



General Assembly

January Session, 2001

**Raised Bill No. 5916**

LCO No. 2842

Referred to Committee on Transportation

Introduced by:  
(TRA)

**AN ACT CONCERNING CONSIDERATION OF ENVIRONMENTAL  
REMEDATION COSTS IN DETERMINING FAIR MARKET VALUE OF  
PROPERTY ACQUIRED BY THE COMMISSIONER OF  
TRANSPORTATION.**

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

1 Section 13a-76 of the general statutes is repealed and the following  
2 is substituted in lieu thereof:

3 Any person claiming to be aggrieved by the assessment of such  
4 special damages or such special benefits by the commissioner may, at  
5 any time within six months after the same has been so filed, apply to  
6 the superior court for the judicial district within which such land is  
7 situated or, if said court is not in session, to any judge thereof for a  
8 reassessment of such damages or such benefits so far as the same affect  
9 such applicant, and said court or such judge, after causing notice of the  
10 pendency of such application to be given to said commissioner, shall  
11 appoint a judge trial referee to make such reassessment of such  
12 damages or such benefits. Such trial referee, having given at least ten  
13 days' notice to the parties interested of the time and place of hearing,  
14 shall hear the applicant and said commissioner, shall view the land

15 and take such testimony as such trial referee deems material and shall  
16 thereupon reassess such damages and benefits so far as they affect  
17 such applicant. The reassessment of such trial referee shall take into  
18 account any evidence relevant to the fair market value of the property,  
19 including evidence of required environmental remediation. Such trial  
20 referee shall make a separate finding for remediation costs, and the  
21 property owner shall be entitled to a set-off of such costs in any  
22 pending or subsequent action to recover remediation costs for the  
23 property. If the amount of the reassessment of such damages awarded  
24 to any such property owner exceeds the amount of the assessment of  
25 such damages by the commissioner for such land, such trial referee  
26 shall award to such property owner such appraisal fees as such trial  
27 referee determines to be reasonable. If no appeal to the Appellate  
28 Court is filed within the time allowed by law, or if one is filed and the  
29 proceedings have terminated in a final judgment finding the amount  
30 due the landowner, the clerk shall send a certified copy of the  
31 assessment of the commissioner and of the judgment to the  
32 Comptroller, who shall, upon receipt thereof, draw his order upon the  
33 Treasurer in favor of the landowner for the amount due him as  
34 damages. The pendency of any such application for reassessment shall  
35 not prevent or delay the layout, extension, alteration, widening,  
36 change of grade or other improvement of any such highway. As used  
37 in this section, a trial referee means a referee appointed pursuant to  
38 subdivision (1) or (2) of subsection (a) of section 52-434 and designated  
39 a trial referee pursuant to subsection (b) of said section.

***Statement of Purpose:***

To require that a state trial referee take into account required environmental remediation costs in determining the fair market value of property acquired by the Commissioner of Transportation.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*