



General Assembly

Amendment

January Session, 2013

LCO No. 7321

SB0080307321SD0

Offered by:

SEN. MEYER, 12th Dist.
SEN. CHAPIN, 30th Dist.
SEN. DUFF, 25th Dist.
SEN. MAYNARD, 18th Dist.

REP. ALBIS, 99th Dist.
REP. SHABAN, 135th Dist.
REP. BACKER, 121st Dist.
REP. WRIGHT E., 41st Dist.

To: Subst. Senate Bill No. 803

File No. 650

Cal. No. 120

"AN ACT CONCERNING ENTREPRENEURIAL PROGRAMS FOR THE NEXT GENERATION OF OYSTER HARVESTERS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (c) of section 26-194 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (c) The Commissioner of Agriculture shall assess the owner of any
7 facility that requires a certificate issued pursuant to section 16-50k or
8 that requires approval by the Federal Energy Regulatory Commission
9 and that crosses any grounds of Long Island Sound within the
10 jurisdiction of the state, including, but not limited to, any shellfish area
11 or leased, designated or granted grounds, an annual host payment fee
12 of forty cents per linear foot for the length of such facility within the

13 jurisdiction of the state. [The Commissioner of Agriculture shall
14 deposit seventy-five per cent of the proceeds of such fee into the
15 expand and grow Connecticut agriculture account established
16 pursuant to section 22-38c and shall transfer the remaining twenty-five
17 per cent to the General Fund.] Seventy-five per cent of the proceeds of
18 such fee shall be deposited in the Shellfish Fund, established pursuant
19 to section 26-237b, and in the expand and grow Connecticut
20 agriculture account, established in section 22-38c. The commissioner
21 shall determine the portion of such seventy-five per cent that shall be
22 deposited in each account. The commissioner shall transfer the
23 remaining twenty-five per cent of such proceeds to the General Fund.

24 Sec. 2. Section 22-11i of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective from passage*):

26 (a) As used in this section:

27 (1) "Aquaculture producer" means any person who engages in the
28 controlled rearing, cultivation and harvesting of aquatic animals or
29 plants in land-based or marine-based culture systems, tanks,
30 containers, impoundments, floating or submerged nets or pens and
31 ponds.

32 (2) "Aquatic animals" means fresh or saltwater finfish, crustaceans
33 and other forms of aquatic life, including jellyfish, sea cucumber and
34 sea urchin, and the roe of such animals, and all mollusks, which are
35 intended for human consumption. "Aquatic animals" does not include
36 birds or mammals.

37 (3) "Aquatic plants" means fresh or saltwater algae and plants,
38 including, but not limited to, aquatic macrophyte, microalgae and
39 macroalgae (seaweed) species intended for sea vegetable, biofuel,
40 animal feed, fertilizer, medical, industrial or other commercial
41 applications.

42 (4) "Seaweed" means any species of marine macroalgae approved by
43 the Commissioner of Agriculture for cultivation in the waters of Long

44 Island Sound.

45 (5) "Seaweed producer" means any person who engages in the
46 controlled rearing, cultivation and harvesting of seaweed.

47 (b) The Commissioner of Agriculture shall license and inspect
48 aquaculture producers. The commissioner may prescribe the length of
49 term, fee and application for such license. To receive an aquaculture
50 producer license from the commissioner, each aquaculture producer
51 shall: (1) Possess a registration with the United States Food and Drug
52 Administration as a food facility, (2) meet all processing standards and
53 inspection procedures for seafood processing facilities, including, but
54 not limited to, compliance with the provisions of 21 CFR 123--Fish and
55 Fishery Products, Subpart A and the United States Food and Drug
56 Administration's Food Code, as from time to time amended, and (3)
57 pass an inspection conducted by the Department of Consumer
58 Protection prior to the issuance of such license by the commissioner.
59 The provisions of subdivision (2) of this subsection shall not apply to
60 any seaweed or aquatic plant producer who possesses a valid license
61 issued by the commissioner.

62 (c) Prior to receiving a license from the commissioner to be a
63 seaweed or aquatic plant producer, an applicant shall receive species
64 approval from the commissioner.

65 [(c)] (d) The Commissioner of Agriculture, in accordance with
66 chapter 54 and in consultation with the Commissioner of Consumer
67 Protection, may adopt regulations to implement the provisions of this
68 section.

69 Sec. 3. (NEW) (*Effective from passage*) (a) The Commissioner of
70 Agriculture may issue a nontransferable license, in the name of the
71 state, under such policies as the commissioner may prescribe and for a
72 period of not greater than five years and an annual license fee of
73 twenty-five dollars per acre, for the planting and cultivating of
74 seaweed in any area within Connecticut's coastal waters. Any person

75 who has a shellfishing ground lease authorized pursuant to section 26-
76 194 or 26-257a of the general statutes, as amended by this act, shall not
77 be required to remit such annual license fee. Any person licensed
78 pursuant to this section may buy, possess, ship, transport or sell
79 seaweed that meets the applicable requirements of sections 22-11h and
80 22-11i of the general statutes, as amended by this act, and any
81 regulation adopted pursuant to said sections 22-11h and 22-11i. For the
82 purpose of this section, "seaweed" means seaweed, as defined in
83 section 22-11i of the general statutes, as amended by this act.

84 (b) The General Joint Aquaculture Programmatic Permit Process
85 Review of the Department of Agriculture's Bureau of Aquaculture, the
86 Department of Energy and Environmental Protection's Office of Long
87 Island Sound Programs, and the Army Corps of Engineers may subject
88 any such licensee to the requirements of sections 22a-359 to 22a-363f,
89 inclusive, of the general statutes.

90 (c) Any such license or license renewal, issued pursuant to this
91 section, shall require the licensee to make a good faith effort to
92 cultivate and harvest seaweed from the licensed area. Any licensee
93 who fulfills all of his or her obligations pursuant to said license, upon
94 the expiration of said license, shall be given preference by the
95 commissioner in the relicensing of such ground for a like term and
96 purpose as that granted in the original license. The commissioner shall
97 not renew the license of any licensee who fails to remit the license fee
98 required pursuant to this section. No application for the renewal of a
99 license pursuant to this section shall be granted without notice or
100 advertisement of the pendency thereof by the commissioner. No
101 renewal of a license for grounds previously leased pursuant to this
102 section shall be granted when the commissioner, for cause, determines
103 to cease licensure of such grounds for seaweed culture.

104 (d) In no instance shall the Commissioner of Agriculture grant a
105 license to cultivate seaweed pursuant to this section such that the grant
106 of such license interferes with an established right of fishing or an
107 established right of shellfishing. Any license issued pursuant to this

108 section that interferes with an established right of fishing or an
 109 established right of shellfishing shall be void.

110 (e) Any person who interferes with, annoys or molests another in
 111 the enjoyment of any license issued pursuant to this section shall be
 112 fined not more than five hundred dollars or imprisoned not more than
 113 six months or both.

114 (f) The Commissioner of Agriculture may adopt regulations,
 115 pursuant to chapter 54 of the general statutes, to implement the
 116 provisions of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	26-194(c)
Sec. 2	<i>from passage</i>	22-11i
Sec. 3	<i>from passage</i>	New section