



House of Representatives

General Assembly

File No. 111

January Session, 2023

Substitute House Bill No. 6647

House of Representatives, March 20, 2023

The Committee on Planning and Development reported through REP. KAVROS DEGRAW of the 17th 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.

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

1 Section 1. Section 16a-27 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The secretary, after consultation with all appropriate state,
4 regional and local agencies and other appropriate persons, shall [, prior
5 to March 1, 2012, complete a revision of the existing plan and enlarge it
6 to include, but not be limited to, policies relating to transportation,
7 energy and air. Any revision made after July 1, 1995, shall take into
8 consideration the conservation and development of greenways that
9 have been designated by municipalities and shall recommend that state
10 agencies coordinate their efforts to support the development of a state-
11 wide greenways system. The Commissioner of Energy and
12 Environmental Protection shall identify state-owned land for inclusion
13 in the plan as potential components of a state greenways system] revise

14 the plan to establish the state's long-term goals for sustainable
15 conservation and development. The revised plan shall (1) identify goals,
16 priorities and objectives for the physical, social and economic
17 development of the state for the next five years and promote equity in
18 such goals, priorities and objectives, (2) consider existing conditions and
19 emerging developments and the cumulative impact of plans, policies
20 and programs implemented by state agencies on sustainable
21 conservation and development, in order to establish coordinated and
22 measurable objectives for state investment and action, (3) establish
23 guidelines for intergovernmental coordination between the state and
24 regional councils of governments and municipalities in the
25 implementation of plans, policies, programs and projects consistent
26 with such goals, priorities and objectives, (4) establish guidelines for the
27 prioritization and allocation of state and federal funds consistent with
28 such goals, priorities and objectives, and (5) promote economic and
29 environmental resiliency in planning for and responding to the effects
30 of climate change. As used in this subsection, "equity" means (A) the
31 identification and remediation of patterns of discrimination and
32 inequality against and disparities in outcomes for any class protected in
33 chapter 814c, (B) ensuring that such patterns and disparities are not
34 reinforced or perpetuated, and (C) preventing the emergence of
35 foreseeable future patterns of discrimination and inequality against and
36 disparities in outcomes for such classes.

37 [(b) Any revision made after August 20, 2003, shall take into account
38 (1) economic and community development needs and patterns of
39 commerce, and (2) linkages of affordable housing objectives and land
40 use objectives with transportation systems.

41 (c) Any revision made after March 1, 2006, shall (1) take into
42 consideration risks associated with natural hazards, including, but not
43 limited to, flooding, high winds and wildfires; (2) identify the potential
44 impacts of natural hazards on infrastructure and property; and (3) make
45 recommendations for the siting of future infrastructure and property
46 development to minimize the use of areas prone to natural hazards,
47 including, but not limited to, flooding, high winds and wildfires.

48 (d) Any revision made after July 1, 2005, shall describe the progress
49 towards achievement of the goals and objectives established in the
50 previously adopted state plan of conservation and development and
51 shall identify (1) areas where it is prudent and feasible (A) to have
52 compact, transit accessible, pedestrian-oriented mixed-use
53 development patterns and land reuse, and (B) to promote such
54 development patterns and land reuse, (2) priority funding areas
55 designated under section 16a-35c, and (3) corridor management areas
56 on either side of a limited access highway or a rail line. In designating
57 corridor management areas, the secretary shall make recommendations
58 that (A) promote land use and transportation options to reduce the
59 growth of traffic congestion; (B) connect infrastructure and other
60 development decisions; (C) promote development that minimizes the
61 cost of new infrastructure facilities and maximizes the use of existing
62 infrastructure facilities; and (D) increase intermunicipal and regional
63 cooperation.

64 (e) Any revision made after October 1, 2008, shall (1) for each policy
65 recommended (A) assign a priority; (B) estimate funding for
66 implementation and identify potential funding sources; (C) identify
67 each entity responsible for implementation; and (D) establish a schedule
68 for implementation; and (2) for each growth management principle,
69 determine three benchmarks to measure progress in implementation of
70 the principles, one of which shall be a financial benchmark.

71 (f) Any revision made after October 1, 2009, shall take into
72 consideration the protection and preservation of Connecticut Heritage
73 Areas.

74 (g) Any revision made after December 1, 2011, shall take into
75 consideration (1) the state water supply and resource policies
76 established in sections 22a-380 and 25-33c, and (2) the list prepared by
77 the Commissioner of Public Health pursuant to section 25-33q.

78 (h) Any revision made after October 1, 2019, shall (1) take into
79 consideration risks associated with increased coastal flooding and
80 erosion, depending on site topography, as anticipated in the most recent

81 sea level change scenario updated pursuant to subsection (b) of section
82 25-68o, (2) identify the impacts of such increased flooding and erosion
83 on infrastructure and natural resources, (3) make recommendations for
84 the siting of future infrastructure and property development to
85 minimize the use of areas prone to such flooding and erosion, and (4)
86 take into consideration the state's greenhouse gas reduction goals
87 established pursuant to section 22a-200a.

88 (i) Any revision made after October 1, 2016, shall take into
89 consideration the need for technology infrastructure in the
90 municipality.]

91 [(j) Thereafter on] (b) On or before [March] May first in each revision
92 year, the secretary shall complete a revision of the plan of conservation
93 and development, provided no revision year may be later than four
94 years subsequent to the year in which the plan was last adopted in
95 accordance with the process established in this chapter.

96 Sec. 2. Section 16a-28 of the general statutes is repealed and the
97 following is substituted in lieu thereof (*Effective from passage*):

98 (a) The secretary shall present a draft of the revised plan of
99 conservation and development for preliminary review to the continuing
100 legislative committee on state planning and development prior to
101 [September] December first in 2023 and prior to [September] December
102 first in each prerevision year thereafter.

103 (b) After [December] February first in [2023] 2024 and after
104 [December] February first in each [prerevision] revision year thereafter,
105 the secretary shall [proceed with such further revisions of the] revise
106 such draft [of the revised plan of conservation and development as he]
107 as the secretary deems appropriate. The secretary shall [, by whatever
108 means he deems advisable, publish said plan] publish such draft in a
109 form and manner determined by the secretary, and disseminate it to the
110 public on or before [March] May first in revision years. The secretary
111 shall post [the plan] such draft on the Internet web site of the [state]
112 Office of Policy and Management.

113 (c) Not later than ~~[five]~~ three months after publication of [said revised
114 plan] such draft pursuant to subsection (b) of this section, the secretary
115 shall [hold public hearings, in cooperation with regional councils of
116 governments,] (1) submit such draft to each regional council of
117 governments to solicit comments on [said plan] such draft, and (2)
118 request public comment on such draft in a form and manner determined
119 by the secretary.

120 Sec. 3. Section 16a-29 of the general statutes is repealed and the
121 following is substituted in lieu thereof (*Effective from passage*):

122 The secretary shall consider the comments received [at the public
123 hearings and shall] in accordance with the provisions of section 16a-28,
124 as amended by this act, and make any necessary or desirable revisions
125 to [said plan and within three months of completion of the public
126 hearings] the draft of the revised plan of conservation and development
127 and, not later than six months after publication of such draft pursuant
128 to section 16a-28, as amended by this act, submit [the plan] such draft to
129 the continuing legislative committee on state planning and
130 development for its approval, revision or disapproval, in whole or in
131 part. Notwithstanding the provisions of this section, the secretary shall
132 submit the state Conservation and Development Policies Plan, 2025-
133 2030, to said committee on or before December 1, 2024.

134 Sec. 4. Subsection (a) of section 16a-30 of the general statutes is
135 repealed and the following is substituted in lieu thereof (*Effective from*
136 *passage*):

137 (a) The continuing legislative committee on state planning and
138 development shall not later than forty-five days after the convening of
139 the next regularly scheduled session of the General Assembly conduct a
140 public hearing on the plan. Not later than forty-five days after
141 completion of such public hearing, the committee shall submit the plan
142 with its recommendation for approval or disapproval to the General
143 Assembly. The plan shall become effective when [adopted by the
144 General Assembly as the plan of conservation and development for the
145 state] approved by majority vote of each chamber of the General

146 Assembly.

147 Sec. 5. Subsection (f) of section 8-23 of the general statutes is repealed
148 and the following is substituted in lieu thereof (*Effective from passage*):

149 (f) Such plan may show the commission's and any special
150 committee's recommendation for (1) conservation and preservation of
151 traprock and other ridgelines, (2) airports, parks, playgrounds and other
152 public grounds, (3) the general location, relocation and improvement of
153 schools and other public buildings, (4) the general location and extent
154 of public utilities and terminals, whether publicly or privately owned,
155 for water, light, power, transit and other purposes, (5) the extent and
156 location of public housing projects, (6) programs for the implementation
157 of the plan, including (A) a schedule, (B) a budget for public capital
158 projects, (C) a program for enactment and enforcement of zoning and
159 subdivision controls, building and housing codes and safety
160 regulations, (D) plans for implementation of affordable housing, (E)
161 plans for open space acquisition and greenways protection and
162 development, and (F) plans for corridor management areas along
163 limited access highways or rail lines, [designated under section 16a-27,]
164 (7) proposed priority funding areas, and (8) any other recommendations
165 as will, in the commission's or any special committee's judgment, be
166 beneficial to the municipality. The plan may include any necessary and
167 related maps, explanatory material, photographs, charts or other
168 pertinent data and information relative to the past, present and future
169 trends of the municipality.

170 Sec. 6. Subsection (a) of section 23-81 of the general statutes is
171 repealed and the following is substituted in lieu thereof (*Effective from*
172 *passage*):

173 (a) As used in this section [] and section 23-81a, [and section 16a-27,]
174 "Connecticut Heritage Area" means a place within the state that has
175 been identified by the General Assembly as having significant historic,
176 recreational, cultural, natural and scenic resources that form an
177 important part of the state's heritage.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	16a-27
Sec. 2	<i>from passage</i>	16a-28
Sec. 3	<i>from passage</i>	16a-29
Sec. 4	<i>from passage</i>	16a-30(a)
Sec. 5	<i>from passage</i>	8-23(f)
Sec. 6	<i>from passage</i>	23-81(a)

PD *Joint Favorable Subst.*

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: None

Municipal Impact: None

Explanation

The bill results in no fiscal impact as the Office of Policy and Management and the Department of Energy and Environmental Protection have the resources necessary to meet the bill's new timeline and requirements for the State Plan of Conservation and Development.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 6647

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. Once adopted by the General Assembly, the POCD is then implemented by state agencies whenever they take certain actions (CGS § 16a-24 et seq.).

The bill also makes technical and conforming changes.

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.

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

Table: POCD Revision Timeline Under Current Law and the Bill

Step in Revision Process	Current Law	Bill
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 (applies 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 and promote equity in these goals, priorities, and objectives;
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.

The bill specifies that “equity” means:

1. the identification and remediation of patterns of discrimination and inequality against, and disparities in outcomes for, protected classes of people (see BACKGROUND);
2. ensuring that these patterns and disparities are not reinforced or perpetuated; and
3. preventing the emergence of foreseeable future patterns of discrimination and inequality against, and disparities in outcomes for, these classes of people.

BACKGROUND

Protected Classes

By law, it is a discriminatory practice to deprive someone of any rights, privileges, or immunities secured or protected by Connecticut or federal laws or constitutions, or cause such a deprivation, because of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental or physical disability, veteran status, or domestic violence victim status (CGS § 46a-58).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 13 Nay 8 (03/08/2023)