



Substitute Senate Bill No. 410

Public Act No. 05-228

AN ACT CONCERNING FARM LAND PRESERVATION, LAND PROTECTION, AFFORDABLE HOUSING AND HISTORIC PRESERVATION.

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

Section 1. Subsection (a) of section 22-26jj of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) The Commissioner of Agriculture, with the approval of the State Properties Review Board, may acquire [, prior to July 1, 1995,] by purchase or accept as a gift, on behalf of the state, the fee simple title of any agricultural real property and any personal property related to such real property, including, but not limited to, machinery, equipment, fixtures and livestock. The state conservation and development plan established pursuant to chapter 297 shall be used as an advisory document in connection with acquisition of such property. The commissioner, in deciding whether or not to acquire such property, shall consider all of the factors stated in section 22-26cc and shall further consider the likelihood of subsequent sale of such property by the department for agricultural purposes, subject to the state's retention of development rights. After a preliminary evaluation of such factors, the Commissioner of Agriculture shall obtain and

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review one or more fee appraisals of the property in order to determine the value of such property. Each such appraisal shall include an itemization of (1) the total value of the land, (2) the value of the land as agricultural land, (3) the value of the development rights of the land, and (4) the value of any related personal property proposed to be included in any sale. The commissioner shall give notice of any such appraisal to the Departments of Transportation, Economic and Community Development and Environmental Protection and the Office of Policy and Management. Any such appraisal may be obtained by the owner of the property and, if performed in a manner approved by the commissioner, shall be considered by the commissioner in making such determination. The commissioner may purchase such property for a lesser price than any price suggested by any such appraisal provided all considerations for acquisition specified in this subsection are taken into account. In determining the value of the property, consideration shall be given to sales of comparable properties in the general vicinity.

Sec. 2. (NEW) (*Effective July 1, 2005*) The Department of Agriculture shall establish and administer a program of matching grants to municipalities to further agricultural viability. Such grants may be used for the following purposes: (1) Local capital projects that foster agricultural viability, including, but not limited to, processing facilities and farmers markets; and (2) the development and implementation of agriculturally-friendly land use regulations and local farmland protection strategies that sustain and promote local agriculture.

Sec. 3. (NEW) (*Effective July 1, 2005*) (a) There is established a Farm Transition Program which shall be administered by the Department of Agriculture. Matching grants shall be made to farmers, agricultural not-for-profit organizations and agricultural cooperatives for diversification of existing farm operations, transitioning to value added agricultural production and sales, and developing farmers

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markets and other venues in which a majority of products sold are grown in the state.

(b) The Commissioner of Agriculture shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, for the administration of the program established by this section. Such regulations shall require the development of business plans by applicants as part of the application process.

Sec. 4. (NEW) (*Effective July 1, 2005*) (a) The Department of Agriculture shall establish and administer a Connecticut Farm Link Program to establish a database of farmers and agricultural land owners who intend to sell their farm operations or agricultural land. The database shall be maintained by the Department of Agriculture and shall be made available to the public on the department's web site. Persons interested in starting an agricultural business or persons interested in expanding a current agricultural business may notify the department and have their names, contact information and intentions regarding such businesses placed on the web site. The department shall make reasonable efforts to facilitate contact between parties with similar interests.

(b) The Department of Agriculture shall post educational materials regarding the Connecticut Farm Link Program on the department's web site, including, but not limited to, information regarding farm transfer and farm succession planning, family farm estate planning, farm transfer strategies, farm leasing, formation of farm partnerships and information regarding starting a farm business.

Sec. 5. Section 7-34a of the general statutes is amended by adding subsection (e) as follows (*Effective July 1, 2005*):

(NEW) (e) In addition to the fees for recording a document under subsection (a) of this section, town clerks shall receive a fee of thirty

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dollars for each document recorded in the land records of the municipality. The town clerk shall retain one dollar of any fee paid pursuant to this subsection and three dollars of such fee shall become part of the general revenue of the municipality and used to pay for local capital improvement projects, as defined in section 7-536 of the general statutes. Not later than the fifteenth day of each month, town clerks shall remit twenty-six dollars of the fees paid pursuant to this subsection during the previous calendar month to the State Treasurer. Upon deposit in the General Fund, such amount shall be credited to the land protection, affordable housing and historic preservation account established pursuant to section 6 of this act. The provisions of this subsection shall not apply to any document recorded on the land records by an employee of the state or of a municipality in conjunction with said employee's official duties. As used in this subsection, "municipality" includes each town, consolidated town and city, city, consolidated town and borough, borough, district, as defined in chapter 105 or 105a, and each municipal board, commission and taxing district not previously mentioned.

Sec. 6. (NEW) (*Effective July 1, 2005*) There is established, within the General Fund, a separate, nonlapsing account to be known as the "land protection, affordable housing and historic preservation account". The account shall contain any moneys required by law to be deposited in the account. The funds in the account shall be distributed every three months as follows: (1) Twenty-five per cent to the Connecticut Commission on Culture and Tourism to use as follows: (A) Two hundred thousand dollars, annually, to supplement the technical assistance and preservation activities of the Connecticut Trust for Historic Preservation, established pursuant to special act 75-93, and (B) the remainder to supplement historic preservation activities as provided in sections 10-409 to 10-415, inclusive, of the general statutes; (2) twenty-five per cent to the Connecticut Housing Finance Authority to supplement new or existing affordable housing programs; (3)

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twenty-five per cent to the Department of Environmental Protection for municipal open space grants; and (4) twenty-five per cent to the Department of Agriculture to use as follows: (A) Five hundred thousand dollars annually for the agricultural viability grant program established pursuant to section 2 of this act; (B) five hundred thousand dollars, annually for the Farm Transition Program established pursuant to section 3 of this act; (C) one hundred thousand dollars annually to encourage the sale of Connecticut Grown food to schools, restaurants, retailers, and other institutions and businesses in the state; (D) seventy-five thousand dollars annually for the Connecticut farm link program established pursuant to section 4 of this act; and (E) the remainder for farmland preservation programs pursuant to chapter 422 of the general statutes. Each agency receiving funds under this section may use not more than ten per cent of such funds for administration of the programs for which the funds were provided.

Sec. 7. (NEW) (*Effective July 1, 2005*) Any municipality may, by vote of its legislative body, establish a land acquisition and development authority to assist the municipality to acquire or develop any agricultural, recreational or open space land or to assist the municipality to acquire any easements, interest or rights therein and to enter into covenants and agreements with owners of such land or interests therein to acquire, maintain, improve, protect, limit the future use of or otherwise conserve such land.

Sec. 8. Subsection (c) of section 12-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to assessment years commencing on and after October 1, 2005*):

(c) Any municipality, upon approval by its legislative body, may provide an exemption from property tax for any building [, to the extent of an assessed value of one hundred thousand dollars,] used actually and exclusively in farming, as defined in section 1-1, or for

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any building used to provide housing for seasonal employees of such farmer. The municipality shall establish the amount of such exemption from the assessed value, provided such amount may not exceed one hundred thousand dollars with respect to each eligible building. Such exemption shall not apply to [any] the residence of such farmer and shall be subject to the application and qualification process provided in subsection (d) of this section.

Approved July 11, 2005