

CONNECTICUT Land Conservation Council

Testimony

Raised Senate Bill No. 502 and Senate Joint Resolution No. 35
Government Administration and Elections Committee

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Co-Chairs McLachlan, Flexer, and Fox, Ranking Member Devlin, and Members of the Government Administration and Elections Committee:

On behalf of the Connecticut Land Conservation Council (CLCC), thank-you for the opportunity to present our testimony regarding the following: **Raised Senate Bill No. 502, An Act Concerning the Conveyance of Certain Parcels of State Land** (no position, comments only); and **Senate Joint Resolution No. 35, Resolution Approving an Amendment to the State Constitution to Protect Real Property Held or Controlled by the State (S.J. 35)** (strongly support).

As the State's umbrella organization for the land conservation community, including its 137 land trusts, CLCC advocates for land conservation, stewardship, and funding, and works to ensure the long-term strength and viability of the land conservation community in Connecticut.

Comments on Raised Senate Bill No. 502 ("Conveyance Act")

Based upon the information available to us at this time, we are not taking a position with respect to any of the individual transfers proposed under this year's Conveyance Act. However, we offer the following comments using sections of the bill that are illustrative of our overall concerns with the conveyance process.

Section 2 proposes the release of a previous deed restriction. If approved, how can we be certain that restrictions required as part of a conveyance to protect properties that are valuable for conservation purposes – such as in Section 1 – will not also be released in the future? Likewise, Section 8 authorizes a release of an existing reversion clause as part of the conveyance. Consequently, the inclusion of a right of reverter in sections of the current bill offers little security if they are subject to release in the future through the conveyance process.

Section 5 is missing information, and other sections provide scant detail regarding the location and nature of the property proposed for transfer. The Conveyance Act should provide as much detail as possible with respect to the proposed transaction, and/or enable the public easy access to the questionnaire and any other relevant information legislators are required to submit as part of the conveyance process.

Sections 6 and 7 exemplify two consistent deficiencies in the conveyance process, namely: (1) the often vague and overly broad descriptions of the permissible uses of the property; and (2) the lack of consideration required by a town in exchange for state property that may be of significant value.

For example, Section 6 (b)(1) requires ("shall") the town to use the land for open space or storm water management -- alternative uses which are not necessarily mutually consistent – and then goes on to give the town the option ("may") to sell all or any part of the property for economic development purposes. This inherently inconsistent language hardly provides a meaningful "restriction" on how the town may use the property. Similarly, without definition, Section 7 (b) requires the town to use the land for "economic development and municipal purposes" – vague and broad terms which



leave the public unable to effectively evaluate the impacts, costs, and benefits of the proposed uses on the land and the community.

With respect to consideration, while Sections 6 and 7 do not require the towns to pay the state anything but administrative costs for the property, the respective towns may retain any revenue they receive from developing the land. Simply put, the Conveyance Act often gives the towns something, and perhaps much more, for nothing.

CLCC strongly supports S.J. 35

The State holds over 250,000 acres of State Parks, Forests, Wildlife Management Areas and other open spaces valuable for conservation, recreation and agricultural purposes. These lands were acquired with an expectation that they would be preserved in trust for the benefit of Connecticut's citizens. Yet our public lands are largely unprotected; and year after year we find ourselves in a position of having to defend them.

A Constitutional Amendment offers the strongest and most unified mechanism for ensuring the best protections of our public lands. Other states, including neighboring Massachusetts, New York and Maine, have adopted this legal framework to protect their public lands; S.J. 35 provides an opportunity for Connecticut to follow suit.

S.J. 35 would require that before the General Assembly could sell, trade, or give away public lands, they must first hold a public hearing in the General Assembly; and achieve a 2/3rds vote for any public lands held by the Department of Energy & Environmental Protection (State Parks, Forests, etc.) or the Department of Agriculture (state-owned agricultural lands or easements).

A Constitutional Amendment will help to protect the millions in public and private investments that have already been made in acquiring the lands that protect our air and water, provide for critical habitat, enable us to grow our food, generate revenue through business and tourism, and provide the public with an opportunity to recreate and enjoy the landscapes that make Connecticut so special.

Most importantly, a Constitutional Amendment will help to restore the confidence of the public – including, especially, landowners who want to conserve their land -- that there is a system in place to ensure that land entrusted to the state for conservation, agriculture and recreation will be protected for those purposes to the greatest extent possible.

With the state not even close to being on track to meeting its goal of conserving 21% of our open space by 2023, and at a time of tremendous fiscal uncertainty, the state can ill-afford allowing the land we do have to be conveyed without the highest degree of scrutiny.

On behalf of the Connecticut Land Conservation Council, I thank you for this opportunity to provide our comments. We would be happy to answer any questions you may have.