

FACT SHEET ON CONSTITUTIONAL AMENDMENT TO BETTER PROTECT YOUR PUBLIC LANDS ([S.J. 36](#))

Why do we need a Constitutional Amendment to better protect your public lands?

The “Conveyance Act” gives the General Assembly the ability to sell, trade, and give away public lands to a town, business, or even an individual. Minor boundary adjustments or transfers of state highway lands to a municipality can be benign; however, the Conveyance Act often proposes giving away sections of State Parks and Forests for no compensation and for non-conservation purposes. This can be done without a public hearing and through late-session amendments. In addition, individuals, businesses and municipalities sometimes ask DEEP directly for parcels of land, and DEEP is authorized to swap lands as it sees fit.

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. It wastes state and private resources researching and fighting potential losses; and
4. It breaks faith with our predecessors who worked hard to preserve these lands, and with future generations who deserve such special places in an increasingly urbanized future.

Would a New Law or Rules Change fix this problem?

The short answer is “no.” 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 previous laws that we have passed,” 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 could be helpful if it, for example, required a public hearing of the Conveyance Act before the Environment Committee. However, this would not protect against a late session amendment when the House and Senate rules are typically suspended for expediency at the end of each Legislative session (when the Conveyance Act is usually voted upon).

What Principles should be in a Constitutional Amendment to better protect public lands?

We believe that public lands with agricultural, conservation, or recreational values:

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

Would S.J. 36 Better Protect Your Public Lands?

Yes! [S.J. 36](#) includes all of the principles stated above, and would be a strong mechanism to better protect your public lands. We commend the GAE Committee for raising it and holding a public hearing on March 14th.

How could S.J. 36 be improved?

S.J. 36 is very good, but there are a few ways that S.J. 36 could be improved. Specifically, if a sale, transfer, or change of use for public land is proposed, then:

- 1) Expenses associated with holding a public hearing should be borne 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 (e.g., conducting appraisals) 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.

Tips on Your Testimony

Be brief, be respectful, and use your own voice. If you have a personal example of the importance of State Parks, Forests, or other public lands to your life, please include it. Please copy me on your emailed testimony via chammerling@ctwoodlands.org and [copy your legislators](#) as well.

There are a [few important points](#) that we hope you will include in your testimony:

- 1) A Constitutional Amendment is necessary to better protect your public lands;
- 2) S.J. 36 can be improved in specific ways (see examples above); and
- 3) Thank the GAE Committee for holding a public hearing on this important issue.

Instructions to Submit Your Testimony

The General Administration and Elections (GAE) Committee will hold a public hearing on **Monday, March 14, 2016 at 1:00 P.M. in Room 2A of the LOB**. Public speaker order will be determined by a lottery system. Lottery numbers will be drawn between 10:00 A.M. to 10:45 A.M. in Room 2200 of the LOB. Speakers arriving after the completion of the lottery will have their names placed at the end of the speaker list. Please submit 30 copies of written testimony to Committee staff before 10:45 A.M. in Room 2201 of the LOB. Testimony received after the designated time will not be distributed or placed online until after the hearing. Please email written testimony to GAEstestimony@cga.ct.gov. PDF format is strongly preferred. The first hour of the hearing is reserved for Legislators, Constitutional Officers, State Agency Heads and Chief Elected Municipal Officials. Speakers will be limited to three minutes of testimony. All public hearing testimony, written and spoken, is public information. [excerpted from CGA Bulletin]

Additional Background/Resources

- [CEQ Report: Preserved but Maybe Not – the Impermanence of State Conservation Lands](#)
- [CFPA's Conservation Agenda for 2016](#)
- [Original 2015 Conveyance Act](#) (CFPA and others rallied successfully to remove sections 3, 8, 14, and 15 from this bill)