

2019 Connecticut Environmental Legislative Update No. 1

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Welcome to our Environmental Legislative Updates.

Throughout Connecticut’s legislative session, these updates highlight developments concerning environmental law and policy. The author prepares updates as Legislative Liaison of the Connecticut Bar Association’s Environmental Law Section. Pullman & Comley is pleased to offer them in this format to a wider audience.

As the session proceeds, early updates will alert readers to proposals on a broad range of issues concerning the environment, narrowing focus over time on bills that continue to progress, and concluding with a post-session wrap-up of bills that pass as well as noteworthy also-rans. Along the way they’ll summarize and challenge arguments pro and con, examine the policy and science behind proposals, and occasionally cast a side glance at the vicissitudes and vagaries of the process. The views expressed will be the author’s own, not necessarily those of Pullman & Comley LLC.

Questions, comments, requests and suggestions are always welcome. Please contact one of our Environmental attorneys.

In the dark of winter, it’s said, the ancients brought evergreens into their homes to ward off evil spirits and mark the point in the year where days would grow longer. Fake news? Who knows. It seems safer to keep putting the tree up every year. Correlation may not be causation but mostly we seem free of evil spirits, and the days are getting longer already. And in the eternal round of the seasons, we celebrate another annual milestone: the Connecticut General Assembly is back in session.

If you’ve received these reports before, you may treat this paragraph like the airline safety briefing. As the session proceeds, we’ll unilaterally (sometimes arbitrarily) identify bills introduced in the House and Senate that touch on matters of environmental interest. Many will be within the jurisdiction of the Environment Committee, but not all; brownfields bills in particular tend to come up through Commerce. So we scan all the

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bills, and welcome suggestions about anything we may have missed. Then we'll track them as they proceed, hippety-hop, down the legislative bunny trail toward glorious enactment or ignominious demise. And along the way, if something strikes our fancy, it will show up as a Bonus Legislative Update. This is where we usually get ourselves in hot water: you may decide whether the greater entertainment value comes from the Bonus Updates or the occasional humiliation of the Legislative Liaison for making unwarranted comedy out of something serious.

Veterans of this exercise may recall that we have included blurbs with live hyperlinks to bills. For some reason, the lists of bills circulated thus far have been in pdf format without hyperlinks. Maybe the state can't afford hyperlinks anymore? At any rate, until this sorts itself out, we are going to refer the hypothetical interested reader to the Connecticut General Assembly web site, which has a little box at the bottom where you can type in the bill number. We may resort to including a spreadsheet of tracked bills.

"Enough preliminaries," we hear you thinking, "I know the seat cushion can be used as a flotation device." Okay, okay. Herewith some early session highlights.

We'll start with SB 7, which would establish Norwalk's Calf Pasture Beach as a wildlife refuge. If the "Jeopardy!" clue were, "He is the sponsor of SB 7," the answer would be "Who is Senator Bob Duff?" Remember it has to be in the form of a question.

Also referred to the Environment Committee, perhaps to their bemusement: SB 8 concerning authorization for production of industrial hemp in Connecticut.

Moving over to the House side, HB 5002 shapes up as an ambitious "Green New Deal" bill to create programs concerning, and funding for, energy efficiency, renewable energy, sustainability and resiliency. Energy bills often overlap with environmental considerations; we limit our comments to those where the overlap is substantial. At the moment, the actual text of 5002 is a placeholder containing little more than the statement of purpose we've just paraphrased. But it has a zillion co-sponsors, and a grabby title, and the sustainability and resiliency topics alone warrant attention. So watch this space for something that could be substantial.

HB 5011 takes another run at a topic addressed by a couple bills in recent sessions: teaching climate change in the public school science curriculum. Past proposals have been more specific and have reflected multiple permutations on how to approach this, so other options may emerge. Of course in Florida, climate change does not exist.

Single use plastic bag bingo: HB 5019, the five cent tax option.

Another perennial: all-terrain vehicles. In the early going, we are favored with a bundle of three apparently coordinated concepts: HB 5020 would require ATV registration, with the fees to fund ATV trails; HB 5021 would waive ATV registration fees for veterans and dedicate fees to ATV trail maintenance; and HB 5022

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would authorize creation of ATV trails on state land.

Definitely not going to make smart remarks about this one: HB 5024 would restrict the use of exotic and wild animals in circuses and other traveling performances. We just hope this won't apply to the seals at the Maritime Aquarium. They're cute and seem to enjoy the herring. Unless this bill covers the herring, which probably don't find the whole thing so amusing.

HB 5124 proposes a study of statutes and regulations concerning municipal separate storm sewer systems and the burden they impose on municipalities. You may recall the Sturm [Regenkanal] und Drang that accompanied expansion of MS4 requirements under the 2017 general permit. This looks like an aftershock. We wonder what a study would accomplish at this point. Although if it's a task force, sign us up.

As usual, your Legislative Liaison welcomes comments, questions, suggestions and corrections. Feel free especially to nominate legislative proposals you don't see here but think would be of interest. We are many things but infallible is not one of them. Best regards.

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