

Legislative History for Connecticut Act

HB 9401 PA 585 1973

Senate: Consent (4086) 1

House: P. 6495-6500 6

Finance - 0



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328

CONNECTICUT
GENERAL ASSEMBLY

SENATE

PROCEEDINGS

1878

SPECIAL

SESSION

1878

1879

1880

May 17, 1973

75

C. G. C.

We're removing 1193 for what reason I do not know, but we'll discuss it.

THE CHAIR:

1193 we're removing?

SENATOR ROME:

Page 7, bottom.

THE CLERK:

Yes, I had--that bill called?

THE CHAIR:

Call the bill.

SENATOR ROME:

May we act on my motion. We'll call the bill thereafter, please?

THE CHAIR:

The question is on adoption of the Consent Calendar as enumerated by ~~Senator~~ Majority Leader Rome. All those in favor signify by saying Aye. Is there opposition? Hearing none, the Consent Calendar is adopted.

SENATOR LENGE:

Mr. President. Mr. President.

THE CHAIR:

Senator Rome, would you move--we have some Senate bills, some amended bills...

SENATOR ROME:

I move suspension of the rules for immediate transmittal of all the matters passed to the appropriate authority.

Bills passed on the Consent Calendar HB-8864, HB-8266, HB-9317, HB-8082, HB-8644, HB-9401, HB-8685, HB-8983, SB-2484, HB-8144, HB-9390, HB-8745, HB-8270, HB-8960, HB-8957, HB-9355, SB-2483, SB-2158, HB-8841, SB-2244, HB-9404, HB-9387, HB-8854, HB-8539, HB-8147, HB-8301, SB-2027, HB-8874, SB-1778, HB-8349, HB-8551, SB-2383, HB-9387, SB-2432, HB-8746, HB-8229, HB-9157, HB-9153, HB-8642, HB-9385, HB-8080, HB-9124, HB-8409, HB-8564, HB-8980, HB-8941, HB-8320 and HB-9207.



Tuesday, May 15, 1973 109.

Question is on suspension for immediate transmittal to EFR the Senate. Is there objection to suspension? Without objection the rules are suspended, and the Resolution in question is transmitted...the bill in question.

THE CLERK:

On Page 13 of your Calendar, Calendar No. ...favorable report. Favorable report of the Joint Standing Committee on Finance on H.B. 9401, an Act concerning the conveyance of land held for open space farm and forest land. This bill is not in your Calendar, but it's on the desks. Emergency certification in accordance with 224-226...sorry...226-228 of the Statutes and Joint Rule 15 accompanies the bill. Copies are on the desks of the Members.

THE DEPUTY SPEAKER IN THE CHAIR

HERBERT V. CAMP, JR.:

Mr. Speaker, I move acceptance of the Joint Committee's favorable report and passage of the bill.

MR. SPEAKER:

Question's on acceptance and passage of the bill. Will you remark.

HERBERT V. CAMP, JR.:

Yes, Mr. Speaker. To start with, this bill is under Emergency Certification solely because of a mixup in the Legislative Commissioner's Office. In point of fact, it was taken up by the Finance Committee prior to our expiration date. The bill is, as the bill was on your desk yesterday, Page 1 should be as it was originally typed without the delineations...that is, on Page 32,

Tuesday, May 15, 1973 110.

just below that 32½, the word "and" is not properly there, and the EFR later words in the last three lines should be left in as they were. This was strictly an error that was made after the bill was approved, but the File copy...rather the copy...the original of the bill has been so corrected. What the bill does is four things. Mr. Speaker, it's very difficult to speak when I can't...

MR. SPEAKER:

It's very seldom that the gentleman from the 111th asks for quietness, and with that I will ask that you please accept his request.

HERBERT V. CAMP, JR.:

Thank you, Mr. Speaker. There were four...or rather there were originally in the Baker Commission Report some very substantial changes suggested in the Recapture Bill. In point of fact, the Finance Committee did not approve most of these, and this was all that the Committee would approve, and it's here with their approval. The changes are as follows: As you may recall, a number of years ago we passed a bill which allowed special tax treatment to open space land, in addition to farm and forest land. In the last session of the Legislature, we determined that in order to put fairness into the bill we should have a provision that when these people sold land that they would recapture part of the taxes which they had been privileged not to pay beforehand. This bill adds two exceptions to the Recapture provision. First of all, it adds an exception when property is transferred from an owner to an permanent open space corporation. That's Section L, Lines 37 and following. Second, it adds a provision that when land is sold

Tuesday, May 15, 1973 111.

for one open space purpose, and the purchaser agrees that it's to be maintained in open space for an additional eight years, that's Section N, that would also be an exception. The concept in each case is to encourage open space classification. Section 2 and 3 in the bill respectively add warning devices to people so that they won't be caught in a web of this Recapture provision. The first, Section 2, provides that the land records indicate clearly the possibility of Recapture; and Section 3 indicates that the application by which you make application for open space also indicate the possibility of Recapture. These are just warnings so that nobody will get into this situation of having a potential recapture unwittingly. Mr. Speaker, I think this is good legislation. I move adoption of the Joint Committee's favorable report.

WILLIAM R. RATCHFORD:

Mr. Speaker, if I may, several questions through you to the Chairman of the Committee. To Representative Camp, whether or not this bill was among those heard either at the hearing in Ridgefield or at a public hearing by the Finance Committee on the subject of open spaces?

HERBERT V. CAMP, JR.:

Yes. The whole subject of open space land classification was heard ad nauseum.

WILLIAM R. RATCHFORD:

On the particular bill, was there a position stated either by the Mayors' Association, the Selectmen, or the Assessors of the State?

MR. SPEAKER:

Tuesday, May 15, 1973 112.

Gentleman of the 11th, if you care to respond.

EFR

HERBERT V. CAMP, JR.:

Well, that's difficult, because the bill...this is a substitute bill that came out of the hearings as best we could determine those portions which we were desirous of keeping. A good deal of the legislation that was heard did not come out of the Committee, as I mentioned to start with.

WILLIAM R. RATCHFORD:

Further question, if I might. In view of the fact that in addition to those items indicated as I read the bill, this waives the conveyance tax on this type of a transaction. How much of a loss will our municipalities realize as a result of this legislation?

MR. SPEAKER:

The gentleman of the 11th care to respond?

HERBERT V. CAMP, JR.:

That's difficult, if at all possible, to even guesstimate at, but I would say it was very slight for the exceptions are not very great. After all, in the first instance, the amount of... number of properties that are originally classified for open space and are now...have not been held for ten years and then are classified to a rather...or are sold to a land trust...there isn't that much land/^{to}which that's done. The second provision is that which if you're continuing an open space classification again, I don't think any statistics have been compiled. I doubt if it's a significant figure in any town.

WILLIAM R. RATCHFORD:

Tuesday, May 15, 1973 113.

But the answer specifically is that this information is EFR not known?

HERBERT V. CAMP, JR.:

I think it's not available.

ANDREW R. GRANDE:

Mr. Speaker, a question to Representative Camp.

MR. SPEAKER:

Please state your question.

ANDREW R. GRANDE:

On the statement of purpose in the last line it indicates open space, forest, farm land, or similar use. Would this come into effect with the new Inland Wetlands Bill coming before this House? Would the Inland Wetlands...

HERBERT V. CAMP, JR.:

No, I think the^{"or}/similar use!..excuse me...I think that "or similar use" is in error, because the only time you can get open space classification is under rather narrowly defined terms where you either have open space...a farm that is 26...I'm sorry ...a farm which is certain classifications...by your income...and third is forest land, which requires you have 26 acres and it be inspected by the State Forester...a lot of other regulations. It's very restricted...that is...the provisions to which this apply initially are very restrictive.

ANDREW R. GRANDE:

Well, the words currently in this bill "similar use"... are they properly in this...

HERBERT V. CAMP, JR.:

Tuesday, May 15, 1973 114.

I think the statement of purpose is not correct in that EFR respect.

ANDREW R. GRANDE:

Thank you very much.

MR. SPEAKER:

Are there any further remarks? If not, I would ask that all Members take their seats, the aisles be cleared, and all staff members please return to the well of the House. The Clerk will announce a roll call vote outside the Chamber. All Members please take their seats. Staff members return to the well of the House, please. The machine will be opened. The machine will be locked, and the Clerk will please take a tally. The Clerk will please announce the tally.

THE CLERK:

Total number voting - 146. Necessary for passage - 74. Those voting yea - 146. Those voting nay - none. Those absent and not voting - 5.

MR. SPEAKER:

Joint Committee's favorable report is accepted, and the bill is passed.

THE CLERK:

Returning to Calendar No. 865, on Page 13 of your Calendar, Substitute H.B. 9124, your File 917, an Act concerning unused railroad tracks and rights of way. Favorable report of the Committee on Banks and Regulated Activities.

MYRON E. YUDKIN:

Mr. Speaker, I move the Joint Committee's favorable re^{port}