

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House  
3 Bill No. 859 entitled “An act relating to requiring municipal corporations to  
4 affirmatively vote to retain ownership of lease lands” respectfully reports that  
5 it has considered the same and recommends that the Senate propose to the  
6 House that the bill be amended by striking out all after the enacting clause and  
7 inserting in lieu thereof the following:

8 Sec. 1. 24 V.S.A. § 2409 is added to read:

9 § 2409. RETENTION OF MUNICIPAL OWNERSHIP OF LEASE LANDS

10 (a) As used in this section:

11 (1) “Legislative body” means the officer or officers of a municipal  
12 corporation who are charged with the care of the municipal corporation’s lease  
13 lands.

14 (2) “Lessee” means the person entitled to possess, enjoy, and use land  
15 subject to a perpetual lease and shall include the person’s heirs, executors,  
16 administrators, and assigns.

17 (3) “Municipal corporation” shall have the same meaning as  
18 “municipality” in 1 V.S.A. § 126 and shall also include every municipal  
19 corporation identified in subdivision 1751(1) of this title, county grammar  
20 schools, any unorganized towns and gores in the State, and any of the unified

1 towns and gores of Essex County. “Municipal corporation” shall not include  
2 the University of Vermont and State Agricultural College.

3 (4) “Perpetual lease” means any leasehold interest in Vermont land, and  
4 every estate in Vermont land other than fee simple absolute, the title to which  
5 is held by a municipal corporation according to section 2401 of this title,  
6 arising out of or created by an instrument of lease that conveys to a person  
7 designated as lessee the right to possess, enjoy, and use the land in perpetuity  
8 or substantially in perpetuity. “Perpetual lease” shall include leasehold  
9 interests that are subject to restrictions on the lessee’s use of the land and shall  
10 include lands that the municipal corporation may repossess for nonpayment of  
11 rent or other default under the terms of the lease.

12 (5) “Perpetual lease land” means all land described in a perpetual lease  
13 that is owned by or vested in a municipal corporation. “Perpetual lease land”  
14 does not include land described in a perpetual lease that is held in title by any  
15 person other than a municipal corporation, or any land described in a perpetual  
16 lease over which the municipal corporation acts exclusively as trustee.

17 (b)(1) On January 1, 2020, fee simple title to perpetual lease lands shall  
18 vest in the current lessee of record, free and clear of the interest of a municipal  
19 corporation as the owner of perpetual lease lands, unless prior to that date the  
20 legislative body of the municipal corporation votes in the affirmative to retain

1 ownership of some or all of the perpetual lease lands within that municipal  
2 corporation.

3 (2) The legislative body of a municipal corporation may vote to  
4 relinquish its ownership interest to some or all of the perpetual lease lands  
5 within that municipal corporation. Upon such a vote, fee simple title to  
6 perpetual lease lands shall vest in the current lessee of record.

7 (3) When fee simple title to perpetual lease land vests in the current  
8 lessee of record pursuant to this subsection (b), the land shall remain subject to  
9 any other encumbrances of record, including municipal encumbrances and  
10 easements.

11 (c) Nothing in this section shall prevent a municipal corporation that has  
12 retained ownership of perpetual lease land from later conveying the land in  
13 accordance with section 2406 of this title.

14 Sec. 2. 24 V.S.A. § 1061 is amended to read:

15 § 1061. CONVEYANCE OF REAL ESTATE

16 \* \* \*

17 (c) Notwithstanding the provisions of subsections (a) and (b) of this  
18 section, the legislative body of a town or village may authorize the conveyance  
19 of municipal real estate if the conveyance:

20 \* \* \*

1 (3) Involves real estate used for housing or urban renewal projects under  
2 chapter 113 of this title.

3 (4) Involves lease land pursuant to chapter 65, subchapter 1 of this title.

4 \* \* \*

5 Sec. 3. EFFECTIVE DATE

6 This act shall take effect on July 1, 2018.

7

8

9 (Committee vote: \_\_\_\_\_)

10 \_\_\_\_\_

11 Senator \_\_\_\_\_

12 FOR THE COMMITTEE