



General Assembly

Raised Bill No. 5066

February Session, 2002

LCO No. 515

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT IMPLEMENTING FLOODPLAIN MANAGEMENT AND HAZARD MITIGATION ACTIVITIES.

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

1 Section 1. Section 22a-27j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2002*):

3 (a) Any person, firm or corporation, other than a municipality,
4 making an application for any approval required by chapters 124, 126,
5 440 and 444 shall pay a fee of ten dollars, in addition to any other fee
6 which may be required, to the municipal agency or legislative body
7 which is authorized to approve the application. On and after July 1,
8 2002, the fee shall be twenty dollars. Such municipal agency or
9 legislative body shall collect such fees, retaining [one dollar] two
10 dollars of such fee for administrative costs, and shall pay the
11 remainder of such fees quarterly to the Department of Environmental
12 Protection and the receipts shall be deposited into an account of the
13 State Treasurer and credited to the Environmental Quality Fund
14 established pursuant to section 22a-27g. The portion of such fund
15 attributable to the fees established by this section shall be used by the
16 Department of Environmental Protection as follows: (1) Fifty per cent

17 shall be used for the purpose of funding the environmental review
18 teams program of the Bureau of Water Management within said
19 department, the Council on Soil and Water Conservation established
20 pursuant to section 22a-315 and the eight county soil and water
21 conservation districts; and (2) fifty per cent shall be deposited into the
22 hazard mitigation and floodplain management account established
23 pursuant to section 2 of this act and used for grants under section 4 of
24 this act.

25 (b) Not later than three months following the close of each fiscal
26 year starting with fiscal year July 1, 2000, the Department of
27 Environmental Protection shall identify those municipalities that are
28 not in compliance with subsection (a) of this section for the previous
29 fiscal year and shall provide the Office of Policy and Management with
30 a list of such municipalities. The list shall be submitted annually and in
31 such manner as the Office of Policy and Management may require. The
32 Office of Policy and Management, when issuing the first payment from
33 the Mashantucket Pequot and Mohegan Fund established pursuant to
34 section 3-55i, in the fiscal year during which said list is received, shall
35 reduce said payment to a municipality by five hundred dollars for
36 each quarter of the preceding fiscal year that the municipality has not
37 been in compliance with subsection (a) of this section to a maximum of
38 two thousand dollars in each fiscal year. The Office of Policy and
39 Management shall certify to the State Comptroller the amount of any
40 funds withheld under this subsection to be transferred to the
41 Environmental Quality Fund for the uses set forth in subsection (a) of
42 this section, and the State Comptroller shall cause said amount to be
43 transferred to such fund.

44 Sec. 2. (NEW) (*Effective July 1, 2002*) There is established an account
45 to be known as the "hazard mitigation and floodplain management
46 account". The hazard mitigation and floodplain management account
47 shall be an account of the Environmental Quality Fund established
48 under section 22a-27g of the general statutes. Notwithstanding any
49 provision of the general statutes, any moneys required by law to be

50 deposited in the account shall be deposited in the Environmental
51 Quality Fund and credited to the hazard mitigation and floodplain
52 management account. Any balance remaining in the account at the end
53 of any fiscal year shall be carried forward in the account for the fiscal
54 year next succeeding. The account shall be available to the
55 Commissioner of Environmental Protection for the purposes of
56 sections 3 to 7, inclusive, of this act.

57 Sec. 3. (NEW) (*Effective July 1, 2002*) As used in sections 4 to 7,
58 inclusive, of this act:

59 (1) "Hazard mitigation" means activities that include, but are not
60 limited to, actions taken to reduce or eliminate long-term risk to
61 human life, infrastructure and property resulting from natural hazards
62 including, but not limited to, flooding, high winds and wildfires; and

63 (2) "Floodplain management" means activities that include, but are
64 not limited to, actions taken to retain the existing capacity of
65 designated floodplain areas to store and convey flood waters.

66 Sec. 4. (NEW) (*Effective July 1, 2002*) (a) The Commissioner of
67 Environmental Protection shall establish and administer a hazard
68 mitigation and floodplain management grant program to reimburse
69 municipalities for costs incurred in the reduction or elimination of
70 long-term risks to human life, infrastructure and property from natural
71 hazards, including, but not limited to, flooding, high winds and
72 wildfires, and in the retention of present capacity of designated
73 floodplain areas to store and convey flood waters. Application for a
74 grant shall be made in writing to the commissioner in such form as the
75 commissioner may prescribe and shall include a description of the
76 purpose, objectives and budget of the activities to be funded by the
77 grant. The chief executive officer of the municipality applying for the
78 grant may designate the town planner, director of public works, police
79 chief, fire chief or emergency management director as the agent to
80 make the application.

81 (b) The Commissioner of Environmental Protection shall establish,
82 by regulations adopted in accordance with chapter 54 of the general
83 statutes, relative priorities for the approval of grants under this section.
84 Such priorities may take into account the differing needs of
85 municipalities, the need for consistency and equity in the distribution
86 of grant awards and the extent to which particular projects may
87 advance the purposes of this section. The commissioner may establish
88 further criteria for the approval of grants under this section. Not later
89 than February 1, 2004, the commissioner shall develop and disseminate
90 a pamphlet that describes the evaluation process for grant applications
91 under this section. In awarding grants under this section, the
92 commissioner shall consult with any person the commissioner deems
93 necessary.

94 (c) The commissioner shall authorize grant awards under this
95 section on or before July thirty-first and December thirty-first of each
96 fiscal year in which payment of a grant is to be made.

97 (d) The commissioner shall allocate not less than sixty per cent of
98 the moneys in the hazard mitigation and floodplain management
99 account in any fiscal year for grants under this section.

100 Sec. 5. (NEW) (Effective *October 1, 2002*) (a) On and after July 1,
101 2003, the Commissioner of Environmental Protection shall make grants
102 to municipalities from the hazard mitigation and floodplain
103 management account, established under section 2 of this act, for
104 hazard mitigation and floodplain management.

105 (b) If the commissioner finds that any grant awarded pursuant to
106 this section is being used for other purposes or to supplant a previous
107 source of funds, the commissioner may require repayment.

108 (c) The commissioner shall allocate moneys in the hazard mitigation
109 and floodplain management account, established under section 2 of
110 this act, for (1) the preparation or revision of hazard mitigation plans
111 by municipalities; (2) the preparation or revision of municipal plans of

112 conservation and development that include the identification of the
113 potential impacts of natural hazards, including, but not limited to,
114 flooding, high winds and wildfires; (3) reimbursement of costs
115 associated with participation in the community rating system of the
116 National Flood Insurance Program; (4) the execution of hazard
117 mitigation projects by municipalities in accordance with approved
118 hazard mitigation plans; and (5) costs for administering and providing
119 financial assistance for the hazard mitigation and floodplain
120 management grant program established under section 5 of this act.

121 (d) On or before September 1, 2004, and annually thereafter, the
122 commissioner shall submit a report describing the activities performed
123 with the allocated moneys for the preceding fiscal year to the joint
124 standing committees of the General Assembly having cognizance of
125 matters relating to planning and development and the environment.

126 Sec. 6. (NEW) (*Effective July 1, 2002*) (a) Each municipality that
127 receives a grant from the hazard mitigation and floodplain
128 management account established under section 2 of this act shall
129 submit a report to the Commissioner of Environmental Protection, in
130 such form as the commissioner prescribes, not later than September
131 first of the fiscal year following the year such grant was received. Such
132 report shall contain a description of activities paid for with financial
133 assistance under the grant. The chief executive officer of a municipality
134 that receives a grant from the hazard mitigation and floodplain
135 management account may designate the town planner, director of
136 public works, police chief, fire chief or emergency management
137 director of that municipality as the agent to make such report.

138 (b) On or before January 1, 2005, and annually thereafter, the
139 Commissioner of Environmental Protection shall submit a report on
140 grants made under section 5 of this act for the preceding fiscal year to
141 the joint standing committees of the General Assembly having
142 cognizance of matters relating to planning and development and the
143 environment. Each such report shall include: (1) A description of the

144 grants made, including the amount, purposes and the municipalities to
145 which they were made; (2) a summary of the activities for which the
146 Department of Environmental Protection used the moneys allocated to
147 it under section 3 of this act; and (3) any findings or recommendations
148 concerning the operation and effectiveness of the grant program.

149 Sec. 7. (NEW) (*Effective July 1, 2002*) The Commissioner of
150 Environmental Protection shall adopt regulations, in accordance with
151 the provisions of chapter 54 of the general statutes, to implement the
152 provisions of sections 3 to 6, inclusive, of this act.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>July 1, 2002</i>
Sec. 7	<i>July 1, 2002</i>

Statement of Purpose:

To provide funding to municipalities for hazard mitigation and floodplain management activities through a grant program administered by the Commissioner of Environmental Protection.

[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.]