



General Assembly

January Session, 2023

**Committee Bill No. 5614**

LCO No. 3954



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT CONCERNING THE REVISION OF THE HARBOR  
MANAGEMENT ACT.***

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

1 Section 1. Section 22a-113p of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The commission may review and make recommendations,  
4 consistent with the plan, on any proposal affecting the real property on,  
5 in or contiguous to the harbor that is received by any zoning  
6 commission, planning commission or combined planning and zoning  
7 commission, zoning board of appeals, historic district commissions,  
8 flood prevention, climate resilience and erosion control board, harbor  
9 improvement agency, port authority, redevelopment agency, shellfish  
10 commission, sewer commission, water pollution control authority or  
11 special district with zoning or other land use authority. Such agencies  
12 shall send a copy of any such proposal to the commission upon the  
13 request of such commission. The commission shall be notified of any  
14 such proposal [at least] not later than thirty-five days [prior to] before  
15 the commencement of the hearing thereon or where no hearing is held,  
16 [at least] not less than thirty-five days [prior to] before the taking of any

17 final action on the proposal. The local agency authorized to act on the  
18 proposal shall consider the recommendations of the commission. A two-  
19 thirds vote of all the members of the local agency [having] that has  
20 authority to act on the proposal shall be required to approve a proposal  
21 [which] that has not received a favorable recommendation from the  
22 commission, provided [that] the provisions of this section shall not be  
23 deemed to alter the authority of the agency [having] that has primary  
24 jurisdiction over the proposal to deny, modify or condition the proposal.  
25 Failure of the commission to submit a recommendation shall be deemed  
26 to be approval of the proposal.

27 (b) The commission may review and make recommendations,  
28 consistent with the plan, on any application for a permit or license to be  
29 issued by the state for a proposal that may affect the harbor and that is  
30 received by the Department of Energy and Environmental Protection or  
31 any other state agency with authority in the harbor. The department or  
32 other state agency, as applicable, shall require that an applicant or  
33 registrant for such permit or registration, as applicable, consult with the  
34 commission prior to submittal of such an application or registration to  
35 the department or other state agency, as applicable, and that any such  
36 applicant or registrant for any such permit or license concomitantly  
37 provide a copy of any such application or registration to the commission  
38 when such application or registration is submitted to the department or  
39 other state agency, as applicable. The department or other state agency  
40 authorized to act on any submitted application or registration shall  
41 consider the recommendations of the commission made pursuant to the  
42 plan. Any recommendation of the commission that is consistent with  
43 and adequately supported by the content of the plan, as described in  
44 section 22a-113n, with respect to any such application or registration  
45 shall be binding on the department or other state agency, as applicable,  
46 when making regulatory decisions or undertaking or sponsoring  
47 development affecting the area within the commission's jurisdiction  
48 unless such department or other state agency, as applicable, shows  
49 cause, in writing, why a different action should be taken. Failure of the  
50 commission to submit a recommendation shall be deemed a

51 determination by the commission of consistency of such application or  
52 registration with the plan.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	22a-113p
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**Statement of Purpose:**

To revise the harbor management act to clarify the right of municipalities to review and make recommendations concerning uses authorized in areas covered by harbor management commissions.

*[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.]*

Co-Sponsors: REP. CONLEY, 40th Dist.; REP. NOLAN, 39th Dist.

H.B. 5614