



General Assembly

January Session, 2005

Raised Bill No. 1153

LCO No. 3770

03770_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING FARMLAND PRESERVATION.

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

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 Section 22-26e of the general statutes is repealed and the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

3 (a) There is hereby established a [Governor's] Connecticut Council
4 for Agricultural Development [for advisory purposes only,] consisting
5 of not more than [thirty] twenty-one members. The council shall be
6 within the Department of Agriculture for administrative purposes
7 only. The Commissioner of Agriculture shall be [chairman] a member
8 of said council. The Governor shall appoint [twelve] eight council
9 members from a list provided by the Commissioner of Agriculture of
10 persons representative of agricultural activities in the state, including
11 agricultural production, processing, marketing, sales, education,
12 farmland preservation and trade associations. The speaker of the
13 House of Representatives, the president pro tempore of the Senate and
14 the majority leader and minority leader of each house of the General
15 Assembly shall each appoint two council members.

16 (b) (1) The council shall provide advice to the Department of

17 Agriculture concerning the development, diversification and
18 promotion of agricultural products, programs and enterprises in this
19 state and shall provide for an interchange of ideas from the various
20 commodity groups and organizations represented.

21 (2) The council shall evaluate the status of farmland protection
22 programs and efforts in the state. The evaluation shall include a review
23 of (A) the acreage goals for farmland preservation identified in the
24 state plan of conservation and development prepared pursuant to
25 chapter 297 and progress in meeting such goals, and (B) the
26 effectiveness of the state program for the preservation of agricultural
27 lands authorized under chapter 422a in ensuring a supply of
28 affordable farmland for current and future generations of farmers and
29 the role of the open space and watershed land acquisition program
30 established under section 7-131d in preserving farmland. On or before
31 January 31, 2006, and annually thereafter, the council shall submit a
32 report, in accordance with section 11-4a, detailing its findings and
33 recommendations to the Governor and the joint standing committee of
34 the General Assembly having cognizance of matters relating to the
35 environment. Such report shall include recommendations for
36 administration of farmland preservation, including, but not limited to,
37 acreage goals and the amount of state financing needed to achieve
38 such goals.

39 (c) The council shall meet at least once each calendar quarter. Any
40 vacancy in the membership may be filled by the Governor. The
41 members shall serve without compensation or reimbursement for
42 expenses. Any member absent from more than two meetings in a year
43 shall be deemed to have resigned. The chairperson of the council shall
44 be elected by a majority of the members appointed.

45 Sec. 2. (NEW) (*Effective July 1, 2005*) (a) For the purposes of this
46 section: (1) "Agricultural land" means land containing prime or state-
47 wide important soils as identified by the United States Natural
48 Resources Conservation Service, and (2) "shellfish grounds" means

49 areas designated on shellfish maps prepared by the Department of
50 Agriculture or a municipality.

51 (b) No state funds or federal funds administered by the state shall
52 be used to encourage or facilitate the conversion of agricultural land or
53 active shellfish grounds to nonagricultural or nonaquaculture uses
54 without mitigation in accordance with the provisions of subsection (c)
55 of this section, except that the provisions of said subsection (c) shall
56 not apply to (1) conversions for a different agricultural purpose, and
57 (2) conversion of less than one acre of shellfish grounds for the
58 purpose of residential utility installation other than a facility, as
59 defined in section 16-50i of the general statutes, requiring a certificate
60 pursuant to section 16-50k of the general statutes or approval of the
61 Federal Energy Regulatory Commission.

62 (c) Mitigation may be accomplished by (1) purchase by the state or
63 granting to the state of a permanent agricultural conservation
64 easement on an equivalent amount of agricultural land of comparable
65 or better soil quality in the community within which the acreage being
66 converted is located; or (2) if no comparable agricultural land is
67 available for an agricultural conservation easement as provided in
68 subdivision (1) of this subsection, a monetary payment equivalent to
69 the value of the development rights on the acreage being converted,
70 paid to the General Fund and used for the program for the
71 preservation of agricultural land established pursuant to chapter 422a
72 of the general statutes.

73 Sec. 3. Subsection (a) of section 22-26jj of the general statutes is
74 repealed and the following is substituted in lieu thereof (*Effective July*
75 *1, 2005*):

76 (a) The Commissioner of Agriculture, with the approval of the State
77 Properties Review Board, may acquire [, prior to July 1, 1995,] by
78 purchase or accept as a gift, on behalf of the state, the fee simple title of
79 any agricultural real property and any personal property related to
80 such real property, including, but not limited to, machinery,

81 equipment, fixtures and livestock. The state conservation and
82 development plan established pursuant to chapter 297 shall be used as
83 an advisory document in connection with acquisition of such property.
84 The commissioner, in deciding whether or not to acquire such
85 property, shall consider all of the factors stated in section 22-26cc and
86 shall further consider the likelihood of subsequent sale of such
87 property by the department for agricultural purposes, subject to the
88 state's retention of development rights. After a preliminary evaluation
89 of such factors, the Commissioner of Agriculture shall obtain and
90 review one or more fee appraisals of the property in order to
91 determine the value of such property. Each such appraisal shall
92 include an itemization of (1) the total value of the land, (2) the value of
93 the land as agricultural land, (3) the value of the development rights of
94 the land, and (4) the value of any related personal property proposed
95 to be included in any sale. The commissioner shall give notice of any
96 such appraisal to the Departments of Transportation, Economic and
97 Community Development and Environmental Protection and the
98 Office of Policy and Management. Any such appraisal may be obtained
99 by the owner of the property and, if performed in a manner approved
100 by the commissioner, shall be considered by the commissioner in
101 making such determination. The commissioner may purchase such
102 property for a lesser price than any price suggested by any such
103 appraisal provided all considerations for acquisition specified in this
104 subsection are taken into account. In determining the value of the
105 property, consideration shall be given to sales of comparable
106 properties in the general vicinity.

107 Sec. 4. (NEW) (*Effective July 1, 2005*) (a) The Commissioner of
108 Agriculture shall compile an inventory of land owned by the state
109 containing prime agricultural or state-wide important soils identified
110 by the United States Natural Resources Conservation Service.

111 (b) In consultation with the Connecticut Council for Agricultural
112 Development and the agencies that manage properties listed in the
113 inventory prepared under subsection (a) of this section, the

114 commissioner shall determine which lands identified on the inventory
115 are important for current and future agricultural use and should be
116 permanently protected from conversion to nonagricultural use. The
117 commissioner shall notify the State Bond Commission and any affected
118 agencies of each such determination.

119 (c) In the event of a sale or transfer of ownership of any agricultural
120 land determined to be important for current or future agricultural use
121 under subsection (b) of this section, at or before the time of transfer of
122 ownership of such land, the development rights to the land shall be
123 retained by the state and a permanent agricultural conservation
124 easement held through the state program for the preservation of
125 agricultural land established pursuant to chapter 422a of the general
126 statutes.

127 Sec. 5. (NEW) (*Effective July 1, 2005*) (a) The Department of
128 Agriculture shall establish and administer a program of matching
129 grants to municipalities to further agricultural viability. Such grants
130 may be used for the following purposes: (1) The purchase of
131 development rights, to be held jointly by the state and the
132 municipality; (2) local capital projects that foster agricultural viability,
133 including, but not limited to, processing facilities and farmers markets;
134 and (3) the development and implementation of agriculturally-friendly
135 land use regulations and local farmland protection strategies that
136 sustain and promote local agriculture.

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

142 Sec. 6. Section 22-26hh of the general statutes is repealed and the
143 following is substituted in lieu thereof (*Effective July 1, 2005*):

144 (a) The State Bond Commission shall have power, from time to time,

145 to authorize the issuance of bonds of the state in one or more series
146 and in principal amounts not exceeding in the aggregate [eighty-nine]
147 ninety-nine million seven hundred fifty thousand dollars, the proceeds
148 of which shall be used for the purposes of section 22-26cc, provided
149 not more than [two] ten million dollars of said authorization shall be
150 effective July 1, [2004] 2005, and further provided not more than [two]
151 ten million dollars shall be used for the purposes of section 22-26jj, as
152 amended by this act. All provisions of section 3-20, or the exercise of
153 any right or power granted thereby which are not inconsistent with the
154 provisions of this section are hereby adopted and shall apply to all
155 bonds authorized by the State Bond Commission pursuant to this
156 section, and temporary notes in anticipation of the money to be
157 derived from the sale of any such bonds so authorized may be issued
158 in accordance with said section 3-20 and from time to time renewed.
159 Such bonds shall mature at such time or times not exceeding twenty
160 years from their respective dates as may be provided in or pursuant to
161 the resolution or resolutions of the State Bond Commission authorizing
162 such bonds. None of said bonds shall be authorized except upon a
163 finding by the State Bond Commission that there has been filed with it
164 a request for such authorization, which is signed by or on behalf of the
165 Secretary of the Office of Policy and Management and states such
166 terms and conditions as said commission, in its discretion, may
167 require. Said bonds issued pursuant to this section shall be general
168 obligations of the state and the full faith and credit of the state of
169 Connecticut are pledged for the payment of the principal of and
170 interest on said bonds as the same become due, and accordingly and as
171 part of the contract of the state with the holders of said bonds,
172 appropriation of all amounts necessary for punctual payment of such
173 principal and interest is hereby made, and the Treasurer shall pay such
174 principal and interest as the same become due.

175 (b) To the extent there is a balance of bonds authorized but not
176 allocated by the State Bond Commission on or after July 1, 2004,
177 pursuant to subsection (a) of this section, for the purposes of section
178 22-26jj, as amended by this act, the State Bond Commission shall

179 authorize the issuance of such balance in one installment in each fiscal
180 year commencing with the fiscal year ending June 30, 2005.

181 Sec. 7. (NEW) (Effective July 1, 2005) (a) There is established a Farm
182 Reinvestment Program which shall be administered by the
183 Department of Agriculture. Grants shall be made to farmers for
184 diversification and transitioning to value added agricultural
185 production and sales and for developing farm markets and other
186 venues in which a majority of products sold are grown in the state.

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

191 Sec. 8. (Effective July 1, 2005) The sum of five hundred thousand
192 dollars is appropriated to the Department of Agriculture, from the
193 General Fund, for the fiscal year ending June 30, 2006, for grants to
194 farmers pursuant to section 7 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2005	22-26e
Sec. 2	July 1, 2005	New section
Sec. 3	July 1, 2005	22-26jj(a)
Sec. 4	July 1, 2005	New section
Sec. 5	July 1, 2005	New section
Sec. 6	July 1, 2005	22-26hh
Sec. 7	July 1, 2005	New section
Sec. 8	July 1, 2005	New section

Statement of Purpose:

To preserve farmland and to protect and enhance the agricultural economy in the state.

[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.]

