



House of Representatives

General Assembly

File No. 533

January Session, 2023

Substitute House Bill No. 6725

House of Representatives, April 12, 2023

The Committee on Environment reported through REP. GRESKO of the 121st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

1 Section 1. Section 22-6c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) (1) The Commissioner of Agriculture may pay, not more than fifty
4 per cent of the cost, in advance, or reimburse, any farmer for part of the
5 cost [of compliance] to implement and comply with a comprehensive
6 farm nutrient management plan, farmland restoration and climate
7 resiliency plan or a farm resources management plan, [provided such
8 plan has been approved by the Commissioner of Energy and
9 Environmental Protection] including, within available appropriations,
10 for the cost of farm equipment purchases. The Commissioner of
11 Agriculture [, in cooperation with the United States Department of
12 Agriculture, may certify for] may approve for such payment or
13 reimbursement comprehensive farm nutrient management or farm
14 resources management plan practices that have been approved by the

15 Commissioner of Energy and Environmental Protection. [pursuant to
16 this section.] The total [federal and] state grant available to a farmer
17 pursuant to this subdivision shall not be more than ninety per cent of
18 such cost. [In making grants under this subsection, the Commissioner of
19 Agriculture shall give priority to capital improvements made in
20 accordance with a comprehensive farm nutrient management plan, a
21 farmland restoration and climate resiliency plan or a farm resources
22 management plan prepared pursuant to section 22a-354m.]

23 (2) Within available appropriations, the Commissioner of Agriculture
24 may pay, not more than fifty per cent of the cost, in advance, or
25 reimburse, any farmer the cost to develop a farmland restoration and
26 climate resiliency plan. Such plan may require agricultural restoration
27 purposes and climate-smart agricultural and forestry practices, as such
28 terms are defined in section 22-6d. The total state grant available to a
29 farmer pursuant to this subdivision shall not be more than ninety per
30 cent of such cost.

31 (b) [The Commissioner of Agriculture may pay, not more than fifty
32 per cent of the cost in advance, or reimburse any farmer for part of the
33 cost to develop, implement and comply with a farm resources
34 management plan or a farmland restoration and climate resiliency plan,
35 including for the costs of farm equipment purchases, provided such
36 plan has been approved by the commissioner. Such reimbursement or
37 payment shall not exceed fifty per cent of the cost of such plan or twenty
38 thousand dollars, whichever is less, except any such reimbursement or
39 payment for such a plan on any state-owned land or any municipally
40 owned land with an agricultural lease of five years or longer shall not
41 exceed ninety per cent of the cost of such plan or twenty thousand
42 dollars, whichever is less. The] Within available appropriations, the
43 Commissioner of Agriculture may pay, not more than fifty per cent of
44 the cost, in advance, or reimburse, any nonprofit organization, soil and
45 water conservation district, The University of Connecticut Extension
46 Services or any municipality the cost to: (1) Provide technical assistance,
47 (2) distribute grant funding to producers, (3) coordinate training
48 programs, (4) coordinate projects that pilot or demonstrate conservation

49 practices, (5) create tools that help reduce barriers to accessing assistance
50 for conservation practices on farms, (6) establish equipment-sharing
51 programs, or (7) other activities that will increase the number of farmers
52 who are implementing climate-smart agriculture and forestry practices.
53 [Such plan may require agricultural restoration and climate-smart
54 agricultural and forestry plans, practices and purposes, as defined in
55 section 22-6d] The total state grant available pursuant to this subsection
56 shall not be more than ninety per cent of such cost.

57 (c) For purposes of this section, "farmer" includes, but is not limited
58 to, any lessee or franchise holder of a state or town shellfish bed and
59 "farmland restoration and climate resiliency plan" means a conservation
60 plan of the United States Department of Agriculture's Natural Resources
61 Conservation Service, a conservation plan of a soil and water
62 conservation district established pursuant to section 22a-315 or a
63 conservation plan approved by the Commissioner of Agriculture.
64 "Farmland restoration and climate resiliency plan" includes agricultural
65 restoration purposes, as defined in section 22-6d, and conservation and
66 restoration plans for leased or franchised shellfish beds.

67 Sec. 2. Subdivision (5) of section 22-6r of the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective from*
69 *passage*):

70 (5) "Connecticut-grown" [means produce and other farm products
71 that have a traceable point of origin within Connecticut] has the same
72 meaning as "Connecticut-Grown", as provided in section 22-38, as
73 amended by this act;

74 Sec. 3. Subsection (a) of section 22-26f of the general statutes is
75 repealed and the following is substituted in lieu thereof (*Effective from*
76 *passage*):

77 (a) There shall be a State Veterinarian who shall be an employee of
78 the Department of Agriculture and shall serve as the [chief livestock]
79 state animal health official for the state. The Commissioner of
80 Agriculture may designate one or more veterinarians to exercise all or

81 part of the authority, powers and duties of the State Veterinarian in the
82 absence of the State Veterinarian. Any veterinarian designated by the
83 commissioner pursuant to this subsection shall meet the requirements
84 of subsection (b) of this section.

85 Sec. 4. Section 22-26j of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective from passage*):

87 The Department of Agriculture shall establish and administer [a farm
88 viability] an agricultural enhancement matching grant program to any
89 agricultural not-for-profit organization, municipality, group of
90 municipalities, regional council of governments organized under the
91 provisions of sections 4-124i to 4-124p, inclusive, or group of
92 municipalities that have established a regional interlocal agreement
93 pursuant to sections 7-339a to 7-339l, inclusive, to further agricultural
94 [viability] enhancement. Such grants may be used for the following
95 purposes: (1) Local capital projects that foster collective resources for
96 agricultural viability, including, but not limited to, processing facilities
97 and farmers' markets; (2) the development and implementation of
98 agriculturally friendly land use regulations and local farmland
99 protection strategies that sustain and promote local agriculture; (3) the
100 development of new marketing programs and venues through or in
101 which a majority of products sold are grown in the state; (4) the
102 development and implementation of programs and services that
103 promote farm and farmland access and transfer of such farms; and (5)
104 the development of urban and nontraditional farming practices.

105 Sec. 5. Subsection (d) of section 22-26bb of the general statutes is
106 repealed and the following is substituted in lieu thereof (*Effective from*
107 *passage*):

108 (d) "Development rights" means the rights of the fee simple owner of
109 agricultural land to develop, construct on, sell, lease or otherwise
110 improve the agricultural land for uses that result in rendering such land
111 no longer agricultural land, but shall not be construed to include: (1) The
112 uses defined in subsection (q) of section 1-1, (2) the rights of the fee
113 owner of agricultural land to develop, construct on, sell, give or transfer

114 in any way the property in its entirety, or a portion thereof, lease the
115 property in its entirety, or a portion thereof, for a term of less than
116 twenty-five years or otherwise improve the agricultural land to
117 preserve, maintain, operate or continue such land as agricultural land,
118 including but not limited to construction thereon of residences for
119 persons directly incidental to farm operation and buildings for animals,
120 roadside stands and farm markets for sale to the consumer of food
121 products and ornamental plants, facilities for the storing of equipment
122 and products or processing thereof or such other improvements,
123 activities and uses thereon as may be directly or incidentally related to
124 the operation of the agricultural enterprise, as long as the acreage and
125 productivity of arable land for crops is not materially decreased and due
126 consideration is given to the impact of any decrease in acreage or
127 productivity of such arable land upon the total farm operation, except
128 that new construction or modification of an existing farm building
129 necessary to the operation of a farm on prime farmland, as defined by
130 the United States Department of Agriculture, of which the state has
131 purchased development rights shall be limited to not more than five per
132 cent of the total of such prime farmland, (3) the rights of the fee owner
133 to provide for the extraction of gravel or like natural elements to be used
134 on the farm for purposes directly or incidentally related to the operation
135 of the agricultural enterprise or (4) the existing water and mineral rights,
136 exclusive of gravel, of the fee owner;

137 Sec. 6. Section 22-38 of the general statutes is repealed and the
138 following is substituted in lieu thereof (*Effective from passage*):

139 (a) For purposes of this section, "farm products" means products
140 resulting from the practice of agriculture or farming, as defined in
141 section 1-1 and "Connecticut-Grown" or "CT-Grown" means produce
142 and other farm products that have a traceable point of origin within
143 Connecticut.

144 (b) Only farm products grown or produced in Connecticut shall be
145 advertised or sold in Connecticut as "Connecticut-Grown" or "CT-
146 Grown". [Farm products grown or produced in Connecticut may be

147 advertised or sold in Connecticut as "Native", "Native-Grown", "Local"
148 or "Locally-Grown". Farm products grown or produced within a ten-
149 mile radius of the point of sale for such farm products may be advertised
150 or sold in Connecticut as "Native", "Native-Grown", "Local" or "Locally-
151 Grown".] Any person, firm, partnership or corporation advertising or
152 labeling farm products as "Connecticut-Grown" or "CT-Grown" shall be
153 required to furnish written proof within ten days of the sale of such
154 products that such products were grown or produced in Connecticut [or
155 within a ten-mile radius of the point of sale, as applicable,] if requested
156 to do so by the Commissioner of Agriculture or said commissioner's
157 designee. Any person who violates any provision of this subsection shall
158 be fined not more than one hundred dollars for each product label in
159 violation of this subsection.

160 (c) In addition to the provisions of subsection (b) of this section, any
161 person who sells any farm product as "Connecticut-Grown" or "CT-
162 Grown" at a farmers' market in this state shall offer such product for sale
163 in the immediate proximity of a sign that is: (1) Readily visible to
164 consumers, (2) not less than three inches by five inches in size, and (3)
165 in a form that is substantially as follows:

166 CONNECTICUT-GROWN FARM PRODUCT. (INSERT THE NAME
167 AND THE TOWN FOR THE FARM OF ORIGIN).

168 The lettering on any such sign shall be of a size, font or print that is
169 clearly and easily legible. Such a sign shall accompany each type of farm
170 product that any such person sells as "Connecticut-Grown" or "CT-
171 Grown". Any person who violates the provisions of this subsection shall
172 receive a warning for the first violation and for any subsequent violation
173 shall be fined one hundred dollars for each violation.

174 Sec. 7. Section 22-39f of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective from passage*):

176 Any person who fails to comply with the provisions of sections 22-
177 39a to 22-39e, inclusive, or section 22-39g or 22-54u, any regulation
178 adopted pursuant to subsection (h) of section 22-39g or section 22-54u,

179 or who obstructs or hinders the Commissioner of Agriculture or the
180 commissioner's authorized agents in the performance of their duties
181 under the provisions of said sections, shall be fined fifty dollars for the
182 first offense and two hundred dollars for each subsequent offense. In
183 addition to such fine, the Commissioner of Agriculture is authorized to
184 deny, suspend or revoke any license, permit, certificate or registration
185 provided for in said sections issued to such person, in accordance with
186 the provisions of chapter 54.

187 Sec. 8. Section 22-47 of the general statutes is repealed and the
188 following is substituted in lieu thereof (*Effective from passage*):

189 Producers selling eggs of their own producing direct to household
190 users are exempt from the provisions of this part, provided such eggs
191 are clean, stored at an ambient air temperature of not greater than forty-
192 five degrees Fahrenheit, are not adulterated and contain a label that is
193 not false or misleading and that includes the: (1) Producer's name and
194 address, (2) type of egg, if not chicken eggs, (3) quantity of eggs, and (4)
195 safe food handling instructions. All types of shippers selling eggs to a
196 first receiver who will grade them into the proper size and grade before
197 reselling are exempt from the provisions of this part.

198 Sec. 9. Section 22-54s of the general statutes is repealed and the
199 following is substituted in lieu thereof (*Effective from passage*):

200 (a) [Notwithstanding the provisions of section 4-9a, on or before the
201 fifteenth day of the month after the issuance of a market order the
202 commissioner shall appoint an Apple Marketing Board consisting of six
203 apple producers, a member of the general public and the Commissioner
204 of Economic and Community Development, or his designee, who shall
205 be a nonvoting member of the board. The members who are apple
206 producers shall be appointed from nominations submitted by the
207 Connecticut Pomological Society or any apple producer. Three of the
208 apple producers shall be from the area west of the Connecticut River
209 and three shall be from the area east of said river. The commissioner
210 shall also appoint three alternate members of the commission, one from
211 the area west of the Connecticut River, one from the area east of said

212 river and one who is a member of the general public. Alternates may
213 attend all meetings of the board. If a regular member of the board from
214 an area is absent, the chairperson may designate the alternate from such
215 area to act. The members shall serve terms of three years, provided of
216 the members first appointed, two members, one from each district, shall
217 serve for a term of one year; two members, one from each district shall
218 serve for a term of two years, and two members, one from each district,
219 shall serve for a term of three years. The alternates and the member
220 representing the general public shall be appointed for terms of three
221 years. Members of the board shall receive no compensation for their
222 services but shall be reimbursed for necessary expenses in the
223 performance of their duties. Such expenses shall be paid from money
224 collected by the commissioner in accordance with the provisions of
225 section 22-54r. At its first meeting the board shall elect a chairperson and
226 such other officers as it deems necessary. Four members who are apple
227 producers and the member representing the general public shall
228 constitute a quorum.] There is established an Apple Marketing
229 Advisory Board that shall be within the Department of Agriculture for
230 administrative purposes only. Such advisory board shall assist and
231 advise the Commissioner of Agriculture in carrying out the provisions
232 of sections 22-54p to 22-54t, inclusive, as amended by this act. Such
233 advisory board shall consist of six apple producers, a member of the
234 general public and the Commissioner of Economic and Community
235 Development, or said commissioner's designee, who shall be a
236 nonvoting member of the advisory board. The members of the advisory
237 board who are apple producers shall be appointed by the Commissioner
238 of Agriculture from nominations submitted to the commissioner by the
239 Connecticut Pomological Society or by any apple producer. The
240 member of the advisory board who is a member of the general public
241 shall be appointed by the Commissioner of Agriculture. The
242 Commissioner of Agriculture shall additionally appoint three alternate
243 members of the advisory board consisting of two apple producers and
244 a member of the general public. Such alternate members of the advisory
245 board may attend all meetings of the advisory board. If any member of
246 the advisory board is absent, the chairperson of the advisory board may

247 designate an alternate member to serve in lieu of such member. The
248 members of such advisory board shall serve terms of three years. Any
249 member may be eligible for reappointment. Members of the advisory
250 board and any alternate members shall receive no compensation for
251 their services but shall be reimbursed for necessary expenses in the
252 performance of their duties. Such expenses shall be paid from money
253 collected by the commissioner in accordance with the provisions of
254 section 22-54r. At its first meeting, such advisory board shall select a
255 chairperson from among its members and such other officers as such
256 advisory board deems necessary. A majority of the appointed members
257 of such advisory board shall constitute a quorum.

258 (b) [The board shall: (1) Implement the market order with the
259 commissioner's approval and on or before August fifteenth of each
260 marketing season shall prepare and submit to the commissioner a
261 budget to administer the order and the program created thereunder; (2)
262 conduct marketing research beneficial to the apple industry in the state;
263 (3) assist the commissioner in the collection of the assessment imposed
264 pursuant to section 22-54r and (4) recommend revisions to the market
265 order. The board shall prepare and, upon approval of the commissioner,
266 conduct a publicity program to maintain and enhance existing apple
267 markets and create new markets. Such program shall not refer to any
268 particular brand or trade name or disparage the quality, value, sale or
269 use of any other agricultural commodity. The board shall annually
270 appoint an auditor to audit the funds collected pursuant to section 22-
271 54r. The auditor, appointed pursuant to this subsection, shall submit a
272 copy of the audit report to the Auditors of Public Accounts.] The
273 advisory board shall prepare and submit to the Commissioner of
274 Agriculture for the commissioner's review and consideration: (1)
275 Recommendations concerning the apple market order described in
276 section 22-54q and for a publicity program to maintain and enhance
277 existing apple markets and create new apple markets; (2) a proposed
278 budget for the implementation of the apple market order and the
279 program created pursuant to such order; (3) marketing research
280 proposals that are beneficial to the apple industry in the state; (4)
281 recommendations for the collection of the assessment imposed pursuant

282 to section 22-54r; and (5) recommendations for revisions to the apple
283 market order. Any publicity program described in subdivision (1) of this
284 subsection shall not refer to any particular brand or trade name or
285 disparage the quality, value, sale or use of any other agricultural
286 commodity.

287 (c) Each apple producer shall file with the advisory board, on forms
288 provided by the advisory board, information on the harvested crop of
289 such producer, including the number of first sale units and the
290 disposition of such units at fresh markets, cold storage or other
291 destinations. The advisory board shall provide the commissioner with
292 such information as the commissioner deems necessary to fulfill the
293 purposes of sections 22-54p to 22-54t, inclusive, as amended by this act.

294 Sec. 10. Subsection (a) of section 22-54p of the general statutes is
295 repealed and the following is substituted in lieu thereof (*Effective from*
296 *passage*):

297 (a) The Commissioner of Agriculture may: (1) Issue and administer
298 an apple market order regulating the marketing of apples, and (2)
299 suspend the apple market order for one marketing season if he
300 determines that the market order is not necessary to achieve the goals
301 established in subsection (b) of section 22-54q. The commissioner shall
302 administer the estimated budget prepared by the Apple Marketing
303 Advisory Board pursuant to section 22-54s, as amended by this act, and
304 may impose an assessment on apple producers sufficient to cover the
305 costs of such budget.

306 Sec. 11. Section 26-194 of the general statutes is amended by adding
307 subsection (g) as follows (*Effective from passage*):

308 (NEW) (g) The Commissioner of Agriculture shall encourage the
309 development and expansion of new and existing small-scale
310 aquaculture operations for shellfish. The commissioner may designate
311 shellfish grounds available for annual leasing to such small-scale
312 aquaculture operations under the provisions of subsection (a) of this
313 section, except that the commissioner may require that all bidders be a

314 small-scale aquaculture operation or offer such leases at a fixed price
 315 determined by the commissioner. Each applicant and all required
 316 individuals associated with the applicant shall have obtained the
 317 necessary licenses under chapter 491 prior to the commencement of the
 318 lease. All provisions of section 26-192c shall apply to leases issued
 319 pursuant to this subsection. For purposes of this subsection, "small-scale
 320 aquaculture operation" means an aquaculture operation that either
 321 operates in one hundred fifty acres or less of shellfish grounds or that
 322 has operated for the production of shellfish for four or fewer years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	22-6c
Sec. 2	<i>from passage</i>	22-6r(5)
Sec. 3	<i>from passage</i>	22-26f(a)
Sec. 4	<i>from passage</i>	22-26j
Sec. 5	<i>from passage</i>	22-26bb(d)
Sec. 6	<i>from passage</i>	22-38
Sec. 7	<i>from passage</i>	22-39f
Sec. 8	<i>from passage</i>	22-47
Sec. 9	<i>from passage</i>	22-54s
Sec. 10	<i>from passage</i>	22-54p(a)
Sec. 11	<i>from passage</i>	26-194(g)

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 23	FY 24	FY 25
Treasurer, Debt Serv.	GF - Potential Cost	None	See Below	See Below
Department of Agriculture	GF - Potential Revenue Gain	At least 1,250	At least 1,250	At least 1,250

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill alters various programs administered by the Department of Agriculture (DoAg), resulting in the fiscal impacts described below.

Section 1 makes various changes to the farmland restoration and climate resiliency program administered by DoAg, including allowing higher levels of state reimbursement for certain costs. This could result in increased or more rapid use of previously-authorized bond funds. There is an existing General Obligation (GO) bond authorization for the program. Future General Fund debt service costs may be incurred sooner under the bill to the degree that it causes authorized GO bond funds to be expended or to be expended more rapidly than they otherwise would have been.

As of April 7, 2023, there is an unallocated bond balance of \$7 million available under the relevant authorization. The bill does not change GO bond authorizations relevant to the program.

Section 7 establishes a set of fines for those who violate honey and

maple syrup production laws and regulations: (1) a \$50 fine for a first offense, and (2) a \$200 fine for each subsequent offense. This could result in a revenue gain to DoAg, to the extent violations occur and are enforced.

Section 11 is expected to result in an annual revenue gain beginning in FY 23 as it allows DoAg to lease shellfish grounds to small-scale shellfish aquaculture operations, under the bill's requirement for the agency to expand this type of aquaculture business. DoAg owns between 500 and 1,000 acres for the shellfish aquaculture leasing program and the current average price is \$25 per acre, per year.

The actual revenue gain would depend on the final price settled upon between the business and the agency, and the number of additional acres leased annually. Assuming DoAg leases parcels at an average price of \$25 per acre, the revenue gain to DoAg may be at least \$1,250 for each 50-acre parcel.

Lastly, the bill alters various other laws that have no fiscal impact to the state or municipalities.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, the terms of any bonds issued, the number of violations that are enforced, and the price and acreage of shellfish beds leased.

OLR Bill Analysis**sHB 6725****AN ACT REVISING CERTAIN FARMING AND AQUACULTURE PROGRAMS OF THE DEPARTMENT OF AGRICULTURE.**

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§§ 2 & 6 — ADVERTISING LOCAL AGRICULTURE

Removes farm products produced over state lines from the Connecticut Grown program; eliminates provisions on using certain advertising terms

§ 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

§ 4 — FARM VIABILITY GRANT PROGRAM RENAMED

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

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

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§ 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

§ 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

§§ 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

§ 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

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.

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

Removes farm products produced over state lines from the Connecticut Grown program; eliminates provisions on using certain advertising terms

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, only farm products grown or produced in Connecticut may be advertised or sold as “CT-Grown” or “Connecticut-Grown.” The bill removes a provision in law that, in practice, has been interpreted as allowing sellers to use these terms if they are selling products that were grown or produced within a 10-mile radius of the point of sale, even if out of state. 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. Under the bill, property owners can additionally do this for just a portion of their property without infringing on the development rights DoAg acquired.

§ 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, clean, 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.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 11 (03/24/2023)