



State of Connecticut  
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Testimony of Sen. Paul Formica  
Environment Committee  
February 19, 2016

*S.J. 5, Resolution Proposing An Amendment to the State Constitution Concerning the Environment and Natural Resources of the State*

Senator Kennedy, Representative Albis, Senator Chapin, Representative Shaban, and members of the Environment Committee, thank you for raising S.J. 5 Resolution Proposing an Amendment to the state Constitution Concerning the Environment and Natural Resources of the State.

**And thank you for scheduling this hearing to discuss such an important environmental protection issue.**

**I once proudly served as East Lyme's First Selectman preserving hundreds of acres during my terms. In that role, I was a staunch supporter of preserving open space in town. I therefore remain concerned at how preservation promises can be put at risk whenever there's a new proposal by a developer to buy state conservation land or swap it for other properties. It makes sense for us to pass measures at the state level to ensure that those preservation promises are kept.**

Having said that, I do believe that parts of the legislation before you are too broad.

To create an amendment that is strong, clear and enforceable, **I join with Sen. Witkos in drawing the Committee's attention to** the following concerns we have with S.J. 5 as currently drafted:

- It does not include agricultural land as land that must be protected.
- It does not require a separate special act to convey protected land, and thereby does not address the problems raised when land conveyances are all bundled into one bill.
- It does not require a hearing in the affected town or towns.
- It does not require that replacement land be in *proximity* to that which is lost.
- It does not include reasonable exceptions such as for minor boundary adjustments, small parcels used for a specific public purpose, and transfers that keep the land protected.

In light of these issues, we have included language below that would resolve these concerns. The attached language includes the following key elements:

- There must be a 2/3 vote by each chamber in favor of selling the space.
- There must be a public hearing in the town or towns where the lands are located.
- Any legislation allowing for the sale of an open space property must be a standalone bill. This will prevent sales from being incorporated into much larger conveyance or implementer bills, which are often rushed through the legislature.
- All money received for any transfer, sale or conversion of land must be used solely to replace it with similar land to be used for open space, parks, forests or farms. This will preserve the amount of open space currently owned by the state. The new land acquired by the state must be similar in conservation, recreation, or agricultural value to the land being sold. It also must be in as close proximity as possible. In addition, the fair market value of any land sold must be appropriated in the same bill that authorizes the sale to pay for the state's acquisition of similar open space.

**This is a first-of-its-kind effort to better ensure protection of state-owned forests, parks, farmland and other conservation lands.**

Thank you again for your attention to this important effort.