



General Assembly

January Session, 2013

Raised Bill No. 988

LCO No. 3358



Referred to Committee on PROGRAM REVIEW AND INVESTIGATIONS

Introduced by:
(PRI)

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING THE FARMLAND PRESERVATION PROGRAM.

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

1 Section 1. Subsection (a) of section 22-26cc of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (a) There is established within the Department of Agriculture a
5 program to solicit, from owners of agricultural land, offers to sell the
6 development rights to such land and to inform the public of the
7 purposes, goals and provisions of this chapter. The commissioner, with
8 the approval of the State Properties Review Board, shall have the
9 power to acquire or accept as a gift, on behalf of the state, the
10 development rights of any agricultural land, if offered by the owner.
11 Notice of the offer shall be filed in the land records wherein the
12 agricultural land is situated. If ownership of any land for which
13 development rights have been offered is transferred, the offer shall be

14 effective until the subsequent owner revokes the offer in writing. The
15 state conservation and development plan established pursuant to
16 section 16a-24 shall be applied as an advisory document to the
17 acquisition of development rights of any agricultural lands. The factors
18 to be considered by the commissioner in deciding whether or not to
19 acquire such rights shall include, but not be limited to, the following:
20 (1) The probability that the land will be sold for nonagricultural
21 purposes; (2) the current productivity of such land and the likelihood
22 of continued productivity; (3) the suitability of the land as to soil
23 classification and other criteria for agricultural use; (4) the degree to
24 which such acquisition would contribute to the preservation of the
25 agricultural potential of the state and to achieving the numerical goal
26 for the total acreage of prime and important farmland, as defined by
27 the United States Department of Agriculture, and established pursuant
28 to section 22-26kk, as amended by this act; (5) any encumbrances on
29 such land; (6) the cost of acquiring such rights; and (7) the degree to
30 which such acquisition would mitigate damage due to flood hazards.
31 Ownership by a nonprofit organization authorized to hold land for
32 conservation and preservation purposes of land which prior to such
33 ownership qualified for the program established pursuant to this
34 section shall not be deemed to diminish the probability that the land
35 will be sold for nonagricultural purposes. After a preliminary
36 evaluation of such factors by the Commissioner of Agriculture, he shall
37 obtain and review one or more fee appraisals of the property selected
38 in order to determine the value of the development rights of such
39 property. The commissioner shall notify the Department of
40 Transportation, the Department of Economic and Community
41 Development, the Department of Energy and Environmental
42 Protection and the Office of Policy and Management that such
43 property is being appraised. Any appraisal of the value of such land
44 obtained by the owner and performed in a manner approved by the
45 commissioner shall be considered by the commissioner in making such
46 determination. The value of development rights for all purposes of this
47 section shall be the difference between the value of the property for its

48 highest and best use and its value for agricultural purposes as
49 determined by the commissioner. The use or presence of pollutants or
50 chemicals in the soil shall not be deemed to diminish the agricultural
51 value of the land or to prohibit the commissioner from acquiring the
52 development rights to such land. The commissioner may purchase
53 development rights for a lesser amount provided he complies with all
54 factors for acquisition specified in this subsection and in any
55 implementing regulations. In determining the value of the property for
56 its highest and best use, consideration shall be given but not limited to
57 sales of comparable properties in the general area, use of which was
58 unrestricted at the time of sale.

59 Sec. 2. Section 22-26kk of the general statutes is amended by adding
60 subsections (c) and (d) as follows (*Effective October 1, 2013*):

61 (NEW) (c) The Commissioner of Agriculture, in consultation with
62 the Farmland Preservation Advisory Board, shall establish a numerical
63 goal for the total acreage of prime and important farmland, as defined
64 by the United States Department of Agriculture, to be preserved
65 pursuant to the program established in section 22-26cc, as amended by
66 this act. Not later than October 1, 2014, and annually thereafter, the
67 commissioner shall report to the board on such program's progress
68 toward achieving such numerical goal. Not later than July 1, 2015, and
69 every five years thereafter, the board shall reevaluate such numerical
70 goal and determine whether such numerical goal is attainable based on
71 criteria established by the board. The commissioner, in consultation
72 with the department personnel who administer such program and the
73 board, may revise such numerical goal.

74 (NEW) (d) Not later than December 1, 2013, the Commissioner of
75 Agriculture shall submit to the Farmland Preservation Advisory Board
76 a written strategic plan for the purchase of agricultural land
77 development rights pursuant to section 22-26cc, as amended by this
78 act. Such strategic plan shall identify farms in the state with prime and
79 important soils that coincide with the state's efforts to protect such

80 soils through the acquisition of agricultural land development rights.
81 Additionally, such strategic plan shall contain both short-term and
82 long-term strategies for achieving the numerical goal described in
83 subsection (a) of this section. Such strategic plan shall be consistent
84 with: (1) The state's plan of conservation and development, (2) the
85 state's open space plans and goals, (3) generally accepted smart growth
86 principles, and (4) the most recent comprehensive land cover
87 information available. The commissioner shall consider any proposed
88 revisions to such strategic plan recommended by the board. The
89 commissioner shall finalize such plan not later than July 1, 2014, and
90 once every five years thereafter, the commissioner, in consultation
91 with the board, shall review such strategic plan and make any
92 requisite revisions.

93 Sec. 3. Section 22-26ii of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective October 1, 2013*):

95 (a) The commissioner may enter at all reasonable times upon any
96 restricted agricultural land, for the purpose of determining compliance
97 with the provisions of section 22-26cc, as amended by this act.

98 (b) The commissioner shall establish a stewardship program to
99 ensure that agricultural lands preserved pursuant to the program
100 established under section 22-26cc, as amended by this act, are
101 maintained in compliance with any applicable preservation deed
102 covenants. Such stewardship program shall require the Department of
103 Agriculture to visit each agricultural land preserved pursuant to
104 section 22-26cc, as amended by this act, not less than once every three
105 years. Each calendar quarter, the commissioner shall report to the
106 Farmland Preservation Advisory Board on the work and findings of
107 the stewardship program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	22-26cc(a)

Sec. 2	<i>October 1, 2013</i>	22-26kk
Sec. 3	<i>October 1, 2013</i>	22-26ii

Statement of Purpose:

To implement the recommendations of the Program Review and Investigations Committee concerning the Farmland Preservation Program.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]