

Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

ACTS AFFECTING AGRICULTURE



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By: Kevin E. McCarthy, Principal Analyst

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TO THE READER

This report provides highlights of new laws (Public Acts) affecting agriculture enacted during the 2010 regular and special legislative sessions. At the end of each summary we indicate the Public Act (PA) number and the date the legislation takes effect. Vetoed acts are not included unless the legislature overrode the veto.

Not all provisions of the acts are included here. Complete summaries of all 2010 Public Acts will be available on OLR's webpage: (www.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 (www.cga.ct.gov/).

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AGRICULTURE AND EDUCATION

A new law expands the membership of the State Board of Education, starting July 1, 2010, from 11 to 13 members. Starting April 1, 2011, it requires one board member to have agriculture or regional agricultural science and technology education center (RASTECs). (RASTECs were formerly called regional vocational agriculture centers).

(PA 10-76, this provision effective July 1, 2010)

AQUACULTURE

Legislation adopted this year allows the Department of Agriculture commissioner to designate shellfish areas owned by the state or under its control that RASTECs need to conduct educational activities. The designated areas cannot (1) be greater than 50 acres each of restricted relay grow-out beds and approved harvest beds or (2) be in production at time of the designation. The educational activities that may be conducted include grow-out activities related to commercial scale aquaculture in the state's waters.

Existing law allows the commissioner to lease the beds for shellfish planting and cultivating to the highest responsible bidder, at a minimum of \$4 per acre, for 10-year terms. The act appears to

exempt RASTECs from the acreage fee and 10-year term.

(PA 10-78, effective October 1, 2010)

COMMUNITY INVESTMENT ACCOUNT

This act, among other things, transfers \$5 million from the Community Investment Account to the General Fund in FY 10. Money in the account is used for various purposes, including Department of Agriculture's farmland preservation program.

(PA 10-3, this provision effective upon passage)

CONSERVATION EASEMENTS

By law, anyone seeking a permit from a state or local land use agency, local building official, or health director generally must notify holders of conservation or preservation restrictions on the affected property before filing the application. A new law specifies that it does not prohibit filing a permit application or requiring written notice when the activity that is the subject of the application will take place on a part of property not restricted under the terms of the conservation or preservation restriction.

Where a state agency holds the restriction, the legislation increases, from 15 to 30 days, the deadline for appealing the granted permit.

By law, the permitting authority must reverse its permit approval if it finds that the requested land use violates the restriction. The act additionally requires the permitting authority to immediately reverse its approval if the state agency commissioner holding a restriction certifies that the land use activity authorized by the permit violates the restriction.

The act creates a civil penalty of up to \$5,000 for anyone who files a permit application without proof of having provided written notice to the state agency holding the restriction, as well as a fine of \$1,000 per day for violations continuing beyond the initial penalty. The act specifies that it applies only to property subject to a restriction.

The act requires a municipality to record certain information in the land records whenever it (1) acquires real property with the intent to place a conservation, preservation, or other restriction on its use or (2) intends to permanently protect municipal property by dedicating it as a park or open space land.

It authorizes the attorney general to bring an action in Superior Court to enforce these provisions

(PA 10-85, effective October 1, 2010, except that the municipal land records provisions take effect upon passage)

INVASIVE PLANTS

A new law authorizes conservation officers, special conservation officers, and patrolmen appointed by the environmental protection (DEP) commissioner to enforce the law against growing, distributing, or buying invasive plants. The penalty for violating the law is a fine of up to \$100 per plant.

(PA 10-20, effective October 1, 2010)

LAND USE AND ENVIRONMENTAL PERMITTING

New legislation requires the DEP to review existing deadline for acting on individual permits and submit a comprehensive report proposing an expedited permitting pilot program, prescribing amended review schedules, and identifying elements necessary to meet those schedules. It also requires the commissioner, in coordination with business, environmental, and municipal representatives, to study the impact of the state environmental protection and general permit procedures and recommend how to improve the process and expedite decisions.

(PA 10-158, effective on passage)

A new law requires anyone receiving a wetlands regulated activity permit and certain other authorizations on or after October 1, 2010, to file a certified copy of the document on the land

records of the municipality where the property is located within 30 days of issuance. It requires a property owner transferring land for which such a document is issued to record the document in the land records before the transfer.

(PA 10-106, these provisions effective October 1, 2010)

MISCELLANEOUS

New legislation (1) allows the preparation and sale of acidified foods on residential farms under certain conditions; (2) makes the agriculture commissioner responsible for inspecting certain poultry producers and processors and designates processors meeting certain criteria as approved food sources for certain consumers and entities; (3) specifies that money collected by the Connecticut Milk Promotion Board is not considered state funds and that the board is within the agriculture department for administrative purposes only; and (4) expands the definition of a farmer's market.

(PA 10-103, effective upon passage, except that the acidified food product provision takes effect January 1, 2011)

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