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**Testimony by David Sutherland – Director of Government Relations
Before the Environment Committee – February 19th, 2016**

In support of Senate Resolution 5

***RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION
CONCERNING THE ENVIRONMENT AND NATURAL RESOURCES OF THE STATE.***

On behalf of The Nature Conservancy, I would like to express our support of Senate Resolution 5, with changes specified on the next page, and express our appreciation to the committee for raising it.

With many state assets, such as buildings or specific stretches of roads, the public benefits they provide can usually be transferred within a few years to new buildings, roads, or bridges, if the existing building or land is needed for another purpose. In contrast, many of the benefits of conservation lands, such as wildlife habitat and protection of water supplies, can be best provided only after the land's forests and other natural resources have matured or been managed over many decades. These benefits, including many recreational features, cannot simply be transferred to another parcel of land. Some of the features of these lands are truly irreplaceable; once they have been altered, they cannot be bought back or reconstructed.

In some cases, benefits or features of these lands may be replaceable, or there may be particularly compelling reasons to transfer a specific tract. So it should be stressed that this proposed amendment would not prevent the transfer or change in use of state-owned conservation lands. It would merely subject such transfers to a reasonable process that would ensure that the public has an opportunity to openly and deliberatively review the merits of any change in use of these critical public resources.

These lands are owned and often used by citizens from all over the state. The decision to transfer them should not be made in a rush, in the last few weeks or days of sometimes shortened and usually intensely busy legislative sessions, or as part of a large piece of legislation with many other proposals.

Connecticut would not be the only state with a Constitutional amendment to enhance protection of its conservation land. The State of New York has a Constitutional amendment protecting much of its State-owned conservation lands, which can only be transferred after votes by two successive legislative sessions. The Massachusetts Constitution requires a 2/3 vote by its legislature to transfer state or municipal open space lands.

While we completely agree that every citizen has “the right to clean air, pure water, freedom from excessive and unnecessary noise and the right to the enjoyment and preservation of the natural, scenic historic and esthetic qualities of the environment”;

(over)

with the exception of Article Seven regarding religion, our Constitution does not generally give the rationale for the critical protections it provides. Therefore, we have recommended that the language regarding the rights to clean air, pure water, etc., be deleted from the proposed amendment.

We urge you to let the citizens vote on this proposed amendment.

RECOMMENDED CHANGES TO LANGUAGE:

(NEW) Sec. 21. Every citizen has the right to clean air, pure water, freedom from excessive and unnecessary noise and the right to the enjoyment and preservation of the natural, scenic historic and esthetic qualities of the environment. The state's public natural resources are the common property of all the citizens of the state, including generations yet to come. As trustee of such resources, the state shall conserve and maintain them for the benefit of all people. Any **CURRENT OR FUTURE** state land or **LAND SUBJECT TO AN** easement held **BY THE STATE** for conservation purposes shall not be used for other purposes or otherwise disposed of except by an act approved by a two-thirds vote of the membership of the general assembly, **IN A SPECIAL ACT DEVOTED SOLELY TO SUCH CHANGE OF USE OR DISPOSAL**, following a public hearing on such act. Any funds realized by the state from the disposal of any such conserved land or easement shall be used for the acquisition of land or an easement that has an equivalent conservation value to the disposed land or easement.

RESOLVED: That the foregoing proposed amendment to the Constitution be continued to the next session of the General Assembly elected at the general election to be held on November 8, 2016, and published with the laws passed at the present session, or be presented to the electors at the general election to be held on November 8, 2016, whichever the case may be, according to article sixth of the amendments to the Constitution. The designation of said proposed amendment to be used on the ballots at such election shall be "Shall the Constitution of the State be amended to: (1) [Provide each citizen with the right to clean air, pure water, freedom from excessive and unnecessary noise and the right to the enjoyment and preservation of the natural, scenic historic and esthetic qualities of the environment, (2)] require that any **CURRENT OR FUTURE** state land or **LAND SUBJECT TO AN** easement held **BY THE STATE** for conservation purposes not be used for other purposes or otherwise disposed of except by a [n] **SPECIAL act DEVOTED SOLELY TO SUCH CHANGE OF USE OR DISPOSAL** approved by a two-thirds vote of the membership of the General Assembly following a public hearing on such act, and ([3]2) dedicate any funds realized by the state from the disposal of any such conserved land or easement to the acquisition of land or an easement that has an equivalent conservation value to the disposed land or easement?"