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|----------------------|--|-----------|
| Act Number: | 09-052 | |
| Bill Number: | 5277 | |
| Senate Pages: | 2075, 2146-2147 | 3 |
| House Pages: | 1948-1952 | 5 |
| Committee: | Environment: 1767, 1768, 1788, 1904, 1905 | 5 |
| | Page Total: | 13 |

S - 583

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 7
2006 - 2343**

ch/pw
SENATE

21
May 13, 2009

281, Senate Bill 148 was marked for reference to the Appropriations Committee, that bill has -- has already been to the Appropriations Committee, has come back on our calendar so it should just be marked PR.

THE CHAIR:

A motion is to mark it PR and it will be changed.

SENATOR LOONEY:

Thank you Mr. President. Also Mr. President Calendar page nine, an item previously marked go, Calendar 503, Senate Bill 755 should be marked PR.

And then we have three items for Consent Calendar Mr. President. First on Calendar page 10, Calendar 538, House Bill 5277, Mr. President would move to place that item on the Consent Calendar.

THE CHAIR:

Motion is on the floor to place item on the Consent Calendar, seeing no objection so ordered sir.

SENATOR LOONEY:

Thank you Mr. President. Moving to Calendar page 13, Calendar 585, House Bill 6410, move to place this item also on the Consent Calendar.

THE CHAIR:

Motion is on the floor place the item on Consent, seeing no objection so ordered sir.

Will the Clerk please call the Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the consent calendar, will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar, will all Senators please return to the chamber. Mr. President, those items placed on the first Consent Calendar begin on Calendar Page 9, Calendar Number 524, Substitute for Senate Bill 876, Calendar Page 10, Calendar 538, House Bill 5277, Calendar Page 11, Calendar 543, Substitute for Senate Bill 981, Calendar Page 13, Calendar 585, House Bill 6410, Calendar 590, House Bill 5674 and Calendar Page 27, Calendar Number 191, Substitute for Senate Bill 809. Mr. President, that completes those items placed on the first Consent Calendar.

THE CHAIR:

Members have heard those items identified as on the Consent Calendar. The machine will be open.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber? The Senate is now voting by roll on the Consent Calendar. Will all Senators please return to the chamber?

THE CHAIR:

Members, please check the board to see that your vote is properly recorded. If all members have voted the machine will be closed. Would the Clerk please take a tally and announce the tally.

THE CLERK:

The motion is on adoption of Consent Calendar #1: total number voting 35, those voting yea, 35, those voting nay, zero, those absent/not voting one.

THE CHAIR:

Consent Calendar #1 is passed.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President. Mr. President, I believe the Clerk is in possession of Senate Agenda #1 for today's session.

THE CHAIR:

Is the Clerk in possession of Senate Agenda #1?

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agenda #1, dated Wednesday, May 13, 2009, copies have been distributed.

THE CHAIR:

H – 1043

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2009**

**VOL.52
PART 7
1947 – 2283**

rgd
HOUSE OF REPRESENTATIVES

65
April 22, 2009

CASINOS THAT PERMIT SMOKING IN SUCH PREMISES,
favorable report of the Committee on Government
Administration and Elections.

SPEAKER DONOVAN:

Representative Hewitt.

REP. HEWETT (39th):

Mr. Speaker, I move this bill be referred to
General Law Committee.

SPEAKER DONOVAN:

Is there objection? Is there objection? Hearing
none, it is so ordered.

Will the Clerk please call Calendar Number 149.

THE CLERK:

On page 35, Calendar 149, House Bill Number 5277,
AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
INVASIVE PLANT COUNCIL, favorable report of the
Committee on Planning and Development.

SPEAKER DONOVAN:

Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker. Mr. Speaker, I urge
adoption of the joint committee's favorable report and
passage of the bill.

SPEAKER DONOVAN:

rgd
HOUSE OF REPRESENTATIVES

66
April 22, 2009

The question is on acceptance of the joint committee's favorable report and passage of the bill. Will you remark, sir?

REP. ROY (119th):

Essentially, Mr. Speaker, what this does, it makes a few technical amendments or changes to the current law, including banning towns from having separate laws across the state. This way we avoid 169 different laws. Also, they can move for certain purposes, some of the items on the invasive list. And we take off water lettuce from that list. Thank you, Mr. Speaker. I urge passage.

Mr. Speaker, we have an amendment, LCO 5835. I ask that it be called and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 5835 which will be designated House Amendment Schedule A.

THE CLERK:

LCO Number 5835, House A, offered by Representatives McCluskey and Olson.

REP. ROY (119th):

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

The Representative seeks leave of the chamber to

rgd
HOUSE OF REPRESENTATIVES

67
April 22, 2009

summarize. Is there objection to summarization? Is there objection?

REP. ROY (119th):

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

You may proceed, sir.

REP. ROY (119th):

Mr. Speaker, it is essentially, a technical amendment, cleaning up some of the language in the bill. I urge passage. Thank you.

SPEAKER DONOVAN:

Thank you, Representative. The question before the chamber is adoption of House Amendment Schedule A. Will you remark further on the amendment? Remark further? Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. I agree with the Chairman of the Environment Committee. This amendment is purely technical and I urge it's passage. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Will you remark further? Would you remark further on the amendment before us? Remark further? If not, let me try your

rgd
HOUSE OF REPRESENTATIVES

68
April 22, 2009

minds. All those in favor, please signify by saying,
aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Remark further on the bill as amended? Remark
further on the bill as amended? Representative
Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. I rise in support of the
bill as amended. It's been a number of years that the
invasive plants council has put in a tremendous amount
of work on behalf of the residents of the state of
Connecticut. And each year they come back with a
laundry list of technical recommendations. I hope
that this is the year that we can pass those in
concurrence with the Senate. And I urge my colleagues
to support it. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Would you care to
remark further on the bill as amended? Would you care
to remark further on the bill as amended? If not,

rgd
HOUSE OF REPRESENTATIVES

69
April 22, 2009

staff and guests please come to the well of House.

Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll
call. Members to the chamber. The House is voting by
roll call. Members to the chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members
voted? If all the members have voted, please check
the board to make sure your vote has been properly
cast. If all the -- it's always good to check the
roll call vote.

If all the members have voted, the machine will
be locked in the Clerk will please take a tally.
Clerk will please announce the tally.

THE CLERK:

House Bill 5277 as amended by house a.

Total Number Voting 143

Necessary for Passage 72

Those voting Yea 142

Those voting Nay 1

Those absent and not voting 8

SPEAKER DONOVAN:

The bill as amended is passed.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 6
1649 - 1971**

2009



State of Connecticut
 HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

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ASSISTANT DEPUTY SPEAKER

MEMBER
 JUDICIARY COMMITTEE
 LEGISLATIVE MANAGEMENT COMMITTEE
 PLANNING AND DEVELOPMENT COMMITTEE

Testimony

By

Rep. Mary G. Fritz, 90th District
 Cheshire – Wallingford

on

H.B. 5002, An Act Concerning The State Acquisition of Agricultural Development
 Rights Program

HB 5277

February 23, 2009

Chairman Meyer, Chairman Roy, and Honorable Members of the Environment
 Committee.

I am here today to speak in favor of H.B. 5002, “An Act Concerning The State
 Acquisition of Agricultural Development Rights Program.”

For the record, I am State Representative Mary Fritz of the 90th District,
 representing parts of Wallingford and Cheshire – “The Bedding Plant Capital of the State
 of Connecticut.”

I would like to begin by thanking the committee for raising this bill and I
 sincerely hope you will support this proposal and move it to the floor for a vote.

- 2 -

As you know agriculture is a \$2 billion business in the State of Connecticut. Of that amount, \$1 billion is generated by horticulture. In the early 90s, I was most fortunate to get horticulture included under the definition of agriculture. To me this is merely an extension of that.

I strongly believe that the first section of the proposal dealing with the agricultural development rights program needs a language change. It is like going after a flea with a sledge hammer.

I have read section 22-66cc cited in the proposal and there isn't any language which states that the commissioner of agriculture presently prohibits greenhouses and nurseries from being included in the agricultural development rights programs. Therefore I would respectfully suggest a language change.

It should now read: "That title 22 of the general statutes be amended to allow the commissioner of agriculture to include greenhouses and nurseries under the agricultural development rights program established pursuant to section 22-26cc of the general statutes and to grant the commissioner authority to require soil restoration and replacement on land upon which such greenhouses and nurseries are located."

I thank you again for raising this bill and I truly hope you will J.F.S. this proposal to the floor.

P.S. I also strongly support H.B. 5277, "An Act Implementing the Recommendations of the Invasive Plants Council."



CANDLEWOOD LAKE AUTHORITY

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Public Hearing – February 23, 2009 **Environment Committee**

Testimony Submitted by Larry Marsicano
Executive Director, Candlewood Lake Authority

In Support of
HB 5277 – AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE INVASIVE PLANT COUNCIL

Connecticut has made great strides in its efforts to combat the spread of invasive aquatic plants, due in large part to the efforts of the CT Invasive Plant Council. The Invasive Plant Council statutes (Sec. 22a-381a,b) and invasive plant prohibition statutes (Sec. 22a-381c,d) crafted and implemented in 2003 provided a framework to coordinate efforts and discontinue sale, purchase and transport of selected invasive plants.

Those statutes do need some refinement, particularly as it applies to transport of invasive plant materials. In many instances, the control measure used to eradicate aquatic invasive plants in lakes is the physical removal, via harvester, suction harvesting, or hand pulling by SCUBA divers. Once the plant materials are removed from the water, it is important to move it to place where it can safely compost, with the decomposition by-products unable to drain back to the lake as the weeds dewater. Under the current statutes, it is against the law to move those harvested weeds to an appropriate place. This bill will rectify the minor oversight in the original legislation.

As Executive Director of the Candlewood Lake Authority and Vice President of the Connecticut Federation of Lakes, I strongly support the passing of HB 5277 – AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE INVASIVE PLANT COUNCIL and commend the efforts of the Invasive Plant Council.



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February 23, 2009

Testimony of Eric Hammerling, Executive Director, Connecticut Forest & Park Association

| Proposed Bills | Support/ Oppose |
|--|--------------------|
| S.B. 569: An Act Concerning Enhancements to the Inland Wetlands/Watercourses Act | Support |
| H.B. 5820: An Act Conserving Natural Vegetation Near Wetlands & Watercourses | Support |
| H.B. 5486: An Act Concerning Hartford's Public Trees and Urban Forest | Support |
| H.B. 5277: An Act Implementing the Recommendations of the Invasive Plant Council | Support |
| H.B. 5267: An Act Concerning the Use of Funds Under STEAP for Projects that Convert Farmland to Other Uses | Support |

Chairmen Roy and Meyer, and Members of the Environment Committee:

My name is Eric Hammerling and I am the Executive Director of the Connecticut Forest & Park Association, the first conservation organization established in Connecticut in 1895. CFPA has offered testimony before the Legislature on issues such as sustainable forestry, state parks and forests, trails, natural resource protection, and land conservation every year since 1897.

CFPA has worked closely over the past two years with the coalition of organizations that have worked on S.B. 569: An Act Concerning Enhancements to the Inland Wetlands and Watercourses Act and H.B. 5820: An Act Conserving Natural Vegetation Near Wetlands and Watercourses. We support both measures.

S.B. 569 is a very important proposed bill that would make it clear that an applicant has the burden of proof that their development activity will do no harm to wetlands or watercourses, rather than the current situation which puts the burden on the town's Inland Wetlands Agency to prove that an activity will harm wetlands or watercourses. This has caused towns to spend significant time and money hiring experts and/or fighting lawsuits that challenge their permit denial. This bill would also make it imperative for the inland wetlands commissions to hear all relevant evidence rather than simply relying on the testimony of paid experts. We believe the ongoing implementation of the current system stacks the deck in favor of applicants, and it is time to achieve a balance of power for town wetland agencies.

H.B. 5820 would strengthen an important assumption that the natural vegetation next to wetlands and watercourses has an inherent value. In addition, this bill has been carefully crafted to neither apply to existing structures nor to undermine any existing exemptions for agricultural uses (including forestry) within a 100' riverfront area. Extensive scientific information exists to support the importance of natural vegetation in protecting water quality, fish and wildlife habitats, and reducing flood surges. Indeed, based upon the climate change models that suggest the Northeastern U.S. will be having wetter winters and drier

summers, I can't understand why someone would want to build a new home in an area that soon may be more subject to flooding. I should also note that in Massachusetts, this riverfront area is 200 feet rather than the 100 feet proposed in this bill, and the Massachusetts Rivers Protection Act has been working well since 1996.

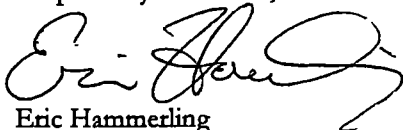
H.B. 5486 is an important bill to help recognize the importance of trees to our urban areas. Trees add value to neighborhoods by providing aesthetics, stormwater runoff absorption, shade, et cetera. In CFPA's quarterly magazine, Connecticut Woodlands, we ran a feature on urban forestry in Hartford from which the following has been excerpted: "Viewed from above, about 26 percent of the total surface area of Hartford is covered by trees. This canopy cover compares favorably with other major cities in the Northeast, including Boston (22 percent), New York (21 percent) and Washington, D.C. (29 percent). Of the remaining surface area, about 16 percent could be planted with trees and so, potentially, be used to increase the city's canopy cover. Hartford's trees store about 143,000 tons of carbon, and continue to remove carbon from the atmosphere at about the rate of 2,440 tons per year. An average car in the U.S. produces about 6 tons of carbon each year, so Hartford's trees could be said to balance the effects of over 400 cars. The city's trees also help reduce energy consumption within the city by about 1,800 megawatt hours per year. Since the average Connecticut household uses about 8.4 megawatt hours per year, this balances the energy impact of over 200 households . . . The air quality benefits provided by the trees in Hartford also include substantial reductions in ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide and particulate matter. The survey showed that the trees of Hartford filter out about 37 tons of particulate matter a year. They also remove about 8 tons of carbon monoxide, 7 tons of nitrogen dioxide and 4 tons of sulfur dioxide annually. By shading and cooling our streets, trees also remove or help prevent the formation of about 15 tons of ozone each year . . . The replacement value for these trees in sum total would run about \$590 million."

H.B. 5277 would implement important measures to reduce invasive plant problems and includes common-sense refinements of existing regulations such as exempting "the moving of invasive plants for eradication, research or educational purposes." from the current prohibitions on that action.

H.B. 5267 is a significant bill that would essentially disallow municipalities from using STEAP grants in ways that would convert or result in a loss of farmland. STEAP grants support many levels of municipal development projects, but should no longer be able to convert farmland to other uses.

Thank you for the opportunity to provide this testimony.

Respectfully submitted,



Eric Hammerling
Executive Director