



State of Connecticut
SENATE

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Testimony of Sen. Tony Hwang
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.

This proposal represents the type of common sense long-term planning that we saw last year when the Long Island Sound Blue Plan legislation was passed into law. The Blue Plan – thanks to the leadership of the members of this committee - is a great example of how government can be a helpful guide to ensure that smart, constructive decisions are made in the future.

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.

By incorporating these changes, we can bring about sustainability, predictability and transparency in our land preservation policies.

Thank you again for your attention to this important effort.

Sincerely,

A handwritten signature in black ink that reads "Tony Hwang". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Tony Hwang
State Senator
28th District