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:

Section 1. (NEW) (Effective from passage) There is established an account to be known as the "Face of Connecticut account" which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account and contributions from any source, public or private. Any moneys in the account shall be expended by the Face of Connecticut Account Steering Committee established pursuant to section 2 of this act according to the following percentages: (1) Sixteen and one-half per cent for the state program for the preservation of agricultural land, established under chapter 422a of the general statutes, and the joint state and municipal purchase of development rights of agricultural land program, established under section 22-26cc of the general statutes, (2) eleven and one-half per cent for the open space and watershed land acquisition program, established under section 7-131d of the general statutes, (3) eleven per cent for the recreation and natural heritage trust program, established under chapter 453 of the general statutes, (4) four per cent for the preservation activities of the Connecticut Trust for Historic Preservation, established pursuant to special act 75-93, (5) twelve per cent for historic preservation activities, as provided in sections 10-409 to 10-415, inclusive, of the general statutes.
statutes, (6) ten per cent to the Departments of Environmental Protection and Agriculture and the Connecticut Commission on Culture and Tourism in accordance with the policies, procedures and criteria established by the Face of Connecticut Account Steering Committee, and (7) the remaining thirty-five per cent for the municipal and regional grant programs created pursuant to section 4 of this act. The Commissioner of Administrative Services shall administer said account.

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

(b) All initial appointments to the committee shall be made not later
than November 1, 2008. The term of each appointed member of the steering committee shall be coterminal with the term of the appointing authority or until a successor is chosen, whichever is later. The Commissioner of Environmental Protection shall serve as the chairperson of the committee for the two years following the appointment of the committee, followed first by the Commissioner of Agriculture for two years and subsequently by the executive director of the Connecticut Commission on Culture and Tourism for two years. Such rotation shall repeat every two years thereafter in the order specified in this subsection, except that if there is a vacancy in one of said positions, one of the other commissioners or the executive director may serve as chairperson until the vacancy is filled.

(c) The committee shall meet quarterly.

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

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

(c) All provisions of section 3-20 of the general statutes, or the exercise of any right or power granted thereby, which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided
in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization which is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

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

(b) To apply for a grant, an applicant shall submit a grant application on forms prescribed by the committee or by the agency designated to administer the grant program in accordance with subsection (a) of this section. The Commissioner of Environmental Protection or the designated agency may reject any grant application
that the commissioner or said agency determines to be incomplete. If
the commissioner or said agency rejects an application, the
commissioner or said agency shall promptly notify the applicant of the
reasons for the rejection and, not later than fifteen days after the date
of such notice, such applicant may resubmit the application in the
same manner as the original application.

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

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

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

Sec. 6. (NEW) (Effective from passage) (a) The Commissioner of
Agriculture shall establish a program for the preservation of small
farms consisting of thirty acres or less. The commissioner may
purchase up to one hundred per cent of the value of development rights of an eligible owner, with a maximum of twenty thousand dollars an acre paid by the state toward the purchase of such development rights, subject to the appraisal and review required by regulations adopted pursuant to this section. For the purposes of this section, "development rights" and "owner" shall have the same meanings as in section 22-26bb of the general statutes.

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

(c) The owner of the agricultural land shall submit notice of an offer to sell development rights in writing to the commissioner and shall file such notice in the land records of the town in which the agricultural land is situated. If ownership of any land for which development rights have been offered is transferred, the offer shall be effective until the subsequent owner revokes the offer in writing. Upon receiving an offer to sell development rights, the commissioner shall evaluate the land in accordance with the criteria specified in subsection (b) of this section. For purposes of such evaluation, (1) ownership of land by a nonprofit organization authorized to hold land for conservation and preservation purposes, which prior to such ownership qualified for the program, shall not be deemed to diminish the probability that the land will be sold for nonagricultural purposes; and (2) the use or presence of pollutants or chemicals in the soil shall not be deemed to diminish the agricultural value of the land or to prohibit the commissioner from acquiring the development rights to such land. After a preliminary evaluation of such factors, the Commissioner of Agriculture shall obtain and review one or more fee appraisals of the land in order to determine the value of the development rights of such land. The commissioner shall notify the Department of Transportation, the Department of Economic and Community Development, the Department of Environmental Protection and the Office of Policy and
Management that such land is being appraised. Any appraisal of the value of such land obtained by the owner and performed in a manner approved by the commissioner shall be considered by the commissioner in making such determination. The value of development rights for all purposes of this section shall be the difference between the value of the land for its highest and best use and its value for agricultural purposes as determined by the commissioner. In determining the value of the land for its highest and best use, consideration shall be given but not limited to sales of comparable lands in the general area, use of which was unrestricted at the time of sale. The commissioner may purchase development rights for a lesser amount, provided the commissioner complies with all factors for acquisition specified in this subsection and in any implementing regulations.

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

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

(2) Not later than forty-five days after such notice has been so given,
the commissioner may give written notice to the owner of the state's intent to purchase such land. The commissioner shall exercise the state's right to purchase the restricted land or to assign the state's right to purchase the land upon a determination that the proposed purchase price or the buyer's proposed plan for use of the land will not ensure the future affordability of the land for farming. If the commissioner fails to purchase such land not later than sixty days after notice has been given by the commissioner of the state's intent to purchase the land, as provided in this section, the commissioner shall have waived the right to purchase the land and the transfer shall be deemed approved. The provisions of this subsection shall not apply to a transfer of land between family members or qualified farmers, as defined by the commissioner in regulations adopted pursuant to subsection (g) of this section.

(f) The commissioner shall have no power to release such land from its agricultural restriction, except as set forth in this subsection. The commissioner, in consultation with the Commissioner of Environmental Protection and such advisory groups as the Commissioner of Agriculture may appoint, may approve (1) a petition by the owner of the restricted agricultural land to remove such restriction, provided such petition is approved by resolution of the legislative body of the town; or (2) a petition by the legislative body of the town in which such land is situated to remove such restriction, provided such petition is approved in writing by said owner. Upon approval of such a petition by the commissioner, the legislative body of the town shall submit to the qualified voters of such town the question of removing the agricultural restriction from such land, or a part thereof, at a referendum held at a regular election or a special election warned and called for that purpose. In the event a majority of those voting at such referendum are in favor of such removal, the restriction shall be removed from the agricultural land upon filing of the certified results of such referendum in the land records and the office of the Secretary of the State, and the commissioner shall convey the development rights to such owner, provided such owner shall pay
the commissioner an amount equal to the value of such rights. Such petition shall set forth the facts and circumstances upon which the commissioner shall consider approval, and said commissioner shall deny such approval unless the commissioner determines that the public interest is such that there is an overriding necessity to relinquish control of the development rights. The commissioner shall hold at least one public hearing prior to the initiation of any proceedings hereunder. The expenses, if any, of the hearing and the referendum shall be borne by the petitioner. In the event that the state sells any development rights under the procedure provided in this subsection, it shall receive the value of such rights.

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

Sec. 7. (NEW) (Effective from passage) (a) The Commissioner of Agriculture shall establish a grant program for the preservation of locally significant farmland. Such program shall provide matching grants for the purchase of the development rights of qualifying farmland. The Commissioner of Agriculture, in consultation with the Farmland Preservation Advisory Board established under section 22-26ll of the 2008 supplement to the general statutes shall establish criteria for such grant program. In establishing such criteria, said commissioner and said board shall consider (1) the economic contribution of the parcel to local agricultural production; (2) the capacity of the parcel for producing food, forest, forage or feed crops; (3) environmental benefits; (4) cultural or historical significance; (5) available matching funds; and (6) the probability that the land will be sold for nonagricultural purposes. For the purposes of this section "eligible applicant" means a municipality or a land trust in partnership with one or more municipalities, "qualifying farmland" means a parcel of land consisting of not less than ten acres, twenty per cent or more of which is cropland or agricultural soils that are classified as prime, important or locally important by the United States Department of Agriculture, and "development rights" shall have the same meaning as
(b) Eligible applicants may receive up to a sixty-five per cent matching grant for the purchase of the development rights of qualifying farmland. Such grants shall be issued according to the following limits: For qualifying farmland consisting of agricultural soil or cropland in a quantity of (1) twenty per cent to twenty-nine per cent, inclusive, a grant not to exceed two hundred thousand dollars; (2) thirty per cent to thirty-nine per cent, inclusive, a grant not to exceed three hundred thousand dollars; (3) forty to forty-nine per cent, inclusive, a grant not to exceed four hundred thousand dollars; and (4) fifty per cent or more, a grant not to exceed five hundred thousand dollars. The Commissioner of Agriculture may provide a no interest loan to a municipality in accordance with the provisions of section 22-26mm of the 2008 supplement to the general statutes in addition to a grant pursuant to this section to acquire the development rights of qualifying farmland.

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

(d) The Commissioner of Agriculture shall make grant award decisions pursuant to this section at least semiannually. A single project may receive a grant in more than one grant cycle, subject to the availability of funds and the limitations set forth in this section. Not more than two per cent of the grant funds may be used for administrative expenses, including, but not limited to, (1) the hiring of
contractors to assist the commissioner in the review and evaluation of grant proposals and baseline data collection for conservation easements; (2) appraisals or appraisal reviews; and (3) preparation of legal or other documents, but excluding the salary of employees.

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

This act shall take effect as follows and shall amend the following sections:

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ENV Joint Favorable Subst.