



House of Representatives

General Assembly

File No. 100

January Session, 2013

Substitute House Bill No. 5310

House of Representatives, March 21, 2013

The Committee on Environment reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DUTIES AND AUTHORITY OF THE CONNECTICUT AGRICULTURAL EXPERIMENT STATION.

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

1 Section 1. Subsection (c) of section 22-81 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (c) [The] Within available resources, the board shall cause the
5 station to (1) make scientific inquiries and perform experiments
6 including, but not limited to, inquiries and experiments regarding
7 plants, insects and the pests of plants, soil and water, which inquiries
8 and experiments shall include, but not be limited to, consideration of
9 the effects of any climate change which may result from increased
10 levels of carbon dioxide or other "greenhouse" gases in the atmosphere
11 and what effects such change may have on agriculture in this state; (2)
12 make scientific inquiries for the General Assembly and conduct such
13 analyses as required by any state agency including, but not limited to,
14 the Departments of Administrative Services, Agriculture, Consumer

15 Protection and Energy and Environmental Protection; and (3)
16 distribute reports of any analyses, investigations or experiments by
17 correspondence, lectures or published matter. The board may cause
18 the station to charge a fee for any testing services which it may provide
19 to the public. The station shall not conduct any testing of ticks for
20 Lyme disease except at the request of a state or municipal health
21 official or for scientific research purposes.

22 Sec. 2. Subsection (a) of section 22-84 of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective from*
24 *passage*):

25 (a) The director of the Connecticut Agricultural Experiment Station
26 shall have charge of all matters pertaining to official control,
27 suppression or extermination of insects or diseases which are, or
28 threaten to become, serious pests of plants of economic importance.
29 [He] The director shall receive no additional compensation for such
30 work, and may designate members of the station staff to carry out
31 certain lines thereof and may employ such other assistance as may be
32 required. Said director may: (1) Cooperate with the agents of the
33 United States Department of Agriculture in the control of plant pests;
34 (2) make regulations and orders regarding the destruction or treatment
35 of infested plants; (3) seize, treat, disinfect or destroy any plants or
36 plant material moved in violation of any quarantine or regulation
37 established under the provisions of this section or suspected of being
38 infested by any dangerous insect pest or plant disease; (4) prohibit or
39 regulate the transportation of plants and plant materials, brick, stone
40 and quarry products or any other objects or materials liable to carry
41 dangerous pests and may designate certain areas or districts wherein
42 all such plants may be destroyed; (5) adopt, and enforce by
43 appropriate regulations, a quarantine prohibiting or restricting the
44 transportation of any class of nursery stock, plant, fruit, seed or other
45 article capable of carrying any dangerous plant disease or insect
46 infestation, with reference to which the Secretary of Agriculture of the
47 United States has not determined that a quarantine is necessary and
48 established such quarantine, into or through this state or any portion

49 thereof from any other state, the District of Columbia or any part of
 50 such state or said district in which said director finds such plant
 51 disease or insect infestation to exist; (6) adopt regulations for the
 52 seizure, inspection, disinfection, destruction or other disposition of any
 53 nursery stock, plant, fruit, seed or other article capable of carrying any
 54 dangerous plant disease or insect infestation, a quarantine with respect
 55 to which has been established by the Secretary of Agriculture of the
 56 United States, and which have been transported to, into or through this
 57 state in violation of such quarantine; (7) inspect nurseries and nursery
 58 stock, as defined in section 22-97, for any violation of the provisions of
 59 section 22a-381d; and (8) establish and maintain a quarantine against
 60 any premises, district, town or group of towns in this state, provided,
 61 before any quarantine is established within the state, a public hearing
 62 shall be held, of which five days' notice shall be given to the parties
 63 affected, either by mail or by publishing such notice in two
 64 newspapers having a circulation in the part of the state affected by
 65 such quarantine. In carrying out the duties and authority described in
 66 this subsection, the director may issue permits to any party or enter
 67 into compliance agreements with any party.

68 Sec. 3. Subsection (c) of section 22-84 of the general statutes is
 69 repealed and the following is substituted in lieu thereof (*Effective from*
 70 *passage*):

71 (c) Any person interfering with the director or the director's
 72 designee in the performance of said director's duty under the
 73 provisions of this section or violating any quarantine or any regulation
 74 established under the provisions of this section shall be fined not less
 75 than five hundred dollars or more than [one] two thousand five
 76 hundred dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-81(c)
Sec. 2	<i>from passage</i>	22-84(a)
Sec. 3	<i>from passage</i>	22-84(c)

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:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Ag. Experiment Station	GF - Potential Revenue Gain	Not more than 5,000	Not more than 5,000

Municipal Impact: None

Explanation

The bill increases certain fines collected by the Agricultural Experiment Station, from \$5 to \$500 and from \$100 to \$2,500. This may result in a revenue gain to the state not anticipated to exceed \$5,000 annually. It is not expected there would be many violations, as no fines have been levied for this purpose since FY 97.

The Out Years

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

OLR Bill Analysis**sHB 5310*****AN ACT CONCERNING THE DUTIES AND AUTHORITY OF THE CONNECTICUT AGRICULTURAL EXPERIMENT STATION.*****SUMMARY:**

This bill increases the minimum fine, from \$5 to \$500, and the maximum fine, from \$100 to \$2,500, for (1) interfering with the Connecticut Agricultural Experiment Station (CAES) director's duties or (2) violating quarantines or CAES regulations. By law, the CAES director is in charge of controlling insects or diseases that threaten plants of economic importance (e.g., emerald ash borer). He may (1) prohibit or regulate the transport of plants and plant material likely to carry dangerous pests and (2) enforce other provisions of the law concerning plant and insect disease and infestation.

The CAES is managed by an eight-member board of control. By law, the board must direct the CAES to make scientific inquiries, perform experiments, and perform analyses for other state agencies. The bill requires the CAES to perform these duties within available resources.

Lastly, the bill explicitly allows the CAES director, in carrying out his statutory duties, to issue permits or enter into compliance agreements with any party.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/04/2013)