



House of Representatives

General Assembly

File No. 402

February Session, 2008

Substitute House Bill No. 5778

House of Representatives, April 3, 2008

The Committee on Commerce reported through REP. BERGER of the 73rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING TECHNICAL CHANGES TO CONNECTICUT COMMISSION ON CULTURE AND TOURISM STATUTES.

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

1 Section 1. Subsection (a) of section 10-409 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2008*):

4 (a) With respect to [historical] historic preservation, there is
5 established within the Connecticut Commission on Culture and
6 Tourism, established under section 10-392, an Historic Preservation
7 Council. The Historic Preservation Council shall consist of twelve
8 members to be appointed by the Governor. On or before January fifth
9 in the even-numbered years, the Governor shall appoint six members
10 for terms of four years each to replace those whose terms expire. One
11 of such members shall be the State Historian and one shall be the State
12 Archaeologist. Members shall be appointed in accordance with the
13 provisions of section 4-9a. No member shall serve for more than two
14 consecutive full terms. Any member who fails to attend three

15 consecutive meetings or who fails to attend fifty per cent of all
16 meetings held during any calendar year shall be deemed to have
17 resigned from office. The Governor shall biennially designate one
18 member of the council to be chairperson. The Governor shall fill any
19 vacancy for any unexpired portion of the term and may remove any
20 member as provided by section 4-12. No compensation shall be
21 received by the members of the council but they shall be reimbursed
22 for their necessary expenses. The Connecticut Commission on Culture
23 and Tourism may, with the advice of the Historic Preservation
24 Council, (1) study and investigate historic structures and landmarks in
25 this state and encourage and recommend the development,
26 preservation and marking of such historic structures and landmarks
27 found to have educational, recreational and historical significance; (2)
28 prepare, adopt and maintain standards for a state register of historic
29 places; (3) update and keep current the state historic preservation plan;
30 (4) administer the National Register of Historic Places Program; (5)
31 assist owners of historic structures in seeking federal or other aid for
32 historic preservation and related purposes; (6) recommend to the
33 General Assembly the placing and maintaining of suitable markers,
34 memorials or monuments or other edifices to designate historic
35 structures and landmarks found to have historical significance; (7)
36 make recommendations to the General Assembly regarding the
37 development and preservation of historic structures and landmarks
38 owned by the state; (8) maintain a program of historical, architectural,
39 and archaeological research and development including surveys,
40 excavation, scientific recording, interpretation and publication of the
41 historical, architectural, archaeological and cultural resources of the
42 state; (9) cooperate with promotional, patriotic, educational and
43 research groups and associations, with local, state and national
44 historical societies, associations and commissions, with agencies of the
45 state and its political subdivisions and with the federal government, in
46 promoting and publicizing the historical heritage of Connecticut; (10)
47 formulate standards and criteria to guide the several municipalities in
48 the evaluation, delineation and establishment of historic districts; (11)
49 cooperate with the State Building Inspector, the Codes and Standards

50 Committee and other building officials and render advisory opinions
51 and prepare documentation regarding the application of the State
52 Building Code to historic structures and landmarks if requested by
53 owners of historic structures and landmarks, the State Building
54 Inspector, the Codes and Standards Committee or other building
55 officials; (12) review planned state and federal actions to determine
56 their impact on historic structures and landmarks; (13) [operate the
57 Henry Whitfield House of Guilford, otherwise known as the Old Stone
58 House, as a state historical museum and, in its discretion, charge a fee
59 for admission to said museum and account for and deposit the same as
60 provided in section 4-32; (14)] provide technical and financial
61 assistance to carry out the purposes of this section and sections 10-410
62 to 10-416, inclusive; [(15)] (14) adopt regulations in accordance with the
63 provisions of chapter 54 for the preservation of sacred sites and
64 archaeological sites; and [(16)] (15) inventory state lands to identify
65 sacred sites and archaeological sites. The commission shall study the
66 feasibility of establishing a state museum of Connecticut history at an
67 appropriate existing facility. The Historic Preservation Council shall
68 (A) review and approve or disapprove requests by owners of historic
69 properties on which the commission holds preservation easements to
70 perform rehabilitation work on [sacred sites and archaeological sites]
71 such properties; (B) request the assistance of the Attorney General to
72 prevent the unreasonable destruction of historic properties pursuant to
73 the provisions of section 22a-19a; and (C) place and maintain suitable
74 markers, memorials or monuments to designate sites or places found
75 to have historic significance. The council shall meet monthly. The
76 Connecticut Trust for Historic Preservation may provide technical
77 assistance to the council.

78 Sec. 2. Subsection (b) of section 10-411 of the general statutes is
79 repealed and the following is substituted in lieu thereof (*Effective*
80 *October 1, 2008*):

81 (b) Before executing any such assistance agreement under sections
82 10-410 to 10-415, inclusive, the commission shall require that (1) the
83 owner has developed a comprehensive historic preservation plan,

84 approved by the commission, together with specific work plans and
85 specifications; (2) for all contracts in excess of fifty thousand dollars,
86 the owner provides payment and performance bonds to assure the
87 completion of the preservation work in an authentic manner
88 satisfactory to the commission; (3) the owner has filed with the town
89 clerk in the municipality in which the property is located a declaration
90 of covenant guaranteeing the preservation of the historical or
91 architectural qualities of the property in perpetuity or for a period
92 approved by the commission; (4) the owner receiving funds for the
93 purposes of said sections plans to and can demonstrate an ability to
94 maintain and operate properly the historic structure or landmark for
95 an indefinite period of time and that such owner will open it to the
96 public at reasonable times, free of charge or subject to a reasonable
97 charge as approved by the commission; (5) the owner maintains
98 sufficient casualty and liability insurance to render the state harmless
99 in any action arising from the acquisition, relocation, restoration or
100 operation of properties under said sections; and (6) if such historic
101 structure or landmark lies within the boundaries of any historic
102 district, the proposed acquisition, relocation, preservation and
103 restoration has been approved by the local historic district commission.
104 Such assistance agreement may require that if the owner receiving
105 funds under said sections fails to operate or maintain properly the
106 historic structure or landmark, title to such property may be acquired
107 by the commission upon payment to such municipality or private
108 organization of a sum equal to the amount provided by such
109 municipality or private organization in accordance with such
110 assistance agreement.

111 Sec. 3. Subsection (f) of section 10-416b of the 2008 supplement to
112 the general statutes is repealed and the following is substituted in lieu
113 thereof (*Effective from passage*):

114 (f) If the commission certifies that the rehabilitation plan conforms
115 to the standards developed under the provisions of subsections (b) to
116 (d), inclusive, of this section, the commission shall reserve for the
117 benefit of the owner an allocation for a tax credit equivalent to (1)

118 twenty-five per cent of the projected qualified rehabilitation
 119 expenditures, or (2) for rehabilitation plans submitted pursuant to
 120 subsection (e) of this section on or after June 14, 2007, thirty per cent of
 121 the projected qualified rehabilitation expenditures if (A) at least twenty
 122 per cent of the units are rental units and qualify as affordable housing,
 123 as defined in section 8-39a, or (B) at least ten per cent of the units are
 124 individual homeownership units and qualify as affordable housing, as
 125 defined in section 8-39a. No tax credit shall be allocated for the
 126 purposes of this subdivision unless an applicant has submitted to the
 127 commission a certificate from the Department of Economic and
 128 Community Development pursuant to [subsections (k) and (l) of this
 129 section] section 8-37lll of the 2008 supplement to the general statutes,
 130 confirming that the project complies with affordable housing
 131 requirements under section 8-39a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	10-409(a)
Sec. 2	<i>October 1, 2008</i>	10-411(b)
Sec. 3	<i>from passage</i>	10-416b(f)

CE *Joint Favorable Subst.*

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes technical changes and limits the requirements of certain grant recipients, has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5778*****AN ACT CONCERNING TECHNICAL CHANGES TO CONNECTICUT COMMISSION ON CULTURE AND TOURISM STATUTES.*****SUMMARY:**

This bill makes several changes to the statutes governing the Connecticut Commission on Culture and Tourism (CCCT). Among other things, CCCT provides grants for preserving or restoring historic structures and landmarks. Under current law, it must require grant recipients to provide payment and performance bonds guaranteeing that the work meets CCCT's standards. The bill limits this requirement to contracts over \$50,000.

The bill expands the Historic Preservation Council's authority to approve the rehabilitation of historic property. Under current law, this authority applies to rehabilitation done to sacred sites and archaeological sites where the CCCT holds a preservation easement on the property. The bill extends this authority to rehabilitation done to any part of that property, not just the sacred and archaeological sites.

The bill eliminates CCCT's statutory authority to operate the Henry Whitfield House Museum, and makes a technical change and correction.

EFFECTIVE DATE: October 1, 2008, except for the technical correction, which takes effect upon passage.

COMMITTEE ACTION

Commerce Committee

Joint Favorable Substitute

Yea 22 Nay 0 (03/18/2008)

