



House of Representatives

File No. 607

General Assembly

February Session, 2006

(Reprint of File No. 217)

Substitute House Bill No. 5584
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 21, 2006

AN ACT CONCERNING THE ROUTE 11 GREENWAY AUTHORITY COMMISSION.

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

1 Section 1. Subsections (c) and (d) of section 13a-142e of the 2006
2 supplement to the general statutes are repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2006*):

4 (c) Such ordinance shall also require the Commissioner of
5 Environmental Protection and the Commissioner of Transportation,
6 not later than sixty days after May 26, 2000, to call a meeting of said
7 commission which shall, within ninety days thereafter:

8 (1) Hold public hearings for the purpose of developing standards
9 for (A) defining the initial boundaries of the Route 11 Greenway, (B)
10 planning the design, construction, maintenance and management of
11 the Route 11 Greenway [trail system] and intermodal transportation
12 access system, (C) identifying and prioritizing lands that should be
13 added to the Route 11 Greenway, (D) recommending land use within
14 the Route 11 Greenway, and (E) acquiring land and securing

15 conservation easements for the Route 11 Greenway, except that
16 nothing in public act 00-148* shall be construed to prohibit the
17 acquisition of land within the Route 11 Greenway by a municipality;
18 and

19 (2) Establish by-laws by which the commission shall (A) conduct its
20 meetings, including a provision specifying that no action by the
21 commission shall be effective except by the concurring vote of at least
22 four members, (B) protect and preserve the lands under its custody,
23 (C) supervise staff, (D) maintain its records, and (E) report to the
24 General Assembly, as required under subsection (d) of this section.

25 (d) Notwithstanding any other provision of this section or the
26 general statutes, the commission may: (1) Acquire or convey by
27 purchase, gift, lease, devise, exchange or otherwise, any land or
28 interest therein including, but not limited to, conservation easements,
29 located wholly or partly in the conservation zone, provided [such
30 acquisition does not utilize funds furnished by the state] state funds
31 may be used only to the extent that such funds have been authorized
32 specifically by an act of the General Assembly for the acquisition of
33 land located within two thousand feet of the Department of
34 Transportation's right of way; (2) transfer, with the approval of the
35 commissioner, any land or interest therein to the state with or without
36 consideration, provided any funds received therefor shall not be
37 deemed funds furnished by the state for the purposes of this section;
38 (3) contribute or transfer funds to, and enter into agreements with,
39 land trusts or other conservation organizations, to carry out the
40 purposes of public act 00-148*; and (4) request the Commissioner of
41 Transportation to acquire an interest in real property on behalf of the
42 commission for use as part of the Route 11 Greenway [trail system]
43 and, if acquired by said commissioner, accept the transfer of custody
44 and control of such interest from said commissioner. Said
45 commissioner may acquire any interest in real property for use as part
46 of the Route 11 Greenway [trail system] in the same manner and with
47 like powers as authorized and exercised by said commissioner in
48 acquiring real property for highway purposes and may, upon request

49 of the commission [and pursuant to an act of the General Assembly,]
50 transfer custody and control of such interest in real property to the
51 commission. The commission shall report to the General Assembly, on
52 or before February fifteenth, annually, on its activities of the preceding
53 year and on its finances. The existence of the commission shall
54 terminate at such time as all of its member towns have withdrawn or it
55 is abolished by the General Assembly.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	13a-142e(c) and (d)

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 07 \$	FY 08 \$
Department of Transportation	Various - Cost	Potential Significant	Potential Significant

Municipal Impact: None

Explanation

The bill as amended repeals a restriction on the Route 11 Greenway Authority Commission prohibiting it from utilizing state funds for land acquisition. Therefore, there is a potential cost to the state to the degree that state funds are provided to the Commission for certain land acquisition that could be significant (\$100,000 or more).

House 'A' repeals a restriction on the Route 11 Greenway Authority Commission prohibiting it from utilizing state funds for land acquisition and results in the fiscal impact stated above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5584 (as amended by House "A")******AN ACT CONCERNING THE ROUTE 11 GREENWAY AUTHORITY COMMISSION.*****SUMMARY:**

This bill eliminates an absolute ban on the Route 11 Greenway Authority Commission using state funds to acquire land and instead permits it to use state funds to acquire land located within 2,000 feet of the Department of Transportation's right of way if the General Assembly specifically authorizes it.

By law, the commission can ask the transportation commissioner to acquire an interest in real property for use as part of the Route 11 Greenway trail system and, if he acquires any such interest, to transfer custody and control of it to the commission pursuant to a legislative act. The law authorizes the commissioner to acquire the property interests in the same ways he can acquire real property for highway purposes, including through condemnation.

The bill (1) clarifies that the commission may request the commissioner to acquire land only on the commission's behalf, (2) eliminates the necessity for legislative action to transfer land the commissioner acquires for the commission to it, and (3) removes all references to the Route 11 Greenway trail system and instead refers only to the Route 11 Greenway.

*House Amendment "A" adds the provision on use of state funds.

EFFECTIVE DATE: October 1, 2006

BACKGROUND

Route 11 Greenway Authority Commission

The law allows the towns of East Lyme, Montville, Salem, and Waterford to establish the Route 11 Greenway Authority Commission, which they have done. Each town has one member and one alternate member on the commission, as does the Southeastern Connecticut Council of Governments. The transportation and environmental protection commissioners also are members. The commission must hold public hearings to develop standards for (1) defining the initial boundaries of the Route 11 Greenway; (2) planning its design, construction, maintenance, and management; (3) identifying and prioritizing land that should be added to the greenway; (4) recommending land use within the greenway; and (5) acquiring land and securing conservation easements for the greenway. The commission may not use state funds for acquisitions. It may transfer to the state land or interests in land it acquires, but has no specific authority to directly request state agencies to purchase land or easements for the greenway.

Legislative History

On April 6 and 10, the House referred the bill (File 217) to the Transportation and Legislative Management committees, respectively. Both committees reported the bill without change.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/14/2006)

Transportation Committee

Joint Favorable

Yea 27 Nay 0 (04/05/2006)

Joint Committee on Legislative Management

Joint Favorable

Yea 24 Nay 0 (04/17/2006)