CT DEPARTMENT OF AGRICULTURE
LEGISLATIVE REPORT 2011 SESSION

H.B. 6651 – AN ACT IMPLEMENTING PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT PA 11-48 Signed 6/13/11

Sections 133-135
COMMUNITY INVESTMENT ACCOUNT

The bill makes permanent a $10 increase (from $30 to $40) in the land use document recording fee scheduled to expire July 1, 2011. The law imposes the fee to fund historic preservation, affordable housing, open space preservation, and agricultural programs and specifies how the fee revenue must be allocated among these purposes.

The bill makes the $40 fee permanent and rearranges the distribution formula. It credits $10 of each fee to the agricultural sustainability account, which PA 09-229 established. The law imposes a formula for making grants to milk producers based on the federally set milk price and the amount needed to sustain dairy operations, as the U. S. agriculture secretary determines. Specifically, when that price falls below the minimum sustainable monthly cost to produce milk, a milk producer qualifies for a grant equal to the difference between these two figures.

The law sets the minimum sustainable monthly production cost at 82% of the baseline the U. S. Agriculture Department determines as the monthly average cost of producing milk in New England. If that baseline is unavailable, the bill requires the agriculture commissioner to set the baseline based on data and variables the agriculture secretary publishes.

Besides crediting $10 of each $40 fee for milk grants beginning July 1, 2011, the bill re establishes the distribution formula for the remaining recording fees that applied before July 1, 2009. That formula equally apportions the revenue to CCCT, Connecticut Housing Finance Authority, Department of Environmental Protection, and Department of Agriculture. Under current law, the latter must annually allocate its share as follows:

1. Agricultural Sustainability Program: $500,000;
2. Farm Transition Program: $500,000;
3. Connecticut Grown: $100,000; and
4. Connecticut Farm Link: $75,000.

The bill expands this list to include three entities currently receiving a temporary annual allocation under PA 09-229. They are the:

1. Seafood Advisory Council: $47,500;
2. Connecticut Farm Wine Development Council, $47,500; and
3. Connecticut Food Policy Council, $25,000.

As under current law, the agriculture commissioner must allocate any remaining balance to farmland preservation programs.

In making the fee permanent, the bill requires municipalities to remit $36 of each $40 fee to the state and retain $4, as current law requires.
Effective Date: July 1, 2011

H.B. 5368 - AN ACT EXTENDING CERTAIN PET SHOP LICENSEE REQUIREMENTS TO PERSONS AND ORGANIZATIONS THAT IMPORT ANIMALS FOR ADOPTION PA 11-187 Signed 7/13/11

This bill makes several changes affecting animal importers. Among other things, it requires animal importers to (1) register with the agriculture commissioner; (2) have the imported animals examined by a state-licensed veterinarian; and (3) notify the Department of Agriculture (DOA) and local zoning officials before offering the animals for sale, adoption, or transfer. The bill establishes various fines for violations of its provisions; it adds provisions that (1) require a veterinarian to examine a cat or dog within 48 hours of the animal being imported and within 15 days before the sale, adoption, or transfer of the animal and (2) authorizes the agriculture commissioner to inspect imported animals and animal importer's records.

The bill defines “animal importer” as a person who brings any dog or cat into Connecticut from another sovereign entity to offer it for sale, adoption, or transfer or give it to anyone in exchange for a fee, sale, voluntary contribution, service, or other consideration. An animal importer includes a commercial or nonprofit animal rescue or adoption, humane relocation, or delivery organization that is not required to be licensed under state law. (By law, commercial kennels, pet shops, grooming facilities, and training facilities must be licensed by the agriculture commissioner.)

The bill prohibits an animal importer from importing a dog or cat into Connecticut until he or she registers with the agriculture commissioner and pays a $100 registration fee. The registration must be on a form the commissioner prescribes and include the (1) registrant's name, mailing and business addresses, telephone number, and Internet address and (2) number of animals imported in the prior year and the state or country of their origin. If the registrant is domiciled out-of-state, the registration also must include the name, Connecticut address, and telephone number of a local agent for service of process. A registration is valid until the following December 31. An importer must renew the registration annually, if the commissioner determines the importer complies with any applicable regulation relating to the health, safety, and humane treatment of animals.

Violators of the registration requirement are subject to a fine of up to $500.

Registration is not required by an employee or volunteer of a registered animal importer or person holding a commercial kennel, pet shop, grooming facility, or training facility license if the employee, volunteer, or person is not otherwise an animal importer.

The bill requires any animal importer who intends to offer a dog or cat for sale, adoption, or transfer at a public or outdoor location to notify the DOA and the appropriate municipal zoning officer at least 10 days before the event. The notice must include the event date, exact location, and expected number of animals involved. Violators are subject to a fine of up to $100 per animal.

The bill's registration and notice provisions do not apply to an animal importer who offers a dog or cat for sale to a licensed pet shop.

The bill authorizes the agriculture commissioner to inspect an animal importer's imported animals or required records. But this inspection authority does not give the commissioner permission to enter an animal importer's residence unless invited.

The bill requires an animal importer, within 48 hours of importing a cat or dog into Connecticut and before offering it for sale, adoption, or transfer, and every 90 days until the sale, adoption, or transfer is complete, to have a state-licensed veterinarian examine the animal. Each animal must be examined by a state-licensed veterinarian within 15 days before a sale, adoption, or transfer and the veterinarian must provide the animal importer a written health certificate for the animal. An animal importer who violates these provisions is subject to a fine of up to $500 for each unexamined or uncertified animal.

The importer must maintain records of the veterinarian services for three years after they were rendered. Violators are subject to a $500 fine.

By law, a person, firm, or corporation may not import or export for sale a dog or cat less than eight weeks old without its mother. It also prohibits the sale of a dog or cat that is under eight weeks old. Under current law, violators are subject to a fine of up to $100, imprisonment for up to 30 days, or both.

The bill extends the prohibitions to the adoption or transfer of dogs or cats under eight weeks old. It increases the maximum fine for sales from $100 to $500 and applies the fine and imprisonment to

adoptions and transfers. The maximum term of imprisonment remains the same. By law, a dog or cat imported into the state must be accompanied by a health certificate issued within 30 days before the importation by a licensed graduate veterinarian. The certificate must state that the animal is not diseased and, if over three months old, is currently vaccinated for rabies. A dog or cat from a rabies quarantine area must have the state veterinarian's permission before importation. Under current law, violators are subject to a fine of up to $100, imprisonment for up to 30 days, or both. The bill increases the fine to up to $500.

Effective Date: October 1, 2011

H.B. 5508 – AN ACT CONCERNING THE GOVERNOR'S COUNCIL FOR AGRICULTURAL DEVELOPMENT PA 11-189 Signed 7/13/11

This bill reshapes the Governor's Council for Agricultural Development. It establishes the membership at 15 rather than 30 members and specifies members' qualifications.

The bill requires the council to recommend to the Agriculture Department ways to increase the percentage of consumer dollars spent on Connecticut-grown fresh produce and other farm products. The recommendations must include ways to increase, by 2020, the amount Connecticut residents spend on locally grown farm products to at least 5% of all money spent on food.

By law, the council advises the Agriculture Department on the development, diversification, and promotion of agricultural products, programs, and enterprises and provides for an exchange of ideas among the commodity groups and organizations it represents.

The bill sets the council's membership at 15 members instead of permitting up to 30 members. The bill requires, instead of allows, the governor to fill any vacancy in membership.

Under the bill, the members include the (1) agriculture commissioner, who serves as chairperson, as under current law; (2) dean of the College of Agriculture and Natural Resources at UConn or the dean's designee; and (3) Connecticut Milk Promotion Board's chairperson or the chairperson's designee. Members also include 12 appointees; 6 members appointed by the Governor who are actively engaged in agricultural production; 1 member appointed by the House Speaker who engages is agricultural processing; 1 member appointed by the president pro tempore of the Senate who engages in agricultural marketing; 1 member appointed by the House majority leader who engages in agricultural sales; one member appointed by the Senate majority leader from a trade association; 1 member appointed by the House minority leader from the green industry and one member appointed by the Senate minority leader who is actively engaged in agricultural education.

By law, the council must meet at least once each calendar quarter. A member who is absent from more than two meetings per year is deemed to have resigned. Members serve without compensation or reimbursement for expenses.

Effective Date: October 1, 2011

H.B. 6156 - AN ACT CONCERNING FARMERS' MARKETS PA 11-191 Signed 7/13/11

This bill makes a farmer's permit or license to operate a food service establishment portable from health district to health district under specified conditions. It requires the farmer to notify a local health department or district in advance if he or she will begin operating a food service establishment within that jurisdiction.

The bill makes any food service establishment permit or license issued by a municipal health department or district to a farmer to participate in a certified farmers' market in that jurisdiction valid for operating a food service establishment at any certified farmers' market in the state. The operation must (1) be in

accordance with the approved menu items and food preparation processes or (2) use menu items or food preparation processes that are substantially similar to those approved.

A permit or license is valid for the calendar year in which it is issued.

Within 14 days before operating a food service establishment in a town that did not issue a permit or license to the farmer, the farmer must send a notice of intent to begin the operation to that town's health department or district. The notice must include a copy of the farmer's permit or license and any approved food service plan.

A local health director may take regulatory action against a farmer who operates a food service establishment within the health director's jurisdiction to ensure that the farmer complies with the public health code. But a local health director cannot require a farmer to apply for or purchase a permit or license to operate a food service establishment if the farmer (1) already holds a valid one from another district and (2) complies with the bill.

A farmer who operates a food service establishment in a certified farmers' market and whose menu items and food preparation processes were approved by a health department or district, or who uses menu items or food preparation processes that are substantially similar, is exempt from any local ordinance concerning the operation of a food service establishment. A local health department or district cannot require a farmer who applies for a permit or license to operate a food service establishment at a certified farmers' market to submit information on his or her ability to comply with any such local ordinance.

Effective Date: Upon Passage

H.B. 6303 - <u>AN ACT CONCERNING THE TREATMENT OF ILL AND INJURED ANIMALS IN MUNICIPAL ANIMAL SHELTERS</u> PA 11-111 Signed 7/8/11

This bill authorizes any regional or municipal dog pound to contract with a public or private nonprofit animal rescue organization for the organization to pay a licensed veterinarian to treat an injured, sick, or diseased animal that is impounded. The bill (1) details what a contract must contain and (2) requires each pound to maintain a list of any nonprofit animal rescue organization that notifies it concerning interest in entering into such a contract. The bill specifies that its contract and the treatment provisions do not affect any protection that state law, regulation, or municipal ordinance provide.

By law, a municipality may use a dog pound to shelter other animals that are injured, mistreated, or roaming in a manner that endangers the animal or the public. State regulations require a dog pound to have a licensed veterinarian examine any impounded dog that appears sick or injured (Conn. Agencies Reg. § 22-336-28).

Under the bill, if any person observes or reasonably believes that a municipal or regional animal control officer (ACO) failed to provide any animal under the ACO's custody with proper care, including veterinary care, the person may file a complaint with the Department of Agriculture's State Animal Control Division. The bill requires the division, no later than 24 hours after receiving a complaint, to take action as it deems necessary to secure proper care for the animal. However, if the division receives the complaint on a Saturday or Sunday, it must take action on the next business day.

The bill waives civil liability for actions a municipal pound, municipality, ACO, public or private nonprofit animal rescue organization, or veterinarian take under the bill's contract provisions. But, liability is not waived if any of these entities acts in a wanton, reckless, or similar manner.

The bill also expands and changes how ACOs advertise impoundment of certain animals. Provisions were added: (a) requiring pounds to maintain a list of nonprofit organizations, (b) specifying that the bill does not affect existing legal protections, and (c) concerning a person reporting an ACO to the state Animal Control Division and (2) makes changes to civil liability and web posting provisions.

Under the bill, a contract established by a municipality with a veterinarian must establish that:

1. the municipality will not become responsible for treatment costs incurred under it;
2. the public or private nonprofit animal rescue organization responsible for payment selects the licensed veterinarian who treats an animal;
3. a regional or municipal ACO who has custody of the animal determines whether it is injured, sick, or diseased and needs veterinary treatment, but if any pound employer or volunteer notifies the ACO that an animal is injured, sick, or diseased and needs treatment, the ACO must contact the organization to arrange treatment; and
4. the nonprofit animal rescue organization must, within 24 hours of a facility's request for treatment, select a licensed veterinarian and take custody or control of an animal, if necessary, to have the veterinarian treat the animal immediately.

Under the bill, a regional or municipal dog pound, municipality, municipal or regional ACO, or public or private nonprofit animal rescue organization is not civilly liable for actions taken to have a licensed veterinarian treat an injured, sick, or diseased animal under a contract the bill authorizes. The bill does not provide this protection if these entities act in a wanton, reckless, or malicious manner.

The bill bars civil liability for treatment that a licensed veterinarian provides free or at a reduced fee to an injured, sick, or diseased animal as a result of such a contract. However, civil liability remains if the veterinarian performs these actions in a willful, wanton, or reckless manner.

Previously under the law, an ACO must have posted a description of an impounded animal whose owner is unknown in a local newspaper. The bill (1) also allows publication in a newspaper that has a statewide circulation and (2) requires posting on a national pet adoption website or website that the ACO maintains or accesses that is accessible to the public (a) a photograph or description of the animal and (b) the date on which it is no longer legally required to be impounded.

The bill does not require website posting if: 1. the animal is held pending the resolution of civil or criminal litigation that involves it; 2. the ACO has a good-faith belief that the animal would be adopted by or transferred to a public or private nonprofit rescue organization for placement in an adoptive home, even without the posting; 3. the animal's safety will be placed at risk; or 4. the ACO determines that the animal is feral and not adoptable.

Under the bill, if an ACO does not have the technological resources to post the information on the web, the officer may contact a public or private animal rescue organization and ask it to post the information on a publicly accessible website at the organization's expense. To the extent practicable, an ACO's or organization's posting must remain up for the duration of an animal's impoundment in the municipal or regional dog pound.

Each municipality, other than those participating in a regional dog pound, must: 1. provide and maintain a suitable building as a pound, which must be comfortable for the detention and care of dogs and kept in a sanitary condition or 2. provide, through written agreement, for the detention and care of impounded dogs by a licensed veterinarian, veterinary hospital, or commercial kennel; dog pound maintained by another city; or other suitable facility approved by the agriculture commissioner.

Any municipality may use the pound or facility to shelter other animals that are injured, mistreated, or roaming in a manner that endangers the animal or the public (CGS § 22-336).

Effective Date: October 1, 2011

S.B. 462 - <u>AN ACT AUTHORIZING THE SALE OF CONNECTICUT WINE AT FARMERS' MARKETS AND ESTABLISHING A FARMERS' MARKET WINE PERMIT</u> PA 11-164 Signed 7/13/11

This bill creates a farmers' market wine sales permit that allows farm wineries to sell wine they manufactured on their premises under a manufacturer's permit and other specified conditions. Under the bill, a municipality may ban, by ordinance or zoning regulation, wine sales at a farmers' market by farmers' market wine sales permittees.

The law allows liquor permittees to hold only one permit, unless they are specifically exempted. Currently, a manufacturer's permitee for a farm winery can hold an in-state transporter's permit, a wine festival permit, or any combination of such permits. The bill adds the farmers' market wine sales permit to the exemption, thus allowing a manufacturer's permittee for a farm winery to hold any of these permits.

The bill requires the consumer protection commissioner to issue a farmers' market wine sales permit to a farm winery when the permittee submits proof he or she is in compliance with the farm winery manufacturing permit statute. The farmers' market wine sales permit authorizes the farm winery to sell wine it manufactures at up to three farmers' market locations a year for an unlimited number of appearances. The permittee must (1) have an invitation from the farmers' market; (2) sell wine only by the bottle; and (3) be present, or have an authorized representative present, anytime wine is sold.

The permit is valid for one year and requires an annual fee of $250, with a $100 nonrefundable filing fee.

Under this permit, wine sales are allowed from 8:00 a.m. to 9:00 p.m. on Monday through Saturday, but not allowed on Sunday or when the farmers' market is not open to the public. Any town may, by town meeting vote or ordinance, reduce the wine selling hours.

The bill also authorizes any municipality, by ordinance or zoning regulation, to prohibit the sale of wine by a farmers' market wine sales permittee at a farmers' market held in the municipality.

A farmers' market is a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout a season. It must operate principally as a marketplace for farmers to sell Connecticut-grown fresh produce or farm products to consumers. Farm products that are sold must be produced by farmers with the sole purpose of generating a portion of household income.

Effective Date: July 1, 2011

H.B. 5472 - <u>AN ACT AUTHORIZING LOCAL AND REGIONAL AGRICULTURAL COUNCILS</u>
PA 11-188 Signed 7/13/11

This bill explicitly authorizes a municipality to establish a local or regional agricultural council. (Some municipalities currently have similar entities.)

It also requires a local conservation and development plan to recommend the most desirable use of land in the municipality for agriculture purposes and include it on a map showing this and other proposed land uses. Under current law, the uses include residential, recreational, commercial, industrial, conservation, and other purposes. By law, in preparing the plan, a planning commission or one of its special committees must consider agriculture protection and preservation.

By law, a municipal land use board must make zoning regulations giving reasonable consideration for their impact on agriculture. The bill specifies the definition of agriculture. Provisions were added concerning (1) local conservation and development plans and (2) zoning regulations.

Under the bill, the legislative body of the town, or the board of selectmen where the town meeting is the legislative body, must vote to establish a council. Two or more towns can agree to form a regional council by a vote of their legislative bodies.

The bill permits an agriculture council to:

1. provide information to local farmers and municipal boards and commissions about the benefits of balancing agriculture and other land uses;
2. educate municipal officials about agricultural laws and safety issues;
3. identify grant sources for farmers and municipalities;
4. enable a common understanding of agriculture among all municipal departments;
5. provide information and guidance about agriculture-related zoning issues;
6. support local, regional, and state vocational agricultural programs;
7. provide conflict resolution and advisory services;

8. identify innovative opportunities for agriculture; and
9. create a climate that supports agriculture's economic viability in the municipality.

Under the bill, agriculture includes soil cultivation; dairying; forestry; and raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and managing livestock, including horses, bees, poultry, fur-bearing animals, and wildlife. It also includes the:

1. raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish (aquaculture);
2. operation, management, conservation, improvement, or maintenance of a farm and its buildings, tools, and equipment, or salvaging timber or clearing land of brush or other debris left by a storm, as an incident to such farming operations;
3. production or harvesting of maple syrup, maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations;
4. harvesting of mushrooms;
5. hatching of poultry;
6. construction, operation, or maintenance of ditches, canals, reservoirs, or waterways used exclusively for farming purposes; and
7. handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage, market, or a carrier for transportation to market or for direct sale (a) any agricultural or horticultural commodity incident to ordinary farming operations or (b) in the case of fruits and vegetables, incident to the preparation of such fruits or vegetables for market or direct sale (CGS § 1-1(q)).

By law, the agriculture commissioner is authorized to provide advisory opinions to a municipality, state agency, tax assessor, or landowner at their request on (1) what constitutes agriculture or farming under the statutes and (2) the classification of land as farmland or open space (CGS § 22-4c).

Effective Date: October 1, 2011

H.B. 6226 - <u>AN ACT CONCERNING CROSS-REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY</u>
PA 11-194 Signed 7/13/11

This bill requires state, regional, and municipal animal control officers (ACOs) and Department of Children and Families (DCF) employees to report to the Department of Agriculture (DOAG) commissioner when they reasonably suspect that an animal is being treated cruelly, harmed, or neglected. The agriculture commissioner must forward the information he receives from the ACOs to the DCF commissioner in a monthly report. The DCF commissioner must then determine whether any address in an animal cruelty report corresponds to an address where there is an open investigation of a child.

The DCF commissioner must develop and implement training for her department's employees on (1) how to identify cruelty or harm to or neglect of animals and (2) their relationship to child welfare case practices. She must also train ACOs concerning identifying and reporting child abuse and neglect. All training must be accomplished within available appropriations.

Under the bill, when a state, regional, or municipal ACO, in the course of his or her work, reasonably suspects that an animal has been harmed, neglected, or treated cruelly in violation of the law and files the requisite petition in Superior Court, the ACO must also report in writing to the DOAG commissioner. The ACO must file the report as soon as practicable but no later than 48 hours after filing the court petition.

The bill identifies the following contents, if known, the report must include:

1. the address where the animal was seen and the name and address of its owner or caretaker;
2. the animal's name and description;
3. the nature and extent of the harm, neglect, or cruelty and the approximate date and time it occurred;
4. any information regarding any prior harm, neglect, or cruelty to the animal;
5. how the ACO learned of the harm, neglect, or cruelty; and
6. the name and address of everyone the ACO reasonably suspects to be responsible.

The bill requires DCF employees who, in the course of their work, reasonably suspect that an animal has been harmed, neglected or treated cruelly in violation of the law, to report orally to the DOAG commissioner.

Like the ACO's report, the DCF employee must make it as soon as practicable but no more than 48 hours after observing the suspected harm, neglect, or animal cruelty. The DCF report must include the information in 1 to 3 listed above.

Monthly, beginning November 1, 2011, the DOAG commissioner must report all the information he or she receives from the ACOs for the preceding month to the DCF commissioner. The bill does not require the DOAG commissioner to forward any information he receives from a DCF employee; but presumably, the DOAG could take action on the animal abuse reports received from DCF.

Within a week of receiving the DOAG report, the DCF commissioner must determine whether an address linked to an animal abuse report is the same as a location where DCF has opened a child welfare investigation. If so, the commissioner must give the department's investigator the relevant information from the DOAG report on the matter and include it in the DCF record on the child.

By October 1, 2012, the commissioner must develop and implement, in consultation with the DOAG commissioner, training for DCF employees on identifying harm, neglect, and cruelty to animals and its relationship to child welfare case practice. The training must be provided annually.

The DCF commissioner must also make training available to all ACOs on the accurate and prompt identification and reporting of child abuse and neglect.

Effective Date: October 1, 2011

H.B. 6263 - AN ACT CONCERNING THE TRANSITION FROM THE TEN MILL PROGRAM PA 11-198 Signed 7/13/11

This bill allows an owner of forest land currently enrolled in the state's "10 mill program" to convert to the state's forest preservation program ("490 program") without penalty. The exemption includes penalties for the value of standing timber, if a sale or donation of the land to a nonprofit land preservation organization or a permanent conservation easement on the land occurs before the conversion.

Alternatively, the bill specifies that woodlands retaining a 10 mill classification on their 50th-year revaluation will be assessed at a tax rate not to exceed the similar properties classified as "forestland" under the forest preservation program. Any landowner who elects to discontinue participation in the 10 mill program will be subject to any applicable penalties.

By law, a property owner may enroll in the "10 mill program" (1) property with a minimum of 25 acres that, excluding timber, has a value of up to $ 100 per acre; (2) timber land of more than 10 years' growth; and (3) land stocked with trees up to 10 years old. Land classified under this law is taxed based on 100% of the true valuation established by the assessors at the time of classification. The valuation is frozen for a 50-year period, provided the land use does not change. The law establishes the tax rate for such land at up to 10 mills. At the end of the 50-year period, the land is revalued and is again taxed at a rate up to 10 mills for another 50 years. The 10-mill classification does not terminate upon sale or transfer of the land and is tied to the land, not to the owner.

If the 10-mill classification is cancelled before the end of the 50-year period, the land will be taxed as other land and a penalty will be assessed. The penalty is equal to five mills per year on the difference between the land and timber's valuation at the time of classification and the current valuation (CGS § 12-99).

If approved by a municipality's legislative body, the owners of designated forest land can have the property assessed as open space under the state's "490 program," without factoring in the price buyers are willing to pay for the land's development potential (CGS § 12-107d).

Effective Date: Upon Passage

H.B. 6262 – AN ACT CONCERNING THE COMMUNITY INVESTMENT ACCOUNT
AN ACT CONCERNING THE PERFORMANCE OF CERTAIN FEDERAL REQUIREMENTS BY THE CONNECTICUT MILK PROMOTION BOARD
PA 11-249 Signed 7/13/11

This bill requires the Connecticut Milk Promotion Board to undertake duties required by the federal Dairy Production Stabilization Act (7 USC 4504). In so doing, the bill requires the board to assess a fee of 10 cents per hundredweight (cwt.) of milk delivered by Connecticut milk producers or a fee that is commensurate with the credit allowed for producer contributions to state qualified programs under the federal law.

The bill specifies that the fee is payable to the board by the last day of the month following the month in which milk was produced. A dealer who purchases milk directly from producers must withhold from each Connecticut milk producer the fee on all milk produced and forward the fee to the board. A producer dealer must pay the board the fee.

The Dairy Production Stabilization Act of 1983 (P. L. 98-180, Title I) authorized the Dairy Promotion Program, a national producer program for dairy product promotion, research, and nutrition education as part of a comprehensive strategy to increase human consumption of milk and dairy products. Dairy farmers fund this program through a mandatory 15 cent per cwt. assessment on all milk produced and marketed commercially. Dairy farmers can direct up to 10 cents of this assessment for contributions to qualified regional, state, or local dairy product promotion, research, or nutrition education programs.

Effective Date: October 1, 2011

S.B. 1243 - AN ACT CONCERNING THE ESTABLISHMENT OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND PLANNING FOR CONNECTICUTS ENERGY FUTURE
PA 11-80 Signed 7/1/11

Section 103
COMBINED HEAT AND POWER AND ANAEROBIC DIGESTER PROGRAM

The bill requires the Clean Energy Finance and Investment Authority it creates to establish a three-year pilot program to provide financial incentives for installing combined heat and power (CHP) systems with a generating capacity of up to 2 megawatts. The authority must set one or more standardized grant amounts, loan amounts, and power purchase agreements for the projects to limit their administrative burden for project approvals for the authority and the project proponent. The standardized provisions must seek to minimize costs for the ratepayers, ensuring that the project developer has a significant share of the financial burden and risk, while ensuring the development of projects that benefit Connecticut's economy, ratepayers, and environment. The authority may decline to support a proposed project if its benefits to Connecticut's ratepayers, economy, or environment, including emissions reductions, are insufficient to justify ratepayer or taxpayer investment.

The CHP program may not exceed 50 megawatts. Funding for individual projects is capped at $350 per kilowatt.

The bill also requires the authority to establish a pilot program to support sustainable practices and economic prosperity of Connecticut farms by using organic waste with on-site anaerobic digestion facilities to generate electricity and heat. The assistance can take the form of loans, grants, or power purchase agreements. The authority may approve no more than five projects under the program, each with a maximum size of 1,500 kilowatts (1. 5 megawatts) and a maximum cost of $450 per kilowatt.

The authority must allocate $4 million annually from the Clean Energy Fund for the programs, $2 million for the CHP projects and $2 million for the digesters. By January 1, 2016, it must report to the Energy and Technology Committee on the programs and whether they should continue.

Effective Date: July 1, 2011

Section 121
VIRTUAL NET METERING

This bill requires electric companies to provide their municipal customers with virtual net metering and make any needed interconnections, including installing metering equipment, for customers who need it. The bill specifies how (1) the metering equipment must operate and (2) the electric companies must bill those who participate. It also requires DEEP, by February 1, 2012, to hold a proceeding to develop administrative processes and program specifications to implement the bill.

Current law requires electric utilities to provide equipment and billing for net metering (CGS § 16-243h). In general, the net metering law allows a customer with an on-site electricity generator powered by a renewable energy resource to earn billing credits from an electric company when the customer generates more power than he or she uses, essentially "running the meter backwards." "Virtual net metering" allows the customer to share these credits to lower the electricity bills of other "beneficial accounts" the customer designates.

By February 1, 2012, DEEP must conduct a proceeding to develop the administrative processes and program specifications, including a program cap of $1 million dollars per year for the credits provided to the beneficial accounts, apportioned to each electric company based on its consumer load, to implement these provisions.

Under the bill, electric companies must interconnect with and provide virtual net metering equipment to any "virtual net metering facility" that requests it. The bill defines these facilities as a customer-owned class I renewable energy source (solar, wind, fuel cells, etc.) that can generate up to two megawatts of electricity. The customer must be one of the electric company's in-state retail end-users and within the same service territory as the other accounts to which it will distribute credits.

As under the current net metering law, the bill requires the virtual net metering equipment to be able to (1) measure the electricity consumed from the electric company's facilities; (2) deduct the amount of electricity the customer produced, but did not consume; and (3) calculate the customer's net production or consumption for each monthly billing period.

Under the bill, a customer participating in virtual net metering can designate "beneficial accounts" that will receive the billing credits when the customer produces more electricity than he or she uses. These accounts must all be in-state retail end users and in the same electric company service territory as the customer. The customer must notify the electric company about the other accounts in writing at least 60 days before the generating facility begins operating. The customer can amend the list of accounts only once a year.

When the customer produces more electricity than he or she uses in a monthly billing period, the bill requires the electric company to bill the customer for zero kilowatt hours (kwh). For each extra kwh produced, the electric company must assign a credit that equals the retail cost per kilowatt-hour (kwh) the customer would otherwise have been charged. The credits are then used to reduce the charges on the beneficial accounts in the next billing period, although no account can be reduced below zero kwh. However, the shared billing credit is only for the generation service charge (the cost of power as distinct from such costs as transmission and distribution.) Under current law, the credit that a customer receives for his own account applies to all of the charges on the bill.

If any unused credits remain after the electric company has reduced all of the beneficial accounts to zero kwh, the bill requires the electric company to carry them forward from one monthly billing period to the next until the end of the calendar year. At the end of each year the company must pay the customer for any unused credits at the wholesale rate the company pays for the power it buys to serve its standard service customers.

By January 1, 2013, and annually thereafter, each electric company must report to DEEP on the cost of its virtual net metering program. DEEP must combine this information and report it annually to the Energy and Technology Committee.

EFFECTIVE DATE: Upon passage

S.B. 1127 – AN ACT CONCERNING EXPENDITURES OF APPROPRIATED FUNDS OTHER THAN THE GENERAL FUND PA 11-233 Signed 7/13/11

Section 4

ESTABLISHING A DATE FOR THE SUBMISSION OF PERSONAL PROPERTY DECLARATIONS AND PROPERTY TAX EXEMPTIONS BY FARMERS

This bill changes the date on which farmers must annually submit personal property tax declarations and claims for exemption to the town assessor from 30 days after the assessment date to on or by November 1.

EFFECTIVE DATE: Upon passage

H.B. 5008 - AN ACT CONCERNING THE QUARANTINE OF BITING GUIDE DOGS PA 11-182 Signed 7/13/11

By law, an animal control officer may quarantine or otherwise restrain or dispose of an animal that bites someone. If a person fails to comply with a quarantine or restraining order, the officer may seize the animal.

This bill exempts certain guide dogs from these provisions. To be exempt, the guide dog must be (1) owned by or in the custody and control of a blind person or person with mobility impairment; (2) under the direct supervision, care, and control of the person; (3) currently vaccinated; and (4) receiving routine veterinary care.

Under current law, police dogs are exempt from the requirements if they are (1) under the direct supervision, care, and control, of an assigned police officer; (2) receiving routine veterinary care; and (3) annually vaccinated. The bill changes the third criteria from annually to currently vaccinated.

Effective Date: October 1, 2011

H.B. 6157 - AN ACT CONCERNING STATE FORESTRY PROGRAMS PA 11-192 Signed 7/13/11

By law, the Department of Environmental Protection (DEP) commissioner may harvest timber from state-owned land and sell it for at least $10 per cord. This bill establishes a “timber harvest revolving account” to receive the proceeds from harvesting timber.

Under the bill, the commissioner must use the account funds for (1) developing forest management plans and (2) reasonable expenses for administering and operating the plans. The bill authorizes the commissioner to accept, on DEP's behalf, any gifts, donations, loans, or bequests for the account. Any loans from a nonprofit organization must be repaid from the account within two years or as agreed upon between the commissioner and the organization.

The account cannot exceed $100,000. Any proceeds over that amount must be deposited to the General Fund.

Effective Date: Upon Passage