



Senate

General Assembly

File No. 141

February Session, 2022

Senate Bill No. 224

Senate, March 28, 2022

The Committee on Planning and Development reported through SEN. CASSANO of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR MINOR AND TECHNICAL REVISIONS TO STATUTES CONCERNING PLANNING AND DEVELOPMENT.

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

1 Section 1. Section 7-255 of the 2022 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2022*):

4 (a) The water pollution control authority may establish and revise fair
5 and reasonable charges for connection with and for the use of a
6 sewerage system. The owner of property against which any such
7 connection or use charge is levied shall be liable for the payment thereof.
8 Municipally-owned and other tax-exempt property which uses the
9 sewerage system shall be subject to such charges under the same
10 conditions as are the owners of other property, but nothing herein shall
11 be deemed to authorize the levying of any property tax by any
12 municipality against any property exempt by the general statutes from
13 property taxation. No charge for connection with or for the use of a

14 sewerage system shall be established or revised until after a public
15 hearing before the water pollution control authority at which the owner
16 of property against which the charges are to be levied shall have an
17 opportunity to be heard concerning the proposed charges. Such hearing
18 may be conducted in person or by means of electronic equipment.
19 Notice of the time, place and purpose of such hearing shall be published
20 at least ten days before the date thereof in a newspaper having a general
21 circulation in the municipality and on the Internet web site of the
22 municipality. A copy of the proposed charges shall be on file in the office
23 of the clerk of the municipality and available for inspection by the public
24 for at least ten days before the date of such hearing. When the water
25 pollution control authority has established or revised such charges, it
26 shall file a copy thereof in the office of the clerk of the municipality and,
27 not later than five days after such filing, shall cause the same to be
28 published in a newspaper having a general circulation in the
29 municipality and on the Internet web site of the municipality. Such
30 publication shall state the date on which such charges were filed and the
31 time and manner of paying such charges and shall state that any appeals
32 from such charges must be taken within twenty-one days after such
33 filing. In establishing or revising such charges the water pollution
34 control authority may classify the property connected or to be connected
35 with the sewer system and the users of such system, including
36 categories of industrial users, and may give consideration to any factors
37 relating to the kind, quality or extent of use of any such property or
38 classification of property or users including, but not limited to, (1) the
39 volume of water discharged to the sewerage system, (2) the type or size
40 of building connected with the sewerage system, (3) the number of
41 plumbing fixtures connected with the sewerage system, (4) the number
42 of persons customarily using the property served by the sewerage
43 system, (5) in the case of commercial or industrial property, the average
44 number of employees and guests using the property, and (6) the quality
45 and character of the material discharged into the sewerage system. The
46 water pollution control authority may establish minimum charges for
47 connection with and for the use of a sewerage system. Any person
48 aggrieved by any charge for connection with or for the use of a sewerage

49 system may appeal to the superior court for the judicial district wherein
50 the municipality is located and shall bring any such appeal to a return
51 day of said court not less than twelve or more than thirty days after
52 service thereof. The judgment of the court shall be final.

53 (b) Any municipality may, by ordinance, provide for the payment to
54 the water pollution control authority by such municipality of the whole
55 or a portion of such charges for specified classifications of property or
56 users, provided such classifications are established by the water
57 pollution control authority in accordance with the provisions of
58 subsection (a) of this section and meet the requirements of the federal
59 Water Pollution Control Act Amendments of 1972, P.L. 92-500, as
60 amended from time to time.

61 (c) Any municipality may, by ordinance, provide for optional
62 methods of payment of sewer use charges to the water pollution control
63 authority by (1) elderly taxpayers who are eligible for tax relief under
64 the provisions of section 12-129b, section 12-170aa or a plan of tax relief
65 for elderly taxpayers provided by such municipality in accordance with
66 section 12-129n, or (2) any taxpayer under the age of sixty-five who is
67 eligible for tax relief under the provisions of a plan for tax relief
68 provided by such municipality in accordance with subdivision (2) of
69 section 12-129n.

70 Sec. 2. Section 8-2p of the 2022 supplement to the general statutes is
71 repealed and the following is substituted in lieu thereof (*Effective October*
72 *1, 2022*):

73 The zoning commission or combined planning and zoning
74 commission, as applicable, of a municipality, by a two-thirds vote, may
75 initiate the process by which such municipality opts out of the provision
76 of subdivision (9) of subsection (d) of section 8-2 regarding limitations
77 on parking spaces for dwelling units, provided such commission: (1)
78 First holds a public hearing in accordance with the provisions of section
79 8-7d on such proposed opt-out, (2) affirmatively decides to opt out of
80 the provision of said subsection within the period of time permitted
81 under section 8-7d, (3) states upon its records the reasons for such

82 decision, and (4) publishes notice of such decision in a newspaper
83 having a substantial circulation in the municipality not later than fifteen
84 days after such decision has been rendered. Thereafter, the
85 municipality's legislative body or, in a municipality where the
86 legislative body is a town meeting, its board of selectmen, by a two-
87 thirds vote, may complete the process by which such municipality opts
88 out of the provision of subdivision (9) of subsection (d) of section 8-2.

89 Sec. 3. Subsection (c) of section 8-26c of the 2022 supplement to the
90 general statutes is repealed and the following is substituted in lieu
91 thereof (*Effective October 1, 2022*):

92 (c) In the case of a subdivision plan approved on or after October 1,
93 1977, failure to complete all work within such five-year period or any
94 extension thereof shall result in automatic expiration of the approval of
95 such plan provided the commission shall file on the land records of the
96 town in which such subdivision is located notice of such expiration and
97 shall state such expiration on the subdivision plan on file in the office of
98 the town clerk of such town, and no additional lots in the subdivision
99 shall be conveyed by the subdivider or his successor in interest as such
100 subdivider except with approval by the commission of a new
101 application for subdivision of the subject land. If lots have been
102 conveyed during such five-year period or any extension thereof, the
103 municipality shall call the bond or other surety on said subdivision to
104 the extent necessary to complete the bonded improvements and utilities
105 required to serve those lots. "Work" for purposes of this section means
106 all physical improvements required by the approved plan, other than
107 the staking out of lots, and includes, but is not limited to, the
108 construction of roads, storm drainage facilities and water and sewer
109 lines, the setting aside of open space and recreation areas, installation of
110 telephone and electric services, planting of trees or other landscaping,
111 and installation of retaining walls or other structures.

112 Sec. 4. Subdivision (3) of subsection (a) of section 2-79a of the general
113 statutes is repealed and the following is substituted in lieu thereof
114 (*Effective October 1, 2022*):

115 (3) On and after July 1, 2019, the commission shall consist of the
116 president pro tempore of the Senate, the speaker of the House of
117 Representatives, the minority leader of the Senate, the minority leader
118 of the House of Representatives, the Secretary of the Office of Policy and
119 Management, the Commissioner of Education, the Commissioner of
120 Energy and Environmental Protection and the Commissioner of
121 Economic and Community Development, or their designees, and
122 seventeen additional members as follows: (A) Six municipal officials
123 appointed by the Governor, four of whom shall be selected from a list
124 of nominees submitted to the Governor by the Connecticut Conference
125 of Municipalities and two of whom shall be selected from a list
126 submitted by the Council of Small Towns. One of such six officials shall
127 be from a town having a population of ten thousand or less persons, one
128 shall be from a town having a population of more than ten thousand but
129 less than twenty thousand persons, two shall be from towns having
130 populations of more than twenty thousand but less than sixty thousand
131 persons and two shall be from towns having populations of sixty
132 thousand or more persons; (B) two local public education officials
133 appointed by the Governor, one of whom shall be selected from a list of
134 nominees submitted to the Governor by the Connecticut Association of
135 Boards of Education and one of whom shall be selected from a list
136 submitted by the Connecticut Association of Public School
137 Superintendents; (C) one representative of a regional council of
138 governments appointed by the Governor from a list of nominees
139 submitted to the Governor by the Connecticut Association of Councils
140 of Governments; (D) one representative of organized labor appointed
141 by the Governor from a list of nominees submitted to the Governor by
142 the Connecticut AFL-CIO; (E) five persons who do not hold elected or
143 appointed office in state or local government, one of whom shall be
144 appointed by the Governor, one of whom shall be appointed by the
145 president pro tempore of the Senate, one of whom shall be appointed by
146 the speaker of the House of Representatives, one of whom shall be
147 appointed by the minority leader of the Senate and one of whom shall
148 be appointed by the minority leader of the House of Representatives; (F)
149 one representative of the Connecticut Conference of Municipalities

150 appointed by said conference; and (G) one representative of the Council
151 of Small Towns appointed by said council.

152 Sec. 5. Subsection (a) of section 7-131e of the general statutes is
153 repealed and the following is substituted in lieu thereof (*Effective October*
154 *1, 2022*):

155 (a) Grant award decisions under the protected open space and
156 watershed land acquisition grant program established under section 7-
157 131d or under the Charter Oak open space grant program established
158 under section 7-131t shall be made by the Commissioner of Energy and
159 Environmental Protection at least semiannually. All complete and
160 eligible grant applications shall be acted upon by the commissioner as
161 soon as practicable. A single project may receive a grant in more than
162 one grant cycle, subject to future availability of funds and subject to the
163 limitations set forth in this section and sections 23-78, 12-498 and 7-131d.
164 Up to five per cent of the grant funds may be used for administrative
165 expenses including, but not limited to: (1) Contractors to assist the
166 Department of Energy and Environmental Protection in the review and
167 evaluation of grant proposals and baseline data collection for
168 conservation easements; (2) appraisals or appraisal reviews; and (3)
169 preparation of legal and other documents. Administrative expenses
170 may not be used for staff salaries. Not later than September 1, 1998, for
171 the protected open space and watershed land acquisition grant program
172 established under section 7-131d, and not later than September 1, 2000,
173 for the Charter Oak open space grant program account established
174 under section 7-131t, the commissioner shall develop written guidelines
175 and a ranking system for consistency and equity in the distribution of
176 grant awards under the protected open space and watershed land
177 acquisition grant program established under section 7-131d or under the
178 Charter Oak open space grant program account established under
179 section 7-131t based on the criteria listed in subsections (b) and (c) of
180 section 7-131d. Consistent with such criteria, additional consideration
181 shall be given to: (A) Protection of lands adjacent to and complementary
182 to adjacent protected open space land or class I or class II water
183 company lands; (B) equitable geographic distribution of the grants; (C)

184 proximity of a property to urban areas with growth and development
185 pressures or to areas with open space deficiencies and underserved
186 populations; (D) protection of land particularly vulnerable to
187 development incompatible with its natural resource values including
188 the protection of a public water supply source; (E) consistency with the
189 [state's] state plan of conservation and development; (F) multiple
190 protection elements, such as water quality and supply protection, scenic
191 preservation and farmland preservation; (G) the extent to which the
192 presence of already constructed buildings or other man-made
193 improvements diminish or overshadow the natural resource value of a
194 proposed acquisition, or its value relative to its cost; and (H)
195 preservation of forest lands and bodies of water which naturally absorb
196 significant amounts of carbon dioxide.

197 Sec. 6. Subsection (d) of section 12-217ii of the general statutes is
198 repealed and the following is substituted in lieu thereof (*Effective October*
199 *1, 2022*):

200 (d) The commissioner shall determine whether (1) the taxpayer
201 making the application is eligible for the tax credit, and (2) the proposed
202 job growth (A) is economically viable only with use of the tax credit, (B)
203 would provide a net benefit to economic development and employment
204 opportunities in the state, and (C) conforms to the state plan of
205 conservation and development prepared pursuant to [section 16a-24]
206 part I of chapter 297. The commissioner may require the applicant to
207 submit such additional information as may be necessary to evaluate the
208 application.

209 Sec. 7. Section 16a-25 of the general statutes is repealed and the
210 following is substituted in lieu thereof (*Effective October 1, 2022*):

211 As used in this chapter:

212 (1) "Process" means the procedure for adopting, amending, revising
213 and implementing a state plan of conservation and development;

214 (2) "Existing plan" means the plan promulgated by Executive Order

215 No. 28, September 27, 1974;

216 (3) "Secretary" means the Secretary of the Office of Policy and
217 Management;

218 (4) "Committee" means the continuing legislative committee on state
219 planning and development established pursuant to section 4-60d;

220 (5) "Adoption year" means the calendar year which is no later than
221 five years subsequent to the year in which the plan was last adopted in
222 accordance with the process established in this chapter;

223 (6) "Revision year" means the calendar year immediately preceding
224 the adoption year;

225 (7) "Prerevision year" means the calendar year immediately
226 preceding the revision year;

227 (8) "State agency" means any state department, institution, board,
228 commission or official; and

229 (9) "Plan", when referring to the state plan [for] of conservation and
230 development, means the text of such plan and any accompanying
231 locational guide map.

232 Sec. 8. Subsection (a) of section 16a-32 of the general statutes is
233 repealed and the following is substituted in lieu thereof (*Effective October*
234 *1, 2022*):

235 (a) Each revision of the state plan of conservation and development
236 shall be initiated by the secretary and shall be undertaken in accordance
237 with the process outlined in this chapter.

238 Sec. 9. Subdivision (8) of subsection (a) of section 22a-92 of the general
239 statutes is repealed and the following is substituted in lieu thereof
240 (*Effective October 1, 2022*):

241 (8) To coordinate the activities of public agencies to ensure that state
242 expenditures enhance development while affording maximum

243 protection to natural coastal resources and processes in a manner
244 consistent with the state plan [for] of conservation and development
245 adopted pursuant to part I of chapter 297;

246 Sec. 10. Subsection (a) of section 22a-100 of the general statutes is
247 repealed and the following is substituted in lieu thereof (*Effective October*
248 *1, 2022*):

249 (a) All major state plans, other than the state plan [for] of conservation
250 and development adopted pursuant to part I of chapter 297, which affect
251 the coastal area shall be consistent with the goals and policies stated in
252 section 22a-92, as amended by this act, and existing state plans, other
253 than the state plan [for] of conservation and development adopted
254 pursuant to part I of chapter 297, which affect the coastal area shall, on
255 or before July 1, 1981, be revised, if necessary, to [insure] ensure
256 consistency with this chapter. Agencies responsible for revising state
257 plans, other than the state plan [for] of conservation and development
258 adopted pursuant to part I of chapter 297, shall consult with the
259 commissioner in making such revisions.

260 Sec. 11. Subsection (a) of section 22a-352 of the general statutes is
261 repealed and the following is substituted in lieu thereof (*Effective October*
262 *1, 2022*):

263 (a) Not later than July 1, 2017, the Water Planning Council,
264 established pursuant to section 25-33o, shall, within available
265 appropriations, prepare a state water plan for the management of the
266 water resources of the state. In developing such state water plan, the
267 Water Planning Council shall: (1) Design a unified planning program
268 and budget; (2) consider regional water and sewer facilities plans; (3)
269 identify the appropriate regions of the state for comprehensive water
270 planning; (4) identify the data needs and develop a consistent format for
271 submitting data to the council, applicable state agencies and regional
272 councils of governments for use in planning and permitting; (5) consider
273 the potential impact of climate change on the availability and
274 abundance of water resources and the importance of climate resiliency;
275 (6) seek involvement of interested parties; (7) solicit input from the

276 advisory group established pursuant to section 25-330; (8) consider
277 individual water supply plans, water quality standards, stream flow
278 classifications, as described in regulations adopted pursuant to section
279 26-141b, water utility coordinating committee plans, the state plan of
280 conservation and development, as described in [section 16a-30] part I of
281 chapter 297, and any other planning documents deemed necessary by
282 the council; (9) promote the adoption of municipal ordinances based on
283 the State of Connecticut Model Water Use Restriction Ordinance for
284 municipal water emergencies; and (10) examine appropriate
285 mechanisms for resolving conflicts related to the implementation of the
286 state water plan.

287 Sec. 12. Subsection (k) of section 22a-430 of the general statutes is
288 repealed and the following is substituted in lieu thereof (*Effective October*
289 *1, 2022*):

290 (k) The commissioner shall not deny a permit under this section if the
291 basis for such denial is a determination by the commissioner that the
292 proposed activity for which application has been made is inconsistent
293 with the state plan of conservation and development adopted under
294 [section 16a-30] part I of chapter 297.

295 Sec. 13. Subdivision (9) of subsection (b) of section 22a-471 of the
296 general statutes is repealed and the following is substituted in lieu
297 thereof (*Effective October 1, 2022*):

298 (9) Notwithstanding any provision of this section and the [cost
299 sharing] cost-sharing formula established in section 22a-471-1 of the
300 regulations of Connecticut state agencies, for any area of a municipality
301 that is adjacent to a site listed on the State of Connecticut Superfund
302 Priority List where a water line extension component to such project has
303 been installed by a municipal or private water company, the minimum
304 size water main required to address pollution may be upgraded in order
305 to carry fire flow or address public water supply needs that are
306 consistent with an adopted municipal plan of conservation and
307 development and the municipality shall only be responsible to pay the
308 incremental project cost, which may be funded by such water company,

309 another person or available local, state or federal funds.

310 Sec. 14. Subsection (h) of section 22a-478 of the general statutes is
311 repealed and the following is substituted in lieu thereof (*Effective October*
312 *1, 2022*):

313 (h) The Department of Public Health shall establish and maintain a
314 priority list of eligible drinking water projects and shall establish a
315 system setting the priority for making project loans to eligible public
316 water systems. In establishing such priority list and ranking system, the
317 Commissioner of Public Health shall consider all factors which he
318 deems relevant, including but not limited to the following: (1) The
319 public health and safety; (2) protection of environmental resources; (3)
320 population affected; (4) risk to human health; (5) public water systems
321 most in need on a per household basis according to applicable state
322 affordability criteria; (6) compliance with the applicable requirements of
323 the federal Safe Drinking Water Act and other related federal acts; (7)
324 applicable state and federal regulations. The priority list of eligible
325 drinking water projects shall include a description of each project and
326 its purpose, impact, cost and construction schedule, and an explanation
327 of the manner in which priorities were established. The Commissioner
328 of Public Health shall adopt an interim priority list of eligible drinking
329 water projects for the purpose of making project loans prior to adoption
330 of final regulations, and in so doing may utilize existing rules and
331 regulations of the department relating to the program. To the extent
332 required by applicable federal law, the Department of Public Health
333 shall prepare any required intended use plan with respect to eligible
334 drinking water projects; (8) consistency with the state plan of
335 conservation and development; (9) consistency with the policies
336 delineated in section 22a-380; and (10) consistency with the coordinated
337 water system plan in accordance with subsection (f) of section 25-33d.

338 Sec. 15. Subsection (d) of section 25-68d of the general statutes is
339 repealed and the following is substituted in lieu thereof (*Effective October*
340 *1, 2022*):

341 (d) Any state agency proposing an activity or critical activity within

342 or affecting the floodplain may apply to the commissioner for
343 exemption from the provisions of subsection (b) of this section. Such
344 application shall include a statement of the reasons why such agency is
345 unable to comply with said subsection and any other information the
346 commissioner deems necessary. The commissioner, at least thirty days
347 before approving, approving with conditions or denying any such
348 application, shall publish once in a newspaper having a substantial
349 circulation in the affected area notice of: (1) The name of the applicant;
350 (2) the location and nature of the requested exemption; (3) the tentative
351 decision on the application; and (4) additional information the
352 commissioner deems necessary to support the decision to approve,
353 approve with conditions or deny the application. There shall be a
354 comment period following the public notice during which period
355 interested persons and municipalities may submit written comments.
356 After the comment period, the commissioner shall make a final
357 determination to either approve the application, approve the
358 application with conditions or deny the application. The commissioner
359 may hold a public hearing prior to approving, approving with
360 conditions or denying any application if in the discretion of the
361 commissioner the public interest will be best served thereby, and the
362 commissioner shall hold a public hearing upon receipt of a petition
363 signed by at least twenty-five persons. Notice of such hearing shall be
364 published at least thirty days before the hearing in a newspaper having
365 a substantial circulation in the area affected. The commissioner may
366 approve or approve with conditions such exemption if the
367 commissioner determines that (A) the agency has shown that the
368 activity or critical activity is in the public interest, will not injure persons
369 or damage property in the area of such activity or critical activity,
370 complies with the provisions of the National Flood Insurance Program,
371 and, in the case of a loan or grant, the recipient of the loan or grant has
372 been informed that increased flood insurance premiums may result
373 from the activity or critical activity. An activity shall be considered to be
374 in the public interest if it is a development subject to environmental
375 remediation regulations adopted pursuant to section 22a-133k and is in
376 or adjacent to an area identified as a regional center, neighborhood

377 conservation area, growth area or rural community center in the [State
378 Plan of Conservation and Development] state plan of conservation and
379 development pursuant to chapter 297, or (B) in the case of a flood control
380 project, such project meets the criteria of subparagraph (A) of this
381 subdivision and is more cost-effective to the state and municipalities
382 than a project constructed to or above the base flood or base flood for a
383 critical activity. Following approval for exemption for a flood control
384 project, the commissioner shall provide notice of the hazards of a flood
385 greater than the capacity of the project design to each member of the
386 legislature whose district will be affected by the project and to the
387 following agencies and officials in the area to be protected by the project:
388 The planning and zoning commission, the inland wetlands agency, the
389 director of civil defense, the conservation commission, the fire
390 department, the police department, the chief elected official and each
391 member of the legislative body, and the regional council of
392 governments. Notice shall be given to the general public by publication
393 in a newspaper of general circulation in each municipality in the area in
394 which the project is to be located.

395 Sec. 16. Subsection (b) of section 25-102gg of the general statutes is
396 repealed and the following is substituted in lieu thereof (*Effective October*
397 *1, 2022*):

398 (b) The assembly shall, from time to time, review, and may, after
399 public hearing of which at least fifteen [days] days' notice has been given
400 in a newspaper or newspapers having a circulation in the conservation
401 zone, revise the standards established pursuant to special act 79-77, as
402 amended by special act 81-1. Such revisions shall be consistent with the
403 state plan [for] of conservation and development adopted pursuant to
404 part I of chapter 297 and the purposes of this chapter. A copy of the
405 proposed revisions shall be furnished at least fifteen days prior thereto
406 to the conservation commission, zoning commission, the planning
407 commission or combined planning and zoning commission of the
408 municipalities to be affected thereby and shall be filed at least ten days
409 prior to the hearing in the office of the town or city clerk of the
410 municipalities affected thereby.

411 Sec. 17. Section 25-201 of the general statutes is repealed and the
412 following is substituted in lieu thereof (*Effective October 1, 2022*):

413 For the purposes of sections 25-200 to 25-210, inclusive:

414 (1) "Approved map" means a map approved by the commissioner
415 pursuant to section 25-205;

416 (2) "Approved river corridor protection plan" means a river corridor
417 protection plan approved by the commissioner pursuant to section 25-
418 205;

419 (3) "Clear cutting" means removal of all standing woody vegetation
420 greater than one inch diameter at breast height within a designated river
421 corridor;

422 (4) "Commissioner" means the Commissioner of Energy and
423 Environmental Protection or his agent;

424 (5) "Designation" means designation, by act of the General Assembly,
425 of a river corridor for protection and preservation in accordance with an
426 approved river corridor protection plan and the provisions of sections
427 25-200 to 25-210, inclusive;

428 (6) "Designated river corridor" means that portion of a river corridor
429 defined on a map prepared in accordance with section 25-204, as
430 amended by this act, and which has been designated by the General
431 Assembly pursuant to sections 25-200 to 25-210, inclusive;

432 (7) "Eligible river corridor" means a river corridor which is included
433 on the list adopted by the commissioner pursuant to section 25-202;

434 (8) "Local drainage basin" means a local drainage basin referenced on
435 a map entitled "Natural Drainage Basins of Connecticut", published by
436 the Department of Energy and Environmental Protection, 1981;

437 (9) "Member municipality" means a municipality which is a member
438 of a river committee established pursuant to section 25-203;

439 (10) "Major state plan" means the plan for development of outdoor
440 recreation adopted pursuant to section 22a-21, the state-wide solid
441 waste management plan adopted pursuant to section 22a-228, the state-
442 wide plan for the management of water resources adopted pursuant to
443 section 22a-352, as amended by this act, the state-wide environmental
444 plan adopted pursuant to section 22a-8, the plan for the disposal of
445 dredged material for Long Island Sound, the historic preservation plan
446 adopted under the National Historic Preservation Act, as amended, the
447 state-wide facility and capital plan adopted pursuant to section 4b-23,
448 the water quality management plan adopted under the federal Clean
449 Water Act, the marine resources management plan, the plan for
450 managing forest resources, the wildlife management plans and the
451 salmon restoration plan;

452 (11) "Person" means "person" as defined in section 22a-2;

453 (12) "River corridor" means any river, river segment or river system,
454 together with its floodplains, wetlands and uplands, contributing
455 overland runoff to such river, river segment or river system;

456 (13) "River committee" means a river committee established pursuant
457 to section 25-203;

458 (14) "River system" means a river, its tributaries and any lands
459 draining into such river or its tributaries;

460 (15) "Secretary" means the Secretary of the Office of Policy and
461 Management or his agent;

462 (16) "State rivers assessment data base" means the state-wide
463 assessment of the state's rivers prepared by the commissioner pursuant
464 to subdivision (3) of subsection (c) of section 25-102qq;

465 (17) ["State plan for conservation and development"] "State plan of
466 conservation and development" means the state plan [for] of
467 conservation and development prepared pursuant to part I of chapter
468 297;

469 (18) "Subregional drainage basin" means a subregional drainage
470 basin as depicted on a map entitled "Natural Drainage Basins of
471 Connecticut", published by the Department of Energy and
472 Environmental Protection, 1981; and

473 (19) "Water-dependent use" means a use which, by its nature or
474 function, requires direct access to, or location in or immediately adjacent
475 to, water and which therefore cannot be located upland and shall
476 include such recreational uses as riverside trails and bicycle paths.

477 Sec. 18. Subsection (e) of section 25-204 of the general statutes is
478 repealed and the following is substituted in lieu thereof (*Effective October*
479 *1, 2022*):

480 (e) After adoption pursuant to subsection (d) of this section of an
481 inventory, statement of objectives and map, the river committee shall
482 prepare a report on all federal, state and municipal laws, plans,
483 programs and proposed activities which may affect the river corridor
484 defined in such map. Such laws shall include regulations adopted
485 pursuant to chapter 440 and zoning, subdivision and site plan
486 regulations adopted pursuant to section 8-3. Such plans shall include
487 plans of conservation and development adopted pursuant to section 8-
488 23, the state plan [for] of conservation and development adopted under
489 part I of chapter 297, water utility supply plans adopted pursuant to
490 section 25-32d, coordinated water system plans adopted pursuant to
491 section 25-33h, municipal open space plans, the commissioner's fish and
492 wildlife plans, and publicly-owned wastewater treatment facility plans.
493 State and regional agencies shall, within available resources, assist the
494 river committee in identifying such laws, plans, programs and proposed
495 activities. The report to be prepared pursuant to this section shall
496 identify any conflicts between such federal, state, regional and
497 municipal laws, plans, programs and proposed activities and the river
498 committee's objectives for river corridor protection and preservation as
499 reflected in the statement of objectives. If conflicts are identified, the
500 river committee shall notify the applicable state, regional or municipal
501 agencies and such agencies shall, within available resources, attempt

502 with the river commission to resolve such conflicts.

503 Sec. 19. Subsection (d) of section 25-206 of the general statutes is
504 repealed and the following is substituted in lieu thereof (*Effective October*
505 *1, 2022*):

506 (d) (1) Every major state plan other than the state plan [for] of
507 conservation and development, to the extent that it affects a designated
508 river corridor, shall be consistent with the approved river corridor
509 protection plan for such corridor, and any state plan which is
510 inconsistent with such approved river corridor protection plan shall be
511 modified accordingly. Such modifications shall be made in consultation
512 with the commissioner at the next scheduled revision of such plan.

513 (2) If the commissioner finds that the state plan [for] of conservation
514 and development is inconsistent with an approved river corridor
515 protection plan for a designated river corridor, he shall apply to the
516 secretary for a revision pursuant to section 16a-32, as amended by this
517 act.

518 (3) Every regional plan of conservation and development adopted
519 pursuant to section 8-35a, to the extent that it affects a designated river
520 corridor, shall be consistent with the approved river corridor protection
521 plan for such corridor and any regional plan of conservation and
522 development which is inconsistent with such approved river corridor
523 protection plan shall be modified accordingly. Such modifications shall
524 be made in consultation with the commissioner.

525 (4) Every municipal plan of conservation and development adopted
526 pursuant to section 8-23, to the extent that it affects a designated river
527 corridor, shall be consistent with the approved river corridor protection
528 plan for such corridor and any municipal plan of conservation and
529 development which is inconsistent with such approved river corridor
530 protection plan shall be modified accordingly. Such modifications shall
531 be made in consultation with the commissioner.

532 (5) The commissioner may notify any applicable federal agency of the

533 designation of a river corridor and may take any other appropriate
534 action to assure consideration of such designation in federal programs
535 or activities.

536 Sec. 20. Section 25-231 of the general statutes is repealed and the
537 following is substituted in lieu thereof (*Effective October 1, 2022*):

538 As used in sections 25-230 to 25-238, inclusive:

539 (1) "Approved river corridor management plan" means a river
540 corridor management plan approved by the commissioner pursuant to
541 section 25-235;

542 (2) "Commissioner" means the Commissioner of Energy and
543 Environmental Protection or his agent;

544 (3) "Local drainage basin" means a local drainage basin as referenced
545 on a map entitled "Natural Drainage Basins of Connecticut", published
546 by the Department of Energy and Environmental Protection, 1981;

547 (4) "Major state plan" means any of the following: The plan for
548 development of outdoor recreation adopted pursuant to section 22a-21,
549 the state-wide solid waste management plan adopted pursuant to
550 section 22a-228, the state-wide plan for the management of water
551 resources adopted pursuant to section 22a-352, as amended by this act,
552 the state-wide environmental plan adopted pursuant to section 22a-8,
553 the historic preservation plan adopted under the National Historic
554 Preservation Act, 16 USC 470 et seq., the state-wide facility and capital
555 plan adopted pursuant to section 4b-23, the state's consolidated plan for
556 housing and community development prepared pursuant to section 8-
557 37t, the water quality management plan adopted under the federal
558 Clean Water Act, 33 USC 1251 et seq., any plans for managing forest
559 resources adopted pursuant to section 23-20 and the Connecticut River
560 Atlantic Salmon Compact adopted pursuant to section 26-302;

561 (5) "Member municipality" means a municipality which is a member
562 of a river commission established pursuant to section 25-232;

- 563 (6) "Person" means person, as defined in section 22a-2;
- 564 (7) "River advisory board" means any of the following: The Five Mile
565 River Commission established pursuant to section 15-26a, the
566 Connecticut River Gateway Commission established pursuant to
567 section 25-102e, the Connecticut River Assembly established pursuant
568 to section 25-102dd, the Bi-State Pawcatuck River Commission
569 established pursuant to section 25-161, the Niantic River Gateway
570 Commission established pursuant to section 25-109e, the Housatonic
571 Estuary Commission established pursuant to section 25-170, the
572 Farmington River Coordinating Committee established pursuant to the
573 National Wild and Scenic Rivers Act, 16 USC 1274 et seq., the Shepaug-
574 Bantam River Board or a river committee established pursuant to
575 section 25-203;
- 576 (8) "River corridor" means any river, river segment or river system,
577 together with its floodplains, wetlands and uplands, contributing
578 overland runoff to such river, river segment or river system;
- 579 (9) "River commission" means a river commission established
580 pursuant to section 25-232;
- 581 (10) "River system" means a river, its tributaries and any lands
582 draining into such river or its tributaries;
- 583 (11) "Secretary" means the Secretary of the Office of Policy and
584 Management or his agent;
- 585 (12) "State rivers assessment database" means the state-wide
586 assessment of the state's rivers prepared by the commissioner pursuant
587 to subdivision (3) of subsection (c) of section 25-102qq;
- 588 (13) ["State plan for conservation and development"] "State plan of
589 conservation and development" means the state plan [for] of
590 conservation and development prepared pursuant to part I of chapter
591 297;
- 592 (14) "Subregional drainage basin" means a subregional drainage

593 basin as referenced on a map entitled "Natural Drainage Basins of
594 Connecticut", published by the Department of Energy and
595 Environmental Protection, 1981;

596 (15) "Water-dependent use" means a use which, by its nature or
597 function, requires direct access to, or location in or immediately adjacent
598 to, water and which therefore cannot be located upland, and includes
599 such recreational uses as riverside trails and bicycle paths;

600 (16) "Use" means agriculture, public and private water supply, power
601 generation, waste assimilation, transportation, recreation, including,
602 but not limited to, boating, swimming, fishing, camping and hiking and
603 residential, commercial, industrial and other water-dependent uses; and

604 (17) "Resource" means any riparian waters of the state, related
605 fisheries and wildlife habitat and adjacent shorelands, both developed
606 and undeveloped; any vegetation, fish and wildlife; endangered and
607 threatened species, species of special concern and essential habitat
608 identified by the commissioner pursuant to chapter 495; tidal and inland
609 wetlands; unique geologic features; scenic areas; forest lands, as defined
610 in section 23-65f; agricultural lands, as defined in section 22-26bb; and
611 archaeological and other historical resources.

612 Sec. 21. Subsection (e) of section 25-234 of the general statutes is
613 repealed and the following is substituted in lieu thereof (*Effective October*
614 *1, 2022*):

615 (e) After adoption of an inventory, statement of objectives and map,
616 pursuant to subsection (d) of this section, the river commission shall
617 prepare a report on all federal, state, regional and municipal laws, plans,
618 programs and proposed activities that may affect the river corridor
619 defined in such map. Such federal, state, regional and municipal laws
620 shall include regulations adopted pursuant to chapter 440, and zoning,
621 subdivision and site plan regulations adopted pursuant to section 8-3.
622 Such federal, state, regional and municipal plans shall include plans of
623 development adopted pursuant to section 8-23, the state plan [for] of
624 conservation and development adopted under part I of chapter 297,

625 water utility supply plans submitted pursuant to section 25-32d,
626 coordinated water system plans submitted pursuant to section 25-33h,
627 plans prepared by regional planning organizations, as defined in section
628 4-124i, and plans of publicly owned wastewater treatment facilities
629 whose discharges may affect the subject river corridor. State and
630 regional agencies shall, within available resources, assist the river
631 commission in identifying such laws, plans, programs and proposed
632 activities. The report to be prepared pursuant to this section shall
633 identify any conflicts between such federal, state, regional and
634 municipal laws, plans, programs and proposed activities and the river
635 commission's objectives for river corridor management as reflected in
636 the statement of objectives. If conflicts are identified, the river
637 commission shall notify the applicable state, regional or municipal
638 agencies and such agencies shall, within available resources and in
639 consultation with the river commission, attempt to resolve such
640 conflicts.

641 Sec. 22. Subdivisions (1) and (2) of subsection (e) of section 25-236 of
642 the general statutes are repealed and the following is substituted in lieu
643 thereof (*Effective October 1, 2022*):

644 (e) (1) Every major state plan, other than the state plan [for] of
645 conservation and development, to the extent that such major state plan
646 affects any river corridor for which the commissioner has approved a
647 river corridor management plan, shall be consistent with such
648 management plan. Any major state plan, other than the state plan [for]
649 of conservation and development, which is inconsistent with a river
650 corridor management plan shall be modified accordingly. Such
651 modifications shall be made in consultation with the commissioner at
652 the next scheduled revision of such plan.

653 (2) If all the member municipalities of a river commission have
654 amended their applicable laws and plans pursuant to subsection (b) of
655 this section and if the commissioner finds that the state plan [for] of
656 conservation and development is inconsistent with the subject river
657 corridor management plan, he shall apply to the secretary for a revision

658 pursuant to section 16a-32, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	7-255
Sec. 2	<i>October 1, 2022</i>	8-2p
Sec. 3	<i>October 1, 2022</i>	8-26c(c)
Sec. 4	<i>October 1, 2022</i>	2-79a(a)(3)
Sec. 5	<i>October 1, 2022</i>	7-131e(a)
Sec. 6	<i>October 1, 2022</i>	12-217ii(d)
Sec. 7	<i>October 1, 2022</i>	16a-25
Sec. 8	<i>October 1, 2022</i>	16a-32(a)
Sec. 9	<i>October 1, 2022</i>	22a-92(a)(8)
Sec. 10	<i>October 1, 2022</i>	22a-100(a)
Sec. 11	<i>October 1, 2022</i>	22a-352(a)
Sec. 12	<i>October 1, 2022</i>	22a-430(k)
Sec. 13	<i>October 1, 2022</i>	22a-471(b)(9)
Sec. 14	<i>October 1, 2022</i>	22a-478(h)
Sec. 15	<i>October 1, 2022</i>	25-68d(d)
Sec. 16	<i>October 1, 2022</i>	25-102gg(b)
Sec. 17	<i>October 1, 2022</i>	25-201
Sec. 18	<i>October 1, 2022</i>	25-204(e)
Sec. 19	<i>October 1, 2022</i>	25-206(d)
Sec. 20	<i>October 1, 2022</i>	25-231
Sec. 21	<i>October 1, 2022</i>	25-234(e)
Sec. 22	<i>October 1, 2022</i>	25-236(e)(1) and (2)

PD *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 has no fiscal impact. It makes minor technical changes to statutes pertaining to planning and development.

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

OLR Bill Analysis**SB 224*****AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR MINOR AND TECHNICAL REVISIONS TO STATUTES CONCERNING PLANNING AND DEVELOPMENT.*****SUMMARY**

This bill makes minor and technical changes to various planning and development-related statutes. The bill's changes are principally grammatical and to clarify internal statutory references, many of which pertain to the state plan of conservation and development.

EFFECTIVE DATE: October 1, 2022

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 26 Nay 0 (03/11/2022)