



General Assembly

February Session, 2014

Raised Bill No. 5085

LCO No. 977



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING SHELLFISH GROUNDS LEASES BY THE DEPARTMENT OF AGRICULTURE.

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

1 Section 1. Subsection (a) of section 26-194 of the 2014 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

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

16 grounds leased by authority of the provisions of this section shall be
17 leased to the highest responsible bidder, for a minimum fee of four
18 dollars per acre. Such lease or lease renewal shall require the lessee to
19 make a good faith effort to cultivate and harvest shellfish from the
20 leased area. Such lease or lease renewal shall prohibit the lessee from
21 entering a contract whereby the lessee agrees not to cultivate and
22 harvest shellfish for any period of time. No lessee may enter an
23 agreement with a third party that will prevent the lessee from carrying
24 out the lessee's obligations under the lease unless the Department of
25 Agriculture and the Attorney General have approved such agreement.
26 The form of such application and lease shall be approved by the
27 Attorney General, and all such leases shall be recorded in the records
28 of the commissioner. No lease shall be granted to a resident of a state
29 which does not lease shellfish grounds to residents of this state, except
30 that any nonresident who was granted a lease on or before October 1,
31 1985, may, upon the expiration of such lease, apply for a renewal or
32 further lease as provided in this section. The commissioner shall grant
33 any such lease to nonresidents upon the same terms and conditions as
34 to residents of this state. Any lessee or holder of shellfish grounds, on
35 the expiration of any lease thereof which has been or which may be
36 granted, having fulfilled all of such lessee's or holder's obligations
37 under the lease shall, upon application to the commissioner, have
38 preference in the reletting of such ground for a like term to that
39 granted in the original lease, excluding the rental fee, which shall not
40 be less than the minimum fee per acre as provided in this subsection. A
41 lease renewal shall not be granted if the applicant is in arrears for rent
42 on the original lease of such grounds. The commissioner may deny the
43 renewal of any such lease if the lessee or holder of shellfish grounds is:
44 (1) In default in the payment of rent for any shellfish grounds of this
45 state, (2) in default in the performance of any covenant of such a lease
46 of shellfish grounds in this state, or (3) the principal or corporate
47 officer of any business entity that holds such a lease of shellfish
48 grounds in this state and such business entity is in default in the
49 payment of rent for such lease or is in default on the performance of

50 any covenant of such lease. Such application for such renewal or
51 further lease shall be granted without notice or advertisement of the
52 pendency thereof; provided no renewal or further lease of such ground
53 shall be granted when the commissioner, for cause, ceases to lease such
54 ground for shellfish culture. All assignments or transfers of leases shall
55 be subject to the approval of the commissioner and shall be recorded in
56 his records. Any person who interferes with, annoys or molests
57 another in the enjoyment of any lease authorized by the provisions of
58 this section shall be subject to the penalties provided in section 26-237.
59 The provisions of sections 26-212, 26-215 and 26-232 shall not apply to
60 any shellfish grounds leased pursuant to the 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(a)

Statement of Purpose:

To clarify the right of the Commissioner of Agriculture to not renew certain shellfish grounds leases.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]