



General Assembly

Amendment

February Session, 2018

LCO No. 5246



Offered by:

REP. DEMICCO, 21st Dist.
REP. HARDING, 107th Dist.
SEN. KENNEDY, 12th Dist.
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To: Subst. House Bill No. 5360

File No. 78

Cal. No. 92

"AN ACT CONCERNING REVISIONS TO CERTAIN ENVIRONMENTAL QUALITY AND CONSERVATION PROGRAMS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION."

1 In line 86, after "may" insert the following: "adopt regulations in
2 accordance with chapter 54 of the general statutes to"

3 After the last section, add the following and renumber sections and
4 internal references accordingly:

5 "Sec. 501. Section 22-26jj of the general statutes is repealed and the
6 following is substituted in lieu thereof (*Effective October 1, 2018*):

7 (a) The Commissioner of Agriculture, with the approval of the State
8 Properties Review Board, may acquire by purchase or accept as a gift,
9 on behalf of the state, the fee simple title of any agricultural real
10 property and any personal property related to such real property,

11 including, but not limited to, machinery, equipment, fixtures and
12 livestock. The state conservation and development plan established
13 pursuant to chapter 297 shall be used as an advisory document in
14 connection with acquisition of such property. The commissioner, in
15 deciding whether or not to acquire such property, shall consider all of
16 the factors stated in section 22-26cc and shall further consider the
17 likelihood of subsequent sale of such property by the department for
18 agricultural purposes, subject to the state's retention of development
19 rights or future purchase of such development rights if such property
20 is sold to a municipality or a nonprofit organization described in
21 subsection (b) of this section. After a preliminary evaluation of such
22 factors, the Commissioner of Agriculture shall obtain and review one
23 or more fee appraisals of the property in order to determine the value
24 of such property. Each such appraisal shall include an itemization of
25 (1) the total value of the land, (2) the value of the land as agricultural
26 land, (3) the value of the development rights of the land, and (4) the
27 value of any related personal property proposed to be included in any
28 sale. The commissioner shall give notice of any such appraisal to the
29 Departments of Transportation, Economic and Community
30 Development and Energy and Environmental Protection and the Office
31 of Policy and Management. Any such appraisal may be obtained by
32 the owner of the property and, if performed in a manner approved by
33 the commissioner, shall be considered by the commissioner in making
34 such determination. The commissioner may purchase such property
35 for a lesser price than any price suggested by any such appraisal
36 provided all considerations for acquisition specified in this subsection
37 are taken into account. In determining the value of the property,
38 consideration shall be given to sales of comparable properties in the
39 general vicinity.

40 (b) After the acquisition of the fee simple title of any agricultural
41 real property and any related personal property, the commissioner
42 shall: [sell] (1) Sell such property, exclusive of any development rights,
43 for agricultural purposes as soon as practicable [. The state shall] and
44 retain any development rights, or (2) if the purchaser is a municipality

45 or a nonprofit organization that has the preservation of agricultural
46 lands as one of its purposes, the commissioner shall sell such property
47 for use as agricultural land, including any development rights, and
48 enter an agreement with such municipality or nonprofit organization
49 for the purchase of such land's development rights. The commissioner
50 may lease or otherwise transfer, assign or manage such property for
51 agricultural, open space or other qualified purposes, in accordance
52 with subsection (d) of this section, until such time as a sale as required
53 by this section is completed.

54 (c) The commissioner may lease all or part of one property acquired
55 by him under this section as part of a demonstration project, in
56 accordance with subsection (d) of this section, provided such project is
57 approved by the Secretary of the Office of Policy and Management.
58 Such property may be leased to one or more agricultural users for a
59 period not to exceed five years. Such lease may be renewed for periods
60 not to exceed five years. Any property leased under such
61 demonstration project shall be exempt from taxation by the
62 municipality in which the property is located. The assessed valuation
63 of the property shall be included with the assessed valuation of state-
64 owned land and buildings for purposes of determining the state's
65 grant in lieu of taxes under the provisions of section 12-18b.

66 (d) No contract to sell, lease or otherwise transfer, assign or manage
67 such property for agricultural, open space or other qualified purposes
68 shall be entered into by the commissioner unless there has been a
69 finding of the State Treasurer that such contract will preserve the
70 exclusion from federal taxation, if any, of the interest on the bonds of
71 the state issued to finance such acquisition. Any proceeds derived from
72 any such contract shall not be deemed revenues of the General Fund
73 and shall be deposited in the appropriate bond proceeds account. Any
74 such proceeds shall be applied, upon allotment thereof, to acquisition
75 of additional agricultural real property and related personal property
76 or, upon approval of the State Bond Commission, for such other
77 authorized capital purposes which the State Treasurer finds will best
78 assure the preservation of such exclusion from federal taxation, if any,

79 including payment of the principal, redemption price, if any, or
80 interest on the bonds issued for the purchase of the agricultural
81 property."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2018</i>	22-26jj