



House of Representatives

General Assembly

File No. 345

January Session, 2011

Substitute House Bill No. 5203

House of Representatives, April 4, 2011

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT AUTHORIZING AN AGRICULTURAL CONSERVATION
EASEMENT ON THE LANDS OF THE SOUTHBURY TRAINING
SCHOOL.**

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

1 Section 1. (*Effective from passage*) (a) Notwithstanding any provision
2 of the general statutes, the Commissioner of Developmental Services,
3 in consultation with the Commissioner of Agriculture, may grant to a
4 nonprofit organization, as defined in Section 501(c)(3) of the Internal
5 Revenue Code of 1986, or any subsequent corresponding internal
6 revenue code of the United States, as amended from time to time, an
7 easement on land located in the towns of Southbury and Roxbury and
8 that is known as the Southbury Training School. The mission of such
9 nonprofit organization shall include, but not be limited to, the
10 permanent protection of agricultural lands for the purpose of
11 agricultural use. Such easement shall allow for the conservation of the
12 subject land as agricultural land and shall authorize such nonprofit
13 organization to lease any portion of the subject land to one or more
14 persons for the purpose of engaging in agriculture, as described in

15 section 1-1 of the general statutes. Such easement shall have an area as
16 recommended by the Farmland Preservation Advisory Board in a
17 report submitted pursuant to special act 09-8. Such easement shall be
18 subject to the approval of the State Properties Review Board.

19 (b) Such nonprofit organization shall use such easement for the
20 purpose of preserving such land as agricultural lands. If such
21 nonprofit organization:

22 (1) Does not use such easement for said purpose; or

23 (2) Does not retain ownership of all of such easement,

24 the easement shall revert to the state of Connecticut.

25 (c) Such easement shall be granted (1) subject to the right of the state
26 to (A) pass and repass over and on such easement of land for the
27 purpose of accessing lands of the state, and (B) place and maintain
28 over, under and on said easement of land existing and future utilities,
29 including, but not limited to, electrical, water, sanitary, sewer,
30 telecommunications and gas, and (2) subject to any rights and
31 easements with regard to such easement that the state deems necessary
32 to meet its governmental obligations.

33 (d) The State Properties Review Board shall complete its review of
34 such easement of land not less than thirty days after it receives a
35 proposed agreement from the Department of Developmental Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

ENV Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Department of Developmental Services	GF - Revenue Impact	Potential	Potential

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	Future Years
Roxbury; Southbury	Revenue Loss	Potential

Explanation

The bill permits the commissioner of the Department of Developmental Services (DDS) to grant an easement on land located at the Southbury Training School to a nonprofit organization whose mission includes the permanent protection of agricultural land.

To the extent that the bill results in an easement being granted, it limits the state's future use of the property. The granting of an easement precludes the potential future revenue gain from the sale of that property. The entire Southbury Training School property has an assessed value of \$50.6 million for the 2009 grand list year.

Currently, DDS generates \$6,620 annually by leasing 331 acres of farmland on the Southbury Training School property for agricultural use. DDS is in the third year of a five year lease, with an option to renew for five years. This lease income is deposited as General Fund revenue. It is not known how the granting of an easement would impact this state revenue.

Granting an easement on land located at Southbury Training School

would depreciate the fair market value of the land and would result in a lower assessment on that property. This will result in decreased future payment-in-lieu of taxes (PILOT) payments for state owned property to Southbury and Roxbury. The FY 12 PILOT payment for state owned property is \$262,900 for Southbury and \$2,500 for Roxbury.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Conservation Options for Connecticut Farmland - A Guide. American Farmland Trust: www.farmland.org

OLR Bill Analysis

sHB 5203

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SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 0 (03/18/2011)