



General Assembly

Amendment

January Session, 2015

LCO No. 6670



Offered by:

SEN. KENNEDY, 12th Dist.

REP. ALBIS, 99th Dist.

SEN. CHAPIN, 30th Dist.

REP. SHABAN, 135th Dist.

To: Subst. Senate Bill No. 347

File No. 86

Cal. No. 112

"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."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 7-131g of the general statutes is repealed and the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

5 [(a) Subject to the provisions of sections 7-131d to 7-131k, inclusive,
6 the Commissioner of Energy and Environmental Protection may (1)
7 where a federal grant is also made, approve grants to municipalities in
8 an amount not to exceed one-half of the nonfederal share of open space
9 land acquisition or development costs, (2) where a federal
10 rehabilitation or innovation grant is made to a municipality under the

11 Urban Park and Recreation Recovery Act of 1978 (P.L. 95-625, 92 Stat.
12 3538), approve a grant to such municipality not to exceed fifteen per
13 cent of the total project cost of such development or rehabilitation, and
14 (3) where a federal grant is not made, approve grants to municipalities
15 in accordance with the provisions of this section.]

16 [(b)] (a) The Commissioner of Energy and Environmental Protection
17 may make grants under the open space and watershed land
18 acquisition program to: (1) Municipalities for acquisition of land for
19 open space under subdivisions (1) to (6), inclusive, of subsection (b) of
20 section 7-131d in an amount not to exceed sixty-five per cent of the fair
21 market value of a parcel of land or interest in land proposed to be
22 acquired; (2) municipalities for acquisition of land for class I and class
23 II water supply protection under subdivision (5) of subsection (b) of
24 said section 7-131d, in an amount not to exceed sixty-five per cent of
25 such value; (3) nonprofit land conservation organizations for
26 acquisition of land for open space or watershed protection under
27 subdivisions (1) to (6), inclusive, of subsection (b) of said section 7-
28 131d, in an amount not to exceed sixty-five per cent of such value; (4)
29 water companies for acquisition of land under subdivision (7) of
30 subsection (b) of said section 7-131d, in an amount not to exceed sixty-
31 five per cent of such value provided if such a company proposes in a
32 grant application that it intends to allow access to such land for
33 recreational uses, such company shall seek approval of the
34 Commissioner of Public Health for such access; and (5) distressed
35 municipalities or targeted investment communities, as defined in
36 section 32-9p, or, with the approval of the chief elected official or
37 governing legislative body of such a municipality or community, to a
38 nonprofit land conservation organization or water company, for
39 acquisition of land within that municipality or community, for open
40 space under subdivisions (1) to (6), inclusive, of subsection (b) of said
41 section 7-131d, in an amount not to exceed seventy-five per cent of
42 such value or for performance of work in the restoration, enhancement
43 or protection of resources in an amount not to exceed fifty per cent of
44 the cost of such work. Applicants for grants under the program shall

45 provide a copy of the application to the chairperson of the review
46 board established under section 7-131e. The board shall provide
47 comments to the commissioner on pending applications as it deems
48 necessary.

49 ~~[(c)]~~ (b) For purposes of this subsection, the fair market value of
50 land or interest in land shall be determined by one or more appraisals
51 satisfactory to the commissioner and shall not include incidental costs,
52 including, but not limited to, surveying, development or closing costs.
53 The commissioner may consider a portion of the fair market value of a
54 donation of land by an entity receiving a grant as a portion of the
55 matching funds required under this subsection. A [potential] grantee
56 may use funds made available by the state, pursuant to subsection (a)
57 of this section, and the federal government to fund not more than
58 [seventy] ninety per cent of the [total cost] fair market value of any
59 project funded under the program except the commissioner may
60 authorize a grantee to use such state funds provided pursuant to
61 subsection (a) of this section and any funds made available by the
62 federal government to fund one hundred per cent of the fair market
63 value of any project funded under said program if the commissioner
64 determines that any of the following conditions exist: (1) The grantee
65 committed or expended significant resources, including, but not
66 limited to, payment of such incidental costs, toward the acquisition
67 and preservation in perpetuity of such land; (2) that the grantee
68 committed or expended significant resources for the care, maintenance
69 or preservation of such land that was consistent with the intent of the
70 open space and watershed land acquisition program, as described in
71 section 7-131d; (3) that such project will provide a significant
72 recreational opportunity or natural resource protection for the state
73 and is consistent with: (A) The criteria of subsections (b) and (c) of
74 section 7-131d; (B) the additional considerations set forth in subsection
75 (a) of section 7-131e; and (C) any written guidelines developed by the
76 commissioner pursuant to said subsection; or (4) that such project is
77 located in an area of the state with a limited amount of land available
78 for such recreational opportunity or natural resource protection and is

79 consistent with: (A) The criteria of subsections (b) and (c) of section 7-
 80 131d; (B) the additional considerations set forth in subsection (a) of
 81 section 7-131e, except equitable geographic distribution of such grants;
 82 and (C) any written guidelines developed by the commissioner
 83 pursuant to said subsection.

84 [(d)] (c) To the extent there is a balance of bonds authorized but not
 85 allocated by the State Bond Commission on or after July 1, 1998,
 86 pursuant to any bond act for the purposes of (1) the recreation and
 87 natural heritage trust program established under sections 23-73 to 23-
 88 79, inclusive, and (2) the municipal open space grant program
 89 established under sections 7-131c to 7-131g, inclusive, the State Bond
 90 Commission shall authorize the issuance of such balance only for the
 91 purposes described in section 23-74 and sections 23-75 and 7-131d and
 92 in two substantially equal installments one in each half of the fiscal
 93 year commencing with the fiscal year ending June 30, 1999."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	7-131g