



Substitute Senate Bill No. 347

Public Act No. 12-152

AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN.

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

Section 1. Section 23-8 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) The Commissioner of Energy and Environmental Protection shall have power, acting by himself or with local authorities, to acquire, maintain and make available to the public open spaces for recreation. Said commissioner may take, in the name of the state and for the benefit of the public, by purchase, gift or devise, lands and rights in land and personal estate for public open spaces, or take bonds for the conveyance thereof, or may lease the same for a period not exceeding five years, with an option to buy, and may preserve and care for such public reservations, and, in his discretion and upon such terms as he may approve, such other open spaces within this state as may be entrusted, given or devised to the state by the United States or by cities, towns, corporations or individuals for the purposes of public recreation, or for the preservation of natural beauty or historical association, provided said commissioner shall not take or contract to take by purchase or lease any land or other property for an amount or amounts beyond such sum or sums as have been appropriated or

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contributed therefor. No provision of this section shall be construed to set aside any terms or conditions under which gifts or bequests of land have been accepted by the commissioner.

(b) Twenty-one per cent of the state's land area shall be held as open space land. The goal of the state's open space acquisition program shall be to acquire land such that ten per cent of the state's land area is held by the state as open space land and not less than eleven per cent of the state's land area is held by municipalities, water companies or nonprofit land conservation organizations as open space land consistent with the provisions of sections 7-131d to 7-131g, inclusive. Such program shall not affect the ability of any water company to reclassify or sell any land, or interest in land, which was not acquired, in whole or in part, with funds made available under the program established under sections 7-131d to 7-131g, inclusive. [The goal for state open space acquisition shall be three thousand acres acquired in 1999, four thousand acres acquired in 2000, four thousand acres acquired in 2001 and five thousand acres acquired in 2002, provided such acquisition program shall continue until the overall state goal of open space acquisition is achieved. The commissioner] The Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Agriculture, the Commissioner of Public Health and the Council on Environmental Quality established under section 22a-11, municipalities, regional planning agencies and private nonprofit land conservation organizations, shall prepare not later than December 15, 2012, and update [as necessary] not less than once every five years thereafter, a comprehensive strategy for achieving the state goal. [and shall set an appropriate additional goal for increasing the amount of land held as open space by municipalities or by private nonprofit land conservation organizations and shall include in such strategy provisions for achieving such goal.] Such strategy shall include, but not be limited to: [, recommendations regarding: (1) Timetables] (1) An estimate of the acres of land

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preserved by the state, municipalities, water companies and nonprofit land conservation organizations, (2) an evaluation of the potential methods, cost and benefits of establishing a system for increasing the accuracy of such estimate of acres of land preserved by encouraging the voluntary submittal of information regarding new acquisitions by municipalities, water companies and nonprofit land conservation organizations, including the relative costs and benefits of having a state agency, a constituent unit of higher education or a nongovernmental organization host and operate such system, (3) timetables for acquisition of land by the state, [(2)] (4) plans for management of such land, [(3)] (5) an assessment of resources to be used for acquisition and management of such land, and [(4) acquisition and maintenance of open space land by municipalities and by private entities] (6) the highest priorities for acquisition of land, including the wildlife habitat and ecological resources identified to be in greatest need for immediate preservation, and the general location of each high priority. On or before January [1, 1998, and] first, annually, [thereafter,] the commissioner shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment regarding the strategy and the progress being made towards the goals. For the purpose of this subsection, "to acquire land" includes, but is not limited to, the acquisition in fee simple of land and the acquisition of easements for the conservation of land.

(c) To further the efforts to preserve open space in the state and to help realize the goal established in subsection (b) of this section to have at least twenty-one per cent of the state's land held by the state, municipalities, land conservation organizations and water utilities as open space, the Department of Energy and Environmental Protection shall conduct an evaluation of lands of class A water companies, as defined in section 16-1, to determine the resource value and potential desirability of such lands for purchase for open space or public outdoor recreation or natural resource conservation or preservation.

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The water companies and land conservation organizations shall work cooperatively with the department and provide maps and other information to assist the Department of Energy and Environmental Protection in the evaluation of these properties and said department shall develop strategies for alternative methods of funding the preservation of water company lands in perpetuity as open space.

(d) To further the efforts to preserve open space in the state and to help realize the goals established in subsection (b) of this section, the Commissioner of Energy and Environmental Protection shall establish a process by which each state agency may identify lands owned by the state that are in the custody of such state agency and that are valuable for conservation purposes. The commissioner shall include in the comprehensive strategy prepared pursuant to subsection (b) of this section strategies for preserving in perpetuity state lands of high conservation value. In developing such strategies, the commissioner shall consult with each state agency that has custody of such lands and shall consider the present and future needs of each such state agency.

(e) To further the efforts to preserve open space in the state and to help realize the goals established in subsection (b) of this section, on or before October 1, 2014, the Commissioner of Energy and Environmental Protection, in consultation with each state agency, shall identify lands owned by the state that are in the custody of each state agency and that are valuable for conservation purposes. Said commissioner shall consult with the Commissioner of Public Health about any lands owned by the state that are identified as water supply lands.

Approved June 15, 2012