



Substitute House Bill No. 5223

Public Act No. 24-69

**AN ACT CONCERNING MINOR REVISIONS TO AGRICULTURE
RELATED STATUTES AND TO OPEN SPACE ACQUISITION
RELATED STATUTES.**

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

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 Section 22-327 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this chapter:

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

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

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

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

Substitute House Bill No. 5223

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

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

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

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

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

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

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

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

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

Sec. 2. Section 22-367 of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Substitute House Bill No. 5223

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

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

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

Substitute House Bill No. 5223

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

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

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

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

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

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

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

Substitute House Bill No. 5223

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

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

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

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

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

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

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

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

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

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

Substitute House Bill No. 5223

The State Entomologist shall, to such extent as he or she deems necessary or expedient, examine apiaries and quarantine such as are diseased, harboring insects, mites or parasitic organisms adversely affecting bees or species or subspecies of bees, which have been determined by the State Entomologist to cause harm, directly or indirectly, to the bee population, crops or other plants and treat or destroy cases of the disease known as foul brood, insects, mites or parasitic organisms adversely affecting bees or species or subspecies of bees, which have been determined by the State Entomologist to cause harm, directly or indirectly, to the bee population, crops or other plants. The State Entomologist may appoint such inspectors as he or she deems necessary or expedient, and he or she or any person whom he or she appoints for that purpose shall have access at reasonable times to any apiary or place where bees are kept or where honeycomb and appliances are stored. [Any person appointed for such purpose shall possess all the qualifications for an Agricultural Research Technician II employed by the Connecticut Agricultural Experiment Station and have either five or more years of beekeeping experience or a minimum of three years of experience as a bee inspector at the federal or state level.] The State Entomologist is authorized to make suitable regulations regarding inspections and quarantine and to prescribe suitable forms for permanent records, which shall be on file and open to public inspection, and to make reasonable rules for the services of such inspectors, and may pay a reasonable sum for such services. No person or corporation shall remove bees under quarantine to another locality without obtaining the written permission of an authorized inspector. No person or transportation company shall receive for transportation any colony or package of bees, unless such colony or package is accompanied by a certificate of good health, furnished by an authorized inspector. No person or transportation company shall deliver any colony or package of bees brought from any other country, province, state or territory unless accompanied by a certificate of health furnished by an authorized inspector of such country, province, state or territory. Any person or

Substitute House Bill No. 5223

transportation company receiving a shipment of bees from without the state, unaccompanied by such certificate, shall, before delivering such shipment to its consignee, notify the State Entomologist and hold such shipment until inspected by an authorized inspector. If contagious diseases, insects, mites or parasitic organisms adversely affecting bees or species or subspecies of bees, which have been determined by the State Entomologist to cause harm, directly or indirectly, to the bee population, crops or other plants are found therein, such shipment shall be returned to the consignor or delivered to an authorized inspector of this state for treatment or destruction, provided the requirements of this section shall not apply to shipments of brood comb, with or without bees, suspected of being diseased and consigned to the State Entomologist, the agricultural experiment station or any authorized apiary inspector of the state or to the Bureau of Entomology of the United States or the United States Department of Agriculture, and provided there shall be no destruction of any shipment of bees as herein provided in the absence of reasonable notice to the consignee thereof. No person shall resist or hinder the State Entomologist, or any inspector whom he or she appoints, in the performance of the duties imposed by this section. No person or corporation shall sell, to be removed to another location, bees, brood comb, frames or hives that have been in use, with or without combs, until they have been inspected by an authorized inspector, who shall issue a certificate of health if they are found free of contagious disease, insects, mites or parasitic organisms adversely affecting bees or species or subspecies of bees, which have been determined by the State Entomologist to cause harm, directly or indirectly, to the bee population, crops or other plants. Any person violating any provision of this section shall be fined not more than one hundred dollars for a first violation, three hundred dollars for a second violation and five hundred dollars for a third and any subsequent violation.

Sec. 7. Subsection (a) of section 22-131 of the general statutes is

Substitute House Bill No. 5223

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

(a) In accordance with section 4-9a, the Governor, [with the advice and consent of either house of the General Assembly,] shall appoint eight electors of the state, two of whom are actively engaged in the sale and distribution of milk, two of whom are actively engaged in the processing of milk, two of whom have no active or financial interest in the production or sale of milk, and two of whom are actively engaged in the production of milk, which eight electors, with the Commissioner of Public Health, or the commissioner's designee, and the Commissioner of Agriculture, shall constitute the Milk Regulation Board. The Governor, for cause, after a public hearing, may remove any appointed member of the board.

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

(a) Any owner or keeper of a dog or cat [of the age of three months or older] shall have such dog or cat vaccinated against rabies. Such vaccination shall occur when such dog or cat is twelve weeks or more of age but less than fourteen weeks of age, or at the age that the vaccine manufacturer recommends, as approved by the United States Department of Agriculture, provided such owner or keeper shall have such dog or cat vaccinated if either such prescribed age has lapsed. Any animal vaccinated prior to one year of age or receiving a primary rabies vaccine at any age shall be considered protected for only one year and shall be given a booster vaccination one year after the initial vaccination and shall be vaccinated at least every three years thereafter. Those animals revaccinated after one year of age shall be given booster vaccinations at least every three years thereafter. Proof of vaccination shall be a certificate issued by a licensed veterinarian in accordance with subsection (a) of section 22-339c. A licensed veterinarian, upon request of the Chief Animal Control Officer, any animal control officer,

Substitute House Bill No. 5223

municipal animal control officer or regional animal control officer shall submit to such officer a copy of such certificate and any associated rabies vaccination records for such dog or cat that has bitten a person or another animal.

(b) The State Veterinarian or the Commissioner of Agriculture, or the commissioner's designee, may grant an exemption from vaccination against rabies for a dog or cat if a licensed veterinarian has examined such animal and determined that a rabies vaccination would endanger the animal's life due to disease or other medical considerations. Such exemption may be granted for an individual animal only after the veterinarian has consulted with the State Veterinarian, the Commissioner of Agriculture, or the commissioner's designee, and completed and submitted to the department an application for exemption from rabies vaccination on a form approved by the Department of Agriculture. After approval of such exemption, the department shall issue a rabies vaccination exemption certificate, copies of which shall be provided to the veterinarian, the owner of the dog or cat exempted from rabies vaccination and the animal control officer of the municipality in which the owner of the dog or cat resides. Certification that a dog or cat is exempt from rabies vaccination shall be valid for one year, after which time the animal shall be vaccinated against rabies or the application for exemption shall be renewed.

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

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

Sec. 9. Section 7-131d of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July*

Substitute House Bill No. 5223

1, 2024):

(a) There is established the protected open space and watershed land acquisition grant program. The program shall provide grants to municipalities and nonprofit land conservation organizations to acquire land or permanent interests in land for open space and watershed protection and to water companies, as defined in section 25-32a, to acquire and protect land which is eligible to be classified as class I or class II land, as defined in section 25-37c, after acquisition. All lands or interests in land acquired under this program shall be preserved in perpetuity predominantly in their natural scenic and open condition for the protection of natural resources while allowing for recreation consistent with such protection and, for lands acquired by water companies, allowing for the improvements necessary for the protection or provision of potable water.

(b) Grants may be made under the protected open space and watershed land acquisition grant program established under subsection (a) of this section or under the Charter Oak open space grant program established under section 7-131t to match funds for the purchase of land or permanent interests in land which purchase meets one of the following criteria: (1) Protects land identified as being especially valuable for recreation, forestry, fishing, conservation of wildlife or natural resources; (2) protects land which includes or contributes to a prime natural feature of the state's landscape, including, but not limited to, a shoreline, a river, its tributaries and watershed, an aquifer, mountainous territory, ridgelines, an inland or coastal wetland, a significant littoral or estuarine or aquatic site or other important geological feature; (3) protects habitat for native plant or animal species listed as threatened or endangered or of special concern, as defined in section 26-304; (4) protects a relatively undisturbed outstanding example of a native ecological community which is now uncommon; (5) enhances and conserves water quality of the state's lakes, rivers and

Substitute House Bill No. 5223

coastal water; (6) preserves local agricultural heritage; or (7) in the case of grants to water companies, protects land which is eligible to be classified as class I land or class II land after acquisition. [The commissioner may make a grant under the protected open space and watershed land acquisition grant program to a distressed municipality or a targeted investment community, as defined in section 32-9p, for restoration or protection of natural features or habitats on open space already owned by the municipality, including, but not limited to, wetland or wildlife or plant habitat restoration or restoration of other sites to a more natural condition, or replacement of vegetation, provided the total amount of grants to such municipalities for such purposes may not exceed twenty per cent of the total amount of grants made in any fiscal year.]

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

[(c) No] (d) (1) Except as provided in subdivision (2) of this subsection, no grant may be made under the protected open space and

Substitute House Bill No. 5223

watershed land acquisition grant program established under subsection (a) of this section or under the Charter Oak open space grant program established under section 7-131t for: [(1)] (A) Land to be used for commercial purposes or for recreational purposes requiring intensive development, including, but not limited to, golf courses, driving ranges, tennis courts, ballfields, swimming pools and uses by motorized vehicles other than vehicles needed by water companies to carry out their purposes, provided trails or pathways for pedestrians, motorized wheelchairs or nonmotorized vehicles shall not be considered intensive development; [(2)] (B) land with environmental contamination over a significant portion of the property provided grants for land requiring remediation of environmental contamination may be made if remediation will be completed before acquisition of the land or any interest in the land and an environmental assessment approved by the Commissioner of Energy and Environmental Protection has been completed and no environmental use restriction applies to the land; [(3)] (C) land which has already been committed for public use, except as provided in subsection (c) of section 7-131g; [(4)] (D) development costs, including, but not limited to, construction of ballfields, tennis courts, parking lots or roadways; [(5)] (E) land to be acquired by eminent domain; or [(6)] (F) reimbursement of in-kind services or incidental expenses associated with the acquisition of land. This subsection shall not prohibit the continuation of agricultural activity, the activities of a water company for public water supply purposes or the selling of timber incidental to management of the land which management is in accordance with approved forest management practices provided any proceeds of such timber sales shall be used for management of the land. In the case of land acquired under this section which is designated as a state park, any fees charged by the state for use of such land shall be used by the state in accordance with the provisions of title 23.

(2) Grants in a total amount not exceeding five per cent of the total amount of grants made pursuant to the open space and watershed land

Substitute House Bill No. 5223

acquisition grant program in any fiscal year may be made to distressed municipalities, as defined in section 32-9p, targeted investment communities, as defined in section 32-222, nonprofit land conservation organizations and municipalities, for the purpose of reimbursement for in-kind services or incidental expenses associated with the acquisition of land, including, but not limited to, survey fees, appraisal costs and legal fees, provided such land is located in a distressed municipality, targeted investment community or environmental justice community, as defined in section 22a-20a.

[(d)] (e) Any municipality or group of contiguous municipalities may apply to the Commissioner of Energy and Environmental Protection for a grant-in-aid of a program established to preserve or restrict to conservation or recreation purposes the use of open space land. Such grant shall be used for the acquisition of land, or easements, interests or rights therein, or for the development of such land, or easements, interests or rights therein, for purposes set forth in this section, or both, in accordance with a plan of development adopted by the municipal planning commission of the municipality within which the land is located. Any application for a grant-in-aid relating to land located beyond the territorial limits of the applying municipality shall be subject to approval of the legislative body of the municipality within whose territorial limits the land is located. A municipality applying for aid under this section, may designate its conservation commission as its agent to make such application.

[(e)] (f) At closing, a permanent conservation easement, as defined in section 47-42, shall be executed for any property purchased with grant funds, which conservation easement shall provide that the property shall remain forever predominantly in its natural and open condition for the specific conservation, open space or water supply purposes for which it was acquired provided any improvements or changes to the property shall be supportive of such condition or purposes. The

Substitute House Bill No. 5223

permanent conservation easement shall be in favor of the state acting through the Commissioner of Energy and Environmental Protection, or his designee, which may be a municipality or a land conservation organization. In the case of land acquired for water supply protection, a water company may hold an easement in conjunction with the state or a nonprofit entity to protect the water supply. Such permanent conservation easement shall also include a requirement that the property be made available to the general public for appropriate recreational purposes, the maintenance of which recreational access shall be the responsibility of the grantee provided such access shall not be required for land which will be classified as class I or class II land by a water company if such access is inconsistent with the provision of pure drinking water to the public. An exception to the provision of public recreational access may be made at the discretion of the Commissioner of Energy and Environmental Protection when provision for public access would be unreasonably detrimental to the wildlife or plant habitat or other natural features of the property or, for land where development rights have been purchased, would be disruptive of agricultural activity occurring on the land. Any instrument conveying an interest in land less than fee which interest is purchased under this section shall provide for the permanent preservation of the land and public access consistent with the land's use or protection and with any restrictions prescribed by the Department of Public Health in order to protect a public drinking water source.

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

(b) There is established a Natural Heritage, Open Space and Watershed Land Acquisition Review Board to assist and advise the commissioner in carrying out the provisions of sections 7-131d to 7-131g, inclusive, as amended by this act, and sections 23-73 to 23-79,

Substitute House Bill No. 5223

inclusive. Upon establishment of the review board and selection of a chairman under this section, the review board (1) shall provide comments on selection criteria, policies and procedures; (2) shall promote public participation; (3) shall provide guidance and conduct review of strategies for land protection, including strategies under section 23-8; (4) shall review and evaluate grant award policies and procedures; and (5) may provide comments on any application for funds not later than forty-five days after such application is submitted to the chairman. Upon establishment of the board, the commissioner shall take such comments into consideration in making any decisions regarding such grants.

(c) The review board shall consist of [~~twenty-one~~] twenty-three members as follows: (1) The chairpersons and ranking members of the bonding subcommittee of the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding; (2) one member of the joint standing committee of the General Assembly having cognizance of matters relating to the environment, appointed by the speaker of the House of Representatives, and one member of the joint standing committee of the General Assembly having cognizance of matters relating to planning and development, appointed by the president pro tempore of the Senate, each of whom shall be ex-officio members of the board; (3) the Secretary of the Office of Policy and Management, or his designee; (4) a representative of the business community and a person experienced in issues relating to access to public facilities by persons with disabilities, appointed by the Governor; (5) one representative from an investor-owned water utility, appointed by the minority leader of the Senate; (6) one representative from a municipal water utility, appointed by the minority leader of the House of Representatives; (7) one representative from a regional water utility, appointed by the minority leader of the Senate; (8) one representative who is a realtor or attorney with a minimum of five [~~years~~] years' experience in real estate transfers, appointed by the

Substitute House Bill No. 5223

speaker of the House of Representatives; one representative with a minimum of five [years] years' experience in the construction industry or land development, appointed by the president pro tempore of the Senate; (9) two representatives of interest groups primarily concerned with the conservation of river watershed regions, appointed one each by the majority leaders of the House of Representatives and the Senate; (10) three representatives from nonprofit organizations primarily concerned with environmental protection or natural resource conservation with a minimum of five [years] years' experience in land conservation and acquisition, appointed one each by the Governor, the speaker of the House of Representatives and the president pro tempore of the Senate; [and] (11) one chief elected official of a town with a population less than twenty thousand and one chief elected official of a town with a population greater than twenty thousand, appointed by the Governor; (12) one member who is a representative of a community of color, low-income community or community-based organization, or professor from a college or university in the state with expertise in environmental justice, appointed by the Commissioner of Energy and Environmental Protection; and (13) one member who resides in a United States census block group, as determined in accordance with the most recent United States decennial census, for which thirty per cent or more of the population consists of low-income persons who are not institutionalized and have an income below two hundred per cent of the federal poverty level, appointed by the Commissioner of Energy and Environmental Protection. The members, other than the members described in subdivisions (1), (2) and (3) of this subsection, shall serve terms of three years provided the terms of the members described in subdivisions (4) to (8), inclusive, of this subsection who are appointed in the year after July 1, 1998, shall expire on October 1, 1999, and further provided the terms of the members described in subdivisions (9) to (11), inclusive, of this subsection shall expire on October 1, 2000. The board shall elect a chairman from among its members and shall make such election on or before October 1, 1998. Members of the board shall serve

Substitute House Bill No. 5223

until reappointed or replaced.

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

(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 open space under subdivisions (1) to (6), inclusive, of subsection (b) of section 7-131d, as amended by this act, 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, as defined in section 32-9p or targeted investment communities, as defined in section [32-9p] 32-222, municipalities containing one or more environmental justice communities, as defined in section 22a-20a, 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

Substitute House Bill No. 5223

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, as amended by this act. The board shall provide comments to the commissioner on pending applications as it deems necessary.

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

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

Substitute House Bill No. 5223

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

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

(a) Any contract for the protection of open space entered into by the Commissioner of Energy and Environmental Protection with BHC Company, Aquarion or Kelda Group, jointly or individually, and The Nature Conservancy, for purchase of land or interests in land from said companies shall be on such terms and conditions as are approved by the

Substitute House Bill No. 5223

commissioner. Such terms and conditions shall provide for the filing on the land records in the town in which the land is located, restrictions or easements that provide that all land or interest in land subject to such purchase is preserved in perpetuity in its natural and open condition for the protection of natural resources and public water supplies. Such restrictions or easements may allow only those recreational activities which are not prohibited in subsection [(c)] (d) of section 7-131d, as amended by this act, and shall allow for improvements and activities necessary only for land and natural resource management and safe and adequate potable water. Such permanent restrictions or easements shall be in favor of the State of Connecticut acting through the Commissioner of Energy and Environmental Protection. Such permanent restrictions or easements shall also include a requirement that the property be available to the general public for recreational purposes as permitted under subsection [(c)] (d) of section 7-131d, as amended by this act, and shall allow for the installation of such permanent fixtures as may be necessary to provide such permitted recreational activities. The Department of Energy and Environmental Protection and the state are hereby authorized to carry out and fulfill their obligations under any such contract. In addition to such rights as said companies may have pursuant to chapter 53, those rights in and to land or interests in land reserved by said companies in their conveyances to the state in accordance with the provisions of said contract shall be enforceable in equity.

Sec. 14. (NEW) (*Effective July 1, 2024*) (a) Notwithstanding any provision of the general statutes, the Commissioner of the Department of Energy and Environmental Protection may acquire, in the name of the state and for flood control and protection and associated public purposes, not more than 25.7 acres of real property, or interests or rights therein, by purchase, gift, devise or exchange, or may take the same by eminent domain in the manner provided in part IV of chapter 238 of the general statutes, provided: (1) Such acquisition occurs prior to October

Substitute House Bill No. 5223

1, 2034; (2) the owner of any private property taken by eminent domain pursuant to this section shall be entitled to challenge the amount of compensation in accordance with section 13a-76 of the general statutes; and (3) such property or interest therein is located in a municipality that was incorporated in 1836 and has a population between one hundred forty thousand and one hundred fifty thousand as reported in the 2010 federal decennial census and is necessary to construct a disaster relief, long-term recovery or infrastructure restoration project funded in 2016 by the Community Development Block Grant-National Disaster Resilience program, 81 CFR 36557.

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