



# House of Representatives

**File No. 804**

General Assembly

January Session, 2013

**(Reprint of File No. 465)**

House Bill No. 6542  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 13, 2013

***AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE  
SOUTHBURY TRAINING SCHOOL.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) Notwithstanding any  
2 provision of the general statutes, the Commissioner of Developmental  
3 Services shall transfer the care, custody and control of the land and  
4 buildings that comprise the property that is known as the "Farm at the  
5 Southbury Training School" and that is further described in a map  
6 entitled "Compilation Plan of Property Prepared For State of  
7 Connecticut Department of Agriculture 'Southbury Training School'  
8 Southbury & Roxbury, Connecticut", scale 1" = 200', dated February 15,  
9 2012, revised January 28, 2013, prepared by Brian D. Florek, L.S., to the  
10 Commissioner of Agriculture. The Commissioner of Agriculture shall  
11 acquire a property survey of the Farm at the Southbury Training  
12 School conforming to a Class A-2 horizontal survey.

13 (b) The Commissioner of Agriculture shall grant to a nonprofit  
14 organization, as defined in Section 501(c)(3) of the Internal Revenue

15 Code of 1986, or any subsequent corresponding Internal Revenue Code  
16 of the United States, as amended from time to time, a permanent  
17 conservation easement on the Farm at the Southbury Training School  
18 based upon such Class A-2 survey. The mission of any such nonprofit  
19 organization shall include, but need not be limited to, the protection of  
20 agricultural lands for agricultural use. Such permanent conservation  
21 easement shall provide for the conservation of said farm for  
22 agricultural use and shall allow for the lease, permit or license by the  
23 Commissioner of Agriculture of any portion of said farm to one or  
24 more persons or entities for the purpose of engaging in agriculture, as  
25 defined in section 1-1 of the general statutes. Such permanent  
26 conservation easement shall be subject to the review and approval of  
27 the State Properties Review Board. The State Properties Review Board  
28 shall complete a review of such permanent conservation easement not  
29 later than thirty days after receipt of a proposed permanent  
30 conservation easement from the Commissioner of Agriculture.

31 (c) The Commissioner of Agriculture may lease, permit or license all  
32 or part of said farm to one or more persons for the purpose of  
33 engaging in agriculture, as defined in section 1-1 of the general  
34 statutes. Any such lease, permit or license shall be for a period not to  
35 exceed fifteen years and shall contain, as a condition thereof,  
36 compliance with the provisions of the permanent conservation  
37 easement granted pursuant to subsection (b) of this section. Any such  
38 lease, permit or license may be renewed for a period not to exceed  
39 fifteen years. Any property leased, permitted or licensed pursuant to  
40 this subsection shall be exempt from taxation by the municipality in  
41 which said property is located. The assessed valuation of said property  
42 shall be included in the assessed valuation of state-owned land and  
43 buildings for purposes of determining the state's grant in lieu of taxes  
44 pursuant to the provisions of section 12-19a of the general statutes.  
45 Any such lease, permit or license shall be subject to the review and  
46 approval of the State Properties Review Board. The State Properties  
47 Review Board shall complete a review of each lease, permit or license  
48 not later than thirty days after receipt of a proposed lease, permit or

49 license from the Commissioner of Agriculture.

50 (d) Any permanent conservation easement pursuant to subsection  
 51 (b) of this section shall provide that all agricultural activities conducted  
 52 on the Farm at the Southbury Training School shall be conducted in  
 53 accordance with a conservation plan prepared by the United States  
 54 Department of Agriculture, Natural Resources Conservation Service,  
 55 and approved by the Commissioner of Agriculture. Such conservation  
 56 plan shall be updated periodically and whenever the nature of any  
 57 agricultural operation on said farm changes. Such plan shall provide  
 58 for management of said farm in a manner that: (1) Is consistent with  
 59 generally accepted agricultural practices, including, but not limited to,  
 60 practices identified by the Natural Resources Conservation Service  
 61 Field Office Technical Guide, and (2) is consistent with the protection  
 62 of the agricultural and conservation values of said farm.

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

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:** None

**Municipal Impact:**

Municipalities	Effect	FY 14 \$	FY 15 \$	The Out Years
Roxbury; Southbury	Revenue Loss	None	None	Potential

**Explanation**

The bill, which transfers approximately 800 acres of agricultural land that is currently part of the Southbury Training School (STS) from the care of the Department of Developmental Services (DDS) to the Department of Agriculture (DAG), has no fiscal impact to the state.

Currently, DDS generates \$6,620 in income annually by leasing 331 acres of this property for agricultural use. This lease income is General Fund revenue and is not retained by the department. It is anticipated that DAG would continue to maintain the lease.

House "A" specifies that farming activities conducted at the STS Farm must be conducted in accordance with the federal conservation plan. This does not result in a fiscal impact, as this is current practice.

**The Out Years**

The bill results in a potential revenue loss to the towns of Southbury and Roxbury due to the granting of a conservation easement on the land. This would depreciate the fair market value of the land, which could result in a reduced assessment. Accordingly, the towns' future payments-in-lieu-of-taxes payments could decrease. Due to the timing

of State Property PILOT payments, any revenue loss would not be realized until FY 16.

The FY 12 State Property PILOT payment for Southbury was \$305,160 and for Roxbury was \$4,127.

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**OLR Bill Analysis****HB 6542 (as amended by House "A")\******AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL.*****SUMMARY:**

This bill establishes a procedure to preserve and manage state-owned property known as the "Farm at the Southbury Training School." It requires the Department of Developmental Services (DDS) commissioner to transfer the care, custody, and control of the property to the Department of Agriculture (DOAG) commissioner, who must grant a permanent conservation easement on it to a nonprofit organization.

The bill specifies that the easement must (1) provide for conservation of the farm for agricultural use, conducted according to a federally prepared and DOAG-approved conservation plan, and (2) allow the DOAG commissioner to lease, permit, or license farm property for such use. The proposed easement and any proposed DOAG lease, permit, or license is subject to State Properties Review Board (SPRB) review and approval.

The bill exempts the leased, permitted, or licensed property from local property taxes and adds its value to the assessed value of state-owned land and buildings for calculating state payments in lieu of taxes. By law, the state must reimburse towns for 45% of their lost revenue from state-owned property.

\*House Amendment "A" requires the easement to provide that all agricultural activity conducted on the farm be done according to a federally prepared and DOAG-approved conservation plan.

EFFECTIVE DATE: Upon passage

## **SOUTHBURY TRAINING SCHOOL PROPERTY**

### ***Transfer and Easement***

The bill requires the DDS commissioner to transfer the care, custody, and control of the land and buildings that comprise the “Farm at the Southbury Training School” to the DOAG commissioner. The DOAG commissioner must obtain a survey of the property that conforms to a horizontal Class A-2 (boundary) survey.

The DOAG commissioner must grant a permanent conservation easement on the property, based on the survey, to a nonprofit organization whose mission includes protecting agricultural lands for agricultural use.

The easement must:

1. provide for conservation of the farm for agricultural use;
2. allow the DOAG commissioner to lease, permit, or license any part of the farm to one or more people for agricultural uses; and
3. provide that all agricultural activity conducted on the farm be done according to a conservation plan (a) prepared by the U.S. Department of Agriculture’s Natural Resources Conservation Service (NRCS) and (b) approved by the DOAG commissioner.

The bill requires the conservation plan to provide for farm management that is consistent with (1) generally accepted agricultural practices, including those identified in the NRCS Field Office Technical Guide, and (2) protecting the farm’s agricultural and conservation values. The plan must be updated periodically and when the farm’s agricultural operation changes.

Under the bill, the leases, permits, or licenses must (1) be for a term of up to 15 years and (2) comply with the permanent conservation easement. They are renewable for up to 15 years.

**State Properties Review Board Review**

The bill requires SPRB to review and approve the permanent conservation easement and any lease, permit, or license of the land. The board must complete its review within 30 days after receiving the proposed easement or any proposed lease, permit, or license from the DOAG commissioner.

**BACKGROUND**

**Related Bill**

sHB 6672 (File 638), reported favorably by the Government Administration and Elections Committee, requires the administrative services commissioner, on behalf of the DDS commissioner, to convey a separate 45 acre piece of land that is part of the parcel containing the Southbury Training School to the town of Southbury for housing purposes.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 28 Nay 0 (03/27/2013)

Government Administration and Elections Committee

Joint Favorable

Yea 14 Nay 0 (04/19/2013)