



General Assembly

**Substitute Bill No. 5417**

February Session, 2010

\* \_\_\_\_\_HB05417ENV\_\_\_032210\_\_\_\_\_\*

**AN ACT CONCERNING AN OPEN SPACE REGISTRY, THE IDENTIFICATION OF OPEN SPACE FOR ACQUISITION AND THE RECORDING OF CERTAIN OPEN SPACE RESTRICTIONS.**

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

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) The Commissioners of  
2 Environmental Protection and Agriculture, in collaboration with the  
3 chief elected official of each municipality, shall develop a central open  
4 space and farmland preservation registry that contains information  
5 concerning real property preserved as open space and agricultural  
6 land in this state. Such registry may contain information on property  
7 identified for preservation as open space or agricultural land. The  
8 commissioners shall determine the scope of information contained in  
9 such registry for each property. In developing such registry, the  
10 commissioners may consult with the Farmland Preservation Advisory  
11 Board established pursuant to section 22-261l of the general statutes.  
12 The commissioners may seek any funds available from federal, state or  
13 other sources for the development and maintenance of such registry.  
14 Such registry shall be made available on-line to each municipality and  
15 state agency for the purpose of monitoring, coordinating and  
16 implementing open space, farmland preservation and responsible  
17 growth goals. The Commissioner of Environmental Protection shall  
18 analyze whether such preserved open space and agricultural lands are  
19 effective in protecting all species listed as endangered, threatened or of

20 special concern, as established in Connecticut's Comprehensive  
21 Wildlife Conservation Strategy.

22 (b) The Commissioner of Environmental Protection shall create and  
23 maintain a map of all preserved open space and farmland contained in  
24 the registry created pursuant to subsection (a) of this section.

25 (c) The Commissioner of Environmental Protection shall identify  
26 lands in this state that need to be acquired in order to protect the  
27 habitats of species of greatest conservation need, as identified in  
28 Connecticut's Comprehensive Wildlife Conservation Strategy. Said  
29 commissioner shall establish priorities for acquisition of such lands.

30 Sec. 2. Section 7-131e of the general statutes is repealed and the  
31 following is substituted in lieu thereof (*Effective from passage*):

32 (a) Grant award decisions under the protected open space and  
33 watershed land acquisition grant program established under section  
34 7-131d or under the Charter Oak open space grant program  
35 established under section 7-131t shall be made by the Commissioner of  
36 Environmental Protection at least semiannually. All complete and  
37 eligible grant applications shall be acted upon by the commissioner as  
38 soon as practicable. A single project may receive a grant in more than  
39 one grant cycle, subject to future availability of funds and subject to  
40 the limitations set forth in this section and sections 23-78, 12-498 and  
41 7-131d. Up to five per cent of the grant funds may be used for  
42 administrative expenses including, but not limited to: (1) Contractors  
43 to assist the Department of Environmental Protection in the review  
44 and evaluation of grant proposals and baseline data collection for  
45 conservation easements; (2) appraisals or appraisal reviews; and (3)  
46 preparation of legal and other documents. Administrative expenses  
47 may not be used for staff salaries. Not later than September 1, 1998, for  
48 the protected open space and watershed land acquisition grant  
49 program established under section 7-131d, and not later than  
50 September 1, 2000, for the Charter Oak open space grant program  
51 account established under section 7-131t, the commissioner shall

52 develop written guidelines and a ranking system for consistency and  
53 equity in the distribution of grant awards under the protected open  
54 space and watershed land acquisition grant program established under  
55 section 7-131d or under the Charter Oak open space grant program  
56 account established under section 7-131t based on the criteria listed in  
57 subsections (b) and (c) of section 7-131d. Consistent with such criteria,  
58 additional consideration shall be given to: (A) Protection of lands  
59 adjacent to and complementary to adjacent protected open space land  
60 or class I or class II water company lands; (B) equitable geographic  
61 distribution of the grants; (C) proximity of a property to urban areas  
62 with growth and development pressures or to areas with open space  
63 deficiencies and underserved populations; (D) protection of land  
64 particularly vulnerable to development incompatible with its natural  
65 resource values including the protection of a public water supply  
66 source; (E) consistency with the state's plan of conservation and  
67 development; (F) multiple protection elements, such as water quality  
68 and supply protection, scenic preservation and farmland preservation;  
69 (G) the extent to which the presence of already constructed buildings  
70 or other manmade improvements diminish or overshadow the natural  
71 resource value of a proposed acquisition, or its value relative to its  
72 cost; and (H) preservation of forest lands and bodies of water which  
73 naturally absorb significant amounts of carbon dioxide.

74 (b) There is established a Natural Heritage, Open Space and  
75 Watershed Land Acquisition Review Board to assist and advise the  
76 commissioner in carrying out the provisions of sections 7-131d to  
77 7-131g, inclusive, [and] sections 23-73 to 23-79, inclusive, and section 1  
78 of this act. Upon establishment of the review board and selection of a  
79 chairman under this section, the review board (1) shall provide  
80 comments on selection criteria, policies and procedures; (2) shall  
81 promote public participation; (3) shall provide guidance and conduct  
82 review of strategies for land protection, including strategies under  
83 section 23-8; (4) shall review and evaluate grant award policies and  
84 procedures; (5) shall make recommendations to the commissioner  
85 concerning the commissioner's duty to establish acquisition priorities

86 pursuant to subsection (c) of section 1 of this act; and [(5)] (6) may  
87 provide comments on any application for funds not later than  
88 forty-five days after such application is submitted to the chairman.  
89 Upon establishment of the board, the commissioner shall take such  
90 comments into consideration in making any decisions regarding such  
91 grants.

92 (c) The review board shall consist of twenty-one members as  
93 follows: (1) The chairpersons and ranking members of the bonding  
94 subcommittee of the joint standing committee of the General Assembly  
95 having cognizance of matters relating to finance, revenue and bonding;  
96 (2) one member of the joint standing committee of the General  
97 Assembly having cognizance of matters relating to the environment,  
98 appointed by the speaker of the House of Representatives, and one  
99 member of the joint standing committee of the General Assembly  
100 having cognizance of matters relating to planning and development,  
101 appointed by the president pro tempore of the Senate, each of whom  
102 shall be ex-officio members of the board; (3) the Secretary of the Office  
103 of Policy and Management, or his designee; (4) a representative of the  
104 business community and a person experienced in issues relating to  
105 access to public facilities by persons with disabilities, appointed by the  
106 Governor; (5) one representative from an investor-owned water utility,  
107 appointed by the minority leader of the Senate; (6) one representative  
108 from a municipal water utility, appointed by the minority leader of the  
109 House of Representatives; (7) one representative from a regional water  
110 utility, appointed by the minority leader of the Senate; (8) one  
111 representative who is a realtor or attorney with a minimum of five  
112 years experience in real estate transfers, appointed by the speaker of  
113 the House of Representatives; one representative with a minimum of  
114 five years experience in the construction industry or land  
115 development, appointed by the president pro tempore of the Senate;  
116 (9) two representatives of interest groups primarily concerned with the  
117 conservation of river watershed regions, appointed one each by the  
118 majority leaders of the House of Representatives and the Senate; (10)  
119 three representatives from nonprofit organizations primarily

120 concerned with environmental protection or natural resource  
121 conservation with a minimum of five years experience in land  
122 conservation and acquisition, appointed one each by the Governor, the  
123 speaker of the House of Representatives and the president pro tempore  
124 of the Senate; and (11) one chief elected official of a town with a  
125 population less than twenty thousand and one chief elected official of a  
126 town with a population greater than twenty thousand, appointed by  
127 the Governor. The members, other than the members described in  
128 subdivisions (1), (2) and (3) of this subsection, shall serve terms of  
129 three years provided the terms of the members described in  
130 subdivisions (4) to (8), inclusive, of this subsection who are appointed  
131 in the year after July 1, 1998, shall expire on October 1, 1999, and  
132 further provided the terms of the members described in subdivisions  
133 (9) to (11), inclusive, of this subsection shall expire on October 1, 2000.  
134 The board shall elect a chairman from among its members and shall  
135 make such election on or before October 1, 1998. Members of the board  
136 shall serve until reappointed or replaced.

137 (d) The board shall meet not less than once per calendar quarter.

138 ~~[(d)]~~ (e) Annually, on or before February fifteenth, the board shall  
139 submit a report regarding grant awards made in the previous calendar  
140 year and any findings and recommendations regarding the open space  
141 and watershed land acquisition program, ~~[and]~~ the recreation and  
142 natural heritage trust program established under section 23-73 and the  
143 commissioner's duty to establish acquisition priorities pursuant to  
144 subsection (c) of section 1 of this section to the General Assembly.

145 ~~[(e)]~~ (f) There is established an open space and watershed land  
146 acquisition account within the General Fund which shall consist of any  
147 funds required or allowed by law to be deposited into the account  
148 including, but not limited to, gifts or donations received for the  
149 purposes of section 7-131d. Investment earnings credited to the assets  
150 of the account shall become part of the assets of the account. Any  
151 balance remaining in the account at the end of any fiscal year shall be  
152 carried forward in the account for the fiscal year next succeeding.

153 Payments from the account shall be made upon authorization by the  
154 Commissioner of Environmental Protection. Neither the proceeds of  
155 any general obligation bonds of the state nor the investment earnings  
156 of any such proceeds shall be deposited in the account. The  
157 Commissioner of Environmental Protection may use funds in the  
158 account for purposes of section 7-131d.

159       Sec. 3. (NEW) (*Effective from passage*) (a) Whenever any municipality,  
160 by vote of its legislative body or pursuant to a municipal ordinance or  
161 referendum, purchases or otherwise acquires any real property and  
162 such vote, ordinance or referendum requires that such municipality  
163 preserve such real property for the public trust, including, but not  
164 limited to, preservation as open space, parks or recreational areas, such  
165 municipality, simultaneous with the recording of the deed or  
166 instrument that effectuates such purchase or acquisition, shall record  
167 in the land records of such municipality the following information, as  
168 applicable: (1) The date of the referendum that authorized such  
169 purchase or acquisition; (2) the municipal ordinance that authorized  
170 such purchase or acquisition; (3) the nature of the municipality's  
171 interest in such property; (4) the specific use, limitation or restriction  
172 for such property; (5) the name of the municipality that acquired such  
173 real property; (6) the name of the immediate former owner of such  
174 property; (7) the address of such property; (8) the municipal tax  
175 assessor's map location and parcel identification number for such  
176 property; and (9) the legal description for such property.

177       (b) The failure of a municipality to record the information described  
178 in subsection (a) of this section shall not be deemed evidence of the  
179 lack of any such restriction or requirement concerning such property  
180 and shall not affect any requirement to comply with any such  
181 restriction or requirement.

182       (c) In the event that a municipality fails to comply with a  
183 requirement of a vote of its legislative body, an ordinance or  
184 referendum, as described in subsection (a) of this section, the Attorney  
185 General may seek enforcement of any such restriction or requirement

186 concerning the subject property, including, but not limited to, the  
187 bringing of an action in the Superior Court to enforce such restriction  
188 or requirement.

189 (d) Nothing in this section shall be construed to amend or alter any  
190 municipality's rights or obligations concerning open space or parks.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>from passage</i>	7-131e
Sec. 3	<i>from passage</i>	New section

**ENV**      *Joint Favorable Subst.*