



House of Representatives

General Assembly

File No. 85

February Session, 2006

House Bill No. 5444

House of Representatives, March 22, 2006

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT ESTABLISHING A DEPARTMENT OF ENVIRONMENTAL PROTECTION LAND TRUST LEGAL ACTION ACCOUNT.

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

1 Section 1. (NEW) (*Effective July 1, 2006*) (a) There shall be a nonprofit
2 land conservation organization legal action account, which shall be a
3 separate, nonlapsing account within the General Fund, for the
4 Department of Environmental Protection. The Commissioner of
5 Environmental Protection may use said account to make grants to
6 nonprofit land conservation organizations to enable such
7 organizations to take legal action against individuals or entities that
8 encroach upon land owned or upon land on which such organizations
9 have conservation restrictions. In making such grants, the
10 commissioner shall consider the legitimacy of the nonprofit land
11 conservation organization, the existence and location of boundary
12 markers on the land encroached upon and any other relevant factors.

13 (b) If the commissioner makes a grant pursuant to subsection (a) of
14 this section to a nonprofit land conservation organization and the

15 organization prevails in a legal action against an encroacher, the
16 organization shall reimburse the commissioner in the amount of the
17 grant, provided the organization recovers a sufficient monetary award
18 to do so.

19 (c) The commissioner may adopt regulations, in accordance with the
20 provisions of chapter 54 of the general statutes, to carry out the
21 purposes of this section.

22 Sec. 2. (*Effective July 1, 2006*) The sum of one hundred thousand
23 dollars is appropriated to the Department of Environmental
24 Protection, from the General Fund, for the fiscal year ending June 30,
25 2007, to fund the account established in section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	New section
Sec. 2	<i>July 1, 2006</i>	New section

ENV *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:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Environmental Protection	GF - Cost	\$100,000	Indeterminate

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes a nonlapsing, nonprofit land conservation organization legal action account within the General Fund for the Department of Environmental Protection (DEP) to make grants to nonprofit land conservation organizations to take legal action. This bill appropriates \$100,000 from the General Fund, for the fiscal year ending June 30, 2007 to fund the account. HB 5007, the Governor’s recommended budget does not contain funds for this purpose. It is anticipated the DEP could administer the program within budgeted resources.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis
HB 5444*****AN ACT ESTABLISHING A DEPARTMENT OF ENVIRONMENTAL
PROTECTION LAND TRUST LEGAL ACTION ACCOUNT.*****SUMMARY:**

This bill creates a “nonprofit land conservation organization legal action account” as a separate, non-lapsing account for the Department of Environmental Protection (DEP) within the General Fund, and appropriates \$100,000 to fund it for FY 07. It authorizes the commissioner to provide grants from the account to enable nonprofit land conservation organizations to take legal action against people or entities that encroach upon land the organizations own or on which they have conservation restrictions. The commissioner must consider the organization’s “legitimacy,” the existence and location of boundary markers on the land encroached upon, and other relevant factors when making such grants. She may adopt regulations to carry out the bill’s purposes. The bill does not define legitimacy, but this might be done in regulations she adopts.

An organization that receives such a grant must reimburse the commissioner in the amount of the grant if it (1) prevails in its legal action, and (2) has received a large enough monetary award to do so.

EFFECTIVE DATE: July 1, 2006

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 25 Nay 0 (03/08/2006)