



State of Connecticut

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Testimony of Senator Kevin Witkos, Senate Minority Leader Pro Tempore **Environment Committee**

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

Senator Ted Kennedy, Representative James Albis, Senator Clark Chapin, Representative John 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.

The state of Connecticut has an obligation to protect state-owned forest land, parks, wildlife areas and other open space. I strongly support these efforts to better protect Connecticut's parks, forests and other state owned conservation, recreational and agricultural lands from being sold, traded or given away by legislative act. This protection must be guaranteed through a Constitutional Amendment to ensure that these safeguards remain in place for future generations.

The bill before us today is a welcome step in the right direction. I applaud the Committee for working together to raise this proposal and give the public an opportunity to weigh in on the importance of protecting our environment.

However, I do believe that parts of the legislation are too broad and I hope to work with the Committee in addressing these potential weaknesses to create an amendment that is strong, clear and enforceable. Attention must be paid to every last detail.

I want to draw the Committee's attention to the following concerns I 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, I 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.

Connecticut is a beautiful state. But if that beauty is not protected, it will not last forever. In recent years, we have seen instances of protected land being sold by the state without proper public discussion and assessment of such sales. For example, the Haddam land swap and the Silver Sands situation in Milford both challenged the public's trust in government. Lawmakers need to take steps to reassure the public that we are committed to protecting the environment. We also need to make sure those protections are guaranteed for our children and our children's children.

This is an incredible, forward-looking proposal and I wholeheartedly thank the Committee for raising it. Together, we can make a long-lasting difference in how our state protects the environment.

Protecting Public Lands
Proposed Amendment to the Constitution of Connecticut

Sec. 1. State park and forest land or other real estate, held by the State IN THE CUSTODY AND CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, THE DEPARTMENT OF AGRICULTURE OR ANY SUCESSOR AGENCIES in fee or by easement for (1) conservation, (2) recreation or (3) agricultural purposes, may not be sold, transferred to another party, or converted to other uses except on the vote of 2/3 of all the members elected to each House in a Special Act devoted solely to such sale, transfer, or conversion following a public hearing in the town or towns where such land is located. The fair market value of any such land shall be appropriated in the bill authorizing such sale, transfer, or conversion for the sole purpose of purchasing additional land of similar conservation, recreational, or agricultural value in as close proximity as possible to the land sold, transferred or converted.

Sec. 2. The provisions of Section 1 shall not apply to the following:

- a. Minor boundary adjustments as defined by regulation of the state agency having custody and control of such real estate.
- b. Transfers ensuring permanent continued use of such property for conservation, recreation or agricultural purposes.
- c. Land no more than an acre in size transferred by law to a municipality or another state agency for a public purpose provided any such law includes an appropriation for the purchase of additional land of the same or greater appraised value in as close proximity as possible to the land transferred.