



Senate

General Assembly

File No. 589

February Session, 2012

Substitute Senate Bill No. 347

Senate, April 24, 2012

The Committee on Appropriations reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN.

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

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2 is repealed and the following is substituted in lieu thereof (*Effective*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

4 (a) The Commissioner of Energy and Environmental Protection
5 shall have power, acting by himself or with local authorities, to
6 acquire, maintain and make available to the public open spaces for
7 recreation. Said commissioner may take, in the name of the state and
8 for the benefit of the public, by purchase, gift or devise, lands and
9 rights in land and personal estate for public open spaces, or take bonds
10 for the conveyance thereof, or may lease the same for a period not
11 exceeding five years, with an option to buy, and may preserve and
12 care for such public reservations, and, in his discretion and upon such
13 terms as he may approve, such other open spaces within this state as
14 may be entrusted, given or devised to the state by the United States or
15 by cities, towns, corporations or individuals for the purposes of public

16 recreation, or for the preservation of natural beauty or historical
17 association, provided said commissioner shall not take or contract to
18 take by purchase or lease any land or other property for an amount or
19 amounts beyond such sum or sums as have been appropriated or
20 contributed therefor. No provision of this section shall be construed to
21 set aside any terms or conditions under which gifts or bequests of land
22 have been accepted by the commissioner.

23 (b) Twenty-one per cent of the state's land area shall be held as open
24 space land. The goal of the state's open space acquisition program shall
25 be to acquire land such that ten per cent of the state's land area is held
26 by the state as open space land and not less than eleven per cent of the
27 state's land area is held by municipalities, water companies or
28 nonprofit land conservation organizations as open space land
29 consistent with the provisions of sections 7-131d to 7-131g, inclusive.
30 Such program shall not affect the ability of any water company to
31 reclassify or sell any land, or interest in land, which was not acquired,
32 in whole or in part, with funds made available under the program
33 established under sections 7-131d to 7-131g, inclusive. [The goal for
34 state open space acquisition shall be three thousand acres acquired in
35 1999, four thousand acres acquired in 2000, four thousand acres
36 acquired in 2001 and five thousand acres acquired in 2002, provided
37 such acquisition program shall continue until the overall state goal of
38 open space acquisition is achieved. The commissioner] The
39 Commissioner of Energy and Environmental Protection, in
40 consultation with the Commissioner of Agriculture and the Council on
41 Environmental Quality established under section 22a-11,
42 municipalities, regional planning agencies and private nonprofit land
43 conservation organizations, shall prepare not later than December 15,
44 2012, and update [as necessary] not less than once every five years
45 thereafter, a comprehensive strategy for achieving the state goal. [and
46 shall set an appropriate additional goal for increasing the amount of
47 land held as open space by municipalities or by private nonprofit land
48 conservation organizations and shall include in such strategy
49 provisions for achieving such goal.] Such strategy shall include, but
50 not be limited to: [, recommendations regarding: (1) Timetables] (1) An

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

74 (c) To further the efforts to preserve open space in the state and to
75 help realize the goal established in subsection (b) of this section to have
76 at least twenty-one per cent of the state's land held by the state,
77 municipalities, land conservation organizations and water utilities as
78 open space, the Department of Energy and Environmental Protection
79 shall conduct an evaluation of lands of class A water companies, as
80 defined in section 16-1, to determine the resource value and potential
81 desirability of such lands for purchase for open space or public
82 outdoor recreation or natural resource conservation or preservation.
83 The water companies and land conservation organizations shall work
84 cooperatively with the department and provide maps and other
85 information to assist the Department of Energy and Environmental

86 Protection in the evaluation of these properties and said department
 87 shall develop strategies for alternative methods of funding the
 88 preservation of water company lands in perpetuity as open space.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	23-8

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Statement of Legislative Commissioners:

In section 1(b), the fourth sentence was rephrased for clarity and, in the next to last sentence, "January 1, 1998, and annually thereafter" was changed to "January [1, 1998, and] first, annually," for internal consistency; in section 1(b)(2), "estimates" was changed to "estimate" for internal consistency; in section 1(b)(6), "of land" was inserted for internal consistency; in section 1(d) and (e), "commissioner" was

changed to "Commissioner of Energy and Environmental Protection" for clarity; and in section 1(d), "comprehensive plan" was changed to "comprehensive strategy" in the second sentence for internal consistency and "strategy" was changed to "strategies" in the third sentence for internal consistency.

APP *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 requires the Department of Energy and Environmental Protection (DEEP) to update the state's open space plan by December 15, 2012 and at least once every five years. It also requires DEEP to identify state-owned lands that should be conserved and to develop a plan to preserve it as open space. This does not result in a fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 347*****AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN.*****SUMMARY:**

This bill requires the Department of Energy and Environmental Protection (DEEP) commissioner to update the state's open space plan by December 15, 2012 and at least once every five years, instead of as necessary. It expands the list of entities with which the commissioner must consult when updating the plan to include the agriculture commissioner, municipalities, and regional planning agencies.

The bill expands the types of information that the commissioner must include in the state's open space plan to include, among other things, (1) an estimate of how much state land is preserved as open space and (2) potential methods, costs, and benefits of establishing a system to accurately track open space land.

The bill requires the commissioner, by October 1, 2014 and in consultation with all state agencies, to identify state-owned land that should be conserved and develop a plan to preserve it forever as open space land.

EFFECTIVE DATE: October 1, 2012

OPEN SPACE PLAN

By law, 21% of the state's land area must be held as open space land. The state's goal is for the state to hold 10% and municipalities, water companies, or nonprofit land conservation organizations (e.g., land trusts) at least 11% of the state as open space land. The bill specifies that "to acquire land" includes acquiring (1) land in fee simple (i.e., full ownership) and (2) conservation easements.

Under current law, the DEEP commissioner must consult with the Council on Environmental Quality (CEQ) and private nonprofit land conservation organizations to (1) prepare and update, as necessary, a plan to meet the state's open space goal and (2) set an additional open space goal for municipalities and conservation organizations. The bill instead requires the commissioner to consult with the agriculture commissioner, CEQ, conservation organizations, municipalities, and regional planning agencies to prepare a plan by December 15, 2012 and update the plan at least once every five years thereafter. It removes the requirement that the DEEP commissioner set an open space goal for municipalities and conservation organizations.

The bill requires the open space plan to include:

1. an estimate of how much land is preserved as open space;
2. an evaluation of the methods, costs, and benefits of establishing a system to accurately track open space land by encouraging municipalities, water companies, and nonprofit land conservation organizations to voluntarily submit information on new acquisitions, including the costs and benefits of having a state agency, public college or university, or nongovernmental organization host and operate the system;
3. timetables for the state to acquire land;
4. plans for managing the land;
5. an assessment of resources to be used for acquiring and managing land; and
6. the highest priorities for land acquisition, including wildlife habitats and ecological resources in the greatest need of immediate preservation, and their general location.

Current law requires the plan to include recommendations on an acquisition timetable, management of acquired land, available resources, and the acquisition and maintenance of open space land by

municipalities and private entities.

STATE-OWNED LAND HELD BY STATE AGENCIES

The bill requires the DEEP commissioner to (1) establish a way for each state agency to identify state-owned land in its custody that is valuable for conservation purposes and (2) by October 1, 2014, identify such land. He must consult with the public health commissioner about any state-owned land that is water supply land.

The commissioner must include in the state's open space plan a strategy for preserving state-owned land of high conservation value in perpetuity as open space. When developing the strategy, he must consult with each state agency that holds such land and consider the agency's present and future needs.

BACKGROUND

Legislative History

The Senate referred the bill (File 265) to the Appropriations Committee, which reported a substitute that adds deadlines for the DEEP commissioner to (1) prepare an updated open space plan and (2) identify state-owned land of value for conservation purposes. The substitute also removes a DEEP reporting requirement, instead requiring the additional information to be included in the open space plan.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/21/2012)

Appropriations Committee

Joint Favorable Substitute

Yea 48 Nay 0 (04/13/2012)