



General Assembly

Substitute Bill No. 5916

January Session, 2001

**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 1. Section 13a-76 of the general statutes is repealed and the
2 following 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] an order upon
33 the Treasurer in favor of the landowner for the amount due [him] the
34 landowner as damages. The pendency of any such application for
35 reassessment shall not prevent or delay the layout, extension,
36 alteration, widening, change of grade or other improvement of any
37 such highway. As used in this section, a trial referee means a referee
38 appointed pursuant to subdivision (1) or (2) of subsection (a) of section
39 52-434 and designated a trial referee pursuant to subsection (b) of said
40 section.

41 Sec. 2. This act shall take effect from its passage.

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