

# CONSTITUTIONAL AMENDMENT TO PROTECT PUBLIC LANDS

## FREQUENTLY ASKED QUESTIONS (FAQ)

### Background

In 2016, the General Assembly approved and the Governor signed [Resolution Act 16-1](#) entitled “Resolution Proposing an Amendment to the Constitution of the State to Protect Real Property Held or Controlled by the State.” [Senate Joint Resolution 39 \(SJ 39\)](#) was passed unanimously by the Government Administration and Elections (GAE) Committee in 2017, but stalled out in the Senate. This resolution must be passed a second time in 2018 to allow the public to vote to amend the state constitution at the ballot box in November, 2018.

### What would the Constitutional Amendment do?

If state-owned property is required by the General Assembly to be sold, traded, or given away, the following process would be required:

- Public hearing in the General Assembly; and
- 2/3 vote in each chamber on a bill limited to the property proposed to be conveyed.

### What problems does the Constitutional Amendment solve?

Selling or giving away public lands without adequate public input has led to:

1. Fragmentation and loss of state holdings which are ecologically valuable, important for healthful outdoor recreation, and necessary for viable farming;
2. Valuable state lands are being given away despite our fiscal crisis. This makes no sense;
3. 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 state;
4. Landowners are discouraged from donating property to the state (they fear that their donation will be given away); and
5. Disposing of land owned by the public without providing an adequate opportunity for public input is a betrayal of the public trust. This resolution will ensure public input.

### What would the Constitutional Amendment not do?

- It would not prohibit the sale, transfer, or disposition of state-owned property, but would ensure a more deliberative and transparent public process.
- It would not interrupt the ability of state agencies to do the following:
  - Enter into or renew lease agreements with municipalities and others;
  - Allow for utility, road, and other easements necessary for work on public lands;
  - Make boundary adjustments with adjacent landowners/municipalities; or
  - Convey state lands through the existing administrative/surplus land processes governed by statute.
- It would not apply to lands without a state ownership interest such as municipal or privately-owned lands.

### **Why is a Constitutional Amendment necessary?**

Each section of the annual Conveyance Act begins with the words “Notwithstanding any provision of the general statutes ...” and would override any statutes that might be more protective of public lands. Also, a House/Senate rules change requiring a public hearing, for example, would be inadequate since votes on conveyance bills often occur at times when the rules are suspended. A Constitutional Amendment will ensure that a public process safeguarding public input is honored.

### **Why does the Constitutional Amendment include all state-owned public lands?**

All State-owned lands are owned by the public, and there is an obvious public interest in how these lands are given away, sold, or traded. The many values of public lands – agricultural, conservation, economic, historical, recreational, etc. – are often unknown or unclassified by the state, or would be difficult to define legally. Sometimes the primary value offered by public lands is to allow legal access to other public lands. A public hearing provides an important opportunity for the General Assembly to better understand these values (or lack thereof) and make the best decision on how specific public lands should be conveyed.

### **Are conservation easements or other state-held interests in public land covered?**

Yes, and it makes sense that land with an easement held by the state (e.g., a land trust property that was acquired with state assistance and includes a state-held conservation easement) should not be sold, traded, or given away by the General Assembly without a public hearing and open vote. Of course, this would only apply if the General Assembly were requiring that the interest of land held by the state be conveyed. Other state-held interests should also be discussed in a public hearing before the General Assembly requires they be conveyed.

### **Is this all about the Haddam Land Swap?**

No, although the Haddam Land Swap did help to bring to light the concerns about conveying valuable public lands as part of political horse-trading. Every year since the Haddam Land Swap took place (it was later repealed), the Conveyance Act has enabled public lands to be given away. The greatest ongoing concern is the ability for additional public lands to be amended to the Conveyance Act in the waning hours of a legislative session with no opportunity for public input.

### **Why should you support the constitutional amendment?**

1. This bill has strong bipartisan support and was approved unanimously by the GAE Committee in both 2016 and 2017;
2. Maine, Massachusetts, and New York have constitutional amendments to better protect state lands, and this has both helped to protect public lands and make clear the process that must be used if they are to be conveyed. Connecticut should take this important step as well; and
3. As the CEQ report *[Preserved But Maybe Not – the Impermanence of State Conservation Lands](#)* makes clear, State Parks, Forests, and other valuable state-owned public lands are too vulnerable to being lost without adequate public input if the existing conveyance act process continues.

If you have any questions about this FAQ sheet or the issue in general, please visit [www.ctwoodlands.org](http://www.ctwoodlands.org) or contact Eric Hammerling, Executive Director at the Connecticut Forest & Park Association via [ehammerling@ctwoodlands.org](mailto:ehammerling@ctwoodlands.org) or 860/346-2372.