this section, provided, if, on or after January 1, 2022, the state of California adopts a standard for such new product, the commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the efficiency standards set forth in subsection (k) of this section for such new product before January 1, 2023.

(6) One year after the date upon which the sale or offering for sale of certain products becomes subject to the requirements of paragraph (1), (2), (3), (4), or (5) of this section, no such products may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards provided in subsection (k).

(m) If any energy or water conservation standards issued or approved for publication on or before January 1, 2018, pursuant to the Energy Policy and Conservation Act 10 CFR 430 to 10 CFR 431 by the Office of the United States Secretary of Energy are withdrawn, repealed or otherwise voided, the minimum energy or water efficiency level permitted for products previously subject to such energy or water conservation standards shall be such previously applicable federal energy or water conservation standards as such standards existed on

January 1, 2018, and no new product may be sold or offered for sale, lease or rent in the state unless it meets or exceeds such standards. This subsection shall not apply to any federal energy or water conservation standard set aside by a court upon the petition of a person who will be adversely affected, as provided in 42 USC 6306(b).

(n) (1) The commissioner may test products set forth in subsection (i) of this section. If any product tested is found not to be in compliance with the minimum efficiency standards established in subsection (k) of this section, the commissioner shall (A) charge the manufacturer of such product for the cost of the purchase and testing of the product, and (B) make information available to the Attorney General and the public concerning such product.

(2) The commissioner may, after giving prior notice and at reasonable and convenient hours, as determined by the commissioner, periodically inspect or cause inspections to be made of distributors and retailers of new products set forth in subsection (i) of this section to determine compliance with the provisions of this subsection and subsections (i) to (m), inclusive, of this section. The commissioner shall coordinate with the State Building Inspector to conduct or cause to be conducted inspections of newly constructed buildings containing new products that are also subject to the State Building Code before such buildings are occupied.

