

General Administration and Elections Committee Testimony For Meeting of March 14, 2016

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I clearly and unequivocally support the S.J. 36 Constitutional Amendment bill, after it is strengthened (more below), and so should all Connecticut citizens who have any concern at all about our environment and way of life.

Recent situations, such as was seen in Haddam, on the shores of the Connecticut River, highlight the dangers of the “Conveyance Act” that gives the General Assembly the ability to sell, trade, and give away public lands to a town, business, or even an individual. While minor boundary adjustments or transfers of state highway lands to a municipality can be benign; the Conveyance Act also proposes giving away sections of State Parks and Forests for no compensation and for non-conservation purposes. Further, this can be done without a public hearing and through late-session amendments.

Legislative conveyances of public lands have several damaging impacts:

1. Fragmentation and loss of state holdings that are ecologically valuable, important for healthful outdoor recreation, and necessary for viable farming;
2. *Landowners are dissuaded from giving property to the state even if their donation contains a deed restriction;*
3. Wastes state and private resources researching and fighting potential losses;
4. Breaks faith with our predecessors who worked hard to preserve these lands.

Unfortunately, a Legislative change or Rules change would not fix this problem since each section of the Conveyance Act begins with the words “Notwithstanding any provision of the general statutes ...” This powerful and outrageous language essentially states “we hereby ignore any laws that we have passed previously,” and it would override any legislative changes that might be protective of public lands. A ***Constitutional Amendment cannot be ignored easily***. A change in the joint rules of the House and Senate that would, for example, encourage the Conveyance Act be heard by the Environment Committee could be helpful. However, at the end of each Legislative session when the Conveyance Act is typically voted upon, the rules are typically suspended for expediency, and any rules change would not protect against a late session amendment.

To better protect public lands strong consideration should be given to developing principles that apply to public lands with agricultural, conservation, or recreational values, as follows:

1. Should not be given away, sold, traded, or have their uses changed without a public hearing in the town or towns where the public lands are located;

2. Should not be given away without compensation that equals or exceeds the values being lost in the region where they are being lost;
3. Should have a higher standard than a simple majority vote (2/3 majority vote is recommended) to approve a conveyance of public lands;
4. Should only be considered in separate bills so that bad proposals are not bundled with benign ones; and

While S.J. 36 is an improvement, it needs to be strengthened:

1. Expenses associated with holding a public hearing should be by the proposed new landholder and not by the state agency currently holding the land in question;
2. Expenses associated with determining fair market value should be borne by the proposed new landholder and not by the state agency currently holding the land in question;
3. The ultimate approval of fair market value should be made by the state agency holding the land in question; and
4. Minor administrative boundary adjustments that do not diminish the conservation, open space, recreation or agricultural purposes of the land should be exempted.

I appreciate the General Administration and Elections Committee taking the time to hold a public hearing on the need to better protect public lands. This is a critical issue for Connecticut's future. Once these lands are lost, they are lost forever. Challenging financial times should not be an excuse to "use" public lands to the detriment of current and future generations.

Thank you.