

**Act Number: PA10-78**

**2010**

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ENVIRONMENT COMMITTEE

February 22, 2010

10:30 A.M.

any longer, so if it's all right, we would like to have the DEP step down and allow for the --

SENATOR MEYER: Fine.

ROBERT BELL: -- Commissioner of Agriculture to --

SENATOR MEYER: Good.

ROBERT BELL: -- step up, and I --

SENATOR MEYER: I --

ROBERT BELL: -- do apologize for the --

SENATOR MEYER: We appreciate that courtesy.

ROBERT BELL: Thank you.

SENATOR MEYER: Commissioner Prelli, Commissioner of the Department of Agriculture. Morning, Commissioner.

COMMISSIONER F. PHILIP PRELLI: Good morning, Mr. Chairman, and thank you. And thank you to the DEP for letting us go. We have -- we also have to get to our budget hearing, so we appreciate that.

For the record, my name is Phil Prelli and I'm the Commissioner of Agriculture, and we're here to testify on -- on the four proposed bills that we brought forward. The first bill is House Bill 5117, AN ACT CONCERNING CONSERVATION PRESERVATION RESTRICTIONS HELD BY THE STATE, and this is there to clean up a bill that was passed last -- a couple years ago that has -- it's now necessary for the -- the towns -- for

HB 5118  
HB 5129  
HB 5131  
SB 124

producing their own eggs and selling their own eggs, it's the next step.

The other part of that bill is the -- is to cleanup the appointment to the Farm Wine Development Council. When last year you changed the appointing authority so that the -- the Governor and the legislative leaders did the appointment, there was a section in there that said that -- prior to that, I had appointed people for three-year periods or -- I'm sorry -- for four-year periods, and some of those people still stayed there. So this just cleans that up to align the appointing authority with the -- to align the people appointed with the appointing authority's term.

And the last bill is House Bill 5131, AN ACT CONCERNING VOCATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY AQUACULTURE CENTER SHELLFISH BEDS. We currently have two Vo-Ag schools that are teaching aquaculture, and they're in New Haven and Bridgeport. New Haven is a little bit ahead of Bridgeport, but they are both doing -- raising a seed in their shellfish bed. The problem is that those seeds are in polluted water, which most of our shellfish seed comes from. They then have to be transferred or relayed to -- to clean-water shellfish beds.

The aquaculture schools, under our current law, the only way they could lease land would be in a bidding process. As soon as any of our land goes up for bid, we have shell fishermen that go in and take that bid, and our schools couldn't compete against them. This would allow us -- us to have the shellfish schools have a very small piece of land that they could now raise their shellfish on. It's limited to

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ENVIRONMENT COMMITTEE

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less than 5 percent. We think 5 percent is a number they'll never even come close to reaching. So, again, it's just to help those schools and allow them to teach shell fishing.

Those are the bills we have, Mr. Chairman. One other bill that -- for DEP that we're a little -- that we -- we saw, and I just picked it up this morning, was on the permitting. And -- and it's Senate Bill 124, the -- AN ACT CONCERNING LONG ISLAND SOUND AND COASTAL PERMITTING. We just want to make sure that when we're talking about those permitting, we're not talking about shellfish equipment or gear which currently requires a permit. We just don't want to see them, again, required to file those in the land records where somebody might be putting cages or upwellers on -- near a dock, and they would have to do the permit and file it. That would be a -- we'd want to make sure that's excluded from it. It's a minor point and we will work with DEP on that.

SENATOR MEYER: That's what I was going to suggest, that you work with DEP on that.

COMMISSIONER F. PHILIP PRELLI: We will be happy to and (inaudible) --

SENATOR MEYER: Work out any --

COMMISSIONER F. PHILIP PRELLI: -- already talked with --

SENATOR MEYER: -- wrinkles you have.

COMMISSIONER F. PHILIP PRELLI: -- with me about it, so --



F. Philip Prelli  
Commissioner

STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE  
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Testimony presented to the Environment Committee of the Connecticut General  
Assembly by Connecticut Commissioner of Agriculture F. Philip Prelli

February 22, 2010

Good morning Chairman Meyer, Chairman Roy, Ranking Members McKinney,  
Chapin and members of the Committee.

My name is Phil Prelli and I serve as Connecticut's Commissioner of Agriculture. I  
am confining my remarks to the Department's bills that your Committee graciously  
raised in concept. I will be happy to answer any questions that the Committee has  
regarding our proposed legislation.

The Department has asked for consideration on four proposed bills:

5117 AAC CONSERVATION AND PRESERVATION RESTRICTIONS HELD BY  
THE STATE,

5118 AAC CERTIFICATES OF ORIGIN FOR DOGS SOLD BY PET SHOP  
LICENSEES,

5129 AAC MINOR REVISIONS TO THE POULTRY LICENSING AND FARM  
WINE DEVELOPMENT COUNCIL STATUTES, and

5131 AAC VOCATIONAL AGRICULTURE SCIENCE AND TECHNOLOGY  
AQUACULTURE CENTER SHELLFISH BEDS.

With respect to the first proposed bill, R. B. 5117, AAC CONSERVATION AND  
PRESERVATION RESTRICTIONS HELD BY THE STATE the Department has  
been concerned for sometime by encroachments upon preserved agricultural land.  
Occasionally, permits are issued by local land use boards that improperly impact  
land that the taxpayers have paid to preserve. Specifically, the proposed bill:

A. Allows that the holder of a restriction, conservation or preservation, other than  
the state, may provide proof to the entity granting the permit, that the application  
will violate the terms of the restriction and consequently the permit will not be  
granted.

Lastly, R. B. 5131, AAC VOCATIONAL AGRICULTURE SCIENCE AND TECHNOLOGY AQUACULTURE CENTER SHELLFISH BEDS pertains to the renovated Bridgeport Aquaculture Center, which will have an aquaculture hatchery similar to the New Haven Vocational Aquaculture Center. The New Haven school has developed an educational curriculum based on the operation of the hatchery and upweller grow systems suspended from school piers. Upon completion of Bridgeport's expansion that program will similarly produce shellfish seed. Unfortunately, the near shore waters are only accepted for growing shellfish seed which must be transplanted to cleaner waters during grow out. Both schools have inquired about obtaining shell fish grounds in a cleaner water classification. Presently, statute does not provide for a mechanism to allow for that as shellfish leases are awarded to the highest bidder. This proposed change would allow the Commissioner of Agriculture to grant unfarmed shellfish grounds for educational purposes to the Aquaculture schools.

Thank you for the opportunity to present our Department's testimony on our proposed legislation. I'm happy to entertain any of your questions at this time.

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will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. If all the members have voted the machine will be locked and the Clerk will please take a tally.

Will the Clerk please announce the tally?

THE CLERK:

On House Bill 5388.

Total Number voting	144
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Necessary for passage	73
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Those voting Yea	144
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Those voting Nay	0
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Those absent and not voting	7
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SPEAKER DONOVAN:

The bill is passed.

Will the Clerk please call Calendar Number 69?

THE CLERK:

On page 4, Calendar 69, House Bill Number 5131,

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AN ACT CONCERNING VOCATIONAL AGRICULTURAL SCIENCE AND  
TECHNOLOGY AQUACULTURE CENTER SHELLFISH BEDS,  
favorable report by the Committee on Environment.

SPEAKER DONOVAN:

Representative Richard Roy.

REP. ROY (119th):

Thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the joint  
committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the joint  
committee's favorable report and passage of the bill.

Will you remark sir?

REP. ROY (119th):

Thank you, Mr. Speaker.

Mr. Speaker what this does is opens up the  
vocational agriculture science, some land owned by the  
State.

And I move accept -- move passage, excuse me.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further?

Representative Chapin.

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REP. CHAPIN (67th):

Thank you, Mr. Speaker.

I rise in support of the bill and when we debated this bill, as it left the Environment Committee, some questions arose as to the percentages of land under the commissioner's control that he could lease out.

In light of those discussions the Clerk has an amendment, LCO 3197. I ask that he call it and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 3197, which will be designated House Amendment Schedule "A?"

THE CLERK:

LCO Number 3197 House "A" offered by  
Representatives Roy and Chapin.

SPEAKER DONOVAN:

The Representative seeks leave of the chamber to summarize the amendment. Is there objection? Any objection? Hearing none, Representative Chapin, you may proceed with summarization.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Mr. Speaker, in the file copy we were authorizing the commissioner to allow the designation of these

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shellfish areas in an amount not more than 5 percent of the total acreage under the commissioner's control. And that was one of the issues that was raised during the debate.

The amendment before us changes that to say the total acreage designated pursuant to the subsection is not more than 50 acres of restricted grow out, relay grow out beds and 50 acres of approved harvest beds.

I move adoption.

SPEAKER DONOVAN:

Question is on adoption of House Amendment  
Schedule "A."

Will you remark? Will you remark?

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Mr. Speaker, I think that we've addressed the issues that were raised during the committee with this amendment. And I encourage my colleagues to support it.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Will you remark further on the Amendment? Remark further on the Amendment?

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Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker.

This is a friendly amendment, as any that carry cosponsors of Chapin and Roy. I urge adoption.

SPEAKER DONOVAN:

Thank you, Representative. Sounds like a nice law firm.

Anyway, will you remark further? Remark further?

Hearing none, let me try your minds. All those in favor of the amendment, please signify by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Remark further on the bill as amended? Remark further on the bill as amended? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a

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roll call vote. Members to the Chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. If all the members have voted the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally?

THE CLERK:

House Bill 5131, as amended by House A.

Total Number voting	145
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Necessary for adoption	73
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Those voting Yea	145
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Those voting Nay	0
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Those absent and not voting	6
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SPEAKER DONOVAN:

The bill as amended is passed.

Are there any announcements or introductions?

Representative Orange.

REP. ORANGE (48th):

Thank you, Mr. Speaker, and good afternoon to you.

SPEAKER DONOVAN:

Good afternoon, Representative, nice to see you.

I move to place that item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, moving now to calendar page 36,  
Calendar 374, Substitute for House Bill Number 5225.

Mr. President, I move to place this item on the  
consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Yes, thank you, Mr. President. Moving to  
calendar page 37, Calendar 415, House Bill Number  
5131. Mr. President, I move to place this item on the  
consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President, and Mr. President, on  
calendar page 38, Calendar 454, House Bill Number  
5526. Mr. President, move to place that item on the  
consent calendar.

THE CHAIR:

Bill 121; calendar page 7, Calendar 377, Substitute for House Bill 5291; Calendar page 8, Calendar 398, Substitute for Senate Bill 231; calendar page 9, Calendar 442, Substitute for House Bill 5141; calendar page 10, Calendar 449, House Bill 5495; calendar page 11, Calendar 451, Substitute for House Bill 5535; Calendar 465, Substitute for House Bill 44 -- 5448; calendar page 12, Calendar 466, Substitute for House Bill 5289; Calendar 473, Substitute for House Bill 5059; Calendar 476, Substitute for House Bill 5117; calendar page 13. Calendar 478, House Bill 5290; Calendar 481, Substitute for House Bill 5119; Calendar 482, Substitute for House Bill 5120; calendar page 15, Calendar 492, Substitute for House Bill 5446; Calendar 494, House Bill 5315; Calendar 504, Substitute for House Bill 5306; calendar page 20, Calendar 532, Substitute for House Bill 5033; calendar page 21, Calendar 534, Substitute for House Bill 5543; Calendar 539, Substitute for House Bill 5350; calendar page 25, Calendar 561, Substitute for House Bill 5419; calendar page 36, Calendar 374, Substitute for House Bill 5225; calendar page 37, Calendar 415, House Bill 5131; calendar page 38, Calendar 454, Substitute for House Bill 5526.

Mr. President, that completes the items placed on Consent Calendar Number 2.

THE CHAIR:

Please call for a roll call vote. The machine will be open.

THE CLERK:

The Senate is now voting by roll on the consent calendar. Will all Senators please return to the chamber. Senate is voting by roll on the consent calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is adoption of Consent Calendar Number 2.

Total number voting

35

Necessary for Adoption 18

Those voting Yea 35

Those voting Nay 0

Those absent and not voting 1

THE CHAIR:

Consent calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, I would move that any items on the consent calendar requires additional action by the House of Representatives be immediately transmitted to that chamber.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

And also any other items acted upon today, not on the consent calendar requiring action by the House of Representatives. Also would move that those items be immediately transmitted.

THE CHAIR:

Seeing no objection, sir, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I would yield to any members seeking recognition for announcements or points of personal privilege.

THE CHAIR:

At this time, I will entertain any points of