



General Assembly

January Session, 2005

**Committee Bill No. 5590**

LCO No. 5083

\*05083HB05590ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

**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 Section 7-131o of the general statutes is repealed and the  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

**Statement of Purpose:**

To provide that a municipality that takes farm land by eminent domain does not have to purchase an equivalent amount of farm land if the land originally taken will remain active agricultural land.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. MINER, 66th Dist.

H.B. 5590