
OLR Bill Analysis

sHB 6647 (as amended by House "A")*

AN ACT CONCERNING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT.

SUMMARY

This bill changes the timeline for revising the State Plan of Conservation and Development (POCD), generally giving the Office of Policy and Management (OPM) secretary more time to complete revisions while maintaining existing law's final deadline for submitting it to the Continuing Legislative Committee on State Planning and Development (Continuing Committee). The bill changes the timeline, which has specific dates in statute, for the immediate upcoming POCD as well as for future POCDs.

Current law specifies numerous considerations and components that each revised POCD must address and include. The bill eliminates these requirements and instead replaces them with broader requirements still generally aimed at establishing the state's long-term goals for sustainable conservation and development.

Every five years, OPM through its secretary prepares revisions to the POCD. After OPM conducts the revision process, it must submit a final proposed plan to the Continuing Committee, which, after a public hearing, can recommend the General Assembly approve or disapprove it. Under the bill, if the legislature fails to approve the plan before the end of a regular session, the plan is deemed approved and takes effect upon adjournment sine die. Once the POCD takes effect, it is implemented by state agencies whenever they take certain actions (CGS § 16a-24 et seq.).

The bill also makes technical and conforming changes.

*House Amendment "A" (1) eliminates provisions in the underlying bill requiring the plan to promote equity in the development goals,

priorities, and objectives it sets and (2) adds the provision deeming the plan effective at the end of a regular session, if the legislature has not approved it by then.

EFFECTIVE DATE: Upon passage

§§ 2-4 — POCD REVISED TIMELINE

The bill changes the timeline for revising the POCD before it is submitted to the legislature for final approval. Under the bill, the OPM secretary has an additional three months to submit the preliminary draft of the POCD to the Continuing Committee for its initial feedback. After its submission, the bill requires the secretary to wait at least two months before revising the plan, rather than three as under current law. Under the bill, the deadline for sharing the revised draft POCD with the public occurs later in the revision year, by May 1, rather than March 1, as under current law. (The revision year is the year before the plan is expected to be adopted.)

The bill also changes the requirements for the public comment period. Under current law, the secretary has up to five months after publishing the revised draft to hold public hearings, in cooperation with regional councils of governments (COGs), to solicit comments. The bill eliminates the requirement that the secretary hold hearings and instead requires the secretary, within three months after publishing the revised draft, to (1) submit it to COGs so that they may solicit comments on it, and (2) request public comment as the secretary sees fit.

As under existing law, the secretary generally must submit a final draft plan to the Continuing Committee by November 1, at the latest. (As under existing law, the OPM secretary must submit the final proposed 2025-2030 POCD to the Continuing Committee by December 1, 2024.)

As under existing law, the (1) Continuing Committee, after a public hearing, can recommend the General Assembly approve or disapprove it and (2) plan takes effect when the General Assembly approves it by a majority vote. Additionally, under the bill, if the legislature fails to

approve the plan before the end of a regular session, the plan is deemed approved and takes effect upon adjournment sine die.

The table below compares the POCD revision timelines in current law and the bill.

Table: POCD Revision Timeline Under Current Law and the Bill

<i>Step in Revision Process</i>	<i>Current Law</i>	<i>Bill</i>
OPM secretary submits preliminary POCD draft to the Continuing Committee	By September 1 of prerevision year (For upcoming plan by September 1, 2023)	By December 1 of prerevision year (For upcoming plan by December 1, 2023)
Secretary revises plan as deemed appropriate	After December 1 of prerevision year (For upcoming plan by December 1, 2023)	After February 1 of revision year (For upcoming plan by February 1, 2024)
Secretary publicly publishes draft plan	By March 1 of revision year (For upcoming plan by March 1, 2024)	By May 1 of revision year (For upcoming plan by May 1, 2024)
Secretary provides for public comment	Within five months after plan is published, secretary must hold public hearings to solicit public feedback in cooperation with COGs	Within three months after plan is published, secretary solicits public comments and forwards plan to COGs to solicit comments
Secretary submits final revised plan to Continuing Committee (applicable to plans subsequent to the 2025-2030 POCD)	Within three months of public comment period ending (November 1 of the revision year, at the latest)	Within six months of draft's publication (November 1 of the revision year, at the latest)

§ 1 — POCD'S COMPONENTS

Current law specifies numerous considerations and components the POCD must address and include. The bill eliminates these requirements and replaces them with other considerations and components, as described below.

Eliminated Components

Since the 2005-2010 POCD, the plan has been structured around “growth management principles” for managing the state’s physical development. The bill eliminates the requirement that for each growth management principle, the plan set three benchmarks to measure

progress, one of which is a financial benchmark.

It also eliminates a requirement that each policy the POCD recommends is ranked and delegated to an entity for implementation under a schedule the plan sets. The bill correspondingly eliminates a requirement that the plan (1) estimate funding needed to implement the policies and (2) identify potential funding sources.

The bill also eliminates a requirement that each POCD describe the progress made toward achieving the previously adopted POCD's goals and objectives.

The bill also eliminates requirements that the POCD:

1. consider (a) economic and community development needs and patterns of commerce, and (b) the link between affordable housing and land use objectives and transportation systems;
2. identify areas where it is prudent and feasible to (a) have compact, transit-accessible, pedestrian-oriented, mixed-use development patterns and land reuse and (b) promote these development patterns and land reuse;
3. (a) consider risks associated with natural hazards, including, but not limited to, flooding, high winds, and wildfires; (b) identify their potential impacts on infrastructure and property; and (c) make recommendations for the siting of future infrastructure and property development to minimize the use of areas prone to natural hazards;
4. (a) consider risks associated with increased coastal flooding and erosion, depending on site topography, as anticipated in the most recent the sea level change scenario for the state; (b) identify their impact on infrastructure and natural resources; and (c) recommend where to site future infrastructure and property development to minimize the use of areas prone to flooding and erosion;
5. consider (a) the protection and preservation of Connecticut

Heritage Areas; (b) state water supply and resource policies, including the state's list of drinking water sources that require protection; and (c) the state's greenhouse gas reduction goals;

6. consider municipalities' need for technology infrastructure;
7. identify corridor management areas on either side of a limited access highway or a rail line, and in doing so, (a) promote land use and transportation options reducing increasing traffic congestion; (b) connect infrastructure and other development decisions; (c) promote development that minimizes new infrastructure facilities' cost and maximizes reuse; and (d) increase intermunicipal and regional cooperation; and
8. consider conservation and development of greenways that have been designated by municipalities and recommend that state agencies coordinate their efforts to support the development of a state-wide greenways system.

The bill correspondingly eliminates a requirement that the energy and environmental protection commissioner identify state-owned land for inclusion in the POCD as potential components of a state greenways system.

It also eliminates a requirement that the plan identify priority funding areas (PFAs). But existing law, unchanged by the bill, requires the OPM secretary to consult with stakeholders and officials to map boundaries for PFAs. Furthermore, the boundary recommendations are submitted with the POCD for legislative approval (CGS §§ 16a-25(9) & 16a-35c(b)).

Required Components

The bill replaces the above-described requirements with new ones. Specifically, the bill requires the POCD to:

1. identify goals, priorities, and objectives for the physical, social, and economic development of the state for the next five years;

2. consider conditions and emerging developments and the overall impact of plans, policies, and programs implemented by state agencies on sustainable conservation and development, in order to set coordinated and measurable objectives for state investment and action;
3. establish guidelines for intergovernmental coordination between the state, regional COGs, and municipalities in the implementation of plans, policies, programs, and projects consistent with these goals, priorities, and objectives;
4. set guidelines for the prioritization and allocation of state and federal funds consistent with these goals, priorities, and objectives; and
5. promote economic and environmental resiliency in planning for, and responding to, the effects of climate change.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 13 Nay 8 (03/08/2023)