



House of Representatives

File No. 632

General Assembly

February Session, 2012

(Reprint of File No. 342)

Substitute House Bill No. 5154
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 4, 2012

AN ACT CONCERNING PLANNING REGIONS.

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

1 Section 1. Section 16a-4c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) On or before January 1, [2012] 2014, and at least every twenty
4 years thereafter, the Secretary of the Office of Policy and Management,
5 within available appropriations, and in consultation with regional
6 planning organizations, as defined in section 4-124i, the Connecticut
7 Conference of Municipalities, the Connecticut Council of Small Towns
8 and the chairpersons and ranking members of the joint standing
9 committee of the General Assembly having cognizance of matters
10 relating to planning and development, shall conduct an analysis of the
11 boundaries of logical planning regions designated or redesignated
12 under section 16a-4a. As part of such analysis, the secretary shall
13 [develop criteria to evaluate the impact of urban centers on
14 neighboring towns] evaluate opportunities for coordinated planning
15 and the regional delivery of state and local services. Such [criteria]

16 analysis shall include, but not be limited to, [criteria to (1) evaluate
17 trends in economic development and the environment, including
18 trends in housing patterns, employment levels, commuting patterns
19 for the most common job classifications in the state, traffic patterns on
20 major roadways, and local perceptions of social and historic ties; and
21 (2)] an evaluation of (1) economic regions, including regional economic
22 development districts established pursuant to chapter 588ff; (2)
23 comprehensive economic development strategies developed by such
24 regional economic development districts; (3) labor market areas and
25 workforce investment regions; (4) natural boundaries, including
26 watersheds, coastlines, ecosystems and habitats; (5) relationships
27 between urban, suburban and rural areas, including central cities and
28 areas outside of the state; (6) census and other demographic
29 information; (7) political boundaries, including municipal boundaries
30 and congressional, senate and assembly districts; (8) transportation
31 corridors, connectivity and boundaries, including the boundaries of
32 metropolitan planning agencies; (9) current federal, state and
33 municipal service delivery regions, including, but not limited to,
34 regions established to provide emergency, health, transportation or
35 human services; and (10) the current capacity of each regional
36 planning organization to deliver diverse state and local services. Such
37 analysis shall also establish a minimum size for logical planning areas
38 that takes into consideration the number of municipalities, total
39 population, [and the] total square mileage and whether the proposed
40 planning region will have the capacity to successfully deliver
41 necessary regional services. The secretary may enter into such
42 contractual agreements as may be necessary to carry out the purposes
43 of this subsection.

44 (b) (1) The secretary shall, not later than January 1, [2012] 2014,
45 notify the chief executive officer of each municipality located in a
46 planning region in which the boundaries are proposed for
47 redesignation. If the legislative body of the municipality objects to such
48 proposed redesignation, the chief executive officer of the municipality
49 may, not later than thirty days after the date of receipt of the notice of

50 redesignation, petition the secretary to attend a meeting of such
51 legislative body. The petition shall specify the location, date and time
52 of the meeting. The meeting shall be held not later than [forty-five]
53 sixty days after the date of the petition. The secretary shall make a
54 reasonable attempt to appear at the meeting, or at a meeting on
55 another date within the [forty-five-day] sixty-day period. If the
56 secretary is unable to attend a meeting within the [forty-five-day]
57 sixty-day period, the secretary and the chief executive officer of the
58 municipality shall jointly schedule a date and time for the meeting,
59 provided such meeting shall be held not later than [one hundred
60 twenty] two hundred ten days after the date of the notice to the chief
61 executive officer. At such meeting, the legislative body of the
62 municipality shall inform the secretary of the objections to the
63 proposed redesignation of the planning area boundaries. The secretary
64 shall consider fully the oral and written objections of the legislative
65 body and may redesignate the boundaries. Not later than [forty-five]
66 sixty days after the date of the meeting, the secretary shall notify the
67 chief executive officer of the determination concerning the proposed
68 redesignation. The notice of determination shall include the reasons for
69 such determination. As used in this subsection, "municipality" means a
70 town, city or consolidated town and borough; "legislative body" means
71 the board of selectmen, town council, city council, board of alderman,
72 board of directors, board of representatives or board of the [major]
73 warden and burgesses of a municipality; and "secretary" means the
74 [secretary] Secretary of the Office of Policy and Management or the
75 designee of the secretary.

76 (2) Any revision to the boundaries of a planning area, based on the
77 analysis completed pursuant to subsection (a) of this section or due to
78 a modification by the secretary in accordance with this subsection,
79 shall be effective on [the first day of July following the date of
80 completion such analysis or modification] January 1, 2015.

81 Sec. 2. Section 4-66k of the 2012 supplement to the general statutes is
82 repealed and the following is substituted in lieu thereof (*Effective July*
83 *1, 2012*):

84 There is established an account to be known as the "regional
85 performance incentive account" which shall be a separate, nonlapsing
86 account within the General Fund. The account shall contain any
87 moneys required by law to be deposited in the account. Moneys in the
88 account shall be expended by the Secretary of the Office of Policy and
89 Management for the purposes of (1) providing grants under the
90 regional performance incentive program established pursuant to
91 section 4-124s, and (2) providing funding to the Voluntary Regional
92 Consolidation Bonus Pool established pursuant to subsection (b) of
93 section 4-124q, as amended by this act.

94 Sec. 3. Section 4-124q of the 2012 supplement to the general statutes
95 is repealed and the following is substituted in lieu thereof (*Effective July*
96 *1, 2012*):

97 (a) There shall annually be paid to each regional planning agency
98 organized under the provisions of chapter 127, each regional council of
99 governments organized under the provisions of this chapter, and each
100 regional council of elected officials organized under the provisions of
101 this chapter in any planning region without a regional planning
102 agency, from any appropriation for such purpose, a grant-in-aid equal
103 to (1) five and three-tenths per cent of any such appropriation plus (2)
104 for each agency or council which raises local dues in excess of five and
105 three-tenths per cent of any such appropriation, an additional grant in
106 an amount equal to the product obtained by multiplying any
107 appropriation available for the purpose of this subdivision by the
108 following fraction: The amount of dues raised by such agency or
109 council pursuant to section 8-34a, section 4-124f or section 4-124p in
110 excess of five and three-tenths of any such appropriation shall be the
111 numerator. The amount of such dues raised by each such agency or
112 council in excess of five and three-tenths per cent of any such
113 appropriation shall be added together and the sum shall be the
114 denominator.

115 (b) There is established a Voluntary Regional Consolidation Bonus
116 Pool to be administered by the Secretary of the Office of Policy and

117 Management and funded by moneys received from the regional
118 performance incentive account established in section 4-66k, as
119 amended by this act. In addition to the annual payment to each
120 regional planning agency under subsection (a) of this section, there
121 shall be an additional payment made from said bonus pool to any two
122 or more regional planning agencies, regional councils of governments
123 or regional council of elected officials in any planning region without a
124 regional planning agency, or any such combination thereof, that have
125 (1) voted to merge forming a new regional council of governments or
126 regional council of elected officials within a proposed or newly
127 redesignated planning region boundary, and (2) submitted to said
128 secretary a request for redesignation pursuant to subdivision (4) of
129 section 16a-4a. Payments from said bonus pool shall be made to offset
130 any and all reasonable costs, as determined by the secretary, associated
131 with any such voluntary consolidation. Prior to issuing any payment
132 pursuant to this subsection, the secretary shall review and approve
133 each proposed consolidation to determine that such proposed
134 consolidation is an appropriate and sustainable redesignated planning
135 region. For the fiscal years ending June 30, 2012, and June 30, 2013, a
136 payment shall be made under [subsection (a) of this section to] this
137 subsection to any such approved consolidated planning region [,] on a
138 first-come, first-served basis. [, from any appropriation available for
139 such purpose and until such time as the appropriation for the fiscal
140 year has been exhausted] For the fiscal years ending June 30, 2013, June
141 30, 2014, and June 30, 2015, the secretary shall make a supplemental
142 payment from said bonus pool, within available appropriations, to any
143 regional council of governments or regional council of elected officials
144 that is created in one of said fiscal years by consolidating two or more
145 regional councils of governments, regional councils of elected officials
146 or regional planning agencies, provided such consolidated regional
147 council of governments or regional council of elected officials contains
148 a combined total of fourteen or more municipalities. Such
149 supplemental payment shall be equal to fifty per cent of the payment
150 made pursuant to this subsection to offset the reasonable costs of
151 voluntary consolidation. The secretary may waive the requirement that

152 a consolidated regional council of governments or regional council of
153 elected officials contain a combined total of fourteen or more
154 municipalities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16a-4c
Sec. 2	<i>July 1, 2012</i>	4-66k
Sec. 3	<i>July 1, 2012</i>	4-124q

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: See Below

Municipal Impact: None

Explanation

The bill requires the Office of Policy and Management (OPM) to conduct an analysis of state planning regions. OPM may incur minimal costs associated with contractual agreements to carry out this analysis.

The bill also allows the Voluntary Regional Consolidation Bonus Pool bonus payments to be funded through the regional performance incentive account. This provision has no fiscal impact.

House "A" struck the underlying bill and its associated fiscal impact. The substitute language results in the fiscal impact described above.

The Out Years

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

OLR Bill Analysis**sHB 5154 (as amended by House "A")******AN ACT CONCERNING PLANNING REGIONS.*****SUMMARY:**

This bill changes criteria for the Office of Policy and Management (OPM) secretary's analysis of state planning regions and extends certain deadlines concerning municipal notification about proposed planning regions.

It also makes the regional performance incentive account the source of funding for bonus pool payments to planning regions that voluntarily consolidate and extends supplemental payments from the pool to FYs 13 to 15 to offset costs for certain consolidations.

It makes technical and conforming changes.

*House Amendment "A" (1) removes provisions (a) setting the goal of reducing to eight the number of regional planning organizations (RPOs) and (b) providing an incentive to regions that redesignate in a certain way, (2) changes the OPM planning region analysis criteria, and (3) adds provisions on consolidation bonus pool payments.

EFFECTIVE DATE: Upon passage, except the provisions concerning bonus payments, which are effective July 1, 2012.

PLANNING REGION REDESIGNATION

By law, the OPM secretary must divide the state into logical planning regions and redesignate them (by changing the boundaries). There are currently 15 approved regions, but this will change to 14 as OPM recently approved the consolidation of two regions (see BACKGROUND).

Extended Deadlines

The bill extends by two years, from January 1, 2012 to January 1, 2014, the deadline by which the secretary must complete an initial analysis of boundaries of logical planning regions and notify municipalities in regions slated for redesignation.

Under current law, any changes to the regional boundaries are effective on July 1 following the date when the analysis or modification is completed. Under the bill, they are effective January 1, 2015.

Analysis of Boundaries of Logical Planning Regions

Consultation. Currently, the OPM secretary alone is authorized to analyze the boundaries of local planning regions. The bill requires the secretary to consult with the (1) chairpersons and ranking members of the Planning and Development Committee, (2) Connecticut Conference of Municipalities, (3) Connecticut Council of Small Towns, and (4) regional planning organizations.

Analysis. Under current law, as part of the analysis, the secretary has to develop criteria to evaluate how urban centers affect neighboring towns. The bill instead requires him to evaluate opportunities for coordinated planning and the regional delivery of state and local services.

Under current law, the secretary must develop criteria to evaluate the impact of urban centers on neighboring towns. These criteria must evaluate trends in economic development and the environment, including trends in housing patterns, employment levels, commuting patterns for the most common job classifications in the state, traffic patterns on major roadways, and local perceptions of social and historic ties.

The bill deletes these criteria and instead requires the analysis to include an evaluation of:

1. economic regions, including regional economic development districts (see BACKGROUND);

2. comprehensive economic development strategies that these districts develop;
3. labor market areas and workforce investment regions;
4. natural boundaries, including watersheds, coastlines, ecosystems and habitats;
5. relationships between urban, suburban, and rural areas, including central cities and areas outside of the state;
6. census and other demographic information;
7. political boundaries, including (a) municipal boundaries and (b) congressional, senate, and assembly districts;
8. transportation corridors, connectivity, and boundaries, including the boundaries of metropolitan planning agencies;
9. current federal, state, and municipal service delivery regions, including regions established to provide emergency, health, transportation or human services; and
10. the current capacity of each RPO to deliver diverse state and local services.

By law, the evaluation must also establish a minimum size for logical planning areas that takes into consideration the number of municipalities, total population, and total square mileage. The bill expands this to also include whether the proposed planning region will have the capacity to successfully deliver necessary regional services. The bill authorizes the secretary to enter into contracts as necessary to complete the analysis.

Timelines for Notification of and Municipal Objection to Proposed Redesignation

The bill extends various timelines in the notification and redesignation process.

It extends the deadline for the secretary to notify municipalities about the planning regions he proposes to redesignate to January 1, 2014 from January 1, 2012.

By law, if a municipality's legislative body objects to the revision, the municipality's chief executive officer (CEO) must petition the secretary to attend a meeting with the legislative body to hear its objections. The CEO must do so within 30 days after receiving the notice. The petition must specify the meeting's place, date, and time.

The bill also extends, from 45 to 60 days, the time the CEO has to propose holding the meeting after submitting the petition. As under existing law, the OPM secretary or his designee must make every reasonable effort to attend this meeting or a meeting held on another date, which must fall within this period. If the secretary cannot attend the meeting, he and the CEO may schedule the meeting for another date and time, which must fall within 210, instead of 120, days of the secretary's notice to the CEO.

By law, the legislative body must use the meeting to inform the secretary about its objections and the secretary must consider them. Under the bill, the secretary has 60, instead of 45, days to notify the CEO about his decision on the proposed boundary changes. By law, he must state his reasons for the decision.

Voluntary Regional Consolidation Bonus Pool Payments for Redesignation

By law, OPM must make Voluntary Regional Consolidation Bonus Pool (VRCBP) payments to any two or more RPOs that (1) vote to merge, forming a new regional council of governments (COG) or chief elected officials (RCEO), within a proposed or newly redesignated planning region boundary and (2) submit a redesignation request to the OPM secretary. The bill specifies that VRCBP payments are to offset any and all reasonable consolidation costs, as the OPM secretary determines.

The bill funds VRCBP with money from the "regional performance

incentive account,” which is a separate, nonlapsing account in the General Fund that, under existing law, provides grants for the regional performance incentive program. Under current law, VRCPB payments are funded by any appropriation available for this purpose. By law, these payments are on a first come, first served basis in FY 12 and FY 13.

For FYs 13, 14, and 15, the bill requires the OPM secretary to make supplemental VRCPB payments, within available appropriations, to any regional COG or RCEO created during these fiscal years by consolidating two or more regional COGs, RCEOs, or regional planning agencies (RPAs), when the consolidated regional COG or RCEO contains a combined total of 14 or more municipalities. But, the bill allows the secretary to waive the requirement that a consolidated regional COG or RCEO contain a combined total of 14 or more municipalities.

The supplemental payment is equal to 50% of the annual payment made to offset the reasonable costs of voluntary consolidation.

BACKGROUND

Types of Regional Planning Organizations

By law, OPM designates local planning regions within the state (CGS § 16a-4a (4)). Within the 15 current regions, the three types of RPOs allowed under Connecticut law are RPAs, COGs, and RCEOs. Through local ordinance, the municipalities within these planning regions have voluntarily created one of the three types of RPOs to carry out a variety of regional planning and other activities on their behalf.

Currently, there are five RPAs, eight COGs, and two RCEOs. But a proposed merger would bring the number of planning regions to 14. OPM has approved a merger of two RPAs, the Connecticut Estuary and Midstate Planning RPAs, into a COG to be called the Lower Connecticut River Valley Planning Region. Sixty percent of the affected towns must first agree to the change.

Regional Economic Development Districts

A 2010 law allowed the three types of RPOs to (1) propose “Regional Economic Development Districts” (REDDs) that the governor designates, (2) prepare strategies to develop them, and (3) apply for state and federal economic development funds (PA 10-168). It specified criteria for drawing district boundaries and procedures for preparing, reviewing, and approving strategies. The law permits only eight REDDs to be established in the state.

An approved REDD can request:

1. the Department of Economic and Community Development commissioner to recommend to the governor that he designate the district as an economic development district and
2. federal designation from the U.S. Department of Commerce as an economic development district, making it eligible for federal economic development grants (CGS § 32-741 et seq.).

Voluntary Regional Consolidation Bonus Pool

PA 11-48 established a temporary VRCBP program, which the OPM secretary administers, to provide a bonus payment to certain RPOs that request consolidation into a redesignated planning region. The bonus payment is in addition to the annual payment each RPO receives under existing law. By law, an RPO is an RPA, regional COG, or RCEO.

Related Bill

sHB 5159 (File 343), which the House passed on May 2, gives the OPM secretary two additional years from current law's October 1, 2011 deadline to adopt regulatory criteria for reviewing regional plans of conservation and development.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 12 Nay 9 (03/23/2012)