



**New Copy
Senate**

General Assembly

File No. 312

February Session, 2022

Substitute Senate Bill No. 323

Senate, April 5, 2022

The Committee on Planning and Development reported through SEN. CASSANO of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ESTABLISHING A MUNICIPAL TREE REMOVAL ACCOUNT.

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

1 Section 1. (NEW) (*Effective July 1, 2022*) (a) For the purposes of this
2 section, "municipality" means any town, city, borough, consolidated
3 town and city or consolidated town and borough, and "municipal road"
4 has the same meaning as provided in section 13a-110a of the general
5 statutes.

6 (b) There is established an account to be known as the "municipal tree
7 removal account" which shall be a separate, nonlapsing account within
8 the General Fund. The account shall contain any moneys required by
9 law to be deposited in the account. Moneys in the account shall be
10 expended by the Commissioner of Energy and Environmental
11 Protection for the purpose of providing grants to municipalities for the
12 removal of dead, dying and hazardous trees, tree limbs and tree
13 branches from municipal property and municipal roads.

14 (c) The commissioner shall establish a grant application process,
 15 eligibility criteria for the provision of grants, and a formula for
 16 determining the amount of each grant awarded pursuant to this
 17 subsection. The commissioner shall implement policies and procedures
 18 to carry out the provisions of this section while in the process of
 19 adopting such policies and procedures in regulation form, in accordance
 20 with chapter 54 of the general statutes, provided the commissioner posts
 21 notice of intent to adopt the regulation on the eRegulations System not
 22 later than twenty days after implementation. Such policies and
 23 procedures shall be valid until the final regulations are adopted.

| | | |
|---|--------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | July 1, 2022 | New section |

Statement of Legislative Commissioners:

In Subsec. (c), "in accordance with chapter 54 of the general statutes," was inserted after "in regulation form," for consistency with standard drafting conventions.

PD *Joint Favorable Substitute-LCO*

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: See Below

Municipal Impact: None

Explanation

The bill establishes the “municipal tree removal account” as a separate, nonlapsing account of the General Fund. A funding source for the account, however, is not identified. It requires the Department Energy and Environmental Protection (DEEP) to fund municipal grants for the removal of dead, dying, and hazardous trees from municipal property and roads.

Assuming that: (1) there are 169 municipalities that could apply to the account for grants; and (2) the average range for municipal tree removal ranges from an estimated \$250 to \$800; annual grant awards from the newly established account could be significant if a funding source were established to make the grant payments.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the funding source identified to make grant payments and any changes to the assumptions outlined above.

OLR Bill Analysis**sSB 323****AN ACT ESTABLISHING A MUNICIPAL TREE REMOVAL ACCOUNT.****SUMMARY**

This bill establishes the “municipal tree removal account” as a separate, nonlapsing account in the General Fund, but does not specify its funding. The bill requires the energy and environmental protection commissioner to use it to fund municipal grants for the removal of dead, dying, and hazardous trees, limbs, and branches from municipal property and roads.

The commissioner must establish the grant application process, eligibility criteria, and a formula for determining grant awards. The bill does not establish a deadline for the commissioner to do so, but it requires her to implement policies and procedures while in the process of adopting them in regulations. The commissioner must publish notice of her intention to adopt regulations on the eRegulations System within 20 days after implementing the policies and procedures.

Under the bill, “municipalities” are towns, cities, boroughs, consolidated towns and cities, and consolidated towns and boroughs. “Municipal roads” are public highways, roads, streets, avenues, alleys, driveways, parkways, or places, under municipal control, that are dedicated, appropriated, or opened to public travel. By law, municipal tree wardens generally have exclusive control over trees located in whole or in part on or above public roads; tree wardens or park commissioners control trees on or above public grounds (CGS § 23-59).

EFFECTIVE DATE: July 1, 2022

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 26 Nay 0 (03/18/2022)