



House of Representatives

General Assembly

File No. 239

February Session, 2004

House Bill No. 5558

House of Representatives, March 24, 2004

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE CONVEYANCE OF INTERESTS IN REAL PROPERTY TO LAND TRUSTS AND OTHER NONPROFIT LAND-HOLDING ORGANIZATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2004*) (a) As used in this
2 section:

3 (1) "Nonprofit land-holding organization" means a nonprofit
4 corporation incorporated pursuant to chapter 602 of the general
5 statutes, or any predecessor statute thereto, having as one of its
6 principal purposes the conservation and preservation of land,
7 including, but not limited to, a land trust; and

8 (2) "Conservation restriction" has the same meaning as provided in
9 section 47-42a of the general statutes.

10 (b) Any deed or other instrument of conveyance by which an
11 interest in real property, including, but not limited to, a conservation

12 restriction or easement, is conveyed to a nonprofit land-holding
13 organization on or after the effective date of this section shall, in
14 addition to other requirements of law, be executed by a duly
15 authorized officer of such organization to indicate acceptance of such
16 interest by the organization. Any purported conveyance of an interest
17 in real property to a nonprofit land-holding organization on or after
18 the effective date of this section that does not comply with the
19 provisions of this subsection shall be void.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill effectively precludes any future conveyance of land to a nonprofit land-holding organization (including land trusts) without its knowledge and acquiescence. There is no anticipated fiscal impact.

OLR Bill Analysis

HB 5558

AN ACT CONCERNING THE CONVEYANCE OF INTERESTS IN REAL PROPERTY TO LAND TRUSTS AND OTHER NONPROFIT LAND-HOLDING ORGANIZATIONS**SUMMARY:**

The bill requires that any deed or other instrument that conveys an interest in land to a nonprofit land-holding organization after September 30, 2004 be executed by a duly authorized officer of such organization indicating that the organization accepts the conveyance. The bill specifies that its requirements apply to a conservation restriction or easement.

A nonprofit land-holding organization is a nonprofit corporation incorporated under Connecticut law, having as one of its principal purposes the conservation and preservation of land. It includes a land trust.

Under the bill, any attempted conveyance of an interest in real property to a nonprofit land-holding organization after September 30, 2004 that does not comply with it is void.

EFFECTIVE DATE: October 1, 2004

BACKGROUND***Conservation Restriction***

A "conservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the land owner, or in any order of taking such land, whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use (CGS § 47-42a)

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 38 Nay 0