

Act Number: 09-195

Bill Number: 5211

Senate Pages: 6095, 6100-6102 **4**

House Pages: 9906-9910 **5**

Committee: Environment: 1612, 1898 **2**

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Thank you, Mr. President. Mr. President, now moving to items on the agenda, first of all, on Senate agenda number one, Mr. President, would move to take up House Bill 5211 for purposes of moving it to the Consent Calendar.

THE CHAIR:

There is a motion to place House Bill number 5211 from Senate Agenda number one onto the Consent Calendar. I believe, Senator Looney, you need to suspend the rules on that one first.

SENATOR LOONEY:

Yes, move for a suspension for that purpose, Mr. President.

THE CHAIR:

There is a motion on the floor to suspend the rules to move House bill number 5211 onto the Consent Calendar. Seeing no objection, Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, thank you. Also, Mr. President, on Senate Agenda number one, move to take up Senate bill 880 for purposes of moving it to the Consent Calendar.

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Back on Calendar page 18, Calendar 719, House Bill 6676 is marked go and Calendar page 33, Calendar 354, Senate bill 499 is marked go.

Yes, Mr. President, thank you. At this point if the Clerk might call the items on the Consent Calendar.

THE CHAIR:

Mr. Clerk, please call the Consent Calendar.

THE CLERK:

Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Mr. President, the items placed on the first Consent Calendar begin on Senate Agenda number one, Substitute for House bill 5211, Substitute for House bill 6672 and Senate bill 880.

From Senate Agenda number two, Substitute for House bill 6481 and Senate bill 1128.

Going to Senate Calendar, calendar page 229, Substitute for Senate bill 549. Calendar 229, substitute for Senate bill 547. Calendar page 7,

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Calendar 602, substitute for House bill 6584.

Calendar page 10, Calendar 639, House bill 6684.

Calendar page 12, Calendar 667, substitute for House bill 6539. Calendar page 13, Calendar 678, substitute for House bill 6306. Calendar 679, substitute for House bill 6279 and Calendar 682, substitute for House bill 6041. Calendar page 14, Calendar 692, House bill 6248. Calendar page 15, Calendar 700, substitute for House bill 6693. Calendar 701, substitute for House bill 6642. Calendar page 17, Calendar 714, substitute for House bill 6280. Calendar page 21, Calendar 735, House bill 6523. Calendar page 26, Calendar 337, Senate bill 1047.

THE CHAIR:

Sir, I believe that was 377.

THE CLERK:

Yes, Mr. President, Calendar 377, Senate bill 1047. And Calendar page 33, Calendar 378, substitute for Senate bill 1048. Mr. President, that completes the items placed on the first Consent Calendar.

THE CHAIR:

Please call for Roll Call vote.

Please call for a Roll Call vote on Consent number

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one, the machine will be open.

THE CLERK:

The Senate is now voting by Roll Call on the Consent Calendar. Will all Senators please return to the Chamber? The Senate is now voting by Roll Call. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote, the machine will be locked, the Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number One.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number One passes.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President, would move for immediate transmittal to the House of Representatives

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Yes, thank you, Mr. Speaker. I'd like to cast my vote in the affirmative.

SPEAKER DONOVAN:

Representative, the Transcript will so note.

REP. JOHNSON (49th):

Thank you.

SPEAKER DONOVAN:

Representative Kehoe.

REP. KEHOE (31st):

I wish to be recorded in the affirmative, please.

SPEAKER DONOVAN:

The Transcript will so note.

Will the Clerk please call Calendar Number 387.

THE CLERK:

On Page 37, Calendar Number 387, Substitute for House Bill Number 5211 AN ACT CONCERNING LOCAL SHELFISH COMMISSIONS. Favorable Report of the Committee on Planning and Development.

SPEAKER DONOVAN:

Representative Richard Roy, you have the floor, sir.

REP. ROY (119th):

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Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

SPEAKER DONOVAN:

The question is acceptance of the Joint Committee's Favorable Report and passage of the Bill. Will you remark, sir.

REP. ROY (119th):

Thank you. Simply, Mr. Speaker, what this Bill does is requires that reports from the Shellfish Commissions across the state, to the Department of Agriculture be in writing and be subject to Freedom of Information Act.

I move passage.

SPEAKER DONOVAN:

Thank you, Representative. Do you care to remark further? Care to remark further? Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker, good afternoon.

SPEAKER DONOVAN:

Good afternoon, sir.

REP. MINER (66th):

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I rise in support of the underlying Bill. And in an attempt to make it even just a little bit better, I would ask the Clerk would call LCO Number 9302 and I be allowed to summarize, please.

SPEAKER DONOVAN:

Will the Clerk please call LCO Number 9302, which is designated House Amendment Schedule "A".

THE CLERK:

LCO Number 9302, House "A", offered by
Representatives Roy, Widlitz and Miner.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize. Is there objection? Hearing none, Representative Miner, you may proceed with summarization.

REP. MINER (66th):

Thank you, Mr. Speaker. Over a number of times, the Legislature has, through legislation, authorized the Commissioner to transfer different commercial fishing licenses and this is just another one of those instances in Lines 45 on through 50 of the Amendment, this authorizes the Commissioner to do just that, which is to transfer commercial fishing licenses.

And I move adoption.

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SPEAKER DONOVAN:

The question is on adoption of House Amendment Schedule "A". Do you care to remark further? Do you care to remark further on the Amendment?

Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker. Mr. Speaker, I view this as a friendly Amendment, and ask my colleagues to join me in approving it.

SPEAKER DONOVAN:

Thank you. Do you care to remark further on the Amendment? Care to remark further on the Amendment?

If not, let me try your minds. All those in favor of the Amendment please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, Nay. The Ayes have. The
Amendment is adopted.

Do you care to remark further on the Bill as amended? Do you care to remark further on the Bill as amended?

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If not, staff and guest come to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber, please.

SPEAKER DONOVAN:

Have all the Members voted? Have all the Members voted? Please check the Roll Call board to make sure your vote has been properly cast.

If all the Members voted, the machine will be locked. The Clerk will please take a tally.

The Clerk please announce the tally.

THE CLERK:

House Bill Number 5211 as amended by House "A".

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	8

SPEAKER DONOVAN:

The Bill as amended is passed.

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not.

KARL WAGENER: I don't know, either.

REP. MINER: Thank you, Mr. Chairman.

REP. ROY: Thank you.

Any other questions or comments from members
of the committee? Seeing none, thank .

A VOICE: Thank you.

REP. ROY: Commissioner Philip Prelli from the
Agricultural Department to be followed by
Senator Edith Prague.

PHILIP PRELLI: Good morning, Representative Roy and
Senator Meyer, and members of the Environment
committee. For the record, my name is F.
Philip Prelli and I'm Commissioner of
Agriculture. I'm here to give oral testimony
today on just one bill. It's House Bill 5002,
An Act Concerning The State Acquisition Of
Agriculture Development Rights Program. But
the department has also provided written
testimony on Senate Bill 569, House Bill 5820,
House Bills 5462, 5211, 5467, 5795, and
lastly, House Bill 5267.

With me today is Dr. Harvey Luce. And Dr.
Luce did a study for us and -- in case -- I'm
going to ask him to say a couple of words.
But -- then if -- he would be available to
answer any of the more technical questions.
Again, as I said, I am here to testify on
House Bill 5002.

The farmland preservation program was
established in 1978, to purchase the
development rights to farms with high
percentages of excellent soil. Since the

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STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE



Testimony Regarding, proposed House Bills Nos. 5462, 5211, 5467, and 5795, Before the Environment Committee, February 23rd, 2009.

Senator Meyer, Representative Roy, members of the Environment Committee, my name is F. Philip Prelli, Commissioner of Agriculture. Thank you for the opportunity to testify on the above referenced bills.

The Department of Agriculture is the lead agency on shellfish sanitation and regulation. As such, the Department's Bureau of Aquaculture coordinates the activities of other state agencies with regard to shellfish and acts as a liaison on shellfish matters between the state and municipalities, including local shellfish commissions. (CGS Sec. 26-192a). Below are the Department's comments.

pHB 5462 - An Act Concerning the Regulation of Marine Structures - concerns

HB 5462 proposes requiring the Commissioner of Environmental Protection to adopt regulations concerning the construction of marine structures. The Department of Agriculture authorizes aquaculture permits for commercial underwater shellfish aquaculture gear that is classified as marine structures. Presently aquaculture gear as defined in 22-11c and 22-11h(c) is exempt from the requirements of sections 22a-359 to 22a-363f, inclusive (regulation of dredging and erection of structures and placement of fill in tidal, coastal or navigable waters). The Department requests that the requirements of this proposed bill fall within those sections and not impact shellfish aquaculture gear.

pHB 5211 - An Act Concerning Local Shellfish Commissions - support

The Department shall coordinate the activities of other state agencies with regard to shellfish and shall act as a liaison on shellfish matters between the state and municipalities, including local shellfish commissions. The local shellfish commissions are required to prepare and periodically update a shellfish management plan for shellfish areas under their purview. CGS 26-257a (c) states "The plan shall be submitted to the Commissioner of Agriculture and any appropriate board of selectmen, mayor or warden for review and comment". pHB 5211 proposes "to require that communications and correspondence with local commissions to be in writing and subject to provisions of chapter 14 of general statutes". Although this language is vague and is open to some interpretation, the Department of Agriculture supports requirements that all local shellfish decisions and policies be in writing and subject to review.

pHB 5467 - An Act Concerning the Regulation of Residential Docks by Harbor Management Commissioner - opposed

This bill would authorize harbor management commissions to develop and implement building, design and location standards for private residential docks. The Department of Agriculture is

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