AN ACT CONCERNING POLLINATOR HEALTH.

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

Section 1. (NEW) (Effective from passage) Not later than January 1, 2017, the Commissioner of Agriculture, in collaboration with the Connecticut Agricultural Experiment Station and the Department of Energy and Environmental Protection, shall develop best practices for the minimization or complete elimination of the airborne liberation of neonicotinoid insecticide dust and residue that results from exposing seeds treated in such insecticides to the open air. Each such state agency shall make the best practices developed pursuant to this section available to farmers, any person who owns, operates or manages a farm or an agricultural facility and the general public by posting such best practices on the Internet web site of such state agency not later than February 15, 2017. For purposes of this section and sections 2 to 12, inclusive, of this act, "neonicotinoid," means any pesticide belonging to the neonicotinoid class of chemicals that act selectively on nicotine acetylcholine receptors of an organism.

Sec. 2. (NEW) (Effective from passage) (a) No person shall apply, in
any manner, any neonicotinoid, as defined in section 1 of this act, insecticide to any linden or basswood tree in this state.

(b) The Commissioner of Energy and Environmental Protection may enforce the provisions of this section and establish a fee for the violation of the provisions of this section pursuant to section 22a-6 of the general statutes.

Sec. 3. Section 22a-50 of the general statutes is amended by adding subsection (l) as follows (Effective October 1, 2016):

(NEW) (l) The commissioner shall classify all neonicotinoids, as defined in section 1 of this act, as restricted use pursuant to subdivision (2) of subsection (c) of this section.

Sec. 4. (NEW) (Effective from passage) (a) For purposes of this section, "blooming season" means the period of the calendar year in which blooming or flowering plants are actively blooming, including, but not limited to, the period between March first and October thirty-first.

(b) During the blooming season, no person shall use neonicotinoids except for agricultural and horticultural uses.

(c) The Commissioner of Agriculture, in conjunction with the Commissioner of Energy and Environmental Protection, may enforce the provisions of this section and establish a fine for the violation of this section pursuant to section 22-4c of the general statutes.

Sec. 5. (Effective from passage) (a) There is established a task force to study the health of pollinators in the state. The task force shall undertake activities to examine issues relevant to pollinator health, including, but not limited to: (1) Studying proposed and enacted pesticide regulations from other states and countries that are more protective of pollinator health than the pesticide regulations of the United States Environmental Protection Agency; (2) studying public education and outreach plans regarding pollinator health that have
been successful in other states; (3) evaluating the effectiveness of
applicator licensing and other legal requirements, and of incentives, in
matters affecting pollinator health; (4) identifying possible sources of
funding for efforts to promote and protect pollinator health; (5)
investigating the means used by other states to gather data on and
monitor populations of bees and other pollinating insects; (6)
evaluating existing best management practices for applying
neonicotinoids in a manner that avoids harming pollinating insects;
and (7) assessing the implications and viability of prohibiting the sale
of neonicotinoids in the state or establishing a moratorium on such
sale.

(b) The task force shall consist of the following members:

(1) Two appointed by the speaker of the House of Representatives;

(2) Two appointed by the president pro tempore of the Senate;

(3) One appointed by the majority leader of the House of
Representatives;

(4) One appointed by the majority leader of the Senate;

(5) One appointed by the minority leader of the House of
Representatives;

(6) One appointed by the minority leader of the Senate;

(7) The Commissioner of Agriculture, or the commissioner's
designee;

(8) The Commissioner of Energy and Environmental Protection, or
the commissioner's designee;

(9) The Director of the Connecticut Agricultural Experiment Station,
or the director's designee; and

(10) Two persons appointed by the Governor.
(c) Any member of the task force appointed under subdivision (1),
(2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
of the General Assembly.

(d) All appointments to the task force shall be made not later than
thirty days after the effective date of this section. Any vacancy shall be
filled by the appointing authority.

(e) The speaker of the House of Representatives and the president
pro tempore of the Senate shall select the chairpersons of the task force
from among the members of the task force. Such chairpersons shall
schedule the first meeting of the task force, which shall be held not
later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committee of the
General Assembly having cognizance of matters relating to the
environment shall serve as administrative staff of the task force.

(g) Not later than January 1, 2017, the task force shall submit a
report on its findings and recommendations to the joint standing
committee of the General Assembly having cognizance of matters
relating to the environment, in accordance with the provisions of
section 11-4a of the general statutes. The task force shall terminate on
the date that it submits such report or January 1, 2017, whichever is
later.

Sec. 6. (NEW) (Effective October 1, 2016) (a) No person shall label or
advertise any plant that was treated with a neonicotinoid as being
beneficial to honey bees or any other pollinators.

(b) Not later than July 1, 2017, the Commissioner of Energy and
Environmental Protection, in conjunction with the Commissioners of
Agriculture and Consumer Protection shall adopt regulations, in
accordance with chapter 54 of the general statutes, to implement the
provisions of this section. Such regulations shall include, but not be
limited to, a schedule of warnings, violations and reasonable fines.
Sec. 7. (NEW) (Effective from passage) Not later than January 1, 2017, the Commissioners of Energy and Environmental Protection and Agriculture shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on the requisite statutory and regulatory changes for applying current statutory and regulatory restrictions and licensing requirements for the spraying of pesticides to the planting of seeds that are treated with neonicotinoids. Such report shall include, but not be limited to, an analysis of the consistency of such changes with federal law and any potential effects, including, but not limited to, improved pollinator health, expenses and delays, that such changes may have on agriculture in the state.

Sec. 8. (NEW) (Effective from passage) Not later than January 1, 2017, the State Entomologist shall report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on the conditions that cause an increase in the presence of verroa mites that affect honey bee and other pollinator populations in the state. Such report shall include, but not be limited to, any recommendations for legislation to assist in limiting or offsetting the effects of such conditions.

Sec. 9. (NEW) (Effective from passage) The Office of Policy and Management shall amend the state plan of conservation and development adopted pursuant to chapter 297 of the general statutes to give priority to: (1) Development that includes model pollinator habitat, as described in section 12 of this act, and (2) the expenditure of state funds for conservation purposes when an aspect of such conservation includes the protection or enhancing of pollinator habitats.

Sec. 10. Subsection (a) of section 22-26cc of the general statutes is repealed and the following is substituted in lieu thereof (Effective from
passage):

(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. In determining priority for the acquisition of such development rights, all other factors being equal, the commissioner shall give priority to properties that contain model pollinator habitat, as described in section 12 of this act. 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 Energy and 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.

Sec. 11. Subsection (b) of section 22-26nn of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(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. In determining
priority for the acquisition of such development rights, all other factors
being equal, the commissioner shall give priority to properties that
contain model pollinator habitat, as described in section 12 of this act.

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.

Sec. 12. (NEW) (Effective from passage) Not later than August 1, 2016,
the Connecticut Agricultural Experiment Station shall develop a
citizen's guide to model pollinator habitat that shall be made available
on the Internet web site of such agency. Such guide shall include, but
not be limited to: (1) Clearly stated information and steps to take for
the establishment of a succession of flowers, wildflowers, vegetables,
weeds, herbs, ornamental plants, cover crops and legume species to
attract honey bees and other pollinators, provided such information
shall include, but not be limited to, suggested groupings or clumpings
of such plantings to establish a long season of continuous bloom for
such plantings; and (2) information on how to protect important
nesting sites for honey bees and other pollinators.

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This act shall take effect as follows and shall amend the following sections:
Statement of Purpose:
To implement state and private actions that are aimed at protecting pollinator populations through restrictions on the use of neonicotinoids and the increase and preservation of pollinator habitats.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]