



General Assembly

February Session, 2002

Amendment

LCO No. 4628

HB0571804628HD0

Offered by:

REP. STRATTON, 17th Dist.

To: Subst. House Bill No. 5718

File No. 267

Cal. No. 166

**"AN ACT CONCERNING THIRD-PARTY LIABILITY FOR
CONTAMINATED PROPERTY AND MINOR REVISIONS TO
ENVIRONMENTAL STATUTES."**

1 Strike section 1 in its entirety and renumber the remaining sections
2 accordingly

3 After line 49, insert the following and renumber the remaining
4 sections accordingly:

5 "Sec. 3. Subdivision (1) of section 22a-134 of the general statutes, as
6 amended by section 15 of public act 01-204 and section 73 of public act
7 01-9 of the June special session, is repealed and the following is
8 substituted in lieu thereof (*Effective October 1, 2002*):

9 (1) "Transfer of establishment" means any transaction or proceeding
10 through which an establishment undergoes a change in ownership, but
11 does not mean (A) conveyance or extinguishment of an easement, (B)
12 conveyance of an establishment through a foreclosure, as defined in
13 subsection (b) of section 22a-452f, or any other conveyance of an

14 establishment by a committee appointed by a court for the purpose of
15 selling the establishment pursuant to an order of the court, (C)
16 conveyance of a deed in lieu of foreclosure to a lender, as defined in
17 and that qualifies for the secured lender exemption pursuant to
18 subsection (b) of section 22a-452f, (D) conveyance of a security interest,
19 as defined in subdivision (7) of subsection (b) of section 22a-452f, (E)
20 termination of a lease and conveyance, assignment or execution of a
21 lease for a period less than ninety-nine years including conveyance,
22 assignment or execution of a lease with options or similar terms that
23 will extend the period of the leasehold to ninety-nine years, or from
24 the commencement of the leasehold, ninety-nine years, including
25 conveyance, assignment or execution of a lease with options or similar
26 terms that will extend the period of the leasehold to ninety-nine years,
27 or from the commence of the leasehold (F) any change in ownership
28 approved by the Probate Court, (G) devolution of title to a surviving
29 joint tenant, or to a trustee, executor, or administrator under the terms
30 of a testamentary trust or will, or by intestate succession, (H) corporate
31 reorganization not substantially affecting the ownership of the
32 establishment, (I) the issuance of stock or other securities of an entity
33 which owns or operates an establishment, (J) the transfer of stock,
34 securities or other ownership interests representing less than forty per
35 cent of the ownership of the entity that owns or operates the
36 establishment, (K) any conveyance of an interest in an establishment
37 where the transferor is the sibling, spouse, child, parent, grandparent,
38 child of a sibling or sibling of a parent of the transferee, or an attorney
39 appointed as a committee of a sale by a court to effect an order of a
40 court including, but not limited to, a sale of property in a foreclosure
41 or a partition auction, (L) conveyance of an interest in an establishment
42 to a trustee of an inter vivos trust created by the transferor solely for
43 the benefit of one or more of the sibling, spouse, child, parent,
44 grandchild, child of a sibling or sibling of a parent of the transferor,
45 (M) any conveyance of a portion of a parcel upon which portion no
46 establishment is or has been located and upon which there has not
47 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
48 of hazardous waste, provided either the area of such portion is not

49 greater than fifty per cent of the area of such parcel or written notice of
50 such proposed conveyance and an environmental condition
51 assessment form for such parcel is provided to the commissioner sixty
52 days prior to such conveyance, (N) conveyance of a service station, as
53 defined in subdivision (5) of this section, (O) any conveyance of an
54 establishment which, prior to July 1, 1997, had been developed solely
55 for residential use and such use has not changed, (P) any conveyance
56 of an establishment to any entity created or operating under chapter
57 130 or 132, or to an urban rehabilitation agency, as defined in section
58 8-292, or to a municipality under section 32-224, or to the Connecticut
59 Development Authority or any subsidiary of the authority, (Q) any
60 conveyance of a parcel in connection with the acquisition of properties
61 to effectuate the development of the overall project, as defined in
62 section 32-651, (R) the conversion of a general or limited partnership to
63 a limited liability company under section 34-199, (S) the transfer of
64 general partnership property held in the names of all of its general
65 partners to a general partnership which includes as general partners
66 immediately after the transfer all of the same persons as were general
67 partners immediately prior to the transfer, (T) the transfer of general
68 partnership property held in the names of all of its general partners to
69 a limited liability company which includes as members immediately
70 after the transfer all of the same persons as were general partners
71 immediately prior to the transfer, or (U) acquisition of an
72 establishment by any governmental or quasi-governmental
73 condemning authority."

74 In line 63, strike "a small or large" and insert in lieu thereof "any real
75 property or business operation that would qualify as an establishment
76 solely as a result of the activities of a universal waste handler or a
77 universal waste transfer facility, provided such activities are in
78 compliance with by regulations adopted by the commissioner under
79 subsection (c) of section 22a-449. For purposes of this subdivision,
80 "universal waste handler" and "universal waste transfer facility" shall
81 have the same meaning as in the regulations adopted by the
82 commissioner under subsection (c) of section 22a-449 as of the effective

83 date of this section."

84 Strike lines 64 to 67, inclusive, in their entirety

85 In line 68, strike "month."

86 Change the effective date of section 4 to "Effective from passage"

87 Strike lines 118 to 124, inclusive, and insert the following in lieu
88 thereof:

89 "(e) No water company acting in compliance with the provisions of
90 this section shall be liable in damages except with respect to wilful or
91 wanton conduct for injury or property damage to any person who
92 enters upon its lands or waters under the provisions of this section.
93 The provisions of this subsection shall apply to any water company
94 that sold land to this state pursuant to section 27 of public act 01-7 of
95 the June special session, as amended by section 15 of public act 01-9 of
96 the June special session."

97 After line 167, insert the following:

98 "Sec. 8. Section 27 of public act 01-7 of the June special session, as
99 amended by section 15 of public act 01-9 of the June special session is
100 amended by adding subsections (f) and (g) as follows (*Effective July 1,*
101 *2002*):

102 (NEW) (f) Notwithstanding any provision of the general statutes,
103 special police officers for utility companies, appointed by the
104 Commissioner of Public Safety pursuant to section 29-19, and
105 conservation officers, special conservation officers and patrolmen,
106 appointed by the Commissioner of Environmental Protection pursuant
107 to section 26-5, shall have jurisdiction over any land subject to the
108 terms of any such contract and all such conservation officers shall have
109 the same authority to make arrests on such lands as they have under
110 section 29-18 for lands owned by the Department of Environmental
111 Protection.

112 (NEW) (g) Notwithstanding any provision of the general statutes,
113 the Department of Environmental Protection shall deposit the revenue
114 derived from the management of such land subject to the terms of any
115 such contract, including silviculture operations, in a separate,
116 nonlapsing account. Any balance remaining in the account at the end
117 of any fiscal year shall be carried forward in the account for the fiscal
118 year next succeeding. The Department of Environmental Protection
119 shall authorize the utilization of funds from such account for
120 maintenance and improvement projects on such lands. Funding
121 priorities shall be established jointly with the Commissioner of
122 Environmental Protection, the BHC Company and the Nature
123 Conservancy, which priorities shall be consistent with the Natural
124 Resources Management Agreement for such lands.

125 Sec. 9. Subsection (g) of section 22a-6 of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective from*
127 *passage*):

128 (h) The commissioner may propose to adopt regulations pertaining
129 to activities for which the federal government has adopted standards
130 or procedures. All provisions of such proposed regulations which
131 differ from [the applicable] federal standards or procedures shall be
132 clearly distinguishable from such standards or procedures either on
133 the face of the proposed regulation or through supplemental
134 documentation accompanying the proposed regulation at the time of
135 the [public hearing on] notice concerning such proposed regulation
136 required under chapter 54 and shall be publicly available at the time of
137 the notice concerning the proposed regulation required under chapter
138 54. An explanation for all such provisions shall be included in the
139 regulation-making record required under chapter 54. This subsection
140 shall apply to any regulation for which a notice of intent to adopt is
141 published on and after July 1, 1999."