



General Assembly

Amendment

February Session, 2016

LCO No. 4774



Offered by:

REP. PERONE, 137th Dist.

SEN. HARTLEY, 15th Dist.

To: Subst. House Bill No. **5425**

File No. 393

Cal. No. 268

***"AN ACT CONCERNING THE CREATION OF CONNECTICUT
BROWNFIELD LAND BANKS, CERTAIN LENDER
RESPONSIBILITY FOR RELEASES AT BROWNFIELDS AND
REVISIONS TO THE BROWNFIELDS REMEDIATION AND
DEVELOPMENT PROGRAM."***

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- 1 In line 195, after "that" insert "the commissioner shall decertify"
 - 2 In line 196, strike "may be subject to decertification"
 - 3 In line 197, strike "such noncompliance is"
 - 4 In line 198, strike "waived by the commissioner or" and strike "an"
 - 5 and insert "a revised" in lieu thereof
 - 6 In line 200, after "section." insert "The commissioner, at his or her
 - 7 discretion, may grant a sixty-day extension for such land bank to
 - 8 submit such revised annual report."
 - 9 In line 207, after "decertification." insert "Any Connecticut
 - 10 brownfield land bank that is decertified by the commissioner may

11 apply for certification under subsection (a) of this section."

12 In line 305, strike "is advantageous to" and insert "are identified in a
13 land banking agreement between such Connecticut brownfield land
14 bank and the municipality in which such properties are located."

15 Strike line 306 in its entirety

16 Strike lines 368 to 398, inclusive, in their entirety and insert the
17 following in lieu thereof:

18 "(a) Any municipality or any licensed environmental professional
19 employed or retained by a municipality may enter, without liability,
20 upon any property within such municipality for the purpose of
21 performing an environmental site assessment or investigation on
22 behalf of the municipality if: (1) The owner of such property cannot be
23 located; (2) such property is encumbered by a lien for taxes due such
24 municipality; (3) upon a filing of a notice of eminent domain; (4) the
25 municipality's legislative body finds that such investigation is in the
26 public interest to determine if the property is underutilized or should
27 be included in any undertaking of development, redevelopment or
28 remediation pursuant to this chapter or chapter 130, 132 or 581; or (5)
29 any official of the municipality reasonably finds such investigation
30 necessary to determine if such property presents a risk to the safety,
31 health or welfare of the public or a risk to the environment. A
32 Connecticut brownfield land bank or any licensed environmental
33 professional employed or retained by such Connecticut brownfield
34 land bank may enter, without liability, upon any property subject to a
35 land banking agreement between such Connecticut brownfield land
36 bank and the municipality in which such property is located for the
37 purpose of performing an environmental site assessment or
38 investigation on behalf of such Connecticut brownfield land bank if:
39 (A) Such environmental site assessment or investigation is required
40 under a land banking agreement between such municipality and such
41 Connecticut brownfield land bank, and such municipality is otherwise
42 authorized under this subsection to enter such property without

43 liability, or (B) the property owner has entered into a voluntary
44 agreement with such municipality or such land bank for the
45 performance of an environmental site assessment or investigation. The
46 municipality or, if applicable, the Connecticut brownfield land bank
47 shall give at least forty-five days' notice of such entry before the first
48 such entry by certified mail to the property owner's last known
49 address of record."

50 In line 946, strike "If an applicant whose"

51 Strike lines 947 to 960, inclusive, in their entirety and insert the
52 following in lieu thereof:

53 "The provisions of this subsection shall extend to any lender to
54 whom such applicant conveys a security interest in such eligible
55 property, provided such lender is not liable for such release under any
56 other provision of the general statutes, and shall not alter any
57 limitation of such lender's liability pursuant to section 22a-452f or any
58 other provision of the general statutes."

59 In line 1021, strike "Any time"

60 Strike lines 1022 to 1025, inclusive, in their entirety

61 In line 1026, strike "and the commissioner."

62 In line 1148, bracket "plume" and strike "or"

63 In line 1164, after the closing bracket insert "(A) ten thousand
64 dollars, or (B)"

65 In line 1165, after "party" insert ", whichever is greater,"