



Substitute Senate Bill No. 347

Public Act No. 15-23

AN ACT CONCERNING THE PERCENTAGE OF STATE AND FEDERAL FUNDS THAT MAY BE USED TO PURCHASE OPEN SPACE UNDER THE OPEN SPACE AND WATERSHED LAND ACQUISITION PROGRAM.

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

Section 1. Section 7-131g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(a) Subject to the provisions of sections 7-131d to 7-131k, inclusive, the Commissioner of Energy and Environmental Protection may (1) where a federal grant is also made, approve grants to municipalities in an amount not to exceed one-half of the nonfederal share of open space land acquisition or development costs, (2) where a federal rehabilitation or innovation grant is made to a municipality under the Urban Park and Recreation Recovery Act of 1978 (P.L. 95-625, 92 Stat. 3538), approve a grant to such municipality not to exceed fifteen per cent of the total project cost of such development or rehabilitation, and (3) where a federal grant is not made, approve grants to municipalities in accordance with the provisions of this section.]

[(b)] (a) The Commissioner of Energy and Environmental Protection may make grants under the open space and watershed land acquisition program to: (1) Municipalities for acquisition of land for

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open space under subdivisions (1) to (6), inclusive, of subsection (b) of section 7-131d in an amount not to exceed sixty-five per cent of the fair market value of a parcel of land or interest in land proposed to be acquired; (2) municipalities for acquisition of land for class I and class II water supply protection under subdivision (5) of subsection (b) of said section 7-131d, in an amount not to exceed sixty-five per cent of such value; (3) nonprofit land conservation organizations for acquisition of land for open space or watershed protection under subdivisions (1) to (6), inclusive, of subsection (b) of said section 7-131d, in an amount not to exceed sixty-five per cent of such value; (4) water companies for acquisition of land under subdivision (7) of subsection (b) of said section 7-131d, in an amount not to exceed sixty-five per cent of such value provided if such a company proposes in a grant application that it intends to allow access to such land for recreational uses, such company shall seek approval of the Commissioner of Public Health for such access; and (5) distressed municipalities or targeted investment communities, as defined in section 32-9p, or, with the approval of the chief elected official or governing legislative body of such a municipality or community, to a nonprofit land conservation organization or water company, for acquisition of land within that municipality or community, for open space under subdivisions (1) to (6), inclusive, of subsection (b) of said section 7-131d, in an amount not to exceed seventy-five per cent of such value or for performance of work in the restoration, enhancement or protection of resources in an amount not to exceed fifty per cent of the cost of such work. Applicants for grants under the program shall provide a copy of the application to the chairperson of the review board established under section 7-131e. The board shall provide comments to the commissioner on pending applications as it deems necessary.

[(c)] (b) For purposes of this subsection, the fair market value of land or interest in land shall be determined by one or more appraisals

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satisfactory to the commissioner and shall not include incidental costs, including, but not limited to, surveying, development or closing costs. The commissioner may consider a portion of the fair market value of a donation of land by an entity receiving a grant as a portion of the matching funds required under this subsection. A [potential] grantee may use funds made available by the state, pursuant to subsection (a) of this section, and the federal government to fund not more than [seventy] ninety per cent of the [total cost] fair market value of any project funded under the program, except the commissioner may authorize a grantee to use such state funds provided pursuant to subsection (a) of this section and any funds made available by the federal government to fund one hundred per cent of the fair market value of any project funded under said program if the commissioner determines that any of the following conditions exist: (1) The grantee committed or expended significant resources, including, but not limited to, payment of such incidental costs, toward the acquisition and preservation in perpetuity of such land; (2) that the grantee committed or expended significant resources for the care, maintenance or preservation of such land that was consistent with the intent of the open space and watershed land acquisition program, as described in section 7-131d; (3) that such project will provide a significant recreational opportunity or natural resource protection for the state and is consistent with: (A) The criteria of subsections (b) and (c) of section 7-131d; (B) the additional considerations set forth in subsection (a) of section 7-131e; and (C) any written guidelines developed by the commissioner pursuant to said subsection; or (4) that such project is located in an area of the state with a limited amount of land available for such recreational opportunity or natural resource protection and is consistent with: (A) The criteria of subsections (b) and (c) of section 7-131d; (B) the additional considerations set forth in subsection (a) of section 7-131e, except equitable geographic distribution of such grants; and (C) any written guidelines developed by the commissioner pursuant to said subsection.

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[[d]] (c) To the extent there is a balance of bonds authorized but not allocated by the State Bond Commission on or after July 1, 1998, pursuant to any bond act for the purposes of (1) the recreation and natural heritage trust program established under sections 23-73 to 23-79, inclusive, and (2) the municipal open space grant program established under sections 7-131c to 7-131g, inclusive, the State Bond Commission shall authorize the issuance of such balance only for the purposes described in section 23-74 and sections 23-75 and 7-131d and in two substantially equal installments one in each half of the fiscal year commencing with the fiscal year ending June 30, 1999.

Approved June 4, 2015