



General Assembly

February Session, 2004

Amendment

LCO No. 4674

SB0058904674SD0

Offered by:

SEN. WILLIAMS, 29th Dist.

To: Subst. Senate Bill No. 589

File No. 388

Cal. No. 277

"AN ACT CONCERNING THE PRESERVATION OF THE FAMILY FARM."

1 Strike lines 37 to 53, inclusive, in their entirety and renumber
2 remaining sections and internal references accordingly

3 Strike lines 103 to 133, inclusive, in their entirety and renumber
4 remaining sections and internal references accordingly

5 After the last section, add the following and renumber sections and
6 internal references accordingly:

7 "Sec. 501. Section 25-157 of the general statutes, as amended by
8 section 6 of public act 03-123 and section 1 of public act 03-148, is
9 repealed and the following is substituted in lieu thereof (*Effective from*
10 *passage*):

11 Notwithstanding any other provision of the general statutes, no
12 state agency, including, but not limited to, the Department of
13 Environmental Protection and the Connecticut Siting Council, shall

14 consider or render a final decision for any applications relating to
15 electric power line crossings, gas pipeline crossings or
16 telecommunications crossings of Long Island Sound that has required
17 or will require a certificate issued pursuant to section 16-50k, as
18 amended, or approval by the Federal Energy Regulatory Commission
19 including, but not limited to, electrical power line, gas pipeline or
20 telecommunications applications that are pending or received after
21 June 3, 2002, for a period of [two] three years after June 3, 2002. Such
22 moratorium shall not apply to applications relating solely to the
23 maintenance, repair or replacement necessary for repair of electrical
24 power lines, gas pipelines or telecommunications facilities currently
25 used to provide service to customers located on islands or peninsulas
26 off the Connecticut coast or harbors, embayments, tidal rivers, streams
27 or creeks. An applicant may seek a waiver of such moratorium by
28 submitting a petition to the following: The chairpersons and ranking
29 members of the joint standing committees of the General Assembly
30 having cognizance of matters relating to energy and the environment,
31 the chairman of the Connecticut Siting Council, the chairperson of the
32 Public Utilities Control Authority, the Commissioner of Environmental
33 Protection, and any other state agency head with jurisdiction over the
34 subject of the petition. Such persons may grant a petition for a waiver
35 by unanimous consent. Nothing in section 16-244j, this section or
36 sections 25-157a to 25-157c, inclusive, as amended, shall be construed
37 to affect the project in the corridor across Long Island Sound, from
38 Norwalk to Northport, New York, to replace the existing electric cables
39 that cross the sound.

40 Sec. 502. Section 26-194 of the general statutes, as amended by
41 section 2 of public act 03-263 and section 146 of public act 03-6 of the
42 June 30 special session, is repealed and the following is substituted in
43 lieu thereof (*Effective July 1, 2004*):

44 (a) The Commissioner of Agriculture and Consumer Protection may
45 lease in the name of the state, under such regulations as he may
46 prescribe and for a period not longer than ten years, all shellfish areas
47 that have been conveyed to the state or placed under state jurisdiction

48 by the town of West Haven and any undesignated grounds, within the
49 exclusive jurisdiction of the state, for the purpose of planting and
50 cultivating shellfish. The authority herein conferred shall include the
51 Cormell Reef, Portchester, Great Captain's Island, Field Point and
52 Greenwich Point natural beds as located and described in section 3295
53 of the general statutes, revision of 1918. Any person desiring to lease
54 grounds for such purpose shall make application in writing to the
55 commissioner and all grounds leased by authority of the provisions of
56 this section shall be leased to the highest responsible bidder, for a
57 minimum fee of two dollars per acre. Such lease or lease renewal shall
58 require the lessee to make a good faith effort to cultivate and harvest
59 shellfish from the leased area. Such lease or lease renewal shall
60 prohibit the lessee from entering a contract whereby the lessee agrees
61 not to cultivate and harvest shellfish for any period of time. No lessee
62 may enter an agreement with a third party that will prevent the lessee
63 from carrying out the lessee's obligations under the lease unless the
64 Department of Agriculture and Consumer Protection and the Attorney
65 General have approved such agreement. The form of such application
66 and lease shall be approved by the Attorney General, and all such
67 leases shall be recorded in the records of the commissioner. No lease
68 shall be granted to a resident of a state which does not lease shellfish
69 grounds to residents of this state, except that any nonresident who was
70 granted a lease on or before October 1, 1985, may, upon the expiration
71 of such lease, apply for a renewal or further lease as provided in this
72 section. The commissioner shall grant any such lease to nonresidents
73 upon the same terms and conditions as to residents of this state. Any
74 lessee or holder of oyster ground, on the expiration of any lease thereof
75 which has been or which may be granted, shall, upon application to
76 the commissioner, have the preference in the reletting of such ground
77 for a like term to that granted in the original lease, unless such
78 applicant, at the time for granting such application, is in arrears for
79 rent on the original lease of such ground. Such application for such
80 renewal or further lease shall be granted without notice or
81 advertisement of the pendency thereof; provided no renewal or further
82 lease of such ground shall be granted when the commissioner, for

83 cause, ceases to lease such ground for oyster culture. All assignments
84 or transfers of leases shall be subject to the approval of the
85 commissioner and shall be recorded in his records. Any person who
86 interferes with, annoys or molests another in the enjoyment of any
87 lease authorized by the provisions of this section shall be subject to the
88 penalties provided in section 26-237. The provisions of sections 26-212,
89 as amended, 26-215, as amended, and 26-232, as amended, shall not
90 apply to any shellfish grounds leased pursuant to the provisions of this
91 section.

92 (b) Notwithstanding the provisions of subsection (a) of this section,
93 any owner of a utility line or public use structure that impacts on a
94 leased area shall pay to the lessee the costs of removing or relocating
95 any shellfish. Nothing in this subsection shall be construed to prohibit
96 the state or any lessee from recovering damages incurred by the state
97 or the lessee caused by the installation, construction or presence of
98 such utility line or public use structure.

99 (c) The Commissioner of Agriculture and Consumer Protection shall
100 assess the owner of any facility that requires a certificate issued
101 pursuant to section 16-50k, as amended, or that requires approval by
102 the Federal Energy Regulatory Commission and that crosses any
103 grounds of Long Island Sound within the jurisdiction of the state,
104 including, but not limited to, any shellfish area or leased, designated or
105 granted grounds, an annual host payment fee of forty cents per linear
106 foot for the length of such facility within the jurisdiction of the state.
107 The Commissioner of Agriculture and Consumer Protection shall
108 deposit seventy-five per cent of the proceeds of such fee into the
109 expand and grow Connecticut agriculture account established
110 pursuant to section 504 of this act and shall transfer the remaining
111 twenty-five per cent to the Commissioner of Environmental Protection
112 for deposit into the Environment Quality Fund established pursuant to
113 section 22a-27g, as amended by this act.

114 [(c)] (d) The [commissioner] Commissioner of Agriculture and
115 Consumer Protection may designate an agent within the department to

116 exercise the authority of said commissioner under this section.

117 Sec. 503. Subsection (b) of section 22a-27g of the general statutes is
118 repealed and the following is substituted in lieu thereof (*Effective July*
119 *1, 2004*):

120 (b) Notwithstanding any provision of the general statutes, [to the
121 contrary,] on and after July 1, 1990, the amount of any fee received by
122 the Department of Environmental Protection which is attributable to
123 the provisions of sections 22a-6, as amended, 22a-6d, 22a-27i, 22a-134e,
124 as amended, 22a-135, as amended, 22a-148, as amended, 22a-150, as
125 amended, 22a-174, as amended, 22a-174a, as amended, 22a-208a, 22a-
126 342, as amended, 22a-363c, as amended, 22a-372, as amended, 22a-379,
127 as amended, 22a-409, as amended, 22a-430, as amended, 22a-449, as
128 amended, 22a-454 to 22a-454c, inclusive, as amended, [and] 22a-361,
129 as amended, and section 26-194, as amended by this act, or any
130 regulation adopted or amended pursuant to section 22a-6, as amended,
131 or pursuant to any other provision of this title, shall be deposited
132 directly into the Environmental Quality Fund established by
133 subsection (a) of this section and credited to the environmental quality
134 account. The Commissioner of Environmental Protection shall
135 annually certify to the Treasurer, with respect to each such fee received
136 on and after July 1, 1990, the amount of such fee which shall be
137 credited to the General Fund.

138 Sec. 504. (NEW) (*Effective July 1, 2004*) There shall be an expand and
139 grow Connecticut agriculture account, which shall be a separate,
140 nonlapsing account within the General Fund. Funds received pursuant
141 to section 26-194, as amended by this act, shall be deposited into said
142 account. The Commissioner of Agriculture and Consumer Protection
143 may make payments from said account to fund the programs
144 established in section 4 of this act."