



General Assembly

**Substitute Bill No. 1153**

January Session, 2005

\* SB01153ENVF IN033005 \*

**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 Section 22-26e of the general statutes is repealed and the  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] sixteen members. The council shall be within  
6 the Department of Agriculture for administrative purposes only. The  
7 Commissioner of Agriculture shall be [chairman] a member of said  
8 council. The Governor shall appoint [twelve] three council members  
9 from a list provided by the Commissioner of Agriculture of persons  
10 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 representative of  
16 state agricultural activities, including, but not limited to, agricultural  
17 trade associations, production, processing, marketing, sales, education  
18 and farmland preservation.

19 (b) (1) The council shall provide advice to the Department of  
20 Agriculture concerning the development, diversification and

21 promotion of agricultural products, programs and enterprises in this  
22 state and shall provide for an interchange of ideas from the various  
23 commodity groups and organizations represented.

24 (2) The council shall evaluate the status of farmland protection  
25 programs and efforts in the state. The evaluation shall include a review  
26 of (A) the acreage goals for farmland preservation identified in the  
27 state plan of conservation and development prepared pursuant to  
28 chapter 297 and progress in meeting such goals, (B) the effectiveness of  
29 the state program for the preservation of agricultural lands authorized  
30 under chapter 422a in ensuring a supply of affordable farmland for  
31 current and future generations of farmers and the role of the open  
32 space and watershed land acquisition program established under  
33 section 7-131d in preserving farmland, and (C) the effectiveness of the  
34 joint state-town farmland preservation program authorized pursuant  
35 to subsection (e) of section 22-26cc, including whether existing  
36 program criteria are sufficient and, if not, recommendations for  
37 revisions to such criteria. On or before January 31, 2006, and annually  
38 thereafter, the council shall submit a report, in accordance with section  
39 11-4a, detailing its findings and recommendations to the Governor and  
40 the joint standing committee of the General Assembly having  
41 cognizance of matters relating to the environment. Such report shall  
42 include recommendations for administration of farmland preservation,  
43 including, but not limited to, acreage goals and the amount of state  
44 financing needed to achieve such goals.

45 (c) The council shall meet at least once each calendar quarter. Any  
46 vacancy in the membership [may] shall be filled by [the Governor] a  
47 person representative of one of the agricultural activities specified in  
48 subsection (a) of this section. Such person shall be appointed by the  
49 original appointing authority. The members shall serve without  
50 compensation or reimbursement for expenses. Any member absent  
51 from more than two meetings in a year shall be deemed to have  
52 resigned. The chairperson of the council shall be elected by a majority  
53 of the members appointed.

54       Sec. 2. (NEW) (*Effective July 1, 2005*) (a) For the purposes of this  
55 section: (1) "Agricultural land" means land containing prime or state-  
56 wide important soils as identified by the United States Natural  
57 Resources Conservation Service, and (2) "shellfish grounds" means  
58 areas designated on shellfish maps prepared by the Department of  
59 Agriculture or a municipality.

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

71       (c) Mitigation shall be accomplished by (1) purchase and granting to  
72 the state of a permanent conservation easement by the entity seeking  
73 the conversion of an equivalent amount of agricultural land of  
74 comparable or better soil quality in the community in which the  
75 acreage being converted is located; or (2) if no comparable agricultural  
76 land is available for purchase as provided in subdivision (1) of this  
77 subsection, a monetary payment equivalent to the fair market value of  
78 the development rights on the acreage being converted shall be paid  
79 into the General Fund by the entity seeking the conversion. Such  
80 payment shall be used to fund the program for the preservation of  
81 agricultural land established pursuant to chapter 422a of the general  
82 statutes.

83       Sec. 3. Subsection (a) of section 22-26jj of the general statutes is  
84 repealed and the following is substituted in lieu thereof (*Effective July*  
85 *1, 2005*):

86 (a) The Commissioner of Agriculture, with the approval of the State  
87 Properties Review Board, may acquire [, prior to July 1, 1995,] by  
88 purchase or accept as a gift, on behalf of the state, the fee simple title of  
89 any agricultural real property and any personal property related to  
90 such real property, including, but not limited to, machinery,  
91 equipment, fixtures and livestock. The state conservation and  
92 development plan established pursuant to chapter 297 shall be used as  
93 an advisory document in connection with acquisition of such property.  
94 The commissioner, in deciding whether or not to acquire such  
95 property, shall consider all of the factors stated in section 22-26cc and  
96 shall further consider the likelihood of subsequent sale of such  
97 property by the department for agricultural purposes, subject to the  
98 state's retention of development rights. After a preliminary evaluation  
99 of such factors, the Commissioner of Agriculture shall obtain and  
100 review one or more fee appraisals of the property in order to  
101 determine the value of such property. Each such appraisal shall  
102 include an itemization of (1) the total value of the land, (2) the value of  
103 the land as agricultural land, (3) the value of the development rights of  
104 the land, and (4) the value of any related personal property proposed  
105 to be included in any sale. The commissioner shall give notice of any  
106 such appraisal to the Departments of Transportation, Economic and  
107 Community Development and Environmental Protection and the  
108 Office of Policy and Management. Any such appraisal may be obtained  
109 by the owner of the property and, if performed in a manner approved  
110 by the commissioner, shall be considered by the commissioner in  
111 making such determination. The commissioner may purchase such  
112 property for a lesser price than any price suggested by any such  
113 appraisal provided all considerations for acquisition specified in this  
114 subsection are taken into account. In determining the value of the  
115 property, consideration shall be given to sales of comparable  
116 properties in the general vicinity.

117 Sec. 4. (NEW) (*Effective July 1, 2005*) (a) The Commissioner of  
118 Agriculture shall compile an inventory of land owned by the state  
119 containing prime agricultural or state-wide important agricultural soils

120 identified by the United States Natural Resources Conservation  
121 Service.

122 (b) In consultation with the Connecticut Council for Agricultural  
123 Development and the agencies that manage properties listed in the  
124 inventory prepared under subsection (a) of this section, the  
125 commissioner shall determine which lands identified on the inventory  
126 are important for current and future agricultural use and should be  
127 permanently protected from conversion to nonagricultural use. The  
128 commissioner shall notify the Office of Policy and Management and  
129 the joint committee of the General Assembly having cognizance of  
130 matters relating to the environment and any affected agencies of each  
131 such determination.

132 (c) In the event of a sale or transfer of ownership of any agricultural  
133 land determined to be important for current or future agricultural use  
134 under subsection (b) of this section, at or before the time of transfer of  
135 ownership of such land, the development rights to the land shall be  
136 retained by the state and a permanent agricultural conservation  
137 easement shall be granted to the state.

138 Sec. 5. (NEW) (*Effective July 1, 2005*) The Department of Agriculture  
139 shall establish and administer a program of matching grants to  
140 municipalities to further agricultural viability. Such grants may be  
141 used for the following purposes: (1) Local capital projects that foster  
142 agricultural viability, including, but not limited to, processing facilities  
143 and farmers markets; and (2) the development and implementation of  
144 agriculturally-friendly land use regulations and local farmland  
145 protection strategies that sustain and promote local agriculture.

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

148 (a) The State Bond Commission shall have power, from time to time,  
149 to authorize the issuance of bonds of the state in one or more series  
150 and in principal amounts not exceeding in the aggregate [eighty-nine]  
151 one hundred thirty-nine million seven hundred fifty thousand dollars,

152 the proceeds of which shall be used for the purposes of [section]  
153 sections 22-26cc and 22-26jj, as amended by this act, provided not more  
154 than [two] ten million dollars of said authorization shall be effective  
155 July 1, [2004, and further provided not more than two million dollars  
156 shall be used for the purposes of section 22-26jj] 2005, ten million  
157 dollars of said authorization shall be effective July 1, 2006, ten million  
158 dollars of said authorization shall be effective July 1, 2007, ten million  
159 dollars of said authorization shall be effective July 1, 2008, and ten  
160 million dollars of said authorization shall be effective July 1, 2009. All  
161 provisions of section 3-20, or the exercise of any right or power granted  
162 thereby which are not inconsistent with the provisions of this section  
163 are hereby adopted and shall apply to all bonds authorized by the  
164 State Bond Commission pursuant to this section, and temporary notes  
165 in anticipation of the money to be derived from the sale of any such  
166 bonds so authorized may be issued in accordance with said section 3-  
167 20 and from time to time renewed. Such bonds shall mature at such  
168 time or times not exceeding twenty years from their respective dates as  
169 may be provided in or pursuant to the resolution or resolutions of the  
170 State Bond Commission authorizing such bonds. None of said bonds  
171 shall be authorized except upon a finding by the State Bond  
172 Commission that there has been filed with it a request for such  
173 authorization, which is signed by or on behalf of the Secretary of the  
174 Office of Policy and Management and states such terms and conditions  
175 as said commission, in its discretion, may require. Said bonds issued  
176 pursuant to this section shall be general obligations of the state and the  
177 full faith and credit of the state of Connecticut are pledged for the  
178 payment of the principal of and interest on said bonds as the same  
179 become due, and accordingly and as part of the contract of the state  
180 with the holders of said bonds, appropriation of all amounts necessary  
181 for punctual payment of such principal and interest is hereby made,  
182 and the Treasurer shall pay such principal and interest as the same  
183 become due.

184 (b) To the extent there is a balance of bonds authorized but not  
185 allocated by the State Bond Commission on or after July 1, 2005,

186 pursuant to subsection (a) of this section, for the purposes of section  
187 22-26jj, as amended by this act, the State Bond Commission shall  
188 authorize the issuance of such balance in ten-million-dollar  
189 installments in each fiscal year commencing with the fiscal year ending  
190 June 30, 2005.

191 Sec. 7. (NEW) (*Effective July 1, 2005*) (a) There is established a Farm  
192 Transition Program which shall be administered by the Department of  
193 Agriculture. Grants shall be made to farmers, agricultural not-for-  
194 profit organizations and agricultural cooperatives for diversification of  
195 existing farm operations, transitioning to value added agricultural  
196 production and sales, and developing farm markets and other venues  
197 in which a majority of products sold are grown in the state.

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

203 Sec. 8. (NEW) (*Effective July 1, 2005*) Any municipality may, by vote  
204 of its legislative body, establish a land acquisition and development  
205 authority to assist the municipality to acquire or develop any  
206 agricultural, recreational or open space land or to assist the  
207 municipality to acquire any easements, interest or rights therein and to  
208 enter into covenants and agreements with owners of such land or  
209 interests therein to acquire, maintain, improve, protect, limit the future  
210 use of or otherwise conserve such land.

211 Sec. 9. (*Effective July 1, 2005*) (a) The sum of five hundred thousand  
212 dollars is appropriated to the Department of Agriculture, from the  
213 General Fund, for the fiscal year ending June 30, 2006, for grants to  
214 municipalities pursuant to section 5 of this act.

215 (b) The sum of five hundred thousand dollars is appropriated to the  
216 Department of Agriculture, from the General Fund, for the fiscal year  
217 ending June 30, 2006, for grants to farmers, agricultural not-for-profit

218 organizations and agricultural cooperatives pursuant to section 7 of  
219 this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	22-26e
Sec. 2	<i>July 1, 2005</i>	New section
Sec. 3	<i>July 1, 2005</i>	22-26jj(a)
Sec. 4	<i>July 1, 2005</i>	New section
Sec. 5	<i>July 1, 2005</i>	New section
Sec. 6	<i>July 1, 2005</i>	22-26hh
Sec. 7	<i>July 1, 2005</i>	New section
Sec. 8	<i>July 1, 2005</i>	New section
Sec. 9	<i>July 1, 2005</i>	New section

**ENV**

*Joint Favorable Subst. C/R*

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