



General Assembly

January Session, 2005

Raised Bill No. 1081

LCO No. 3251

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Referred to Committee on Planning and Development

Introduced by:

(PD)

AN ACT CONCERNING FARMLAND PRESERVATION.

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

1 Section 1. (NEW) (*Effective July 1, 2005*) (a) For the purposes of this
2 section, "agricultural land" means land containing prime or state-wide
3 important soils as identified by the United States Natural Resources
4 Conservation Service and "shellfish grounds" means areas designated
5 on shellfish maps prepared by the Department of Agriculture or a
6 municipality.

7 (b) No state funds or federal funds administered by the state shall
8 be used to encourage or facilitate the conversion of agricultural land or
9 active shellfish grounds to nonagricultural or nonaquaculture uses
10 without mitigation in accordance with the provisions of subsection (c)
11 of this section, except that the provisions of said subsection (c) shall
12 not apply to (1) conversions for a different agricultural purpose, and
13 (2) conversion of less than one acre of shellfish grounds for the
14 purpose of residential utility installation other than a facility, as
15 defined in section 16-50i of the general statutes, requiring a certificate
16 pursuant to section 16-50k of the general statutes or approval of the
17 Federal Energy Regulatory Commission shall be exempt from this

18 section.

19 (c) Mitigation may be accomplished by (1) purchase by the state or
20 granting to the state of a permanent agricultural conservation
21 easement on an equivalent amount of agricultural land of comparable
22 or better soil quality in the community within which the acreage being
23 converted is located; or (2) if no comparable agricultural land is
24 available for an agricultural conservation easement as provided in
25 subdivision (1) of this section, a monetary payment, equivalent to the
26 value of the development rights on the acreage being converted, paid
27 to the General Fund and used for the program for the preservation of
28 agricultural land established pursuant to chapter 422a of the general
29 statutes.

30 (d) There is established an interagency committee to advise the
31 Commissioner of Agriculture on implementation of the provisions of
32 this section. The committee shall be comprised of the State Properties
33 Review Board, the Secretary of the Office of Policy and Management
34 and the Departments of Agriculture, Environmental Protection,
35 Transportation, Correction, Economic and Community Development,
36 Education and Mental Retardation. The Commissioner of Agriculture
37 shall serve as chairperson of said committee and shall convene the
38 committee as often as said commissioner deems necessary. The
39 commissioner may adopt regulations, in accordance with the
40 provisions of chapter 54 of the general statutes, to implement the
41 provisions of this section.

42 Sec. 2. (NEW) (*Effective July 1, 2005*) (a) The Commissioner of
43 Agriculture shall compile an inventory of land owned by the state
44 containing prime agricultural or state-wide important soils identified
45 by the United States Natural Resources Conservation Service.

46 (b) In consultation with the Connecticut Council for Agricultural
47 Development and the agencies that manage properties listed in the
48 inventory prepared under subsection (a) of this section, the
49 commissioner shall determine which lands identified on the inventory

50 are important for current and future agricultural use and should be
51 permanently protected from conversion to nonagricultural use. The
52 commissioner shall notify the State Bond Commission and any affected
53 agencies of each such determination.

54 (c) In the event of a sale or transfer of ownership of any agricultural
55 land determined to be important for current or future agricultural use
56 under subsection (b) of this section, at or before the time of transfer of
57 ownership of such land, the development rights to the land shall be
58 retained by the state and a permanent agricultural conservation
59 easement held through the state program for the preservation of
60 agricultural land established pursuant to chapter 422a of the general
61 statutes.

62 Sec. 3. (NEW) (*Effective July 1, 2005*) (a) The Department of
63 Agriculture shall establish and administer a program of matching
64 grants to municipalities to further agricultural viability. Such grants
65 may be used for the following purposes: (1) The purchase of
66 development rights, to be held jointly by the state and the
67 municipality; (2) local capital projects that foster agricultural viability,
68 including, but not limited to, processing facilities and farmers markets;
69 and (3) the development and implementation of agriculturally-friendly
70 land use regulations and local farmland protection strategies that
71 sustain and promote local agriculture.

72 (b) On or before January 31, 2006, the Connecticut Council for
73 Agricultural Development, in consultation with municipal entities,
74 shall develop and recommend criteria for implementation of the grant
75 program to be used by the department in making grants under this
76 section.

77 Sec. 4. Section 7-34a of the general statutes is amended by adding
78 subsection (e) as follows (*Effective July 1, 2005*):

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

81 dollars for each deed recorded in the land records of the municipality.
82 Not later than the fifteenth day of each month, town clerks shall remit
83 the fees paid pursuant to this subsection during the previous calendar
84 month to the State Treasurer who shall credit such amount to the
85 historic documents preservation account established under section 11-
86 8i. The provisions of this subsection shall not apply to any document
87 recorded on the land records by an employee of the state or of a
88 municipality in conjunction with said employee's official duties. As
89 used in this section, "municipality" includes each town, consolidated
90 town and city, city, consolidated town and borough, borough, district,
91 as defined in chapter 105 or 105a, and each municipal board,
92 commission and taxing district not previously mentioned.

93 Sec. 5. (NEW) (*Effective July 1, 2005*) There is established, within the
94 General Fund, a separate and nonlapsing account to be known as the
95 "land protection, affordable housing and historic preservation
96 account". The account shall contain any moneys required by law to be
97 deposited in the account. Investment earnings credited to the assets of
98 the account shall become part of the assets of the account. Any balance
99 remaining in the account at the end of any fiscal year shall be carried
100 forward for the fiscal year next succeeding. The moneys in said
101 account shall be used for the purposes of section 6 of this act.

102 Sec. 6. (NEW) (*Effective July 1, 2005*) (a) The Commissioner of
103 Agriculture, in consultation with the Commissioner of Economic and
104 Community Development and the Connecticut Commission on
105 Culture and Tourism shall administer a program of matching grants to
106 municipalities for the purpose of land protection, affordable housing
107 and historic preservation.

108 (b) The Commissioner of Agriculture shall adopt regulations, in
109 accordance with the provisions of chapter 54 of the general statutes, for
110 the administration of the program established by this section.

111 Sec. 7. Section. 22-26e of the general statutes is repealed and the
112 following is substituted in lieu thereof (*Effective from passage*):

113 (a) There is hereby established a [Governor's] Connecticut Council
114 for Agricultural Development [for advisory purposes only,] consisting
115 of not more than [thirty] twenty-one members. The council shall be
116 within the Department of Agriculture for administrative purposes
117 only. The Commissioner of Agriculture shall be [chairman] a member
118 of said council. The Governor shall appoint [twelve] eight council
119 members from a list provided by the Commissioner of Agriculture of
120 persons representative of agricultural activities in the state, including
121 agricultural production, processing, marketing, sales, education,
122 farmland preservation and trade associations. The speaker of the
123 House of Representatives, the president pro tempore of the Senate and
124 the majority leader and minority leader of each house of the General
125 Assembly shall each appoint two council members.

126 (b) (1) The council shall provide advice to the Department of
127 Agriculture concerning the development, diversification and
128 promotion of agricultural products, programs and enterprises in this
129 state and shall provide for an interchange of ideas from the various
130 commodity groups and organizations represented.

131 (2) The council shall evaluate the status of farmland protection
132 programs and efforts in the state. The evaluation shall include a review
133 of (A) the acreage goals for farmland preservation identified in the
134 state plan of conservation and development prepared pursuant to
135 chapter 297 and progress in meeting such goals, and (B) the
136 effectiveness of the state program for the preservation of agricultural
137 lands authorized under chapter 422a in ensuring a supply of
138 affordable farmland for current and future generations of farmers and
139 the role of the open space and watershed land acquisition program
140 established under section 7-131d in preserving farmland. On or before
141 January 31, 2006, and annually thereafter, the council shall submit a
142 report detailing its findings and recommendations to the Governor
143 and the joint standing committees of the General Assembly having
144 cognizance of matters relating to the environment and to
145 municipalities. Such report shall include recommendations for

146 administration of farmland preservation, including, but not limited to,
147 acreage goals and the amount of state financing needed to achieve
148 such goals.

149 (c) The council shall meet at least once each calendar quarter. Any
150 vacancy in the membership may be filled by the Governor. The
151 members shall serve without compensation or reimbursement for
152 expenses. Any member absent from more than two meetings in a year
153 shall be deemed to have resigned. The chairman of the council shall be
154 elected by a majority of the members appointed.

155 Sec. 8. Subsection (a) of section 22-26jj of the general statutes is
156 repealed and the following is substituted in lieu thereof (*Effective from*
157 *passage*):

158 (a) The Commissioner of Agriculture, with the approval of the State
159 Properties Review Board, may acquire [, prior to July 1, 1995,] by
160 purchase or accept as a gift, on behalf of the state, the fee simple title of
161 any agricultural real property and any personal property related to
162 such real property, including, but not limited to, machinery,
163 equipment, fixtures and livestock. The state conservation and
164 development plan established pursuant to chapter 297 shall be used as
165 an advisory document in connection with acquisition of such property.
166 The commissioner, in deciding whether or not to acquire such
167 property, shall consider all of the factors stated in section 22-26cc and
168 shall further consider the likelihood of subsequent sale of such
169 property by the department for agricultural purposes, subject to the
170 state's retention of development rights. After a preliminary evaluation
171 of such factors, the Commissioner of Agriculture shall obtain and
172 review one or more fee appraisals of the property in order to
173 determine the value of such property. Each such appraisal shall
174 include an itemization of (1) the total value of the land, (2) the value of
175 the land as agricultural land, (3) the value of the development rights of
176 the land, and (4) the value of any related personal property proposed
177 to be included in any sale. The commissioner shall give notice of any

178 such appraisal to the Departments of Transportation, Economic and
179 Community Development and Environmental Protection and the
180 Office of Policy and Management. Any such appraisal may be obtained
181 by the owner of the property and, if performed in a manner approved
182 by the commissioner, shall be considered by the commissioner in
183 making such determination. The commissioner may purchase such
184 property for a lesser price than any price suggested by any such
185 appraisal provided all considerations for acquisition specified in this
186 subsection are taken into account. In determining the value of the
187 property, consideration shall be given to sales of comparable
188 properties in the general vicinity.

189 Sec. 9. Section 22-26hh of the general statutes is repealed and the
190 following is substituted in lieu thereof (*Effective July 1, 2005*):

191 (a) The State Bond Commission shall have power, from time to time,
192 to authorize the issuance of bonds of the state in one or more series
193 and in principal amounts not exceeding in the aggregate [eighty-nine]
194 ninety-nine million [seven hundred fifty thousand] dollars, the
195 proceeds of which shall be used for the purposes of section 22-26cc,
196 provided not more than [two] ten million dollars of said authorization
197 shall be effective July 1, 2004, and further provided not more than two
198 million dollars shall be used for the purposes of section 22-26jj, as
199 amended by this act. All provisions of section 3-20, or the exercise of
200 any right or power granted thereby which are not inconsistent with the
201 provisions of this section are hereby adopted and shall apply to all
202 bonds authorized by the State Bond Commission pursuant to this
203 section, and temporary notes in anticipation of the money to be
204 derived from the sale of any such bonds so authorized may be issued
205 in accordance with said section 3-20 and from time to time renewed.
206 Such bonds shall mature at such time or times not exceeding twenty
207 years from their respective dates as may be provided in or pursuant to
208 the resolution or resolutions of the State Bond Commission authorizing
209 such bonds. None of said bonds shall be authorized except upon a
210 finding by the State Bond Commission that there has been filed with it

211 a request for such authorization, which is signed by or on behalf of the
212 Secretary of the Office of Policy and Management and states such
213 terms and conditions as said commission, in its discretion, may
214 require. Said bonds issued pursuant to this section shall be general
215 obligations of the state and the full faith and credit of the state of
216 Connecticut are pledged for the payment of the principal of and
217 interest on said bonds as the same become due, and accordingly and as
218 part of the contract of the state with the holders of said bonds,
219 appropriation of all amounts necessary for punctual payment of such
220 principal and interest is hereby made, and the Treasurer shall pay such
221 principal and interest as the same become due.

222 (b) To the extent there is a balance of bonds authorized but not
223 allocated by the State Bond Commission on or after July 1, 2004,
224 pursuant to subsection (a) of this section, for the purposes of section
225 22-26jj, as amended by this act, the State Bond Commission shall
226 authorize the issuance of such balance in one installment in each fiscal
227 year commencing with the fiscal year ending June 30, 2005.

228 Sec. 10. (NEW) (*Effective July 1, 2005*) (a) There is established a Farm
229 Reinvestment Program which shall be administered by the
230 Department of Agriculture. Grants shall be made to farmers for
231 diversification and transitioning to value added agricultural
232 production and sales and for developing farm markets and other
233 venues in which a majority of products sold are grown in the state.

234 (b) The Commissioner of Agriculture shall adopt regulations, in
235 accordance with the provisions of chapter 54 of the general statutes, for
236 the administration of the program established by this section. Such
237 regulations shall require the development of business plans.

238 Sec. 11. (*Effective July 1, 2005*) The sum of five hundred thousand
239 dollars is appropriated to the Department of Agriculture, from the
240 General Fund, for the fiscal year ending June 30, 2006, for grants to
241 farmers pursuant to section 10 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	New section
Sec. 2	<i>July 1, 2005</i>	New section
Sec. 3	<i>July 1, 2005</i>	New section
Sec. 4	<i>July 1, 2005</i>	7-34a
Sec. 5	<i>July 1, 2005</i>	New section
Sec. 6	<i>July 1, 2005</i>	New section
Sec. 7	<i>from passage</i>	Section. 22-26e
Sec.	<i>from passage</i>	22-26jj(a)
Sec. 9	<i>July 1, 2005</i>	22-26hh
Sec. 10	<i>July 1, 2005</i>	New section
Sec. 11	<i>July 1, 2005</i>	New section

Statement of Purpose:

To establish a farmland mitigation policy and to provide funds for activities that enhance farm income.

[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.]