

**Connecticut Department of Agriculture
2013 Legislative Priorities**

Priority 1: An Act Concerning Aquaculture Job Growth

Priority 2: An Act Concerning the Cultivation of Seaweed

Priority 3: An Act Including CT Grown Protein in State Contract Procurement Language

Priority 4: An Act Concerning the Clarification of Connecticut's Egg Statutes

Priority 5: An Act Concerning the Taking of Eastern Oysters

Priority 6: An Act Concerning Changes to the Community Farms Program

Priority 7: An Act Concerning Technical Changes to the Municipal Purchase of Development Rights under 7-131q(e)

Priority 8: An Act Concerning Technical Changes to the Municipal Purchase of Development Rights under 22-26cc(e)

Priority 9: An Act Concerning Registration of Growers of Swine and Control of Disease

Priority 10: An Act Concerning the Resale of Dogs to Military and Law Enforcement Agencies

Priority 11: An Act Concerning Technical Changes to the Siting Council Statute.



Agency Legislative Proposal - 2013 Session - Priority 1 10/1/12

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

2013.docx – 26-194 Misc..docx Job Growth

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: **George.Krivda@ct.gov**

Lead agency division requesting this proposal:

Bureau of Aquaculture

Agency Analyst/Drafter of Proposal:

George E. Krivda, Jr. / David Carey, Director, Bureau of Aquaculture

Title of Proposal : **An Act Concerning Aquaculture Job Growth**

Statutory Reference : **CGS 26-194**

Proposal Summary : The proposed bill will enable the Department to assist in the strengthening, development and growth of Aquaculture Industry jobs by assisting existing small companies in their affordable development, and creating conditions conducive to the creation of new small shellfish businesses by allowing any citizen an opportunity to farm and cultivate shellfish on a 25 acre parcel, but in the event of the failure of the business enterprise the State would assume control of the beds. Under this proposal, the Commissioner may direct the Agency's share of funds generated through the assessment placed on Utilities which impact shellfish growing areas, to either the Shellfish Fund or the Expand and Grow Connecticut Agriculture Account.

Please attach a copy of fully drafted bill (required for review)

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?* **No**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* **No**
- (3) *Have certain constituencies called for this action?* **No**
- (4) *What would happen if this was not enacted in law this session?* **Job growth in Aquaculture would be stifled.**



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

If this is a resubmission, please share: **N/A**

- (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: **N/A**

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)

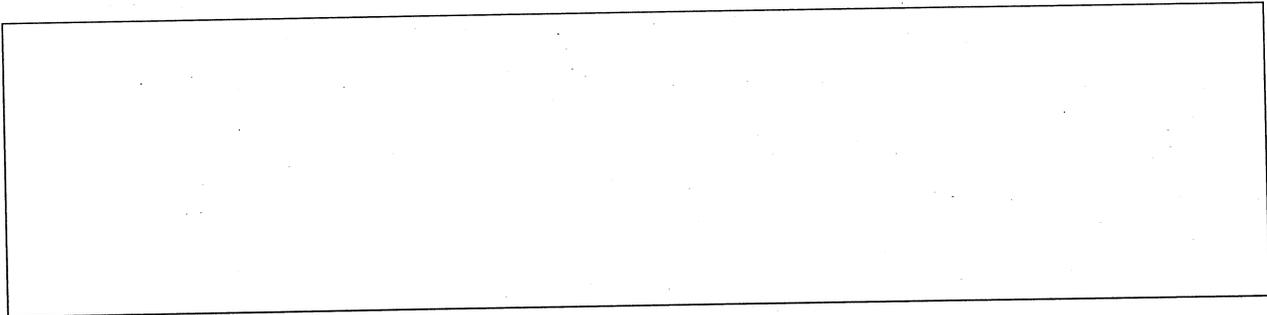
Municipal (please include any municipal mandate that can be found within legislation): **None**

State: Future Revenue Growth

Federal: None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



Insert fully drafted bill here

Sec. 26-194. Leasing of shellfish grounds. Fee. Utility lines and public use structures.

Shellfish removal or relocation costs. Annual host payments for Long Island Sound crossings. Deposits into expand and grow Connecticut agriculture account and General Fund. Designation of shellfish areas to regional agricultural science and technology

education centers. (a) Except as provided in subsection (e) of this section, the Commissioner of Agriculture may lease in the name of the state, under such regulations as the commissioner may prescribe and for a period not longer than ten years, all shellfish areas that have been conveyed to the state or placed under state jurisdiction by the town of West Haven and any undesignated grounds, within the exclusive jurisdiction of the state, for the purpose of planting and cultivating shellfish. The authority herein conferred shall include the Cornell Reef, Portchester, Great Captain's Island, Field Point and Greenwich Point natural beds as located and described in section 3295 of the general statutes, revision of 1918. Any person desiring to lease grounds for such purpose shall make application in writing to the commissioner and all grounds leased by authority of the provisions of this section shall be leased to the highest responsible bidder, for a minimum fee of four dollars per acre. Such lease or lease renewal shall require the lessee to make a good faith effort to cultivate and harvest shellfish from the leased area. Such lease or lease renewal shall prohibit the lessee from entering a contract whereby the lessee agrees not to cultivate and harvest shellfish for any period of time. No lessee may enter an agreement with a third party that will prevent the lessee from carrying out the lessee's obligations under the lease unless the Department of Agriculture and the Attorney General have approved such agreement. The form of such application and lease shall be approved by the Attorney General, and all such leases shall be recorded in the records of the commissioner. No lease shall be granted to a



resident of a state which does not lease shellfish grounds to residents of this state, except that any nonresident who was granted a lease on or before October 1, 1985, may, upon the expiration of such lease, apply for a renewal or further lease as provided in this section. The commissioner shall grant any such lease to nonresidents upon the same terms and conditions as to residents of this state. Any lessee or holder of shellfish grounds, on the expiration of any lease thereof which has been or which may be granted, having fulfilled all of such lessee's or holder's obligations under the lease shall, upon application to the commissioner, have preference in the reletting of such ground for a like term to that granted in the original lease, excluding the rental fee, which shall not be less than the minimum fee per acre as provided in this subsection. A lease renewal shall not be granted if the applicant is in arrears for rent on the original lease of such grounds. Such application for such renewal or further lease shall be granted without notice or advertisement of the pendency thereof; provided no renewal or further lease of such ground shall be granted when the commissioner, for cause, ceases to lease such ground for shellfish culture. All assignments or transfers of leases shall be subject to the approval of the commissioner and shall be recorded in his records. Any person who interferes with, annoys or molests another in the enjoyment of any lease authorized by the provisions of this section shall be subject to the penalties provided in section 26-237. The provisions of sections 26-212, 26-215 and 26-232 shall not apply to any shellfish grounds leased pursuant to the provisions of this section.

(b) Upon request of a lessee, the commissioner may divide or consolidate shellfish grounds leased by such lessee, if the commissioner determines such division or consolidation to be in the best interests of the state. The minimum fee per acre shall apply to shellfish grounds divided or consolidated pursuant to this subsection.

(c) The Commissioner of Agriculture shall assess the owner of any facility that requires a certificate issued pursuant to section 16-50k or that requires approval by the Federal Energy Regulatory Commission and that crosses any grounds of Long Island Sound within the jurisdiction of the state, including, but not limited to, any shellfish area or leased, designated or granted grounds, an annual host payment fee of forty cents per linear foot for the length of such



facility within the jurisdiction of the state. The Commissioner of Agriculture shall have discretion to deposit this assessment between programs authorized pursuant to 26-237b, Shellfish Fund and 22-38c the Expand and Grow Account as he has determined programs requirements deem necessary. The Commissioner of Agriculture shall deposit twenty-five per cent to the General Fund.

(d) Notwithstanding the provisions of subsection (a) of this section, any owner of a utility line or public use structure that impacts a leased area shall pay to the lessee the costs of removing or relocating any shellfish. The Commissioner of Agriculture may determine to implement a voluntary supervised co-management program with licensed shellfish harvesters to relocate shellfish from undesignated areas within proposed project or corridor impact areas and any funds received shall be deposited in the Shellfish Fund. Nothing in this subsection shall be construed to prohibit the state or any lessee from recovering damages incurred by the state or the lessee caused by the installation, construction or presence of such utility line or public use structure.

(e) The commissioner may designate to each regional agricultural science and technology education center, established pursuant to section 10-64, shellfish areas described in subsection (a) of this section that are necessary for conducting educational grow-out activities related to commercial scale aquaculture operations within state jurisdictional waters, provided: (1) The total acreage designated pursuant to this subsection for each such center is not more than fifty acres of restricted relay grow-out beds and fifty acres of approved harvest beds; and (2) any shellfish areas designated pursuant to this subsection are not in production at the time of such designation.

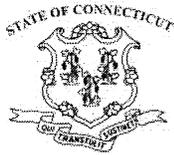
(f) The Commissioner of Agriculture may designate an agent within the department to exercise the authority of said commissioner under this section.

(g) In order to promote the growth of new or strengthen small aquaculture shellfish businesses within the State of Connecticut, the Commissioner may designate shellfish areas as described



and implemented in subsection (a) of this section to a business entity registered with the Connecticut Secretary of State after January 1, 2013 determined to be unaffiliated with any existing licensed shellfish shellstock shippers or to a licensed shellfish shellstock shipper with less than 500 acres of Town or State shellfish grounds. The Commissioner may designate shellfish grounds for lease by application as he determines necessary. The designated grounds shall be leased to the highest responsible bidder, as determined by the Commissioner, at a minimum fee of twenty-five dollars per acre. An individual or entity may be awarded a maximum of one lease of shellfish grounds per bidding process under this subsection. Such lease or lease renewal shall require the lessee individually to make a good faith effort to cultivate and harvest shellfish from the leased area and the lessee shall not be permitted to sublease. There shall be no assignments or transfers of the lease grounds awarded pursuant to this subsection.

(h) The Commissioner of Agriculture can designate up to 25 acres to any new shellfish Aquaculture applicant for an annual fee of \$25.00 per acre. Such lease or lease renewal shall require the lessee to individually make a good faith effort to cultivate and harvest shellfish from the leased area and the lessee shall not be permitted to sublease. There shall be no assignment or transfers of the lease grounds awarded pursuant to this subsection.



Agency Legislative Proposal - 2013 Session – Priority 2 - 10/1/12

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

2013 docx Seaweed.docx

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: CT Department of Agriculture

Liaison: George E. Krivda, Jr.

Phone: 860-713-2573

E-mail: George.Krivda@ct.gov

Lead agency division requesting this proposal:

Bureau of Aquaculture

Agency Analyst/Drafter of Proposal:

George E. Krivda, Jr./David Carey, Director, Bureau of Aquaculture

Title of Proposal : An Act Concerning the Cultivation of Seaweed

Statutory Reference : CGS 22-11f

Proposal Summary: This bill addresses the authority to license areas within Long Island Sound for seaweed production and the fee per acre to do so. The bill is written to prevent any seaweed licensed area from conflicting with any previously established right of fishing and all seaweed license applicants will fall under CGS sections 22a-359 through 22a-363f under the jurisdiction of DEEP. Aquaculture licensing and inspection are functions of the CT Department of Agriculture, fishing gear (anchors, lines, floats, etc.) are permitted by DEEP. The bill defines what Aquatic plants are and that specific processing standards will be required by the Department of Agriculture in consultation with DCP. UCONN Stamford announced recently, that after ten years of field research at the BRASSTEC Aquaculture School, it has been determined that a seaweed production model can be a profitable aquaculture venture. Presently there is one authorized seaweed permittee operating within an established shellfishbed that has proposed to compliment his existing permits for oysters in cages with permits for the gear necessary for seaweed cultivation. This legislation is required for the Department of Agriculture's Bureau of Aquaculture and DEEP to license and permit gear for seaweed production to assist in growing jobs in this agriculture sector.

Please attach a copy of fully drafted bill (required for review)

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? **No.**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **In various forms.**
- (3) Have certain constituencies called for this action? **Ct Department of Agriculture Bureau of Aquaculture and a prospective seaweed farmer.**
- (4) What would happen if this was not enacted in law this session? **Efforts to grow aquaculture industry jobs would be hindered.**

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

If this is a resubmission, please share: **N/A**

- (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: **Department of Energy and Environmental Protection and the Department of Consumer Protection**

Agency Contact (name, title, phone): **Robert LaFrance, Legislative Program Manager, 860-424-3401. Gary W. Berner, Legislative Program Manager, 860-713-6208.**

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) : **None.**

State : **Eventual revenue increases.**

Federal : **None.**



Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

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Insert fully drafted bill here

Sec. 22-11f. Licensing of aquaculture operation. Regulations. Control of importation and cultivation of nonnative plants or animals. The Department of Agriculture, after consultation with the Department Energy and Environmental Protection, shall adopt regulations, in accordance with the provisions of chapter 54, concerning the licensing of aquaculture facilities and operations other than any such facilities or operations of the Department of Environmental Protection. Such regulations shall establish a program to control the importation, cultivation or raising of aquatic plants or animals which are not native to this state. Such regulations shall ensure that any such importation or cultivation shall not adversely contaminate or impact native aquatic plants or animals or their natural habitats and shall further provide that aquaculture operations shall not adversely contaminate or impact wild stocks of aquatic plants and animals or their natural habitats and shall include measures to identify products of aquaculture operations. Aquatic plants and animals held at inland aquaculture facilities shall be exempt from laws and regulations pertaining to wild stocks, including, but not limited to, chapter 495.

Section 1. (NEW) (Effective October 1, 2012)

(a) As used in this section:

(1) "Aquaculture producer" means any person who engages in the controlled rearing, cultivation and harvesting of aquatic animals or plants in land-based or marine-based culture systems, tanks, containers, impoundments, floating or submerged nets or pens and ponds.



(2) "Aquatic animals" means fresh or saltwater finfish, crustaceans and other forms of aquatic life, including jellyfish, sea cucumber and sea urchin, and the roe of such animals, and all mollusks, which are intended for human consumption. "Aquatic animals" does not include birds or mammals.

(3) "Aquatic plants" means fresh or saltwater algae and plants, including (but not limited to) aquatic macrophyte, microalgae and macroalgae (seaweed) species intended for sea vegetable, biofuel, animal feed, fertilizer, medical, industrial or other applications. Species must be approved by the Commissioner of Agriculture prior to licensing.

(b) The Commissioner of Agriculture shall license and inspect producers of aquatic animals. The commissioner may prescribe the length of term, fee and application for such license. To receive an aquaculture producer license from the commissioner, each aquaculture producer of aquatic animals shall: (1) Possess a registration with the United States Food and Drug Administration as a food facility, (2) meet all processing standards and inspection procedures for seafood processing facilities, including, but not limited to, compliance with the provisions of 21 CFR 123--Fish and Fishery Products, Subpart A and the United States Food and Drug Administration's Food Code, as from time to time amended, and (3) pass an inspection conducted by the Department of Consumer Protection prior to the issuance of such license by the commissioner.

(c) The Commissioner of Agriculture shall license and inspect producers of aquatic plants, including seaweed producers. The commissioner may prescribe the length of term, fee and application for such license. To receive an aquaculture producer license from the commissioner, each aquaculture producer of aquatic plants shall be required to meet processing standards prior to receiving an "aquaculture certificate" for aquatic plant production from the commissioner. Producers of aquatic plants, including seaweed producers, are exempt from the requirements of CGS 22-11. (f). Section 1.(b).

(d) The Commissioner of Agriculture, in accordance with chapter 54 of the general statutes and in consultation with the Commissioner of Consumer Protection, may adopt regulations to implement the provisions of this section.

2. (a) As used in this section, "seaweed" means species of marine macroalgae that have been approved by the Commissioner of Agriculture for cultivation in the waters of Long Island Sound.

1) The Commissioner of Agriculture has the authority to issue a nontransferable license in the name of the State, under such policies as the Commissioner may prescribe and for a period not longer than five years, any area within Connecticut's coastal waters, at a fee of \$25.00 an Acre, for the purpose of planting and cultivating seaweed. Any individual who has a shellfishing ground lease authorized under 26-194 or 26-257a is exempt from the additional license fee above. The licensee of a seaweed license may buy, possess, ship, transport or sell seaweed that meets the requirements of 22-11f and 22-11h, exclusive of subsection (c). The General Joint Aquaculture Programmatic permit process review by the Department of Agriculture Bureau of Aquaculture, the Department of Energy & Environment Office of Long Island Sound Programs,



and the Army Corps of Engineers may subject licensee to the requirements of sections 22a-359 to 22a- 363f, inclusive.

2) Such license or license renewal shall require the licensee to make a good faith effort to cultivate and harvest seaweed from the license area. Any licensee or holder of seaweed grounds, on the expiration of any license thereof which has been or which may be granted, having fulfilled all of such licensee's or holder's obligations under the license shall, upon application to the Commissioner, have preference in the relicensing of such ground for a like term to that granted in the original license, excluding the license fee, which shall not be less than the minimum fee per acre as provided in this subsection. A license renewal shall not be granted if the licensee or holder is in arrears for the license fee on the original license of such grounds. Such application for such renewal or further license shall be granted without notice or advertisement of the pendency thereof; provided no renewal or further license of such ground shall be granted when the Commissioner, for cause, ceases to license such ground for seaweed culture. The Commissioner of Agriculture shall in no case grant a right to cultivate seaweed which interferes with any established right of fishing under 26-204 or shellfishing under 26-194, 26-257a, and if any such license is made, the same shall be void. Any person who interferes with, annoys or molests another in the enjoyment of any license authorized by the provisions of this section, section 26-194, 26-257a, shall be subject to the penalties provided in section 26-237.



Agency Legislative Proposal - 2013 Session – Priority 3 - 10/1/12

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

Protein Products 2013.docx

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: **George.Krivda@ct.gov**

Lead agency division requesting this proposal: **Bureau of Agricultural Development and Resource Preservation**

Agency Analyst/Drafter of Proposal: **George E. Krivda, Jr. / Jane Slupecki, Marketing and Inspection Representative II**

Title of Proposal: **An Act Including CT Grown Protein in State Contract Procurement Language**

Statutory Reference. **CGS 4a-51(b)**

Proposal Summary: **The proposed bill would add language to the existing state statute to include other Connecticut Grown proteins other than milk, cheese and eggs in the state contract procurement language.**

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- Reason for Proposal

Please consider the following, if applicable: **N/A**

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **No**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **No**
- (3) Have certain constituencies called for this action? **CT farmers**
- (4) What would happen if this was not enacted in law this session? **CT Grown fresh food would not be as available for state institution procurement.**

- Origin of Proposal

New Proposal

Resubmission



If this is a resubmission, please share: **N/A**

- (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: **Department of Administrative Services**

Agency Contact (name, title, phone): **Andrea Keilty, Staff Council and Legislative Liaison, 860-713-5267**

Date Contacted: 2/ 21/2012

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments: During conversations on this topic DoAg and DAS staff agreed to add the words "protein products" to include any and all proteins in state contract language.

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)

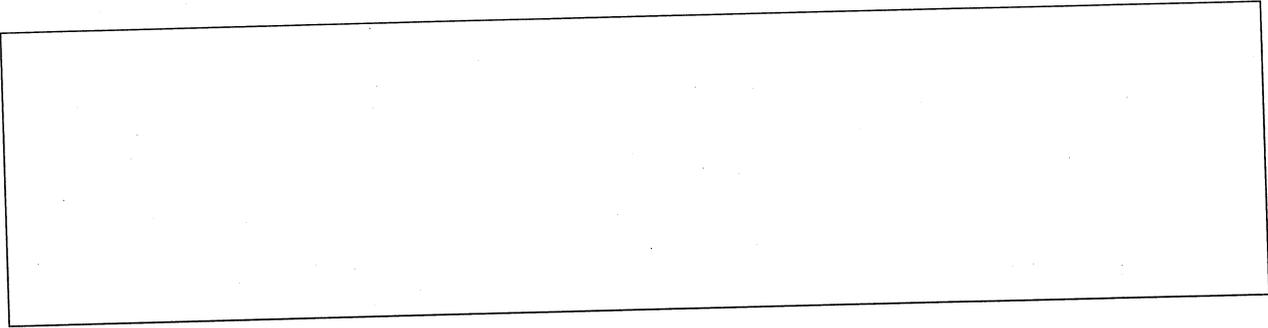
Municipal (please include any municipal mandate that can be found within legislation): **None**

State: None

Federal: None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



Insert fully drafted bill here

Sec. 4a-51. (Formerly Sec. 4-110). Duties of Administrative Services Commissioner re purchases. (a) The Commissioner of Administrative Services shall: (1) Purchase, lease or contract for all supplies, materials, equipment and contractual services required by any state agency, except as provided in sections 4-98 and 4a-57; (2) enforce standard specifications established in accordance with section 4a-56; (3) establish and operate a central duplicating and mailing room for state agencies located in or near the city of Hartford and such other places as he deems practical; and (4) establish and operate or have supervisory control over other central supply services in such locations as may best serve the requirements of the state agencies.

(b) The Commissioner of Administrative Services, when purchasing or contracting for the purchase of protein products, dairy products, poultry, eggs, fruits or vegetables pursuant to subsection (a) of this section, shall give preference to protein products, dairy products, poultry, eggs, fruits or vegetables grown or produced in this state, when such protein products, poultry, eggs, fruits or vegetables are comparable in cost to other protein products, dairy products, poultry, eggs, fruits or vegetables being considered for purchase by the commissioner that have not been grown or produced in this state.



Agency Legislative Proposal - 2013 Session – Priority 4 – 10/1/12

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

2013.docx Eggs.docx

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: **George.Krivda@ct.gov**

Lead agency division requesting this proposal: **Bureau of Regulation and Inspection**

Agency Analyst/Drafter of Proposal:

George E. Krivda, Jr. / Wayne Kasacek, Assistant Director, Bureau of Regulation and Inspection

Title of Proposal : **An Act Concerning the Clarification of Connecticut's Egg Statutes**

Statutory Reference **CGS 22-40, CGS 22-44, CGS 22-45, CGS 22-47, CGA 22-48, CGA 22-48a**

Proposal Summary: To clearly define the role of state agencies regulating egg production, processing and distribution. To create a graduated license fee structure for firms registered. 30,000/yr. dozen roughly equates to 1,000 birds, 90,000/yr. 3,000 birds. Clarify the exemption for egg producers who sell directly to consumers (C.G.S. § 22-47).

Please attach a copy of fully drafted bill (required for review)

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?* **No.**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* **N/A**
- (3) *Have certain constituencies called for this action?* **No.**
- (4) *What would happen if this was not enacted in law this session?* **The Departments involved would continue to work with inefficiencies.**

- Origin of Proposal

New Proposal

Resubmission



If this is a resubmission, please share: **N/A**

- (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: **Department of Consumer Protection**

Agency Contact (name, title, phone): **Gary W. Berner, Legislative Program Manager, 860-713-6208**

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)

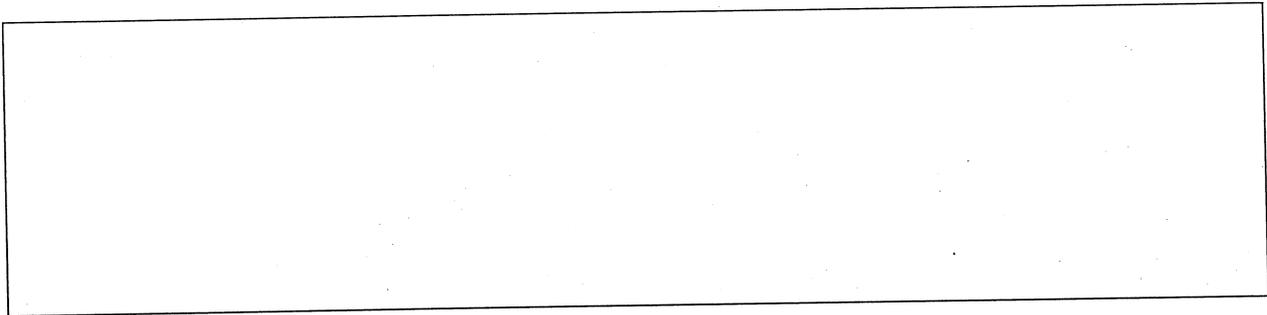
Municipal (please include any municipal mandate that can be found within legislation): **None**

State: Slight revenue increases

Federal: None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



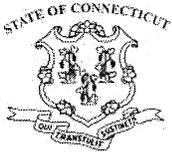
Insert fully drafted bill here

Sec. 22-40. Labeling of eggs. (a) All shell eggs sold or offered for sale for human consumption by any person, firm or corporation shall be labeled with the grade and size designation as set forth in the consumer grades, except as hereinafter provided.

(b) All cartons or containers of shell eggs offered for sale to consumers, retailers and wholesalers shall be stored, handled and labeled in compliance with federal the Food, Drug and Cosmetic Act and the National Labeling and Education Act.

Sec. 22-44. Terms used on eggs. The term "fresh eggs", "strictly fresh eggs", "hennerly eggs" or "new-laid eggs" or words or descriptions of similar import shall not be used on any eggs which do not meet the minimum requirements for consumer grade A, or on any eggs which have been held in cold storage for more than thirty days. The word "Connecticut" may not be used in connection with the official grades unless the person or firm engaged in packing the eggs is registered with the [Department of Consumer Protection] Connecticut Department of Agriculture and the eggs were produced on Connecticut farms.

Sec. 22-45. Sales of eggs not conforming to standards prohibited. (a) No person, firm or corporation shall advertise, falsely label, sell or offer for sale any eggs which do not conform to [the standards for quality and size for consumer grades established by the Commissioner of Agriculture, after consultation with the Commissioner of Consumer Protection, under the provisions of subsection (b) of section 22-27 and section 22-29, or which do not conform to the provisions of sections 22-40 to 22-44, inclusive.] the consumer grade standards contained in section 22-48 or, chapter 423, Part 1.



(b) The sale of inedible or adulterated eggs, as defined under the federal Food, Drug and Cosmetic Act, or incubated eggs is prohibited, except that incubated eggs may be sold as commercial feed or for other commercial purposes other than human consumption, provided such incubated eggs shall be broken and denatured on the premises where incubated, in a manner approved by the [Commissioner of Consumer Protection] commissioner or the commissioner's designated agent.

Sec. 22-47. Exemptions. (a) Producers selling eggs of their own producing direct to household users are exempt from the [provisions]subsection (a) of section 22-40 and subsection (a) of section 22-45 provided no claim is made as to grade or quality and, sections 22-48 and 22-48a of this part.

(b) All types of shippers selling eggs to a first receiver who will grade them into the proper size and grade before reselling are exempt from the provisions of this part.

Sec. 22-48. Administration. [The Commissioner of Consumer Protection shall enforce the provisions of sections 22-40 to 22-45, inclusive, and may adopt suitable regulations to carry out such enforcement.]

(a) The Commissioner of Consumer Protection shall enforce the destination standards for quality and size for consumer grades as established and published by the United States Department of Agriculture, by inspection of retail or wholesale distribution establishments in this state at a frequency determined by the Commissioner of Consumer Protection. The Commissioner of Consumer Protection in consultation with the Commissioner of Agriculture may adopt regulations to carry out the provisions of this section.

(b) The Commissioner of Agriculture shall enforce the origin standards for quality and size for consumer grades as established and published by the United States Department of Agriculture, by inspection of egg producers and egg grading plants in this state at a frequency determined by the Commissioner of Agriculture. The Commissioner of Agriculture in consultation with the Commissioner of Consumer Protection may adopt regulations to carry the provisions of this section.

Sec. 22-48a. [Egg-grading plants. Registration. Permit. Each person, firm or corporation operating an egg-grading plant in Connecticut, which engages in receiving eggs from Connecticut producers for processing, distribution or sale, shall register with the Commissioner of Agriculture in a manner and



on forms prescribed and furnished by the commissioner. Such registration shall be renewed annually during the month of October. Such registered person, firm or corporation shall not receive eggs for processing without a permit from the commissioner. Each person, firm or corporation so registered shall keep on file a list of all producers from which eggs are received.]

(a) For the purposes of this part (1) "Egg-grading plant" means a person, firm or corporation who engages in grading, washing or packing eggs in this state; (2) "Egg distributor" means a person firm or corporation in this state who receives packaged eggs and distributes them in the original packaging to wholesale and retail establishments.

(b) Each person, firm or corporation operating an egg-grading plant in this state shall register with the Commissioner of Agriculture in a manner and on forms prescribed and furnished by the Commissioner of Agriculture. Such registration shall be renewed annually during the month of October. Each location where eggs are washed, graded or packed in the final container shall be registered separately. Such registered person, firm or corporation shall not receive, distribute, process or offer for sale shell eggs without a permit.

(c) Each person, firm or corporation distributing eggs in this state shall register with the Commissioner of Consumer Protection in a manner and on forms prescribed and furnished by the Commissioner of Consumer Protection. Each location where eggs are stored shall be registered separately. Such registered person, firm or corporation shall not receive, distribute, process or offer for sale shell eggs without a permit.

(d) Registrations of egg grading plants and egg distributors shall be renewed annually during the month of October. The registration and renewal fee for an egg-grading plant or egg distributor shall be one hundred dollars for firms processing or handling less than thirty thousand dozen eggs a year, two hundred dollars for firms processing or handling between thirty thousand and less than ninety thousand dozen eggs a year and three hundred dollars for firms processing or handling ninety thousand dozen eggs a year or more.

(e) Each person, firm or corporation registered pursuant to this section shall at all times keep on file a list of all sources from which eggs are received and a list of all accounts to which eggs are sold. Such list of the sources and destination of eggs shall be subject to inspection and shall be provided to the commissioner or the commissioner's designated agent upon request.

(d) Any application for registration or registration issued pursuant to this section may be refused, suspended or revoked for cause. In refusing to register or, suspending or revoking any registration issued, the Commissioner of Agriculture or the Commissioner of Consumer Protection as is applicable, shall give due consideration to compliance with any written notices of violation of this part or for any violation of the Connecticut General Statutes or the Regulations of Connecticut State Agencies concerning food storage, food handling, food sanitation, food safety, egg room sanitation, egg disinfection, egg holding, egg packing, egg storage or egg cooling requirements. No registration issued pursuant to this section shall be transferred. Any person aggrieved by an order or decision of the commissioner or the commissioner's designated agent may appeal such order or decision and request an administrative hearing, provided such appeal is in writing and received by the commissioner within



ten days of the date the order or decision was received. Such administrative hearing if requested shall be held within thirty days of the date of the request. Any appeal made pursuant to this section shall be limited to whether or not the conditions or violations cited in the order existed at the time of inspection or at the time of the order.



Agency Legislative Proposal - 2013 Session – Priority 5 -10/1/12

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):
2013.docx 2 inch oyster.docx
(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: CT Department of Agriculture

Liaison: **George E. Krivda, Jr.**
 Phone: **860-713-2573**
 E-mail: **George.Krivda@ct.gov**

Lead agency division requesting this proposal:
Bureau of Aquaculture

Agency Analyst/Drafter of Proposal:
George E. Krivda, Jr. / David Carey, Director, Bureau of Aquaculture

Title of Proposal : An Act Concerning the Taking of Eastern Oysters

Statutory Reference **26-234b**

Proposal Summary: State statutes limit the sale of oysters to not less than three inches long; however no such equivalent limit exists for the commercial harvest and sale of clams from a shellfish lease. This eliminates Connecticut’s oysters from the boutique oyster raw bar market. Connecticut’s market oysters are harvested from private leased shellfish beds where the oysters are cultivated and relocated several times. The elimination of Section 26-234b of the CGS would eliminate the size restriction and open up new market opportunities creating demand and job growth.

Please attach a copy of fully drafted bill (required for review)

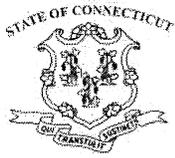
PROPOSAL BACKGROUND

• **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?* **No**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* **No**
- (3) *Have certain constituencies called for this action?* **In general yes.**
- (4) *What would happen if this was not enacted in law this session?* **Oysters raised on CT’s L. I. Sound seabed would not be as desirous to restaurants with an active raw bar business and would not command as high of a price.**

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



If this is a resubmission, please share: **N/A**

- (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: **N/A**

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)

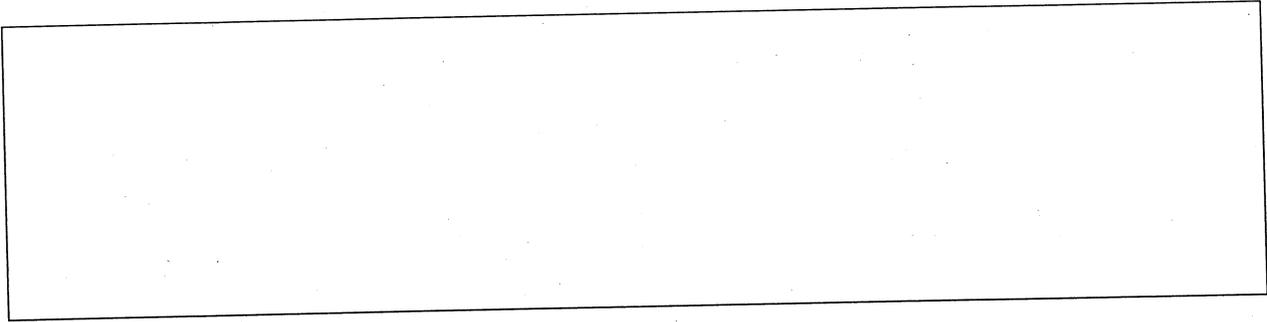
Municipal (please include any municipal mandate that can be found within legislation) **None**

State: Future increase in revenue.

Federal: None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



Insert fully drafted bill here

[Sec. 26-234b. Taking of eastern oysters. Regulations. No person may take eastern oysters (*Crassostrea virginica*) from the waters of this state which are less than three inches long or which are otherwise not ready for harvest, as determined by the Commissioner of Agriculture, except that the taking of such oysters for sale, transplant and relay for aquaculture purposes within the waters of the state shall not be prohibited. The Commissioner of Agriculture may adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of this section.]



Agency Legislative Proposal - 2013 Session – Priority 6 -10/1/12

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

DoAG, – Changes to the Community Farms Program

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: **George.Krivda@ct.gov**

Lead agency division requesting this proposal:

Bureau of Agricultural Development & Resource Preservation

Agency Analyst/Drafter of Proposal:

George E. Krivda, Jr.

Title of Proposal: **An Act Concerning Changes to the Community Farms Program.**

Statutory Reference: **C.G.S. section 22-26nn**

Proposal Summary: Bring the Community Farms Program into alignment with the main Farmland Preservation Program, by allowing for the purchase of the owners right to build a residence or farm structures, providing a statutory release provision for the easement, authorizing the requirement of a conservation plan, along with other provisions.

Please attach a copy of fully drafted bill (required for review)

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?* **No**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* **No**
- (3) *Have certain constituencies called for this action?* **No**
- (4) *What would happen if this was not enacted in law this session?* **There would continue to be dissimilarities between the two sister programs.**

• 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: N/A 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 (please include any municipal mandate that can be found within legislation): None
State: None
Federal: None
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

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Insert fully drafted bill here

Sec. 22-26nn. Community farms program. Criteria. Joint ownership by the state and a town. Assistance of nonprofit organization. State acquisition of right to construct residence or farm structure. (a) The Commissioner of Agriculture may establish a community farms program for the preservation of farmland that does not meet the criteria of the farmland preservation program established pursuant to section 22-26cc for reasons of size, soil quality or location but that may contribute to local economic activity through agricultural production. The commissioner may purchase up to one hundred per cent of the value of development rights directly from an eligible owner, or may acquire development rights on qualifying farmland jointly with a municipality, subject to the appraisal and review required by the regulations adopted pursuant to this section. For the purposes of this section, "development rights" and "owner" shall have the same meaning as in section 22-26bb.

(b) If the Commissioner of Agriculture establishes a program in accordance with subsection (a) of this subsection, the commissioner shall, in consultation with the Farmland Preservation Advisory Board established under section 22-26ll, establish criteria for said program. Such criteria shall give preference to farms that produce food or fiber, and at a minimum shall consider (1) the probability that the land will be sold for nonagricultural purposes, (2) the current productivity of the land and the likelihood of continued productivity of such land, (3) the suitability of the land for agricultural use, including whether the soil is classified as locally important soils by the United States Department of Agriculture, and (4) the demonstrated level of community support for preservation of the parcel. The commissioner shall, in consultation with said board, consider mechanisms that encourage continuation of the land in agricultural production to maintain its long-term availability and affordability for future generations of farmers, including, but not limited to, deed restrictions or stewardship requirements.

(c) Upon the acquisition by the commissioner of the development rights of agricultural land, the commissioner shall cause to be filed in the appropriate land records and in the office of the Secretary of the State a notice of such acquisition which shall set forth a description of the agricultural land as will be sufficient to give any prospective purchaser of such agricultural land or creditor of the owner thereof notice of such restriction. Upon such filing, the owner of such agricultural land shall not be permitted to exercise development rights with respect to such land, and such development rights shall be considered and deemed dedicated to the state in perpetuity, except as hereinafter provided. If restricted land is to be sold, the owner shall notify, in writing, the commissioner of such impending sale not more than ninety days before transfer of title to the land and shall provide the commissioner with the name and address of the new owner.

(d) The commissioner shall have no power to release such land from its agricultural restriction, except as set forth in this subsection. The commissioner, in consultation with the Commissioner of

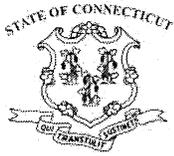


Energy and Environmental Protection and such advisory groups as the Commissioner of Agriculture may appoint, may approve (1) a petition by the owner of the restricted agricultural land to remove such restriction provided such petition is approved by resolution of the legislative body of the town, or (2) a petition by the legislative body of the town in which such land is situated to remove such restriction provided such petition is approved in writing by said owner. Upon approval of such a petition by the commissioner, the legislative body of the town shall submit to the qualified voters of such town the question of removing the agricultural restriction from such land or a part thereof, at a referendum held at a regular election or a special election warned and called for that purpose. In the event a majority of those voting at such referendum are in favor of such removal, the restriction shall be removed from the agricultural land upon filing of the certified results of such referendum in the land records and the office of the Secretary of the State, and the commissioner shall convey the development rights to such owner provided such owner shall pay the commissioner an amount equal to the value of such rights. Such petition shall set forth the facts and circumstances upon which the commissioner shall consider approval, and said commissioner shall deny such approval unless he determines that the public interest is such that there is an overriding necessity to relinquish control of the development rights. The commissioner shall hold at least one public hearing prior to the initiation of any proceedings hereunder. The expenses, if any, of the hearing and the referendum shall be borne by the petitioner. In the event that the state sells any development rights under the procedure provided in this subsection, it shall receive the value of such rights.

(e) Whenever the commissioner acquires the development rights of any agricultural land and the purchase price of such development rights is ten thousand dollars or more, said commissioner and the owner of such land may enter into a written agreement which provides for the payment of the purchase price in two or three annual installments, but no interest shall be paid on any unpaid balance of such purchase price.

(f) Whenever the commissioner acquires the development rights to any agricultural land, and any municipality in which all or part of the land is situated paid a part of the purchase price from a fund established pursuant to section 7-131q, such municipality and the state may jointly own the development rights, provided joint ownership by such municipality shall be limited to land within its boundaries. The land may be released from its agricultural restriction in accordance with the provisions of subsection (c) of this section. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 establishing procedures for the joint acquisition of development rights to agricultural land.

(g) The acquisition of the development rights to any agricultural land by the commissioner shall not be deemed to be ownership of such land and the state shall not be liable for pollution or contamination of such land and no person may bring a civil action against the state for damages resulting from pollution or contamination of such agricultural land.



(h) The commissioner may issue a letter of intent requesting the assistance of a nonprofit organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, in acquiring the development rights to certain agricultural land. If such organization acquires such rights it may sell them to the commissioner based on a purchase agreement. Such agreement may include reimbursement for reasonable expenses incurred in the acquisition of the rights as well as payment for the rights. The commissioner may enter into joint ownership agreements to acquire the development rights to any qualified agricultural land with any nonprofit organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, provided the mission of such nonprofit organization is the permanent protection of agricultural land for the purposes of continued agricultural use.

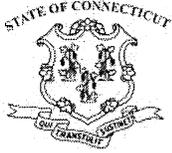
(i) In addition to development rights, the commissioner may acquire or accept as a gift the rights of the owner to construct any residences or any farm structures on agricultural land.

(j) The Commissioner of Agriculture, pursuant to any cooperative agreement with the United States Department of Agriculture for the disbursement of funds under federal law, may require that any property to which rights are acquired under this section with such funds shall be managed in accordance with a conservation plan which utilizes the standards and specifications of the Natural Resources Conservation Service field office technical guide and is approved by such service. Any instrument by which the commissioner acquires such rights and for which any such funds are used may provide for a contingent right in the United States of America in the event that the state of Connecticut fails to enforce any of the terms of its rights acquired under this section which failure shall be determined by the United States Secretary of Agriculture. Such contingent right shall entitle the secretary to enforce any rights acquired by the state under this section by any authority provided under law. Such instrument may provide that such rights shall become vested in the United States of America in the event that the state of Connecticut attempts to terminate, transfer or otherwise divest itself of any such rights without the prior consent of the United States Secretary of Agriculture and payment of consideration to the United States and may further provide that title to such rights may be held by the United States of America at any time at the request of the United States Secretary of Agriculture. In connection with such an agreement, the commissioner may hold the United States harmless from any action based on negligence in the procurement or management of any rights acquired under this section and may assure that proper title evidence is secured, that the title is insured to the amount of the federal cost paid for the interest of the United States of America and that, in the event of a failure of title, as determined by a court of competent jurisdiction, and payment of insurance to the state, the state will reimburse the United States for the amount of the federal cost paid.

(k) The commissioner, when acquiring the development rights of any agricultural lands on behalf of



the state, may incorporate deed requirements in accordance with the provisions of the federal Farm and Ranch Lands Protection Program, 7 CFR 1491.1, et seq.



Agency Legislative Proposal - 2013 Session – Priority 7 -10/1/12

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

DoAG, – Technical Changes to the Municipal Purchase of Development Rights

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: **George.Krivda@ct.gov**

Lead agency division requesting this proposal:

Bureau of Agricultural Development & Resource Preservation

Agency Analyst/Drafter of Proposal:

George E. Krivda, Jr.

Title of Proposal: An Act Concerning Technical Changes to the Municipal Purchase of Development Rights under 7-131q(e).

Statutory Reference: **C.G.S. section 7-131q(e).**

Proposal Summary: Bring the Municipal Purchase of Development Rights statute into alignment with the joint ownership statutes of the Department of Agriculture, by allowing municipalities to purchase or acquire the right of the owner to construct any residences or any farm structures on the agricultural land.

Please attach a copy of fully drafted bill (required for review)

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? No*
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? No*
- (3) Have certain constituencies called for this action? Municipal Bond Council*
- (4) What would happen if this was not enacted in law this session? Establishing partnerships with various municipalities and land trusts to preserve development right will remain tedious.*

- Origin of Proposal

 X New Proposal

 Resubmission



If this is a resubmission, please share: **N/A**

- (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: **N/A**

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)

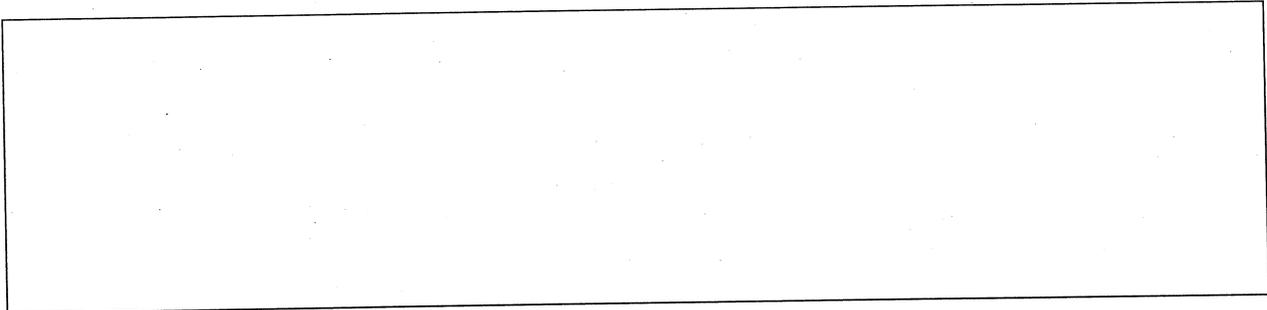
Municipal (please include any municipal mandate that can be found within legislation): **None**

State: **None**

Federal: **None**

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



Insert fully drafted bill here

Sec. 7-131q. Agricultural land preservation fund. (a) As used in this section, "municipality" means any city, town, borough, district or association with municipal powers; "agricultural land" means any land in the state suitable by reference to soil types, existing and past use of such land for agricultural purposes and other relevant factors for the cultivation of plants for production of human food and fiber or production of other useful and valuable plant products and for the production of animals, livestock and poultry useful to man and the environment, and land capable of providing economically profitable farm units, and may include adjacent pastures, wooded land, natural drainage areas and other adjacent open areas; "development rights" means the rights of the fee simple owner of agricultural land to develop, construct on, sell, lease or otherwise improve the agricultural land for uses that result in rendering such land no longer agricultural land, but shall not be construed to include: (1) The uses defined in subsection (q) of section 1-1, (2) the rights of the fee owner of agricultural land to develop, construct on, sell the property in its entirety, lease or otherwise improve the agricultural land to preserve, maintain, operate or continue such land as agricultural land, including, but not limited to, construction thereon of residences for persons directly incidental to farm operation and buildings for animals, roadside stands and farm markets for sale to the consumer of food products and ornamental plants, facilities for the storing of equipment and products or processing thereof or such other improvements, activities and uses thereon as may be directly or incidentally related to the operation of the agricultural enterprise, as long as the acreage and productivity of arable land for crops is not materially decreased and due consideration is given to the impact of any decrease in acreage or productivity of such arable land upon the total farm operation, except that new construction or modification of an existing farm building necessary to the operation of a farm on prime farmland, as defined by the United States Department of Agriculture, of which the state has purchased development rights shall be limited to not more than five per cent of the total of such prime farmland, (3) the rights of the fee owner to provide for the extraction of gravel or like natural elements for purposes directly or incidentally related to the operation of the agricultural enterprise or (4) the existing water and mineral rights, exclusive of gravel, of the fee owner.

(b) Any municipality, by vote of its legislative body, may establish a special fund, which shall be



known as the agricultural land preservation fund. There shall be deposited in said fund (1) all moneys received by the municipality, from whatever source and by whatever means, as gifts for agricultural land preservation purposes; (2) all moneys received by the municipality, from whatever source and by whatever means, as grants or loans for agricultural land preservation purposes, and (3) all moneys appropriated to said fund by the municipality.

(c) Said fund shall be in the custody of the treasurer or other officer in charge of funds of the municipality. All or any part of the moneys in said fund may, from time to time, be invested in any securities in which public funds may lawfully be invested. All income derived from such investments shall be paid into the fund and become a part of the fund. The moneys so invested shall at all times be subject to withdrawal from such investment for use as provided in subsection (e) of this section.

(d) Annually, the treasurer or other officer having custody of said fund shall submit to the legislative body of the municipality a complete and detailed report of the condition of said fund, which report shall be made a part of the annual municipal report.

(e) Upon authorization of the body in such municipality having the power of appropriation, the moneys in said fund may be used by the municipality for the acquisition in its name of the development rights of agricultural land and for any expenditure incurred for the preservation of agricultural land, provided (1) the development rights have been voluntarily offered for sale to the municipality by the owner and (2) the land has been designated for preservation purposes by the municipality in an open space plan, municipal plan of conservation and development or farmland preservation plan. In addition, the municipality may acquire or accept as a gift the rights of the owner to construct any residences or any farm structures on agricultural land.



Agency Legislative Proposal - 2013 Session – Priority 8 - 10/1/12

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

DoAG, – Technical Change to the Municipal Purchase of Development Rights

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: **George.Krivda@ct.gov**

Lead agency division requesting this proposal:

Bureau of Agricultural Development & Resource Preservation

Agency Analyst/Drafter of Proposal:

George E. Krivda, Jr.

Title of Proposal: An Act Concerning Technical Changes to the Municipal Purchase of Development Rights under 22-26cc(e).

Statutory Reference: **C.G.S. section 22-26cc(e).**

Proposal Summary: Allow municipalities working with the state on the joint purchase of development rights to purchase easements on farms in which part of the land is situated in an abutting town.

Please attach a copy of fully drafted bill (required for review)

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)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

- 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: **N/A**

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)

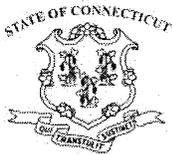
Municipal (please include any municipal mandate that can be found within legislation): **None**

State: **None**

Federal: **None**

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



Insert fully drafted bill here

Sec. 22-26cc. State acquisition of development rights to agricultural land. Program established. Joint ownership by the state and a town. Assistance of nonprofit organization. State acquisition of right to construct residence or farm structure. (a) There is established within the Department of Agriculture a program to solicit, from owners of agricultural land, offers to sell the development rights to such land and to inform the public of the purposes, goals and provisions of this chapter. The commissioner, with the approval of the State Properties Review Board, shall have the power to acquire or accept as a gift, on behalf of the state, the development rights of any agricultural land, if offered by the owner. Notice of the offer shall be filed in the land records wherein the agricultural land is situated. If ownership of any land for which development rights have been offered is transferred, the offer shall be effective until the subsequent owner revokes the offer in writing. The state conservation and development plan established pursuant to section 16a-24 shall be applied as an advisory document to the acquisition of development rights of any agricultural lands. The factors to be considered by the commissioner in deciding whether or not to acquire such rights shall include, but not be limited to, the following: (1) The probability that the land will be sold for nonagricultural purposes; (2) the current productivity of such land and the likelihood of continued productivity; (3) the suitability of the land as to soil classification and other criteria for agricultural use; (4) the degree to which such acquisition would contribute to the preservation of the agricultural potential of the state; (5) any encumbrances on such land; (6) the cost of acquiring such rights; and (7) the degree to which such acquisition would mitigate damage due to flood hazards. Ownership by a nonprofit organization authorized to hold land for conservation and preservation purposes of land which prior to such ownership qualified for the program established pursuant to this section shall not be deemed to diminish the probability that the land will be sold for nonagricultural purposes. After a preliminary evaluation of such factors by the Commissioner of Agriculture, he shall obtain and review one or more fee appraisals of the property selected in order to determine the value of the development rights of such property. The commissioner shall notify the Department of Transportation, the Department of Economic and Community Development, the Department of Environmental Protection and the Office of Policy and Management that such property is being appraised. Any appraisal of the value of such land obtained by the owner and performed in a manner approved by the commissioner shall be considered by the commissioner in making such determination. The value of development rights for all purposes of this section shall be the difference between the value of the property for its highest and best use and its value for agricultural purposes as determined by the commissioner. The use or presence of pollutants or chemicals in the soil shall not be deemed to diminish the agricultural value of the land or to prohibit the commissioner from acquiring the development rights to such land. The commissioner may purchase development rights for a lesser amount provided he complies with all factors for acquisition specified in this subsection and in any implementing regulations. In determining the value of the property for its highest and best use, consideration shall be given but not limited to sales of comparable properties in the general area, use of which was unrestricted at the time of sale.



(b) Upon the acquisition by the commissioner of the development rights of agricultural land, the commissioner shall cause to be filed in the appropriate land records and in the office of the Secretary of the State a notice of such acquisition which shall set forth a description of the agricultural land as will be sufficient to give any prospective purchaser of such agricultural land or creditor of the owner thereof notice of such restriction. Upon such filing, the owner of such agricultural land shall not be permitted to exercise development rights with respect to such land, and such development rights shall be considered and deemed dedicated to the state in perpetuity, except as hereinafter provided. If restricted land is to be sold, the owner shall notify, in writing, the commissioner of such impending sale not more than ninety days before transfer of title to the land and shall provide the commissioner with the name and address of the new owner.

(c) The commissioner shall have no power to release such land from its agricultural restriction, except as set forth in this subsection. The commissioner, in consultation with the Commissioner of Environmental Protection and such advisory groups as the Commissioner of Agriculture may appoint, may approve (1) a petition by the owner of the restricted agricultural land to remove such restriction provided such petition is approved by resolution of the legislative body of the town, or (2) a petition by the legislative body of the town in which such land is situated to remove such restriction provided such petition is approved in writing by said owner. Upon approval of such a petition by the commissioner, the legislative body of the town shall submit to the qualified voters of such town the question of removing the agricultural restriction from such land or a part thereof, at a referendum held at a regular election or a special election warned and called for that purpose. In the event a majority of those voting at such referendum are in favor of such removal, the restriction shall be removed from the agricultural land upon filing of the certified results of such referendum in the land records and the office of the Secretary of the State, and the commissioner shall convey the development rights to such owner provided such owner shall pay the commissioner an amount equal to the value of such rights. Such petition shall set forth the facts and circumstances upon which the commissioner shall consider approval, and said commissioner shall deny such approval unless he determines that the public interest is such that there is an overriding necessity to relinquish control of the development rights. The commissioner shall hold at least one public hearing prior to the initiation of any proceedings hereunder. The expenses, if any, of the hearing and the referendum shall be borne by the petitioner. In the event that the state sells any development rights under the procedure provided in this subsection, it shall receive the value of such rights.

(d) Whenever the commissioner acquires the development rights of any agricultural land and the purchase price of such development rights is ten thousand dollars or more, said commissioner and the owner of such land may enter into a written agreement which provides for the payment of the purchase price in two or three annual installments, but no interest shall be paid on any unpaid balance of such purchase price.



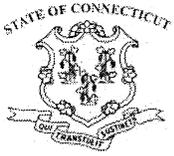
(e) Whenever the commissioner acquires the development rights to any agricultural land, and any municipality in which all or part of the land is situated paid a part of the purchase price from a fund established pursuant to section 7-131q, such municipality and the state may jointly own the development rights. [, provided joint ownership by such municipality shall be limited to land within its boundaries.] The land may be released from its agricultural restriction in accordance with the provisions of subsection (c) of this section. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 establishing procedures for the joint acquisition of development rights to agricultural land.

(f) The acquisition of the development rights to any agricultural land by the commissioner shall not be deemed to be ownership of such land and the state shall not be liable for pollution or contamination of such land and no person may bring a civil action against the state for damages resulting from pollution or contamination of such agricultural land.

(g) The commissioner may issue a letter of intent requesting the assistance of a nonprofit organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, in acquiring the development rights to certain agricultural land. If such organization acquires such rights it may sell them to the commissioner based on a purchase agreement. Such agreement may include reimbursement for reasonable expenses incurred in the acquisition of the rights as well as payment for the rights. The commissioner may enter into joint ownership agreements to acquire the development rights to any qualified agricultural land with any nonprofit organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, provided the mission of such nonprofit organization is the permanent protection of agricultural land for the purposes of continued agricultural use.

(h) In addition to development rights, the commissioner may acquire or accept as a gift the rights of the owner to construct any residences or any farm structures on agricultural land.

(i) The Commissioner of Agriculture, pursuant to any cooperative agreement with the United States Department of Agriculture for the disbursement of funds under federal law, may require that any property to which rights are acquired under this section with such funds shall be managed in accordance with a conservation plan which utilizes the standards and specifications of the Natural Resources Conservation Service field office technical guide and is approved by such service. Any instrument by which the commissioner acquires such rights and for which any such funds are used may provide for a contingent right in the United States of America in the event that the state of Connecticut fails to enforce any of the terms of its rights acquired under this section which failure shall be determined by the United States Secretary of Agriculture. Such contingent right shall entitle the secretary to enforce



any rights acquired by the state under this section by any authority provided under law. Such instrument may provide that such rights shall become vested in the United States of America in the event that the state of Connecticut attempts to terminate, transfer or otherwise divest itself of any such rights without the prior consent of the United States Secretary of Agriculture and payment of consideration to the United States and may further provide that title to such rights may be held by the United States of America at any time at the request of the United States Secretary of Agriculture. In connection with such an agreement, the commissioner may hold the United States harmless from any action based on negligence in the procurement or management of any rights acquired under this section and may assure that proper title evidence is secured, that the title is insured to the amount of the federal cost paid for the interest of the United States of America and that, in the event of a failure of title, as determined by a court of competent jurisdiction, and payment of insurance to the state, the state will reimburse the United States for the amount of the federal cost paid.

(j) The commissioner, when acquiring the development rights of any agricultural lands on behalf of the state, may incorporate deed requirements in accordance with the provisions of the federal Farm and Ranch Lands Protection Program, 7 CFR 1491.1, et seq.



Agency Legislative Proposal - 2013 Session – Priority 9 – 10/1/12

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

2013.docx Swine Fix.docx

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: **George.Krivda@ct.gov**

Lead agency division requesting this proposal: **Bureau of Regulation and Inspection**

Agency Analyst/Drafter of Proposal:

George E. Krivda, Jr./ Wayne Kasacek, Assistant Director, Bureau of Regulation and Inspection

Title of Proposal: **An Act Concerning Registration of Growers of Swine and Control of Disease**

Statutory Reference: **CGS 22-319**

Proposal Summary: The proposed bill reinstates the statute that was inadvertently removed when the Legislature worked on standardizing the unclassified misdemeanors statutes during the last legislative session. CGA 22-319 granted power to the Commissioner of Agriculture to regulate all aspects of growing swine including examination, quarantine, disinfection, preventive treatment, disposition, transportation, importation, feeding and sanitation as well as every other aspect of swine production. The inadvertent repeal of CGA 22-319 has also effectively repealed the swine disease control regulations. This statute and the regulations are the basis of our swine disease control programs which has resulted in Connecticut swine producers enjoying Pseudorabies and Brucellosis Free status allowing for animals to be imported/exported across state lines. With emerging concerns about swine flu (H3N2) incidents, the Commissioner asks that these important controls be reinstated.

Please attach a copy of fully drafted bill (required for review)

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? **No.**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **Similar controls are on the books of all states.**
- (3) Have certain constituencies called for this action? **No.**
- (4) What would happen if this was not enacted in law this session? **A potential for inefficient control of swine matters may occur.**



- **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?
N/A
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
N/A
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation? **Unclassified Misdemeanors Working Group.**
- (4) What was the last action taken during the past legislative session? **CGA 22-319 was removed from the books.**

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: **N/A**

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)

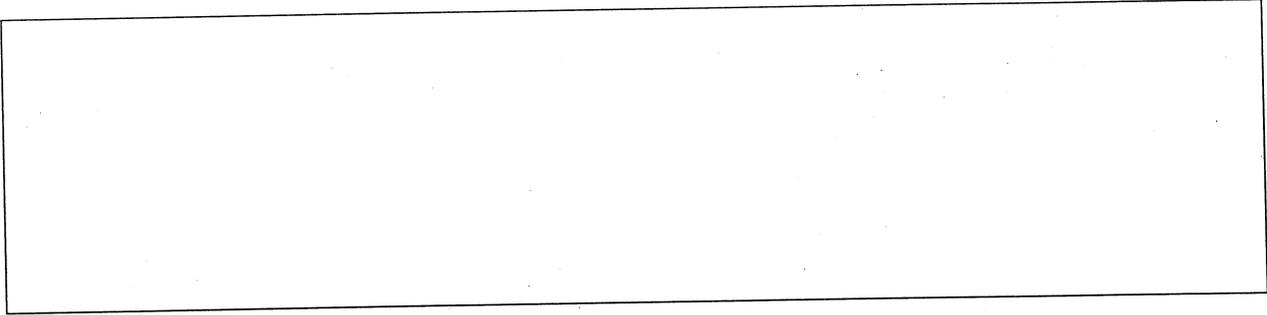
Municipal (please include any municipal mandate that can be found within legislation): **None.**

State: None.

Federal: None.

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



Insert fully drafted bill here

An Act Concerning the Registration of Growers of Swine and Control of Disease

Section 22-319 (Effective on passage):

Registration of growers of swine. Control of disease. Any person, firm or corporation engaged in the growing of swine which are to be used or disposed of elsewhere than on the premises where such swine are grown shall register with the Commissioner of Agriculture on forms furnished by the commissioner. The commissioner is authorized to make orders and regulations concerning examination, quarantine, disinfection, preventive treatment, disposition, transportation, importation, feeding and sanitation for the protection of swine from contagious and infectious disease. Said commissioner shall, at once, cause an investigation of all cases of such diseases coming to his knowledge and shall use all proper means to exterminate and prevent spread of the same. Instructions shall be issued in writing by the commissioner or his agent which shall contain directions for quarantine and disinfection of the premises where such disease exists. No swine shall be brought into Connecticut by any individual, corporation or common carrier, unless the same originate from a herd which is validated as brucellosis-free and qualified pseudorabies-negative, and are accompanied by a permit issued by the commissioner and an official health certificate showing such animals to be free from any contagious or infectious disease, except that swine brought into this state for the purpose of immediate slaughter upon premises where federal inspection is maintained need not be accompanied by an official health certificate and the owner of each establishment where federal inspection is maintained shall report weekly to the commissioner, upon forms furnished by him, the number of such swine imported. Such permit shall accompany all waybills or, if animals are driven or carted over highways, shall be in the possession of the person in charge of swine. In addition to any other requirements of this section, all swine imported for other than immediate slaughter which are over three months of age, other than barrows, shall be negative as to a blood test for brucellosis and pseudorabies within thirty days of importation. With approval of the State Veterinarian, a thirty-day blood test may not be required for swine originating from, and residing for at least thirty days prior to importation in, a state which is validated as brucellosis-free and stage V pseudorabies-free, or for swine originating from any herd which the State Veterinarian determines to be pathogen-free. With such approval, swine may be imported pursuant to an import permit and a current official health certificate. All swine brought into the state for immediate slaughter shall be killed in an approved



slaughterhouse under veterinary inspection. [Any person who violates any provision of this section shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.]
Registration of growers of swine. Control of disease. Any person, firm or corporation engaged in the growing of swine which are to be used or disposed of elsewhere than on the premises where such swine are grown shall register with the Commissioner of Agriculture on forms furnished by the commissioner. The commissioner is authorized to make orders and regulations concerning examination, quarantine, disinfection, preventive treatment, disposition, transportation, importation, feeding and sanitation for the protection of swine from contagious and infectious disease. Said commissioner shall, at once, cause an investigation of all cases of such diseases coming to his knowledge and shall use all proper means to exterminate and prevent spread of the same. Instructions shall be issued in writing by the commissioner or his agent which shall contain directions for quarantine and disinfection of the premises where such disease exists. No swine shall be brought into Connecticut by any individual, corporation or common carrier, unless the same originate from a herd which is validated as brucellosis-free and qualified pseudorabies-negative, and are accompanied by a permit issued by the commissioner and an official health certificate showing such animals to be free from any contagious or infectious disease, except that swine brought into this state for the purpose of immediate slaughter upon premises where federal inspection is maintained need not be accompanied by an official health certificate and the owner of each establishment where federal inspection is maintained shall report weekly to the commissioner, upon forms furnished by him, the number of such swine imported. Such permit shall accompany all waybills or, if animals are driven or carted over highways, shall be in the possession of the person in charge of swine. In addition to any other requirements of this section, all swine imported for other than immediate slaughter which are over three months of age, other than barrows, shall be negative as to a blood test for brucellosis and pseudorabies within thirty days of importation. With approval of the State Veterinarian, a thirty-day blood test may not be required for swine originating from, and residing for at least thirty days prior to importation in, a state which is validated as brucellosis-free and stage V pseudorabies-free, or for swine originating from any herd which the State Veterinarian determines to be pathogen-free. With such approval, swine may be imported pursuant to an import permit and a current official health certificate. All swine brought into the state for immediate slaughter shall be killed in an approved slaughterhouse under veterinary inspection.

(Section 22-321 provides for the penalty.)



Agency Legislative Proposal - 2013 Session – Priority 10 – 10/1/12

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

2013.docx Dog Resale.docx

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: **George.Krivda@ct.gov**

Lead agency division requesting this proposal: **Bureau of Regulation and Inspection**

Agency Analyst/Drafter of Proposal:

George E. Krivda, Jr./Raymond Connors, Supervisor, State Animal Control Officers

Title of Proposal: **An Act Concerning the Resale of Dogs to Military and Law Enforcement Agencies**

Statutory Reference: **CGS 22-344e**

Proposal Summary: Under CT law pet stores selling dogs must obtain them from breeders registered with the United States Department of Agriculture. The CT Department of Agriculture is having difficulties with dog trainers who import, train and resell these dogs to law enforcement agencies and the military. Many of the dogs to be trained are imported from Europe and do not meet the requirement that they be purchased from a USDA registered breeder. In this instance there is little fear that the dogs are being obtained from "puppy mill" type facilities. The bill essentially exempts dogs sold by trainers to law enforcement agencies and the military from the statute.

Please attach a copy of fully drafted bill (required for review)

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?* **No.**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* **The proposal is specific to CT law.**
- (3) *Have certain constituencies called for this action?* **Military and Law Enforcement Dog Trainers.**
- (4) *What would happen if this was not enacted in law this session?* **The Department will struggle to enforce the statute as it reads presently.**

● Origin of Proposal

New Proposal

Resubmission



If this is a resubmission, please share: **N/A**

- (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: **N/A**

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)

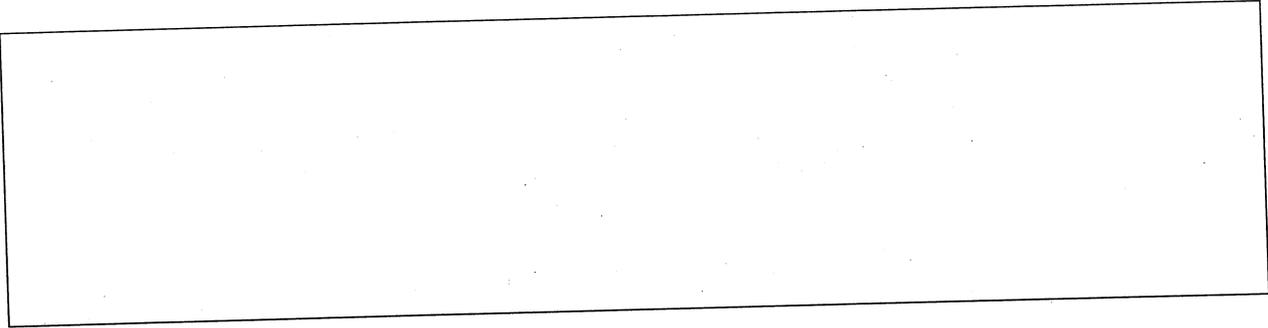
Municipal (please include any municipal mandate that can be found within legislation): **None**

State: **None**

Federal: **None**

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



Insert fully drafted bill here

An Act Concerning the Resale of Dogs to Military and Law Enforcement Agencies

Sec. 22-344e. License required for procurement of dog or cat for resale. Penalty. No person shall procure any dog or cat for the purpose of resale unless such person holds a pet shop license under section 22-344 or such person resells such dog or dogs to a law enforcement agency or military branch for the purpose of law enforcement or security work. Any person who violates the provisions of this section shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.



Agency Legislative Proposal - 2013 Session – Priority 11 - 10/1/12

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

DoAG, – Technical Change to the Siting Council Statute

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: **CT Department of Agriculture**

Liaison: **George E. Krivda, Jr.**

Phone: **860-713-2573**

E-mail: **George.Krivda@ct.gov**

Lead agency division requesting this proposal:

Bureau of Agricultural Development & Resource Preservation

Agency Analyst/Drafter of Proposal:

George E. Krivda, Jr.

Title of Proposal: An Act Concerning Technical Changes to the Siting Council Statute.

Statutory Reference: C.G.S. sections 16-50i(a)(6) and 16-50p(a)(2)(g).

Proposal Summary: Statutory provision requiring the Commissioner of Agriculture, not the Siting Council, to determine whether a facility proposed to be installed on land under agricultural restriction, as provided in section 22-26cc, will or will not result in a material decrease of acreage and productivity of the arable land.

Please attach a copy of fully drafted bill (required for review)

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?* **No**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* **No**
- (3) *Have certain constituencies called for this action?* **Department of Agriculture Farmland Preservation staff.**
- (4) *What would happen if this was not enacted in law this session?* **A threat to the Farmland Preservation Program would continue to exist.**

• Origin of Proposal X 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: **Connecticut Siting Council**
Agency Contact (name, title, phone): **Linda Roberts, Executive Director, 860-827-2935**
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): **None**

State: **None**

Federal: **None**

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



Insert fully drafted bill here

Sec. 16-50p. Certification proceeding decisions: Timing, opinion, factors considered. Telecommunications and community antenna television facilities: Additional factors considered, conditions. Modification of location. Amendment proceeding decisions. Service and notice. "Public need" defined. (a)(1) In a certification proceeding, the council shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, limitations or modifications of the construction or operation of the facility as the council may deem appropriate.

(2) The council's decision shall be rendered in accordance with the following:

(A) Not later than twelve months after the deadline for filing an application following the request for proposal process for a facility described in subdivision (1) or (2) of subsection (a) of section 16-50i or subdivision (4) of said subsection (a) if the application was incorporated in an application concerning a facility described in subdivision (1) of said subsection (a);

(B) Not later than one hundred eighty days after the deadline for filing an application following the request for proposal process for a facility described in subdivision (4) of said subsection (a), and an application concerning a facility described in subdivision (3) of said subsection (a), provided such time periods may be extended by the council by not more than one hundred eighty days with the consent of the applicant; and

(C) Not later than one hundred eighty days after the filing of an application for a facility described in subdivision (5) or (6) of said subsection (a), provided such time period may be extended by the council by not more than one hundred eighty days with the consent of the applicant.

(3) The council shall file, with its order, an opinion stating in full its reasons for the decision. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine:

(A) Except as provided in subsection (c) of this section, a public need for the facility and the basis of the need;

(B) The nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including a specification of every significant adverse effect, including, but not limited to, electromagnetic fields that, whether alone or cumulatively with other effects, on, and conflict with the policies of the state concerning, the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish, aquaculture and wildlife;



(C) Why the adverse effects or conflicts referred to in subparagraph (B) of this subdivision are not sufficient reason to deny the application;

(D) In the case of an electric transmission line, (i) what part, if any, of the facility shall be located overhead, (ii) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and will serve the interests of electric system economy and reliability, and (iii) that the overhead portions, if any, of the facility are cost effective and the most appropriate alternative based on a life-cycle cost analysis of the facility and underground alternatives to such facility, are consistent with the purposes of this chapter, with such regulations or standards as the council may adopt pursuant to section 16-50t, including, but limited to, the council's best management practices for electric and magnetic fields for electric transmission lines and with the Federal Power Commission "Guidelines for the Protection of Natural Historic Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities" or any successor guidelines and any other applicable federal guidelines and are to be contained within an area that provides a buffer zone that protects the public health and safety, as determined by the council. In establishing such buffer zone, the council shall take into consideration, among other things, residential areas, private or public schools, licensed child day care facilities, licensed youth camps or public playgrounds adjacent to the proposed route of the overhead portions and the level of the voltage of the overhead portions and any existing overhead transmission lines on the proposed route. At a minimum, the existing right-of-way shall serve as the buffer zone;

(E) In the case of an electric or fuel transmission line, that the location of the line will not pose an undue hazard to persons or property along the area traversed by the line;

(F) In the case of an application that was heard under a consolidated hearing process with other applications that were common to a request for proposal, that the facility proposed in the subject application represents the most appropriate alternative among such applications based on the findings and determinations pursuant to this subsection; and

[(G) In the case of a facility described in subdivision (6) of subsection (a) of section 16-50i that is proposed to be installed on land under agricultural restriction, as provided in section 22-26cc, that the facility will not result in a material decrease of acreage and productivity of the arable land.]

(G) In the case of a facility described in subdivision (6) of subsection (a) of section 16-50i that is proposed to be installed on land under agricultural restriction, as provided in section 22-26cc, that the Commissioner of Agriculture has determined that the facility will not result in a material decrease of acreage and productivity of the arable land.



(b) (1) Prior to granting an applicant's certificate for a facility described in subdivision (5) or (6) of section 16-50i, the council shall examine, in addition to its consideration of subdivisions (1) to (5), inclusive, of subsection (a) of this section: (A) The feasibility of requiring an applicant to share an existing facility, as defined in subsection (b) of section 16-50aa, within a technically derived search area of the site of the proposed facility, provided such shared use is technically, legally, environmentally and economically feasible and meets public safety concerns, (B) whether such facility, if constructed, may be shared with any public or private entity which provides telecommunications or community antenna television service to the public, provided such shared use is technically, legally, environmentally and economically feasible at fair market rates, meets public safety concerns, and the parties' interests have been considered and (C) whether the proposed facility would be located in an area of the state which the council, in consultation with the Department of Environmental Protection and any affected municipalities, finds to be a relatively undisturbed area that possesses scenic quality of local, regional or state-wide significance. The council may deny an application for a certificate if it determines that (i) shared use under the provisions of subparagraph (A) of this subdivision is feasible, (ii) the applicant would not cooperate relative to the future shared use of the proposed facility, or (iii) the proposed facility would substantially affect the scenic quality of its location and no public safety concerns require that the proposed facility be constructed in such a location.

(2) When issuing a certificate for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50j, the council may impose such reasonable conditions as it deems necessary to promote immediate and future shared use of such facilities and avoid the unnecessary proliferation of such facilities in the state. The council shall, prior to issuing a certificate, provide notice of the proposed facility to the municipality in which the facility is to be located. Upon motion of the council, written request by a public or private entity which provides telecommunications or community antenna television service to the public or upon written request by an interested party, the council may conduct a preliminary investigation to determine whether the holder of a certificate for such a facility is in compliance with the certificate. Following its investigation, the council may initiate a certificate review proceeding, which shall include a hearing, to determine whether the holder of a certificate for such a facility is in compliance with the certificate. In such proceeding, the council shall render a decision and may issue orders which it deems necessary to compel compliance with the certificate, which orders may include, but not be limited to, revocation of the certificate. Such orders may be enforced in accordance with the provisions of section 16-50u.

(c) (1) The council shall not grant a certificate for a facility described in subdivision (3) of subsection (a) of section 16-50i, either as proposed or as modified by the council, unless it finds and determines a public benefit for the facility.

(2) The council shall not grant a certificate for a facility described in subdivision (1) of subsection (a)



of section 16-50i which is substantially underground or underwater except where such facilities interconnect with existing overhead facilities, either as proposed or as modified by the council, unless it finds and determines a public benefit for the facility, in the case of such facility that is substantially underground, and a public need for such facility, in the case of such facility that is substantially underwater.

(3) For purposes of subparagraph (A) of this subdivision, a public benefit exists if such a facility is necessary for the reliability of the electric power supply of the state or for the development of a competitive market for electricity and a public need exists if such facility is necessary for the reliability of the electric power supply of the state.

(4) Any application for an electric transmission line with a capacity of three hundred forty-five kilovolts or more that is filed on or after May 1, 2003, and that proposes the underground burial of such line in all residential areas and overhead installation of such line in industrial and open space areas affected by such proposal shall have a rebuttable presumption of meeting a public benefit for such facility if the facility is substantially underground, and meeting a public need for such facility if the facility is substantially above ground. Such presumption may be overcome by evidence submitted by a party or intervenor to the satisfaction of the council.

(d) If the council determines that the location of all or a part of the proposed facility should be modified, it may condition the certificate upon such modification, provided the municipalities, and persons residing or located in such municipalities, affected by the modification shall have had notice of the application as provided in subsection (b) of section 16-50i.

(e) In an amendment proceeding, the council shall render a decision within ninety days of the filing of the application or adoption of the resolution initiating the proceeding. The council shall file an opinion with its order stating its reasons for the decision. The council's decision shall include the findings and determinations enumerated in subsection (a) of this section which are relevant to the proposed amendment.

(f) A copy of the order and opinion issued therewith shall be served upon each party and a notice of the issuance of the order and opinion shall be published in such newspapers as will serve substantially to inform the public of the issuance of such order and opinion. The name and address of each party shall be set forth in the order.

(g) In making its decision as to whether or not to issue a certificate, the council shall in no way be limited by the fact that the applicant may already have acquired land or an interest therein for the purpose of constructing the facility which is the subject of its application.



(h) For purposes of this section, a public need exists for an energy facility if such facility is necessary for the reliability of the electric power supply of the state.

(i) For a facility described in subdivision (1) of subsection (a) of section 16-50i, with a capacity of three hundred forty-five kilovolts or greater, there shall be a presumption that a proposal to place the overhead portions, if any, of such facility adjacent to residential areas, private or public schools, licensed child day care facilities, licensed youth camps or public playgrounds is inconsistent with the purposes of this chapter. An applicant may rebut this presumption by demonstrating to the council that it will be technologically infeasible to bury the facility. In determining such infeasibility, the council shall consider the effect of burying the facility on the reliability of the electric transmission system of the state and whether the cost of any contemplated technology or design configuration may result in an unreasonable economic burden on the ratepayers of the state.