



Senate

General Assembly

File No. 144

January Session, 2021

Senate Bill No. 840

Senate, March 25, 2021

The Committee on Environment reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING CONNECTICUT'S SHELLFISH RESTORATION PROGRAM AND THE CONNECTICUT SEAFOOD COUNCIL.

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

1 Section 1. Section 26-237a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 There is established within the Department of Agriculture a program
4 to purchase and acquire shell or other cultch material for deposit on
5 state shellfish beds. The program shall also include the purchase of
6 management supplies, materials and spawn oyster stock. Pursuant to
7 such program, the Commissioner of Agriculture may contract for the
8 use of a shell recovery vessel to collect and deposit shell on shellfish
9 beds. Additionally, under such program, the department may receive
10 and deposit on shellfish beds cultch from oyster shell recycling
11 programs administered or authorized by the department.

12 Sec. 2. Section 26-237b of the general statutes is repealed and the

13 following is substituted in lieu thereof (*Effective October 1, 2021*):

14 (a) There is established and created a fund to be known as the
15 "Shellfish Fund". The proceeds of any bonds authorized for the purpose
16 of section 26-237a, as amended by this act, and any private, state or
17 federal grants or direct funding received or awarded for the purposes of
18 section 26-237a, as amended by this act, shall be deposited in the fund.
19 Any balance remaining in said fund at the end of any fiscal year shall be
20 carried forward in said fund for the fiscal year next succeeding.

21 (b) The fund shall be used by the Commissioner of Agriculture for
22 the program established under section 26-237a, as amended by this act,
23 including, but not limited to, the support of an oyster shell recycling
24 program administered by the Department of Agriculture in partnership
25 with any other person.

26 Sec. 3. Section 22-455 of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective October 1, 2021*):

28 (a) There is established a Connecticut Seafood [Advisory]
29 Development Council to assist in the promotion of Connecticut seafood
30 products and examine market opportunities. The development council
31 shall be within the Department of Agriculture. The [advisory]
32 development council shall consist of [one freshwater fish producer
33 appointed by the Governor, two finfish, shellfish or lobster harvesters
34 or representatives of harvester organizations appointed one each by the
35 speaker and majority leader of the House of Representatives, two
36 finfish, shellfish or lobster processors or representatives of processor
37 organizations appointed one each by the minority leaders of the Senate
38 and House of Representatives, one retailer serving restaurants or
39 representing a restaurant organization appointed by the president pro
40 tempore of the Senate, one member at-large appointed by the majority
41 leader of the Senate, and four nonvoting members one of whom shall
42 represent the Department of Energy and Environmental Protection, one
43 the Department of Economic and Community Development and one the
44 Department of Agriculture and one the Sea Grant Program at The
45 University of Connecticut. The advisory council shall be within the

46 Department of Agriculture.] the following thirteen members: (1) The
 47 Commissioner of Agriculture, or the commissioner's designee; (2) the
 48 Commissioner of Economic and Community Development, or the
 49 commissioner's designee; (3) the Commissioner of Energy and
 50 Environmental Protection, or the commissioner's designee; (4) the
 51 director of the Sea Grant Program at The University of Connecticut, or
 52 the director's designee; (5) one freshwater finfish producer appointed by
 53 the Governor; (6) one aquaculture finfish producer appointed by the
 54 speaker of the House of Representatives; (7) one commercial marine
 55 finfish harvester appointed by the majority leader of the House of
 56 Representatives; (8) one commercial lobster harvester appointed by the
 57 minority leader of the House of Representatives; (9) one shellfish
 58 wholesale dealer appointed by the Commissioner of Agriculture; (10)
 59 one representative of the Connecticut Restaurant Association; (11) one
 60 small-scale aquaculture producer appointed by the president pro
 61 tempore of the Senate; (12) one seaweed aquaculture producer
 62 appointed by the majority leader of the Senate; and (13) one shellfish
 63 harvester appointed by the minority leader of the Senate. The
 64 Commissioner of Agriculture, or the commissioner's designee, shall
 65 serve as the chairperson of the development council.

66 (b) The development council may receive state, federal and municipal
 67 funds and funds from any nonprofit or nongovernmental organization.
 68 Such funds may be expended as necessary to perform the development
 69 council's duties pursuant to this section. The development council may
 70 seek funding for and provide financial support to organizations for
 71 activities directly related to seafood production and any related
 72 products.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	26-237a
Sec. 2	October 1, 2021	26-237b
Sec. 3	October 1, 2021	22-455

ENV Joint Favorable

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill expands the state's shellfish restoration program by allowing the Department of Agriculture (DoAg) to perform several additional activities.

Section 1 allows the Department of Agriculture (DoAg) to obtain shellfish cultch for deposit on shellfish beds in addition to purchasing it. This has no fiscal impact since it codifies current practice. The agency is currently collecting shellfish cultch from municipalities by sweeping public beaches.

This section also allows DoAg to contract with a shell recovery vessel to collect and deposit shell on shellfish beds. This has no fiscal impact to the General Fund since any new contracts would be funded through the "Shellfish Fund". It may, however, result in increased costs to the Shellfish Fund which is a separate, nonlapsing account of the General Fund administered by DoAg. The balance in this account is currently \$70,577.

Section 2 allows DoAg to seek new private, state, or federal grants for deposit into the Shellfish Fund. This may result in a revenue gain to the Shellfish Fund to the extent additional revenue is generated from these sources. Any revenue from these grants would be expected to offset any costs to the Shellfish Fund discussed in Section 1.

Lastly, **Section 3** restores the Connecticut Seafood Advisory Council and renames it the Connecticut Seafood Development Council. This has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 840*****AN ACT CONCERNING CONNECTICUT'S SHELLFISH RESTORATION PROGRAM AND THE CONNECTICUT SEAFOOD COUNCIL.*****SUMMARY**

This bill expands Connecticut's shellfish restoration program by allowing the Department of Agriculture (DoAg) to do the following:

1. acquire, in addition to purchase as under existing law, shell or other cultch material to deposit on state shellfish beds;
2. contract to use a shell recovery vessel to collect and deposit shell on the beds; and
3. receive and deposit on the beds cultch from oyster shell recycling programs DoAg administers or authorizes.

The bill requires private, state, or federal grants and other direct funding for the shellfish restoration program to be deposited in the Shellfish Fund, which DoAg uses to operate the program. It explicitly allows DoAg to use the fund for an oyster shell recycling program it administers with any other person.

Lastly, the bill reconstitutes the Connecticut Seafood Advisory Council and renames it the Connecticut Seafood Development Council. By law, the council, which is within DoAg, must help promote Connecticut seafood products and examine market opportunities.

EFFECTIVE DATE: October 1, 2021

CONNECTICUT SEAFOOD DEVELOPMENT COUNCIL

The bill increases the council's membership from 11 to 13 members.

Current law includes four nonvoting members representing DoAg, the Department of Economic and Community Development (DECD), the Department of Energy and Environmental Protection (DEEP), and the UConn Sea Grant Program. The bill instead includes, as voting members, the DoAg, DECD, and DEEP commissioners and the Sea Grant Program’s director, or their designees.

Under the bill, various authorities appoint the remaining nine members, who must meet specified qualifications. The below table compares the appointments under the bill with those under current law.

Connecticut Seafood Development Council Appointments

Appointing Authority	Current Law	The Bill
Governor	One freshwater fish producer	One freshwater finfish producer
House speaker	One finfish, shellfish, or lobster harvester or harvester organization representative	One aquaculture finfish producer
House majority leader	One finfish, shellfish, or lobster harvester or harvester organization representative	One commercial marine finfish harvester
House minority leader	One finfish, shellfish, or lobster processor or processor organization representative	One commercial lobster harvester
Senate president pro tempore	One retailer who serves restaurants or represents a restaurant organization	One small scale aquaculture producer
Senate majority leader	One member-at-large	One seaweed aquaculture producer
Senate minority leader	One finfish, shellfish, or lobster processor or processor organization representative	One shellfish harvester

DoAg commissioner	None	One shellfish wholesale dealer
Connecticut Restaurant Association	None	One representative of the association

The bill requires the DoAg commissioner or his designee to serve as council chairperson.

By law, the council may use federal, state, or other funds and may enter into contracts to carry out its purposes. The bill specifically allows the council to receive state, federal, or municipal funds and funds from any nonprofit or nongovernmental organization and spend those funds to perform its duties. It also allows the council to seek funding for and provide financial support to organizations for activities directly related to seafood production and related products.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 31 Nay 1 (02/26/2021)