



General Assembly

January Session, 2003

Raised Bill No. 937

LCO No. 3178

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING HAZARDOUS WASTE TRANSFER LIABILITY
OF AN ATTORNEY SERVING AS A COMMITTEE OF SALE IN A
FORECLOSURE OR PARTITION ACTION.**

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

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2 repealed and the following is substituted in lieu thereof (*Effective*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

4 (1) "Transfer of establishment" means any transaction or proceeding
5 through which an establishment undergoes a change in ownership, but
6 does not mean (A) conveyance or extinguishment of an easement, (B)
7 conveyance of an establishment through a foreclosure, as defined in
8 subsection (b) of section 22a-452f, or conveyance of an establishment
9 by a committee appointed by a court for the purpose of selling the
10 establishment pursuant to an order of the court, (C) conveyance of a
11 deed in lieu of foreclosure to a lender, as defined in and that qualifies
12 for the secured lender exemption pursuant to subsection (b) of section
13 22a-452f, (D) conveyance of a security interest, as defined in
14 subdivision (7) of subsection (b) of section 22a-452f, (E) termination of
15 a lease and conveyance, assignment or execution of a lease for a period

16 less than ninety-nine years including conveyance, assignment or
17 execution of a lease with options or similar terms that will extend the
18 period of the leasehold to ninety-nine years, or from the
19 commencement of the leasehold, ninety-nine years, including
20 conveyance, assignment or execution of a lease with options or similar
21 terms that will extend the period of the leasehold to ninety-nine years,
22 or from the [commence] commencement of the leasehold, (F) any
23 change in ownership approved by the Probate Court, (G) devolution of
24 title to a surviving joint tenant, or to a trustee, executor [] or
25 administrator under the terms of a testamentary trust or will, or by
26 intestate succession, (H) corporate reorganization not substantially
27 affecting the ownership of [the] an establishment, (I) the issuance of
28 stock or other securities of an entity which owns or operates an
29 establishment, (J) the transfer of stock, securities or other ownership
30 interests representing less than forty per cent of the ownership of [the]
31 an entity that owns or operates [the] an establishment, (K) any
32 conveyance of an interest in an establishment where the transferor is (i)
33 the sibling, spouse, child, parent, grandparent, child of a sibling or
34 sibling of a parent of the transferee, or (ii) an attorney appointed as a
35 committee of sale by a court to effectuate an order of the court,
36 including, but not limited to, a sale of property in a foreclosure or
37 partition action, (L) conveyance of an interest in an establishment to a
38 trustee of an inter vivos trust created by the transferor solely for the
39 benefit of one or more [of the] sibling, spouse, child, parent,
40 grandchild, child of a sibling or sibling of a parent of the transferor,
41 (M) any conveyance of a portion of a parcel upon which portion no
42 establishment is or has been located and upon which there has not
43 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
44 of hazardous waste, provided either the area of such portion is not
45 greater than fifty per cent of the area of such parcel or written notice of
46 such proposed conveyance and an environmental condition
47 assessment form for such parcel is provided to the commissioner sixty
48 days prior to such conveyance, (N) conveyance of a service station, as
49 defined in subdivision (5) of this section, (O) any conveyance of an

50 establishment which, prior to July 1, 1997, had been developed solely
51 for residential use and such use has not changed, (P) any conveyance
52 of an establishment to any entity created or operating under chapter
53 130 or 132, or to an urban rehabilitation agency, as defined in section
54 8-292, or to a municipality under section 32-224, or to the Connecticut
55 Development Authority or any subsidiary of the authority, (Q) any
56 conveyance of a parcel in connection with the acquisition of properties
57 to effectuate the development of the overall project, as defined in
58 section 32-651, (R) the conversion of a general or limited partnership to
59 a limited liability company under section 34-199, (S) the transfer of
60 general partnership property held in the names of all of its general
61 partners to a general partnership which includes as general partners
62 immediately after the transfer all of the same persons as were general
63 partners immediately prior to the transfer, (T) the transfer of general
64 partnership property held in the names of all of its general partners to
65 a limited liability company which includes as members immediately
66 after the transfer all of the same persons as were general partners
67 immediately prior to the transfer, or (U) acquisition of an
68 establishment by any governmental or quasi-governmental
69 condemning authority.

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

Statement of Purpose:

To clarify that a conveyance of property by an attorney appointed as a committee of sale in a foreclosure or partition action does not subject the attorney to hazardous waste transfer liability.

[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.]