



General Assembly

Substitute Bill No. 5589

February Session, 2008

* _____ HB05589CE_FIN031808 _____ *

AN ACT CONCERNING BROWNFIELDS.

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

1 Section 1. Section 32-9kk of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2008*):

4 (a) As used in subsections (b) to [(i)] (k), inclusive, of this section:

5 (1) "Brownfield" means any abandoned or underutilized site where
6 redevelopment and reuse has not occurred due to the presence or
7 potential presence of pollution in the buildings, soil or groundwater
8 that requires remediation before or in conjunction with the restoration,
9 redevelopment and reuse of the property;

10 (2) "Commissioner" means the Commissioner of Economic and
11 Community Development;

12 (3) "Department" means the Department of Economic and
13 Community Development;

14 (4) "Eligible applicant" means any municipality, a for-profit or
15 nonprofit organization or entity, a local or regional economic
16 development entity acting on behalf of a municipality or any
17 combination thereof;

18 (5) "Financial assistance" means grants, extensions of credit, loans or
19 loan guarantees, participation interests in loans made to eligible
20 applicants by the Connecticut Development Authority or combinations
21 thereof;

22 (6) "Municipality" means a town, city, consolidated town and city or
23 consolidated town and borough;

24 (7) "Eligible brownfield project" means the foreclosure,
25 investigation, assessment, remediation and development of a
26 brownfield undertaken pursuant to this subsection and subsections (b)
27 to (i), inclusive, of this section;

28 (8) "Project area" means the area within which a brownfield
29 development project is located;

30 (9) "Real property" means land, buildings and other structures and
31 improvements thereto, subterranean or subsurface rights, any and all
32 easements, air rights and franchises of any kind or nature; and

33 (10) "State" means the state of Connecticut.

34 (b) Subject to the availability of funds, the Commissioner of
35 Economic and Community Development may, in consultation with the
36 Commissioner of Environmental Protection, provide financial
37 assistance pursuant to subsections (e) and (f) of this section in support
38 of eligible brownfield projects, as defined in subdivision (7) of
39 subsection (a) of this section.

40 (c) An eligible applicant, as defined in subdivision (4) of subsection
41 (a) of this section, shall submit an application for financial assistance to
42 the Commissioner of Economic and Community Development on
43 forms provided by said commissioner and with such information said
44 commissioner deems necessary, including, but not limited to: (1) A
45 description of the proposed project; (2) an explanation of the expected
46 benefits of the project in relation to the purposes of subsections (a) to
47 (i), inclusive, of this section; (3) information concerning the financial

48 and technical capacity of the eligible applicant to undertake the
49 proposed project; (4) a project budget; (5) a description of the condition
50 of the property involved including the results of any environmental
51 assessment of the property; and (6) the names of any persons known to
52 be liable for the remediation of the property.

53 (d) The commissioner may approve, reject or modify any
54 application properly submitted. In reviewing an application and
55 determining the type and amount of financial assistance, if any, to be
56 provided, the commissioner shall consider the following criteria: (1)
57 The availability of funds; (2) the estimated costs of assessing and
58 remediating the site, if known; (3) the relative economic condition of
59 the municipality; (4) the relative need of the eligible project for
60 financial assistance; (5) the degree to which financial assistance is
61 necessary as an inducement to the eligible applicant to undertake the
62 project; (6) the public health and environmental benefits of the project;
63 (7) relative economic benefits of the project to the municipality, the
64 region and the state, including, but not limited to, the extent to which
65 the project will likely result in a contribution to the municipality's tax
66 base and the retention and creation of jobs; (8) the time frame in which
67 the contamination occurred; (9) the relationship of the applicant to the
68 person or entity that caused the contamination; (10) the length of time
69 the property has been abandoned; (11) the taxes owed and the
70 projected revenues that may be restored to the community; (12) the
71 type of financial assistance requested pursuant to subsection x of this
72 section; and ~~[(10)]~~ (13) such other criteria as the commissioner may
73 establish consistent with the purposes of subsection (a) to ~~[(i)]~~ (k),
74 inclusive, of this section.

75 (e) (1) There is established a remedial action and redevelopment
76 municipal grant program to be administered by the Department of
77 Economic and Community Development for the purpose of providing
78 financial assistance in the form of grants to eligible applicants. Eligible
79 applicants may use grant funds for any development project, including
80 manufacturing, retail, residential, municipal, educational, parks,

81 community centers and mixed-use development, and the project's
82 associated costs, including (A) soil, groundwater and infrastructure
83 investigation, (B) assessment, (C) remediation, (D) abatement, (E)
84 hazardous materials or waste disposal, (F) long-term groundwater or
85 natural attenuation monitoring, (G) environmental land use
86 restrictions, (H) attorneys' fees, (I) planning, engineering and
87 environmental consulting, and (J) building and structural issues,
88 including demolition, asbestos abatement, polychlorinated biphenyls
89 removal, contaminated wood or paint removal, and other
90 infrastructure remedial activities.

91 (2) The Commissioner of Economic and Community Development
92 shall award grants on a competitive basis, based at a minimum on an
93 annual request for applications, the first of which shall be issued on
94 October 1, 2008, and the following to be issued on June first each year,
95 with awards being made by the following January first. The
96 commissioner, at the commissioner's discretion, may increase the
97 frequency of requests for applications and awards depending upon the
98 number of applicants and the availability of funding.

99 (3) A grant awarded pursuant to this section shall not exceed four
100 million dollars. If the eligible costs exceed four million dollars, the
101 commissioner may request and seek funding through other state
102 programs.

103 (4) If the eligible applicant develops and sells the property, such
104 applicant shall return any money received pursuant to this subsection,
105 minus twenty per cent, which such eligible applicant shall retain to
106 cover costs of oversight, administration, development and, if
107 applicable, lost tax revenue.

108 (5) Recipients of grants awarded pursuant to this subsection shall be
109 immune from liability to the extent provided in subsection (a) of
110 section 32-9ee.

111 (6) The eligible applicant may make low-interest loans to a

112 redeveloper, if the future reuse is known and an agreement with the
113 redeveloper is in place and the private party is a coapplicant. Loan
114 principal and interest payments shall be returned, minus twenty per
115 cent of the principal, which the eligible applicant shall retain. If the
116 eligible applicant provides a loan, such loan may be secured by a state
117 or municipal lien on the property.

118 (7) Any grant recipients that provide a loan pursuant to subdivision
119 (6) of this subsection shall enter a voluntary program with the
120 Commissioner of Environmental Protection for brownfield
121 remediation.

122 (8) The eligible applicant may acquire and convey its interest in the
123 property without such recipient or the subsequent purchaser incurring
124 liability, including any such liability incurred pursuant to section 22a-
125 134a, provided the property was remediated in accordance with
126 applicable state standards.

127 (f) (1) The Department of Economic and Community Development
128 shall develop a targeted brownfield development loan program to
129 provide financial assistance in the form of low-interest loans to
130 potential brownfield purchasers who have no direct or related liability
131 for the site conditions and existing property owners who (A) are
132 currently in good standing and otherwise compliant with the
133 Department of Environmental Protection's regulatory programs, (B)
134 demonstrate an inability to fund the investigation and clean-up
135 themselves, and (C) cannot retain or expand jobs due to the costs
136 associated with the investigating and remediating of the
137 contamination.

138 (2) The commissioner shall provide low-interest loans to purchasers
139 or existing property owners pursuant to this section who seek to
140 develop property for purposes of retaining or expanding jobs in the
141 state or for developing housing to serve the needs of first-time home
142 buyers. Loans shall be available to manufacturing, retail, residential or
143 mixed-use developments, expansions or reuses. The commissioner

144 shall provide loans based upon project merit and viability, the
145 economic and community development opportunity, municipal
146 support, contribution to the community's tax base, number of jobs,
147 past experience of the applicant, compliance history and ability to pay.

148 (3) Any loan recipient who is a brownfields purchaser and who (A)
149 receives a loan in excess of thirty thousand dollars, or (B) uses loan
150 proceeds to perform a Phase II environmental investigation, shall be
151 subject to section 22a-134a or shall enter a voluntary program with the
152 Department of Environmental Protection. Any loan recipient who is an
153 existing property owner shall enter a voluntary program with the
154 Department of Environmental Protection.

155 (4) Loans made pursuant to this subsection shall have such terms
156 and conditions and shall be subject to such eligibility, loan approval
157 and criteria, as determined by the commissioner. Such conditions shall
158 include, but not be limited to, performance requirements and
159 commitments to maintain or retain jobs. Loan repayment shall coincide
160 with the restoration of the site to a productive use or the completion of
161 the expansion. Such loans shall be for a period not to exceed twenty
162 years.

163 (5) If the property is sold before loan repayment, the loan is
164 immediately payable, with interest, unless the commissioner agrees
165 otherwise.

166 (6) Loans made pursuant to this subsection may be used for any
167 purpose, including the present or past costs of investigation,
168 assessment, remediation, abatement, hazardous materials or waste
169 disposal, long-term groundwater or natural attenuation monitoring,
170 costs associated with an environmental land use restriction, attorneys'
171 fees, planning, engineering and environmental consulting costs, and
172 building and structural issues, including demolition, asbestos
173 abatement, polychlorinated biphenyls removal, contaminated wood or
174 paint removal, and other infrastructure remedial activities.

175 (7) For any loan made pursuant to this subsection that is greater
176 than fifty thousand dollars, the applicant shall submit a redevelopment
177 plan that describes how the property will be used or reused for
178 commercial, industrial or mixed-use development and how it will
179 result in jobs and private investment in the community. For any
180 residential development loan pursuant to this subsection, the
181 developer shall agree that the development will provide the housing
182 needs reasonable and appropriate for first-time home buyers or recent
183 college graduates looking to remain in this state.

184 (8) The loan program established pursuant to this subsection shall
185 be available to all qualified new and existing property owners.
186 Recipients who use loans for commercial, industrial or mixed-use
187 development shall agree to retain or add jobs, during the term of the
188 loan, unless otherwise agreed to by the Department of Economic and
189 Community Development, the Connecticut Development Authority
190 and the Connecticut Brownfield Redevelopment Authority. The
191 residential developer shall agree to retire the loan upon sale of the
192 units unless the development will be apartments.

193 (9) Each loan recipient pursuant to this subsection may be eligible
194 for up to two million dollars per year for up to two years, subject to
195 agency underwriting and reasonable and customary requirements to
196 assure performance. If additional funds are needed, the Commissioner
197 of Economic and Community Development may recommend that the
198 project be funded through the State Bond Commission.

199 [(e)] (g) The Commissioner of Economic and Community
200 Development shall approve applications submitted in accordance with
201 subsection (c) of this section before awarding any financial assistance
202 to an eligible applicant or purchasing any participation interest in a
203 loan made by the Connecticut Development Authority for the benefit
204 of an eligible applicant. Notwithstanding any other provision of this
205 section, if the applicant's request for financial assistance involves the
206 department purchasing a participation interest in a loan made by the
207 Connecticut Development Authority, such authority may submit such

208 application and other information as is required of eligible applicants
209 under subsection (c) of this section on behalf of such eligible applicant
210 and no further application shall be required of such eligible applicant.
211 No financial assistance shall exceed fifty per cent of the total project
212 cost, provided in the case of (1) planning or site evaluation projects,
213 and (2) financial assistance to any project in a targeted investment
214 community, such assistance shall not exceed ninety per cent of the
215 project cost. Upon approval of the commissioner, a nonstate share of
216 the total project cost, if any, may be satisfied entirely or partially from
217 noncash contributions, including contributions of real property, from
218 private sources or, to the extent permitted by federal law, from moneys
219 received by the municipality under any federal grant program.

220 [(f)] (h) Financial assistance may be made available for (1) site
221 investigation and assessment, (2) planning and engineering, including,
222 but not limited to, the reasonable cost of environmental consultants,
223 laboratory analysis, investigatory and remedial contractors, architects,
224 attorneys' fees, feasibility studies, appraisals, market studies and
225 related activities, (3) the acquisition of real property, provided
226 financial assistance for such acquisition shall not exceed fair market
227 value as appraised as if clean, (4) the construction of site and
228 infrastructure improvements related to the site remediation, (5)
229 demolition, asbestos abatement, hazardous waste removal, PCB
230 removal and related infrastructure remedial activities, (6) remediation,
231 groundwater monitoring, including, but not limited to, natural
232 attenuation groundwater monitoring and costs associated with filing
233 an environmental land use restriction, (7) environmental insurance,
234 and (8) other reasonable expenses the commissioner determines are
235 necessary or appropriate for the initiation, implementation and
236 completion of the project. The department may purchase participation
237 interests in loans made by the Connecticut Development Authority for
238 the foregoing purposes.

239 [(g)] (i) The commissioner may establish the terms and conditions of
240 any financial assistance provided pursuant to subsections (a) to [(i)]

241 (k), inclusive, of this section. The commissioner may make any
242 stipulation in connection with an offer of financial assistance the
243 commissioner deems necessary to implement the policies and
244 purposes of such sections, including, but not limited to the following:
245 (1) Providing assurances that the eligible applicant will discharge its
246 obligations in connection with the project; and (2) requiring that the
247 eligible applicant provide the department with appropriate security for
248 such financial assistance, including, but not limited to, a letter of credit,
249 a lien on real property or a security interest in goods, equipment,
250 inventory or other property of any kind.

251 ~~[(h)]~~ (j) The commissioner may use any available funds for financial
252 assistance under the provisions of subsections (a) to ~~[(i)]~~ (k), inclusive,
253 of this section.

254 ~~[(i)]~~ (k) Whenever funds are used pursuant to subsections (a) to ~~[(i)]~~
255 (k), inclusive, of this section for purposes of environmental
256 assessments or remediation of a brownfield, the Commissioner of
257 Environmental Protection may seek reimbursement of the costs and
258 expenses incurred by requesting the Attorney General to bring a civil
259 action to recover such costs and expenses from any party responsible
260 for such pollution provided no such action shall be brought separately
261 from any action to recover costs and expenses incurred by the
262 Commissioner of Environmental Protection in pursuing action to
263 contain, remove or mitigate any pollution on such site. The costs and
264 expenses recovered may include, but shall not be limited to, (1) the
265 actual cost of identifying, evaluating, planning for and undertaking the
266 remediation of the site; (2) any administrative costs not exceeding ten
267 per cent of the actual costs; (3) the costs of recovering the
268 reimbursement; and (4) interest on the actual costs at a rate of ten per
269 cent a year from the date such expenses were paid. The defendant in
270 any civil action brought pursuant to this subsection shall have no
271 cause of action or claim for contribution against any person with
272 whom the Commissioner of Environmental Protection has entered into
273 a covenant not to sue pursuant to sections 22a-133aa of the 2008

274 supplement to the general statutes and 22a-133bb with respect to
275 pollution on or emanating from the property that is the subject of said
276 civil action. Funds recovered pursuant to this section shall be
277 deposited in the brownfield remediation and development account
278 established pursuant to subsections [(j)] (l) to [(m)] (o), inclusive, of
279 this section. The provisions of this subsection shall be in addition to
280 any other remedies provided by law.

281 [(j)] (l) There is established a separate nonlapsing account within the
282 General Fund to be known as the "brownfield remediation and
283 development account". There shall be deposited in the account: (1) The
284 proceeds of bonds issued by the state for deposit into said account and
285 used in accordance with this section; (2) repayments of assistance
286 provided pursuant to subsection (c) of section 22a-133u of the 2008
287 supplement to the general statutes; (3) interest or other income earned
288 on the investment of moneys in the account; (4) funds recovered
289 pursuant to subsection (i) of this section; and (5) all funds required by
290 law to be deposited in the account. Repayment of principal and
291 interest on loans made pursuant to subsections (a) to [(i)] (k), inclusive,
292 of this section shall be credited to such account and shall become part
293 of the assets of the account. Any balance remaining in such account at
294 the end of any fiscal year shall be carried forward in the account for
295 the fiscal year next succeeding.

296 [(k)] (m) All moneys received in consideration of financial
297 assistance, including payments of principal and interest on any loans,
298 shall be credited to the account. At the discretion of the Commissioner
299 of Economic and Community Development and subject to the
300 approval of the Secretary of the Office of Policy and Management, any
301 federal, private or other moneys received by the state in connection
302 with projects undertaken pursuant to subsections (a) to [(i)] (k),
303 inclusive, of this section shall be credited to the assets of the account.

304 [(l)] (n) Notwithstanding any provision of law, proceeds from the
305 sale of bonds available pursuant to subdivision (1) of subsection (b) of
306 section 4-66c of the 2008 supplement to the general statutes may, with

307 the approval of the Governor and the State Bond Commission, be used
308 to capitalize the brownfield remediation and development account
309 created by subsections [(j)] (l) to [(m)] (o), inclusive, of this section.

310 [(m)] (o) The commissioner may, with the approval of the Secretary
311 of the Office of Policy and Management, provide financial assistance
312 pursuant to subsections (a) to [(i)] (k), inclusive, of this section from the
313 account established under subsection [(j)] (l) to [(m)] (o), inclusive, of
314 this section.

315 Sec. 2. (NEW) (*Effective July 1, 2008, and applicable to income or taxable*
316 *years commencing on or after January 1, 2008*) (a) As used in this section,
317 (1) "eligible costs" means the cost of site investigation and remediation,
318 including all soil and groundwater costs and costs associated with
319 infrastructure abatement, demolition and rehabilitation, and (2)
320 "qualified brownfield site" means property undergoing a change of
321 ownership that is subject to section 22a-134a of the general statutes or
322 that is involved in a voluntary remediation program pursuant to
323 sections 22a-133x of the 2008 supplement to the general statutes and
324 22a-133y of the general statutes.

325 (b) There shall be allowed a credit against the taxes imposed under
326 chapters 208 and 229 of the general statutes for investigation and
327 remediation of brownfield properties. The credit shall be in an amount
328 equal to thirty per cent of a taxpayer's eligible costs, provided such
329 eligible costs exceed one million dollars.

330 (c) Any tax credit may be carried forward for the five immediately
331 succeeding years until the full credit has been allowed.

332 (d) Any credit allowed pursuant to this section may be sold,
333 assigned or otherwise transferred, in whole or in part, to one or more
334 taxpayers. If a credit is sold, assigned or otherwise transferred under
335 this section to another taxpayer, the transferor and transferee shall
336 jointly submit written notification of such transfer to the
337 Commissioner of Revenue Services not later than thirty days after such

338 transfer. If such transferee sells, assigns or otherwise transfers a credit
339 under this section to a subsequent transferee, such transferee and such
340 subsequent transferee shall jointly submit written notification of such
341 transfer to the commission not later than thirty days after such
342 transfer. The notification after each transfer shall include the credit
343 voucher number, the date of transfer, the amount of such credit
344 transferred, the tax credit balance before and after the transfer, the tax
345 identification numbers for both the transferor and the transferee, and
346 any other information required by the commission. Failure to comply
347 with this subsection will result in a disallowance of the tax credit until
348 there is full compliance on the part of the transferor and the transferee,
349 and for a second or third transfer, on the part of all subsequent
350 transferors and transferees.

351 (e) Municipalities, economic development authorities, regional
352 economic development authorities, or nonprofit, community or
353 economic development corporations that do not pay taxes to the state
354 may also claim a tax credit for the eligible costs and sell, assign or
355 otherwise transfer those credits to taxpayers in accordance with
356 subsection (d) of this section.

357 Sec. 3. Section 32-23zz of the general statutes is repealed and the
358 following is substituted in lieu thereof (*Effective from passage*):

359 (a) For the purpose of assisting (1) any information technology
360 project, as defined in subsection (ee) of section 32-23d of the 2008
361 supplement to the general statutes, which is located in an eligible
362 municipality, as defined in subdivision (12) of subsection (a) of section
363 32-9t, or (2) any remediation project, as defined in subsection (ii) of
364 section 32-23d of the 2008 supplement to the general statutes, the
365 Connecticut Development Authority may, upon a resolution of the
366 legislative body of a municipality, issue and administer bonds which
367 are payable solely or in part from and secured by: (A) A pledge of and
368 lien upon any and all of the income, proceeds, revenues and property
369 of such a project, including the proceeds of grants, loans, advances or
370 contributions from the federal government, the state or any other

371 source, including financial assistance furnished by the municipality or
372 any other public body, (B) taxes or payments or grants in lieu of taxes
373 allocated to and payable into a special fund of the Connecticut
374 Development Authority pursuant to the provisions of subsection (b) of
375 this section, or (C) any combination of the foregoing. Any such bonds
376 of the Connecticut Development Authority shall mature at such time
377 or times not exceeding thirty years from their date of issuance and
378 shall be subject to the general terms and provisions of law applicable
379 to the issuance of bonds by the Connecticut Development Authority,
380 except that such bonds shall be issued without a special capital reserve
381 fund as provided in subsection (b) of section 32-23j and, for purposes
382 of section 32-23f, only the approval of the board of directors of the
383 authority shall be required for the issuance and sale of such bonds.
384 Any pledge made by the municipality or the Connecticut Development
385 Authority for bonds issued as provided in this section shall be valid
386 and binding from the time when the pledge is made, and revenues and
387 other receipts, funds or moneys so pledged and thereafter received by
388 the municipality or the Connecticut Development Authority shall be
389 subject to the lien of such pledge without any physical delivery thereof
390 or further act. The lien of such pledge shall be valid and binding
391 against all parties having claims of any kind in tort, contract or
392 otherwise against the municipality or the Connecticut Development
393 Authority, even if the parties have no notice of such lien. Recording of
394 the resolution or any other instrument by which such a pledge is
395 created shall not be required. In connection with any such assignment
396 of taxes or payments in lieu of taxes, the Connecticut Development
397 Authority may, if the resolution so provides, exercise the rights
398 provided for in section 12-195h of an assignee for consideration of any
399 lien filed to secure the payment of such taxes or payments in lieu of
400 taxes. All expenses incurred in providing such assistance may be
401 treated as project costs.

402 (b) Any proceedings authorizing the issuance of bonds under this
403 section may contain a provision that taxes or a specified portion
404 thereof, if any, identified in such authorizing proceedings and levied

405 upon taxable real or personal property, or both, in a project each year,
406 or payments or grants in lieu of such taxes or a specified portion
407 thereof, by or for the benefit of any one or more municipalities,
408 districts or other public taxing agencies, as the case may be, shall be
409 divided as follows: (1) In each fiscal year that portion of the taxes or
410 payments or grants in lieu of taxes which would be produced by
411 applying the then current tax rate of each of the taxing agencies to the
412 total sum of the assessed value of the taxable property in the project on
413 the date of such authorizing proceedings, adjusted in the case of grants
414 in lieu of taxes to reflect the applicable statutory rate of
415 reimbursement, shall be allocated to and when collected shall be paid
416 into the funds of the respective taxing agencies in the same manner as
417 taxes by or for said taxing agencies on all other property are paid; and
418 (2) that portion of the assessed taxes or the payments or grants in lieu
419 of taxes, or both, each fiscal year in excess of the amount referred to in
420 subdivision (1) of this subsection shall be allocated to and when
421 collected shall be paid into a special fund of the Connecticut
422 Development Authority to be used in each fiscal year, in the discretion
423 of the Connecticut Development Authority, to pay the principal of and
424 interest due in such fiscal year on bonds issued by the Connecticut
425 Development Authority to finance, refinance or otherwise assist such
426 project, to purchase bonds issued for such project, or to reimburse the
427 provider of or reimbursement party with respect to any guarantee,
428 letter of credit, policy of bond insurance, funds deposited in a debt
429 service reserve fund, funds deposited as capitalized interest or other
430 credit enhancement device used to secure payment of debt service on
431 any bonds issued by the Connecticut Development Authority to
432 finance, refinance or otherwise assist such project, to the extent of any
433 payments of debt service made therefrom. Unless and until the total
434 assessed valuation of the taxable property in a project exceeds the total
435 assessed value of the taxable property in such project as shown by the
436 last assessment list referred to in subdivision (1) of this subsection, all
437 of the taxes levied and collected and all of the payments or grants in
438 lieu of taxes due and collected upon the taxable property in such
439 project shall be paid into the funds of the respective taxing agencies.

440 When such bonds and interest thereof, and such debt service
441 reimbursement to the provider of or reimbursement party with respect
442 to such credit enhancement, have been paid in full, all moneys
443 thereafter received from taxes or payments or grants in lieu of taxes
444 upon the taxable property in such development project shall be paid
445 into the funds of the respective taxing agencies in the same manner as
446 taxes on all other property are paid. The total amount of bonds issued
447 pursuant to this section which are payable from grants in lieu of taxes
448 payable by the state shall not exceed an amount of bonds, the debt
449 service on which in any state fiscal year is, in total, equal to one million
450 dollars.

451 (c) The authority may make grants or provide loans or other forms
452 of financial assistance from the proceeds of special or general
453 obligation notes or bonds of the authority issued without the security
454 of a special capital reserve fund within the meaning of subsection (b)
455 of section 32-23j, which bonds are payable from and secured by, in
456 whole or in part, the pledge and security provided for in section 8-134,
457 8-192, 32-227 or this section, all on such terms and conditions,
458 including such agreements with the municipality and the developer of
459 the project, as the authority determines to be appropriate in the
460 circumstances, provided any such project in an area designated as an
461 enterprise zone pursuant to section 32-70 receiving such financial
462 assistance shall be ineligible for any fixed assessment pursuant to
463 section 32-71, and the authority, as a condition of such grant, loan or
464 other financial assistance, may require the waiver, in whole or in part,
465 of any property tax exemption with respect to such project otherwise
466 available under subsection (59) or (60) of section 12-81 of the 2008
467 supplement to the general statutes.

468 (d) As used in this section, "bonds" means any bonds, including
469 refunding bonds, notes, temporary notes, interim certificates,
470 debentures or other obligations; "legislative body" has the meaning
471 provided in subsection (y) of section 32-222; and "municipality" means
472 a town, city, consolidated town or city or consolidated town and

473 borough.

474 (e) For purposes of this section, references to the Connecticut
475 Development Authority shall include any subsidiary of the
476 Connecticut Development Authority established pursuant to
477 subsection (l) of section 32-11a, and a municipality may act by and
478 through its implementing agency, as defined in subsection (k) of
479 section 32-222.

480 [(f) No commitments for new projects shall be approved by the
481 authority under this section on or after July 1, 2008.]

482 [(g)] (f) In the case of a remediation project, as defined in subsection
483 (ii) of section 32-23d of the 2008 supplement to the general statutes,
484 that involves buildings that are vacant, underutilized or in
485 deteriorating condition and as to which municipal real property taxes
486 are delinquent, in whole or in part, for more than one fiscal year, the
487 amount determined in accordance with subdivision (1) of subsection
488 (b) of this section may, if the resolution of the municipality so
489 provides, be established at an amount less than the amount so
490 determined, but not less than the amount of municipal property taxes
491 actually paid during the most recently completed fiscal year. If the
492 Connecticut Development Authority issues bonds for the remediation
493 project, the amount established in the resolution shall be used for all
494 purposes of subsection (a) of this section.

495 Sec. 4. Section 22a-133dd of the general statutes is repealed and the
496 following is substituted in lieu thereof (*Effective from passage*):

497 (a) Any licensed environmental professional employed or retained
498 by a municipality may access and enter, without the municipality
499 incurring any liability from the state or any other person for such
500 entry, assessment or investigation or for any condition encountered,
501 upon any property within such municipality for the purpose of
502 performing an environmental site assessment or investigation if: (1)
503 The owner of such property cannot be located; [or] (2) such property is

504 encumbered by a lien for taxes due such municipality; [or] (3) upon a
505 filing of a notice of eminent domain; (4) the municipality's legislative
506 body finds that such investigation is in the public interest to determine
507 if the property is underutilized or should be included in any
508 undertaking of development, redevelopment or remediation pursuant
509 to chapter 130, 132, 445 or 5881; or (5) any official of the municipality
510 reasonably finds such investigation necessary to determine if such
511 property presents a risk to the safety, health or welfare of the public or
512 a risk to the environment. The municipality shall give at least ten days'
513 notice of such entry before the first such entry by first class mail to the
514 property owner's last known address of record. Immunity pursuant to
515 this section extends only to contamination or pollution not created,
516 established or otherwise attributed to the municipality.

517 (b) The owner of the property may object to such access and entry
518 by the municipality by filing an action in the Superior Court, provided
519 any objection be limited to the owner affirmatively representing that it
520 is diligently investigating the site in a timely manner and that any
521 municipal taxes owed will be paid in full.

522 Sec. 5. (Effective July 1, 2009) (a) For the purposes described in
523 subsection (b) of this section, the State Bond Commission shall have
524 the power, from time to time, to authorize the issuance of bonds of the
525 state in one or more series and in principal amounts not exceeding in
526 the aggregate one hundred million dollars, provided (1) ten million
527 dollars of said authorization shall be effective July 1, 2010, (2) ten
528 million dollars of said authorization shall be effective July 1, 2011, (3)
529 ten million dollars of said authorization shall be effective July 1, 2012,
530 (4) ten million dollars of said authorization shall be effective July 1,
531 2013, (5) ten million dollars of said authorization shall be effective July
532 1, 2014, (6) ten million dollars of said authorization shall be effective
533 July 1, 2015, (7) ten million dollars of said authorization shall be
534 effective July 1, 2016, (8) ten million dollars of said authorization shall
535 be effective July 1, 2017, and (9) ten million dollars of said
536 authorization shall be effective July 1, 2018.

537 (b) The proceeds of the sale of said bonds, to the extent of the
538 amount stated in subsection (a) of this section, shall be used by the
539 Department of Economic and Community Development for the
540 purpose of providing grants and loans pursuant to section 32-9kk of
541 the 2008 supplement to the general statutes, as amended by this act.

542 (c) All provisions of section 3-20 of the general statutes, or the
543 exercise of any right or power granted thereby, which are not
544 inconsistent with the provisions of this section are hereby adopted and
545 shall apply to all bonds authorized by the State Bond Commission
546 pursuant to this section, and temporary notes in anticipation of the
547 money to be derived from the sale of any such bonds so authorized
548 may be issued in accordance with said section 3-20 and from time to
549 time renewed. Such bonds shall mature at such time or times not
550 exceeding twenty years from their respective dates as may be provided
551 in or pursuant to the resolution or resolutions of the State Bond
552 Commission authorizing such bonds. None of said bonds shall be
553 authorized except upon a finding by the State Bond Commission that
554 there has been filed with it a request for such authorization which is
555 signed by or on behalf of the Secretary of the Office of Policy and
556 Management and states such terms and conditions as said commission,
557 in its discretion, may require. Said bonds issued pursuant to this
558 section shall be general obligations of the state and the full faith and
559 credit of the state of Connecticut are pledged for the payment of the
560 principal of and interest on said bonds as the same become due, and
561 accordingly and as part of the contract of the state with the holders of
562 said bonds, appropriation of all amounts necessary for punctual
563 payment of such principal and interest is hereby made, and the State
564 Treasurer shall pay such principal and interest as the same become
565 due.

566 Sec. 6. Section 11 of public act 06-184, as amended by section 15 of
567 public act 07-233, is amended to read as follows (*Effective July 1, 2008*):

568 (a) There is established a task force to study strategies for providing
569 long-term solutions for the state's brownfields.

570 (b) The task force shall consist of the following eleven members,
571 each of whom shall have expertise in brownfield redevelopment either
572 in environmental law, engineering, finance, development, consulting,
573 insurance or other relevant experience:

574 (1) Two appointed by the Governor;

575 (2) One appointed by the president pro tempore of the Senate;

576 (3) One appointed by the speaker of the House of Representatives;

577 (4) One appointed by the majority leader of the Senate;

578 (5) One appointed by the majority leader of the House of
579 Representatives;

580 (6) One appointed by the minority leader of the Senate;

581 (7) One appointed by the minority leader of the House of
582 Representatives;

583 (8) The Commissioner of Economic and Community Development,
584 or the commissioner's designee;

585 (9) The Commissioner of Environmental Protection, or the
586 commissioner's designee; and

587 (10) The Secretary of the Office of Policy and Management, or the
588 secretary's designee.

589 (c) Any member of the task force appointed under subdivision (1),
590 (2), (3), (4), (5), (6) or (7) of subsection (b) of this section may be a
591 member of the General Assembly. At least one member shall be an
592 employee.

593 (d) All appointments to the task force shall be made no later than
594 thirty days after the effective date of this section. Any vacancy shall be
595 filled by the appointing authority.

596 (e) The speaker of the House of Representatives and the president
 597 pro tempore of the Senate shall select the chairpersons of the task force
 598 [] from among the members of the task force. Such chairpersons shall
 599 schedule the first meeting of the task force, which shall be held no later
 600 than sixty days after the effective date of this section.

601 (f) Not later than [February 1, 2008] January 1, 2009, the task force
 602 shall submit a report on its findings and recommendations to the joint
 603 standing committees of the General Assembly having cognizance of
 604 matters relating to environment and commerce, in accordance with the
 605 provisions of section 11-4a of the general statutes. The task force shall
 606 terminate on the date that it submits such report or [February 1, 2008]
 607 January 1, 2009, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	32-9kk
Sec. 2	<i>July 1, 2008, and applicable to income or taxable years commencing on or after January 1, 2008</i>	New section
Sec. 3	<i>from passage</i>	32-23zz
Sec. 4	<i>from passage</i>	22a-133dd
Sec. 5	<i>July 1, 2009</i>	New section
Sec. 6	<i>July 1, 2008</i>	PA 06-184, Sec. 11

CE

Joint Favorable Subst. C/R

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