



# Senate

General Assembly

**File No. 72**

February Session, 2024

Substitute Senate Bill No. 194

*Senate, March 21, 2024*

The Committee on Environment reported through SEN. LOPES of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING CERTAIN FARMING PROGRAMS OF THE DEPARTMENT OF AGRICULTURE.**

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

1 Section 1. Subsection (c) of section 22-26cc of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (c) The commissioner shall have no power to release such land from  
5 its agricultural restriction, except as set forth in this subsection. The  
6 commissioner, in consultation with [the Commissioner of Energy and  
7 Environmental Protection and] such advisory groups as the  
8 Commissioner of Agriculture may appoint, may approve (1) a petition  
9 by the owner of the restricted agricultural land to remove such  
10 restriction provided such petition is approved by resolution of the  
11 legislative body of the town, or (2) a petition by the legislative body of  
12 the town in which such land is situated to remove such restriction  
13 provided such petition is approved in writing by said owner. Upon  
14 approval of such a petition by the commissioner, the legislative body of  
15 the town shall submit to the qualified voters of such town the question

16 of removing the agricultural restriction from such land or a part thereof,  
17 at a referendum held at a regular election or a special election warned  
18 and called for that purpose. In the event a majority of those voting at  
19 such referendum are in favor of such removal, the restriction shall be  
20 removed from the agricultural land upon filing of the certified results of  
21 such referendum in the land records and the office of the Secretary of  
22 the State, and the commissioner shall convey the development rights to  
23 such owner provided such owner shall pay the commissioner an  
24 amount equal to the value of such rights. Such petition shall set forth the  
25 facts and circumstances upon which the commissioner shall consider  
26 approval, and said commissioner shall deny such approval unless he  
27 determines that the public interest is such that there is an overriding  
28 necessity to relinquish control of the development rights. The  
29 commissioner shall hold at least one public hearing prior to the  
30 initiation of any proceedings hereunder. The expenses, if any, of the  
31 hearing and the referendum shall be borne by the petitioner. In the event  
32 that the state sells any development rights under the procedure  
33 provided in this subsection, it shall receive the value of such rights.

34 Sec. 2. Subsection (d) of section 22-26nn of the general statutes is  
35 repealed and the following is substituted in lieu thereof (*Effective from*  
36 *passage*):

37 (d) The Commissioner of Agriculture shall have no power to release  
38 such land from its agricultural restriction, except as set forth in this  
39 subsection. The Commissioner of Agriculture, in consultation with [the  
40 Commissioner of Energy and Environmental Protection and] such  
41 advisory groups as the Commissioner of Agriculture may appoint, may  
42 approve (1) a petition by the owner of the restricted agricultural land to  
43 remove such restriction provided such petition is approved by  
44 resolution of the legislative body of the town, or (2) a petition by the  
45 legislative body of the town in which such land is situated to remove  
46 such restriction provided such petition is approved in writing by said  
47 owner. Upon approval of such a petition by the Commissioner of  
48 Agriculture, the legislative body of the town shall submit to the  
49 qualified voters of such town the question of removing the agricultural

50 restriction from such land or a part thereof, at a referendum held at a  
51 regular election or a special election warned and called for that purpose.  
52 In the event a majority of those voting at such referendum are in favor  
53 of such removal, the restriction shall be removed from the agricultural  
54 land upon filing of the certified results of such referendum in the land  
55 records and the office of the Secretary of the State, and the  
56 Commissioner of Agriculture shall convey the development rights to  
57 such owner provided such owner shall pay the Commissioner of  
58 Agriculture an amount equal to the value of such rights. Such petition  
59 shall set forth the facts and circumstances upon which the  
60 Commissioner of Agriculture shall consider approval, and said  
61 commissioner shall deny such approval unless said commissioner  
62 determines that the public interest is such that there is an overriding  
63 necessity to relinquish control of the development rights. The  
64 Commissioner of Agriculture shall hold at least one public hearing prior  
65 to the initiation of any proceedings hereunder. The expenses, if any, of  
66 the hearing and the referendum shall be borne by the petitioner. In the  
67 event that the state sells any development rights under the procedure  
68 provided in this subsection, it shall receive the value of such rights.

69 Sec. 3. Section 22-38c of the general statutes is repealed and the  
70 following is substituted in lieu thereof (*Effective from passage*):

71 There shall be an expand and grow Connecticut agriculture account,  
72 which shall be a separate, nonlapsing account within the General Fund.  
73 Funds received pursuant to sections 22-38a and 26-194 shall be  
74 deposited into said account. The Commissioner of Agriculture shall  
75 make payments from said account to fund the [programs] program  
76 established in [sections] section 22-38a. [and 22-38b.]

77 Sec. 4. (NEW) (*Effective from passage*) The annual harvest season, for  
78 the purpose of any vehicle that transports agricultural products, shall be  
79 year-round.

80 Sec. 5. Sections 22-38b, 22-457 and 26-237e of the general statutes are  
81 repealed. (*Effective from passage*)

|   |                     |                  |
|---|---------------------|------------------|
| This act shall take effect as follows and shall amend the following sections: |                     |                  |
| Section 1   | <i>from passage</i> | 22-26cc(c)       |
| Sec. 2  | <i>from passage</i> | 22-26nn(d)       |
| Sec. 3  | <i>from passage</i> | 22-38c           |
| Sec. 4  | <i>from passage</i> | New section      |
| Sec. 5  | <i>from passage</i> | Repealer section |

**Statement of Legislative Commissioners:**

In Section 3, "programs" was changed to "[programs] program" for consistency.

**ENV**      *Joint Favorable Subst. -LCO*

*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.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill makes technical revisions to various statutes and repeals redundant statutes administered by the Department of Agriculture, which do not have a fiscal impact.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****sSB 194*****AN ACT CONCERNING CERTAIN FARMING PROGRAMS OF THE DEPARTMENT OF AGRICULTURE.*****SUMMARY**

This bill establishes a year-round harvest season for vehicles transporting agricultural products (§ 4). This allows agricultural product transporters to be exempt from federal hours of service and electronic logging device requirements when transporting commodities or farm supplies within 150 air miles of their home base or farm.

The bill also eliminates the current requirement that the agriculture commissioner consult with the Department of Energy and Environmental Protection (DEEP) commissioner before approving a request to remove a development rights restriction from agricultural land preserved under either the Farmland Preservation Program or Community Farm Preservation Program (§§ 1 & 2). In practice, DEEP is not consulted in these matters.

Lastly, the bill repeals various agriculture statutes (§ 5) and makes a conforming change (§ 3).

EFFECTIVE DATE: Upon passage

**REPEALED STATUTES**

The bill repeals statutes that do the following:

1. requires the agriculture commissioner to establish and administer Connecticut Farm Fresh Market and Connecticut Farm Fresh Restaurant certification programs and makes grocery stores' access to economic development grants contingent on their certification as a farm fresh market (CGS § 22-38b);

2. allows the Seafood Advisory Council to use funds and enter into contracts, both of which it can already do under other statutes (CGS § 22-457); and
3. limits the agriculture department's aquaculture industry resource assessment permits to no more than 100 acres of assessed area per permit, requires buoys be placed to identify the area, and requires the department to notify abutting shellfish ground owners or lease holders of the permit (CGS § 26-237e).

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 34 Nay 0 (03/08/2024)