



PA 24-69—sHB 5223
Environment Committee

**AN ACT CONCERNING MINOR REVISIONS TO AGRICULTURE
RELATED STATUTES AND TO OPEN SPACE ACQUISITION RELATED
STATUTES**

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Authorizes DEEP to acquire certain property in Bridgeport related to a flood control and protection project; sets a process for DEEP, if needed, to require the relocation or removal of public service facilities

SUMMARY: This act makes various changes to agriculture- and open space acquisition-related statutes as described in the section-by-section analysis below.
EFFECTIVE DATE: Upon passage, unless otherwise specified below.

§ 1 — COMMERCIAL KENNEL, GROOMING, AND TRAINING SERVICES

Requires businesses to get separate commercial kennel, grooming facility, and training facility licenses from DoAg; specifies that a grooming facility includes a vehicle or trailer used for a dog grooming business

By removing the exemption for commercial kennels from the definitions of “grooming facility” and “training facility” and removing the exemption for grooming facilities from the definition of “training facility,” the act requires a business to get a separate kennel, grooming, or training license from the Department of Agriculture (DoAg) for each one of these activities it conducts. Correspondingly, it requires the business to comply with the statutory requirements for each license type as a separate entity. Under prior law, commercial kennels that also groomed or trained dogs, and grooming facilities that also trained dogs, were exempt from the additional licensure requirements.

By law, a commercial kennel license costs \$400. Grooming facility and training facility licenses cost \$200 each. Each license expires the December 31 following its issuance and may be renewed every two years. Licensees must comply with state regulations on sanitation, disease, humane treatment of animals, and public safety as well as municipal zoning regulations (CGS § 22-344).

Additionally, the act specifies that a grooming facility, which is a place maintained to groom dogs, includes a vehicle or trailer used for a dog grooming business.

§ 2 — TECHNICAL CHANGE

Makes a technical change

The act makes a technical change.

§ 3 — ANIMAL POPULATION CONTROL PROGRAM

Allows a municipal pound to use a program voucher to have any dog or cat sterilized or vaccinated before the animal is purchased or adopted from the pound

The act allows a municipal pound to use a voucher from the Animal Population Control Program to get any dog or cat, rather than only ones with pyometra,

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sterilized and vaccinated before the animal is purchased or adopted from the pound.

By law, municipal pounds cannot sell or give away an unspayed or unneutered dog or cat unless the person buying or adopting the animal pays \$45 for a spay and neuter voucher. The person can redeem the voucher at a participating veterinarian for sterilization and vaccination services, or the pound can arrange for the services before releasing the animal. If the veterinarian determines the animal is medically unfit for sterilization, the person may apply to DoAg for a refund.

§§ 4 & 5 — EQUINE HEALTH CERTIFICATE BEFORE AUCTION

Removes a requirement that the state veterinarian sign a health certificate for an equine being brought to public auction; defines “Coggins test” as the official test for equine infectious anemia

The act removes a requirement that the state veterinarian sign a health certificate that a state-licensed veterinarian issues for an equine (e.g., horse) being brought to public auction. It also defines “Coggins test” as the official test for equine infectious anemia, for which equines being auctioned must test negative by law.

§ 6 — APIARY INSPECTOR

Removes the minimum qualifications for a person to be appointed as an apiary inspector

The act removes the minimum qualifications for an apiary inspector. Under prior law, to be appointed as an inspector by the state entomologist, a person had to meet the qualifications of an Agricultural Research Technician II at the Connecticut Agricultural Experiment Station and have at least five years of beekeeping experience or three years of experience as a bee inspector.

§ 7 — MILK REGULATION BOARD

Removes the requirement that the governor’s appointees to the Milk Regulation Board be confirmed by either chamber of the General Assembly

The act removes the requirement that the governor’s eight appointees to the Milk Regulation Board be confirmed by either General Assembly chamber, allowing them to be seated without legislative review. By law, the board is responsible for adopting regulations on the sale and production of milk and milk products.

§ 8 — RABIES VACCINATION

Generally requires dogs and cats to receive a rabies vaccination between 12 and 14 weeks of age

The act requires owners or keepers of dogs or cats to have the animals vaccinated against rabies when the animals are between 12 and 14 weeks old or at the vaccine manufacturer’s recommended age as approved by the U.S. Department

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of Agriculture (rather than at least three months old as under prior law) or later if those ages have lapsed. A violation is an infraction.

§§ 9-13 — OPEN SPACE AND WATERSHED LAND ACQUISITION GRANT PROGRAM

Allows up to 5% of OSWA grants to reimburse for in-kind services or incidental expenses under certain circumstances; expands the circumstances under which OSWA grant funds may be used to restore or protect open space already owned by the applicant, such as when the land is in an environmental justice community; increases the membership of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board to include two DEEP-appointed members who represent or are from certain communities, such as environmental justice areas; makes conforming changes (§§ 12 & 13)

OSWA Grant Expansion (§§ 9 & 11)

The Open Space and Watershed Land Acquisition Program (OSWA), which the Department of Energy and Environmental Protection (DEEP) administers, generally gives state grants to municipalities, land trusts, and water companies to buy land to be preserved as open space in perpetuity.

The act allows for up to 5% of the total amount of OSWA program grants in any fiscal year to be made to distressed municipalities, targeted investment communities, land trusts, and municipalities to reimburse for in-kind services or incidental expenses (e.g., survey fees, appraisal costs, legal fees) to acquire land in a distressed municipality, targeted investment community, or an environmental justice community.

Prior law allowed DEEP, under the OSWA program, to give grants to distressed municipalities and targeted investment communities to restore or protect natural features or habitats on open space land they already own. The act expands the eligibility of these grants to (1) municipalities that seek to restore or protect open space in an environmental justice community and (2) land trusts that seek to restore or protect open space in a distressed municipality, targeted investment community, or environmental justice community. As under existing law, the total amount of the grants that DEEP makes for this purpose cannot exceed 20% of all OSWA grants made in any fiscal year.

The act caps the amount of program grants to municipalities with environmental justice communities at 75% of the land value or 50% of the costs of work to restore, enhance, or protect resources. This is the same percentage available under existing law for distressed municipalities, targeted investment communities, land trusts, and water companies.

By law, an “environmental justice community” is (1) a distressed municipality or (2) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level.

Natural Heritage, Open Space and Watershed Land Acquisition Review Board (§ 10)

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The act increases, from 21 to 23, the membership of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board. The DEEP commissioner appoints both new members. One must represent a community of color, low-income community, or community-based organization, or be a professor from a college or university in Connecticut with environmental justice experience. The other must live in a U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level.

By law, this board is responsible for helping and advising the DEEP commissioner to carry out the requirements of the OSWA and Recreation and Natural Heritage Trust programs, the latter of which is generally tasked with acquiring land for public use that represents the state's ecological diversity, is essential habitat for endangered or threatened species, or is of unusual natural interest. Board members serve three-year terms.

EFFECTIVE DATE: July 1, 2024

§ 14 — EMINENT DOMAIN FOR FLOOD CONTROL IN BRIDGEPORT

Authorizes DEEP to acquire certain property in Bridgeport related to a flood control and protection project; sets a process for DEEP, if needed, to require the relocation or removal of public service facilities

The act authorizes DEEP to acquire by purchase, gift, devise, exchange, or eminent domain up to 25.7 acres of real property (or its interests or rights) in Bridgeport for flood control and protection and related public purposes. The acquisition must be necessary to build a disaster relief, long-term recovery, or infrastructure restoration project funded by a 2016 Community Development Block Grant for natural disaster resilience (i.e., the Resilient Bridgeport project).

Under the act, the acquisition must occur before October 1, 2034, and the owner of any private property subject to eminent domain may challenge the amount of compensation involved in Superior Court.

If the DEEP commissioner determines that the property or its flood control and protection improvement's construction, operation, maintenance, repair, or reconstruction would need a public service facility (e.g., power lines or pipelines) to be readjusted, relocated, or removed, she may issue an order to do so to the company, corporation, or municipality that owns or operates it.

After receiving the order, the public service facility must be promptly readjusted, relocated, or removed, but the state must, within available appropriations, pay an equitable share of the cost to do so, including the cost to install and construct a public service facility of equal capacity in a new location. The act specifies that the equitable share is calculated as the transportation department calculates the equitable share for the same actions for state highways, but not limited access highways.

EFFECTIVE DATE: July 1, 2024