



House of Representatives

File No. 882

General Assembly

January Session, 2009

(Reprint of File No. 338)

House Bill No. 6589
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 1, 2009

AN ACT CONCERNING LAND USE APPEALS.

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

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this section
2 "land use appeal" means any appeal taken under chapter 97a, 124,
3 125a, 126, 127 or 440 of the general statutes or under section 7-246a or
4 22a-354q of the general statutes. This section shall not apply to any
5 appeal taken under chapter 126a of the general statutes.

6 (b) The Chief Court Administrator shall (1) establish in each judicial
7 district a docket separate from other civil matters for the hearing of
8 land use appeals; and (2) identify in each judicial district judges with
9 experience in land use appeals who shall hear all appeals, including all
10 pretrial matters, on such land use appeals docket.

11 (c) The Chief Court Administrator shall establish policies and
12 procedures to implement the provisions of this section. On or before
13 January 1, 2010, said administrator shall submit a report on such
14 implementation, in accordance with section 11-4a of the general
15 statutes, to the joint standing committee of the General Assembly

- 16 having cognizance of matters relating to planning and development.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Potential Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

Although the bill would not create additional work through the creation of separate land use dockets in each judicial district, it restricts the ability of the Chief Court Administrator to allocate the Judicial Department's existing resources in the most efficient manner possible and could thereby generate overtime or other personnel costs. Any such costs would be minimal (i.e., less than \$50,000) on an annual basis.

House Amendment "A" made clarifying changes that have no fiscal impact.

The Out Years

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

OLR Bill Analysis**HB 6589 (as amended by House "A")******AN ACT CONCERNING LAND USE APPEALS.*****SUMMARY:**

This bill requires the Judicial Branch to treat land use appeals separately from other civil cases. The chief court administrator must do this by establishing a separate land use docket in each judicial district and identifying judges with land use expertise in each district to hear appeals, including pretrial motions, on the district's land-use appeals docket.

The land-use dockets must hear only appeals under the historic preservation, zoning, land use ordinances, planning commission, regional planning agency, inland wetlands and watercourses, municipal sewerage system, and municipal aquifer protection statutes. The chief court administrator must establish implementing policies and procedures. She must report the status of the land use dockets to the Planning and Development Committee by January 1, 2010.

The bill excludes from the land-use docket appeals brought under the affordable housing land use appeals statute. That statute requires the chief court administrator to assign these appeals, including pretrial motions, to a small number of judges serving in different parts of the state (CGS § 8-30g(f)).

*House Amendment "A" specifies that the land use docket must hear appeals and pretrial motions; exempts affordable housing appeals from assignment to the docket; and adds to the types of appeals and motions that must be assigned to that docket those brought (1) under the historic preservation, municipal sewerage system, and municipal

aquifer protection statutes and (2) against decisions the environmental protection commissioner makes under the inland and watercourses statutes.

EFFECTIVE DATE: October 1, 2009

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 19 Nay 0 (03/11/2009)

Judiciary

Joint Favorable

Yea 40 Nay 2 (04/14/2009)