



General Assembly

January Session, 2005

Raised Bill No. 6771

LCO No. 3712

* HB06771PD 040105 *

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING THE DEFINITION OF AGRICULTURAL OPERATIONS.

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

1 Section 1. Section 22-4c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) The Commissioner of Agriculture may: (1) Adopt, amend or
4 repeal, in accordance with the provisions of chapter 54, such
5 standards, criteria and regulations, and such procedural regulations as
6 are necessary and proper to carry out the commissioner's functions,
7 powers and duties; (2) enter into contracts with any person, firm,
8 corporation or association to do all things necessary or convenient to
9 carry out the functions, powers and duties of the department; (3)
10 initiate and receive complaints as to any actual or suspected violation
11 of any statute, regulation, permit or order administered, adopted or
12 issued by the commissioner. The commissioner may hold hearings,
13 administer oaths, take testimony and subpoena witnesses and
14 evidence, enter orders and institute legal proceedings including, but
15 not limited to, suits for injunctions and for the enforcement of any
16 statute, regulation, order or permit administered, adopted or issued by

17 the commissioner; ~~(4)~~ make a final determination, upon request of any
18 municipality, state agency, tax assessor or any landowner as to what
19 constitutes agriculture or farming pursuant to subsection (q) of section
20 1-1, or regarding classification of land as farm land or open space land
21 pursuant to sections 12-107b to 12-107f, inclusive; [(4)] (5) in
22 accordance with constitutional limitations, enter at all reasonable
23 times, without liability, upon any public or private property, except a
24 private residence, for the purpose of inspection and investigation to
25 ascertain possible violations of any statute, regulation, order or permit
26 administered, adopted or issued by the commissioner and the owner,
27 managing agent or occupant of any such property shall permit such
28 entry, and no action for trespass shall lie against the commissioner for
29 such entry, or the commissioner may apply to any court having
30 criminal jurisdiction for a warrant to inspect such premises to
31 determine compliance with any statute, regulation, order or permit or
32 methods of manufacture or production ascertained by the
33 commissioner during, or as a result of, any inspection, investigation or
34 hearing; [(5)] (6) undertake any studies, inquiries, surveys or analyses
35 the commissioner may deem relevant, through the personnel of the
36 department or in cooperation with any public or private agency, to
37 accomplish the functions, powers and duties of the commissioner; [(6)]
38 (7) require the posting of sufficient performance bond or other security
39 to assure compliance with any permit or order; [(7)] (8) provide by
40 notice printed on any form that any false statement made thereon or
41 pursuant thereto is punishable as a criminal offense under section 53a-
42 157b; [(8)] (9) by regulations adopted in accordance with the provisions
43 of chapter 54, require the payment of a fee sufficient to cover the
44 reasonable cost of acting upon an application for and monitoring
45 compliance with the terms and conditions of any state or federal
46 permit, license, registration, order, certificate or approval. Such costs
47 may include, but are not limited to, the costs of (A) public notice, (B)
48 reviews, inspections and testing incidental to the issuance of and
49 monitoring of compliance with such permits, licenses, orders,
50 certificates and approvals, and (C) surveying and staking boundary

51 lines. The applicant shall pay the fee established in accordance with the
52 provisions of this section prior to the final decision of the
53 commissioner on the application. The commissioner may postpone
54 review of an application until receipt of the payment.

55 (b) In any hearing held on or after October 1, 1995, on an application
56 for any license issued by the commissioner, (1) the applicant shall pay
57 all costs of recording and transcribing the hearing if a transcript is
58 required by law, and (2) any applicant who requests a copy of a
59 transcript of a hearing for which a transcript is not required by law
60 shall pay to the department any expenses incurred by the department
61 in having such transcript prepared. In any proceeding held on or after
62 October 1, 1995, on a department order to enforce any statute,
63 regulation, permit or order administered or issued by the
64 commissioner, the respondent or other person taking an appeal from a
65 final decision of the commissioner shall pay all costs of recording and
66 transcribing the hearing if a transcript is required by law. Upon a
67 showing of indigency by such respondent or person, the court may
68 require the commissioner to pay such costs.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2005	22-4c

ENV *Joint Favorable C/R* PD

PD *Joint Favorable*