

MARCH 16, 2012

Legislative Update - March 16, 2012

The proposed bill deadline has passed and the deadlines to vote to draft committee bills are fast approaching. Thus, while there will be some new committee bills to add to Table 1 below in the coming weeks, the overall number of bills that are still alive will decrease significantly by the end of this week and then again at the end of March when most committees have their deadline to favorably report bills. Table 1 below is a list of select environment, energy, and land use bills that may be of interest; it is not a comprehensive listing of bills.

There are, of course, too many bills to summarize here but if you are interested in climate change or clean energy, two bills that may be of particular interest are:

HB 5128 – *An Act Concerning Certain Revisions to the Coastal Zone Management Statutes*, is one of several bills that seek to address land use planning and permitting issues related to or resulting from significant storm events and from rising sea levels. See also HB 5127, SB 351, and SB 376. The proposed bill (1) adds rising sea levels to the list of considerations for shoreline planning; (2) establishes a coastal development policy to foster a long-term strategic retreat from coastal lands that are likely to be lost or repeatedly damaged due to erosion; (3) requires coastal site plan applicants to plan for the impact of rising sea levels on their projects; and (4) authorizes local commissions to prevent reconstruction of damaged coastal buildings under limited circumstances enumerated in the bill. The legislature has also convened a bipartisan Climate Change and Shoreline Preservation Task Force to examine issues similar to those raised in the proposed bills listed above. Its next meeting is March 27 at 2:00 p.m. in Room 1E of the Legislative Office Building.

SB 415 – *An Act Concerning The Operations Of The Department Of Energy And Environmental Protection, The Establishment Of A Commercial Property Assessed Clean Energy Program, Water Conservation And The Operations Of The Clean Energy Finance And Investment Authority*, implements many of the Department of Energy and Environmental Protection's recommended revisions to Connecticut's energy and utility statutes and authorizes the Clean Energy Finance and Investment Authority to issue its own bonds and establish capital reserve funds. It also authorizes municipalities to establish, or to join other municipalities in establishing, sustainable energy programs to facilitate energy improvements for commercial and industrial buildings within such municipality. The programs will allow qualifying commercial and industrial building owners to purchase and install renewable energy systems that are financed through a municipal benefits assessment that may be secured by a lien on the property. The bill also authorizes the municipality to issue program bonds secured by the benefits assessment.

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Environment, Energy & Land Use Legislative Update

Table 1: Environment, Energy, and Land Use Related Bills

Committee of Origin	Bill No.	Title	Bill Status Report	Last Action as of 3/14/12
ENVIRONMENT COMMITTEE				
Environment	84	AAC OUTDOOR WOOD FURNACES	Bill Status	JFS →FL
Environment	86	AAC THE STRUCTURES AND DREDGING PERMIT PROCESS	Bill Status	JFS →JUD
Environment	87	AAC WATER QUALITY CERTIFICATION APPLICATIONS	Bill Status	JF →JUD
Environment	91	AAC ENHANCED HARBOR MANAGEMENT RESPONSIBILITIES	Bill Status	Pub. Hrg. 2/22
Environment	92	AAC THE DISPOSAL AND COLLECTION OF UNUSED MEDICATION	Bill Status	Pub. Hrg. 2/22
Environment	211	AAC MUNICIPALITIES AND SOLID WASTE MANAGEMENT	Bill Status	Pub. Hrg. 3/02
Environment	265	AAC THE TAXATION OF REFUSE EXPORTED FROM CONNECTICUT	Bill Status	Pub. Hrg. 3/07
Environment	267	AAC CLEAN AND ALTERNATIVE FUEL VEHICLES	Bill Status	Pub. Hrg. 3/07
Environment	347	AAC THE STATE'S OPEN SPACE PLAN	Bill Status	Pub. Hrg. 3/16
Environment	348	AAC CONCERNING WATER CONSERVATION	Bill Status	Pub. Hrg. 3/16
Environment	349	AAC TRAINING FOR INLAND WETLANDS AGENCY MEMBERS AND AGENTS	Bill Status	Pub. Hrg. 3/16
Environment	351	AAC CERTAIN CEMETERY EROSION MITIGATION EFFORTS WITHIN THE COASTAL BOUNDARY	Bill Status	Pub. Hrg. 3/16
Environment	375	AAC REIMBURSEMENT UNDER THE UNDERGROUND STORAGE TANK PETROLEUM CLEAN-UP PROGRAM; See HB 5082	Bill Status	Pub. Hrg. 3/16
Environment	376	AAC THE COASTAL MANAGEMENT ACT AND SHORELINE FLOOD AND EROSION CONTROL STRUCTURES	Bill Status	Pub. Hrg. 3/16
Environment	5116	AA REQUIRING THE LABELING OF FOOD PACKAGING THAT CONTAINS BISPHENOL-A	Bill Status	Pub. Hrg. 3/07
Environment	5117	AAC GENETICALLY-ENGINEERED FOODS	Bill Status	Pub. Hrg. 2/22
Environment	5118	AAC THE RECLASSIFICATION OF TRASH-TO-ENERGY FACILITIES AS CLASS I RENEWABLE ENERGY SOURCES	Bill Status	Pub. Hrg. 3/02
Environment	5121	AAC THE USE OF ORGANIC PESTICIDES ON SCHOOL PROPERTY AND AUTHORIZING MUNICIPAL REGULATION OF THE USE OF PESTICIDES ON RESIDENTIAL PROPERTY	Bill Status	Pub. Hrg. 3/16
Environment	5127	AA DEFINING THE HIGH TIDE LINE FOR THE TIDAL, COASTAL AND NAVIGABLE WATERS OF THE STATE	Bill Status	JFS →FL
Environment	5128	AAC CERTAIN REVISIONS TO THE COASTAL ZONE MANAGEMENT STATUTES	Bill Status	Pub. Hrg. 2/22
Environment	5129	AAC THE REGULATION OF CERTAIN LOW EMISSION VEHICLES, IONIZING RADIATION AND STREAM CHANNEL ENCROACHMENT LINES BY THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION	Bill Status	JFS →FL
Environment	5130	AAC THE DAM SAFETY PROGRAM	Bill Status	Pub. Hrg. 2/22
Environment	5256	AAC STATE FUNDED HOUSING RECONSTRUCTION WITHIN A FLOODPLAIN	Bill Status	JF →FL
Environment	5260	AA RESTRICTING THE USE OF CERTAIN CHEMICALS THAT ARE HARMFUL TO JUVENILE LOBSTERS	Bill Status	Pub. Hrg. 3/02
Environment	5413	AAC INVASIVE PLANTS	Bill Status	Pub. Hrg. 3/16

Environment, Energy & Land Use Legislative Update

Committee of Origin	Bill No.	Title	Bill Status Report	Last Action as of 3/14/12
ENERGY AND TECHNOLOGY COMMITTEE				
Energy and Technology	415	AAC THE OPERATIONS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, THE ESTABLISHMENT OF A COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM, WATER CONSERVATION AND THE OPERATIONS OF THE CLEAN ENERGY FINANCE AND INVESTMENT AUTHORITY.	Bill Status	Pub. Hrg. 3/15
Energy and Technology	416	AAC THE MERGERS AND ACQUISITIONS OF THE HOLDING COMPANIES OF CERTAIN PUBLIC UTILITY COMPANIES	Bill Status	Pub. Hrg. 3/15
Energy and Technology	5271	AAC THE SITING COUNCIL	Bill Status	JFS → FL
Energy and Technology	5272	AAC ENERGY INFRASTRUCTURE	Bill Status	JFS → FL
Energy and Technology	5385	AAC ENERGY RETROFITS FOR CERTAIN BUILDINGS AND THE DISCLOSURE OF THE ENERGY EFFICIENCY OF CERTAIN BUILDINGS	Bill Status	Pub. Hrg. 3/08
Energy and Technology	5474	AAC THE AUTONOMY OF THE PUBLIC UTILITIES REGULATORY AUTHORITY	Bill Status	Pub. Hrg. 3/15
PLANNING AND DEVELOPMENT COMMITTEE				
Planning and Development	102	AA PROHIBITING LOCAL BUILDING STANDARDS	Bill Status	Pub. Hrg. 2/22
Planning and Development	103	AAC THE CONSOLIDATION OF NONEDUCATIONAL SERVICES	Bill Status	JF → ED
Planning and Development	104	AA PERMITTING MUNICIPAL EMPLOYEES TO SERVE AS CITATION HEARING OFFICERS	Bill Status	JFS → FL
Planning and Development	107	AAC THE TIME IN WHICH A REGULATED ACTIVITY MUST BE CONDUCTED UNDER A PERMIT ISSUED BY AN INLAND WETLANDS COMMISSION	Bill Status	JFS → FL
Planning and Development	263	AAC LIABILITY OF ZONING ENFORCEMENT OFFICERS	Bill Status	JFS → FL
Planning and Development	343	AAC INTERVENTION IN PERMIT PROCEEDINGS PURSUANT TO THE ENVIRONMENTAL PROTECTION ACT OF 1971	Bill Status	Pub. Hrg. 3/09
Planning and Development	5155	AA MODIFYING THE BAN ON PESTICIDE APPLICATIONS ON SCHOOL GROUNDS	Bill Status	File No. 15
Planning and Development	5159	AAC THE STATE PLAN OF CONSERVATION AND DEVELOPMENT	Bill Status	Pub. Hrg. 2/22
Planning and Development	5158	AAC THE ASSESSMENT OF BUILDINGS UNDER CONSTRUCTION	Bill Status	Pub. Hrg. 2/22
Planning and Development	5315	AA AUTHORIZING PLANNING COMMISSIONS TO NOTIFY REGIONAL PLANNING AGENCIES OF SUBDIVISION APPLICATIONS BY ELECTRONIC MAIL	Bill Status	JF → FL
Planning and Development	5318	AAC THE REVISION OF MUNICIPAL CHARTERS	Bill Status	JFS → FL
Planning and Development	5320	AAC BONDS AND OTHER SURETY FOR APPROVED SITE PLANS AND SUBDIVISIONS	Bill Status	Pub. Hrg. 3/02



Committee of Origin	Bill No.	Title	Bill Status Report	Last Action as of 3/14/12
Planning and Development	5406	AA ESTABLISHING A TASK FORCE TO STUDY BARRIERS TO THE FORMATION OF MUNICIPAL UTILITIES	Bill Status	Pub. Hrg. 3/09
Planning and Development	5407	AAC PERFORMANCE STANDARDS FOR PUBLIC UTILITIES	Bill Status	Pub. Hrg. 3/09
Planning and Development	5454	AAC THE VALUATION OF REAL PROPERTY ACQUIRED BY EMINENT DOMAIN	Bill Status	Pub. Hrg. 3/16
Planning and Development	5492	AA PROVIDING MUNICIPAL STORMWATER AUTHORITIES WITH CERTAIN CORPORATE POWERS	Bill Status	Pub. Hrg. 3/16
OTHER COMMITTEES				
Commerce	220	AAC NAVIGATION, COASTAL ACCESS AND CLEAN MARINAS	Bill Status	File No. 19
Government Administration and Elections	390	AAC THE PURVIEW OF THE LEGISLATIVE REGULATION REVIEW COMMITTEE	Bill Status	Pub. Hrg. 3/12
Government Administration and Elections	426	AAC GEOGRAPHIC INFORMATION SYSTEMS DATA SHARING	Bill Status	Ref. → GAE
Commerce	5343	AAC ECONOMIC DEVELOPMENT THROUGH STREAMLINED AND IMPROVED BROWNFIELD REMEDIATION PROGRAMS	Bill Status	Pub. Hrg. 3/06
Commerce	5465	AAC THE STATE'S REGULATORY AND PERMITTING PROCESS	Bill Status	Pub. Hrg. 3/15
Finance, Revenue and Bonding	413	AAC BONDING AUTHORITY FOR THE CONNECTICUT CLEAN ENERGY AUTHORITY	Bill Status	Pub. Hrg. 3/16
Judiciary	5502	AAC STANDING TO APPEAL A ZONING DECISION AND MUNICIPAL POWER TO OBTAIN A SEARCH WARRANT	Bill Status	Pub. Hrg. 3/19
Public Health	5334	AAC THE SALE OR ABANDONMENT OF WATER SUPPLY SOURCES AND ASSOCIATED LAND	Bill Status	Pub. Hrg. 3/07

JF = Joint Favorable Report; JFS = Joint Favorable Substitute; FL = Floor

If you have any questions regarding this newsletter or would like more detailed information, please contact Matt Ranelli at (860) 251-5748 or mraneli@goodwin.com. You can also contact any member of the Real Estate, Environmental and Land Use Group by calling (860) 251-5000 or by visiting Shipman & Goodwin's website at <http://www.shipmangoodwin.com>.

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