



General Assembly

**Amendment**

January Session, 2013

LCO No. 7110

**\*SB0080307110SD0\***

Offered by:

SEN. MEYER, 12<sup>th</sup> Dist.  
SEN. CHAPIN, 30<sup>th</sup> Dist.  
SEN. DUFF, 25<sup>th</sup> 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4 repealed and the following is substituted in lieu thereof (*Effective from*  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 Section 22-11i of the general statutes is repealed and the  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