



# Senate

General Assembly

**File No. 258**

February Session, 2016

Substitute Senate Bill No. 144

*Senate, March 29, 2016*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING LAND THAT IS SUBJECT TO A  
CONSERVATION RESTRICTION HELD BY A NONPROFIT LAND-  
HOLDING ORGANIZATION.***

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

1 Section 1. Section 47-27 of the 2016 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2016*):

4 (a) No length of possession, use or occupancy of land belonging to a  
5 railroad or street railway corporation and used for its corporate  
6 purposes shall create or continue any right in or to such land. No  
7 length of possession, use or occupancy by a railroad or street railway  
8 corporation of land belonging to another shall create or continue any  
9 right in or to such land.

10 (b) No length of possession, use or occupancy of land belonging to a  
11 nonprofit land-holding organization or of the portion of any parcel of  
12 land subject to a conservation restriction, as defined in section 47-42a,

13 held by a nonprofit land-holding organization shall create or continue  
 14 any right in or to such land. No length of possession, use or occupancy  
 15 of land subject to a conservation restriction, as defined in section 47-  
 16 42a, held by a nonprofit land-holding organization shall have the effect  
 17 of terminating or modifying the conservation restriction. As used in  
 18 this subsection, "nonprofit land-holding organization" means a  
 19 nonprofit corporation incorporated pursuant to chapter 602 or any  
 20 predecessor statute thereto, having as one of its principal purposes the  
 21 conservation and preservation of land.

22 (c) No length of possession, use or occupancy of land classified as  
 23 class I or class II land under section 25-37c and belonging to an  
 24 investor-owned water company shall create or continue any right in or  
 25 to such land. The provisions of this subsection shall not affect any right  
 26 in or to such land acquired by length of possession, use or occupancy  
 27 pursuant to law prior to October 1, 2002. As used in this subsection,  
 28 "water company" has the same meaning as provided in section 16-1.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	47-27

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill adds clarifying language to statute concerning land subject to a conservation restriction and does not have a fiscal impact to the state or municipalities.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sSB 144*****AN ACT CONCERNING LAND THAT IS SUBJECT TO A CONSERVATION RESTRICTION HELD BY A NONPROFIT LAND-HOLDING ORGANIZATION.*****SUMMARY:**

By law, land subject to a conservation restriction (i.e., a legal agreement that limits the land's allowable uses to conservation purposes) that is held by a non-profit land-holding organization may not be acquired by adverse possession. The bill specifies that no length of possession, use, or occupancy of such land affects the conservation restriction.

Connecticut law recognizes adverse possession as a way to acquire title to property. Adverse possession is accomplished by an open, visible, exclusive, and uninterrupted possession of land for 15 years (CGS § 52-575). The law also recognizes the right to acquire a right-of-way or other easement by continuous, uninterrupted use of someone else's land for 15 years (CGS § 47-37).

EFFECTIVE DATE: October 1, 2016

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/11/2016)