



Senate

General Assembly

File No. 158

January Session, 2011

Substitute Senate Bill No. 829

Senate, March 23, 2011

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ESTABLISHING AN OPEN SPACE REGISTRY.

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

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) The Center for Land
2 Use Education and Research, within the College of Agriculture and
3 Natural Resources at The University of Connecticut, shall develop a
4 central open space and farmland preservation registry that contains
5 information concerning real property preserved as open space and
6 agricultural land in this state. Such registry may contain information
7 on property identified for preservation as open space or agricultural
8 land. The center shall determine the scope of information contained in
9 such registry for each property. In developing such registry, the center
10 may consult with the Farmland Preservation Advisory Board
11 established pursuant to section 22-261l of the general statutes. The
12 center may seek any funds available from federal, state or other
13 sources for the development and maintenance of such registry. Such
14 registry shall be made available on-line to each municipality and state
15 agency for the purpose of monitoring, coordinating and implementing

16 open space, farmland preservation and responsible growth goals. The
17 Commissioner of Environmental Protection shall analyze whether such
18 preserved open space and agricultural lands are effective in protecting
19 all species listed as endangered, threatened or of special concern, as
20 established in Connecticut's Comprehensive Wildlife Conservation
21 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. Subsections (b) to (e), inclusive, of section 7-131e of the
31 general statutes are repealed and the following is substituted in lieu
32 thereof (*Effective from passage*):

33 (b) There is established a Natural Heritage, Open Space and
34 Watershed Land Acquisition Review Board to assist and advise the
35 commissioner in carrying out the provisions of sections 7-131d to
36 7-131g, inclusive, [and] sections 23-73 to 23-79, inclusive, and section 1
37 of this act. Upon establishment of the review board and selection of a
38 chairman under this section, the review board (1) shall provide
39 comments on selection criteria, policies and procedures; (2) shall
40 promote public participation; (3) shall provide guidance and conduct
41 review of strategies for land protection, including strategies under
42 section 23-8; (4) shall review and evaluate grant award policies and
43 procedures; (5) shall make recommendations to the commissioner
44 concerning the commissioner's duty to establish acquisition priorities
45 pursuant to subsection (c) of section 1 of this act; and ~~[(5)]~~ (6) may
46 provide comments on any application for funds not later than
47 forty-five days after such application is submitted to the chairman.
48 Upon establishment of the board, the commissioner shall take such

49 comments into consideration in making any decisions regarding such
50 grants.

51 (c) The review board shall consist of twenty-one members as
52 follows: (1) The chairpersons and ranking members of the bonding
53 subcommittee of the joint standing committee of the General Assembly
54 having cognizance of matters relating to finance, revenue and bonding;
55 (2) one member of the joint standing committee of the General
56 Assembly having cognizance of matters relating to the environment,
57 appointed by the speaker of the House of Representatives, and one
58 member of the joint standing committee of the General Assembly
59 having cognizance of matters relating to planning and development,
60 appointed by the president pro tempore of the Senate, each of whom
61 shall be ex-officio members of the board; (3) the Secretary of the Office
62 of Policy and Management, or his designee; (4) a representative of the
63 business community and a person experienced in issues relating to
64 access to public facilities by persons with disabilities, appointed by the
65 Governor; (5) one representative from an investor-owned water utility,
66 appointed by the minority leader of the Senate; (6) one representative
67 from a municipal water utility, appointed by the minority leader of the
68 House of Representatives; (7) one representative from a regional water
69 utility, appointed by the minority leader of the Senate; (8) one
70 representative who is a realtor or attorney with a minimum of five
71 years experience in real estate transfers, appointed by the speaker of
72 the House of Representatives; one representative with a minimum of
73 five years experience in the construction industry or land
74 development, appointed by the president pro tempore of the Senate;
75 (9) two representatives of interest groups primarily concerned with the
76 conservation of river watershed regions, appointed one each by the
77 majority leaders of the House of Representatives and the Senate; (10)
78 three representatives from nonprofit organizations primarily
79 concerned with environmental protection or natural resource
80 conservation with a minimum of five years experience in land
81 conservation and acquisition, appointed one each by the Governor, the
82 speaker of the House of Representatives and the president pro tempore
83 of the Senate; and (11) one chief elected official of a town with a

84 population less than twenty thousand and one chief elected official of a
85 town with a population greater than twenty thousand, appointed by
86 the Governor. The members, other than the members described in
87 subdivisions (1), (2) and (3) of this subsection, shall serve terms of
88 three years provided the terms of the members described in
89 subdivisions (4) to (8), inclusive, of this subsection who are appointed
90 in the year after July 1, 1998, shall expire on October 1, 1999, and
91 further provided the terms of the members described in subdivisions
92 (9) to (11), inclusive, of this subsection shall expire on October 1, 2000.
93 The board shall elect a chairman from among its members and shall
94 make such election on or before October 1, 1998. Members of the board
95 shall serve until reappointed or replaced.

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

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

104 ~~[(e)]~~ (f) There is established an open space and watershed land
105 acquisition account within the General Fund which shall consist of any
106 funds required or allowed by law to be deposited into the account
107 including, but not limited to, gifts or donations received for the
108 purposes of section 7-131d. Investment earnings credited to the assets
109 of the account shall become part of the assets of the account. Any
110 balance remaining in the account at the end of any fiscal year shall be
111 carried forward in the account for the fiscal year next succeeding.
112 Payments from the account shall be made upon authorization by the
113 Commissioner of Environmental Protection. Neither the proceeds of
114 any general obligation bonds of the state nor the investment earnings
115 of any such proceeds shall be deposited in the account. The
116 Commissioner of Environmental Protection may use funds in the

117 account for purposes of section 7-131d.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>from passage</i>	7-131e(b) to (e)

ENV *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:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
University of Connecticut (UConn)	GF - Cost	250,000	250,000
Department of Environmental Protection	GF - Cost	200,000	200,000
Legislative Management	GF - Cost	Less than 5,000	Less than 5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Center for Land Use Education and Research to develop a registry of the state's preserved open space and agricultural land. This results in a cost to the University of Connecticut (UConn) of \$250,000 in both FY 12 and FY 13 as the Center would need to hire consultants to digitize materials for the registry.

The bill also requires the Department of Environmental Protection (DEP) to create and maintain a map of all preserved open space and farmland contained in the open space registry. DEP would need to hire a consultant at approximately \$200,000 in both FY 12 and FY 13 to travel to the unmapped municipalities in the state to gather open space and farmland parcel information.

As of August 2010 parcel information has been at least partially collected for 148 of 169 towns and cities¹.

¹ CT Environmental Conditions Online, CT Parcels for Protected Open Space Mapping (POSM)

Lastly, the bill results in a cost estimated to be less than \$5,000 to the Office of Legislative Management in both FY 12 and FY 13 associated with mileage reimbursement of 51 cents per mile for legislators and agency staff (who seek such reimbursement) participating on the review board.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to completion of the project, which is unclear in the bill.

OLR Bill Analysis**sSB 829*****AN ACT ESTABLISHING AN OPEN SPACE REGISTRY.*****SUMMARY:**

This bill requires UCONN's Center for Land Use Education and Research to develop a registry of the state's preserved open space and agricultural land. The center may seek funding from federal, state, or other sources to develop and maintain the registry.

The bill also requires the Natural Heritage, Open Space and Watershed Land Acquisition Review Board to make recommendations to the Department of Environmental Protection (DEP) commissioner concerning the commissioner's duty to develop priorities for acquiring land for preservation. It requires the board to meet at least once per calendar quarter and to include in its annual report the established acquisition priorities.

EFFECTIVE DATE: Upon passage, except for provisions relating to the registry, which are effective October 1, 2011.

OPEN SPACE AND AGRICULTURAL LAND REGISTRY

The center must determine the scope of information contained in the registry for each property. In developing the registry, the center may consult with the Farmland Preservation Advisory Board. The registry must be available online to municipalities and state agencies to monitor, coordinate, and implement open space, farmland preservation, and responsible growth goals.

DEP Requirements

The bill requires the DEP commissioner to:

1. analyze whether the preserved open space and agricultural lands are effective in protecting the state's Comprehensive Wildlife Conservation Strategy's list of endangered, threatened, or special concern animals;
2. create and maintain a map of the registry's properties; and
3. identify and prioritize the property that needs to be acquired to protect the habitats of species needing greatest conservation, as identified in the Comprehensive Wildlife Conservation Strategy.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 26 Nay 1 (03/09/2011)