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Amendment

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Offered by:

REP. BERGER, 73rd Dist.

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To: Subst. House Bill No. 5685

File No. 579

Cal. No. 159

"AN ACT CONCERNING BROWNFIELDS."

1 Strike lines 1 to 408, inclusive, and insert the following in lieu
2 thereof:

3 "Section 1. (NEW) (*Effective July 1, 2006*) (a) There is established an
4 Office of Brownfield Remediation and Development that shall be
5 within the Department of Economic and Community Development for
6 administrative purposes only.

7 (b) The office shall:

8 (1) Develop procedures and policies for streamlining the process for
9 brownfield remediation;

10 (2) Identify existing and create new sources of funding for
11 brownfield remediation and develop procedures for expediting the
12 application for and release of such funds to municipalities or economic
13 development agencies;

14 (3) Establish a place where municipalities or economic development
15 agencies may facilitate compliance with state and federal clean up
16 requirements and qualification for state funds;

17 (4) Identify and prioritize brownfield development opportunities;

18 (5) Analyze any action taken by other states, particularly New Jersey
19 and Pennsylvania, regarding brownfield remediation and liability; and

20 (6) Develop and execute an outreach program to educate property
21 owners and potential property owners with regard to state policies
22 and procedures for brownfield remediation.

23 (c) The Office of Brownfield Remediation and Development shall
24 establish and operate a state-funded pilot program to identify
25 brownfield remediation economic opportunities in four Connecticut
26 municipalities, one of which shall have a population of more than
27 twenty-five thousand but less than fifty thousand, one of which shall
28 have a population of more than fifty thousand but less than one
29 hundred thousand and two of which shall have populations of more
30 than one hundred thousand. The Office of Brownfield Remediation
31 and Development shall designate four pilot municipalities in which
32 untreated brownfields hinder economic development and shall make
33 grants under such pilot program to these municipalities or economic
34 development agencies associated with each of the four municipalities
35 that are likely to produce significant economic development benefit for
36 the designated municipality.

37 (d) The Department of Environmental Protection and the
38 Connecticut Development Authority shall each designate a staff
39 member to act as a liaison between their offices and the Office of
40 Brownfield Remediation and Development. The Office of Brownfield
41 Remediation and Development shall develop and recruit two
42 volunteers from the private sector, including a person from the
43 Connecticut chapter of the National Brownfield Association, with
44 experience in different aspects of brownfield remediation and
45 development. Said liaisons and volunteers shall assist the Office of

46 Brownfield Remediation and Development in achieving the goals of
47 this section and, together, shall represent said office's response team.

48 (e) The Office of Brownfield Remediation and Development may
49 call upon any other department, board, commission or other agency of
50 the state to supply such reports, information and assistance as said
51 office determines is appropriate to carry out its duties and
52 responsibilities. Each officer or employee of such office, department,
53 board, commission or other agency of the state is authorized and
54 directed to cooperate with the Office of Brownfield Remediation and
55 Development and to furnish such reports, information and assistance.

56 (f) Brownfield sites identified for funding under the pilot program
57 established in subsection (c) of this section shall receive priority review
58 status from the Department of Environmental Protection. Each
59 property funded under this program shall be investigated and
60 remediated in accordance with the regulations established for the
61 remediation of such sites adopted by the Commissioner of
62 Environmental Protection or pursuant to section 22a-133k of the
63 general statutes and under the supervision of the department or in
64 accordance with the voluntary remediation program established in
65 section 22a-133x of the general statutes. In either event, the department
66 shall determine that remediation of the property has been fully
67 implemented upon submission of a report indicating that remediation
68 has been verified by an environmental professional licensed in
69 accordance with section 22a-133v of the general statutes. Not later than
70 ninety days after submission of the report, the commissioner shall
71 notify the municipality or economic development agency as to
72 whether the remediation has been performed and completed in
73 accordance with the remediation standards or whether any additional
74 remediation is warranted. For purposes of acknowledging that the
75 remediation is complete, the commissioner may indicate that all
76 actions to remediate any pollution caused by any release have been
77 taken in accordance with the remediation standards and that no
78 further remediation is necessary to achieve compliance except
79 postremediation monitoring, natural attenuation monitoring or the

80 recording of an environmental land use restriction.

81 Sec. 2. Section 32-1m of the 2006 supplement to the general statutes
82 is repealed and the following is substituted in lieu thereof (*Effective July*
83 *1, 2006*):

84 Not later than February 1, 2006, and annually thereafter, the
85 Commissioner of Economic and Community Development shall
86 submit a report to the Governor and the General Assembly, in
87 accordance with the provisions of section 11-4a. Not later than thirty
88 days after submission of the report to the Governor and the General
89 Assembly, said commissioner shall post the report on the Department
90 of Economic and Community Development's web site. Said report
91 shall include, but not be limited to, the following information with
92 regard to the activities of the Department of Economic and
93 Community Development during the preceding state fiscal year:

94 (1) A brief description and assessment of the state's economy during
95 such year, utilizing the most recent and reasonably available data, and
96 including:

97 (A) Connecticut employment by industry;

98 (B) Connecticut and national average unemployment;

99 (C) Connecticut gross state product, by industry;

100 (D) Connecticut productivity, by industry, compared to the national
101 average;

102 (E) Connecticut manufacturing activity;

103 (F) Identification of economic and competitive conditions affecting
104 Connecticut's industry sectors, problems resulting from these
105 conditions and state efforts to address the problems; and

106 (G) Any other economic information that the commissioner deems
107 appropriate.

108 (2) A statement of the department's economic and community
109 development objectives, measures of program success and standards
110 for granting financial and nonfinancial assistance under programs
111 administered by the department.

112 (3) An analysis of the economic development portfolio of the
113 department, including:

114 (A) A list of the names, addresses and locations of all recipients of
115 the department's assistance;

116 (B) The following information concerning each recipient of such
117 assistance: (i) Business activities, (ii) standard industrial classification
118 codes or North American industrial classification codes, (iii) number of
119 full-time jobs and part-time jobs at the time of application, (iv) number
120 of actual full-time jobs and actual part-time jobs at application during
121 the preceding state fiscal year, (v) whether the recipient is a minority
122 or woman-owned business, (vi) a summary of the terms and
123 conditions for the assistance, including the type and amount of state
124 financial assistance, job creation or retention requirements and
125 anticipated wage rates, (vii) the amount of investments from private
126 and other nonstate sources that have been leveraged by the assistance,
127 (viii) the extent to which employees of the recipient participate in
128 health benefit plans offered by such recipient, (ix) the extent to which
129 the recipient offers unique economic, social, cultural or aesthetic
130 attributes to the municipality in which the recipient is located or to the
131 state, and (x) the amount of state investment;

132 (C) A portfolio analysis, including (i) an analysis of the wages paid
133 by recipients of financial assistance, (ii) the average portfolio wage,
134 median portfolio wage, highest and lowest portfolio wage, (iii)
135 portfolio wage data by industry, and (iv) portfolio wage data by
136 municipality;

137 (D) An investment analysis, including (i) total portfolio value, (ii)
138 total investment by industry, (iii) portfolio dollar per job average, (iv)
139 portfolio leverage ratio, and (v) percentage of financial assistance

140 which was provided to high performance work organizations in the
141 preceding state fiscal year; and

142 (E) An analysis of the estimated economic effects of the
143 department's economic development investments on the state's
144 economy, including (i) contribution to gross state product for the total
145 economic development portfolio and for any investment activity
146 occurring in the preceding state fiscal year, (ii) direct and indirect
147 employment created by the investments for the total portfolio and for
148 any investment activity occurring in the preceding state fiscal year, (iii)
149 productivity of recipients of financial assistance as a result of the
150 department's investment occurring in the preceding state fiscal year,
151 (iv) directly or indirectly increased property values in the
152 municipalities in which the recipients of assistance are located, and (v)
153 personal income.

154 (4) An analysis of the community development portfolio of the
155 department, including:

156 (A) A list of the names, addresses and locations of all recipients of
157 the department's assistance;

158 (B) The following information concerning each recipient of such
159 assistance: (i) Amount of state investment, (ii) a summary of the terms
160 and conditions for the department's assistance, including the type and
161 amount of state financial assistance, and (iii) the amount of
162 investments from private and other nonstate sources that have been
163 leveraged by such assistance;

164 (C) An investment analysis, including (i) total active portfolio value,
165 (ii) total investments made in the preceding state fiscal year, (iii) total
166 portfolio by municipality, (iv) total investments made in the preceding
167 state fiscal year categorized by municipality, (v) total portfolio
168 leverage ratio, and (vi) leverage ratio of the total investments made in
169 the preceding state fiscal year; and

170 (D) An analysis of the estimated economic effects of the

171 department's economic development investments on the state's
172 economy, including (i) contribution to gross state product for the total
173 portfolio and for any investment activity occurring in the preceding
174 state fiscal year, (ii) direct and indirect employment created by the
175 investments for the total portfolio and for any investment activity
176 occurring in the preceding state fiscal year, (iii) productivity of
177 recipients of financial assistance as a result of the department's
178 investment occurring in the preceding state fiscal year, (iv) directly or
179 indirectly increased property values in the municipalities in which the
180 recipients are located, and (v) personal income.

181 (5) A summary of the department's economic and community
182 development marketing efforts in the preceding state fiscal year, a
183 summary of the department's business recruitment strategies and
184 activities in such year, and a summary of the department's efforts to
185 assist small businesses and minority business enterprises in such year.

186 (6) A summary of the department's international trade efforts in the
187 preceding state fiscal year, and, to the extent possible, a summary of
188 foreign direct investment that occurred in the state in such year.

189 (7) Identification of existing economic clusters, the formation of new
190 economic clusters and the measures taken by the commissioner during
191 the preceding state fiscal year to encourage the growth of economic
192 clusters.

193 (8) (A) A summary of the department's brownfield-related efforts
194 and activities within the Office of Brownfield Remediation and
195 Development established pursuant to section 1 of this act in the
196 preceding state fiscal year, except for activity under the Special
197 Contaminated Property Remediation and Insurance Fund program.
198 Such efforts shall include, but not be limited to, (i) total portfolio
199 investment in brownfield remediation projects, (ii) total investment in
200 brownfield remediation projects in the preceding state fiscal year, (iii)
201 total number of brownfield remediation projects, (iv) total number of
202 brownfield remediation projects in the preceding state fiscal year, (v)

203 total of reclaimed and remediated acreage, (vi) total of reclaimed and
204 remediated acreage in the preceding state fiscal year, (vii) leverage
205 ratio for the total portfolio investment in brownfield remediation
206 projects, and (viii) leverage ratio for the total portfolio investment in
207 brownfield remediation projects in the preceding state fiscal year. Such
208 summary shall include a list of such brownfield remediation projects
209 and, for each such project, the name of the developer and the location
210 by street address and municipality and a tracking of all funds
211 administered through or by said office; and

212 (B) A summary of the department's efforts with regard to the
213 Special Contaminated Property Remediation and Insurance Fund,
214 including, but not limited to, (i) the number of applications received in
215 the preceding state fiscal year, (ii) the number and amounts of loans
216 made in such year, (iii) the names of the applicants for such loans, (iv)
217 the average time period between submission of application and the
218 decision to grant or deny the loan, (v) a list of the applications
219 approved and the applications denied and the reasons for such
220 denials, and (vi) for each project, the location by street address and
221 municipality.

222 (9) The following concerning enterprise zones designated under
223 section 32-70:

224 (A) A statement of the current goals for enterprise zones;

225 (B) A statement of the current performance standards to measure
226 the progress of municipalities that have enterprise zones in attaining
227 the goals for such zones;

228 (C) A report from each municipality that has an enterprise zone,
229 which evaluates the progress of the municipality in meeting the
230 performance standards established under subsection (a) of section 32-
231 70a; and

232 (D) An assessment of the performance of each enterprise zone based
233 on information collected under subparagraph (C) of this subdivision.

234 (10) With regard to the department's housing-development-related
235 functions and activities:

236 (A) A brief description and assessment of the state's housing market
237 during the preceding state fiscal year, utilizing the most recent and
238 reasonably available data, and including, but not be limited to, (i) a
239 brief description of the significant characteristics of such market,
240 including supply, demand and condition and cost of housing, and (ii)
241 any other information that the commissioner deems appropriate;

242 (B) An analysis of the progress of the public and private sector
243 toward meeting housing needs in the state, using building permit data
244 from the United States Census Bureau and demolition data from
245 Connecticut municipalities;

246 (C) A list of municipalities that meet the affordable housing criteria
247 set forth in subsection (k) of section 8-30g, as amended, pursuant to
248 regulations that the Commissioner of Economic and Community
249 Development shall adopt pursuant to the provisions of chapter 54. For
250 the purpose of determining the percentage required by subsection (k)
251 of said section 8-30g, the commissioner shall use as the denominator
252 the number of dwelling units in the municipality, as reported in the
253 most recent United States decennial census;

254 (D) A statement of the department's housing development
255 objectives, measures of program success and standards for granting
256 financial and nonfinancial assistance under programs administered by
257 said commissioner.

258 (11) A presentation of the state funded housing development
259 portfolio of the department, including:

260 (A) A list of the names, addresses and locations of all recipients of
261 such assistance; and

262 (B) For each such recipient, (i) a summary of the terms and
263 conditions for the assistance, including the type and amount of state

264 financial assistance, (ii) the amount of investments from private and
265 other nonstate sources that have been leveraged by the assistance, (iii)
266 the number of new units to be created and the number of units to be
267 preserved at the time of the application, and (iv) the number of actual
268 new units created and number of units preserved.

269 (12) An analysis of the state funded housing development portfolio
270 of the department, including:

271 (A) An investment analysis, including the (i) total active portfolio
272 value, (ii) total investment made in the preceding state fiscal year, (iii)
273 portfolio dollar per new unit created, (iv) estimated dollars per new
274 unit created for projects receiving an assistance award in the preceding
275 state fiscal year, (v) portfolio dollars per unit preserved, (vi) estimated
276 dollar per unit preserved for projects receiving an assistance award in
277 the preceding state fiscal year, (vii) portfolio leverage ratio, and (viii)
278 leverage ratio for housing development investments made in the
279 preceding state fiscal year; and

280 (B) A production and preservation analysis, including [the] (i) the
281 total number of units created, itemized by municipality for the total
282 portfolio and projects receiving an assistance award in the preceding
283 state fiscal year, (ii) the total number of elderly units created for the
284 total portfolio and for projects receiving an assistance award in the
285 preceding state fiscal year, (iii) the total number of family units created
286 for the total portfolio and for projects receiving an assistance award in
287 the preceding state fiscal year, (iv) the total number of units preserved,
288 itemized by municipality for the total portfolio and projects receiving
289 an assistance award in the preceding state fiscal year, (v) the total
290 number of elderly units preserved for the total portfolio and for
291 projects receiving an assistance award in the preceding state fiscal
292 year, (vi) the total number of family units preserved for the total
293 portfolio and for projects receiving an assistance award in the
294 preceding state fiscal year, (vii) an analysis by income group, of
295 households served by the department's housing construction,
296 substantial rehabilitation, purchase and rental assistance programs, for

297 each housing development, if applicable, and for each program,
298 including number of households served under each program by race
299 and data for all households, and (viii) a summary of the department's
300 efforts in promoting fair housing choice and racial and economic
301 integration including data on the racial composition of the occupants
302 and persons on the waiting list of each housing project that is assisted
303 under any housing program established by the general statutes or a
304 special act or that is supervised by the department, provided no
305 information shall be required to be disclosed by any occupant or
306 person on a waiting list for the preparation of such summary. As used
307 in this subparagraph, "elderly units" means dwelling units for which
308 occupancy is restricted by age, and "family units" means dwelling
309 units for which occupancy is not restricted by age.

310 (13) An economic impact analysis of the department's housing
311 development efforts and activities, including, but not limited to:

312 (A) The contribution of such efforts and activities to the gross state
313 product;

314 (B) The direct and indirect employment created by the investments
315 for the total housing development portfolio and for any investment
316 activity for such portfolio occurring in the preceding state fiscal year;
317 and

318 (C) Personal income in the state.

319 (14) With regard to the department's energy conservation loan
320 program:

321 (A) The number of loans or deferred loans made during the
322 preceding fiscal year under each component of such program and the
323 total amount of the loans or deferred loans made during such fiscal
324 year under each such component;

325 (B) A description of each step of the loan or deferred loan
326 application and review process;

327 (C) The location of each loan or deferred loan application intake site
328 for such program;

329 (D) The average period for the processing of loan or deferred loan
330 applications during such fiscal year; and

331 (E) The total administrative expenses of such program for such
332 fiscal year.

333 (15) A summary of the total social and economic impact of the
334 department's efforts and activities in the areas of economic,
335 community and housing development and an assessment of the
336 department's performance in terms of meeting its stated goals and
337 objectives.

338 Sec. 3. Subdivision (1) of section 22a-134 of the general statutes is
339 repealed and the following is substituted in lieu thereof (*Effective from*
340 *passage*):

341 (1) "Transfer of establishment" means any transaction or proceeding
342 through which an establishment undergoes a change in ownership, but
343 does not mean (A) conveyance or extinguishment of an easement, (B)
344 conveyance of an establishment through a foreclosure, as defined in
345 subsection (b) of section 22a-452f or foreclosure of a municipal tax lien
346 or through a tax warrant sale pursuant to section 12-157 or, provided
347 the establishment is within the pilot program established in subsection
348 (c) of section 1 of this act, a subsequent transfer by such municipality
349 that has foreclosed municipal tax liens or that has acquired title to the
350 property through section 12-157, (C) conveyance of a deed in lieu of
351 foreclosure to a lender, as defined in and that qualifies for the secured
352 lender exemption pursuant to subsection (b) of section 22a-452f, (D)
353 conveyance of a security interest, as defined in subdivision (7) of
354 subsection (b) of section 22a-452f, (E) termination of a lease and
355 conveyance, assignment or execution of a lease for a period less than
356 ninety-nine years including conveyance, assignment or execution of a
357 lease with options or similar terms that will extend the period of the
358 leasehold to ninety-nine years, or from the commencement of the

359 leasehold, ninety-nine years, including conveyance, assignment or
360 execution of a lease with options or similar terms that will extend the
361 period of the leasehold to ninety-nine years, or from the
362 commencement of the leasehold, (F) any change in ownership
363 approved by the Probate Court, (G) devolution of title to a surviving
364 joint tenant, or to a trustee, executor or administrator under the terms
365 of a testamentary trust or will, or by intestate succession, (H) corporate
366 reorganization not substantially affecting the ownership of the
367 establishment, (I) the issuance of stock or other securities of an entity
368 which owns or operates an establishment, (J) the transfer of stock,
369 securities or other ownership interests representing less than forty per
370 cent of the ownership of the entity that owns or operates the
371 establishment, (K) any conveyance of an interest in an establishment
372 where the transferor is the sibling, spouse, child, parent, grandparent,
373 child of a sibling or sibling of a parent of the transferee, (L) conveyance
374 of an interest in an establishment to a trustee of an inter vivos trust
375 created by the transferor solely for the benefit of one or more sibling,
376 spouse, child, parent, grandchild, child of a sibling or sibling of a
377 parent of the transferor, (M) any conveyance of a portion of a parcel
378 upon which portion no establishment is or has been located and upon
379 which there has not occurred a discharge, spillage, uncontrolled loss,
380 seepage or filtration of hazardous waste, provided either the area of
381 such portion is not greater than fifty per cent of the area of such parcel
382 or written notice of such proposed conveyance and an environmental
383 condition assessment form for such parcel is provided to the
384 commissioner sixty days prior to such conveyance, (N) conveyance of
385 a service station, as defined in subdivision (5) of this section, (O) any
386 conveyance of an establishment which, prior to July 1, 1997, had been
387 developed solely for residential use and such use has not changed, (P)
388 any conveyance of an establishment to any entity created or operating
389 under chapter 130 or 132, or to an urban rehabilitation agency, as
390 defined in section 8-292, or to a municipality under section 32-224, or
391 to the Connecticut Development Authority or any subsidiary of the
392 authority, (Q) any conveyance of a parcel in connection with the
393 acquisition of properties to effectuate the development of the overall

394 project, as defined in section 32-651, (R) the conversion of a general or
395 limited partnership to a limited liability company under section 34-199,
396 (S) the transfer of general partnership property held in the names of all
397 of its general partners to a general partnership which includes as
398 general partners immediately after the transfer all of the same persons
399 as were general partners immediately prior to the transfer, (T) the
400 transfer of general partnership property held in the names of all of its
401 general partners to a limited liability company which includes as
402 members immediately after the transfer all of the same persons as were
403 general partners immediately prior to the transfer, or (U) acquisition of
404 an establishment by any governmental or quasi-governmental
405 condemning authority.

406 Sec. 4. (NEW) (*Effective July 1, 2006*) The municipality or economic
407 development agency that receives grants through the Office of
408 Brownfield Remediation and Development's pilot program established
409 in subsection (c) of section 1 of this act shall be considered an innocent
410 party and shall not be liable under section 22a-432, 22a-433, 22a-451 or
411 22a-452 of the general statutes as long as the municipality or economic
412 development agency did not cause or contribute to the discharge,
413 spillage, uncontrolled loss, seepage or filtration of such hazardous
414 substance, material, waste or pollution that is subject to remediation
415 under this pilot program; does not exacerbate the conditions; [does not
416 interfere with remediation activities; provides reasonable access to
417 those performing remediation work;] and complies with reporting of
418 significant environmental hazard requirements in section 22a-6u of the
419 general statutes.

420 Sec. 5. (NEW) (*Effective July 1, 2006*) In determining what funds shall
421 be made available for brownfield remediation, the Office of Brownfield
422 Remediation and Development shall consider (1) the economic
423 development opportunities such reuse and redevelopment may
424 provide, and (2) the contribution of the reuse and redevelopment to
425 the municipality's tax base.

426 Sec. 6. (NEW) (*Effective July 1, 2006*) Upon remediation as approved

427 by the Department of Environmental Protection of the brownfield
428 property by the municipality or economic development agency, the
429 municipal redevelopment agency or the municipality may transfer the
430 property to any person provided such a person is not otherwise liable
431 under section 22a-432, 22a-433, 22a-451 or 22a-452 of the general
432 statutes. The person who acquires title from the municipality or
433 economic development agency shall not be liable under said section
434 22a-432, 22a-433, 22a-451 or 22a-452, provided that such person does
435 not cause or contribute to the discharge, spillage, uncontrolled loss,
436 seepage or filtration of such hazardous substance, material or waste
437 and such person is not a member, officer, manager, director,
438 shareholder, subsidiary, successor of, related to, or affiliated with,
439 directly or indirectly, the person who is otherwise liable under said
440 section 22a-432, 22a-433, 22a-451 or 22a-452. In addition, the
441 Commissioner of Environmental Protection shall also provide such
442 person with a covenant not to sue pursuant to section 22a-133 of the
443 general statutes and shall not require the prospective purchaser or
444 owner to pay a fee. The municipality or economic development agency
445 shall distribute the proceeds from any sale as follows: (1) Twenty per
446 cent shall be retained by the municipality or economic development
447 agency and used for capital improvements for economic development,
448 and (2) eighty per cent shall be transferred to the Office of Brownfield
449 Remediation and Development and deposited in the account
450 established pursuant to section 12 of this act.

451 Sec. 7. (NEW) (*Effective July 1, 2006*) No person shall acquire title to
452 or hold, possess or maintain any interest in a property that has been
453 remediated in accordance with the pilot program established in
454 subsection (c) of section 1 of this act if such person is liable under
455 section 22a-432, 22a-433, 22a-451 or 22a-452 of the general statutes or if
456 the person is or was an owner, operator or tenant or is otherwise
457 responsible, directly or indirectly, for the discharge, spillage,
458 uncontrolled loss, seepage or filtration of such hazardous substance,
459 material or waste. If such person elects to acquire title to or hold,
460 possess or maintain any interest in the property, that person shall

461 reimburse the state of Connecticut, the municipality and the economic
462 development agency for any and all costs expended to perform the
463 investigation and remediation of the property, plus interest at a rate of
464 eighteen per cent.

465 Sec. 8. (NEW) (*Effective July 1, 2006*) All relevant terms in sections 4
466 to 8, inclusive, and 11 to 13, inclusive, of this act shall be defined in
467 accordance with the definitions in chapter 445 of the general statutes.
468 For purposes of sections 4 to 13, inclusive, of this act, "brownfields"
469 means any abandoned or underutilized site where redevelopment and
470 reuse has not occurred due to the presence of pollution in the soil or
471 groundwater that requires remediation prior to or in conjunction with
472 the restoration, redevelopment and reuse of the property.

473 Sec. 9. (NEW) (*Effective October 1, 2006*) (a) For purposes of this
474 section, "brownfield" has the same definition as in 42 USC 9601 and
475 "manufacturing establishments" means manufacturing establishments
476 as defined in the North American Industrial Classification System,
477 United States Office of Management and Budget, 1997 edition.

478 (b) Existing owners of manufacturing facilities designated as
479 brownfield sites shall be eligible for any available remediation funds,
480 provided such owners demonstrate to the funding authority's
481 satisfaction they did not cause the release of any hazardous substances
482 or petroleum at the brownfield or provided the owner demonstrates
483 the following:

484 (1) It did not knowingly cause injury to human health or the
485 environment as a result of its disposal of hazardous substances or
486 petroleum; and

487 (2) It has never been found guilty of knowingly or willfully
488 violating an environmental law.

489 (c) In determining what funds shall be made available for
490 brownfield remediation, the funding authority shall consider an
491 owner's ability to pay some or all of the remediation costs. Said

492 authority shall give preference to owners that demonstrate a limited
493 ability to pay for such remediation.

494 (d) In providing funds pursuant to this section, the funding
495 authority may impose the following conditions:

496 (1) The owner receiving the funds not transfer title of the property
497 for a set period of not more than ten years;

498 (2) The owner receiving funds reimburse the state for such funds in
499 the event that it receives funds for remediation from other sources; or

500 (3) The owner receiving funds continues to employ residents of the
501 state for a set period of not less than ten years.

502 Sec. 10. Subdivision (12) of subsection (a) of section 32-9t of the 2006
503 supplement to the general statutes is repealed and the following is
504 substituted in lieu thereof (*Effective from passage*):

505 (12) "Eligible municipality" means (A) a municipality with an area
506 designated as an enterprise zone pursuant to section 32-70, (B) a
507 distressed municipality, as defined in subsection (b) of section 32-9p,
508 [or] (C) a municipality that has a population in excess of one hundred
509 thousand, or (D) any municipality that the commissioner determines is
510 connected with the relocation of an out-of-state operation or the
511 expansion of an existing facility that will result in a capital investment
512 by a company of not less than fifty million dollars.

513 Sec. 11. (*Effective July 1, 2006*) (a) There is established a task force to
514 study strategies for providing long-term solutions for the state's
515 brownfields.

516 (b) The task force shall consist of the following nine members, each
517 of whom shall have expertise in brownfield redevelopment either in
518 environmental law, engineering, finance, development, consulting,
519 insurance or other relevant experience:

520 (1) Two appointed by the Governor;

- 521 (2) One appointed by the president pro tempore of the Senate;
- 522 (3) One appointed by the speaker of the House of Representatives;
- 523 (4) One appointed by the majority leader of the Senate;
- 524 (5) One appointed by the majority leader of the House of
525 Representatives;
- 526 (6) One appointed by the minority leader of the Senate;
- 527 (7) One appointed by the minority leader of the House of
528 Representatives; and
- 529 (8) A representative of the Department of Environmental Protection,
530 as appointed by the Commissioner of Environmental Protection.
- 531 (c) Any member of the task force appointed under subdivision (1),
532 (2), (3), (4), (5), (6) or (7) of subsection (b) of this section may be a
533 member of the General Assembly. At least one member shall be an
534 employee.
- 535 (d) All appointments to the task force shall be made no later than
536 thirty days after the effective date of this section. Any vacancy shall be
537 filled by the appointing authority.
- 538 (e) The speaker of the House of Representatives and the president
539 pro tempore of the Senate shall select the chairpersons of the task
540 force, from among the members of the task force. Such chairpersons
541 shall schedule the first meeting of the task force, which shall be held no
542 later than sixty days after the effective date of this section.
- 543 (f) Not later than January 1, 2007, the task force shall submit a report
544 on its findings and recommendations to the joint standing committees
545 of the General Assembly having cognizance of matters relating to
546 environment and commerce, in accordance with the provisions of
547 section 11-4a of the general statutes. The task force shall terminate on
548 the date that it submits such report or January 1, 2007, whichever is

549 later.

550 Sec. 12. (NEW) (*Effective July 1, 2006*) (a) There is established an
551 account to be known as the "Connecticut brownfields remediation
552 account" which shall be a separate, nonlapsing account within the
553 General Fund. The account shall contain any moneys required by law
554 to be deposited in the account and shall be held separate and apart
555 from other moneys, funds and accounts. Investment earnings credited
556 to the account shall become part of the assets of the account. Any
557 balance remaining in the account at the end of any fiscal year shall be
558 carried forward in the account for the next fiscal year.

559 (b) The Office of Brownfield Remediation and Development,
560 established in section 1 of this act may use amounts in the account
561 established pursuant to subsection (a) of this section to fund
562 remediation and restoration of brownfield sites as part of the pilot
563 program established in subsection (c) of section 1 of this act.

564 Sec. 13. (NEW) (*Effective July 1, 2006*) The Departments of Economic
565 and Community Development and Environmental Protection shall
566 administer the provisions of sections 1 to 13, inclusive, of this act
567 within available appropriations and any funds allocated pursuant to
568 sections 4-66c and 32-9t of the 2006 supplement to the general statutes,
569 as amended, and section 22a-133t of the general statutes."