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Testimony to Judiciary Committee in Opposition to Senate Bill 144

Submitted by: Lisa Bassani, Working Lands Alliance
February 24, 2016

Senator Coleman, Representative Tong, and Committee members:

The Working Lands Alliance appreciates this opportunity to submit testimony on Senate Bill 144, An Act Concerning Land that is Subject to a Conservation Restriction Held by a Nonprofit Land-Holding Organization.

The Working Lands Alliance is a broad-based, statewide coalition dedicated to preserving Connecticut's farmland, and includes such organizations as American Farmland Trust, Connecticut Forest & Park Association, CT Farmland Trust, End Hunger CT!, Connecticut Farm Bureau, CT Land Conservation Council, among many others. Our efforts focus on increasing the pace of farmland preservation and advancing agricultural viability in Connecticut.

Our coalition strongly opposes the changes proposed in Senate Bill 144, which would weaken protections on conserved lands by allowing title to all or a portion of the property subject to a conservation restriction to be claimed by adverse possession. In 1999, the legislature rightfully recognized the unique value and importance of our land trust lands and prohibited the taking of title of those conserved lands "belonging to" land trusts by adverse possession (PA 99-64). Last year, the legislature passed and the Governor signed a bill (PA 15-211) clarifying that the reference to lands "belonging to" land trusts in Section 47-27 of the Connecticut General Statutes included not only lands held by land trusts in fee but also lands protected by conservation restrictions. SB 144 would undo the important and necessary protections to land trusts from claims of adverse possession provided for in the 2015 bill.

Our coalition is concerned with the impact the changes in SB 144 would have on our state's land trusts – many of which operate with all-volunteer staff and relatively small budgets to enforce the terms of conservation restrictions on their lands. The changes proposed in SB 144 put a greater financial burden on our land trusts to defend against encroachments and it increases the likelihood of such encroachments and other violations taking place on the thousands of acres conserved land in their custody. In fact, this change to Section 47-27 rewards

those who intentionally encroach on protected lands and puts an undue burden on the land trust community to defend against such egregious attempts to expropriate land.

Thus, we urge this Committee to oppose the changes to Section 47-27 proposed in SB 144 and continue to provide the necessary protections to the land trust community as is afforded under current statute.