



Senate

General Assembly

File No. 447

January Session, 2003

Substitute Senate Bill No. 937

Senate, April 17, 2003

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING HAZARDOUS WASTE TRANSFER LIABILITY OF A PERSON SERVING AS A COMMITTEE OF THE COURT OR A TRUSTEE IN BANKRUPTCY.

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

1 Section 1. Subsection (a) of section 22a-134a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (a) No person shall transfer an establishment except in accordance
5 with the provisions of sections 22a-134 to 22a-134e, inclusive.
6 Notwithstanding any provision of sections 22a-134 to 22a-134e,
7 inclusive, a person appointed as a committee of the Superior Court or
8 any other court or as a trustee in bankruptcy shall not be deemed a
9 party associated with the transfer of an establishment and shall not be
10 required to comply with the provisions of sections 22a-134 to 22a-134e,
11 inclusive.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill exempts a person appointed as a committee for the Superior Court or any other court, or as a trustee in bankruptcy from the Transfer Act. The bill does not exempt the transaction itself or the seller from the Transfer Act. No fiscal impact is anticipated.

OLR Bill Analysis

sSB 937

AN ACT CONCERNING HAZARDOUS WASTE TRANSFER LIABILITY OF A PERSON SERVING AS A COMMITTEE OF THE COURT OR A TRUSTEE IN BANKRUPTCY**SUMMARY:**

This bill exempts a person appointed as a committee for the Superior Court or any other court, or as a trustee in bankruptcy from the Transfer Act, which imposes certain disclosure and other procedural requirements and certain civil liability in connection with the transfer of certain parcels of land.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***The Transfer Act***

The Transfer Act requires owners and certain others associated with the transfer of certain land to make specific disclosures to the purchaser about whether or not releases of hazardous waste have occurred on the property (CGS §§ 22a-134 to 22a-134e). These disclosures must be filed with the Department of Environmental Protection (DEP) on DEP forms together with an environmental condition assessment form (ECAAF). In order to comply with the detailed disclosure requirement, the transferor may need the help of an environmental engineer or other similar professional. A transferor who fails to comply with is subject to significant civil penalties and liable for the cost of cleaning up the property.

The Transfer act applies to the transfer of real estate housing any business operation from which:

1. since November 19, 1980, there was generated more than 11 kilograms of hazardous waste in any one month;
2. hazardous waste generated at a different location was recycled,

reclaimed, treated, transported, or disposed of;

3. the process of dry cleaning was conducted since May 1, 1967;
4. furniture stripping was conducted since May 1, 1967; or
5. a vehicle body repair facility was located on or after May 1, 1967.

Committee

The Superior Court is authorized to appoint an attorney to act as a committee to oversee the sale of real estate to carry out a court order. This often happens in connection with a petition to court to partition property owned by people who cannot agree on its disposition. Because in many instances the property is not susceptible to being divided into separate parcels, the court orders it sold and appoints a committee to sell it and return the proceeds to court. The court then apportions the money among the owners and others that have an interest in it, after determining the priority of these interests.

Trustee in Bankruptcy

A trustee in bankruptcy is a person appointed by the court to administer the estate of the person seeking bankruptcy protection.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 36 Nay 0