



Senate

General Assembly

File No. 268

February Session, 2004

Senate Bill No. 505

Senate, March 25, 2004

The Committee on Commerce reported through SEN. LEBEAU of the 3rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING TECHNICAL REVISIONS TO COMMERCE RELATED STATUTES.

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

1 Section 1. Subsection (c) of section 2-90 of the general statutes, as
2 amended by section 232 of public act 03-6 of the June 30 special
3 session, is repealed and the following is substituted in lieu thereof
4 (*Effective from passage*):

5 (c) Said auditors shall audit, on a biennial basis if deemed most
6 economical and efficient, or as frequently as they deem necessary, the
7 books and accounts of each officer, [;] department, [;] commission,
8 [including the Connecticut Commission on Arts, Tourism, Culture,
9 History and Film;] board and court of the state government, [;] all
10 institutions supported by the state and all public and quasi-public
11 bodies, politic and corporate, created by public or special act of the
12 General Assembly and not required to be audited or subject to
13 reporting requirements, under the provisions of chapter 111. Each such

14 audit may include an examination of performance in order to
15 determine effectiveness in achieving expressed legislative purposes.
16 The auditors shall report their findings and recommendations to the
17 Governor, the State Comptroller, the joint standing committee of the
18 General Assembly having cognizance of matters relating to
19 appropriations and the budgets of state agencies, and the Legislative
20 Program Review and Investigations Committee.

21 Sec. 2. Section 10-370 of the general statutes, as amended by section
22 220 of public act 03-6 of the June 30 special session, is repealed and the
23 following is substituted in lieu thereof (*Effective from passage*):

24 With respect to arts activities, the Connecticut Commission on
25 [Culture, Arts, Film and Tourism] Arts, Tourism, Culture, History and
26 Film, established under section 210 of [this act] public act 03-6 of the
27 June 30 special session, as amended by this act, shall encourage, within
28 the state or in association with other states, or both, participation in,
29 and promotion, development, acceptance and appreciation of, artistic
30 and cultural activities that shall include, but are not limited to, music,
31 theater, dance, painting, sculpture, architecture, literature, films and
32 allied arts and crafts and to this end shall have the following powers:
33 (1) To join or contract with consultants, private patrons, individual
34 artists and ensembles and with institutions, local sponsoring
35 organizations and professional organizations; (2) to enter into contracts
36 to provide grants, loans or advances to individuals, organizations, or
37 institutions, public or private, that are engaged in or plan to engage in
38 artistic and cultural programs or activities within the state, or that are
39 engaged in or plan to engage in the promotion, development, or
40 encouragement of artistic and cultural programs or activities within
41 the state; (3) to accept, hold and administer, on behalf of the
42 commission, in accordance with the provisions of sections 4-28, 4-31, 4-
43 31a and 4b-22, real property, personal property, securities, other choses
44 in action and moneys, or any interest therein, and income therefrom,
45 either absolutely or in trust, for any purpose of the commission. The
46 commission may acquire or receive such property or money for its
47 purposes by the acceptance of state or federal or public or private

48 loans, contributions, gifts, grants, donations, bequests or devises, and
49 the commission shall deposit or credit the same in the Connecticut
50 [Commission on Arts, Tourism, Culture, History and Film Fund]
51 Commission on arts, tourism, culture, history and film account
52 established under section 213 of [this act] public act 03-6 of the June 30
53 special session; (4) to establish a nonprofit foundation for the purpose
54 of raising funds from private sources to encourage, within the state or
55 in association with other states, or both, participation in, and
56 promotion, development, acceptance and appreciation of, artistic and
57 cultural activities that shall include, but are not limited to, music,
58 theater, dance, painting, sculpture, architecture, literature, films and
59 allied arts and crafts. All funds received by the foundation shall be
60 held in the manner prescribed by sections 4-37e to 4-37j, inclusive; and
61 (5) to perform such other acts as may be necessary or appropriate to
62 carry out the objectives and purposes of the commission. The General
63 Assembly declares that all activities undertaken in carrying out the
64 policies set forth in this chapter shall be directed toward encouraging
65 and assisting, rather than in any way limiting, the freedom of artistic
66 expression that is essential for the well-being of the arts. Said
67 commission shall maintain a survey of public and private facilities
68 engaged within the state in artistic and cultural activities and
69 determine the needs of the citizens of this state and the methods by
70 which existing resources may be utilized, or new resources developed,
71 to fulfill these needs. The commission shall maintain a register of
72 Connecticut artists. The name, town of residence and artistic medium
73 of any such artist residing in Connecticut shall be entered in the
74 register by the commission upon the artist's request.

75 Sec. 3. Subsections (d) and (e) of section 210 of public act 03-6 of the
76 June 30 special session are repealed and the following is substituted in
77 lieu thereof (*Effective from passage*):

78 (d) The Connecticut Commission on Arts, Tourism, Culture, History
79 and Film shall be a successor [department] agency to the State
80 Commission on the Arts, the Connecticut Historical Commission, the
81 Office of Tourism, the Connecticut Tourism Council, the Connecticut

82 Film, Video and Media Commission and the Connecticut Film, Video
83 and Media Office in accordance with the provisions of sections 4-38d
84 and 4-39.

85 (e) Wherever the words "State Commission on the Arts",
86 "Connecticut Historical Commission", "Office of Tourism" and
87 "Connecticut Film, Video and Media Office" are used in the following
88 sections of the general statutes, or in any public or special act of the
89 2003 or 2004 session the words "Connecticut Commission on Arts,
90 Tourism, Culture, History and Film" shall be substituted in lieu
91 thereof: 3-110f, as amended, 3-110h, as amended, 3-110i, as amended,
92 4-9a, as amended, 4b-53, as amended, 4b-60, as amended, 4b-64, as
93 amended, 4b-66a, as amended, 7-147a, as amended, 7-147b, as
94 amended, 7-147c, as amended, 7-147j, as amended, 7-147p, as
95 amended, 7-147q, as amended, 7-147y, as amended, 8-2j, as amended,
96 10-382, as amended, 10-384, as amended, 10-385, as amended, 10-386,
97 as amended, 10-387, as amended, 10-388, as amended, 10-389, as
98 amended, 10-391, as amended, 10a-111a, as amended, 10a-112, as
99 amended, 10a-112b, as amended, 10a-112g, as amended, [10-384,] 11-
100 6a, as amended, 12-376d, as amended, 13a-252, as amended, 19a-315b,
101 as amended, 19a-315c, as amended, 22a-1d, as amended, 22a-19b, as
102 amended, 25-102qq, as amended, 25-109q, as amended, 29-259, as
103 amended, and 32-6a, as amended.

104 Sec. 4. Subdivision (7) of subsection (a) of section 211 of public act
105 03-6 of the June 30 special session is repealed and the following is
106 substituted in lieu thereof (*Effective from passage*):

107 (7) The minority leader of the Senate shall appoint three
108 commissioners: (A) One commissioner shall be an individual with
109 knowledge of or experience or interest in tourism from the [northwest]
110 northwestern tourism district, established under section 215 of [this
111 act] public act 03-6 of the June 30 special session, as amended by this
112 act; (B) one commissioner shall be an individual with knowledge of or
113 experience or interest in history or humanities; and (C) one
114 commissioner shall be an individual with knowledge of or experience

115 or interest in the arts.

116 Sec. 5. Section 215 of public act 03-6 of the June 30 special session is
117 repealed and the following is substituted in lieu thereof (*Effective from*
118 *passage*):

119 (a) There [is] are established five regional tourism districts, each of
120 which shall promote and market districts as regional leisure and
121 business traveler destinations to stimulate economic growth. The
122 districts shall be as follows:

123 (1) The eastern regional district, which shall consist of Ashford,
124 Bozrah, Brooklyn, Canterbury, Chaplin, Colchester, Columbia,
125 Coventry, East Lyme, Eastford, Franklin, Griswold, Groton, Hampton,
126 Killingly, Lebanon, Ledyard, Lisbon, Lyme, Mansfield, Montville, New
127 London, North Stonington, Norwich, Old Lyme, Plainfield, Pomfret,
128 Preston, Putnam, Salem, Scotland, Sprague, Sterling, Stonington,
129 Thompson, Union, Voluntown, Waterford, Willington, Windham and
130 Woodstock;

131 (2) The central regional district, which shall consist of Andover,
132 Avon, Berlin, Bloomfield, Bolton, Canton, Chester, Cromwell, Deep
133 River, East Granby, East Haddam, East Hampton, East Hartford, East
134 Windsor, Ellington, Enfield, Essex, Farmington, Glastonbury, Granby,
135 Haddam, Hartford, Hebron, Manchester, Marlborough, Meriden,
136 Middletown, New Britain, Newington, Old Saybrook, Plainville,
137 Portland, Rocky Hill, Somers, South Windsor, Southington, Simsbury,
138 Stafford, Suffield, Tolland, Vernon, Windsor Locks, West Hartford,
139 Westbrook, Wethersfield and Windsor;

140 (3) The northwestern regional district, which shall consist of
141 Ansonia, Barkhamsted, Beacon Falls, Bethel, Bethlehem, Bridgewater,
142 Bristol, Brookfield, Burlington, Canaan, Colebrook, Cornwall,
143 Danbury, Derby, Goshen, Hartland, Harwinton, Kent, Litchfield,
144 Middlebury, Morris, Naugatuck, New Fairfield, New Hartford, New
145 Milford, Newtown, Norfolk, North Canaan, Oxford, Plymouth,
146 Prospect, Redding, Ridgefield, Roxbury, Salisbury, Seymour, Sharon,

147 Sherman, Southbury, Thomaston, Torrington, Warren, Washington,
148 Waterbury, Watertown, Winchester, Wolcott and Woodbury;

149 (4) The south central regional district, which shall consist of
150 Bethany, Branford, Cheshire, Clinton, Durham, East Haven, Guilford,
151 Hamden, Killingworth, Madison, Middlefield, Milford, Orange, New
152 Haven, North Branford, North Haven, Wallingford, West Haven and
153 Woodbridge;

154 (5) The southwestern regional district, which shall consist of
155 Bridgeport, Darien, Easton, Fairfield, Greenwich, New Canaan,
156 Monroe, Norwalk, Shelton, Stamford, Stratford, Trumbull, Weston,
157 Westport and Wilton.

158 (b) Each regional tourism district shall be overseen by a board of
159 directors consisting of one representative from each municipality
160 within the district, appointed by the legislative body of the
161 municipality and, where the legislative body is a town meeting, by the
162 board of selectmen. Any such member of a board of directors shall
163 serve for a term of three years. In addition, the board of directors may
164 appoint up to twenty-one persons representing tourism interests
165 within the district to serve on the board. No board member shall be
166 deemed a state employee for serving on said board. All appointments
167 to the board of directors shall be reported to the executive director of
168 the Connecticut Commission on Arts, Tourism, Culture, History and
169 Film.

170 (c) The provisions of the Freedom of Information Act, as defined in
171 section 1-200, shall apply to each regional tourism district.

172 (d) Not later than October 1, 2003, the commission shall assist each
173 regional tourism district in establishing a committee [, composed of
174 members selected from among subdivisions (1), (2) and (3) of
175 subsection (b) of this section,] to draft a charter and bylaws for the
176 regional tourism district and to organize the initial meeting of the
177 board of directors of the district, to be held no later than October 15,
178 2003.

179 (e) Each regional tourism district shall (1) comply with uniform
180 standards for accounting and reporting expenditures that are
181 established by the commission in accordance with section 210 of [this
182 act] public act 03-6 of the June 30 special session, as amended by this
183 act, and are based on industry accounting standards developed by the
184 International Association of Convention and Visitor Bureaus or other
185 national organizations related to tourism, and (2) on or before January
186 first of each year, submit to the commission, the Office of Policy and
187 Management and the Office of Fiscal Analysis an independent audit in
188 accordance with the provisions of sections 4-230 to 4-236, inclusive, as
189 amended.

190 (f) Each regional tourism district shall solicit and may accept private
191 funds for the promotion of tourism within its [district] towns and cities
192 and shall coordinate its activities with any private nonprofit tourist
193 association within the district and within this state, that promotes
194 tourism industry businesses in this state, in order to foster cooperation
195 in the promotion of such businesses. Any funds received by a regional
196 tourism district may be deposited in the [fund] account established in
197 section 213 of [this act] public act 03-6 of the June 30 special session or
198 in an account established by such tourism district to receive such
199 funds.

200 Sec. 6. Subdivision (3) of subsection (g) of section 32-9t of the
201 general statutes, as amended by section 77 of public act 03-6 of the June
202 30 special session, is repealed and the following is substituted in lieu
203 thereof (*Effective from passage*):

204 (3) The commissioner shall require the applicant to reimburse the
205 commissioner for all or any part of the cost of any revenue impact
206 assessment, economic feasibility study or other activities performed in
207 the exercise of due diligence pursuant to subsection (f) of this section.

208 Sec. 7. Section 32-306 of the general statutes, as amended by section
209 218 of public act 03-6 of the June 30 special session, is repealed and the
210 following is substituted in lieu thereof (*Effective from passage*):

211 As used in this section and section 32-307, as amended: "Visitor
212 welcome center" means the welcome centers, visitor centers and tourist
213 information centers located in Middletown, Southington, Wallingford,
214 West Willington, Greenwich, Windsor Locks, Danbury, Darien, North
215 Stonington, Plainfield [,] and Westbrook and at Bradley International
216 Airport, which have been established to distribute information to
217 persons traveling in the state for the purpose of influencing such
218 persons' level of satisfaction with the state and expenditures in the
219 state and their planning for present and future trips to the state.

220 Sec. 8. Subsection (c) of section 32-602 of the general statutes, as
221 amended by section 60 of public act 03-6 of the June 30 special session,
222 is repealed and the following is substituted in lieu thereof (*Effective*
223 *from passage*):

224 (c) In addition to the powers enumerated in subsection (b) of this
225 section, with respect to the convention center project and the
226 convention center facilities the authority shall have the following
227 powers: (1) To acquire, by gift, purchase, condemnation, lease or
228 transfer, lands or rights-in-land in connection with the convention
229 center facilities, the convention center hotel, the other on-site related
230 private development or related infrastructure improvements and to
231 sell and lease or sublease, as lessor or lessee or sublessor or sublessee,
232 any portion of its real property rights, including air space above or
233 areas below the convention center facilities or the convention center
234 hotel, and enter into related common area maintenance, easement,
235 access, support and similar agreements, [or the convention center
236 hotel,] and own and operate the convention center facilities, provided
237 that such activity is consistent with all applicable federal tax covenants
238 of the authority, transfer or dispose of any property or interest therein
239 acquired by it, at any time and to receive and accept aid or
240 contributions, from any source, of money, labor, property or other
241 things of value, to be held, used and applied to carry out the purposes
242 of this section, subject to the conditions upon which such grants and
243 contributions are made, including, but not limited to, gifts or grants
244 from any department, agency or instrumentality of the United States or

245 this state for any purpose consistent with this section; (2) to condemn
246 properties which may be necessary or desirable to effectuate the
247 purposes of the authority with respect to the convention center project
248 and the convention center hotel to be exercised in accordance with the
249 provisions of chapter 835; (3) to formulate plans for, acquire, finance
250 and develop, lease, purchase, construct, reconstruct, repair, improve,
251 expand, extend, operate, maintain and market the convention center
252 facilities, provided such activities are consistent with all applicable
253 federal tax covenants of the authority and provided further that the
254 authority shall retain control over naming rights with respect to the
255 convention center, that any sale of such naming rights shall require the
256 approval of the secretary and that the proceeds of any such sale of
257 naming rights, to the extent not required for start-up or current
258 operating expenses of the convention center, shall be used by the
259 authority exclusively for the purpose of operating or capital
260 replacement reserves for the convention center; (4) to contract and be
261 contracted with provided, if management, operating or promotional
262 contracts or agreements or other contracts or agreements are entered
263 into with nongovernmental parties with respect to property financed
264 with the proceeds of obligations the interest on which is excluded from
265 gross income for federal income taxation, the board of directors shall
266 ensure that such contracts or agreements are in compliance with the
267 covenants of the authority upon which such tax exclusion is
268 conditioned; (5) to enter into arrangements or contracts to either
269 purchase or lease, on a fully completed turn key basis, the convention
270 center, and arrangements with the secretary regarding the
271 development, ownership and operation by the authority of the related
272 parking facilities, and to enter into a contract or contracts with an
273 entity, or entities, for operation and management thereof and, for
274 purposes of section 31-57f relating to standard wage rates for certain
275 service workers, any such contract for operation and management of
276 the convention center shall be deemed to be a contract with the state;
277 (6) to fix and revise, from time to time, and to charge and collect fees,
278 rents and other charges for the use, occupancy or operation of such
279 projects, and to establish and revise from time to time, procedures [in

280 respect of] concerning the use, operation and occupancy of the
281 convention center facilities, including parking rates, rules and
282 procedures, provided such arrangements are consistent with all
283 applicable federal tax covenants of the authority, and to utilize net
284 revenues received by the authority from the operation of the
285 convention center facilities, after allowance for operating expenses and
286 other charges related to the ownership, operation or financing thereof,
287 for other proper purposes of the authority, including, but not limited
288 to, funding of operating deficiencies or operating or capital
289 replacement reserves for either the convention center or the related
290 parking facilities as determined to be appropriate by the authority; (7)
291 to engage architects, engineers, attorneys, accountants, consultants and
292 such other independent professionals as may be necessary or desirable
293 to carry out its purposes; to contract for construction, development,
294 concessions and the procurement of goods and services and to
295 establish and modify procurement procedures from time to time to
296 implement the foregoing in accordance with the provisions of section
297 32-603; (8) to adopt procedures (A) which shall require that contractors
298 or subcontractors engaged in the convention center project and the
299 construction of the convention center hotel take affirmative action to
300 provide equal opportunity for employment without discrimination as
301 to race, creed, color, national origin or ancestry or gender, (B) to ensure
302 that the wages paid on an hourly basis to any mechanic, laborer or
303 workman employed by such contractor or subcontractor with respect
304 to the convention center project or the construction of the convention
305 center hotel shall be at a rate customary or prevailing for the same
306 work in the same trade or occupation in the town and city of Hartford,
307 unless otherwise established pursuant to a project labor agreement,
308 and (C) which shall require the prime construction contractors for the
309 convention center project and for the convention center hotel, and the
310 principal facility managers of the convention center facilities and the
311 convention center hotel to make reasonable efforts to hire or cause to
312 be hired available and qualified residents of the city of Hartford and
313 available and qualified members of minorities, as defined in section 32-
314 9n, for construction and operation jobs at the convention center

315 facilities and the convention center hotel at all levels of construction
 316 and operation; (9) to enter into a development agreement with the
 317 developer of the convention center hotel, which agreement shall
 318 prohibit any voluntary sale, transfer or other assignment of the
 319 interests of such developer, or any affiliate thereof, in the convention
 320 center hotel, including the rights under any ground lease, air rights or
 321 similar agreement with the state or the authority, for a minimum
 322 period of five years from the completion thereof except with the prior
 323 written consent of the authority given or withheld in its sole discretion,
 324 and thereafter except to a party which, in the reasonable judgment of
 325 the authority, is financially responsible and experienced in the
 326 ownership and operation of first class hotel properties in similar
 327 locations; (10) to borrow money and to issue bonds, notes and other
 328 obligations of the authority to the extent permitted under section 32-
 329 607, to fund and refund the same and to provide for the rights of the
 330 holders thereof and to secure the same by pledge of assets, revenues,
 331 notes and state contract assistance as provided in section 32-608; (11) to
 332 do anything necessary and desirable, including executing
 333 reimbursement agreements or similar agreements in connection with
 334 credit facilities, including, but not limited to, letters of credit or policies
 335 of bond insurance, remarketing agreements and agreements for the
 336 purpose of moderating interest rate fluctuations, to render any bonds
 337 to be issued pursuant to section 32-607 more marketable; and (12) to
 338 engage in and contract for marketing and promotional activities to
 339 attract national, regional and local conventions, sports events, trade
 340 shows, exhibitions, banquets and other events to maximize the use of
 341 the convention center facilities.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>

Sec. 8	<i>from passage</i>
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CE *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

OLR Bill Analysis

SB 505

***AN ACT CONCERNING TECHNICAL REVISIONS TO COMMERCE
RELATED STATUTES***

SUMMARY:

This bill makes technical corrections to several statutes concerning the Connecticut Commission on Arts, Tourism, Culture, History and Film; the regional tourism districts; and the Capital City Economic Development Authority.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Commerce Committee

Joint Favorable Report

Yea 26 Nay 0