



# Senate

General Assembly

**File No. 85**

January Session, 2015

Senate Bill No. 346

*Senate, March 17, 2015*

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

**AN ACT CONCERNING THE FARMLAND RESTORATION AND VACANT LANDS PROGRAMS OF THE DEPARTMENT OF AGRICULTURE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-6c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) The Commissioner of Agriculture may reimburse any farmer for  
4 part of the cost of compliance with a comprehensive farm nutrient  
5 management plan or a farm resources management plan, provided  
6 such plan has been approved by the Commissioner of Energy and  
7 Environmental Protection. The Commissioner of Agriculture, in  
8 cooperation with the United States Department of Agriculture, may  
9 certify for payment comprehensive farm nutrient management or farm  
10 resources management plan practices that have been approved by the  
11 Commissioner of Energy and Environmental Protection pursuant to  
12 this section. The total federal and state grant available to a farmer shall  
13 not be more than ninety per cent of such cost. In making grants under

14 this subsection, the Commissioner of Agriculture shall give priority to  
15 capital improvements made in accordance with a comprehensive farm  
16 nutrient management plan or a farm resources plan prepared pursuant  
17 to section 22a-354m.

18 (b) The Commissioner of Agriculture may reimburse any farmer for  
19 part of the cost [associated with developing] to develop, implement  
20 and comply with a farm resources management plan or a farmland  
21 restoration plan intended to restore farmland, provided such plan has  
22 been approved by the commissioner. [and such] Such reimbursement  
23 [does] shall not exceed fifty per cent of the cost of such plan or twenty  
24 thousand dollars, whichever is less, except any such reimbursement  
25 for such a management or restoration plan on any state-owned land or  
26 any municipally owned land with an agricultural lease of five years or  
27 longer shall not exceed ninety per cent of the cost of such management  
28 or restoration plan or twenty thousand dollars, whichever is less. Such  
29 plan may require agricultural restoration purposes, as defined in  
30 section 22-6d, as amended by this act.

31 (c) For purposes of this section, "farmland restoration plan" means a  
32 conservation plan of the United States Department of Agriculture's  
33 Natural Resources Conservation Service, a conservation plan of a soil  
34 and water conservation district established pursuant to section 22a-315  
35 or a conservation plan approved by the Commissioner of Agriculture.  
36 "Farmland restoration plan" includes "agricultural restoration  
37 purposes", as defined in section 22-6d, as amended by this act.

38 Sec. 2. Section 22-6d of the general statutes is repealed and the  
39 following is substituted in lieu thereof (*Effective October 1, 2015*):

40 As used in section 22-6e: "Commissioner" means the Commissioner  
41 of Agriculture; "department" means the Department of Agriculture;  
42 "garden" means a piece of land appropriate for the cultivation of herbs,  
43 fruits, flowers, or vegetables; "sponsor" means any municipal agency  
44 or nonprofit civic service association or organization designated by the  
45 commissioner to operate a program pursuant to section 22-6e; "use"  
46 means, when applied to gardening, to make use of, without

47 conveyance of title or any other ownership; "vacant public land" means  
 48 any land owned by the state, or any municipality therein, that is not in  
 49 use for public purposes; "agricultural restoration purposes" means  
 50 reclamation of [grown over] grown-over pastures and meadows,  
 51 installation of fences in restoration areas to keep wildlife out of such  
 52 areas, manage livestock and to keep livestock out of riparian areas,  
 53 replanting of vegetation on erosion prone land or along streams,  
 54 restoration of water runoff patterns, improvement of irrigation  
 55 efficiency, conducting hedgerow management, including the removal  
 56 of invasive plants and timber, or renovating farm ponds through farm  
 57 pond management and any incidental land clearing activities  
 58 attendant to such reclamation, installation, restoration, replanting,  
 59 improvement, management or renovating.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	22-6c
Sec. 2	October 1, 2015	22-6d

**ENV**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### ***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

### ***Explanation***

The bill (1) expands items reimbursable to farmers, and (2) increases the maximum reimbursement for certain restoration or management plans under the Farmland Restoration Program.

There is no fiscal impact, as the bill does not authorize additional general fund appropriations or bond funds for the Farmland Restoration Program.<sup>1</sup>

The bill may, however, reduce the number of individual reimbursements it pays out, as it (1) increases the reimbursable amount and (2) increases the number of activities eligible from the available pool of funding.

### ***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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<sup>1</sup> As of February 1, 2015 the unallocated balance in the Farmland Restoration program was \$25.0 million. There are currently 76 pending applications with less than 5 new applications received by the Department of Agriculture monthly.

**OLR Bill Analysis****SB 346*****AN ACT CONCERNING THE FARMLAND RESTORATION AND VACANT LANDS PROGRAMS OF THE DEPARTMENT OF AGRICULTURE.*****SUMMARY:**

This bill expands the items reimbursable to farmers under the farmland restoration program, which encourages farmers to restore farmland that has gone out of production. It also increases the maximum reimbursement under the program for management or restoration plans for certain state or municipal lands.

The bill allows the agriculture commissioner to reimburse a farmer for part of the cost to develop, implement, and comply with a farm resources management plan or a farmland restoration plan, instead of only to develop a farm resources management plan. The commissioner must approve a management or restoration plan for it to be reimbursable.

Current law limits reimbursement to the lesser of \$20,000 or 50% of a plan's cost. The bill increases the reimbursable amount, to the lesser of \$20,000 or 90% of a plan's cost, for a plan on state or municipal land with an agricultural lease of at least five years.

The bill also broadens the activities eligible for reimbursement under the farmland restoration program to include (1) fence installation in restoration areas to keep wildlife out and manage livestock and (2) incidental land clearing done in connection with agricultural restoration. It does this by expanding the definition of "agricultural restoration purposes."

Lastly, the bill applies the expanded definition of "agricultural restoration purposes" to the vacant public lands program, which the

law authorizes the agriculture commissioner to establish to encourage the use of certain state or municipal property. To date, he has not established the program.

EFFECTIVE DATE: October 1, 2015

### **FARMLAND RESTORATION PLAN**

Under the bill, “farmland restoration plan” means a conservation plan (1) of the U.S. Department of Agriculture's Natural Resources Conservation Service or a soil and water conservation district or (2) the agriculture commissioner approves. It includes agricultural restoration purposes.

### **AGRICULTURAL RESTORATION PURPOSES**

Under existing law, “agricultural restoration purposes” includes:

1. reclaiming grown-over pastures and meadows;
2. installing fences to keep livestock out of riparian areas;
3. replanting vegetation on erosion-prone land or along streams;
4. restoring water runoff patterns;
5. improving irrigation efficiency;
6. conducting hedgerow management, including removing invasive plants and timber; or
7. renovating farm ponds through farm pond management.

### **COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 27 Nay 0 (02/27/2015)