



House of Representatives

General Assembly

File No. 97

February Session, 2010

Substitute House Bill No. 5129

House of Representatives, March 23, 2010

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MINOR REVISIONS TO THE POULTRY LICENSING AND FARM WINE DEVELOPMENT COUNCIL STATUTES.

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

1 Section 1. Section 22-326s of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) As used in this section:

4 (1) "Commissioner" means the Commissioner of Agriculture.

5 (2) "Dealer" means a producer who is a wholesaler, distributor or
6 hauler of live poultry or hatching eggs or any person, firm or
7 corporation engaged in the business of (A) buying, receiving, selling,
8 bartering, exchanging, negotiating or soliciting the sale, resale or
9 exchange of live poultry or hatching eggs, or (B) the transportation,
10 transfer or shipment of any live poultry or hatching eggs.

11 (3) "Hauler" means any person, firm or corporation that transports
12 live poultry or hatching eggs from premises to premises, to a

13 distributor, to a live bird market or to a dealer.

14 (4) "Live bird market" means a facility at which live poultry or
15 hatching eggs are congregated for sale or to be slaughtered and
16 dressed for sale to the public or restaurants or to be sold live for any
17 purpose.

18 (5) "Poultry" means any species of domestic fowl, including, but not
19 limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries,
20 waterfowl and game birds raised for food production, breeding,
21 exhibition or sale.

22 (6) "Producer" means any person, firm or corporation engaged in
23 the breeding, raising or keeping of poultry for the purpose of food
24 production, [hatching] table egg production or for show or exhibition.

25 (b) Annually, each poultry dealer conducting business within the
26 state shall apply for a license upon forms furnished by the
27 commissioner. The commissioner shall issue such license unless, in the
28 commissioner's sole discretion, the commissioner deems it in the best
29 interest of the public to refuse issuance thereof. In refusing to issue a
30 license, the commissioner shall give due regard to whether the
31 applicant has had such a license previously revoked or suspended or
32 has violated any state or federal law or regulation concerned with
33 interstate transport of live poultry and hatching eggs or live poultry
34 health requirements. Each license shall be nontransferable and shall be
35 in effect from [July] January first through [the last day of June of the
36 next succeeding year] December thirty-first of the year in which such
37 license is issued.

38 (c) Each license shall be shown, upon request, to any person with
39 whom the licensee conducts or proposes to conduct business.

40 (d) Any poultry dealer licensed under this section shall keep
41 accounts and records that fully and clearly disclose all transactions
42 related to the conduct of such dealer's business. Such records shall be
43 made available at any time for inspection by the commissioner or the

44 commissioner's authorized agent for the purpose of determining the
45 origin and destination of any live poultry handled by the dealer.
46 Information relating to the general business of the dealer that is
47 disclosed in the course of an inspection by the commissioner or by the
48 commissioner's authorized agent and that is not related to the
49 immediate purpose of the inspection shall be confidential and not
50 disclosed except as required by law.

51 (e) The provisions of this section do not apply to any person, firm or
52 corporation that is only a producer, except that a producer who
53 transports live poultry directly to a live bird market, wholesaler,
54 distributor or other dealer shall be deemed a hauler and subject to the
55 provisions of this section.

56 (f) The Commissioner of Agriculture may adopt regulations, in
57 accordance with the provisions of chapter 54, to ensure compliance
58 with this section and to ensure the public health and safety. Such
59 regulations shall include: (1) Sanitation standards for vehicles, crates,
60 facilities and other appurtenances used to transport and hold poultry
61 or hatching eggs, both in transit and at any place where poultry or
62 hatching eggs are held for the purposes of being sold or offered for
63 sale; (2) the health requirements for poultry and hatching eggs,
64 including, but not limited to, required tests, vaccinations or other
65 methods used to prevent poultry disease; (3) the manner and form of
66 records to be kept, including, but not limited to, identification of the
67 origin of poultry or hatching eggs, poultry animal health records, test
68 results or copies of sales records and dates; and (4) individual bird and
69 premise identification.

70 (g) The commissioner may: (1) Revoke or suspend a poultry dealer's
71 license, or (2) assess an administrative civil penalty pursuant to section
72 22-7 for a violation of this section.

73 Sec. 2. Section 22-26c of the 2010 supplement to the general statutes
74 is repealed and the following is substituted in lieu thereof (*Effective July*
75 *1, 2010*):

76 (a) There shall be a Connecticut Farm Wine Development Council
77 which shall be within the Department of Agriculture for
78 administrative purposes only. Said council shall consist of thirteen
79 members as follows: The Commissioners of Agriculture and Economic
80 and Community Development, the dean of the College of Agriculture
81 and Natural Resources of The University of Connecticut and the
82 directors of the Storrs Agricultural Experiment Station and the
83 Connecticut Agricultural Experiment Station, or their respective
84 designees; and eight members engaged in the wine production
85 industry in this state, appointed as follows: Two members appointed
86 by the Governor, and one member each appointed by the president
87 pro tempore of the Senate, the speaker of the House of Representatives
88 and the majority and minority leaders of the House of Representatives
89 and the Senate.

90 [(b) The term of one of the initial appointments from the wine
91 production industry shall expire on the last day of July, 1988, the terms
92 of two shall expire on the last day of July, 1989, and the terms of two
93 shall expire on the last day of July, 1990. On or before the first day of
94 July, 1987, and annually thereafter, the commissioner shall appoint
95 members to succeed the members whose term expires. Said members
96 shall serve a term of four years. The commissioner shall fill any
97 vacancy by appointment for the unexpired portion of the term
98 vacated.]

99 (b) (1) For any appointed member whose term expires on June 30,
100 2013, such member may serve not more than three additional
101 consecutive terms. Any such term shall consist of four years.

102 (2) For any member newly appointed on or after July 1, 2010, such
103 member shall serve for a term of four years. No such member shall
104 serve for more than four consecutive terms.

105 (3) Any vacancy for a member appointed to the council shall be
106 filled by the respective appointing authority.

107 (c) Members of the council shall not be compensated for their

108 services but shall be reimbursed for necessary expenses incurred in the
 109 performance of their duties. [No member shall serve for more than
 110 four consecutive terms.] A majority of the council shall constitute a
 111 quorum.

112 (d) The Commissioner of Agriculture shall be the chairman of the
 113 council.

114 (e) The council may receive funds from any source and expend such
 115 funds as may be necessary to carry out its duties. The council may seek
 116 funding and provide financial support to organizations for activities
 117 concerned with wine production and related products.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	22-326s
Sec. 2	<i>July 1, 2010</i>	22-26c

ENV *Joint Favorable Subst.*

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

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill changes the terms of licensure for live poultry and table egg dealers from a fiscal year basis to a calendar year basis. This does not result in a fiscal impact, since there is no fee for either license. The bill also makes changes to the Farm Wine Development Council terms, which does not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5129*****AN ACT CONCERNING MINOR REVISIONS TO THE POULTRY LICENSING AND FARM WINE DEVELOPMENT COUNCIL STATUTES.*****SUMMARY:**

The bill changes the definition of “producer” to include a person, firm, or corporation engaged in poultry breeding, raising, or keeping for food production, show, exhibition, or table, rather than hatching, egg production. As a result of the change, the bill removes the licensure exemption for poultry producers who are not wholesalers, distributors, or haulers of hatching eggs and applies the exemption to table eggs. The change to table eggs in the definition of producer creates an inconsistency within the definition of dealer (See COMMENT).

The bill also shifts the poultry dealer annual licensing term to January 1 through December 31, from July 1 through June 30.

The bill allows appointed Connecticut Farm Wine Development Council members (1) whose term expires on June 20, 2013, to serve up to three additional consecutive terms and (2) appointed are on or after July 1, 2010 to serve up to four terms. For each of these categories of appointees, a term is four years.

The bill allows appointee vacancies to be filled by the respective appointing authority, removing the agriculture commissioner’s power to fill vacancies for the remainder of the vacated term. It also removes the four-term limit for ex-officio and current members, other than those whose term expires June 30, 2013.

EFFECTIVE DATE: October 1, 2010; except the provisions relating

to the Farm Wine Development Council, which are effective July 1, 2010.

BACKGROUND

Poultry Dealer Licensure and Regulation

By law, all state-licensed poultry dealers must keep accounts and records that fully and clearly disclose all transactions related to the conduct of their business. These records must be made available at any time for inspection by the commissioner or his authorized agent to determine the origin and destination of any live poultry. Information relating to the dealer's general business disclosed in the course of an inspection that is not related to the immediate purpose of an inspection is confidential and not further disclosable, except as required by law.

The commissioner may adopt regulations, which, if adopted, must include (1) sanitation standards for vehicles, crates, facilities, and other appurtenances used to transport and hold poultry or hatching eggs, both in transit and at any place where they are held to be sold or offered for sale; (2) the health requirements for poultry and hatching eggs, including required tests, vaccinations, or other methods used to prevent poultry disease; (3) the manner and form of records to be kept, including identification of the origin of poultry or hatching eggs, poultry health records, test results, or copies of sales records and dates; (4) individual bird and premise identification; and (5) the fee for a poultry dealer.

Violators face a civil penalty of a maximum fine of \$2,500 for each violation and \$250 for each day during which the violation continues after the violator receives the commissioner's final order assessing the penalty.

COMMENT

Table and Hatching Eggs

The change in reference from "hatching egg production" to "table egg production" applies only to the definition of producer. The term producer is used in the definition of dealer, which refers specifically to

hatching, and not table egg production. It is unclear how this change affects the licensure requirements for producers who are wholesalers, distributors, or haulers of hatching eggs.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 26 Nay 3 (03/05/2010)