



House of Representatives

General Assembly

File No. 499

January Session, 2009

Substitute House Bill No. 5467

House of Representatives, April 6, 2009

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE MARINE SCIENCE MAGNET HIGH SCHOOL OF SOUTHEASTERN CONNECTICUT.

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

1 Section 1. (NEW) (*Effective from passage*) Notwithstanding any
2 provision of section 25-68d of the general statutes or any regulations
3 adopted pursuant to section 25-68h of the general statutes, the project
4 known as the Marine Science Magnet High School of Southeastern
5 Connecticut may be constructed on the parcel of land now or formerly
6 owned by Doris P. Pulaski, Trustee, having a street address of 155
7 Thomas Road in the town of Groton, provided all permits required by
8 law, other than any permits required by said section 25-68d and
9 regulations adopted pursuant to said section 25-68h have been filed
10 and approved.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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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 10 \$	FY 11 \$
Education, Dept.	GOBonds - See Below	See Below	See Below

Note: GOBonds=General Obligation Bonds

Municipal Impact: None

Explanation

The bill authorizes the project known as the “Marine Science Magnet High School of Southeastern Connecticut” to be constructed on land now or formerly owned by Doris P. Pulaski, Trustee.

The project originally received an authorization of \$12.4 million in May 2000, and a revised authorization of \$27.0 million in June 2004. The cost of the site is \$1.7 million¹.

It is anticipated that since the supplemental authorization of \$27.0 million was made in 2004, the actual cost of the project has increased and the municipality would require additional funding from the State Department of Education.

The Out Years

The cost in the out years would include any additional authorized amounts that were needed to complete the project.

¹ Since the authorizations were made in 2000 and 2004, before the reimbursement rate change, the project is 100% reimbursable.

OLR Bill Analysis**sHB 5467*****AN ACT CONCERNING THE MARINE SCIENCE MAGNET HIGH SCHOOL OF SOUTHEASTERN CONNECTICUT.*****SUMMARY:**

This bill authorizes the project known as the “Marine Science Magnet High School of Southeastern Connecticut” to be constructed on land now or formerly owned by Doris P. Pulaski, Trustee, without meeting the law’s certification or exemption and permit requirements concerning activities or critical activities in or affecting the floodplain. The land where the project will be built is located at 155 Thomas Road in Groton.

Under the bill, all permits required by law for building, except any concerning activity or critical activity in the floodplain, must have been filed and approved.

The law generally subjects state agencies (e.g., involved with school siting and construction) to Department of Environmental Protection (DEP) regulation of activities in flood plains, but provides a method whereby an agency can apply for an exemption. It requires DEP to adopt regulations that include standards for storm water management and flood flows and certification and exemption procedures for activities in floodplains.

EFFECTIVE DATE: Upon passage

BACKGROUND***Certification Requirement of an Activity or Critical Activity in or Affecting the Floodplain or Exemption***

By law, no state agency may undertake an activity or a critical activity in or affecting the floodplain without first obtaining, from the

DEP commissioner, an (1) approval, or approval with conditions, of a required certification or (2) exemption from certification. An “activity” is any proposed state action in a floodplain or that impacts natural or man-made storm drainage facilities that are located on property that the commissioner determines the state controls. “Critical activity” means any activity, including (1) the treatment, storage and disposal of hazardous waste and (2) the siting of hospitals, housing for the elderly, schools or residences, in the .2% floodplain in which the commissioner determines that a slight chance of flooding is too great.

The law requires any state agency proposing an activity or critical activity within or affecting the floodplain to submit to the DEP commissioner information certifying various things, including that the proposal will not (1) obstruct flood flows or result in an adverse increase in flood elevations; (2) significantly affect the storage or flood control value of the floodplains; (3) cause an adverse increase in flood velocities or an adverse flooding impact upon upstream, downstream, or abutting properties; or (4) pose a hazard to human life, health, or property in the event of a base flood.

The commissioner must make a decision to approve, approve with conditions, or reject a certification no later than 90 days after receipt of the certification, except that in the case of an exemption any decision must be made 90 days after the close of the hearing the law allows. If a certification is rejected, the agency is entitled to a hearing.

However, state agencies proposing activities may apply to the commissioner for an exemption from certification (CGS § 25-68d(d)). It must state why it is unable to comply and any other information the commission deems necessary.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 7 (03/20/2009)