



General Assembly

Amendment

February Session, 2024

LCO No. 6116



Offered by:

SEN. LOPES, 6th Dist.

REP. GRESKO, 121st Dist.

To: Subst. House Bill No. 5223

File No. 660

Cal. No. 437

**"AN ACT CONCERNING MINOR REVISIONS TO AGRICULTURE
RELATED STATUTES."**

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

3 "Section 1. Section 22-327 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 As used in this chapter:

6 (1) "Animal" means any brute creature, including, but not limited to,
7 dogs, cats, monkeys, guinea pigs, hamsters, rabbits, birds and reptiles;

8 (2) "Chief Animal Control Officer", "Assistant Chief Animal Control
9 Officer" and "animal control officer" mean, respectively, the Chief State
10 Animal Control Officer, the Assistant Chief State Animal Control
11 Officer and a state animal control officer appointed under section 22-
12 328;

13 (3) "Commercial kennel" means a place maintained for boarding or
14 grooming dogs or cats, and includes, but is not limited to, any veterinary
15 hospital which boards or grooms dogs or cats for nonmedical purposes;

16 (4) "Commissioner" means the Commissioner of Agriculture;

17 (5) "Grooming facility" means any place, [other than a commercial
18 kennel, which] including any vehicle or trailer, that is maintained as a
19 business where dogs are groomed;

20 (6) "Keeper" means any person, other than the owner, harboring or
21 having in his possession any dog;

22 (7) "Kennel" means one pack or collection of dogs which are kept
23 under one ownership at a single location and are bred for show, sport
24 or sale;

25 (8) "Municipal animal control officer" means any such officer
26 appointed under the provisions of section 22-331;

27 (9) "Pet shop" means any place at which animals not born and raised
28 on the premises are kept for the purpose of sale to the public;

29 (10) "Poultry" has the same meaning as provided in section 22-326s;

30 [(11) "Regional animal control officer" and "assistant regional animal
31 control officer" means a regional Connecticut animal control officer and
32 an assistant regional Connecticut animal control officer appointed
33 under the provisions of section 22-331a;]

34 [(12)] (11) "Training facility" means any place [, other than a
35 commercial kennel or grooming facility, which] that is maintained as a
36 business where dogs are trained;

37 [(13)] (12) "Service animal" has the same meaning as provided in 28
38 CFR 35.104 and includes any animal in training to become a service
39 animal.

40 Sec. 2. Section 22-367 of the 2024 supplement to the general statutes

41 is repealed and the following is substituted in lieu thereof (*Effective from*
42 *passage*):

43 Any person owning, keeping or harboring a dog or cat or maintaining
44 a [breeding] local kennel or commercial kennel who violates any
45 provision of this chapter for the violation of which no other penalty is
46 provided, or any regulation legally made and published shall be fined
47 not less than two hundred fifty dollars or imprisoned not more than
48 thirty days or both. No commercial kennel shall board any dog or cat
49 unless the owner of the dog or cat presents a certificate of vaccination as
50 required by this chapter. The Chief Animal Control Officer, any animal
51 control officer and any municipal or regional control officer shall
52 diligently inquire after, and prosecute for, any violation of any provision
53 of this chapter.

54 Sec. 3. Subsection (a) of section 22-380f of the general statutes is
55 repealed and the following is substituted in lieu thereof (*Effective from*
56 *passage*):

57 (a) No pound shall sell or give away any unspayed or unneutered
58 dog or cat to any person unless such pound receives forty-five dollars
59 from the person buying or adopting such dog or cat. Funds received
60 pursuant to this section shall be paid quarterly by the municipality into
61 the animal population control account established under section 22-
62 380g. At the time of receipt of such payment, the pound shall complete
63 a voucher, for the purpose of benefits, as provided in section 22-380i, for
64 the sterilization and vaccination of such dog or cat and (1) provide the
65 voucher to the person buying or adopting such dog or cat, or (2) retain
66 such voucher and submit it to a participating veterinarian for such
67 sterilization and vaccination before releasing the dog or cat to the person
68 buying or adopting the dog or cat. Any such voucher shall be on a form
69 provided by the commissioner and signed (A) by the eligible owner if
70 the voucher is provided to the person buying or adopting the dog or cat,
71 or (B) by a representative of the pound if the pound retains the voucher.
72 Such voucher shall become void after sixty days from the date of
73 purchase or adoption unless a participating veterinarian certifies that

74 the dog or cat is medically unfit for surgery. Such certification shall be
75 on a form provided by the commissioner and specify a date by which
76 such dog or cat may be fit for sterilization. If the surgery is performed
77 more than thirty days after such specified date, the voucher shall
78 become void. In the case of a dog or cat that has been previously
79 sterilized or is permanently medically unfit for sterilization, as
80 determined by a participating veterinarian, the voucher shall be void
81 and the eligible owner may apply to the commissioner for a refund in
82 the amount of forty-five dollars. If a dog or cat [has pyometra and] is not
83 purchased or adopted from a pound, a representative of the pound may
84 complete a voucher, for the purpose of benefits, as provided in section
85 22-380i, and submit such voucher to a participating veterinarian for the
86 sterilization and vaccination of such dog or cat.

87 Sec. 4. Section 22-413 of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective from passage*):

89 (a) Any equine presented for public auction in this state shall have a
90 health certificate issued by a veterinarian licensed pursuant to the
91 provisions of chapter 384, [and cosigned by the State Veterinarian.] Such
92 examination shall be obtained within ten days prior to the auction and
93 shall be made at the expense of the owner.

94 (b) Any equine presented for public auction in this state shall have a
95 certificate indicating a negative reaction to a [coggins] Coggins test
96 which shall be obtained within sixty days prior to such auction.

97 (c) Any person violating any provision of this section shall be fined
98 not less than one hundred dollars or more than five hundred dollars for
99 each violation.

100 Sec. 5. Section 22-415a of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective from passage*):

102 As used in sections [22-415a] 22-410 to 22-415j, inclusive:

103 (1) "Commissioner" means the Commissioner of Agriculture;

104 (2) "Equine" means any member of the equine family which includes
105 horses, ponies, mules, asses, donkeys and zebras;

106 (3) "Equine infectious anemia" means a disease of equines caused by
107 an infectious virus which may be spread by blood-sucking insects,
108 unsterile surgical instruments and community use of equipment that
109 may produce cuts or abrasions and which may cause an equine to test
110 positive to an official test;

111 (4) "Licensed veterinarian" means a veterinarian who is licensed
112 pursuant to the provisions of chapter 384;

113 (5) "Official test" means a serological test for equine infectious anemia
114 that is (A) approved by the Animal and Plant Health Inspection Service
115 of the United States Department of Agriculture, (B) conducted in a
116 laboratory approved by the Commissioner of Agriculture, and (C)
117 administered by a licensed veterinarian, state veterinarian, or full-time
118 employee with the state Department of Agriculture;

119 (6) "Reactor" means an equine whose blood serum reacts positively
120 to an official test for equine infectious anemia;

121 (7) "Freeze-brand" means a metal brand which produces a permanent
122 mark with a configuration of 16A that is three inches in height and is
123 applied to the left neck or shoulder area of any equine that is positive to
124 the equine infectious anemia test in such a manner that the brand is
125 obvious and not obscured by a mane;

126 (8) "Isolation" means no biological contact with another equine;

127 (9) "Coggins test" means an official test for equine infectious anemia.

128 Sec. 6. Section 22-90 of the general statutes is repealed and the
129 following is substituted in lieu thereof (*Effective from passage*):

130 The State Entomologist shall, to such extent as he or she deems
131 necessary or expedient, examine apiaries and quarantine such as are
132 diseased, harboring insects, mites or parasitic organisms adversely

133 affecting bees or species or subspecies of bees, which have been
134 determined by the State Entomologist to cause harm, directly or
135 indirectly, to the bee population, crops or other plants and treat or
136 destroy cases of the disease known as foul brood, insects, mites or
137 parasitic organisms adversely affecting bees or species or subspecies of
138 bees, which have been determined by the State Entomologist to cause
139 harm, directly or indirectly, to the bee population, crops or other plants.
140 The State Entomologist may appoint such inspectors as he or she deems
141 necessary or expedient, and he or she or any person whom he or she
142 appoints for that purpose shall have access at reasonable times to any
143 apiary or place where bees are kept or where honeycomb and appliances
144 are stored. [Any person appointed for such purpose shall possess all the
145 qualifications for an Agricultural Research Technician II employed by
146 the Connecticut Agricultural Experiment Station and have either five or
147 more years of beekeeping experience or a minimum of three years of
148 experience as a bee inspector at the federal or state level.] The State
149 Entomologist is authorized to make suitable regulations regarding
150 inspections and quarantine and to prescribe suitable forms for
151 permanent records, which shall be on file and open to public inspection,
152 and to make reasonable rules for the services of such inspectors, and
153 may pay a reasonable sum for such services. No person or corporation
154 shall remove bees under quarantine to another locality without
155 obtaining the written permission of an authorized inspector. No person
156 or transportation company shall receive for transportation any colony
157 or package of bees, unless such colony or package is accompanied by a
158 certificate of good health, furnished by an authorized inspector. No
159 person or transportation company shall deliver any colony or package
160 of bees brought from any other country, province, state or territory
161 unless accompanied by a certificate of health furnished by an authorized
162 inspector of such country, province, state or territory. Any person or
163 transportation company receiving a shipment of bees from without the
164 state, unaccompanied by such certificate, shall, before delivering such
165 shipment to its consignee, notify the State Entomologist and hold such
166 shipment until inspected by an authorized inspector. If contagious
167 diseases, insects, mites or parasitic organisms adversely affecting bees

168 or species or subspecies of bees, which have been determined by the
169 State Entomologist to cause harm, directly or indirectly, to the bee
170 population, crops or other plants are found therein, such shipment shall
171 be returned to the consignor or delivered to an authorized inspector of
172 this state for treatment or destruction, provided the requirements of this
173 section shall not apply to shipments of brood comb, with or without
174 bees, suspected of being diseased and consigned to the State
175 Entomologist, the agricultural experiment station or any authorized
176 apiary inspector of the state or to the Bureau of Entomology of the
177 United States or the United States Department of Agriculture, and
178 provided there shall be no destruction of any shipment of bees as herein
179 provided in the absence of reasonable notice to the consignee thereof.
180 No person shall resist or hinder the State Entomologist, or any inspector
181 whom he or she appoints, in the performance of the duties imposed by
182 this section. No person or corporation shall sell, to be removed to
183 another location, bees, brood comb, frames or hives that have been in
184 use, with or without combs, until they have been inspected by an
185 authorized inspector, who shall issue a certificate of health if they are
186 found free of contagious disease, insects, mites or parasitic organisms
187 adversely affecting bees or species or subspecies of bees, which have
188 been determined by the State Entomologist to cause harm, directly or
189 indirectly, to the bee population, crops or other plants. Any person
190 violating any provision of this section shall be fined not more than one
191 hundred dollars for a first violation, three hundred dollars for a second
192 violation and five hundred dollars for a third and any subsequent
193 violation.

194 Sec. 7. Subsection (a) of section 22-131 of the general statutes is
195 repealed and the following is substituted in lieu thereof (*Effective from*
196 *passage*):

197 (a) In accordance with section 4-9a, the Governor, [with the advice
198 and consent of either house of the General Assembly,] shall appoint
199 eight electors of the state, two of whom are actively engaged in the sale
200 and distribution of milk, two of whom are actively engaged in the
201 processing of milk, two of whom have no active or financial interest in

202 the production or sale of milk, and two of whom are actively engaged
203 in the production of milk, which eight electors, with the Commissioner
204 of Public Health, or the commissioner's designee, and the Commissioner
205 of Agriculture, shall constitute the Milk Regulation Board. The
206 Governor, for cause, after a public hearing, may remove any appointed
207 member of the board.

208 Sec. 8. Section 22-339b of the general statutes is repealed and the
209 following is substituted in lieu thereof (*Effective from passage*):

210 (a) Any owner or keeper of a dog or cat [of the age of three months or
211 older] shall have such dog or cat vaccinated against rabies. Such
212 vaccination shall occur when such dog or cat is twelve weeks or more of
213 age but less than fourteen weeks of age, or at the age that the vaccine
214 manufacturer recommends, as approved by the United States
215 Department of Agriculture, provided such owner or keeper shall have
216 such dog or cat vaccinated if either such prescribed age has lapsed. Any
217 animal vaccinated prior to one year of age or receiving a primary rabies
218 vaccine at any age shall be considered protected for only one year and
219 shall be given a booster vaccination one year after the initial vaccination
220 and shall be vaccinated at least every three years thereafter. Those
221 animals revaccinated after one year of age shall be given booster
222 vaccinations at least every three years thereafter. Proof of vaccination
223 shall be a certificate issued by a licensed veterinarian in accordance with
224 subsection (a) of section 22-339c. A licensed veterinarian, upon request
225 of the Chief Animal Control Officer, any animal control officer,
226 municipal animal control officer or regional animal control officer shall
227 submit to such officer a copy of such certificate and any associated rabies
228 vaccination records for such dog or cat that has bitten a person or
229 another animal.

230 (b) The State Veterinarian or the Commissioner of Agriculture, or the
231 commissioner's designee, may grant an exemption from vaccination
232 against rabies for a dog or cat if a licensed veterinarian has examined
233 such animal and determined that a rabies vaccination would endanger
234 the animal's life due to disease or other medical considerations. Such

235 exemption may be granted for an individual animal only after the
236 veterinarian has consulted with the State Veterinarian, the
237 Commissioner of Agriculture, or the commissioner's designee, and
238 completed and submitted to the department an application for
239 exemption from rabies vaccination on a form approved by the
240 Department of Agriculture. After approval of such exemption, the
241 department shall issue a rabies vaccination exemption certificate, copies
242 of which shall be provided to the veterinarian, the owner of the dog or
243 cat exempted from rabies vaccination and the animal control officer of
244 the municipality in which the owner of the dog or cat resides.
245 Certification that a dog or cat is exempt from rabies vaccination shall be
246 valid for one year, after which time the animal shall be vaccinated
247 against rabies or the application for exemption shall be renewed.

248 (c) Any veterinarian aggrieved by a denial of a request for an
249 exemption from rabies vaccination by the State Veterinarian, the
250 Commissioner of Agriculture or the commissioner's designee may
251 appeal such denial as provided in the Uniform Administrative
252 Procedure Act, sections 4-166 to 4-189, inclusive.

253 (d) Any violation of this section shall be an infraction.

254 Sec. 9. Section 7-131d of the 2024 supplement to the general statutes
255 is repealed and the following is substituted in lieu thereof (*Effective July*
256 *1, 2024*):

257 (a) There is established the protected open space and watershed land
258 acquisition grant program. The program shall provide grants to
259 municipalities and nonprofit land conservation organizations to acquire
260 land or permanent interests in land for open space and watershed
261 protection and to water companies, as defined in section 25-32a, to
262 acquire and protect land which is eligible to be classified as class I or
263 class II land, as defined in section 25-37c, after acquisition. All lands or
264 interests in land acquired under this program shall be preserved in
265 perpetuity predominantly in their natural scenic and open condition for
266 the protection of natural resources while allowing for recreation

267 consistent with such protection and, for lands acquired by water
268 companies, allowing for the improvements necessary for the protection
269 or provision of potable water.

270 (b) Grants may be made under the protected open space and
271 watershed land acquisition grant program established under subsection
272 (a) of this section or under the Charter Oak open space grant program
273 established under section 7-131t to match funds for the purchase of land
274 or permanent interests in land which purchase meets one of the
275 following criteria: (1) Protects land identified as being especially
276 valuable for recreation, forestry, fishing, conservation of wildlife or
277 natural resources; (2) protects land which includes or contributes to a
278 prime natural feature of the state's landscape, including, but not limited
279 to, a shoreline, a river, its tributaries and watershed, an aquifer,
280 mountainous territory, ridgelines, an inland or coastal wetland, a
281 significant littoral or estuarine or aquatic site or other important
282 geological feature; (3) protects habitat for native plant or animal species
283 listed as threatened or endangered or of special concern, as defined in
284 section 26-304; (4) protects a relatively undisturbed outstanding
285 example of a native ecological community which is now uncommon; (5)
286 enhances and conserves water quality of the state's lakes, rivers and
287 coastal water; (6) preserves local agricultural heritage; or (7) in the case
288 of grants to water companies, protects land which is eligible to be
289 classified as class I land or class II land after acquisition. [The
290 commissioner may make a grant under the protected open space and
291 watershed land acquisition grant program to a distressed municipality
292 or a targeted investment community, as defined in section 32-9p, for
293 restoration or protection of natural features or habitats on open space
294 already owned by the municipality, including, but not limited to,
295 wetland or wildlife or plant habitat restoration or restoration of other
296 sites to a more natural condition, or replacement of vegetation, provided
297 the total amount of grants to such municipalities for such purposes may
298 not exceed twenty per cent of the total amount of grants made in any
299 fiscal year.]

300 (c) Grants may be made under the protected open space and

301 watershed land acquisition grant program established under subsection
302 (a) of this section for restoration or protection of natural features or
303 habitats on open space already owned by a (1) distressed municipality,
304 as defined in section 32-9p, (2) targeted investment community, as
305 defined in section 32-222, (3) municipality, provided such open space is
306 located in an environmental justice community, as defined in section
307 22a-20a, or (4) nonprofit land conservation organization, provided such
308 open space is located in a distressed municipality, targeted investment
309 community or environmental justice community. Such restoration or
310 protection may include, but need not be limited to, wetland, wildlife or
311 plant habitat restoration or restoration of other sites to a more natural
312 condition or replacement of vegetation. The total amount of grants
313 made pursuant to this subsection shall not exceed twenty per cent of the
314 total amount of grants made pursuant to the open space and watershed
315 land acquisition grant program in any fiscal year.

316 [(c) No] (d) (1) Except as provided in subdivision (2) of this
317 subsection, no grant may be made under the protected open space and
318 watershed land acquisition grant program established under subsection
319 (a) of this section or under the Charter Oak open space grant program
320 established under section 7-131t for: [(1)] (A) Land to be used for
321 commercial purposes or for recreational purposes requiring intensive
322 development, including, but not limited to, golf courses, driving ranges,
323 tennis courts, ballfields, swimming pools and uses by motorized
324 vehicles other than vehicles needed by water companies to carry out
325 their purposes, provided trails or pathways for pedestrians, motorized
326 wheelchairs or nonmotorized vehicles shall not be considered intensive
327 development; [(2)] (B) land with environmental contamination over a
328 significant portion of the property provided grants for land requiring
329 remediation of environmental contamination may be made if
330 remediation will be completed before acquisition of the land or any
331 interest in the land and an environmental assessment approved by the
332 Commissioner of Energy and Environmental Protection has been
333 completed and no environmental use restriction applies to the land; [(3)]
334 (C) land which has already been committed for public use, except as

335 provided in subsection (c) of section 7-131g; [(4)] (D) development costs,
336 including, but not limited to, construction of ballfields, tennis courts,
337 parking lots or roadways; [(5)] (E) land to be acquired by eminent
338 domain; or [(6)] (F) reimbursement of in-kind services or incidental
339 expenses associated with the acquisition of land. This subsection shall
340 not prohibit the continuation of agricultural activity, the activities of a
341 water company for public water supply purposes or the selling of timber
342 incidental to management of the land which management is in
343 accordance with approved forest management practices provided any
344 proceeds of such timber sales shall be used for management of the land.
345 In the case of land acquired under this section which is designated as a
346 state park, any fees charged by the state for use of such land shall be
347 used by the state in accordance with the provisions of title 23.

348 (2) Grants in a total amount not exceeding five per cent of the total
349 amount of grants made pursuant to the open space and watershed land
350 acquisition grant program in any fiscal year may be made to distressed
351 municipalities, as defined in section 32-9p, targeted investment
352 communities, as defined in section 32-222, nonprofit land conservation
353 organizations and municipalities, for the purpose of reimbursement for
354 in-kind services or incidental expenses associated with the acquisition
355 of land, including, but not limited to, survey fees, appraisal costs and
356 legal fees, provided such land is located in a distressed municipality,
357 targeted investment community or environmental justice community,
358 as defined in section 22a-20a.

359 [(d)] (e) Any municipality or group of contiguous municipalities may
360 apply to the Commissioner of Energy and Environmental Protection for
361 a grant-in-aid of a program established to preserve or restrict to
362 conservation or recreation purposes the use of open space land. Such
363 grant shall be used for the acquisition of land, or easements, interests or
364 rights therein, or for the development of such land, or easements,
365 interests or rights therein, for purposes set forth in this section, or both,
366 in accordance with a plan of development adopted by the municipal
367 planning commission of the municipality within which the land is
368 located. Any application for a grant-in-aid relating to land located

369 beyond the territorial limits of the applying municipality shall be subject
370 to approval of the legislative body of the municipality within whose
371 territorial limits the land is located. A municipality applying for aid
372 under this section, may designate its conservation commission as its
373 agent to make such application.

374 [(e)] (f) At closing, a permanent conservation easement, as defined in
375 section 47-42, shall be executed for any property purchased with grant
376 funds, which conservation easement shall provide that the property
377 shall remain forever predominantly in its natural and open condition
378 for the specific conservation, open space or water supply purposes for
379 which it was acquired provided any improvements or changes to the
380 property shall be supportive of such condition or purposes. The
381 permanent conservation easement shall be in favor of the state acting
382 through the Commissioner of Energy and Environmental Protection, or
383 his designee, which may be a municipality or a land conservation
384 organization. In the case of land acquired for water supply protection, a
385 water company may hold an easement in conjunction with the state or
386 a nonprofit entity to protect the water supply. Such permanent
387 conservation easement shall also include a requirement that the
388 property be made available to the general public for appropriate
389 recreational purposes, the maintenance of which recreational access
390 shall be the responsibility of the grantee provided such access shall not
391 be required for land which will be classified as class I or class II land by
392 a water company if such access is inconsistent with the provision of pure
393 drinking water to the public. An exception to the provision of public
394 recreational access may be made at the discretion of the Commissioner
395 of Energy and Environmental Protection when provision for public
396 access would be unreasonably detrimental to the wildlife or plant
397 habitat or other natural features of the property or, for land where
398 development rights have been purchased, would be disruptive of
399 agricultural activity occurring on the land. Any instrument conveying
400 an interest in land less than fee which interest is purchased under this
401 section shall provide for the permanent preservation of the land and
402 public access consistent with the land's use or protection and with any

403 restrictions prescribed by the Department of Public Health in order to
404 protect a public drinking water source.

405 Sec. 10. Subsections (b) and (c) of section 7-131e of the general statutes
406 are repealed and the following is substituted in lieu thereof (*Effective July*
407 *1, 2024*):

408 (b) There is established a Natural Heritage, Open Space and
409 Watershed Land Acquisition Review Board to assist and advise the
410 commissioner in carrying out the provisions of sections 7-131d to 7-
411 131g, inclusive, as amended by this act, and sections 23-73 to 23-79,
412 inclusive. Upon establishment of the review board and selection of a
413 chairman under this section, the review board (1) shall provide
414 comments on selection criteria, policies and procedures; (2) shall
415 promote public participation; (3) shall provide guidance and conduct
416 review of strategies for land protection, including strategies under
417 section 23-8; (4) shall review and evaluate grant award policies and
418 procedures; and (5) may provide comments on any application for
419 funds not later than forty-five days after such application is submitted
420 to the chairman. Upon establishment of the board, the commissioner
421 shall take such comments into consideration in making any decisions
422 regarding such grants.

423 (c) The review board shall consist of [twenty-one] twenty-three
424 members as follows: (1) The chairpersons and ranking members of the
425 bonding subcommittee of the joint standing committee of the General
426 Assembly having cognizance of matters relating to finance, revenue and
427 bonding; (2) one member of the joint standing committee of the General
428 Assembly having cognizance of matters relating to the environment,
429 appointed by the speaker of the House of Representatives, and one
430 member of the joint standing committee of the General Assembly
431 having cognizance of matters relating to planning and development,
432 appointed by the president pro tempore of the Senate, each of whom
433 shall be ex-officio members of the board; (3) the Secretary of the Office
434 of Policy and Management, or his designee; (4) a representative of the
435 business community and a person experienced in issues relating to

436 access to public facilities by persons with disabilities, appointed by the
437 Governor; (5) one representative from an investor-owned water utility,
438 appointed by the minority leader of the Senate; (6) one representative
439 from a municipal water utility, appointed by the minority leader of the
440 House of Representatives; (7) one representative from a regional water
441 utility, appointed by the minority leader of the Senate; (8) one
442 representative who is a realtor or attorney with a minimum of five
443 [years] years' experience in real estate transfers, appointed by the
444 speaker of the House of Representatives; one representative with a
445 minimum of five [years] years' experience in the construction industry
446 or land development, appointed by the president pro tempore of the
447 Senate; (9) two representatives of interest groups primarily concerned
448 with the conservation of river watershed regions, appointed one each
449 by the majority leaders of the House of Representatives and the Senate;
450 (10) three representatives from nonprofit organizations primarily
451 concerned with environmental protection or natural resource
452 conservation with a minimum of five [years] years' experience in land
453 conservation and acquisition, appointed one each by the Governor, the
454 speaker of the House of Representatives and the president pro tempore
455 of the Senate; [and] (11) one chief elected official of a town with a
456 population less than twenty thousand and one chief elected official of a
457 town with a population greater than twenty thousand, appointed by the
458 Governor; (12) one member who is a representative of a community of
459 color, low-income community or community-based organization, or
460 professor from a college or university in the state with expertise in
461 environmental justice, appointed by the Commissioner of Energy and
462 Environmental Protection; and (13) one member who resides in a United
463 States census block group, as determined in accordance with the most
464 recent United States decennial census, for which thirty per cent or more
465 of the population consists of low-income persons who are not
466 institutionalized and have an income below two hundred per cent of the
467 federal poverty level, appointed by the Commissioner of Energy and
468 Environmental Protection. The members, other than the members
469 described in subdivisions (1), (2) and (3) of this subsection, shall serve
470 terms of three years provided the terms of the members described in

471 subdivisions (4) to (8), inclusive, of this subsection who are appointed
472 in the year after July 1, 1998, shall expire on October 1, 1999, and further
473 provided the terms of the members described in subdivisions (9) to (11),
474 inclusive, of this subsection shall expire on October 1, 2000. The board
475 shall elect a chairman from among its members and shall make such
476 election on or before October 1, 1998. Members of the board shall serve
477 until reappointed or replaced.

478 Sec. 11. Subsection (a) of section 7-131g of the 2024 supplement to the
479 general statutes is repealed and the following is substituted in lieu
480 thereof (*Effective July 1, 2024*):

481 (a) The Commissioner of Energy and Environmental Protection may
482 make grants under the open space and watershed land acquisition
483 program to: (1) Municipalities for acquisition of land for open space
484 under subdivisions (1) to (6), inclusive, of subsection (b) of section 7-
485 131d, as amended by this act, in an amount not to exceed sixty-five per
486 cent of the fair market value of a parcel of land or interest in land
487 proposed to be acquired; (2) municipalities for acquisition of land for
488 class I and class II water supply protection under subdivision (5) of
489 subsection (b) of said section 7-131d, in an amount not to exceed sixty-
490 five per cent of such value; (3) nonprofit land conservation
491 organizations for acquisition of land for open space or watershed
492 protection under subdivisions (1) to (6), inclusive, of subsection (b) of
493 said section 7-131d, in an amount not to exceed sixty-five per cent of
494 such value; (4) water companies for acquisition of land under
495 subdivision (7) of subsection (b) of said section 7-131d, in an amount not
496 to exceed sixty-five per cent of such value provided if such a company
497 proposes in a grant application that it intends to allow access to such
498 land for recreational uses, such company shall seek approval of the
499 Commissioner of Public Health for such access; and (5) distressed
500 municipalities, as defined in section 32-9p or targeted investment
501 communities, as defined in section [32-9p] 32-222, municipalities
502 containing one or more environmental justice communities, as defined
503 in section 22a-20a, or, with the approval of the chief elected official or
504 governing legislative body of such a municipality or community, to a

505 nonprofit land conservation organization or water company, for
506 acquisition of land within that municipality or community, for open
507 space under subdivisions (1) to (6), inclusive, of subsection (b) of said
508 section 7-131d, in an amount not to exceed seventy-five per cent of such
509 value or for performance of work in the restoration, enhancement or
510 protection of resources in an amount not to exceed fifty per cent of the
511 cost of such work. Applicants for grants under the program shall
512 provide a copy of the application to the chairperson of the review board
513 established under section 7-131e, as amended by this act. The board
514 shall provide comments to the commissioner on pending applications
515 as it deems necessary.

516 Sec. 12. Subsection (a) of section 7-131e of the general statutes is
517 repealed and the following is substituted in lieu thereof (*Effective July 1,*
518 *2024*):

519 (a) Grant award decisions under the protected open space and
520 watershed land acquisition grant program established under section 7-
521 131d, as amended by this act, or under the Charter Oak open space grant
522 program established under section 7-131t shall be made by the
523 Commissioner of Energy and Environmental Protection at least
524 semiannually. All complete and eligible grant applications shall be acted
525 upon by the commissioner as soon as practicable. A single project may
526 receive a grant in more than one grant cycle, subject to future availability
527 of funds and subject to the limitations set forth in this section and
528 sections 23-78, 12-498 and 7-131d, as amended by this act. Up to five per
529 cent of the grant funds may be used for administrative expenses
530 including, but not limited to: (1) Contractors to assist the Department of
531 Energy and Environmental Protection in the review and evaluation of
532 grant proposals and baseline data collection for conservation easements;
533 (2) appraisals or appraisal reviews; and (3) preparation of legal and
534 other documents. Administrative expenses may not be used for staff
535 salaries. Not later than September 1, 1998, for the protected open space
536 and watershed land acquisition grant program established under
537 section 7-131d, as amended by this act, and not later than September 1,
538 2000, for the Charter Oak open space grant program account established

539 under section 7-131t, the commissioner shall develop written guidelines
540 and a ranking system for consistency and equity in the distribution of
541 grant awards under the protected open space and watershed land
542 acquisition grant program established under section 7-131d, as
543 amended by this act, or under the Charter Oak open space grant
544 program account established under section 7-131t based on the criteria
545 listed in subsections (b), [and] (c) and (d) of section 7-131d, as amended
546 by this act. Consistent with such criteria, additional consideration shall
547 be given to: (A) Protection of lands adjacent to and complementary to
548 adjacent protected open space land or class I or class II water company
549 lands; (B) equitable geographic distribution of the grants; (C) proximity
550 of a property to urban areas with growth and development pressures or
551 to areas with open space deficiencies and underserved populations; (D)
552 protection of land particularly vulnerable to development incompatible
553 with its natural resource values including the protection of a public
554 water supply source; (E) consistency with the state plan of conservation
555 and development; (F) multiple protection elements, such as water
556 quality and supply protection, scenic preservation and farmland
557 preservation; (G) the extent to which the presence of already constructed
558 buildings or other man-made improvements diminish or overshadow
559 the natural resource value of a proposed acquisition, or its value relative
560 to its cost; and (H) preservation of forest lands and bodies of water
561 which naturally absorb significant amounts of carbon dioxide.

562 Sec. 13. Subsection (a) of section 23-8b of the general statutes is
563 repealed and the following is substituted in lieu thereof (*Effective July 1,*
564 *2024*):

565 (a) Any contract for the protection of open space entered into by the
566 Commissioner of Energy and Environmental Protection with BHC
567 Company, Aquarion or Kelda Group, jointly or individually, and The
568 Nature Conservancy, for purchase of land or interests in land from said
569 companies shall be on such terms and conditions as are approved by the
570 commissioner. Such terms and conditions shall provide for the filing on
571 the land records in the town in which the land is located, restrictions or
572 easements that provide that all land or interest in land subject to such

573 purchase is preserved in perpetuity in its natural and open condition for
574 the protection of natural resources and public water supplies. Such
575 restrictions or easements may allow only those recreational activities
576 which are not prohibited in subsection [(c)] (d) of section 7-131d, as
577 amended by this act, and shall allow for improvements and activities
578 necessary only for land and natural resource management and safe and
579 adequate potable water. Such permanent restrictions or easements shall
580 be in favor of the State of Connecticut acting through the Commissioner
581 of Energy and Environmental Protection. Such permanent restrictions
582 or easements shall also include a requirement that the property be
583 available to the general public for recreational purposes as permitted
584 under subsection [(c)] (d) of section 7-131d, as amended by this act, and
585 shall allow for the installation of such permanent fixtures as may be
586 necessary to provide such permitted recreational activities. The
587 Department of Energy and Environmental Protection and the state are
588 hereby authorized to carry out and fulfill their obligations under any
589 such contract. In addition to such rights as said companies may have
590 pursuant to chapter 53, those rights in and to land or interests in land
591 reserved by said companies in their conveyances to the state in
592 accordance with the provisions of said contract shall be enforceable in
593 equity.

594 Sec. 14. (NEW) (*Effective July 1, 2024*) (a) Notwithstanding any
595 provision of the general statutes, the Commissioner of the Department
596 of Energy and Environmental Protection may acquire, in the name of
597 the state and for flood control and protection and associated public
598 purposes, not more than 25.7 acres of real property, or interests or rights
599 therein, by purchase, gift, devise or exchange, or may take the same by
600 eminent domain in the manner provided in part IV of chapter 238 of the
601 general statutes, provided: (1) Such acquisition occurs prior to October
602 1, 2034; (2) the owner of any private property taken by eminent domain
603 pursuant to this section shall be entitled to challenge the amount of
604 compensation in accordance with section 13a-76 of the general statutes;
605 and (3) such property or interest therein is located in a municipality that
606 was incorporated in 1836 and has a population between one hundred

607 forty thousand and one hundred fifty thousand as reported in the 2010
 608 federal decennial census and is necessary to construct a disaster relief,
 609 long-term recovery or infrastructure restoration project funded in 2016
 610 by the Community Development Block Grant-National Disaster
 611 Resilience program, 81 CFR 36557.

612 (b) Whenever the Commissioner of the Department of Energy and
 613 Environmental Protection determines that the construction, operation,
 614 maintenance, repair or reconstruction of the property described in
 615 subdivision (3) of subsection (a) of this section or the flood control and
 616 protection improvements thereon, would necessitate the readjustment,
 617 relocation or removal of a public service facility, as defined in section
 618 13a-126 of the general statutes, the commissioner may issue a
 619 readjustment, relocation or removal order to the company, corporation
 620 or municipality owning or operating such public service facility and
 621 such company, corporation or municipality shall readjust, relocate or
 622 remove such public service facility promptly, in accordance with such
 623 order, provided an equitable share of the cost of such readjustment,
 624 relocation or removal, including the cost of installing and constructing
 625 a public service facility of equal capacity in a new location, shall be
 626 borne by the state, within available appropriations, and calculated in
 627 accordance with section 13a-126 of the general statutes, as applied to
 628 state highways other than limited access highways."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-327
Sec. 2	<i>from passage</i>	22-367
Sec. 3	<i>from passage</i>	22-380f(a)
Sec. 4	<i>from passage</i>	22-413
Sec. 5	<i>from passage</i>	22-415a
Sec. 6	<i>from passage</i>	22-90
Sec. 7	<i>from passage</i>	22-131(a)
Sec. 8	<i>from passage</i>	22-339b
Sec. 9	<i>July 1, 2024</i>	7-131d
Sec. 10	<i>July 1, 2024</i>	7-131e(b) and (c)

Sec. 11	<i>July 1, 2024</i>	7-131g(a)
Sec. 12	<i>July 1, 2024</i>	7-131e(a)
Sec. 13	<i>July 1, 2024</i>	23-8b(a)
Sec. 14	<i>July 1, 2024</i>	New section