



House of Representatives

General Assembly

File No. 307

February Session, 2006

Substitute House Bill No. 5042

House of Representatives, April 3, 2006

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT AND INTERIM CHANGES TO THE STATE PLAN OF CONSERVATION AND DEVELOPMENT.

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

1 Section 1. Subsection (g) of section 8-23 of the 2006 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2006*):

4 (g) The commission may adopt the plan or any part thereof or
5 amendment thereto by a single resolution or may, by successive
6 resolutions, adopt parts of the plan and amendments thereto. Any
7 plan, section of a plan or recommendation in the plan, not endorsed by
8 the legislative body of the municipality may be adopted by the
9 commission by a vote of not less than two-thirds of all the members of
10 the commission. Upon adoption by the commission, any plan or part
11 thereof or amendment thereto shall become effective at a time
12 established by the commission, provided notice thereof shall be

13 published in a newspaper having a general circulation in the
14 municipality prior to such effective date. Any plan or part thereof or
15 amendment thereto shall be posted on the Internet web site of the
16 municipality, if any, and shall be filed in the office of the town clerk,
17 except that, if it is a district plan or amendment, it shall be filed in the
18 offices of both the district and town clerks. The commission shall
19 [notify] submit a copy of the plan to the Secretary of the Office of
20 Policy and Management not more than sixty days after adoption of the
21 plan and shall include with such copy a description of any
22 inconsistency between the plan adopted by the commission and the
23 state plan of conservation and development and the reasons therefor.

24 Sec. 2. Section 16a-32 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2006*):

26 (a) Each revision of the plan of conservation and development shall
27 be initiated by the secretary and shall be undertaken in accordance
28 with the process outlined in this chapter.

29 (b) [Upon written approval of the committee, interim changes in the
30 plan may be undertaken by the secretary upon his own initiative or
31 upon application by any person, political subdivision of the state or
32 state agency without initiating a revision of the plan.] After receiving
33 written approval from the committee, the secretary may undertake
34 interim changes in the plan upon the secretary's own initiative or upon
35 application by (1) the chief elected official of a municipality or the head
36 of a state agency, or (2) any resident or property owner of a
37 municipality in which a change is proposed. No application for an
38 interim change from a municipality may be submitted unless the
39 municipality in which the change is proposed has a plan of
40 conservation and development that has been updated in accordance
41 with section 8-23, as amended by this act. The secretary shall adopt
42 regulations in accordance with chapter 54 to establish procedures for
43 applications for such interim changes by any person, political
44 subdivision of the state or state agency. Such regulations shall include,
45 but need not be limited to, provisions for interviews and consultations

46 with local planning and zoning commissions or, in those
 47 municipalities which have adopted the provisions of chapter 124 but
 48 which do not have a zoning commission, the persons designated to
 49 exercise zoning powers pursuant to section 8-1, review of local plans of
 50 development and public hearings. The secretary shall notify the chief
 51 executive officer and the persons exercising planning or zoning
 52 powers in any municipality which is the subject of an application for
 53 change in the locational guide map and shall notify any members of
 54 the General Assembly representing any area which is the subject of
 55 such an application. A joint public hearing by the secretary and the
 56 committee shall be held in any such municipality if requested by any
 57 chief executive officer or planning or zoning official notified by the
 58 secretary pursuant to this subsection. The committee shall also hold a
 59 hearing in addition to any hearing required to be held in any
 60 municipality concerning the locational guide map on any other
 61 proposed changes. After such public hearing, [by the committee and
 62 upon written approval of the committee, the secretary may] the
 63 committee shall approve or disapprove the application and notify the
 64 secretary of its decision not more than ten days thereafter. The
 65 secretary shall make interim changes in the plan to reflect the
 66 approved changes.

67 (c) The secretary shall report annually on or before February
 68 fifteenth to the committee progress on the implementation of the plan
 69 and the extent to which state actions are in conformity with the plan.

70 (d) Nothing in this section shall be construed to prohibit the
 71 committee from initiating a revision of the plan at any time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	8-23(g)
Sec. 2	October 1, 2006	16a-32

PD *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 07 \$	FY 08 \$
Policy & Mgmt., Off.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill modifies the way changes are made to the state Plan of Conservation and Development, which results in no fiscal impact to the Office of Policy and Management, the agency responsible for such plan.

The Out Years

There is no out year fiscal impact.

OLR Bill Analysis

sHB 5042

AN ACT CONCERNING MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT AND INTERIM CHANGES TO THE STATE PLAN OF CONSERVATION AND DEVELOPMENT.

SUMMARY:

This bill modifies how the Office of Policy and Management (OPM) secretary can make interim changes to the state Plan of Conservation and Development (state plan of C&D) in the years between its revision and adoption by the legislature.

Under current law, municipal planning commissions must notify OPM of any inconsistency between their local plans of conservation and development and the state plan of C&D. The bill instead requires the commissions to (1) send a copy of their plans to OPM within 60 days of their adoption and (2) include in the copy a description of any inconsistencies with the state Plan of C&D.

EFFECTIVE DATE: October 1, 2006

STATE PLAN OF C&D

By law, the legislature must revise the state plan of C&D at least every five years. The OPM secretary can make interim changes, with the written approval of the Continuing Legislative Committee on State Planning and Development, without initiating a revision of the plan.

By law, the secretary can make these changes on his own initiative or upon application of certain parties. The bill limits who can make an application. Currently, any person, political subdivision of the state, or state agency can apply. The bill limits the individuals who can apply to residents or property owners of the municipality where the change is proposed. It limits public sector applications to those made by the

head of a state agency or the chief elected official of a municipality. It bars applications from municipalities unless they have updated their local plans of conservation and development as required by law, i.e., at least once in the past 10 years. The bill also requires the committee to notify the secretary of its decision to approve or reject the application within 10 days of making the decision.

BACKGROUND

Continuing Legislative Committee on State Planning and Development

This committee consists of 10 legislators: the co-chairs of the Planning and Development Committee and eight members appointed by legislative leaders. It is responsible for setting broad goals and objectives for the state’s physical and economic development.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 0 (03/17/2006)