



House of Representatives

General Assembly

File No. 487

January Session, 2023

House Bill No. 6813

House of Representatives, April 11, 2023

The Committee on Environment reported through REP. GRESKO of the 121st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT AUTHORIZING THE ESTABLISHMENT OF A SEABIRD AND SHOREBIRD PROTECTION PROGRAM.

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

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) The Commissioner of
2 Energy and Environmental Protection may establish a list of seabirds
3 and shorebirds that are identified by such commissioner in the most
4 recent version of Connecticut's Wildlife Action Plan as any species of
5 greatest conservation need for inclusion in a seabird and shorebird
6 protection program. The commissioner may include additional bird
7 species that may benefit from such program.

8 (b) Pursuant to the seabird and shorebird protection program, the
9 commissioner may designate seabird and shorebird protection areas.
10 Such seabird and shorebird protection areas may be designated for the
11 months of March to September of any calendar year, or any period of
12 time therein, on public property that is located within the coastal area,
13 as described in subsection (a) of section 22a-94 of the general statutes.

14 (c) The commissioner shall identify any such seabird and shorebird
15 protection area by marking such area with string fencing, posts and
16 associated signage. The commissioner may utilize agents or volunteers
17 to install such string fencing, posts and associated signage.

18 (d) No person shall enter any seabird and shorebird protection area
19 designated and identified by the commissioner in accordance with the
20 provisions of this section unless such person is duly authorized by the
21 commissioner to enter such seabird and shorebird protection area.

22 (e) No person shall allow any pet or other animal under such person's
23 control to be closer than one hundred feet from any seabird and
24 shorebird protection area designated and identified pursuant to this
25 section except for a service animal, as defined in section 22-345 of the
26 general statutes.

27 (f) No person who operates any vehicle or bicycle shall allow such
28 vehicle or bicycle to be closer than one hundred feet from any seabird
29 and shorebird protection area designated and identified pursuant to this
30 section.

31 (g) Any person who violates any provision of subsection (d), (e) or (f)
32 of this section shall have committed a separate infraction for each such
33 violation.

34 Sec. 2. Subsection (b) of section 51-164n of the general statutes is
35 repealed and the following is substituted in lieu thereof (*Effective from*
36 *passage*):

37 (b) Notwithstanding any provision of the general statutes, any person
38 who is alleged to have committed (1) a violation under the provisions of
39 section 1-9, 1-10, 1-11, 2-71h, 4b-13, 7-13, 7-14, 7-35 or 7-41, subsection (c)
40 of section 7-66, section 7-83, 7-147h, 7-148, 7-148f, 7-148o, 7-283, 7-325, 7-
41 393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-185, 10-193, 10-197, 10-198, 10-
42 230, 10-251, 10-254, 10a-35, 12-52, 12-54, 12-129b or 12-170aa, subdivision
43 (3) of subsection (e) of section 12-286, section 12-286a, 12-292, 12-314b or
44 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of

45 section 12-411, section 12-435c, 12-476a, 12-476b, 12-476c, 12-487, 13a-71,
46 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139,
47 13a-140, 13a-143b, 13a-253, 13a-263 or 13b-39f, subsection (f) of section
48 13b-42, section 13b-90 or 13b-100, subsection (a) of section 13b-108,
49 section 13b-221 or 13b-292, subsection (a) or (b) of section 13b-324,
50 section 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c,
51 subsection (a), (b) or (c) of section 13b-412, section 13b-414 or 14-4,
52 subdivision (2) of subsection (a) of section 14-12, subsection (d) of
53 section 14-12, subsection (f) of section 14-12a, subsection (a) of section
54 14-15a, section 14-16c, 14-20a or 14-27a, subsection (f) of section 14-34a,
55 subsection (d) of section 14-35, section 14-43, 14-44j, 14-49, 14-50a, 14-58
56 or 14-62a, subsection (b) of section 14-66, section 14-66a or 14-67a,
57 subsection (g) of section 14-80, subsection (f) or (i) of section 14-80h,
58 section 14-97a or 14-98, subsection (a), (b) or (d) of section 14-100a,
59 section 14-100b, 14-103a, 14-106a, 14-106c, 14-145a or 14-146, subsection
60 (b) of section 14-147, section 14-152, 14-153, 14-161 or 14-163b, subsection
61 (f) of section 14-164i, section 14-213b or 14-219, subdivision (1) of section
62 14-223a, subsection (d) of section 14-224, section 14-240, 14-250, 14-253a,
63 14-261a, 14-262, 14-264, 14-266, 14-267a, 14-269, 14-270, 14-272b, 14-274,
64 14-275 or 14-275a, subsection (c) of section 14-275c, section 14-276,
65 subsection (a) or (b) of section 14-277, section 14-278, 14-279 or 14-280,
66 subsection (b), (e) or (h) of section 14-283, section 14-283d, 14-283e, 14-
67 283f, 14-283g, 14-291, 14-293b, 14-296aa, 14-298a, 14-300, 14-300d, 14-
68 300f, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,
69 subdivision (1), (2) or (3) of section 14-386a, section 15-15e, 15-25 or 15-
70 33, subdivision (1) of section 15-97, subsection (a) of section 15-115,
71 section 16-15, 16-16, 16-44, 16-256e, 16-278 or 16a-15, subsection (a) of
72 section 16a-21, section 16a-22, subsection (a) or (b) of section 16a-22h,
73 section 16a-106, 17a-24, 17a-145, 17a-149 or 17a-152, subsection (b) of
74 section 17a-227, section 17a-465, subsection (c) of section 17a-488, section
75 17b-124, 17b-131, 17b-137, 19a-33, 19a-39 or 19a-87, subsection (b) of
76 section 19a-87a, section 19a-91, 19a-102a, 19a-102b, 19a-105, 19a-107,
77 19a-113, 19a-215, 19a-216a, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287,
78 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340,
79 19a-425, 19a-442, 19a-502, 19a-565, 20-7a, 20-14, 20-153a, 20-158, 20-231,

80 20-233, 20-249, 20-257, 20-265, 20-324e, 20-329c or 20-329g, subsection (b)
81 of section 20-334, section 20-341l, 20-366, 20-482, 20-597, 20-608, 20-610,
82 20-623, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48 or 21-63, subsection (d) of
83 section 21-71, section 21-76a or 21-100, subsection (c) of section 21a-2,
84 subdivision (1) of section 21a-19, section 21a-20 or 21a-21, subdivision
85 (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30,
86 subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-70b
87 or 21a-77, subsection (b) or (c) of section 21a-79, section 21a-85 or 21a-
88 154, subdivision (1) of subsection (a) of section 21a-159, section 21a-278b,
89 subsection (c), (d) or (e) of section 21a-279a, section 21a-421eee, 21a-
90 421fff, 21a-421hhh, subsection (a) of section 21a-430, section 22-12b, 22-
91 13, 22-14, 22-15, 22-16, 22-26g, 22-30, 22-34, 22-35, 22-36, 22-38, 22-39, 22-
92 39f, 22-49, 22-54, 22-61j or 22-61l, subdivision (1) of subsection (n) of
93 section 22-61l, subsection (f) of section 22-61m, subdivision (1) of
94 subsection (f) of section 22-61m, section 22-84, 22-89, 22-90, 22-96, 22-98,
95 22-99, 22-100 or 22-111o, subsection (d) of section 22-118l, section 22-167,
96 subsection (c) of section 22-277, section 22-278, 22-279, 22-280a, 22-318a,
97 22-320h, 22-324a or 22-326, subsection (b), subdivision (1) or (2) of
98 subsection (e) or subsection (g) of section 22-344, subsection (a) or (b) of
99 section 22-344b, section 22-344c, subsection (d) of section 22-344d,
100 section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391, 22-413, 22-414,
101 22-415, 22-415c, 22a-66a or 22a-246, subsection (a) of section 22a-250,
102 section 22a-256g, subsection (e) of section 22a-256h, section 22a-363 or
103 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449,
104 22a-450, 22a-461, 23-4b, 23-38, 23-45, 23-46 or 23-61b, subsection (a) or
105 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,
106 subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-
107 21, 26-31, 26-40, 26-40a, 26-42, 26-43, 26-49, 26-54, 26-55, 26-56, 26-58 or
108 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64,
109 subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94,
110 26-97, 26-98, 26-104, 26-105, 26-107, subsection (d), (e) or (f) of section 1
111 of this act, 26-114a, 26-117, subsection (b) of section 26-127, 26-128, 26-
112 128a, 26-131, 26-132, 26-138, 26-139 or 26-141, subdivision (1) of section
113 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of
114 section 26-226, section 26-227, 26-230, 26-231, 26-232, 26-244, 26-257a, 26-

115 260, 26-276, 26-280, 26-284, 26-285, 26-286, 26-287, 26-288, 26-290, 26-
116 291a, 26-292, 26-294, 27-107, 28-13, 29-6a, 29-16, 29-17, 29-25, 29-143o, 29-
117 143z or 29-156a, subsection (b), (d), (e), (g) or (h) of section 29-161q,
118 section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-
119 210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316 or
120 29-318, subsection (b) of section 29-335a, section 29-381, 30-19f, 30-48a or
121 30-86a, subsection (b) of section 30-89, subsection (c) or (d) of section 30-
122 117, section 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-
123 23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47 or 31-48,
124 subsection (b) of section 31-48b, section 31-51, 31-51g, 31-52, 31-52a, 31-
125 53 or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-
126 75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273,
127 section 31-288, 31-348, 33-624, 33-1017, 34-13d or 34-412, subdivision (1)
128 of section 35-20, subsection (a) of section 36a-57, subsection (b) of section
129 36a-665, section 36a-699, 36a-739, 36a-787, 38a-2 or 38a-140, subsection
130 (a) or (b) of section 38a-278, section 38a-479qq, 38a-479rr, 38a-506, 38a-
131 548, 38a-626, 38a-680, 38a-713, 38a-733, 38a-764, 38a-786, 38a-828, 38a-
132 829, 38a-885, 42-133hh, 42-230, 42-470 or 42-480, subsection (a) or (c) of
133 section 43-16q, section 45a-283, 45a-450, 45a-634 or 45a-658, subdivision
134 (13) or (14) of section 46a-54, section 46a-59, 46a-81b, 46b-22, 46b-24, 46b-
135 34, 46b-38d, 47-34a, 47-47 or 47-53, subsection (i) of section 47a-21,
136 subdivision (1) of subsection (k) of section 47a-21, section 49-2a, 49-8a,
137 49-16, 52-143 or 52-289, subsection (j) of section 52-362, section 53-133,
138 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-290a, 53-302a, 53-
139 303e, 53-311a, 53-314, 53-321, 53-322, 53-323 or 53-331, subsection (b) of
140 section 53-343a, section 53-344, subsection (b) or (c) of section 53-344b,
141 subsection (b) of section 53-345a, section 53-377, 53-422 or 53-450 or
142 subsection (i) of section 54-36a, or (2) a violation under the provisions of
143 chapter 268, or (3) a violation of any regulation adopted in accordance
144 with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation
145 of any ordinance, regulation or bylaw of any town, city or borough,
146 except violations of building codes and the health code, for which the
147 penalty exceeds ninety dollars but does not exceed two hundred fifty
148 dollars, unless such town, city or borough has established a payment
149 and hearing procedure for such violation pursuant to section 7-152c,

150 shall follow the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section
Sec. 2	<i>from passage</i>	51-164n(b)

ENV *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill: (1) lets the Department of Energy and Environmental Protection (DEEP) identify and assign shorebird protection areas along the coastline, and (2) establishes a separate infraction for each violation for anyone who disturbs these areas.

This results in a potential revenue gain from fines depending on what, if any, seabird or shorebird designations are made. Infractions are not crimes and are punishable by fines that usually range from \$100 to \$300.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**HB 6813*****AN ACT AUTHORIZING THE ESTABLISHMENT OF A SEABIRD AND SHOREBIRD PROTECTION PROGRAM.*****SUMMARY**

This bill (1) allows the Department of Energy and Environmental Protection (DEEP) commissioner to establish a seabird and shorebird protection program under which she may designate and identify protection areas along the state's coast and (2) makes it an infraction to disturb these areas.

The bill authorizes the commissioner to create a list of birds to be protected. The list must include seabirds and shorebirds considered "species of greatest conservation need" in the most recent state wildlife action plan. It may also include other bird species that could benefit from protection.

Under the bill, the commissioner may designate seabird and shorebird protection areas on public land along the state's coastal area for any period during the months of March to September. The commissioner must identify each protection area with string fencing, posts, and signs. She may have volunteers or her agents help install these.

The bill prohibits people from doing the following:

1. entering an identified protection area unless the DEEP commissioner authorizes it;
2. allowing a pet or other animal under their control from coming within 100 feet of an identified protection area, except for a service animal; and

- 3. operating a vehicle or bicycle within 100 feet of an identified protection area.

Under the bill, a person commits a separate infraction for each violation.

EFFECTIVE DATE: October 1, 2023, except a provision that allows infractions to be handled through the Centralized Infractions Bureau is effective upon passage.

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the fine’s amount. (There may be other added charges based on the type of infraction. For example, certain motor vehicle infractions trigger a surcharge of 50% of the fine.) An infraction is not a crime, and violators can pay the fine by mail without making a court appearance.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 33 Nay 0 (03/24/2023)