

Office of Legislative Research
Connecticut General Assembly



AGRICULTURE



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Revised

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TO THE READER

This report provides highlights of new laws (Public Acts) affecting agriculture enacted during the 2011 regular legislative session. At the end of each summary we indicate the Public Act (PA) number and the date the legislation takes effect.

Not all provisions of the acts are included here. Complete summaries of all 2011 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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AGRICULTURAL COUNCILS AND PLANS

A new law explicitly authorizes a municipality to establish a local or regional agricultural council. It also requires a local conservation and development plan to recommend the most desirable use of land in the municipality for agriculture purposes and include it on a map showing this and other proposed land uses.

(PA 11-188, effective October 1, 2011)

By law, the Governor's Council for Agricultural Development advises the Department of Agriculture (DoAg) on the development, diversification, and promotion of agricultural products, programs, and enterprises. New legislation decreases the council's membership to 15 from 30 members and specifies members' qualifications.

The act requires the council to recommend to DoAg ways to increase the percentage of consumer dollars spent on Connecticut-grown fresh produce and other farm products. The recommendations must include ways to increase, by 2020, the amount Connecticut residents spend on locally grown farm products to at least 5% of all money spent on food.

(PA 11-189, effective October 1, 2011)

ANIMALS

A new law requires animal importers to (1) register with the agriculture commissioner; (2) have imported animals examined by a state-licensed veterinarian; and (3) notify DoAg and local zoning officials before offering imported animals for sale, adoption, or transfer. The act establishes fines for violations. It defines an "animal importer" as a person who brings any dog or cat into Connecticut from another sovereign entity to offer it for sale, adoption, or transfer or give it to anyone in exchange for a fee, sale, voluntary contribution, service, or other consideration.

(PA 11-187, effective October 1, 2011)

A new law requires state, regional, and municipal animal control officers (ACOs) and Department of Children and Families (DCF) employees to report to the DoAg commissioner when they reasonably suspect that an animal is being treated cruelly, harmed, or neglected. The agriculture commissioner must forward the information he receives from the ACOs to the DCF commissioner in a monthly report. The DCF commissioner must then determine whether any address in an animal cruelty report corresponds to an address where there is an open investigation of a child. **(PA 11-194**, effective October 1, 2011)

By law, an animal control officer may quarantine or otherwise restrain or dispose of an animal that bites someone. If a person fails to comply with a quarantine or restraining order, the officer may seize the animal.

New legislation exempts certain guide dogs from these provisions if the dog is (1) owned by or in the custody and control of a blind person or person with mobility impairment; (2) under the direct supervision, care, and control of the person; (3) currently vaccinated; and (4) receiving routine veterinary care.

(PA 11-182, effective October 1, 2011)

Legislation passed this year authorizes any regional or municipal dog pound to contract with a public or private nonprofit animal rescue organization to pay a licensed veterinarian to treat an injured, sick, or diseased animal that is impounded. The act (1) details what a contract must contain and (2) requires each pound to maintain a list of any nonprofit animal rescue organization that expresses interest in entering into such a contract.

Anyone who observes or reasonably believes that an ACO failed to provide an animal under the ACO's custody with proper care, including veterinary care, may file a complaint with DoAg's State Animal Control Division. The act requires the division, no later than 24 hours after receiving a complaint, to take any action it deems necessary to

secure proper care for the animal. However, if the division receives the complaint on a Saturday or Sunday, it must take action on the next business day.

The act also expands and changes how ACOs advertise impoundment of certain animals.

(PA 11-111, effective October 1, 2011)

DAIRY FARMERS

A new law requires the Connecticut Milk Promotion Board to undertake duties required by the federal Dairy Production Stabilization Act (7 USC 4504). In doing so, the board must assess a fee of 10 cents per hundredweight of milk delivered by Connecticut milk producers or a fee commensurate with the credit allowed for producer contributions to state qualified programs under the federal law.

(PA 11-249, effective October 1, 2011)

New legislation makes permanent a \$10 increase (from \$ 30 to \$ 40) in the land use document recording fee scheduled to expire July 1, 2011. The law imposes the fee to fund historic preservation, affordable housing, open space preservation, and agricultural programs and specifies how the fee revenue must be allocated among these purposes.

It credits \$10 of each fee to the agricultural sustainability account. The law imposes a formula for making grants to

milk producers based on the federally set milk price and the amount needed to sustain dairy operations, as the U. S. agriculture secretary determines. Specifically, when that price falls below the minimum sustainable monthly cost to produce milk, a milk producer qualifies for a grant equal to the difference between these two figures.

The law sets the minimum sustainable monthly production cost at 82% of the baseline the U. S. Agriculture Department determines as the monthly average cost of producing milk in New England. If that baseline is unavailable, the act requires the agriculture commissioner to set the baseline based on data and variables the agriculture secretary publishes.

(PA 11-48, §§ 133-135, effective July 1, 2011)

ENERGY PROGRAM

A new law requires the Clean Energy Finance and Investment Authority to establish a pilot program to support sustainable practices and economic prosperity of Connecticut farms by using organic waste with on-site anaerobic digestion facilities to generate electricity and heat. The assistance can take the form of loans, grants, or power purchase agreements. The authority may approve no more than five projects under the program, each with a maximum size of 1,500 kilowatts and a maximum cost of \$450 per

kilowatt. The authority must allocate \$2 million annually from the Clean Energy Fund for the program.

(PA 11-80, § 103, effective July 1, 2011)

FARMERS' MARKETS

Under existing law, a farmer offering farm products for sale at a certified farmers' market must be licensed to sell such products. This act makes a farmer's permit or license to operate a food service establishment portable from health district to health district under specified conditions. It requires the farmer to notify a local health department or district in advance if he or she will begin operating a food service establishment within that jurisdiction.

(PA 11-191, effective upon passage)

A new law requires the consumer protection commissioner to issue a farmers' market wine sales permit to a farm winery when the permittee submits proof of compliance with the farm winery manufacturing permit statute. The farmers' market wine sales permit authorizes the winery to sell wine it manufactures at up to three farmers' market locations per year for an unlimited number of appearances. The permittee must (1) have an invitation from the farmers' market; (2) sell wine only by the bottle; and (3) be present, or have an authorized representative present, anytime

wine is sold. The permit is valid for one year and requires an annual fee of \$250, with a \$100 nonrefundable filing fee.

(PA 11-164, effective July 1, 2011)

MISCELLANEOUS

Agricultural Experiment Station

The bond act authorizes \$3.5 million for FY 12 for renovations and construction of the Jenkins Building at the Agricultural Experiment Station.

(PA 11-57, § 2(q), effective July 1, 2011)

Farmland Preservation

The bond act authorizes \$10 million per year for FY 12 and FY 13 for farmland preservation.

(PA 11-57, § 71, effective July 1, 2011)

Sales Tax on Pet Services

Under the budget act, sales tax will be applied to pet grooming, boarding, and obedience classes, other than grooming or boarding provided as an integral part of veterinarian services.

(PA 11-6, § 92, effective July 1, 2011 and applicable to sales on and after that date)

Ten Mill Tax Program

A new law allows an owner of forest land currently enrolled in the state's "10 mill tax program" to convert to the state's forest preservation program ("490 tax program") without penalty. The exemption includes penalties for the value of standing timber, if a sale or donation of the land to a nonprofit land preservation organization or a permanent conservation easement on the land occurs before the conversion.

Alternatively, the act specifies that woodlands retaining a 10 mill classification on their 50th-year revaluation will be assessed at a tax rate not to exceed the similar properties classified as "forestland" under the forest preservation program. Any landowner who elects to stop participating in the 10 mill program will be subject to any applicable penalties.

(PA 11-198, effective upon passage)

Timber Harvest Revolving Account

By law, the Department of Environmental Protection (DEP) commissioner may harvest timber from state-owned land and sell it for at least \$10 per cord. This act establishes a "timber harvest revolving account" to receive the proceeds from harvesting timber.

Under the act, the commissioner must use the account funds for (1) developing forest management plans and (2) reasonable expenses for administering and operating the plans. The act authorizes the commissioner to accept, on DEP's behalf, any gifts, donations, loans, or bequests for the account. The account cannot exceed \$ 100,000. Any proceeds over that amount must be deposited to the General Fund.

(PA 11-192, effective upon passage)

VOCATIONAL-AGRICULTURAL CENTERS

A new law reduces the state reimbursement, from 95% to 80%, for construction, acquisition, renovation, and equipment of approved facilities for a regional vocational-agricultural science and technology center operated by a local or regional school district. The lower reimbursement applies to the eligible project costs for applications filed on or after July 1, 2011. Applications filed before then are eligible for the 95% reimbursement.

(PA 11-61, § 86, effective July 1, 2011)

New legislation extends the current \$9,687 foundation for

the Education Cost Sharing (ECS) formula for one year, from FY 12 to FY 13. ECS grants in the budget (PA 11-6) are set amounts that are appropriated and are not a result of the ECS formula. But local or regional school districts that operate regional vocational-agricultural technology education centers may charge sending districts a per-student tuition based on a percentage of the foundation figure. Thus, this provision freezes the maximum tuition a center can charge for another year.

The new law also requires the State Department of Education to allocate, for FYs 12 and 13, \$500,000 for grants to local and regional school districts operating vocational-agricultural technology education centers. The money must be used for the following statutory grants: (1) \$500 per student for vo-ag centers with more than 150 out-of-district students attending the program, (2) a four-year phase-out grant for vo-ag centers that no longer serve more than 150 out-of district students, and (3) \$60 per student for vo-ag centers that do not qualify under (1) or (2).

(PA 11-48, § 202 & 203, effective July 1, 2011)

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