PA10-085

HB5117

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CONNECTICUT
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On page 18, Calendar 66, Substitute for House Bill Number 5117, AN ACT CONCERNING CONSERVATION AND PRESERVATION RESTRICTIONS HELD BY THE STATE, favorable report of the Committee on Judiciary.

SPEAKER DONOVAN:

The Chairman of Environment, Richard Roy, you have the floor, sir.

REP. ROY (119th):

Thank you, 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?

REP. ROY (119th):

Yes. Thank you.

The titles tells it all; Conservation and Preservation Restrictions. The law prohibits people from filing permit applications relating to property subject to a conservation and preservation restriction unless they show that they have provided written notice of an application to the restriction holder at least 60 days before applying.

I move passage.

SPEAKER DONOVAN:

Move passage of the bill. Will you remark? Will you remark?

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

I also rise in support of the bill before us. This bill was brought to us by the Department of Agriculture because they had found that there was a problem when they had purchased the development rights on certain properties where there was a conservation restriction in place, that without proper notice, people could actually go apply for permits and do things that really weren't allowed in accordance with the conservation restrictions. So this bill is intended to address that.

There are a couple of areas in the bill that members in this Chamber felt needed clarification.

In light of that, the Clerk has an amendment, LCO 3640. I ask that he call it and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 3640, which will

be designated House Amendment Schedule "A."

THE CLERK:

LCO Number 3640, House "A" offered by Representatives Chapin, Roy, Spallone, and Senator Roraback.

SPEAKER DONOVAN:

The Representative has asked leave of the Chamber to summarize. Is there objection summarization? Hearing none, Representative Chapin, he may proceed with summarization.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

The first part of this bill just clarifies that any permit requirements listed in the bill apply to existing buildings. And we wanted to be sure that it was clear that we were talking about that particular existing building on the property that the permit is -- that somebody, when somebody applies for the permit, that it's actually for that existing building.

And the second part of the amendment just clarifies that this notification requirement only applies in those cases where the piece of the property being impacted is actually the piece that has the conservation easement on it.

I move adoption.

SPEAKER DONOVAN:

The question is on adoption. Will you remark? Will you remark further?

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

As I said, this is intended to clarify the language that's before us and I encourage my colleagues to support it. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Will you remark further on the amendment?

Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker.

I, too -- this is a friendly amendment and I urge everyone in the Chamber to support it. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Will you remark further on the amendment? Will you remark further on the amendment? If not, let me try your minds. All those in favor, 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? Will you remark further on the bill as amended?

Representative Wright of the 41st District.

REP. WRIGHT (77th):

Thank you, Mr. Speaker.

The Clerk has an amendment, LCO 3960. I would ask the Clerk please call the amendment and that I be granted leave of the Chamber to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 3960, which will be designated House Amendment Schedule "B."

THE CLERK:

LCO number 3960, House "B," offered by Representatives Wright, Hurlburt, Spallone, Chapin, Sharkey and Senator Maynard.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize. Is there objection to summarization? Hearing none, Representative Wright, you may proceed with summarization.

REP. WRIGHT (77th):

Thank you. Thank you, Mr. Speaker.

This amendment simply strengthens some of the protections for protected open space and park land. The amendment simply fills a gap in current statutes by requiring a recording on the land records of the will of the people as expressed in their referendum vote or other local legislative action.

When there is a specific acquisition or a set-aside of municipal property for park land or open space, or there is an appropriation and the use of public monies for the acquisition and protection of park land or open space under a referendum vote or other local legislation.

This will help ensure that open space and park lands will remain to their intended uses and alert future generations of the terms and location of use restricted lands whose benefits might otherwise be lost.

The bill also clarifies the standing of the Attorney General to enforce the public interest in the intended uses of publicly owned open space, which was somewhat called into question in a Connecticut Supreme Court case of Barnes vs. Blumenthal.

And I urge that -- I move adoption.

SPEAKER DONOVAN:

The question is on adoption. Remark further? Remark further?

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

I rise in support of the amendment. I'd like to thank Representative Wright for bringing this issue to the Environment Committee. I think the solution before us is -- makes a lot of sense and I encourage my colleagues to support it. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Would you remark further on the amendment?

Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker.

As with House Amendment "A," House Amendment "B" makes a good bill better. I do support it. It's a friendly amendment. I urge passage -- adoption.

SPEAKER DONOVAN:

Thank you, Representative. Thank you, Representative.

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

If I may, just a question to the proponent of the amendment.

SPEAKER DONOVAN:

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

Just in reading lines 11 through 14, it discusses when a municipality, the intent of the municipality in purchasing the land. I'm wondering what the trigger mechanism would be to require a conservation easement to be placed on the land records.

And just for instance, if a municipality wants to acquire property and it's not through any state programs that would necessarily require it to be purchased as open space, they just merely want to acquire the land which is currently open space, they don't have intent to develop it.

Would they have the ability just to acquire that land, and then in the future develop it if they so choose? Or would this statute require, at the time that they purchased the property, to make a

designation of whether or not it would be open space? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Wright.

REP. WRIGHT (77th):

Thank you, Mr. Speaker.

And through you, Mr. Speaker, municipalities can be the transferees of conservation restrictions or preservation restrictions or other restrictions on public -- on lands. That would be a charitable restriction under separate statutes.

This statute addresses, really, dedications of municipal lands for open-space or park land recreational purposes through the mechanism and in accordance with a legislative action, such as a direct vote of the public and a municipal open-space referendum, or through other local legislative action.

And that, the dedication and the restriction is created under the specific terms as explicitly enunciated in that legislative action and that would define and create the restriction. And that is a dedication under current law.

The purpose of this bill is simply to create, or require a bookmark of whatever interests in lands are

created or restrictions created under those local legislative actions so that the intent and purposes of voters in their vote will be honored and protected. And those uses will not be lost in the mists of time as memories fade.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker and I appreciate that answer.

So I think what I'm hearing then is if there is a referendum in which the land is purchased for open space purposes, obviously then there would have to be a recording of that.

And just to pose one hypothetical, if I could to the proponent of the amendment. So if a land -- if a town decides, its legislative body decides to purchase a parcel of, say, a hundred acres of land, which might be adjacent to their municipal complex and it's currently open space, and that land is purchased with town dollars, there is discussions about leaving it alone, but maybe reserving it later for future development.

It's not purchased through any type of an

open-space program or there's no intention to dedicate it. Then the requirements under this bill would not be invoked. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Wright.

REP. WRIGHT (77th):

Thank you.

Through you, Mr. Speaker, what creates the dedication would be the specific language and the specific wording in the vote. If the language of the vote specifies that the uses are for specifically enumerated purposes on open-space conservation, recreational purposes, and no other uses, those lands would be dedicated for those uses.

If the wording of the referendum question or the local legislative enactment is more general, then those use -- the property would not be necessarily restricted or limited to open-space uses, but would be available for other uses as well, is my understanding.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

And I appreciate the good Representative's

answers. That clarifies my concerns. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Would you remark further on the amendment? Remark further on the amendment? If not, let me try your minds. All those in favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Remarked 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. Members to the chamber. The House is voting by roll call.

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. The Clerk will please announce the tally.

THE CLERK:

House Bill 5117 as amended by House Schedules "A" and "B."

Total Number voting	137
Necessary for adoption	69
Those voting Yea	137
Those voting Nay	0
Those absent and not voting	14

SPEAKER DONOVAN:

The bill as amended is passed.

Is there any business on the Clerk's desk?

THE CLERK:

Business from the Senate, Mr. Speaker, favorable reports on Senate bills.

SPEAKER DONOVAN:

Representative Olson.

REP. OLSON (46th):

Good afternoon, Mr. Speaker.

Mr. Speaker, I move that we waive the reading of the Senate favorable reports and the bills be tabled for the calendar. Thank you, Mr. Speaker.

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SENATOR LOONEY:

Thank you, Mr. President. Continuing on calendar page 12, Mr. President. Calendar 476, Substitute for House Bill Number 5117. Mr. President, 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 to calendar page 13, Calendar 481, Substitute for House Bill Number 5119. Mr. President, move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Yes, thank you, Mr. President. Continuing on calendar page 13, Calendar 482, Substitute for House Bill Number 5120. Mr. President, move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, moving to calendar page 15,

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

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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.

HB5118
HB5129
HB5131
SB124

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

the state to be informed whenever a deed is filed on any preserved land. And this basically does five things. It allows the holder of a restriction that's not the state to be identified, and in that case would allow them to tell the town about the restrictions and not have the permit granted until those restrictions are lived up to. If the state had -- holds a restriction, it again comes to us and we say that until we have agreed to it, it would not be, the permit would not be granted. And if for any reason when the state owns it, if we're not applied, as soon as we know about it and we file -- and we go to the town, they shall reverse the permit until approval was put forward.

The biggest part of it, though, is -- is the part that allows us to instead of -- right now, the only -- the only way we have once we see somebody was -- improperly built on that property is to tell them to tear the structure down. Now, if somebody has built a house there, they have a family there, we're not going to go in and tell them tear your structure down, even though it doesn't meet our restrictions. So we're not there. So this allows an up to a $5000 fine and a thousand dollars per -- up to a thousand dollars per day of a fine to give us an alternative other than telling them to tear that structure down.

Again, all four of the bills we're bringing forward are from somewhat technical type of cleanups that'll make our department work more efficiently. This will allow us to again preserve our agricultural lands where we have an easement.

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TESTIMONY OF
SANDY BRESLIN, DIRECTOR OF GOVERNMENT AFFAIRS
AUDUBON *CONNECTICUT*

ENVIRONMENT COMMITTEE PUBLIC HEARING
February 22, 2010

IN SUPPORT of the following proposed legislation:

S.B. 124 AAC Long Island Sound and Coastal Permitting.
S.B. 5128 AAC Environmental Conservation Licensing.
S.B. 5117 AAC Conservation and Preservation Restrictions Held by the State.
S.B. 121 AAC the Extentsion of General Permits Issued by the Department of Environmental Protection.

Senator Meyer, Representative Roy and members of the Environment Committee, my name is Sandy Breslin and I am the director of governmental affairs for Audubon Connecticut, the state organization of the National Audubon Society. Thank you for the opportunity to testify today ***IN SUPPORT*** of S.B. 124, 5128, 51117 and 121 that seek to improve the permitting processes of the State of Connecticut, Department of Environmental Protection, and ensure the permanent protection of prime farmland owned by the State without resorting to costly litigation.

S.B. 124 AAC Long Island Sound and Coastal Permitting aims to update the coastal permitting practices of DEP by requiring that permits issued by the Office of Long Island Sound (OLISP) be recorded on local land records, restores the estuarine embayment improvement program, adopts the federal definitions of sewage, simplifies the description of the "No Discharge" zone in the Sound, authorizes higher fees for issuing after-the-fact permits for construction of coastal structures, authorizes electronic distribution of coastal permit notices and makes other changes to out-of-date sections of this statute. Audubon ***strongly supports*** these proposed changes and encourages the Environment Committee to vote favorably on this legislation.

S.B. 5128 AAC Environmental Conservation Licensing clarifies State compliance with the federal Pittman-Robertston Wildlife and Dingell-Johnson Sportfish Restoration Acts, ensuring continued receipt of monies from these programs, which are a major source of funding for DEP wildlife programs statewide. The legislation will allow the Commissioner to adjust the fee for the Migratory Bird Conservation Stamp that provides significant funding for wetlands restoration and conservation. In addition, the legislation would authorize the Commissioner of DEP to promote electronic license and fee transactions. Audubon Connecticut ***strongly supports*** this legislation.

S.B. 5117 AAC Conservation and Preservation Restrictions Held by the State seeks to coordinate local and state land use actions, and ensure conservation of prime agricultural farmland that is subject to a conservation restriction held by the State of Connecticut. The proposed legislation would require a local land-use applicant to notify the State when an activity is proposed on farmland subject to a conservation restriction. The legislation also provides a 30-day appeal period for the agency to act when a local permit had been granted incorrectly and allows state agencies to impose a civil penalty for any activities that violate the terms of the conservation restriction, without judicial action. This legislation will help to keep prime agricultural land protected by the State from being developed inappropriately, without resorting to costly litigation. Audubon ***urges*** the Environment Committee ***to support*** this proposed legislation.

S.B. 121 AAC the Extension of General Permits Issued by the Department of Environmental Protection will allow for a seamless transition during the time when a General Permit is being renewed. General Permits, which cover an entire class of activities, help to expedite the review of minimal impact projects. Currently, under Connecticut law, the General Permits lapse before they can be renewed. S.B. 121 would allow these permits to remain in effect as long as the renewal process was underway, similar to the process utilized by the U.S. Environmental Protection Agency, and would hold permit fees at the existing level. Audubon Connecticut ***strongly encourages*** the Environment Committee ***to support*** this common-sense legislation.

Thank you so much for the opportunity to speak about these matters today.

Audubon Connecticut, the state organization of the National Audubon Society with more than 10,000 members statewide, works to protect birds, other wildlife and their habitats through education, science and conservation, and legislative advocacy for the benefit of people and the earth's biological diversity. Through our network of nature education centers, protected wildlife sanctuaries, and local, volunteer Chapters, we seek to connect people with nature and inspire the next generation of conservationists.

Working Lands Alliance
A Project of American Farmland Trust

Date: Feb 22, 2010

To: Environment Committee

Testimony in Support of:

Raised Bill No. 5117 - AN ACT CONCERNING CONSERVATION AND PRESERVATION RESTRICTIONS HELD BY THE STATE

Submitted by: Jiff Martin, Project Director, Working Lands Alliance

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The following testimony is submitted on behalf of the Working Lands Alliance, a statewide coalition of 200 businesses and non-profits as well as over 700 individuals committed to increasing the state's commitment to farmland preservation.

The Working Lands Alliance coalition is supportive of HB 5117 and its intent to strengthen the Department of Agriculture's ability to monitor and enforce its conservation easement restrictions held on 265 farm properties containing over 35,000 acres of prime and important farmland soils, and representing a tax-payer investment of over $100 million since 1978.

Thirty years ago our state leaders enacted landmark legislation with passage of Public Act 78-232. With its passage, this legislation laid the groundwork for what is today known as the Connecticut Farmland Preservation Program. The main objective of the program is to secure a food and fiber producing land resource base for the future of agriculture in Connecticut. Recent data from the U.S. Department of Agriculture indicates that Connecticut has 4,916 farms and163,686 acres of 'cropland'.[1] The state goal is to protect 130,000 acres of farmland, including cropland and supportive lands such as forest and wetlands.

After three decades of program activity, it is unsurprising that some of the farmland protected by the state has been sold to subsequent owners. Subsequent owners are often less familiar with the rules governing state protected farmland. Although there have been few easement violations so far, it will be an ongoing challenge for the state to educate owners of state protected farmland about the stewardship responsibilities and notification obligations that accompany these lands. RB 5117 ensures that owners of protected farmland are notifying the Dept. of Agriculture of any permit application and strengthens the agency's ability to reverse a permit approval if it violates the terms of the conservation easement restriction.

Working Lands Alliance is strongly supportive of RB 5117.

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[1] USDA 2007 Census of Agriculture

Working Lands Alliance is a project of American Farmland Trust
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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Public Hearing – February 22, 2010
Environment Committee

Testimony Submitted by Commissioner Amey W. Marrella
Department of Environment Protection

Raised House Bill No. 5117 - AN ACT CONCERNING CONSERVATION AND PRESERVATION RESTRICTIONS HELD BY THE STATE

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5117. The Department of Environmental Protection offers the following testimony in support of AN ACT CONCERNING CONSERVATION AND PRESERVATION RESTRICTIONS HELD BY THE STATE.

Conservation and Preservation Restrictions are interests in lands that are acquired through a real estate transaction where a seller and buyer enter into a contract that restricts the seller's use and occupancy of the land. These restrictions are often very detailed in laying out what is permitted on the restricted land including items such as allowing or disallowing structures, accessory structures, utilities, removal of trees, etc.

While the buyer, or grantee, is the holder of the restriction, the seller, or grantor, is still the owner of the remaining interests in the property. It is often the case where the owner may apply for a permit from a state or local land use agency for the construction or improvement of their property that conflicts with the terms of the restriction. This bill will allow the holder of the restriction the opportunity to review the proposal and determine if it complies with the terms of the restriction prior to the issuance of a permit, or alternatively allow the holder of the restriction the ability to appeal the permit if the applicant fails to notify the holder.

This bill will allow the holder of the restriction's a better ability to review and enforce the terms of the restriction prior to the issuance of a permit rather than take after the fact action to force the removal of such structures, often through litigation.

The Department is in strong support of Raised House Bill No. 5117, AN ACT CONCERNING CONSERVATION AND PRESERVATION RESTRICTIONS HELD BY THE STATE.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or Robert.LaFrance@ct.gov .

STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
OFFICE OF THE COMMISSIONER

F. Philip Prelli
Commissioner

CONNECTICUT GROWN
THE LOCAL FLAVOR.

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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.

B. Allows that when the state holds the restriction, the commissioner responsible shall notify the entity considering the permit that the application will violate the terms of the restriction and consequently the permit will not be granted.

C. States that if the permit applicant fails to comply, any party holding the restriction may file an appeal to the entity granting the permit, subject to the rules of the permit granting authority. The permitting entity, upon finding that the requested land use violates the terms of the restriction, shall reverse the permit approval.

D. Allows that when the State of Connecticut holds the restriction, an appeal may be filed with the Commissioner holding the restriction. Upon finding that the requested land use violates the terms of the restriction, he or she shall notify the permitting authority that shall immediately reverse the permit approval.

E. States that the commissioner may impose civil penalties, at his or her discretion, not to exceed $5,000 per violation and not to exceed $1,000 per day during which the violation continues after receipt of a final order of the commissioner.

The second proposed bill that the Department is asking consideration of, R. B. 5118, AAC CERTIFICATES OF ORIGIN FOR DOGS SOLD BY PET SHOP LICESEES seeks to remove the requirement that "certificates of origin" be forwarded to the Department from the pet shop selling the dog. In lieu of sending "certificates of origin" to the Department the proposed bill requires an electronic or paper copy to be kept on file for one year at the business location where the dog was purchased. On the day this testimony was written the Department received 72 certificates of origin from 5 pet shops. There are currently 128 licensed pet shops. Enactment of this proposed legislation will reduce onerous and unnecessary expenses on small businesses and the Connecticut Department of Agriculture. State Animal Control officers will audit the "certificates of origin" during routine inspections, which we expect will ensure compliance with the Legislature's intent of requiring pet shops to import only from USDA licensed facilities.

The third bill that we are asking be considered, R. B. 5129, AAC MINOR REVISIONS TO THE POULTRY LICENSING AND FARM WINE DEVELOPMENT COUNCIL STATUTES are house cleaning measures. This proposed legislation clarifies those producers who own poultry that produce eggs for human consumption are exempt from poultry dealer licensing requirements. The bill also changes the licensing time frame from the present July/June to January/December, which will better conform to agency work loads and equipment. The proposal also removes a section dealing with succession on the Farm Wine Development Council that was inadvertently included in the bill during the last legislative session. The removal of this section will clarify the appointment process.