



General Assembly

January Session, 2019

Committee Bill No. 6552

LCO No. 6633



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Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:

(PD)

AN ACT CONCERNING EXEMPTIONS FROM CERTAIN HISTORIC PRESERVATION REQUIREMENTS.

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

1 Section 1. (NEW) (*Effective October 1, 2019*) As used in this section,
2 "historic structure" has the same meaning as "historic structures and
3 landmarks" in section 10-410 of the general statutes and "distressed
4 municipality" has the same meaning as provided in section 32-9p of
5 the general statutes. Any new construction plan or project of a private
6 or municipal entity alone or in combination that proposes to rebuild,
7 remove, demolish, move or raze a historic structure that is located in
8 (1) an opportunity zone designated pursuant to Public Law 115-97,
9 and (2) a town having a population of less than thirty thousand which
10 has been determined to be a distressed municipality for the ten
11 consecutive years immediately prior to such proposal, shall be exempt
12 from the provisions of subdivision (2) of subsection (c) of section 10-
13 409 of the general statutes, as amended by this act, and section 22a-19a
14 of the general statutes, as amended by this act, if such structure has
15 been continuously vacant for not less than such ten-year period.

16 Sec. 2. Section 10-409 of the general statutes is repealed and the

17 following is substituted in lieu thereof (*Effective October 1, 2019*):

18 (a) With respect to historical preservation, there is established
19 within the Department of Economic and Community Development a
20 Historic Preservation Council. The Historic Preservation Council shall
21 consist of twelve members to be appointed by the Governor. On or
22 before January fifth in the even-numbered years, the Governor shall
23 appoint six members for terms of four years each to replace those
24 whose terms expire. One of such members shall be the State Historian
25 and one shall be the State Archaeologist. Members shall be appointed
26 in accordance with the provisions of section 4-9a. No member shall
27 serve for more than two consecutive full terms. Any member who fails
28 to attend three consecutive meetings or who fails to attend fifty per
29 cent of all meetings held during any calendar year shall be deemed to
30 have resigned from office. The Governor shall biennially designate one
31 member of the council to be chairperson. The Governor shall fill any
32 vacancy for any unexpired portion of the term and may remove any
33 member as provided by section 4-12. No compensation shall be
34 received by the members of the council but they shall be reimbursed
35 for their necessary expenses.

36 (b) The Department of Economic and Community Development
37 may, with the advice of the Historic Preservation Council, (1) study
38 and investigate historic structures and landmarks in this state and
39 encourage and recommend the development, preservation and
40 marking of such historic structures and landmarks found to have
41 educational, recreational and historical significance; (2) prepare, adopt
42 and maintain standards for a state register of historic places; (3) update
43 and keep current the state historic preservation plan; (4) administer the
44 State Register of Historic Places Program; (5) assist owners of historic
45 structures in seeking federal or other aid for historic preservation and
46 related purposes; (6) recommend to the General Assembly the placing
47 and maintaining of suitable markers, memorials or monuments or
48 other edifices to designate historic structures and landmarks found to
49 have historical significance; (7) make recommendations to the General

50 Assembly regarding the development and preservation of historic
51 structures and landmarks owned by the state; (8) maintain a program
52 of historical, architectural, and archaeological research and
53 development including surveys, excavation, scientific recording,
54 interpretation and publication of the historical, architectural,
55 archaeological and cultural resources of the state; (9) cooperate with
56 promotional, patriotic, educational and research groups and
57 associations, with local, state and national historical societies,
58 associations and commissions, with agencies of the state and its
59 political subdivisions and with the federal government, in promoting
60 and publicizing the historical heritage of Connecticut; (10) formulate
61 standards and criteria to guide the several municipalities in the
62 evaluation, delineation and establishment of historic districts; (11)
63 cooperate with the State Building Inspector, the Codes and Standards
64 Committee and other building officials and render advisory opinions
65 and prepare documentation regarding the application of the State
66 Building Code to historic structures and landmarks if requested by
67 owners of historic structures and landmarks, the State Building
68 Inspector, the Codes and Standards Committee or other building
69 officials; (12) review planned state and federal actions to determine
70 their impact on historic structures and landmarks; (13) operate the
71 Henry Whitfield House of Guilford, otherwise known as the Old Stone
72 House, the Prudence Crandall Museum, Old New-Gate Prison and
73 Copper Mine and the Eric Sloane Museum and Kent Iron Furnace as
74 state historical museums and, in its discretion, charge a fee for
75 admission to said museums and account for and deposit the same as
76 provided in section 4-32; (14) provide technical and financial assistance
77 to carry out the purposes of this section and sections 10-410 to 10-416,
78 inclusive; (15) adopt regulations in accordance with the provisions of
79 chapter 54 for the preservation of sacred sites and archaeological sites;
80 and (16) inventory state lands to identify sacred sites and
81 archaeological sites. The department shall study the feasibility of
82 establishing a state museum of Connecticut history at an appropriate
83 existing facility.

84 (c) The Historic Preservation Council shall [(A)] (1) review and
85 approve or disapprove requests by owners of historic properties on
86 which the department holds preservation easements to perform
87 rehabilitation work on sacred sites and archaeological sites; [(B)] (2)
88 request the assistance of the Attorney General to prevent the
89 unreasonable destruction of historic properties pursuant to the
90 provisions of section 22a-19a, as amended by this act; and [(C)] (3)
91 place and maintain suitable markers, memorials or monuments to
92 designate sites or places found to have historic significance. The
93 council shall meet monthly. The Connecticut Trust for Historic
94 Preservation may provide technical assistance to the council.

95 [(b)] (d) Notwithstanding the provisions of this section or section 1-
96 210, the Department of Economic and Community Development may
97 withhold from disclosure to the public information relating to the
98 location of archaeological sites under consideration for listing by the
99 department or those listed on the National Register of Historic Places
100 or the state register of historic places whenever the department
101 determines that disclosure of specific information would create a risk
102 of destruction or harm to such sites. The provisions of this subsection
103 shall not apply to any such site unless the person who reported or
104 discovered such site has submitted a written statement to the
105 department requesting that no disclosure be made. Upon receipt of
106 such statement, the department may withhold such information from
107 disclosure until the July first next succeeding such receipt. Such person
108 may request that a period of nondisclosure be extended by submitting
109 such statements prior to July first of any year.

110 [(c)] (e) The Historic Preservation Council of the Department of
111 Economic and Community Development shall develop a model ballot
112 form to be mailed by clerks of municipalities on the question of
113 creation of historic districts or districts as provided for in section 7-
114 147a to 7-147k, inclusive.

115 Sec. 3. Section 22a-9 of the general statutes is repealed and the

116 following is substituted in lieu thereof (*Effective October 1, 2019*):

117 The commissioner shall act as the official agent of the state in all
118 matters affecting the purposes of this title and sections 2-20a, 5-238a,
119 subsection (c) of section 7-131a, sections 7-131e, 7-131f, subsection (a)
120 of section 7-131g, sections 7-131i, 7-131l, [subsection] subsections (a) to
121 (c), inclusive, of section 10-409, as amended by this act, subdivisions
122 (51) and (52) of section 12-81, subdivisions (21) and (22) of section 12-
123 412, subsections (a) and (b) of section 13a-94, sections 13a-142a, 13b-56,
124 13b-57, 14-100b, 14-164c, chapter 268, sections 16a-103, 22-91c, 22-91e,
125 subsections (b) and (c) of section 22a-148, section 22a-150, subdivisions
126 (2) and (3) of section 22a-151, sections 22a-153, 22a-154, 22a-155, 22a-
127 158, chapter 446c, sections 22a-295, 22a-300, 22a-308, 22a-416, chapters
128 446h to 446k, inclusive, chapters 447 and 448, sections 23-35, 23-37a, 23-
129 41, chapter 462, section 25-34, chapter 477, subsection (b) of section 25-
130 128, subsection (a) of section 25-131, chapters 490 and 491 and sections
131 26-257, 26-297, 26-303 and 47-46a, under any federal laws now or
132 hereafter to be enacted and as the official agent of any municipality,
133 district, region or authority or other recognized legal entity in
134 connection with the grant or advance of any federal or other funds or
135 credits to the state or through the state, to its political subdivisions.

136 Sec. 4. Subsection (a) of section 32-1c of the general statutes is
137 repealed and the following is substituted in lieu thereof (*Effective*
138 *October 1, 2019*):

139 (a) In addition to any other powers, duties and responsibilities
140 provided for in this chapter, chapter 131, chapter 579 and section 4-8
141 and [subsection] subsections (a) to (d), inclusive, of section 10-409, as
142 amended by this act, the commissioner shall have the following
143 powers, duties and responsibilities: (1) To administer and direct the
144 operations of the Department of Economic and Community
145 Development; (2) to report annually to the Governor, as provided in
146 section 4-60; (3) to conduct and administer the research and planning
147 functions necessary to carry out the purposes of said chapters and

148 sections; (4) to encourage and promote the development of industry
149 and business in the state and to investigate, study and undertake ways
150 and means of promoting and encouraging the prosperous
151 development and protection of the legitimate interest and welfare of
152 Connecticut business, industry and commerce, within and outside the
153 state; (5) to serve, ex officio as a director on the board of Connecticut
154 Innovations, Incorporated; (6) to serve as a member of the Committee
155 of Concern for Connecticut Jobs; (7) to promote and encourage the
156 location and development of new business in the state as well as the
157 maintenance and expansion of existing business and for that purpose
158 to cooperate with state and local agencies and individuals both within
159 and outside the state; (8) to plan and conduct a program of information
160 and publicity designed to attract tourists, visitors and other interested
161 persons from outside the state to this state and also to encourage and
162 coordinate the efforts of other public and private organizations or
163 groups of citizens to publicize the facilities and attractions of the state
164 for the same purposes; (9) to advise and cooperate with municipalities,
165 persons and local planning agencies within the state for the purpose of
166 promoting coordination between the state and such municipalities as
167 to plans and development; (10) by reallocating funding from other
168 agency accounts or programs, to assign adequate and available staff to
169 provide technical assistance to businesses in the state in exporting,
170 manufacturing and cluster-based initiatives and to provide guidance
171 and advice on regulatory matters; (11) to aid minority businesses in
172 their development; (12) to appoint such assistants, experts, technicians
173 and clerical staff, subject to the provisions of chapter 67, as are
174 necessary to carry out the purposes of said chapters and sections; (13)
175 to employ other consultants and assistants on a contract or other basis
176 for rendering financial, technical or other assistance and advice; (14) to
177 acquire or lease facilities located outside the state subject to the
178 provisions of section 4b-23; (15) to advise and inform municipal
179 officials concerning economic development and collect and
180 disseminate information pertaining thereto, including information
181 about federal, state and private assistance programs and services

182 pertaining thereto; (16) to inquire into the utilization of state
183 government resources and coordinate federal and state activities for
184 assistance in and solution of problems of economic development and
185 to inform and advise the Governor about and propose legislation
186 concerning such problems; (17) to conduct, encourage and maintain
187 research and studies relating to industrial and commercial
188 development; (18) to prepare and review model ordinances and
189 charters relating to these areas; (19) to maintain an inventory of data
190 and information and act as a clearinghouse and referral agency for
191 information on state and federal programs and services relative to the
192 purpose set forth herein. The inventory shall include information on all
193 federal programs of financial assistance for defense conversion projects
194 and other projects consistent with a defense conversion strategy and
195 shall identify businesses which would be eligible for such assistance
196 and provide notification to such business of such programs; (20) to
197 conduct, encourage and maintain research and studies and advise
198 municipal officials about forms of cooperation between public and
199 private agencies designed to advance economic development; (21) to
200 promote and assist the formation of municipal and other agencies
201 appropriate to the purposes of this chapter; (22) to require notice of the
202 submission of all applications by municipalities and any agency
203 thereof for federal and state financial assistance for economic
204 development programs as relate to the purposes of this chapter; (23)
205 with the approval of the Commissioner of Administrative Services, to
206 reimburse any employee of the department, including the
207 commissioner, for reasonable business expenses, including but not
208 limited to, mileage, travel, lodging, and entertainment of business
209 prospects and other persons to the extent necessary or advisable to
210 carry out the purposes of subdivisions (4), (7), (8) and (11) of this
211 subsection and other provisions of this chapter; (24) to assist in
212 resolving solid waste management issues; (25) (A) to serve as an
213 information clearinghouse for various public and private programs
214 available to assist businesses, (B) to identify specific micro businesses,
215 as defined in section 32-344, whose growth and success could benefit

216 from state or private assistance and contact such small businesses in
217 order to (i) identify their needs, (ii) provide information about public
218 and private programs for meeting such needs, including, but not
219 limited to, technical assistance, job training and financial assistance,
220 and (iii) arrange for the provision of such assistance to such businesses;
221 (26) to enhance and promote the digital media and motion picture
222 industries in the state; (27) by reallocating funding from other agency
223 accounts or programs, to develop a marketing campaign that promotes
224 Connecticut as a place of innovation; and (28) by reallocating funding
225 from other agency accounts or programs, to execute the steps
226 necessary to implement the knowledge corridor agreement with
227 Massachusetts to promote the biomedical device industry.

228 Sec. 5. Subsection (f) of section 32-23f of the general statutes is
229 repealed and the following is substituted in lieu thereof (*Effective*
230 *October 1, 2019*):

231 (f) The principal of and interest on bonds or notes issued by the
232 corporation may be secured by a pledge of any revenues and receipts
233 of the corporation derived from any project and may be additionally
234 secured by a mortgage or deed of trust covering all or any part of a
235 project, including any additions, improvements, extensions to or
236 enlargements of any projects thereafter made. Such bonds or notes
237 may also be secured by a pledge or assignment of a loan agreement,
238 conditional sale agreement or agreement of sale or by an assignment of
239 the lease of any project for the construction and acquisition of which
240 said bonds or notes are issued and by an assignment of the revenues
241 and receipts derived by the corporation from such project. The
242 payments of principal and interest on such bonds or notes may be
243 additionally secured by a pledge of any other property, revenues,
244 moneys, or funds available to the corporation for such purpose. The
245 resolution authorizing the issuance of any such bonds or notes and any
246 such mortgage or deed of trust or lease or loan agreement, conditional
247 sale agreement or agreement of sale or credit agreement may contain
248 agreements and provisions respecting the establishment of reserves to

249 secure such bonds or notes, the maintenance and insurance of the
250 projects covered thereby, the fixing and collection of rents for any
251 portion thereof leased by the corporation to others or the sums to be
252 paid under any conditional sale agreement or agreement of sale
253 entered into by the corporation with others, the creation and
254 maintenance of special funds from such revenues and the rights and
255 remedies available in the event of default, the vesting in a trustee or
256 trustees of such property, rights, powers and duties in trust as the
257 corporation may determine, which may include any or all of the rights,
258 powers and duties of any trustee appointed by the holders of any
259 bonds and notes and limiting or abrogating the right of the holders of
260 any bonds and notes of the corporation to appoint a trustee under this
261 chapter, chapter 578 and [subsection] subsections (a) to (c), inclusive,
262 of section 10-409, as amended by this act, or limiting the rights, powers
263 and duties of such trustee; provision for a trust agreement by and
264 between the corporation and a corporate trust which may be any trust
265 company or bank having the powers of a trust company within or
266 without the state, which agreement may provide for the pledging or
267 assigning of any revenues or assets or income from assets to which or
268 in which the corporation has any rights or interest, and may further
269 provide for such other rights and remedies exercisable by the trustee
270 as may be proper for the protection of the holders of any bonds or
271 notes and not otherwise in violation of law, and such agreement may
272 provide for the restriction of the rights of any individual holder of
273 bonds or notes of the corporation and may contain any further
274 provisions which are reasonable to delineate further the respective
275 rights, duties, safeguards, responsibilities and liabilities of the
276 corporation; persons and collective holders of bonds or notes of the
277 corporation and the trustee; and covenants to do or refrain from doing
278 such acts and things as may be necessary or convenient or desirable in
279 order to better secure any bonds or notes of the corporation, or which,
280 in the discretion of the corporation, will tend to make any bonds or
281 notes to be issued more marketable notwithstanding that such
282 covenants, acts or things may not be enumerated herein; and any other

283 matters of like or different character, which in any way affect the
 284 security or protection of the bonds or notes, all as the corporation shall
 285 deem advisable and not in conflict with the provisions hereof. Each
 286 pledge, agreement, mortgage and deed of trust made for the benefit or
 287 security of any of the bonds or notes of the corporation shall be in
 288 effect until the principal of and interest on the bonds or notes for the
 289 benefit of which the same were made have been fully paid, or until
 290 provision has been made for payment in the manner provided in the
 291 resolution or resolutions authorizing their issuance. Any pledge made
 292 in respect of such bonds or notes shall be valid and binding from the
 293 time when the pledge is made; the revenues, money or property so
 294 pledged and thereafter received by the corporation shall immediately
 295 be subject to the lien of such pledge without any physical delivery
 296 thereof or further act; and the lien of any such pledge shall be valid
 297 and binding as against all parties having claims of any kind in tort,
 298 contract or otherwise against the corporation irrespective of whether
 299 such parties have notice thereof. Neither the resolution, trust indenture
 300 nor any other instrument by which a pledge is created need be
 301 recorded. The resolution authorizing the issuance of such bonds or
 302 notes may provide for the enforcement of any such pledge or security
 303 in any lawful manner. The corporation may elect to have the
 304 provisions of title 42a, the Connecticut uniform commercial code,
 305 apply to any pledge made by or to the corporation to secure its bonds
 306 or notes by filing a financing statement with respect to the security
 307 interest created by the pledge and, in such case, the financing
 308 statement shall be filed as if the debtor were located in this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section
Sec. 2	<i>October 1, 2019</i>	10-409
Sec. 3	<i>October 1, 2019</i>	22a-9
Sec. 4	<i>October 1, 2019</i>	32-1c(a)
Sec. 5	<i>October 1, 2019</i>	32-23f(f)

Statement of Purpose:

To exempt from certain historic preservation requirements certain construction plans or projects to alter historic structures located in opportunity zones within distressed municipalities with populations of less than thirty thousand.

[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.]

Co-Sponsors: REP. JOHNSON, 49th Dist.

H.B. 6552