



General Assembly

Amendment

February Session, 2016

LCO No. 5143



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 161, after "act;" insert "and"
 - 2 Strike line 162 in its entirety
 - 3 In line 163, strike "(6)" and insert "(5)" in lieu thereof
 - 4 In line 195, after "that" insert "the commissioner shall decertify"
 - 5 In line 196, strike "may be subject to decertification"
 - 6 In line 197, strike "such noncompliance is"
 - 7 In line 198, strike "waived by the commissioner or" and strike "an"
 - 8 and insert "a revised" in lieu thereof

9 In line 200, after "section." insert "The commissioner, at his or her
10 discretion, may grant a sixty-day extension for such land bank to
11 submit such revised annual report."

12 In line 207, after "decertification." insert "Any Connecticut
13 brownfield land bank that is decertified by the commissioner may
14 apply for certification under subsection (a) of this section."

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

18 Strike line 306 in its entirety

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

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

41 investigation on behalf of such Connecticut brownfield land bank if:
42 (A) Such environmental site assessment or investigation is required
43 under a land banking agreement between such municipality and such
44 Connecticut brownfield land bank, and such municipality is otherwise
45 authorized under this subsection to enter such property without
46 liability, or (B) the property owner has entered into a voluntary
47 agreement with such municipality or such land bank for the
48 performance of an environmental site assessment or investigation. The
49 municipality or, if applicable, the Connecticut brownfield land bank
50 shall give at least forty-five days' notice of such entry before the first
51 such entry by certified mail to the property owner's last known
52 address of record."

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

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

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

62 In line 1021, strike "Any time"

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

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

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

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

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