



Substitute Senate Bill No. 1049

Special Act No. 13-8

**AN ACT CONCERNING THE MIDDLESEX COUNTY
REVITALIZATION COMMISSION.**

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

Section 1. Section 1 of special act 93-36 is amended to read as follows (*Effective from passage*):

(a) There shall be established the Middlesex County Revitalization Commission, consisting of (1) one member from each of the fifteen cities and towns in Middlesex county, who shall be a business executive or governmental officer and shall be appointed to the commission by the chief executive officer of the city or town, and (2) the vice-president of the Middlesex Chamber of Commerce. The commission shall elect a chairperson from its members. Each member shall have one vote on any matter before the commission except that the chairperson shall vote only in the event of a tie. Members shall be appointed for two-year terms beginning July 1, 1993, and biennially thereafter.

(b) The powers of the commission shall be vested in and exercised by not less than nine of the members of the commission then in office. Such number of members shall constitute a quorum and the affirmative vote of a majority of the members present at a meeting of

Substitute Senate Bill No. 1049

the commission shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right to exercise all the rights and perform all the duties of the commission. The chief executive officer of the city or town shall fill any vacancy for the unexpired term of a member appointed by such chief executive officer of the city or town. A member of the commission shall be eligible for reappointment. Any member of the commission may be removed by the commission for misfeasance, malfeasance or wilful neglect of duty. Meetings of the commission shall be held at such times as shall be specified in the bylaws adopted by the commission and at such other time or times as the chairperson deems necessary.

(c) The members of the commission shall adopt written procedures for: (1) Adopting an annual budget and plan of operations; (2) hiring, dismissing, promoting and compensating employees of the commission; (3) acquiring real and personal property and personal services; (4) contracting for financial, legal and other professional services; and (5) awarding loans, grants and other financial assistance, including eligibility criteria, the application process, the role played by the commission's staff and members and deadlines for the approval or disapproval of applications for such assistance by the commission on and after July 1, 2013.

(d) Notwithstanding any provision of the law to the contrary, it shall not constitute a conflict of interest for a trustee, director, partner, officer, stockholder, proprietor, counsel or employee of any person, or for any other individual having a financial interest in any person, to serve as a member of the commission, provided such trustee, director, partner, officer, stockholder, proprietor, counsel, employee or individual shall file with the commission a record of his or her capacity with or interest in such person and abstain from any deliberation, action and vote by the commission in specific respect to such person.

Substitute Senate Bill No. 1049

(e) The commission is empowered to adopt bylaws for putting into effect its purposes. The commission may cause an audit of its books and accounts to be made at least once each fiscal year by certified public accountants. Any action taken by the commission may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

Sec. 2. Section 2 of special act 93-36 is amended to read as follows
(*Effective from passage*):

(a) It is hereby found and declared (1) that there is a continuing need in Middlesex County for: (A) Economic development and activity to provide and maintain employment and tax revenues, promote the export of products and services beyond county and state boundaries, encourage innovation in products and services and support or broaden the economic base of the county, the control, abatement and prevention of pollution to protect the public health and safety and the development and use of indigenous and renewable energy resources to assist industrial and commercial businesses in meeting their energy requirements; (B) the development of recreation facilities to promote tourism, to provide and maintain employment and tax revenues and to promote the public welfare; (C) the development of commercial and retail sales and services facilities in urban areas to provide and maintain construction, permanent employment and tax revenues, to improve conditions of deteriorated physical development, slow economic growth and eroded financial health of the public and private sectors in urban areas and to revitalize the economy of urban areas; (D) assistance to public service businesses providing transportation and utility services in the county; (E) development of the commercial fishing industry to provide and maintain employment and tax revenues; (F) the development of high-technology businesses and business incubators that assist high-technology businesses; (G)

Substitute Senate Bill No. 1049

assistance to consortia consisting of businesses creating partnerships with higher education facilities; and (H) assistance to nonprofit and governmental entities in financing facilities providing health, educational, charitable, community, cultural, agricultural, consumer or other services benefiting the citizens of the county; (2) that the availability of financial assistance and suitable facilities are important inducements to industrial, commercial and nonprofit enterprises to remain or locate in the county and to provide economic development projects, recreation projects, urban projects, public service projects, commercial fishing projects, health care projects and nonprofit projects; (3) that there are significant barriers inhibiting access to financial institutions and the public capital markets to assist in financing economic development and other projects in the county; (4) that the exercise by the commission of the powers in this section shall promote economic development by increasing access to the public capital markets for the commission and eligible financial institutions; and (5) that therefore the necessity, in the public interest and for the public benefit and good, for the provisions of this section and sections 1, 3 and 4 of special act 93-36, as amended by this act, is hereby declared as a matter of legislative determination. The Middlesex County Revitalization Commission shall [(1)] (i) coordinate efforts to revitalize the manufacturing, business and commercial districts of Middlesex county cities and towns, and [(2)] (ii) assist such cities and towns in developing and implementing a self-reliant, ongoing economic revitalization campaign.

(b) In selecting locations for economic development activities, the commission shall consider: (1) The interest in, and commitment to, economic development and historic preservation by the private and public sectors of the community, (2) past and potential private investment in the economic development program of the community, (3) the community's organization for, and financial commitment to, the implementation of a long-term economic revitalization program, and

Substitute Senate Bill No. 1049

(4) the regional effect of a community's economic development program on the economic planning and development goals of the commission.

(c) The commission may contract for the services of a coordinator for economic development programs. The coordinator shall: (1) Carry out the commission's responsibilities under any contracts between the commission and service providers; (2) coordinate the activities of the commission's programs, in consultation with the cities and towns of the county and state agencies involved in the programs; (3) monitor the progress of economic development programs; (4) assist mayors and selectmen in the county in developing individual programs; and (5) perform such other duties which are necessary to further the economic development and cooperative planning activities of the commission.

Sec. 3. Section 3 of special act 93-36 is amended to read as follows
(*Effective from passage*):

[(a) The Middlesex County Revitalization Commission may contract for the services of a coordinator for economic development programs. The coordinator shall: (1) Carry out the commission's responsibilities under any contracts between the commission and service providers, (2) coordinate the activities of the commission's programs, in consultation with the cities and towns of the county and state agencies involved in the programs, (3) monitor the progress of economic development programs, (4) assist mayors and selectmen in the county in developing individual programs and (5) perform such other duties which are necessary to further the economic development and cooperative planning activities of the commission.

(b) The commission may also enter into contracts with consultants and firms for advice and technical assistance concerning the creation and operation of economic development programs.]

Substitute Senate Bill No. 1049

For the purposes of this section and sections 1, 2 and 4 of special act 93-36, as amended by this act, the following terms have the following meanings unless the context indicates another meaning and intent:

(1) "County" means Middlesex County, Connecticut.

(2) "State" means the state of Connecticut.

(3) "Municipality" means any town, city or borough in the state.

(4) "Project" means any facility, plant, works, system, building, structure, utility, fixture or other real property improvement located in the county, any machinery, equipment, furniture, fixture or other personal property to be located in the county and the land on which it is located or which is reasonably necessary in connection therewith, which is of a nature or which is to be used or occupied by any person for purposes that would constitute it as an economic development project, information technology project, public service project, urban project, recreation project, commercial fishing project, health care project, nonprofit project or remediation project, and any real property improvement reasonably related thereto.

(5) "Federal agency" means the United States, the President of the United States and any department of, or corporation, agency or instrumentality designated or established by, the United States.

(6) "Person" means any person, including an individual, firm, partnership, association, cooperative, limited liability company or corporation, public or private, for profit or nonprofit, organized or existing under the laws of this state or any other state, and, to the extent otherwise permitted by law, any municipality, district, including any special district having taxing powers, agency, authority, instrumentality, or other governmental entity or political subdivision in the state or any federal agency.

Substitute Senate Bill No. 1049

(7) "Purposes of the commission" means those powers set forth pursuant to this section and sections 1, 2 and 4 of special act 93-36, as amended by this act, including the promotion, planning and designing, developing, encouraging, assisting, acquiring, constructing, reconstructing, improving, maintaining and equipping and furnishing of a project, and assisting directly or indirectly in the financing of the cost thereof.

(8) "Economic development project" means any project that is to be used or occupied by any person for (A) manufacturing, industrial, research, office or product warehousing or distribution purposes, and which the commission determines will tend to maintain or provide gainful employment, maintain or increase the tax base of the economy, or maintain, expand or diversify industry in the county, or (B) controlling, abating, preventing or disposing of land, water, air or other environmental pollution, including, without limitation, thermal, radiation, sewage, wastewater, solid waste, toxic waste, noise or particulate pollution, except a resources recovery facility, as defined in section 22a-219a of the general statutes, used for the principal purpose of processing municipal solid waste and which is not an expansion or addition to a resources recovery facility operating on July 1, 1990, or (C) the conservation of energy or the utilization of cogeneration technology or solar, wind, hydro, biomass or other renewable sources to produce energy for any industrial or commercial application, or (D) any other purpose that the commission determines will materially contribute to the economic base of the county by creating or retaining jobs, promoting the export of products or services beyond county and state boundaries, encouraging innovation in products or services, or otherwise contributing to, supporting or enhancing existing activities that are important to the economic base of the county.

(9) "Commission" means the Middlesex County Revitalization Commission or its successor as established and created under section 1

Substitute Senate Bill No. 1049

of special act 93-36, as amended by this act.

(10) "Recreation project" means any project that is to be primarily available for the use of the general public, including without limitation a stadium, sports complex, amusement park, museum, theater, civic, concert, cultural and exhibition center, center for the visual and performing arts, hotel, motel, resort, inn and other public lodging accommodation and that the commission determines will tend to (A) promote tourism, (B) provide a special enhancement of recreation facilities in the county, or (C) contribute to the business or industrial development of the county.

(11) "Public service project" means any project that is to be used or occupied by a common carrier or public utility to provide bus, truck, rail, limousine, water or air transportation services or water, sewer, gas, electricity or telephone utility services, and which the commission determines will tend to assist the common carrier or public utility in providing service to the general public in the county. A public service project may include ferry boats or railroad rolling stock, but may not include any other vehicle, aircraft or watercraft.

(12) "Urban project" means any project that is to be used or occupied by any person for commercial or retail sales or service purposes located wholly or partly within an urban municipality in the county and that the commission determines will tend (A) to maintain or provide gainful construction or permanent employment, maintain or expand the tax base of the economy or maintain, expand or diversify industry in the county, or (B) to otherwise revitalize the economy of any municipality that is a "distressed municipality", as defined in subsection (b) of section 32-9p of the general statutes.

(13) "Commercial fishing project" means any project that is to be used or occupied by any person for commercial fishing purposes or for support, maintenance, storage, production or manufacturing purposes

Substitute Senate Bill No. 1049

reasonably related to commercial fishing activity, including, without limitation, commercial fishing vessels, docks, wharves, piers, land or floating processing facilities, transportation terminals, facilities for the maintenance, storage and construction of vessels and equipment, and fish storage and handling facilities.

(14) "Health care project" means any project that is to be used or occupied by any person for the providing of services in any residential care home, nursing home or rest home, as defined in subsection (c) of section 19a-490 of the general statutes, or for the providing of living space for physically handicapped persons or persons sixty years of age or older.

(15) "Nonprofit project" means any project that (A) is to be used or occupied by any person and is organized and operated not-for-profit but exclusively for health, educational, charitable, community, cultural, agricultural, consumer or other purposes benefiting the citizens of the county, or as an agricultural or hospital cooperative or service organization or as a chamber of commerce or trade or professional association, and (B) the commission determines satisfies a public need not adequately met by businesses operating for profit.

(16) "Information technology project" means any project (A) providing information technology intensive office or laboratory space, including, but not limited to, smart buildings, incubator facilities, or any project that is to be used or occupied by any person specializing in e-commerce technologies or other technologies using high-speed communications infrastructure, and (B) that the commission deems shall materially contribute to the economic base of the county by creating or retaining jobs, promoting the export of products or services beyond county borders, encouraging innovation in products or services, or otherwise contributing to, supporting or enhancing existing activities that are important to the economic base of the county.

Substitute Senate Bill No. 1049

(17) "Incubator facilities" has the same meaning as provided in subdivision (5) of section 32-34 of the general statutes.

(18) "Smart building" means a building that houses, for use by its tenants, an information or communications infrastructure capable of transmitting digital video, voice and data content over a high-speed wired, wireless or other communications intranet and provides the capability of delivering and receiving high-speed digital video, voice and data transmissions over the Internet.

(19) "Remediation project" means any project (A) involving the development, redevelopment or productive reuse of real property within the county that (i) has been subject to a spill, as defined in section 22a-452c of the general statutes, (ii) is an establishment, as defined in subdivision (3) of section 22a-134 of the general statutes, (iii) is a facility, as defined in 42 USC 9601(9), or (iv) is eligible to be treated as polluted real property for purposes of section 22a-133m of the general statutes or contaminated real property for purposes of section 22a-133aa or 22a-133bb of the general statutes, provided the development, redevelopment or productive reuse is undertaken pursuant to a remediation plan meeting all applicable standards and requirements of the Department of Energy and Environmental Protection, (B) that the commission determines shall add or support significant new economic activity or employment in the municipality in which such project is located or shall otherwise materially contribute to the economic base of the county or the municipality or shall provide a residential or mixed-use development pursuant to chapter 828 of the general statutes, and (C) for which assistance from the commission shall be needed to attract necessary private investment.

Sec. 4. Section 4 of special act 93-36 is amended to read as follows
(Effective from passage):

Substitute Senate Bill No. 1049

[The Middlesex County Revitalization Commission may seek and accept local, state and federal funding to carry out its objectives.] To accomplish the purposes of the commission, as defined in subdivision (7) of section 3 of special act 93-36, as amended by this act, which are hereby determined to be public purposes for which public funds may be expended, and in addition to any other powers provided by law, the commission shall have power to: (1) Determine the location and character of any project to be financed under the provisions of this section and sections 1 to 3, inclusive, of special act 93-36, as amended by this act, provided any financial assistance shall be approved in accordance with written procedures prepared pursuant to subdivision (11) of this section; (2) purchase, receive by gift or otherwise, lease, exchange or otherwise acquire, and construct, reconstruct, improve, maintain, equip and furnish one or more projects, including all real and personal property that the commission may deem necessary in connection therewith, and to enter into a contract with a person therefor upon such terms and conditions as the commission shall determine to be reasonable, including, but not limited to, reimbursement for the planning, designing, financing, construction, reconstruction, improvement, equipping, furnishing, operation and maintenance of the project and any claims arising therefrom and establishment and maintenance of reserve and insurance funds with respect to the financing of the project; (3) sell or lease to any person, all or any portion of a project, for such consideration and upon such terms as the commission may determine to be reasonable; (4) mortgage or otherwise encumber all or any portion of a project whenever it shall find such action to be in furtherance of the purposes of this section and sections 1 to 3, inclusive, of special act 93-36, as amended by this act; (5) enter into agreements with any person, including prospective mortgagees and mortgagors, for the purpose of planning, designing, constructing, acquiring, altering and financing projects, or for any other purpose in furtherance of any other power of the commission; (6) grant options to purchase or renew a lease for any of its projects on

Substitute Senate Bill No. 1049

such terms as the commission may determine to be reasonable; (7) employ or retain attorneys, accountants and architectural, engineering and financial consultants and such other employees and agents to assist it in carrying out the purposes of this section and sections 1 to 3, inclusive, of special act 93-36, as amended by this act; (8) borrow money or accept gifts, grants or loans of funds, property or service from any source, public or private, and comply, subject to the provisions of this section and sections 1 to 3, inclusive, of special act 93-36, as amended by this act, with the terms and conditions thereof; (9) accept from a federal agency loans, grants or loan guarantees or otherwise participate in any loan, grant, loan guarantee or other financing or economic or project development program of a federal agency in furtherance of, and consistent with, the purposes of the commission, and enter into agreements with such agency respecting any such loans, grants, loan guarantees or federal agency programs; (10) in connection with any application for assistance under this section and sections 1 to 3, inclusive, of special act 93-36, as amended by this act, or commitments therefor, make and collect such fees and charges as the commission shall determine to be reasonable; (11) adopt procedures to carry out the provisions of this section and sections 1 to 3, inclusive, of special act 93-36, as amended by this act, which may give priority to applications for financial assistance based upon the extent the project will materially contribute to the economic base of the county by creating or retaining jobs, providing increased wages or benefits to employees, promoting the export of products or services beyond the boundaries of the county, encouraging innovation in products or services, and encouraging defense-dependent business to diversify to nondefense production; (12) adopt an official seal and alter the same at pleasure; (13) maintain an office at such place or places within the county as it may designate; (14) sue and be sued in its own name and plead and be impleaded, service of process in any action to be made by service upon the chairperson of the commission either in hand or by leaving a copy of the process at the office of the

Substitute Senate Bill No. 1049

commission with some person having charge thereof; (15) employ such assistants, agents and other employees as may be necessary or desirable for its purposes; (16) contract for and engage appraisers of industrial machinery and equipment, consultants and property management services, and utilize the services of governmental agencies; (17) when it becomes necessary or feasible for the commission to safeguard itself from losses, acquire, purchase, manage and operate, hold and dispose of real and personal property, take assignments of rentals and leases and make and enter into all contracts, leases, agreements and arrangements necessary or incidental to the performance of its duties; (18) in order to further the purposes of this section and sections 1 to 3, inclusive, of special act 93-36, as amended by this act, or to assure the payment of the principal and interest on notes of the commission, purchase, acquire and take assignments of notes, mortgages and other forms of security and evidences of indebtedness, purchase, acquire, attach, seize, accept or take title to any project by conveyance or, by foreclosure, and sell, lease or rent any project for a use specified in this section and sections 1 to 3, inclusive, of special act 93-36, as amended by this act; (19) adopt rules for the conduct of its business; (20) invest any funds not needed for immediate use or disbursement, including any funds held in reserve, in obligations issued or guaranteed by the United States of America or the state of Connecticut and in other obligations which are legal investments for savings banks in this state; and (21) do, or delegate, any and all things necessary or convenient to carry out the purposes and to exercise the powers given and granted in this section and sections 1 to 3, inclusive, of special act 93-36, as amended by this act.

Approved June 3, 2013