



House of Representatives

General Assembly

File No. 571

January Session, 2009

Substitute House Bill No. 6595

House of Representatives, April 8, 2009

The Committee on Planning and Development reported through REP. SHARKEY of the 88th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT POLICIES PLAN.

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

1 Section 1. (*Effective from passage*) The Continuing Legislative
2 Committee on State Planning and Development, established pursuant
3 to section 4-60d of the general statutes, shall conduct a study of the
4 process for adopting the state plan of conservation and development
5 and the application of such plan to the implementation of state policy.
6 In conducting such study the committee shall consult with
7 stakeholders, including, but not limited to, municipalities, regional
8 planning organizations, state agencies and the public. On or before
9 February 1, 2010, the committee shall submit a report of its findings
10 and recommendations to the General Assembly in accordance with the
11 provisions of section 11-4a of the general statutes.

12 Sec. 2. Section 16a-27 of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective from passage*):

14 (a) The secretary, after consultation with all appropriate state,
15 regional and local agencies and other appropriate persons, shall, prior
16 to March 1, [2009] 2011, complete a revision of the existing plan and
17 enlarge it to include, but not be limited to, policies relating to
18 transportation, energy and air. Any revision made after May 15, 1991,
19 shall identify the major transportation proposals, including proposals
20 for mass transit, contained in the master transportation plan prepared
21 pursuant to section 13b-15. Any revision made after July 1, 1995, shall
22 take into consideration the conservation and development of
23 greenways that have been designated by municipalities and shall
24 recommend that state agencies coordinate their efforts to support the
25 development of a state-wide greenways system. The Commissioner of
26 Environmental Protection shall identify state-owned land for inclusion
27 in the plan as potential components of a state greenways system.

28 (b) Any revision made after August 20, 2003, shall take into account
29 (1) economic and community development needs and patterns of
30 commerce, and (2) linkages of affordable housing objectives and land
31 use objectives with transportation systems.

32 (c) Any revision made after March 1, 2006, shall (1) take into
33 consideration risks associated with natural hazards, including, but not
34 limited to, flooding, high winds and wildfires; (2) identify the potential
35 impacts of natural hazards on infrastructure and property; and (3)
36 make recommendations for the siting of future infrastructure and
37 property development to minimize the use of areas prone to natural
38 hazards, including, but not limited to, flooding, high winds and
39 wildfires.

40 (d) Any revision made after July 1, 2005, shall describe the progress
41 towards achievement of the goals and objectives established in the
42 previously adopted state plan of conservation and development and
43 shall identify (1) areas where it is prudent and feasible (A) to have
44 compact, transit accessible, pedestrian-oriented mixed-use
45 development patterns and land reuse, and (B) to promote such
46 development patterns and land reuse, (2) priority funding areas

47 designated under section 16a-35c, and (3) corridor management areas
48 on either side of a limited access highway or a rail line. In designating
49 corridor management areas, the secretary shall make
50 recommendations that (A) promote land use and transportation
51 options to reduce the growth of traffic congestion; (B) connect
52 infrastructure and other development decisions; (C) promote
53 development that minimizes the cost of new infrastructure facilities
54 and maximizes the use of existing infrastructure facilities; and (D)
55 increase intermunicipal and regional cooperation.

56 (e) Any revision made after October 1, 2008, shall (1) for each policy
57 recommended (A) assign a priority; (B) estimate funding for
58 implementation and identify potential funding sources; (C) identify
59 each entity responsible for implementation; and (D) establish a
60 schedule for implementation; and (2) for each growth management
61 principle, determine three benchmarks to measure progress in
62 implementation of the principles, one of which shall be a financial
63 benchmark.

64 (f) Thereafter on or before March first in each revision year the
65 secretary shall complete a revision of the plan of conservation and
66 development.

67 Sec. 3. Section 16a-28 of the general statutes is repealed and the
68 following is substituted in lieu thereof (*Effective from passage*):

69 (a) The secretary shall present a draft of the revised plan of
70 conservation and development for preliminary review to the
71 continuing legislative committee on state planning and development
72 prior to September first in [2008] 2010 and prior to September first in
73 each prerevision year thereafter.

74 (b) After December first in [1985] 2010 and after December first in
75 each prerevision year thereafter the secretary shall proceed with such
76 further revisions of the draft of the revised plan of conservation and
77 development as he deems appropriate. The secretary shall, by
78 whatever means he deems advisable, publish said plan and

79 disseminate it to the public on or before March first in revision years.
80 The secretary shall post the plan on the Internet web site of the state.

81 (c) [Within] Not later than five months [of] after publication of said
82 revised plan the secretary shall hold public hearings, in cooperation
83 with regional planning agencies, to solicit comments on said plan.

84 Sec. 4. Section 16a-29 of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective from passage*):

86 The secretary shall consider the comments received at the public
87 hearings and shall make any necessary or desirable revisions to said
88 plan and within three months of completion of the public hearings
89 submit the plan to the continuing legislative committee on state
90 planning and development, for its approval, revision or disapproval,
91 in whole or in part. Notwithstanding the provisions of this section, the
92 secretary shall submit the state Conservation and Development
93 Policies Plan, [2004-2009] 2012-2017, to said committee on or before
94 December 1, [2004] 2011.

95 Sec. 5. Section 16a-32a of the general statutes is repealed and the
96 following is substituted in lieu thereof (*Effective from passage*):

97 The Office of Policy and Management shall amend the state plan of
98 conservation and development adopted pursuant to this chapter to
99 include therein a goal for reducing carbon dioxide emissions within
100 this state [. Said office, in consultation with the Department of
101 Environmental Protection, shall submit a report to the General
102 Assembly on or before the thirtieth day following May 22, 1995, on or
103 before May 1, 1996, and annually thereafter, which details the net
104 amount of carbon dioxide emitted annually within this state.
105 Subsequent to the May 1, 2000, submittal, said report shall be
106 submitted every three years with the first such report due May 1, 2003]
107 consistent with the recommendations of the Connecticut Climate
108 Change Action Plan prepared in accordance with section 22a-200a.

109 Sec. 6. Subsection (b) of section 8-23 of the general statutes, as

110 amended by section 3 of public act 07-239, section 4 of public act 07-5
 111 of the June special session and section 17 of public act 08-182, is
 112 repealed and the following is substituted in lieu thereof (*Effective July*
 113 *1, 2010*):

114 (b) [Until the plan is amended in accordance with this subsection
 115 the municipality] On and after the first day of July following the
 116 adoption of the state Conservation and Development Policies Plan
 117 2012-2017, in accordance with section 16a-30, a municipality that fails
 118 to comply with the requirements of subsection (a) of this section shall
 119 be ineligible for discretionary state funding unless such prohibition is
 120 expressly waived by the secretary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	16a-27
Sec. 3	<i>from passage</i>	16a-28
Sec. 4	<i>from passage</i>	16a-29
Sec. 5	<i>from passage</i>	16a-32a
Sec. 6	<i>July 1, 2010</i>	8-23(b)

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 10 \$	FY 11 \$
Legislative Mgmt.	GF - Cost	Potential Minimal	None
Policy & Mgmt., Off.	GF - None	None	None
Various State Agencies	GF - Precludes Savings	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Various Municipalities	Precludes Revenue Loss	Potential	Potential

Explanation

The bill delays the deadline for revising the state plan of conservation and development and makes a variety of other changes which has no fiscal impact on the Office of Policy and Management (OPM), the agency responsible for the plan. Additionally, the bill suspends withholding certain discretionary state funds from municipalities that fail to update their local plans of conservation and development. This will delay any state savings and corresponding municipal revenue loss, resulting from municipalities that fail to update their local plans.

The bill requires the Continuing Legislative Committee on State Planning and Development to study how the State Plan of Conservation and Development is prepared and used to implement state policy. In conducting the study, the committee must consult with municipalities, regional planning agencies, other stakeholders, and the public. The committee must report its findings and recommendations

to the legislature by February 1, 2010.

The Office of Legislative Management will incur minimal costs associated with mileage reimbursement of 55 cents per mile for legislators participating on the committee.

The Out Years

The bill delays the deadline for revising the state five year plan of conservation and development until March 1, 2011, thus there is no impact in the out years.

OLR Bill Analysis**sHB 6595*****AN ACT CONCERNING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT POLICIES PLAN.*****SUMMARY:**

This bill postpones, from March 1, 2009 to March 1, 2011, the deadline for revising the five-year State Plan of Conservation and Development (State Plan of C&D). In doing so, it pushes back the deadline for recommending priority funding areas and resets the schedule for completing the revision process. The Office of Policy and Management (OPM) prepares the plan, which sets policies for locating large-scale, state funded capitol projects.

The law requires the plan to promote specific policy goals, including reducing carbon dioxide emissions in the state. The bill specifies that this goal must be consistent with the Connecticut Climate Change Action Plan. It also eliminates the requirement that OPM report every three years on the net amount of carbon dioxide annually emitted in Connecticut.

The bill requires the 10-member Continuing Legislative Committee on State Planning and Development (Continuing Committee) to study how the State Plan of C&D is prepared and used to implement state policy. In conducting the study, the Continuing Committee must consult with municipalities, regional planning agencies, other stakeholders, and the public. It must report its findings and recommendations to the legislature by February 1, 2010.

The bill suspends withholding state funds from municipalities that fail to update their plans of C&D. The law requires municipalities to update these plans at least once every 10 years. Under current law, those that fail to update their plans are ineligible for state discretionary

funds until they do so or the OPM secretary waives this provision. The bill suspends the provision until the next time the state revises its Plan of C&D. Under the bill, that is scheduled to happen on or before July 1, 2012.

EFFECTIVE DATE: Upon passage, except that the provision regarding discretionary state funds takes effect July 1, 2010.

NEW TIMEFRAMES FOR REVISING STATE PLAN OF C&D

By postponing the deadline for revising the Plan of C&D, the bill resets the time period for the next plan from 2010-2015 to 2012-2017. The plan's policy guidelines aim to preserve farms, forests, and open spaces by locating large-scale, state funded development projects in places where the roads, sewers, and other supporting infrastructure already exist.

By pushing back the deadline for completing the next revision, the bill also pushes back OPM's deadline for recommending priority funding areas, places where the state can fund growth-related projects. PA 05-205 required OPM to submit its recommendations to the Continuing Committee along with the revised plan for 2010-2015. By law, the committee must submit its priority funding areas recommendations to the legislature, along with the revised plan, for approval.

The bill also resets the statutory schedule for revising the plan. The table below compares the schedule under the current law and the bill.

<i>Event and Bill Section</i>	<i>Current Law</i>	<i>Bill</i>
Submit draft of revised plan for to Continuing Committee (§ 3 (a))	September 1, 2008	September 1, 2010
Make further revisions (§ 3 (b))	Between December 1, 2008 and March 1, 2009	Between December 1, 2010 and March 1, 2011
Publish and disseminate plan (§§ 2 & 3 (b))	No later than March 1, 2009	March 1, 2011

Conduct hearings (§ 3 (c))	Not later than five months after publication (July 1, 2009)	Not later than five months after publication (July 1, 2011)
Submit final draft to Continuing Committee (§ 4)	No later than three months after the hearings	By December 1, 2011 for the 2012-2017 plan and no later than three months after the hearing for subsequent revisions

BACKGROUND

Connecticut Climate Change Action Plan

The Governor's Steering Committee on Climate Change prepared the plan, made specific recommendations for reducing green house emissions. The plan recommends (1) supporting landfill-to-gas energy projects to capture and use methane as a fuel and (2) increasing recycling and source reduction. It also set a goal of reducing non-farm fertilizer use by 7.5% in 2010 and 15% in 2020. The plan also recommends:

1. setting minimum efficiency levels for appliances;
2. encouraging consumers to replace old appliances with newer, more efficient ones; and
3. identifying measures to reduce gases with high global warming potential.

Continuing Legislative Committee on State Planning and Development

By law, this 10-member committee must set broad goals and objectives for the state's physical and economic development and send them to the OPM secretary. It must also review and approve the five-year State Plan of C&D each time the secretary changes or revises it (CGS § 4-60d).

The committee is chaired by the Senate and House chairpersons of the Planning and Development Committee. The other members are appointed by the legislative leaders. The Senate president pro tempore and the House speaker appoint two members each from their

respective chambers. The Senate and House majority and minority leaders appoint one member each from their respective chambers.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 3 (03/20/2009)