



General Assembly

**Substitute Bill No. 5873**

February Session, 2008

\*        HB05873ENV        031708        \*

**AN ACT CONCERNING THE FACE OF CONNECTICUT ACCOUNT  
STEERING COMMITTEE AND THE PRESERVATION OF FARMLAND.**

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

1       Section 1. (NEW) (*Effective from passage*) There is established an  
2       account to be known as the "Face of Connecticut account" which shall  
3       be a separate, nonlapsing account within the General Fund. The  
4       account shall contain any moneys required by law to be deposited in  
5       the account and contributions from any source, public or private. Any  
6       moneys in the account shall be expended by the Face of Connecticut  
7       Account Steering Committee established pursuant to section 2 of this  
8       act according to the following percentages: (1) Sixteen and one-half per  
9       cent for the state program for the preservation of agricultural land,  
10      established under chapter 422a of the general statutes, and the joint  
11      state and municipal purchase of development rights of agricultural  
12      land program, established under section 22-26cc of the general  
13      statutes, (2) eleven and one-half per cent for the open space and  
14      watershed land acquisition program, established under section 7-131d  
15      of the general statutes, (3) eleven per cent for the recreation and  
16      natural heritage trust program, established under chapter 453 of the  
17      general statutes, (4) four per cent for the preservation activities of the  
18      Connecticut Trust for Historic Preservation, established pursuant to  
19      special act 75-93, (5) twelve per cent for historic preservation activities,  
20      as provided in sections 10-409 to 10-415, inclusive, of the general

21 statutes, (6) ten per cent to the Departments of Environmental  
22 Protection and Agriculture and the Connecticut Commission on  
23 Culture and Tourism in accordance with the policies, procedures and  
24 criteria established by the Face of Connecticut Account Steering  
25 Committee, and (7) the remaining thirty-five per cent for the municipal  
26 and regional grant programs created pursuant to section 4 of this act.  
27 The Commissioner of Administrative Services shall administer said  
28 account.

29       Sec. 2. (NEW) (*Effective from passage*) (a) There is established the Face  
30 of Connecticut Account Steering Committee, which shall be within the  
31 Department of Administrative Services for administrative purposes  
32 only. Said committee shall distribute any funds deposited in the Face  
33 of Connecticut account created under section 1 of this act. The  
34 committee shall consist of the Commissioners of Environmental  
35 Protection and Agriculture, the executive director of the Connecticut  
36 Commission on Culture and Tourism, the Secretary of the Office of  
37 Policy and Management, and eight members as follows: (1) A  
38 representative of a state-wide nonprofit organization involved in the  
39 preservation of open space, appointed by the speaker of the House of  
40 Representatives; (2) a representative of a local or regional nonprofit  
41 organization involved in the preservation of open space, appointed by  
42 the president pro tempore of the Senate; (3) a representative of a water  
43 company actively involved in land preservation, appointed by the  
44 majority leader of the House of Representatives; (4) a representative of  
45 a nonprofit organization involved in farmland preservation, appointed  
46 by the majority leader of the Senate; (5) a representative of the  
47 agricultural industry, appointed by the minority leader of the House of  
48 Representatives; (6) a representative of a state-wide nonprofit involved  
49 in historic preservation, appointed by the minority leader of the  
50 Senate; (7) a representative of a local or regional organization involved  
51 in historic preservation, appointed by the Governor; and (8) a  
52 representative of an organization involved with community  
53 redevelopment, appointed by the Governor.

54       (b) All initial appointments to the committee shall be made not later

55 than November 1, 2008. The term of each appointed member of the  
56 steering committee shall be coterminous with the term of the  
57 appointing authority or until a successor is chosen, whichever is later.  
58 The Commissioner of Environmental Protection shall serve as the  
59 chairperson of the committee for the two years following the  
60 appointment of the committee, followed first by the Commissioner of  
61 Agriculture for two years and subsequently by the executive director  
62 of the Connecticut Commission on Culture and Tourism for two years.  
63 Such rotation shall repeat every two years thereafter in the order  
64 specified in this subsection, except that if there is a vacancy in one of  
65 said positions, one of the other commissioners or the executive director  
66 may serve as chairperson until the vacancy is filled.

67 (c) The committee shall meet quarterly.

68 Sec. 3. (*Effective July 1, 2008*) (a) For the purposes described in  
69 subsection (b) of this section, the State Bond Commission shall have  
70 the power, from time to time, to authorize the issuance of bonds of the  
71 state in one or more series and in principal amounts not exceeding in  
72 the aggregate one billion dollars, provided ten million dollars of said  
73 authorization shall be effective July 1, 2009.

74 (b) The proceeds of the sale of said bonds, to the extent of the  
75 amount stated in subsection (a) of this section, shall be deposited in the  
76 Face of Connecticut account created pursuant to section 1 of this act for  
77 the purposes specified in section 1 of this act.

78 (c) All provisions of section 3-20 of the general statutes, or the  
79 exercise of any right or power granted thereby, which are not  
80 inconsistent with the provisions of this section are hereby adopted and  
81 shall apply to all bonds authorized by the State Bond Commission  
82 pursuant to this section, and temporary notes in anticipation of the  
83 money to be derived from the sale of any such bonds so authorized  
84 may be issued in accordance with said section 3-20 and from time to  
85 time renewed. Such bonds shall mature at such time or times not  
86 exceeding twenty years from their respective dates as may be provided

87 in or pursuant to the resolution or resolutions of the State Bond  
88 Commission authorizing such bonds. None of said bonds shall be  
89 authorized except upon a finding by the State Bond Commission that  
90 there has been filed with it a request for such authorization which is  
91 signed by or on behalf of the Secretary of the Office of Policy and  
92 Management and states such terms and conditions as said commission,  
93 in its discretion, may require. Said bonds issued pursuant to this  
94 section shall be general obligations of the state and the full faith and  
95 credit of the state of Connecticut are pledged for the payment of the  
96 principal of and interest on said bonds as the same become due, and  
97 accordingly and as part of the contract of the state with the holders of  
98 said bonds, appropriation of all amounts necessary for punctual  
99 payment of such principal and interest is hereby made, and the State  
100 Treasurer shall pay such principal and interest as the same become  
101 due.

102       Sec. 4. (NEW) (*Effective from passage*) (a) The Commissioner of  
103 Environmental Protection, in consultation with the Face of Connecticut  
104 Account Steering Committee established pursuant to section 2 of this  
105 act, shall establish grant programs for municipal and regional open  
106 space, farmland conservation and stewardship, historic preservation,  
107 and associated planning efforts that the committee determines are not  
108 adequately addressed by existing programs. Such grants shall be used  
109 for purposes that include, but are not limited to, the renovation and  
110 enhancement of urban parks; projects that include some combination  
111 of land conservation, affordable housing or historic preservation;  
112 preservation of distinctive landscapes; loans to aid immediately  
113 threatened high priority local projects or for the programs established  
114 in sections 6 and 7 of this act. The committee may designate an agency  
115 or agencies to administer such grant programs.

116       (b) To apply for a grant, an applicant shall submit a grant  
117 application on forms prescribed by the committee or by the agency  
118 designated to administer the grant program in accordance with  
119 subsection (a) of this section. The Commissioner of Environmental  
120 Protection or the designated agency may reject any grant application

121 that the commissioner or said agency determines to be incomplete. If  
122 the commissioner or said agency rejects an application, the  
123 commissioner or said agency shall promptly notify the applicant of the  
124 reasons for the rejection and, not later than fifteen days after the date  
125 of such notice, such applicant may resubmit the application in the  
126 same manner as the original application.

127 (c) The Commissioner of Environmental Protection or the agency  
128 designated in accordance with subsection (a) of this section shall  
129 develop guidelines specifying criteria and the procedures for the  
130 award of a grant in accordance with this section.

131 Sec. 5. Section 22-26gg of the general statutes is repealed and the  
132 following is substituted in lieu thereof (*Effective October 1, 2008*):

133 The commissioner shall adopt, in accordance with chapter 54, such  
134 regulations as [he] the commissioner deems necessary to carry out the  
135 purposes of this chapter. Such regulations shall provide that individual  
136 landowners applying for such program shall be eligible to receive not  
137 more than twenty thousand dollars per acre for development rights,  
138 and a schedule of the state's contribution for projects initiated by  
139 municipalities that shall be as follows: For a parcel located within a  
140 three-mile radius of active agricultural land consisting of (1) one  
141 thousand acres or more, a maximum of one million two hundred  
142 thousand dollars; (2) eight hundred to nine hundred ninety-nine acres,  
143 a maximum of one million dollars; (3) six hundred to seven hundred  
144 ninety-nine acres, a maximum of eight hundred thousand dollars; (4)  
145 four hundred to five hundred ninety-nine acres a maximum of six  
146 hundred thousand dollars; (5) two hundred to three hundred ninety-  
147 nine acres a maximum of four hundred thousand dollars; and (6) one  
148 hundred ninety-nine acres or less, a maximum of two hundred  
149 thousand dollars.

150 Sec. 6. (NEW) (*Effective from passage*) (a) The Commissioner of  
151 Agriculture shall establish a program for the preservation of small  
152 farms consisting of thirty acres or less. The commissioner may

153 purchase up to one hundred per cent of the value of development  
154 rights of an eligible owner, with a maximum of twenty thousand  
155 dollars an acre paid by the state toward the purchase of such  
156 development rights, subject to the appraisal and review required by  
157 regulations adopted pursuant to this section. For the purposes of this  
158 section, "development rights" and "owner" shall have the same  
159 meanings as in section 22-26bb of the general statutes.

160 (b) The Commissioner of Agriculture, in consultation with the  
161 Farmland Preservation Advisory Board established under section 22-  
162 26ll of the 2008 supplement to the general statutes, shall establish  
163 criteria for the program and such criteria shall give preference to farms  
164 that produce food and fiber.

165 (c) The owner of the agricultural land shall submit notice of an offer  
166 to sell development rights in writing to the commissioner and shall file  
167 such notice in the land records of the town in which the agricultural  
168 land is situated. If ownership of any land for which development  
169 rights have been offered is transferred, the offer shall be effective until  
170 the subsequent owner revokes the offer in writing. Upon receiving an  
171 offer to sell development rights, the commissioner shall evaluate the  
172 land in accordance with the criteria specified in subsection (b) of this  
173 section. For purposes of such evaluation, (1) ownership of land by a  
174 nonprofit organization authorized to hold land for conservation and  
175 preservation purposes, which prior to such ownership qualified for the  
176 program, shall not be deemed to diminish the probability that the land  
177 will be sold for nonagricultural purposes; and (2) the use or presence  
178 of pollutants or chemicals in the soil shall not be deemed to diminish  
179 the agricultural value of the land or to prohibit the commissioner from  
180 acquiring the development rights to such land. After a preliminary  
181 evaluation of such factors, the Commissioner of Agriculture shall  
182 obtain and review one or more fee appraisals of the land in order to  
183 determine the value of the development rights of such land. The  
184 commissioner shall notify the Department of Transportation, the  
185 Department of Economic and Community Development, the  
186 Department of Environmental Protection and the Office of Policy and

187 Management that such land is being appraised. Any appraisal of the  
188 value of such land obtained by the owner and performed in a manner  
189 approved by the commissioner shall be considered by the  
190 commissioner in making such determination. The value of  
191 development rights for all purposes of this section shall be the  
192 difference between the value of the land for its highest and best use  
193 and its value for agricultural purposes as determined by the  
194 commissioner. In determining the value of the land for its highest and  
195 best use, consideration shall be given but not limited to sales of  
196 comparable lands in the general area, use of which was unrestricted at  
197 the time of sale. The commissioner may purchase development rights  
198 for a lesser amount, provided the commissioner complies with all  
199 factors for acquisition specified in this subsection and in any  
200 implementing regulations.

201 (d) Upon acquiring the development rights of agricultural land, the  
202 commissioner shall file a notice of acquisition in the appropriate land  
203 records and in the office of the Secretary of the State which shall set  
204 forth a description of the agricultural land sufficient to give any  
205 prospective purchaser of such agricultural land or creditor of the  
206 owner thereof notice of such restriction. Upon such filing, the owner of  
207 such agricultural land shall not exercise development rights with  
208 respect to such land, and such development rights shall be considered  
209 and deemed dedicated to the state in perpetuity, except as otherwise  
210 provided.

211 (e) (1) If restricted land is to be sold, the owner shall notify, in  
212 writing, the commissioner of such impending sale not less than ninety  
213 days before transfer of title to the land, and no sale may be made until  
214 the commissioner has (A) approved such transfer, based upon an  
215 assessment of whether the potential buyer intends to use the land for  
216 farming purposes, and (B) approved the subsequent buyer. The owner  
217 shall submit the potential buyer's plan for use of the land and the  
218 purchase and sale agreement to the commissioner.

219 (2) Not later than forty-five days after such notice has been so given,

220 the commissioner may give written notice to the owner of the state's  
221 intent to purchase such land. The commissioner shall exercise the  
222 state's right to purchase the restricted land or to assign the state's right  
223 to purchase the land upon a determination that the proposed purchase  
224 price or the buyer's proposed plan for use of the land will not ensure  
225 the future affordability of the land for farming. If the commissioner  
226 fails to purchase such land not later than sixty days after notice has  
227 been given by the commissioner of the state's intent to purchase the  
228 land, as provided in this section, the commissioner shall have waived  
229 the right to purchase the land and the transfer shall be deemed  
230 approved. The provisions of this subsection shall not apply to a  
231 transfer of land between family members or qualified farmers, as  
232 defined by the commissioner in regulations adopted pursuant to  
233 subsection (g) of this section.

234 (f) The commissioner shall have no power to release such land from  
235 its agricultural restriction, except as set forth in this subsection. The  
236 commissioner, in consultation with the Commissioner of  
237 Environmental Protection and such advisory groups as the  
238 Commissioner of Agriculture may appoint, may approve (1) a petition  
239 by the owner of the restricted agricultural land to remove such  
240 restriction, provided such petition is approved by resolution of the  
241 legislative body of the town; or (2) a petition by the legislative body of  
242 the town in which such land is situated to remove such restriction,  
243 provided such petition is approved in writing by said owner. Upon  
244 approval of such a petition by the commissioner, the legislative body  
245 of the town shall submit to the qualified voters of such town the  
246 question of removing the agricultural restriction from such land, or a  
247 part thereof, at a referendum held at a regular election or a special  
248 election warned and called for that purpose. In the event a majority of  
249 those voting at such referendum are in favor of such removal, the  
250 restriction shall be removed from the agricultural land upon filing of  
251 the certified results of such referendum in the land records and the  
252 office of the Secretary of the State, and the commissioner shall convey  
253 the development rights to such owner, provided such owner shall pay

254 the commissioner an amount equal to the value of such rights. Such  
255 petition shall set forth the facts and circumstances upon which the  
256 commissioner shall consider approval, and said commissioner shall  
257 deny such approval unless the commissioner determines that the  
258 public interest is such that there is an overriding necessity to relinquish  
259 control of the development rights. The commissioner shall hold at least  
260 one public hearing prior to the initiation of any proceedings  
261 hereunder. The expenses, if any, of the hearing and the referendum  
262 shall be borne by the petitioner. In the event that the state sells any  
263 development rights under the procedure provided in this subsection, it  
264 shall receive the value of such rights.

265 (g) The commissioner shall adopt regulations in accordance with the  
266 provisions of chapter 54 of the general statutes to implement the  
267 provisions of this section.

268 Sec. 7. (NEW) (*Effective from passage*) (a) The Commissioner of  
269 Agriculture shall establish a grant program for the preservation of  
270 locally significant farmland. Such program shall provide matching  
271 grants for the purchase of the development rights of qualifying  
272 farmland. The Commissioner of Agriculture, in consultation with the  
273 Farmland Preservation Advisory Board established under section 22-  
274 261l of the 2008 supplement to the general statutes shall establish  
275 criteria for such grant program. In establishing such criteria, said  
276 commissioner and said board shall consider (1) the economic  
277 contribution of the parcel to local agricultural production; (2) the  
278 capacity of the parcel for producing food, forest, forage or feed crops;  
279 (3) environmental benefits; (4) cultural or historical significance; (5)  
280 available matching funds; and (6) the probability that the land will be  
281 sold for nonagricultural purposes. For the purposes of this section  
282 "eligible applicant" means a municipality or a land trust in partnership  
283 with one or more municipalities, "qualifying farmland" means a parcel  
284 of land consisting of not less than ten acres, twenty per cent or more of  
285 which is cropland or agricultural soils that are classified as prime,  
286 important or locally important by the United States Department of  
287 Agriculture, and "development rights" shall have the same meaning as

288 in section 22-26bb of the general statutes.

289 (b) Eligible applicants may receive up to a sixty-five per cent  
290 matching grant for the purchase of the development rights of  
291 qualifying farmland. Such grants shall be issued according to the  
292 following limits: For qualifying farmland consisting of agricultural soil  
293 or cropland in a quantity of (1) twenty per cent to twenty-nine per  
294 cent, inclusive, a grant not to exceed two hundred thousand dollars; (2)  
295 thirty per cent to thirty-nine per cent, inclusive, a grant not to exceed  
296 three hundred thousand dollars; (3) forty to forty-nine per cent,  
297 inclusive, a grant not to exceed four hundred thousand dollars; and (4)  
298 fifty per cent or more, a grant not to exceed five hundred thousand  
299 dollars. The Commissioner of Agriculture may provide a no interest  
300 loan to a municipality in accordance with the provisions of section 22-  
301 26mm of the 2008 supplement to the general statutes in addition to a  
302 grant pursuant to this section to acquire the development rights of  
303 qualifying farmland.

304 (c) To apply for a grant, an applicant shall submit a grant  
305 application on forms prescribed by the Commissioner of Agriculture.  
306 Such application shall include an appraisal of the property performed  
307 in a manner approved by the commissioner. The commissioner shall  
308 act upon all complete and eligible grant applications as soon as  
309 practicable. The commissioner may reject any grant application that  
310 the commissioner determines to be incomplete. If the commissioner  
311 rejects an application, the commissioner shall promptly notify the  
312 applicant of the reasons for the rejection and, not later than fifteen days  
313 after the date of such notice, such applicant may resubmit the  
314 application in the same manner as the original application.

315 (d) The Commissioner of Agriculture shall make grant award  
316 decisions pursuant to this section at least semiannually. A single  
317 project may receive a grant in more than one grant cycle, subject to the  
318 availability of funds and the limitations set forth in this section. Not  
319 more than two per cent of the grant funds may be used for  
320 administrative expenses, including, but not limited to, (1) the hiring of

321 contractors to assist the commissioner in the review and evaluation of  
322 grant proposals and baseline data collection for conservation  
323 easements; (2) appraisals or appraisal reviews; and (3) preparation of  
324 legal or other documents, but excluding the salary of employees.

325 (e) The Commissioner of Agriculture shall adopt regulations in  
326 accordance with the provisions of chapter 54 of the general statutes to  
327 implement the provisions of this section.

|   |                        |             |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                        |             |
| Section 1   | <i>from passage</i>    | New section |
| Sec. 2  | <i>from passage</i>    | New section |
| Sec. 3  | <i>July 1, 2008</i>    | New section |
| Sec. 4  | <i>from passage</i>    | New section |
| Sec. 5  | <i>October 1, 2008</i> | 22-26gg     |
| Sec. 6  | <i>from passage</i>    | New section |
| Sec. 7  | <i>from passage</i>    | New section |

**ENV**      *Joint Favorable Subst.*