



General Assembly

**Amendment**

February Session, 2002

LCO No. 5661

\*HB0571805661HDO\*

Offered by:

REP. STONE, 9<sup>th</sup> Dist.

REP. STRATTON, 17<sup>th</sup> 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 After line 167, insert the following:

2 "Sec. 8. Subsection (a) of section 12-504a of the general statutes is  
3 repealed and the following is substituted in lieu thereof (*Effective*  
4 *October 1, 2002*):

5 (a) Any land which has been classified by the record owner thereof  
6 as open space land pursuant to section 12-107e, as amended, if sold by  
7 him within a period of ten years from the time he first caused such  
8 land to be so classified, shall be subject to a conveyance tax applicable  
9 to the total sales price of such land, which tax shall be in addition to  
10 the tax imposed under sections 12-494 to 12-504, inclusive. Said  
11 conveyance tax shall be at the following rate: (1) Ten per cent of said  
12 total sales price if sold within the first year following the date of such  
13 classification; (2) nine per cent if sold within the second year following

14 the date of such classification; (3) eight per cent if sold within the third  
15 year following the date of such classification; (4) seven per cent if sold  
16 within the fourth year following the date of such classification; (5) six  
17 per cent if sold within the fifth year following the date of such  
18 classification; (6) five per cent if sold within the sixth year following  
19 the date of such classification; (7) four per cent if sold within the  
20 seventh year following the date of such classification; (8) three per cent  
21 if sold within the eighth year following the date of such classification;  
22 (9) two per cent if sold within the ninth year following the date of such  
23 classification; and (10) one per cent if sold within the tenth year  
24 following the date of such classification. No conveyance tax shall be  
25 imposed on such record owner by the provisions of sections 12-504a to  
26 12-504f, inclusive, as amended, following the end of the tenth year  
27 after the date of such classification by such record owner. No  
28 conveyance tax shall be imposed on such record owner by the  
29 provisions of sections 12-504a to 12-504f, inclusive, as amended by this  
30 act, upon the sale of such property to the municipality pursuant to the  
31 provisions of section 12-107e, as amended. Notwithstanding any other  
32 provision of the general statutes, any moneys collected by a  
33 municipality pursuant to this subsection shall be used for the purchase  
34 of open space within such municipality.

35 Sec. 9. Section 7-131b of the general statutes is repealed and the  
36 following is substituted in lieu thereof (*Effective October 1, 2002*):

37 (a) Any municipality may, by vote of its legislative body, by  
38 purchase, condemnation, gift, devise, lease or otherwise, acquire any  
39 land in any area designated as an area of open space land on any plan  
40 of development of a municipality adopted by its planning commission  
41 or any easements, interest or rights therein and enter into covenants  
42 and agreements with owners of such open space land or interests  
43 therein to maintain, improve, protect, limit the future use of or  
44 otherwise conserve such open space land.

45 (b) Any owner who encumbers his property by conveying a less  
46 than fee interest to any municipality under subsection (a) of this

47 section or to a nonprofit land conservation organization shall, upon  
48 written application to the assessor or board of assessors of the  
49 municipality in which the property is located, be entitled to a  
50 revaluation of such property to reflect the existence of such  
51 encumbrance, effective with respect to the next-succeeding assessment  
52 list of such municipality. Any such owner shall be entitled to such  
53 revaluation, notwithstanding the fact that he conveyed such less than  
54 fee interest prior to October 1, 1971, provided no such revaluation shall  
55 be effective retroactively.

56 (c) Any owner aggrieved by a revaluation under subsection (b) of  
57 this section may appeal to the board of assessment appeals in  
58 accordance with the provisions of sections 12-111, as amended, and 12-  
59 112 and may appeal from the decision of the board of assessment  
60 appeals in accordance with the provisions of section 12-117a.

61 Sec. 10. Subsection (b) of section 7-131g of the general statutes, as  
62 amended by section 9 of public act 01-204 and section 73 of public act  
63 01-9 of the June special session, is repealed and the following is  
64 substituted in lieu thereof (*Effective October 1, 2002*):

65 (b) The Commissioner of Environmental Protection may make  
66 grants under the open space and watershed land acquisition program  
67 to: (1) Municipalities for acquisition of land for open space under  
68 subdivisions (1) to (6), inclusive, of subsection (b) of section 7-131d, as  
69 amended, in an amount not to exceed fifty per cent of the fair market  
70 value of a parcel of land or interest in land proposed to be acquired; (2)  
71 municipalities for acquisition of land for class I and class II water  
72 supply protection under subdivision (5) of subsection (b) of said  
73 section 7-131d, in an amount not to exceed [sixty-five] fifty per cent of  
74 such value; (3) nonprofit land conservation organizations for  
75 acquisition of land for open space or watershed protection under  
76 subdivisions (1) to (6), inclusive, of subsection (b) of said section 7-  
77 131d, in an amount not to exceed fifty per cent of such value; (4) water  
78 companies for acquisition of land under subdivision (7) of subsection  
79 (b) of said section 7-131d, in an amount not to exceed [forty] fifty per

80 cent of such value provided if such a company proposes in a grant  
81 application that it intends to allow access to such land for recreational  
82 uses, such company shall seek approval of the Commissioner of Public  
83 Health for such access; and (5) distressed municipalities or targeted  
84 investment communities, as defined in section 32-9p, as amended, or,  
85 with the approval of the chief elected official or governing legislative  
86 body of such a municipality or community, to a nonprofit land  
87 conservation organization, for acquisition of land within that  
88 municipality or community, for open space under subdivisions (1) to  
89 (6), inclusive, of subsection (b) of said section 7-131d, in an amount not  
90 to exceed sixty-five per cent of such value or for performance of work  
91 in the restoration, enhancement or protection of resources in an  
92 amount not to exceed fifty per cent of the cost of such work.  
93 Applicants for grants under the program shall provide a copy of the  
94 application to the chairperson of the review board established under  
95 section 7-131e, as amended. The board shall provide comments to the  
96 commissioner on pending applications as it deems necessary.

97 Sec. 11. Section 12-504c of the general statutes is repealed and the  
98 following is substituted in lieu thereof (*Effective October 1, 2002*):

99 The provisions of section 12-504a, as amended by this act, shall not  
100 be applicable to the following: (a) Transfers of land resulting from  
101 eminent domain proceedings; (b) mortgage deeds; (c) deeds to or by  
102 the United States of America, state of Connecticut or any political  
103 subdivision or agency thereof; (d) strawman deeds and deeds which  
104 correct, modify, supplement or confirm a deed previously recorded; (e)  
105 deeds between husband and wife and parent and child when no  
106 consideration is received, except that a subsequent nonexempt transfer  
107 by the grantee in such cases shall be subject to the provisions of section  
108 12-504a, as amended by this act, as it would be if the grantor were  
109 making such nonexempt transfer; (f) tax deeds; (g) deeds releasing any  
110 property which is a security for a debt or other obligation; (h) deeds of  
111 partition; (i) deeds made pursuant to a merger of a corporation; (j)  
112 deeds made by a subsidiary corporation to its parent corporation for  
113 no consideration other than the cancellation or surrender of the capital

114 stock of such subsidiary; (k) property transferred as a result of death  
115 by devise or otherwise and in such transfer the date of acquisition or  
116 classification of the land for purposes of sections 12-504a to 12-504f,  
117 inclusive, as amended by this act, whichever is earlier, shall be the date  
118 of acquisition or classification by the decedent; (l) deeds to any  
119 corporation, trust or other entity, of land to be held in perpetuity for  
120 educational, scientific, aesthetic or other equivalent passive uses,  
121 provided such corporation, trust or other entity has received a  
122 determination from the Internal Revenue Service that contributions to  
123 it are deductible under applicable sections of the Internal Revenue  
124 Code; (m) land subject to a covenant specifically set forth in the deed  
125 transferring title to such land, which covenant is enforceable by the  
126 town in which such land is located or by a nonprofit land conservation  
127 organization, to refrain from selling or developing such land in a  
128 manner inconsistent with its classification as farm land pursuant to  
129 section 12-107c, as amended, forest land pursuant to section 12-107d,  
130 as amended, or open space land pursuant to section 12-107e, as  
131 amended, for a period of not less than eight years from the date of  
132 transfer, if such covenant is violated the conveyance tax set forth in  
133 this chapter shall be applicable at the rate which would have been  
134 applicable at the date the deed containing the covenant was delivered  
135 and, in addition, the town or any taxpayer therein may commence an  
136 action to enforce such covenant; and (n) land the development rights to  
137 which have been sold to the state under chapter 422a. If such action is  
138 taken by such a taxpayer, the town shall be served as a necessary  
139 party.

140 Sec. 12. Subsection (a) of section 23-75 of the general statutes is  
141 repealed and the following is substituted in lieu thereof (*Effective*  
142 *October 1, 2002*):

143 (a) The Commissioner of Environmental Protection shall acquire  
144 land by purchase, gift or devise for the purposes set forth in section 23-  
145 74. The title to any land acquired pursuant to sections 23-73 to 23-79,  
146 inclusive, shall be vested in the state. In determining whether sites  
147 shall be acquired, the department shall consider whether the site is: (1)

148 Identified as having high priority recreation, forestry, fishery, wildlife  
149 or conservation value, including, but not limited to, the conservation of  
150 grasslands and as being consistent with the state comprehensive plan  
151 for outdoor recreation and the state plan of conservation and  
152 development; (2) a prime natural feature of the Connecticut landscape,  
153 such as a major river, its tributaries and watershed, mountainous  
154 territory, an inland or coastal wetland, a significant littoral or estuarine  
155 or aquatic site or any other important geologic feature; (3) habitat for  
156 native plant or animal species listed as threatened or endangered or of  
157 special concern in the data base or pursuant to the program established  
158 under section 26-305, particularly areas identified as essential habitat  
159 for such species; (4) a relatively undisturbed outstanding example of a  
160 native ecological community which is now uncommon; or (5)  
161 threatened with conversion to incompatible uses or contains sacred  
162 sites or archaeological sites of state or national importance. In  
163 acquiring a site that has been identified as having a high priority  
164 recreation value, the department shall give priority to sites near  
165 population centers.

166 Sec. 13. Subsection (f) of section 25-32 of the general statutes is  
167 repealed and the following is substituted in lieu thereof (*Effective July*  
168 *1, 2002*):

169 (f) Nothing in this section shall prevent the lease or change in use of  
170 water company land to allow for recreational purposes that do not  
171 require intense development or improvements for water supply  
172 purposes, for leases of existing structures, or for radio towers or  
173 telecommunications antennas on existing structures. For purposes of  
174 this subsection, intense development includes golf courses, driving  
175 ranges, tennis courts, ballfields, swimming pools and uses by  
176 motorized vehicles, provided trails or pathways for pedestrians,  
177 motorized wheelchairs or nonmotorized vehicles shall not be  
178 considered intense development. In executing a lease of an existing  
179 structure in accordance with this subsection, a water company may  
180 grant an easement, a declaration of covenant or a declaration of  
181 preservation restriction to the state, through the Connecticut Historical

182 Commission or any state agency, to effect a preservation restriction, as  
183 defined in section 47-42a, that is required as a condition to granting the  
184 lessee a grant-in-aid pursuant to section 10-320d or similar subsequent  
185 grant-in-aid program. A water company may grant the state a lien on  
186 such leased structures to secure repayment of any grant-in-aid upon  
187 the failure by the lessee to fulfill the terms of the grant."