



Senate

General Assembly

File No. 302

January Session, 2005

Substitute Senate Bill No. 637

Senate, April 13, 2005

The Committee on Environment reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING A BI-STATE LONG ISLAND SOUND COMMITTEE.

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

1 Section 1. Section 25-138 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective upon the enactment by*
3 *the state of New York of legislation having like effect*):

4 In order to provide for [the] maximum [enhancement of the marine
5 resources] public enjoyment and to protect the natural resources of
6 Long Island Sound, which is threatened by proposed industrialization
7 and negative uses, including, but not limited to, proposed private
8 energy development projects, the legislature hereby finds that the best
9 interest of the people of the state and the communities involved will be
10 served by the establishment of a Connecticut-New York Bi-State Long
11 Island Sound [Marine Resources] Committee to make specific
12 recommendations concerning the maintenance, protection and
13 restoration of such [marine] natural resources.

14 Sec. 2. Section 25-139 of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective upon the enactment by*
16 *the state of New York of legislation having like effect*):

17 There is hereby established a Bi-State Long Island Sound [Marine
18 Resources] Committee. Such committee shall consist of eighteen
19 members, nine of whom shall be residents of Connecticut and nine of
20 whom shall be residents of New York. The Connecticut members shall
21 be as follows: Three members of the senate representing districts that
22 include coastal municipalities, one appointed by the president pro
23 tempore of the Senate, one appointed by the majority leader of the
24 Senate and one appointed by the minority leader of the Senate; three
25 members of the House of Representatives, one appointed by the
26 speaker of the House of Representatives, one appointed by the
27 majority leader of the House of Representatives and one appointed by
28 the minority leader of the House of Representatives; and the Governor,
29 the Commissioner of Environmental Protection and the director of the
30 Connecticut coastal zone management program, or their designees.

31 Sec. 3. Section 25-140 of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective upon the enactment by*
33 *the state of New York of legislation having like effect*):

34 The committee may make such recommendations as may be
35 necessary to effectuate the purposes of this part. In furtherance of its
36 responsibilities under this part, the committee [shall] may coordinate
37 and recommend standardization of all laws relative to Long Island
38 Sound including, but not limited to, standardization of jurisdiction of
39 coastal waters by harbor management commissions, municipal
40 waterfront authorities, municipal conservation commissions,
41 municipal port authorities and municipal shellfish commissions. The
42 committee shall consider the adverse impact any action proposed in or
43 for Long Island Sound may have upon the [marine] public trust
44 resources of said sound. The committee shall prepare and submit a
45 report to the governors and the legislatures of the respective states on
46 or before February fifteenth, annually. The report shall make

47 recommendations for legislation regarding proposed industrialization
48 and private use of public trust resources of Long Island Sound,
49 including, but not limited to, proposed private energy projects. In
50 developing such recommendations, the committee shall seek to (1)
51 avoid, (2) minimize, and (3) mitigate the impacts of such proposed
52 industrialization and private use of public trust resources of said
53 sound. For the purposes of this section, "public trust resources" shall
54 include, but not be limited to, the historic and broad boating use of
55 said sound by the public, the right of the public to enjoy and explore
56 the natural beauty of said sound by boat, the rights of the public and
57 commercial fishermen to harvest fish and shellfish from said sound,
58 the protection of all natural resources of said sound that are held in
59 trust by the state for the public, the stewardship and restoration of sites
60 along the coast of said sound that contain important habitat or natural
61 resources and the protection of sites that provide opportunities for
62 public enjoyment of said sound.

63 Sec. 4. Section 25-140a of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective upon the enactment by*
65 *the state of New York of legislation having like effect*):

66 The Bi-State Long Island Sound [Marine Resources] Committee,
67 established pursuant to sections 25-138 to 25-142, inclusive, may solicit
68 proposals from any interested and qualified party for a design for a
69 uniform sign denoting coastal access to Long Island Sound in the states
70 of Connecticut and New York. The committee may make a
71 recommendation regarding such signs to the governors and the
72 legislatures of the respective states during their 1993 legislative
73 sessions.

74 Sec. 5. Section 25-141 of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective upon the enactment by*
76 *the state of New York of legislation having like effect*):

77 The committee may request and receive from any department,
78 division, board, bureau, commission or other agency of the state of
79 Connecticut or the state of New York, or any political subdivision

80 thereof or any public authority or not-for-profit organization such data
 81 as may be necessary to enable the committee to carry out its
 82 responsibilities under this part.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>upon the enactment by the state of New York of legislation having like effect</i>	25-138
Sec. 2	<i>upon the enactment by the state of New York of legislation having like effect</i>	25-139
Sec. 3	<i>upon the enactment by the state of New York of legislation having like effect</i>	25-140
Sec. 4	<i>upon the enactment by the state of New York of legislation having like effect</i>	25-140a
Sec. 5	<i>upon the enactment by the state of New York of legislation having like effect</i>	25-141

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Environmental Protection; Governor's Off.	GF - None	None	None
Legislative Mgmt.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill replaces the Connecticut-New York Bi-State Long Island Sound Marine Resources Committee with the Bi-State Long Island Sound Committee. The bill appoints the Governor, and the Commissioner of the Department of Environmental Protection, or their designees to serve on the committee within normal budgetary resources. To the extent any legislators are appointed to the committee, Legislative Management may incur minimal costs for legislator mileage reimbursement, which is currently 40.5 cents per mile.

OLR Bill Analysis

sSB 637

AN ACT CONCERNING A BI-STATE LONG ISLAND SOUND COMMITTEE**SUMMARY:**

This bill replaces the Connecticut-New York Bi-State Long Island Sound Marine Resources Committee with the Bi-State Long Island Sound Committee. It requires the new committee to recommend legislation to avoid, minimize, and mitigate the impact of the proposed industrialization of the Sound and the use of its public trust resources for private energy projects and other private uses. The Sound Committee is comprised of 18 members, nine each from Connecticut and New York. The committee has the same number of members, appointed by the same appointing authorities, as the current committee.

EFFECTIVE DATE: Upon the enactment by New York state of similar legislation.

BI-STATE LONG ISLAND SOUND COMMITTEE**Charge**

The committee must provide for maximum public enjoyment and protect the natural resources of the Sound, which, the bill states, is threatened by proposed industrialization and negative uses, including proposed private energy projects. It must make specific recommendations for maintaining, protecting, and restoring natural resources. Under current law, the Marine Resources Committee is charged with providing for the maximum enhancement of the Sound's marine resources, and making recommendations to maintain, protect and restore those resources.

Under current law, the Marine Resources Committee must coordinate and recommend standardization of all laws relating to the Sound. The bill authorizes, but does not require, the Sound Committee to coordinate and recommend such standardization. The Sound

Committee must consider the adverse impact any action proposed in the Sound may have upon the Sound's public trust resources, rather than its marine resources.

Under the bill, "public trust resources" include:

1. the historic and broad boating use of the Sound by the public,
2. the public's right to enjoy and explore the Sound's natural beauty by boat,
3. the right of the public and commercial fishermen to harvest fish and shellfish from the Sound,
4. the protection of the Sound's natural resources held in trust by the state for the public,
5. the stewardship and restoration of sites along the coastline that contain important habitat or natural resources, and
6. the protection of sites that provide opportunities for public enjoyment of the Sound.

Annual Report

The bill requires the Sound Committee to submit reports to the governors of New York and Connecticut annually by February 15. They must recommend laws regarding proposed industrialization and private use of the Sound's public trust resources, including proposed private energy projects. In making its recommendations, the committee must seek to avoid, minimize, and mitigate the impact of such industrialization and private uses.

Membership

The committee must consist of 18 members, nine Connecticut residents and nine New York residents. The Connecticut representatives must include:

1. three senators, representing districts that include coastal municipalities, one each appointed by the Senate president pro tem, majority leader, and minority leader;

2. three members of the House, one each appointed by the House speaker, majority leader, and minority leader;
3. the governor or her designee;
4. the environmental protection commissioner, or her designee; and
5. the director of the coastal zone management program, or his designee.

Data Requests and Signs

By law, the marine resources committee can request and receive any data it needs from New York and Connecticut state and local agencies or public authorities. The bill additionally authorizes the Sound committee to request and receive necessary data from nonprofit organizations. It authorizes the Sound Committee, rather than the marine resources committee, to solicit proposals from any interested and qualified parties to design a uniform sign denoting coastal access to the Sound. However, it retains an obsolete requirement that the committee make a recommendation regarding such signs during the states' respective 1993 legislative sessions.

BACKGROUND

Marine Resources Committee

The marine resources committee was created in 1973, effective on New York's adoption of similar legislation. New York adopted such legislation on September 1, 1988. According to the Department of Environmental Protection, the committee has not met for several years.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 28 Nay 0