

TESTIMONY IN SUPPORT OF S.J. No. 36

TESTIMONY IN OPPOSITION TO SECTIONS 5 AND 8 OF H.B. 5619

My name is Eric Lukingbeal. I live at 168 Day Street, Granby. I am submitting my testimony on the bills described above on my own behalf.

I am retired, and now devote much of my time to conservation matters. I am on the boards of three non-profits whose missions involve protection of open space lands, forests and agricultural lands. I have served as president of two of these organizations, and still serve as president of one. Since 1987, I have been a member of either Granby's Planning & Zoning Commission, or its Inland Wetlands and Watercourses Commission. I am also one of Granby's representatives on the Lower Farmington River and Salmon Brook Wild and Scenic River Study Committee. I spend a lot of my free time hiking on public lands with my grandsons, especially on the Tunxis Trail, the Metacomet Trail and in Peoples State Forest. My wife (also retired) and I have decided to remain in Connecticut, mostly because of its natural beauty, easily available trails for hiking, horseback riding and snowshoeing, and its extensive woodlands.

S.J. No. 36—This resolution proposes an amendment to the state constitution which will protect important state conservation lands from being sold, traded, or given away without public input at critical stages. It will not forbid or prevent a single acre from being sold, traded or given away; it will only give the public far better assurance that it is in the public's interest to do so. It will do this by requiring a public hearing in the town where the land is located. It will establish an appraisal mechanism so that everyone is assured that if land is sold, traded or given away, the financial aspects of the transaction are fair to the public. I think these reasons are important because for too long, the legislature has treated some lands without regard for the public's interest in keeping land of significant conservation value in public ownership.

What are the objections to a constitutional amendment? I have heard none raised, except that it would be somewhat inconvenient for some of the state agencies involved. The answer to this is quite simple— inconvenience is a small price to pay to insure that lands owned by the public are not disposed of without any meaningful public input. It is no answer to say that we have an elected legislature and should trust them to look out for bad deals. The history of the conveyance act process teaches us that it is unrealistic to expect our representatives to be aware of the details of these last-minute acts. The Haddam Land Swap is just the most recent example of the role of blind luck in stopping a really bad deal. The public should not have to rely on luck to preserve our natural heritage. The other objection I have heard is that the legislature will behave better, and draft legislation assuring the same protections as a constitutional amendment. Again, this will not work. The legislature can always say (as it always has) in the preamble to the conveyance act, “Notwithstanding anything to the contrary..” In other words, the legislature can just ignore its earlier laws.

Other states—New York, Massachusetts, Maine—all have seen the wisdom of a constitutional amendment to protect precious lands of high conservation value. This has not appeared to paralyze state government in its functions in those states.

S.J. No. 36 is good. I support it. It could be made better by a few small changes. First, require that the expenses of holding a public hearing be borne by the proposed recipient of the land. The public should not bear this expense. Second, require that the proposed recipient bear the expense of the appraisal needed to set the fair market value. Third, the appraiser should be selected from a list of competent appraisers prepared by the state agency involved. Allowing the recipient to choose the appraiser will lead to much mischief.

H.B. 5619 Sections 5 and 8

I oppose both sections. Section 5 requires that a report be prepared evaluating (unnamed) state properties zoned residential and authorized to contain commercial structures. It also authorizes expedited transfer of these properties. I oppose because it is a mystery what properties this might expose to being sold, given away or traded. Section 8 transfers 60 acres of CTDEEP waterfront land in Groton to the Town of Groton, for free. This land has real conservation value and is a valuable property to boot. While the merits of this proposal might be fairly debated, it appears not to be in the best interests of the public. It is a pure giveaway. It ought to be exposed to the scrutiny which would be in place if our constitution is amended.

I appreciate the opportunity to comment on these two bills. Thank you.

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