



# House of Representatives

General Assembly

**File No. 320**

January Session, 2005

House Bill No. 5590

*House of Representatives, April 13, 2005*

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING MUNICIPAL TAKING OF FARM LAND BY EMINENT DOMAIN.**

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

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 Section 7-131o of the general statutes is repealed and the  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

3 A municipality, town, city, borough or district, as defined in section  
4 7-324, that takes active agricultural land by eminent domain shall: (1)  
5 Purchase an agricultural conservation easement on an equivalent  
6 amount of active agricultural land of comparable or better soil quality  
7 in such municipality, town, city, borough or district, or (2) if no  
8 comparable active agricultural land is available for an agricultural  
9 conservation easement as provided in subdivision (1) of this section,  
10 pay a fee for the purchase of development rights to an equivalent  
11 amount of active agricultural land of comparable or better soil quality  
12 elsewhere in the state. Such purchase amount shall be paid to the  
13 General Fund and credited to the state program for the preservation of

14 agricultural land established pursuant to chapter 422a. The  
 15 municipality, town, city, borough or district shall notify the  
 16 Commissioner of Agriculture of its intent to comply with the  
 17 provisions of subdivision (1) or (2) of this section. The Commissioner  
 18 of Agriculture shall determine the amount of the payment to be made  
 19 by such municipality, town, city, borough or district for the purchase  
 20 of an agricultural conservation easement or the purchase of  
 21 development rights pursuant to subdivisions (1) or (2) of this section.  
 22 The municipality, town, city, borough or district shall not proceed  
 23 unless the Commissioner of Agriculture approves the purchase of  
 24 agricultural conservation easements pursuant to subdivision (1) of this  
 25 subsection. Such agricultural conservation easements shall be jointly  
 26 and severally held by the municipality, town, city, borough or district  
 27 and the state. The provisions of this section do not apply to the taking  
 28 of active agricultural land by a municipality, town, city, borough or  
 29 district by eminent domain if such land remains active agricultural  
 30 land under the ownership of the municipality, town, city, borough or  
 31 district.

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

**ENV**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 06 \$</b>	<b>FY 07 \$</b>
Various Municipalities	Savings	Potential	Potential

**Explanation**

Providing that a municipality that takes farmland by eminent domain does not have to purchase an equivalent amount of farmland if the land taken remains active agricultural land could result in a savings to impacted towns. The exact impact is unknown.

**OLR Bill Analysis**

HB 5590

***AN ACT CONCERNING MUNICIPAL TAKING OF FARM LAND BY EMINENT DOMAIN*****SUMMARY:**

The bill exempts a municipality, town, city, borough, or district that takes active agricultural land by eminent domain from a requirement to purchase an easement on, or the rights to, other agricultural land when the land it takes will remain active agricultural land under its ownership.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Purchase Requirement***

By law, any municipality, town, city, borough, or district that plans to take active agricultural land by eminent domain must purchase an easement on agricultural lands within its jurisdiction of the same size and of equal or better soil quality than the land taken. If no such land is available, it must pay for development rights to active agricultural land outside of its jurisdiction that meets the same size and quality standards. It must inform the agriculture commissioner which alternative it will take and the commissioner determines the amount it pays for the easement or rights. It cannot proceed with the taking until the commissioner approves such a purchase.

***Municipal Powers***

By law, a municipality may enter into or upon any land in its jurisdiction to make necessary surveys or mapping in connection with any public improvement, and take by eminent domain any lands, rights, easements, privileges, franchises or structures that are (1) necessary for the purpose of establishing, constructing, or maintaining any public work or (2) for any municipal purpose the law allows.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Report

Yea 25    Nay 3