

PA12-021

HB5124

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 3
699 – 1041**

2012

12
lk/gbr ENVIRONMENT COMMITTEE

March 2, 2012
10:30 A.M.

REP. MILLER: Thank you very much. And thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments?

Thank you, Tom.

THOMAS KIRK: Thank you.

REP. ROY: I remind the Committee members that officials are up here on a regular basis. And we can talk to them any time. We've taken up almost half the time for the officials that we normally set aside. At this rate, we'll be still talking to officials at 5 o'clock. But I hope that we can move it along a little faster.

And with that and -- excuse me. There is information that we need. And I certainly appreciate that. But we can get it and we can get it and talk to each other so that everybody is up to date.

Commissioner Steve Reviczky of the Agricultural Department followed by Ralph Eno, First Selectman of Lyme.

COMMISSIONER STEVE REVITSKY: Good Morning, Chairman Roy, Chairman Meyer, Vice Chairman Miller, and Ranking Member Chapin. I also wanted to say hello to Representative Backer, although he stepped out. As a fellow cancer survivor, it's always great to see him and, actually, to be seen. Being on this side of the dirt is a good day everyday that I'm here so.

I'm here to talk about four bills, three of which are part of the agency's legislative package and one which I would like to express some concern and opposition to.

HB 5119
HB 5123
HB 5124
SB 210

particularly horses, are facing tough times. Our first choice is to work with these owners to get animals nourishment and the veterinary care they need. But, sometimes, more forceful actions have to be taken. And we seize those animals and work to nurse them back to health.

This is a fairly costly proposition. This proposal would allow the Department of Agriculture some flexibility to move these animals out of our care and into the care of others. Right now, these animals are required to be sold at auction which we do annually through the University of Connecticut, College of Ag and Natural Resources. And we're looking for a little bit of help, so that we can stretch our resources and, actually, which will enable us to better enforce the cruelty statutes that are on the books.

The third agency bill that we request the Committee's support for is House Bill 5124, AN ACT CONCERNING THE APPEAL OF CERTAIN ANIMAL RESTRAINT ORDERS.

Unfortunately, from time to time in response to an attack or bite, an animal control officer finds it necessary to place a restraining order on that biting animal. This is done so that these animals do not attack or bite someone else.

This bill is a technical change to 22-358. To clearly state that during the appeal of a restraint order placed on a biting animal, the order must be complied with.

Currently, when an appeal is made, the restraint order is stayed during the appeal. And this provides an opportunity for dangerous dogs or other animals to bite or cause injury during the appeal process.

And I'd be happy to answer any questions on those.

And then, lastly, I just want to express concern and opposition for House Bill 210. The Department does not support this bill which would modify Section 22-232. That section of the statute provides that the Chief Animal Control Officer or any animal control officer, any municipal animal control officer, shall be responsible for the enforcement of the chapter and shall make a diligent search and inquiry for any violation of any of its provisions.

So, right now, there is a provision in the statutes that requires these animal control officers to enforce those sections of the statutes. And we, actually, provide municipalities with a 10 percent -- an extra 10 percent of the dog license fee if they complete a survey of 20 percent of the residents that do not already have a licensed dog in their home.

This is not a very large task by any means for them to take on. And, unfortunately, since 1987, the average number of towns that have completed a dog license survey is less than 17 percent.

And I would be available to answer any questions that you might have. But I don't see where we need to reward municipalities for not doing what they're supposed to do already.

SENATOR MEYER: Commissioner, would there be a net loss to the Department of Agriculture from Bill 2010?

COMMISSIONER STEVE REVITSKY: There would be -- it would siphon off money from the animal

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 4
1042 – 1398**

2012



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March 2, 2012

Testimony in Support of:

Raised Bill No. 5119 AN ACT CONCERNING CONDITIONS OF DENIAL FOR THE ISSUANCE OF A LICENSE OR PERMIT BY THE COMMISSIONER OF AGRICULTURE.

Raised Bill No. 5123 AN ACT CONCERNING THE PLACEMENT OF ANIMALS SEIZED IN ANIMAL CRUELTY CASES

Raised Bill No. 5124 AN ACT CONCERNING THE APPEAL OF CERTAIN ANIMAL RESTRAINT ORDERS.

Submitted by: Henry N. Talmage, Executive Director, Connecticut Farm Bureau Association

The following testimony is submitted on behalf of the Connecticut Farm Bureau, a statewide nonprofit membership organization of over 5,000 families dedicated to farming and the future of Connecticut agriculture.

Senator Meyer, Representative Roy, members of the Environment Committee.

The Connecticut Farm Bureau supports the Raised Bills 5119, 5123 and 5124. Included in each Bill are provisions that will strengthen the authority of the Commissioner of Agriculture to act to protect the interests of the residents of Connecticut.

Raised Bill 5119 A Act Concerning Certain Conditions of Denial For Issuance of a License or Permit by the Commissioner of Agriculture is particularly important to ensure that past demonstrated performance can be considered in the process of obtaining licenses and permits from the Department of Agriculture. The result will be that past offenders will not automatically gain approval of licenses and permits and those that have a track record of noncompliance can be denied approval. This is an important tool to protect the agricultural interest of the state of Connecticut.

Raised Bills 5123 and 5124 contain important provisions that will allow the Commissioner to take actions that will result in better results for the protected animals and increased efficiency of operations for the Department of Agriculture



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE



Testimony presented to the
Environment Committee of the Connecticut General Assembly
By the Commissioner of the Connecticut Department of Agriculture
Steven K. Reviczky
Friday March 2, 2012

H.B. 5119 - An Act Concerning Certain Conditions of Denial for the Issuance of a License or Permit by the Commissioner of Agriculture

H.B. 5123 - An Act Concerning the Placement of Animals Seized in Animal Cruelty Cases

H.B. 5124 - An Act Concerning the Appeal of Certain Animal Restraint Orders

Good morning Chairman Meyer, Chairman Roy, Vice Chairs Senator Maynard and Representative Miller and Ranking Members Senator Roraback and Representative Chapin. I would like to thank the Committee for the opportunity to testify today. The Department has three bills this session that we believe merit your support.

The first one, H.B. 5119 An Act Concerning Certain Conditions of Denial for the Issuance of a License or Permit by the Commissioner of Agriculture, will allow a degree of flexibility that the agency presently does not have. The Office of the Attorney General has recommended establishment, in statute, general conditions under which the Commissioner may refuse issuance of a license or permit. Currently, many of our statutes do not have, or have only vague language regarding the conditions under which a license or permit application may be refused. A recent incident brought to light a defect in many of our statutes that prevents the Commissioner from denying a license application based on the applicant's past history. Due process, under the Uniform Administrative Procedure Act, for refused, suspended or revoked licenses is preserved.

The second bill that we ask the Committee support is, H.B. 5123, An Act Concerning the Placement of Animals Seized in Animal Cruelty Cases. As I am sure the Committee is aware, the Department operates the Second Chance Large Animal Rescue Facility in conjunction with the Department of Correction. We run an excellent program that is beneficial on many levels for the animals we rescue and the inmates that help care for them. Unfortunately, many owners of large animals, particularly horses, are facing tough times. Our first choice is to work with these owners to get the animals' nourishment and veterinary care. Sometimes we need to act more forcefully and seize the animals and we then must care for them. It is a costly proposition. This proposal would allow the Department of Agriculture the flexibility to place animals obtained through animal cruelty investigations in a safe environment as soon as the animal is rehabilitated and healthy. This will lessen the cost outlays for food and medical care that the Department is

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responsible for, prior to the transfer of the animal through a public sale or auction, thereby enabling us to stretch our limited resources and rescue more animals in need.

The third agency bill that we request the Committee's support for is, **H.B. 5124 An Act Concerning the Appeal of Certain Animal Restraint Orders**. Unfortunately, from time to time, in response to an attack or bite, Animal Control Officers find it necessary to place a restraining order to prevent an animal from having an opportunity to injure someone else. This bill is a technical change to C.G.S. § 22-358 to clearly state that during the appeal of a restraint order placed on a biting animal, the order must be complied with. Currently when an appeal is made the restraint order is "stayed" during the appeal. This provides an opportunity for dangerous dogs and other animals to bite and cause injury during the appeal process.

Thank you for your attention to these important bills.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

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HOUSE OF REPRESENTATIVES

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April 17, 2012

Representative Tallarita.

REP. TALLARITA (58th):

Thank you, Mr. Speaker.

At this moment I'd like to pass this temporarily.

DEPUTY SPEAKER RYAN:

This bill is passed temporarily.

Okay. The motion is to pass this item temporarily. Is there any objection? Is there any objection? If not, this bill is PT'd.

The Chamber will stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER RYAN:

The Chamber will come back to order.

Will the Clerk please call Calendar Number 176.

THE CLERK:

On page 11, Calendar 176, Substitute for House Bill Number 5108, AN ACT CONCERNING MODIFICATIONS TO THE COMMUNITY ECONOMIC DEVELOPMENT FUND SERVICE AREA, favorable report by the Committee on Commerce. (sic.)

(HB5124)

DEPUTY SPEAKER RYAN:

The Chairman of the Environment Committee,
Representative Roy of the 119th.

REP. ROY (119th):

Thank you, Mr. Speaker.

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

DEPUTY SPEAKER RYAN:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

Representative Roy, you have the floor.

REP. ROY (119th):

Thank you, Mr. Speaker.

Essentially what this bill does is it strengthens the ability of the agricultural department commissioner to retain a restraining order on a dog or another animal that's involved in a biting. Right now they cannot keep that dog in restraint. This will keep a neighborhood a little safer.

I urge passage -- or move passage.

DEPUTY SPEAKER RYAN:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark further on this bill? Will you remark further on this bill?

Representative Chapin of the 67th District.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Mr. Speaker, I also rise in support of this bill. It was a bill brought to the Environment Committee by the agency, and it certainly makes sense that during the appeal process that these restraint orders stay in effect. And I urge my colleagues to support it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Will you remark further on the bill?

Thank you, Representative.

Will you remark further of the bill? If not, will staff and guests please come to the well of the House. Will the members please take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. The House is voting on House Bill 5124, AN ACT CONCERNING THE APPEAL OF CERTAIN ANIMAL RESTRAINT ORDERS. The House is voting by roll call.

DEPUTY SPEAKER RYAN:

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will

take a tally. The Clerk will please announce the tally.

THE CLERK:

House Bill 5124.

Total number voting	146
Necessary for adoption	74
Those voting Yea	146
Those voting Nay	0
Those absent and not voting	5

DEPUTY SPEAKER RYAN:

The bill passes.

Will the Clerk please call Calendar Number 215.

THE CLERK:

On page 16, Calendar 215, Substitute for House Bill Number 5554, AN ACT CONCERNING HABEAS CORPUS REFORM, favorable report by the Committee on the Judiciary.

DEPUTY SPEAKER RYAN:

The Chairman of the Judiciary Committee, Gerry Fox of the 146th, you have the floor, sir.

REP. G. FOX (146th):

Thank you, Mr. Speaker.

I move for the acceptance of the Joint Committee's favorable report and passage of the bill.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2012**

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SENATE

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May 1, 2012

(? in the chair.)

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

And Mr. President, also that bill and the other bills noted earlier in our motions to refer, would move that all of those items be -- be transferred to the committees to which they've been referred without being held.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, we do have some items to place on a Consent Calendar. I want to thank -- thank the members, the Minority Leaders in -- in particular for cooperation on -- on this.

First, Mr. President, Calendar Page 6, Calendar 241, House Bill -- House Bill 5315; Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, also Calendar Page 12, Calendar 366, House Bill 5124, move to place the item on the Consent Calendar.

THE CHAIR:

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Is there objection? Seeing none, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, Calendar Page 13, Calendar 5 --
Calendar Page 13, Calendar 367, House Bill 5150, move
to place the item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Also Calendar Page 13, Mr. President, Calendar 368,
House Bill 5182, move to place on the Consent
Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Continuing on Calendar Page 13, Calendar 371, House
Bill 5314, move to place the item on the Consent
Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, Calendar Page 14, Calendar 372, House
Bill 5329, move to place on the Consent Calendar.

THE CHAIR:

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THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, would now ask the Clerk to read the items on the Consent Calendar and then if we might move to an immediate vote on that Consent Calendar.

THE CHAIR:

Would the Clerk please identify those items placed on our Consent Calendar?

THE CLERK:

On page 6, Calendar 241, House Bill 5315; page 12, Calendar 366, House Bill Number 5124; page 13, Calendar 367, House Bill Number 5150. Also on page 13, Calendar 368, House Bill Number 5182; on page 13, Calendar 371, House Bill Number 5314; on page 14, Calendar 372, House Bill Number 5329; and, on page 15, Calendar 379, House Bill Number 5364.

THE CHAIR:

Those items, having been identified as our Consent Calendar, the machine will be open, and Senator -- Senators may cast their vote.

Clerk, please make the announcement.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all Senators voted? Have all Senators voted?
Please check the board to make certain that your vote

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is properly recorded. If all Senators have voted, the machine will be locked.

Mr. Clerk, please take a tally.

THE CLERK:

On today's Consent Calendar.

Total number Voting	34
Necessary for Passage	18
Those voting Yea	34
Those voting Nay	0
Absent, not voting	2

THE CHAIR:

Consent Calendar is passed.

Are there any announcements or points of personal privilege? Are there any announcements or points of personal privilege?

Senator Gerratana.

SENATOR GERRATANA:

Thank you, Mr. President.

Mr. President, tomorrow there will be a Public Health Committee meeting outside the hall of the House at 10:30 a.m.; that's tomorrow, Wednesday, May 2nd.

Thank you, Mr. President.

THE CHAIR:

Thank you, madam.

Are there further announcements or points of personal privilege? Are there further announcements or points of personal privilege?