



Senate

General Assembly

File No. 653

January Session, 2003

Substitute Senate Bill No. 665

Senate, May 8, 2003

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT REQUIRING REPORTING BY PERSONS ENGAGED IN AQUACULTURE.

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

1 Section 1. Section 26-194 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) The Commissioner of Agriculture may lease in the name of the
4 state, under such regulations as he may prescribe and for a period not
5 longer than ten years, all shellfish areas that have been conveyed to the
6 state or placed under state jurisdiction by the town of West Haven and
7 any undesignated grounds, within the exclusive jurisdiction of the
8 state, for the purpose of planting and cultivating shellfish. The
9 authority herein conferred shall include the Cornell Reef, Portchester,
10 Great Captain's Island, Field Point and Greenwich Point natural beds
11 as located and described in section 3295 of the general statutes,
12 revision of 1918. Any person desiring to lease grounds for such

13 purpose shall make application in writing to the commissioner and all
14 grounds leased by authority of the provisions of this section shall be
15 leased to the highest responsible bidder, for a minimum fee of two
16 dollars per acre. The form of such application and lease shall be
17 approved by the Attorney General, and all such leases shall be
18 recorded in the records of the commissioner. No lease shall be granted
19 to a resident of a state which does not lease shellfish grounds to
20 residents of this state, except that any nonresident who was granted a
21 lease on or before October 1, 1985, may, upon the expiration of such
22 lease, apply for a renewal or further lease as provided in this section.
23 The commissioner shall grant any such lease to nonresidents upon the
24 same terms and conditions as to residents of this state. Any lessee or
25 holder of oyster ground, on the expiration of any lease thereof which
26 has been or which may be granted, shall, upon application to the
27 commissioner, have the preference in the reletting of such ground for a
28 like term to that granted in the original lease, unless such applicant, at
29 the time for granting such application, is in arrears for rent on the
30 original lease of such ground. Such application for such renewal or
31 further lease shall be granted without notice or advertisement of the
32 pendency thereof; provided no renewal or further lease of such ground
33 shall be granted when the commissioner, for cause, ceases to lease such
34 ground for oyster culture. All assignments or transfers of leases shall
35 be subject to the approval of the commissioner and shall be recorded in
36 his records. Any person who interferes with, annoys or molests
37 another in the enjoyment of any lease authorized by the provisions of
38 this section shall be subject to the penalties provided in section 26-237.
39 The provisions of sections 26-212, 26-215 and 26-232 shall not apply to
40 any shellfish grounds leased pursuant to the provisions of this section.

41 (b) The commissioner may designate an agent within the
42 department to exercise the authority of said commissioner under this
43 section.

44 (c) Any person granted a lease under the provisions of this section
45 shall submit quarterly and annual reports to the Bureau of
46 Aquaculture and Laboratory Services at the Department of

47 Agriculture. Such reports shall be made upon a form prescribed by the
48 Commissioner of Agriculture and include information relating to all
49 activities on the leased area by such lessee, including, but not limited
50 to, cultivation, transplanting and marketing.

This act shall take effect as follows:	
Section 1	October 1, 2003

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Agriculture	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

It is anticipated that any increased costs to the Department of Agriculture relating to the development and submittal of forms to the agency will increase costs. Costs are estimated at less than \$1,500.

OLR Bill Analysis

sSB 665

AN ACT REQUIRING REPORTING BY PERSONS ENGAGED IN AQUACULTURE**SUMMARY:**

This bill requires anyone who leases a shellfish bed from the state to submit quarterly and annual reports to the agriculture department's Bureau of Aquaculture and Laboratory Services. The reports must (1) include information about all of the lessee's activities on the bed, including cultivation, transplantation, and marketing and (2) be made upon forms the agriculture commissioner prescribes.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***Legislative History***

On April 23, the Senate referred the bill (File 430), to the Government Administration and Elections Committee. On April 30, the committee reported a substitute bill, eliminating provisions exempting from disclosure under the Freedom of Information Act (1) the reports and (2) any records of leased shellfish beds submitted to the bureau pertaining to cultivation, transplanting, and marketing that could affect the integrity and preservation of the leased area.

COMMITTEE ACTION

Environment Committee

Joint Favorable Report
Yea 27 Nay 0

Government Administration and Elections Committee

Joint Favorable Substitute
Yea 18 Nay 0

