



General Assembly

Amendment

January Session, 2005

LCO No. 5690

SB0041005690SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. FASANO, 34th Dist.
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To: Subst. Senate Bill No. 410

File No. 390

Cal. No. 305

"AN ACT CONCERNING FARM LAND PRESERVATION, LAND PROTECTION, AFFORDABLE HOUSING AND HISTORIC PRESERVATION."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 22-26e of the general statutes is repealed and the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

5 (a) There is hereby established a [Governor's] Connecticut Council
6 for Agricultural Development [for advisory purposes only,] consisting
7 of not more than [thirty] sixteen members. The council shall be within
8 the Department of Agriculture for administrative purposes only. The
9 Commissioner of Agriculture shall be [chairman] a member of said
10 council. The Governor shall appoint [twelve] three council members
11 from a list provided by the Commissioner of Agriculture of persons

12 representative of agricultural activities in the state, including
13 agricultural production, processing, marketing, sales, education,
14 farmland preservation and trade associations. The speaker of the
15 House of Representatives, the president pro tempore of the Senate and
16 the majority leader and minority leader of each house of the General
17 Assembly shall each appoint two council members representative of
18 state agricultural activities, including, but not limited to, agricultural
19 trade associations, production, processing, marketing, sales, education
20 and farmland preservation.

21 (b) (1) The council shall provide advice to the Department of
22 Agriculture concerning the development, diversification and
23 promotion of agricultural products, programs and enterprises in this
24 state and shall provide for an interchange of ideas from the various
25 commodity groups and organizations represented.

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

46 financing needed to achieve such goals.

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

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

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

73 (c) Mitigation shall be accomplished by (1) purchase and granting to
74 the state of a permanent conservation easement by the entity seeking
75 the conversion of an equivalent amount of agricultural land of
76 comparable or better soil quality in the community in which the
77 acreage being converted is located; or (2) if no comparable agricultural

78 land is available for purchase as provided in subdivision (1) of this
79 subsection, a monetary payment equivalent to the fair market value of
80 the development rights on the acreage being converted shall be paid
81 into the General Fund by the entity seeking the conversion. Such
82 payment shall be used to fund the program for the preservation of
83 agricultural land established pursuant to chapter 422a of the general
84 statutes.

85 Sec. 3. Subsection (a) of section 22-26jj of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective July*
87 *1, 2005*):

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

112 by the commissioner, shall be considered by the commissioner in
113 making such determination. The commissioner may purchase such
114 property for a lesser price than any price suggested by any such
115 appraisal provided all considerations for acquisition specified in this
116 subsection are taken into account. In determining the value of the
117 property, consideration shall be given to sales of comparable
118 properties in the general vicinity.

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

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

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

140 Sec. 5. (NEW) (*Effective July 1, 2005*) The Department of Agriculture
141 shall establish and administer a program of matching grants to
142 municipalities to further agricultural viability. Such grants may be
143 used for the following purposes: (1) Local capital projects that foster

144 agricultural viability, including, but not limited to, processing facilities
145 and farmers markets; and (2) the development and implementation of
146 agriculturally-friendly land use regulations and local farmland
147 protection strategies that sustain and promote local agriculture.

148 Sec. 6. Section 7-34a of the general statutes is amended by adding
149 subsection (e) as follows (*Effective July 1, 2005*):

150 (NEW) (e) In addition to the fees for recording a document under
151 subsection (a) of this section, town clerks shall receive a fee of thirty
152 dollars for each document recorded in the land records of the
153 municipality. The town clerk shall retain one dollar of any fee paid
154 pursuant to this subsection and three dollars of such fee shall become
155 part of the general revenue of the municipality and used to pay for
156 local capital improvement projects, as defined in section 7-536 of the
157 general statutes. Not later than the fifteenth day of each month, town
158 clerks shall remit twenty-six dollars of the fees paid pursuant to this
159 subsection during the previous calendar month to the State Treasurer.
160 Upon deposit in the General Fund, such amount shall be credited to
161 the land protection, affordable housing and historic preservation
162 account established pursuant to section 7 of this act. The provisions of
163 this subsection shall not apply to any document recorded on the land
164 records by an employee of the state or of a municipality in conjunction
165 with said employee's official duties. As used in this subsection,
166 "municipality" includes each town, consolidated town and city, city,
167 consolidated town and borough, borough, district, as defined in
168 chapter 105 or 105a, and each municipal board, commission and taxing
169 district not previously mentioned.

170 Sec. 7. (NEW) (*Effective July 1, 2005*) There is established, within the
171 General Fund, a separate, nonlapsing account to be known as the "land
172 protection, affordable housing and historic preservation account". The
173 account shall contain any moneys required by law to be deposited in
174 the account. The moneys in said account shall be distributed every
175 three months as follows: Twenty-five per cent to the Connecticut
176 Commission on Culture and Tourism to supplement historic

177 preservation activities as provided in sections 10-410 to 10-415,
178 inclusive, of the general statutes; twenty-five per cent to the
179 Connecticut Housing Finance Authority to supplement new or existing
180 affordable housing programs; twenty-five per cent to the Department
181 of Agriculture for farm land preservation programs and twenty-five
182 per cent to the Department of Environmental Protection for municipal
183 open space grants.

184 Sec. 8. Section 22-26hh of the general statutes is repealed and the
185 following is substituted in lieu thereof (*Effective July 1, 2005*):

186 (a) The State Bond Commission shall have power, from time to time,
187 to authorize the issuance of bonds of the state in one or more series
188 and in principal amounts not exceeding in the aggregate [eighty-nine]
189 one hundred thirty-nine million seven hundred fifty thousand dollars,
190 the proceeds of which shall be used for the purposes of [section]
191 sections 22-26cc and 22-26jj, as amended by this act, provided not more
192 than [two] ten million dollars of said authorization shall be effective
193 July 1, [2004, and further provided not more than two million dollars
194 shall be used for the purposes of section 22-26jj] 2005, ten million
195 dollars of said authorization shall be effective July 1, 2006, ten million
196 dollars of said authorization shall be effective July 1, 2007, ten million
197 dollars of said authorization shall be effective July 1, 2008, and ten
198 million dollars of said authorization shall be effective July 1, 2009. All
199 provisions of section 3-20, or the exercise of any right or power granted
200 thereby which are not inconsistent with the provisions of this section
201 are hereby adopted and shall apply to all bonds authorized by the
202 State Bond Commission pursuant to this section, and temporary notes
203 in anticipation of the money to be derived from the sale of any such
204 bonds so authorized may be issued in accordance with said section 3-
205 20 and from time to time renewed. Such bonds shall mature at such
206 time or times not exceeding twenty years from their respective dates as
207 may be provided in or pursuant to the resolution or resolutions of the
208 State Bond Commission authorizing such bonds. None of said bonds
209 shall be authorized except upon a finding by the State Bond
210 Commission that there has been filed with it a request for such

211 authorization, which is signed by or on behalf of the Secretary of the
212 Office of Policy and Management and states such terms and conditions
213 as said commission, in its discretion, may require. Said bonds issued
214 pursuant to this section shall be general obligations of the state and the
215 full faith and credit of the state of Connecticut are pledged for the
216 payment of the principal of and interest on said bonds as the same
217 become due, and accordingly and as part of the contract of the state
218 with the holders of said bonds, appropriation of all amounts necessary
219 for punctual payment of such principal and interest is hereby made,
220 and the Treasurer shall pay such principal and interest as the same
221 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, 2005,
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 ten-million-dollar
227 installments in each fiscal year commencing with the fiscal year ending
228 June 30, 2005.

229 Sec. 9. (NEW) (*Effective July 1, 2005*) (a) There is established a Farm
230 Transition Program which shall be administered by the Department of
231 Agriculture. Grants shall be made to farmers, agricultural not-for-
232 profit organizations and agricultural cooperatives for diversification of
233 existing farm operations, transitioning to value added agricultural
234 production and sales, and developing farm markets and other venues
235 in which a majority of products sold are grown in the state.

236 (b) The Commissioner of Agriculture shall adopt regulations, in
237 accordance with the provisions of chapter 54 of the general statutes, for
238 the administration of the program established by this section. Such
239 regulations shall require the development of business plans by
240 applicants as part of the application process.

241 Sec. 10. (NEW) (*Effective July 1, 2005*) Any municipality may, by vote
242 of its legislative body, establish a land acquisition and development

243 authority to assist the municipality to acquire or develop any
 244 agricultural, recreational or open space land or to assist the
 245 municipality to acquire any easements, interest or rights therein and to
 246 enter into covenants and agreements with owners of such land or
 247 interests therein to acquire, maintain, improve, protect, limit the future
 248 use of or otherwise conserve such land.

249 Sec. 11. (*Effective July 1, 2005*) (a) The sum of five hundred thousand
 250 dollars is appropriated to the Department of Agriculture, from the
 251 General Fund, for the fiscal year ending June 30, 2006, for grants to
 252 municipalities pursuant to section 5 of this act.

253 (b) The sum of five hundred thousand dollars is appropriated to the
 254 Department of Agriculture, from the General Fund, for the fiscal year
 255 ending June 30, 2006, for grants to farmers, agricultural not-for-profit
 256 organizations and agricultural cooperatives pursuant to section 9 of
 257 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>	7-34a
Sec. 7	<i>July 1, 2005</i>	New section
Sec. 8	<i>July 1, 2005</i>	22-26hh
Sec. 9	<i>July 1, 2005</i>	New section
Sec. 10	<i>July 1, 2005</i>	New section
Sec. 11	<i>July 1, 2005</i>	New section