



General Assembly

January Session, 2003

**Amendment**

LCO No. 7408

\*SB0101807408HDO\*

Offered by:

REP. WIDLITZ, 98<sup>th</sup> Dist.

SEN. WILLIAMS, 29<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1018

File No. 462

Cal. No. 598

(As Ameded)

**"AN ACT CONCERNING THE PROTECTION OF LONG ISLAND SOUND."**

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1 Strike section 2 in its entirety and insert the following in lieu thereof:

2 "Sec. 2. Section 26-194 of the general statutes is repealed and the  
3 following is substituted in lieu thereof (*Effective from passage*):

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

13 revision of 1918. Any person desiring to lease grounds for such  
14 purpose shall make application in writing to the commissioner and all  
15 grounds leased by authority of the provisions of this section shall be  
16 leased to the highest responsible bidder, for a minimum fee of two  
17 dollars per acre. Such lease or lease renewal shall require the lessee to  
18 make a good faith effort to cultivate and harvest shellfish from the  
19 leased area. Such lease or lease renewal shall prohibit the lessee from  
20 entering a contract whereby the lessee agrees not to cultivate and  
21 harvest shellfish for any period of time. No lessee may enter an  
22 agreement with a third party that will prevent the lessee from carrying  
23 out the lessee's obligations under the lease unless the Department of  
24 Agriculture and the Attorney General have approved such agreement.  
25 The form of such application and lease shall be approved by the  
26 Attorney General, and all such leases shall be recorded in the records  
27 of the commissioner. No lease shall be granted to a resident of a state  
28 which does not lease shellfish grounds to residents of this state, except  
29 that any nonresident who was granted a lease on or before October 1,  
30 1985, may, upon the expiration of such lease, apply for a renewal or  
31 further lease as provided in this section. The commissioner shall grant  
32 any such lease to nonresidents upon the same terms and conditions as  
33 to residents of this state. Any lessee or holder of oyster ground, on the  
34 expiration of any lease thereof which has been or which may be  
35 granted, shall, upon application to the commissioner, have the  
36 preference in the reletting of such ground for a like term to that  
37 granted in the original lease, unless such applicant, at the time for  
38 granting such application, is in arrears for rent on the original lease of  
39 such ground. Such application for such renewal or further lease shall  
40 be granted without notice or advertisement of the pendency thereof;  
41 provided no renewal or further lease of such ground shall be granted  
42 when the commissioner, for cause, ceases to lease such ground for  
43 oyster culture. All assignments or transfers of leases shall be subject to  
44 the approval of the commissioner and shall be recorded in his records.  
45 Any person who interferes with, annoys or molests another in the  
46 enjoyment of any lease authorized by the provisions of this section  
47 shall be subject to the penalties provided in section 26-237. The

48 provisions of sections 26-212, 26-215 and 26-232 shall not apply to any  
49 shellfish grounds leased pursuant to the provisions of this section.

50 (b) Notwithstanding the provisions of subsection (a) of this section,  
51 any owner of a utility line or public use structure that impacts on a  
52 leased area shall pay to the lessee the costs of removing or relocating  
53 any shellfish. Nothing in this subsection shall be construed to prohibit  
54 the state or any lessee from recovering damages incurred by the state  
55 or the lessee caused by the installation, construction or presence of  
56 such utility line or public use structure.

57 [(b)] (c) The commissioner may designate an agent within the  
58 department to exercise the authority of said commissioner under this  
59 section."