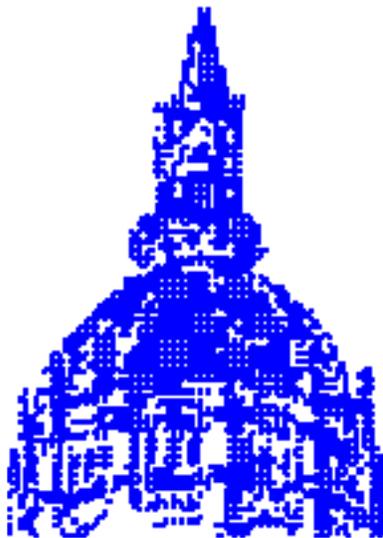


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

Agriculture and Food



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2007-R-0470
August 14, 2007

NOTICE TO READERS

This report provides highlights of new laws (public acts) affecting agriculture and food enacted during the 2007 regular and special legislative sessions. In each summary we indicate the public act (PA) number. The report does not cover special acts or the budget.

Not all provisions of the acts are included here. Complete summaries of all 2007 public acts passed will be available in the fall when OLR's *Public Act Summary* book is published; some are already on OLR's webpage: <http://cga.ct.gov/olr/OLRPASums.asp>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: <http://cga.ct.gov/>.

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AGRICULTURE

Biodiesel Programs

PA 07-4, June Special Session, creates several grant programs to encourage the production and use of biodiesel fuel for transportation and heating. Specifically, it provides grants to biodiesel producers and distributors, and encourages the use of biodiesel in state buildings, requires creation of a fuel diversification program for certain state institutions, and makes other changes.

EFFECTIVE DATE: Various.

Conveyance Tax

By law, the conveyance tax rate is 1% of the sales price for transfers of commercial land and 0.5% of the price for transfers of unimproved land. PA 07-154 specifies that for this purpose, unimproved land is farm, forest, or open space land.

EFFECTIVE DATE: July 1, 2007.

Farm Wineries

PA 07-39, prohibits in-state farm wineries and out-of-state shippers and wineries of wine from shipping more than five

gallons in a two-month, rather than a 60-day, period directly to any one consumer in Connecticut.

EFFECTIVE DATE: October 1, 2007

Farmland Preservation

PA 07-131, requires the Department of Agriculture (DOAG) commissioner to administer a program that provides eligible municipalities with loans to purchase agricultural land. The act provides that municipalities (1) are eligible for the loan if they provide at least 20% of the purchase price for the land and (2) may apply for it on a form the DOAG commissioner prescribes. Under the act, the loan term cannot exceed five years and is not subject to interest.

The act establishes the "municipal purchasing of agricultural land account" as a separate, non-lapsing account within the General Fund. It specifies that the account may contain any money the law requires to be deposited in it. The DOAG commissioner must use the account funds to provide municipalities the interest-free agricultural land acquisition loans.

The act authorizes the DOAG commissioner to adopt regulations that establish the criteria for the agricultural land acquisition loans and the terms governing the loans.

The act also increases grant ceilings for, and makes adjustments to, the Open Space and Watershed Acquisition Grant Program and makes a technical change.

EFFECTIVE DATE: July 1, 2007

Invasive Species

PA 07-4, June Special Session, creates an Invasive Species Detection and Control Account as a separate, nonlapsing account in the Conservation Fund to contain any money the law requires. The Department of Environmental Protection commissioner must use money from the account to control invasive species, including hiring an invasive species coordinator, developing an early detection and rapid response policy, educating the public about invasive species, funding agriculture department and Connecticut Agricultural Experiment Station inspectors, and making grants to municipalities to control invasive species on publicly accessible land and waters.

EFFECTIVE DATE: July 1, 2007

Livestock

PA 07-59, creates a process to address dogs that damage people's livestock, pets, and other animals that is similar to the law's process for dogs and other animals that bite people. It requires (1) anyone whose animal is attacked by a dog to report the incident to an animal control officer (ACO) and (2) the ACO to investigate. The act allows the DOAG commissioner or an ACO to make any order concerning the restraint or disposal of such an attacking dog after an ACO investigates.

Under the act, if the owner or keeper of an attacking dog fails to comply with an ACO's order, an ACO may seize the dog to ensure compliance. The owner or keeper is (1) responsible for any expenses resulting from the seizure and (2) subject to a fine of up to \$250, up to 30 days in prison, or both.

The act allows anyone aggrieved by an order to request a hearing before the commissioner no later than 14 days after the order is issued. After the hearing, the commissioner may affirm, modify, or revoke the order as he or she deems proper.

The act exempts from its provisions dogs that a state or

local police agency owns if they (1) are under the direct supervision, care, and control of an assigned police officer; (2) have received yearly vaccinations; and (3) are subject to routine veterinary care.

EFFECTIVE DATE: October 1, 2007

Miscellaneous Provisions

PA 07-162, requires the State Bond Commission to vote on whether to issue, at certain times and when available, bonds that the legislature approved for agricultural land preservation programs but the commission has not allocated.

The act creates a 12-member Farmland Preservation Advisory Board to help the agriculture department with its purchase of development rights program and other efforts to preserve agricultural lands. It establishes the board's composition and duties, and places it within the department for administrative purposes only.

EFFECTIVE DATE: July 1, 2007

Shellfish

PA 07-74, transfer's jurisdiction over the Cockenoe Flats shellfish grounds in Westport from the state to the town, gives the Westport Shellfish Commission jurisdiction

over recreational clamming in the shellfish grounds, and allows the commission to issue recreational clamming permits for use of the grounds by all state residents.

It allows the DOAG, upon a municipality's written request to enter into a memorandum of understanding (MOU) with the municipality authorizing the municipal health department or similar agency to collect sea water samples for shellfish harvest water classification. It specifies duties with respect to the MOU and sampling and allows the municipality to assist DOAG with sample collection under certain circumstances.

The act also requires DOAG to assign a unique confidential code for tag identification information about shellfish harvest locations.

It requires a buoy to meet certain specifications if it marks (1) the line between private and public or natural oyster, clam, or mussel (shellfish) beds and (2) an area in town beds for planting or cultivating shellfish (marker buoy).

It also limits the area authorized by a resource assessment permit, which DOAG issues to assess the viability of a shellfish area, to 100 acres or less. Under the act, DOAG must require buoys to be placed at each corner of the assessment area, as the permit applicant defines it, before any assessment

begins. The department must notify all abutting shellfish ground owners or lease holders that it has issued such a permit no later than five days before the permit's effective date.

EFFECTIVE DATE: Upon passage, except for the provision concerning buoys, which is effective July 1, 2007.

PA 07-127, gives certain licensed commercial lobstermen a property tax break by treating portions of waterfront property they own and use for lobstering ("maritime heritage land") as "490 program" land. Under the 490 program, farm, open space, and forest land is assessed at its current use value for property tax purposes.

The act defines "maritime heritage land" as the portion of waterfront real property that a licensed commercial lobster fisherman owns and uses for commercial lobstering. It excludes buildings the lobsterman does not use exclusively for commercial lobstering. The lobsterman must have earned at least 50% of his or her adjusted gross income in the prior tax year, as determined for federal income tax purposes, from commercial lobster fishing. The lobsterman must provide satisfactory proof to the municipal assessor where the property is located.

By law, a conveyance tax is imposed on land in the 490 program when (1) its use classification changes or (2) it is sold or transferred within 10 years of its classification (with certain exceptions). The act extends the same conveyance tax penalty, as well as other 490 program provisions, to property classified as maritime heritage land.

The act also adds a municipal option for an additional 50% commercial property tax break for land classified as maritime heritage land.

EFFECTIVE DATE: July 1, 2007

Veterinarians

PA 07-252, specifies that graduates of foreign veterinary schools must graduate from a program acceptable to the American Veterinary Medical Association as required to receive certification by the Educational Commission for Foreign Veterinary Graduates.

EFFECTIVE DATE: Upon passage

Replacement Wells

Existing law allows a local health director, regardless of Department of Public Health regulations, to authorize under certain conditions an existing

well's use or its replacement at a single-family residence located within 200 feet of a community water supply system measured along a street, alley, or easement. This can occur:

1. for a replacement well used for domestic purposes if (a) the premises are not connected to the public water supply, (b) the water quality is tested at installation and at least every 10 years afterward or as requested by the health director, (c) the testing shows the well meets the Public Health Code's water quality standards for wells, and (d) all other regulatory requirements are met; and
2. for a new or replacement well on a premises served by a public water supply if (a) it is used solely for irrigation or some other outdoor purpose, (b) it is permanently and physically separated from the home's internal plumbing, and (c) a reduced pressure device is installed to protect against a cross-connection with the public water supply.

PA 07-244, changes the 200-foot standard by specifying that this distance is measured from the property's boundary.

The act authorizes a local health director to issue an order requiring the immediate implementation of mitigation measures, up to and including permanent abandonment of the well, according to the Connecticut Well Drilling Code, if he determines that an irrigation well creates an unacceptable risk of injury to the health or safety of those using the water, the general public, or to any public water supply. The act allows the owner of the system to terminate service to the premises if a cross connection with the public water system is found.

EFFECTIVE DATE: October 1, 2007

Vocational Agriculture Centers

PA 07-3, June Special Session, increases the state's per-student grant to districts operating vocational agriculture (vo-ag) centers from \$700 to \$1,355 for each secondary school student enrolled in the center on the preceding October 1.

By law, a district that operates a vo-ag center can charge districts tuition for students they send to the center. The tuition charge is limited to a percentage of the ECS foundation amount. To correspond to the act's increase in the ECS foundation amount from \$5,891 to \$9,687, the act the tuition decreases the limit from 120% to

82.5% of the ECS foundation. The effect of this change is to increase the maximum vo-ag center tuition charge by \$913 per-student, from \$7,079 per student (120% of \$5,891) to \$7,992 per student (82.5% of \$9,687).

By law, school districts that do not furnish vo-ag training must designate one or more other districts where their students can receive such training. The law also allows districts to enter into agreements with other districts to provide the training. This act requires a school district that does not maintain a vo-ag center to allow its students to enroll in another district's center in numbers that are at least equal to (1) the number specified in any written agreement with a center or (2) if there is no written agreement, the average of its students enrolled in the center during the three previous school years.

EFFECTIVE DATE: July 1, 2007

Water Planning

By law, the Water Planning Council must address issues involving water companies, water resources, and state drinking water policies. **PA 07-4**, June Special Session, requires the Office of Policy and Management (OPM) to, among other things:

1. review and prioritize the recommendations and goals the council developed before October 1, 2007;
2. compile information from other reports or studies on water resources planning in the state;
3. establish a mechanism to perform an in-depth analysis of existing state law and regulations in areas of overlapping and conflicting or inefficient procedures;
4. review and summarize other states' regulatory programs and structure relating to water resource planning, including their approaches to water allocation;
5. identify processes and funding needs for the evaluation of existing water diversion data and approaches to basin planning projects, and coordinate water data collection from, and analysis among, the relevant state agencies and the U. S. Geological Survey, and recommend supplemental data collection, as appropriate.

The act also allows the council to establish an advisory council. The advisory council must be balanced between water

consumers and other interests. It can include representatives of agricultural interests, among others.

EFFECTIVE DATE: July 1, 2007 for the advisory council and October 1, 2007 for the OPM responsibilities.

FOOD

Brew Pubs

PA 07-145, allows brew pubs to sell sealed bottles and containers of beer brewed on their premises to wholesalers holding wholesaler beer permits.

EFFECTIVE DATE: Upon passage

Farmers' Market Produce Sales to Restaurants

PA 07-252, permits sellers at Department of Agriculture-certified farmers' markets to sell unprocessed fruits and vegetables directly to restaurants and other food service establishments. It requires food service establishments to ask for, and the farmer or person selling the produce to provide, an invoice indicating the source of the produce and the date it was sold.

EFFECTIVE DATE: Upon passage

Food Stamps

PA 07-63, effectively permits the Department of Social Services (DSS) to exclude all of a household's motor vehicles from being counted as assets in determining the household's eligibility for the food stamp program. It does this by requiring the DSS commissioner to use alternative motor vehicle evaluation provisions allowed in federal regulations in determining eligibility. These provisions allow the state to use the same motor vehicle asset rules in the food stamp program as apply to any of its programs that are funded by federal Temporary Assistance to Needy Families (TANF) money (7 CFR 273.8(f)(4)).

Prior state law required DSS to use the Temporary Family Assistance (TFA) program rules. Those rules allow an applicant to exempt one vehicle with a value of up to \$9,500 and also allow an exemption for vehicles used to transport people with disabilities. But the combination of the TFA program's dollar limit on the exempt vehicle and the federal requirements made the calculation more complex for the food stamp program if a household had several vehicles.

While the act does not specify to which TANF-funded program DSS must tie the food stamp vehicle rules, it in effect allows

DSS to apply the Care4Kids rules, which do not count any vehicles as assets in a family's eligibility calculations. Care4Kids provides child care subsidies to people on welfare and low-income workers.

EFFECTIVE DATE: July 1, 2007

PA 07-2, June Special Session, limits benefits for participants in the state-funded food stamps for legal immigrants program to 75% of the amount the individual would receive under the federal food stamp program. In practice, DSS has applied this limit since March 2003 as a result of reduced appropriations for the program. The program serves legal immigrants who do not qualify for the federal program.

EFFECTIVE DATE: July 1, 2007

Connecticut Grown Foods

PA 07-230, eliminates a program established in 2004 under which the agriculture commissioner must, within available appropriations, promote as "Connecticut Farm Fresh Schools," schools and colleges where at least 20% of the food they serve consists of farm products grown or produced in the state. Amore recent law (PA 06-135) established a farm-to-school program within the agriculture department. Its goal

is to promote and facilitate the sale of Connecticut-grown farm products by farms to school districts, schools, and other educational institutions under State Department of Education's jurisdiction.

EFFECTIVE DATE: October 1, 2007

Sales Tax Exemption for Certain Meals

PA 07-4, June Special Session, exempts meals sold from honor boxes and coin-operated vending machines from the 6% sales tax. "Food products" sold from a coin-operated vending machine are already exempt.

Although most food is not taxable, certain food products, such as soda, candy, cookies, and cakes are subject to the sales tax unless they are sold from a vending machine. In addition, meals are currently taxable regardless of how they are sold. By law, a "meal" is food furnished, prepared, and served in a form and in a portion that is ready to eat, including take-out meals that are packaged and wrapped.

The bill does not define an "honor box," but it is typically an unattended box where customers deposit money for items they buy.

EFFECTIVE DATE: July 1, 2007 and applicable to sales on or after that date.

WIC Program

PA 07-252, creates an 11-member council to advise DPH on issues pertaining to increased participation in, and access to, Women, Infants, and Children (WIC) supplemental food services. The council consists of (1) the Public Health Committee chairpersons; (2) the DPH commissioner or designee; (3) the Children's Commission executive director or designee; (4) a nutrition educator, appointed by the governor; (5) two local directors of the WIC program, one appointed by the Senate president pro tempore and the other by the House speaker; (6) two WIC program recipients, one appointed by the Senate majority leader and the other by the House majority leader; and (7) two anti-hunger association representatives, one appointed by the Senate minority leader and the other by the House minority leader.

Members serve two-year terms, elect the chairperson and vice-chairperson, meet twice a year, and serve without compensation. Vacancies are filled by the appointing authority.

EFFECTIVE DATE: October 1, 2007

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