
OLR Bill Analysis

sHB 6725 (as amended by House "A")*

AN ACT REVISING CERTAIN FARMING AND AQUACULTURE PROGRAMS OF THE DEPARTMENT OF AGRICULTURE.

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SUMMARY

This bill makes changes in various statutes and programs related to the Department of Agriculture (DoAg), as summarized in the section-by-section analysis below.

*House Amendment "A" makes the following changes to the underlying bill: (1) limits the ability to convey a portion of land under the Farmland Preservation Program to property transferred on or after the bill's effective date (§ 5), (2) retains the ability to label farm products as Connecticut Grown if they were grown or produced within a certain radius of the point of sale and reduces the radius from 10 miles to two miles (§ 6), and (3) specifies that eggs sold directly to consumers must be cleaned of exterior debris instead of clean (§ 8). It also adds the provisions on roaming livestock (§ 12).

EFFECTIVE DATE: Upon passage unless otherwise specified below.

§ 1 — FARMLAND RESTORATION GRANT PROGRAM

Revises this program in various ways, such as removing a \$20,000 cap on grants, allowing the available state grant to cover up to 90% of the costs to comply with certain farm plans, and allowing certain grant payments to be made within available appropriations

The bill revises the Farmland Restoration Grant Program. This matching grant program, administered by DoAg, generally encourages farmers to restore farmland that has gone out of production.

Under current law, the total federal and state grants available to a farmer cannot exceed 90% of the costs to comply with related plans under the program (i.e., comprehensive farm nutrient management

plan, farmland restoration and climate resiliency plan, and farm resources management plan). The bill instead prohibits the total state grant from exceeding 90% of the costs to implement and comply with the plans, removing consideration of federal grants. The bill also eliminates a requirement that the DoAg commissioner, when making grants, give priority to capital improvements made under the plans.

Additionally, the bill removes a cap on grants for developing, implementing, and complying with a farm resources management plan or a farmland restoration and climate resiliency plan, including farm equipment purchases. Currently, the cap for payments or reimbursements is generally the lesser of 50% of the plan's cost or \$20,000. The bill correspondingly eliminates current law's cap for plans related to state-owned land or municipally owned land with an agricultural lease of five years or longer (i.e., the lesser of 90% of the plan's cost or \$20,000). The bill also eliminates authority to provide grants specifically for developing a farm resources management plan.

Current law allows the grants to cover the cost of farm equipment purchases. The bill allows this within available appropriations. It also allows the grants for developing a farmland restoration and climate resiliency plan to be within available appropriations.

Currently, the DoAg commissioner may pay or reimburse certain entities (i.e., a municipality, nonprofit organization, soil and water conservation district, or UConn Extension Services) for a variety of services (e.g., technical assistance, training, pilot programs, and other services designed to increase the number of farmers implementing climate-smart agriculture and forestry practices). Current law does not cap these grants. Under the bill, the commissioner can make these payments or reimbursements within available appropriations, but advance payments cannot exceed 50% of the cost and the total state grant cannot be more than 90% of the cost.

EFFECTIVE DATE: October 1, 2023

§§ 2 & 6 — ADVERTISING LOCAL AGRICULTURE

Eliminates provisions on using certain advertising terms for local farm products; allows products grown or produced within a two-mile (instead of 10-mile) radius of the point of sale, even if out of state, to use the Connecticut Grown label

Current law prohibits anyone from advertising farm products as “native,” “native-grown,” “local,” or “locally-grown” unless they are grown or produced in Connecticut or within a 10-mile radius of the point of sale. The bill removes provisions in law authorizing the use of these terms.

As under existing law, farm products grown or produced in Connecticut may be advertised or sold as “CT-Grown” or “Connecticut-Grown.” The bill also allows sellers to use these terms if they are selling products that were grown or produced within a two-mile radius (instead of 10-mile radius as under current law) of the point of sale, even if out of state. Like existing law, sellers must give written proof of the products’ origin within 10 days of sale if DoAg requests the information. By law, someone who fails to comply with the advertising requirements is subject to a fine of up to \$100 for each label that is in violation.

The bill also makes a technical change (§ 2).

§ 3 — EXERCISING THE STATE VETERINARIAN’S AUTHORITY

Makes the state veterinarian the state animal health official; allows the DoAg commissioner to designate certain other veterinarians to act in the state veterinarian’s absence

The bill designates the state veterinarian, who is a DoAg employee, the state animal health official, rather than the state’s chief livestock health official as under current law. It also allows the DoAg commissioner to designate one or more veterinarians to exercise the state veterinarian’s authority, power, and duties in her absence. The veterinarians designated must be state licensed and accredited by the U.S. Department of Agriculture and have at least three years’ experience in large animal practice.

§ 4 — FARM VIABILITY GRANT PROGRAM RENAMED

Renames the Farm Viability Grant Program as the Agricultural Enhancement Grant Program

The bill renames the Farm Viability Grant Program as the Agricultural Enhancement Grant Program. DoAg administers this

matching grant program to further agriculture in the state. The program is open to municipalities, groups of municipalities, regional councils of governments, and agricultural non-profits.

The bill also specifies that grants for local capital projects fostering agricultural viability should be specifically fostering collective resources for agricultural viability.

§ 5 — CONVEYING PORTIONS OF LAND IN THE FARMLAND PRESERVATION PROGRAM

Gives owners of land that DoAg acquires the development rights to under the Farmland Preservation Program the right to subdivide or lease a portion of the property under certain circumstances

Through the Farmland Preservation Program, DoAg purchases the development rights for an agricultural property, placing on the deed a permanent restriction on non-agricultural uses, ensuring that the land stays in agricultural production but also remains privately owned by the farmers. The bill expands the types of conveyances (transfers) that a property owner can make without infringing on the development rights that DoAg purchased under the program.

Currently, a property owner can sell their entire property, or lease it for up to 25 years, if the property will be maintained as agricultural land (e.g., maintaining acreage and productivity). Under the bill, property owners can additionally do this for just a portion of their property without infringing on the development rights DoAg acquired. However, the bill limits this to property that is first transferred on or after the bill's passage. The bill also specifies that when only a portion of property is transferred, compliance with having to maintain the land as agricultural land will be determined in accordance with regulations.

§ 7 — HONEY AND MAPLE SYRUP PRODUCTION PENALTIES

Subjects anyone who violates the state's statutes and regulations on honey and maple syrup production to certain fines

By law, the preparation, packaging, labeling, and sale of honey and maple syrup produced in Connecticut comes under DoAg's licensing, inspection, and enforcement authority.

The bill subjects anyone who violates state statutes and regulations

on honey and maple syrup production to a \$50 fine for a first offense and a \$200 fine for each subsequent offense. Additionally, the DoAg commissioner may deny, suspend, or revoke a honey and maple syrup producer's state-issued credential under the Uniform Administrative Procedure Act.

§ 8 — REQUIREMENTS FOR EGGS SOLD DIRECTLY TO CONSUMERS

Requires egg producers who sell eggs directly to household users to meet certain safety standards and labeling requirements

The bill requires egg producers who sell eggs directly to household users (e.g., at a farm, farm stand, or market) to sell only eggs that are unadulterated, cleaned of exterior debris, and kept stored at a temperature of up to 45 degrees Fahrenheit.

Additionally, it requires these egg producers to label their eggs with the producer's name and address, the type of egg (if not chicken eggs), the quantity of eggs, and safe food handling instructions. The label must not contain false or misleading information.

Anyone who violates these provisions is subject to a fine of up to \$50 for the first offense and up to \$200 for each subsequent offense (CGS § 22-49).

§§ 9 & 10 — APPLE MARKETING ADVISORY BOARD

Renames the Apple Marketing Board as the Apple Marketing Advisory Board; places it within DoAg for administrative purposes only; sets out the board's responsibilities and membership

The bill restructures the state's Apple Marketing Board and renames it the Apple Marketing Advisory Board. The bill places the board within DoAg for administrative purposes, and requires the board to assist and advise the DoAg commissioner with carrying out the state laws on apple market orders. A "market order" is an order the commissioner issues related to marketing research and promotion of apples and apple products.

Responsibilities

Similar to current law, the bill requires the board to prepare and

submit the following to the DoAg commissioner for his review and consideration:

1. recommendations on (a) the apple market order, including revisions to it, and (b) a publicity program to maintain and enhance apple markets and create new ones;
2. a proposed budget to implement the apple market order;
3. marketing research proposals that benefit the state's apple industry; and
4. recommendations to collect the apple market assessment that is charged to apple producers to implement the apple market order.

As under existing law, the bill prohibits the board from (1) referring to any particular brand or trade name in its publicity program recommendations or (2) disparaging the quality, value, sale, or use of any other agricultural commodity. The bill also removes requirements for the board to annually appoint an auditor to audit the apple market assessments collected and give the Auditors of Public Accounts a copy of the audit.

Membership

Under the bill, similar to current law, the board consists of eight members, including six apple producers, one member of the general public, and the economic and community development commissioner or her designee, who serves as a nonvoting member. Three alternate members are also selected to fill in as needed. Members serve three-year terms and may be reappointed. Members receive no compensation but are reimbursed for necessary expenses incurred in fulfilling their duties.

Under current law, three of the six apple producers come from west of the Connecticut River and the other three come from east of the river. The bill removes this geographical requirement. As under existing law, the DoAg commissioner appoints the apple producers from nominations given to him from the Connecticut Pomological Society or any apple producer. He also appoints the member from the general

public.

Current law requires the commissioner to appoint three alternate members, one from west of the river, one from east of the river, and one from the general public. The bill instead requires him to select three alternates, two who are apple producers and one from the general public. Alternate members may attend all meetings and the board's chairperson will call upon them as needed to fill in for absent members.

At the board's first meeting, members must select a chairperson from among its members and other officers as the board deems necessary. The bill specifies that a majority of appointed members constitutes a quorum. Under current law, a quorum consists of five members (i.e., four apple producers and the member from the general public).

§ 11 — SMALL-SCALE AQUACULTURE OPERATIONS

Requires the DoAg commissioner to encourage the growth of small-scale aquaculture operations; allows him to lease shellfish grounds to these operations

The bill requires the DoAg commissioner to encourage the development and expansion of small-scale aquaculture operations for shellfish. A "small-scale aquaculture operation" is an aquaculture operation that (1) operates in 150 acres or less of shellfish grounds or (2) has operated to produce shellfish for four or fewer years.

The bill allows the commissioner to designate shellfish grounds available for annual leasing to small-scale aquaculture operations. He may require that all bidders be small-scale aquaculture operators or offer leases at a fixed price that the commissioner sets. The operations must obtain all necessary licenses required under the state shellfisheries laws and are subject to DoAg inspections and regulations.

§ 12 — ROAMING LIVESTOCK PROHIBITED

Prohibits owners and keepers of livestock from allowing their livestock to roam at large; makes a violation an infraction

The bill prohibits the owner or keeper of livestock from allowing their livestock to roam at large on another's land or a public highway when not under his or her control. Under the bill, the unauthorized presence of livestock on another's land or a public highway when not under its

owner's or keeper's control is prima facie evidence of a violation, which is an infraction.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 11 (03/24/2023)