



Senate

General Assembly

File No. 564

January Session, 2013

Substitute Senate Bill No. 1049

Senate, April 18, 2013

The Committee on Planning and Development reported through SEN. CASSANO, S. of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE MIDDLESEX COUNTY REVITALIZATION COMMISSION.

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

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

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

14 (b) The powers of the commission shall be vested in and exercised
15 by not less than nine of the members of the commission then in office.
16 Such number of members shall constitute a quorum and the
17 affirmative vote of a majority of the members present at a meeting of
18 the commission shall be necessary for any action taken by the
19 commission. No vacancy in the membership of the commission shall
20 impair the right to exercise all the rights and perform all the duties of
21 the commission. The chief executive officer of the city or town shall fill
22 any vacancy for the unexpired term of a member appointed by such
23 chief executive officer of the city or town. A member of the
24 commission shall be eligible for reappointment. Any member of the
25 commission may be removed by the commission for misfeasance,
26 malfeasance or wilful neglect of duty. Meetings of the commission
27 shall be held at such times as shall be specified in the bylaws adopted
28 by the commission and at such other time or times as the chairperson
29 deems necessary.

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

40 (d) Notwithstanding any provision of the law to the contrary, it
41 shall not constitute a conflict of interest for a trustee, director, partner,
42 officer, stockholder, proprietor, counsel or employee of any person, or
43 for any other individual having a financial interest in any person, to
44 serve as a member of the commission, provided such trustee, director,
45 partner, officer, stockholder, proprietor, counsel, employee or
46 individual shall file with the commission a record of his or her capacity
47 with or interest in such person and abstain from any deliberation,

48 action and vote by the commission in specific respect to such person.

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

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

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

81 with higher education facilities; and (H) assistance to nonprofit and
82 governmental entities in financing facilities providing health,
83 educational, charitable, community, cultural, agricultural, consumer or
84 other services benefiting the citizens of the county; (2) that the
85 availability of financial assistance and suitable facilities are important
86 inducements to industrial, commercial and nonprofit enterprises to
87 remain or locate in the county and to provide economic development
88 projects, recreation projects, urban projects, public service projects,
89 commercial fishing projects, health care projects and nonprofit
90 projects; (3) that there are significant barriers inhibiting access to
91 financial institutions and the public capital markets to assist in
92 financing economic development and other projects in the county; (4)
93 that the exercise by the commission of the powers in this section shall
94 promote economic development by increasing access to the public
95 capital markets for the commission and eligible financial institutions;
96 and (5) that therefore the necessity, in the public interest and for the
97 public benefit and good, for the provisions of this section and sections
98 1, 3 and 4 of special act 93-36, as amended by this act, is hereby
99 declared as a matter of legislative determination. The Middlesex
100 County Revitalization Commission shall [(1)] (i) coordinate efforts to
101 revitalize the manufacturing, business and commercial districts of
102 Middlesex county cities and towns, and [(2)] (ii) assist such cities and
103 towns in developing and implementing a self-reliant, ongoing
104 economic revitalization campaign.

105 (b) In selecting locations for economic development activities, the
106 commission shall consider: (1) The interest in, and commitment to,
107 economic development and historic preservation by the private and
108 public sectors of the community, (2) past and potential private
109 investment in the economic development program of the community,
110 (3) the community's organization for, and financial commitment to, the
111 implementation of a long-term economic revitalization program, and
112 (4) the regional effect of a community's economic development
113 program on the economic planning and development goals of the
114 commission.

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

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

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

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

141 For the purposes of this section and sections 1, 2 and 4 of special act
142 93-36, as amended by this act, the following terms have the following
143 meanings unless the context indicates another meaning and intent:

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

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

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

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

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

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

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

176 (8) "Economic development project" means any project that is to be
177 used or occupied by any person for (A) manufacturing, industrial,

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

198 (9) "Commission" means the Middlesex County Revitalization
199 Commission or its successor as established and created under section 1
200 of special act 93-36, as amended by this act.

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

210 (11) "Public service project" means any project that is to be used or

211 occupied by a common carrier or public utility to provide bus, truck,
212 rail, limousine, water or air transportation services or water, sewer,
213 gas, electricity or telephone utility services, and which the commission
214 determines will tend to assist the common carrier or public utility in
215 providing service to the general public in the county. A public service
216 project may include ferry boats or railroad rolling stock, but may not
217 include any other vehicle, aircraft or watercraft.

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

227 (13) "Commercial fishing project" means any project that is to be
228 used or occupied by any person for commercial fishing purposes or for
229 support, maintenance, storage, production or manufacturing purposes
230 reasonably related to commercial fishing activity, including, without
231 limitation, commercial fishing vessels, docks, wharves, piers, land or
232 floating processing facilities, transportation terminals, facilities for the
233 maintenance, storage and construction of vessels and equipment, and
234 fish storage and handling facilities.

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

241 (15) "Nonprofit project" means any project that (A) is to be used or
242 occupied by any person and is organized and operated not-for-profit
243 but exclusively for health, educational, charitable, community,

244 cultural, agricultural, consumer or other purposes benefiting the
245 citizens of the county, or as an agricultural or hospital cooperative or
246 service organization or as a chamber of commerce or trade or
247 professional association, and (B) the commission determines satisfies a
248 public need not adequately met by businesses operating for profit.

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

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

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

269 (19) "Remediation project" means any project (A) involving the
270 development, redevelopment or productive reuse of real property
271 within the county that (i) has been subject to a spill, as defined in
272 section 22a-452c of the general statutes, (ii) is an establishment, as
273 defined in subdivision (3) of section 22a-134 of the general statutes, (iii)
274 is a facility, as defined in 42 USC 9601(9), or (iv) is eligible to be treated
275 as polluted real property for purposes of section 22a-133m of the
276 general statutes or contaminated real property for purposes of section

277 22a-133aa or 22a-133bb of the general statutes, provided the
278 development, redevelopment or productive reuse is undertaken
279 pursuant to a remediation plan meeting all applicable standards and
280 requirements of the Department of Energy and Environmental
281 Protection, (B) that the commission determines shall add or support
282 significant new economic activity or employment in the municipality
283 in which such project is located or shall otherwise materially
284 contribute to the economic base of the county or the municipality or
285 shall provide a residential or mixed-use development pursuant to
286 chapter 828 of the general statutes, and (C) for which assistance from
287 the commission shall be needed to attract necessary private
288 investment.

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

291 [The Middlesex County Revitalization Commission may seek and
292 accept local, state and federal funding to carry out its objectives.] To
293 accomplish the purposes of the commission, as defined in subdivision
294 (7) of section 3 of special act 93-36, as amended by this act, which are
295 hereby determined to be public purposes for which public funds may
296 be expended, and in addition to any other powers provided by law,
297 the commission shall have power to: (1) Determine the location and
298 character of any project to be financed under the provisions of this
299 section and sections 1 to 3, inclusive, of special act 93-36, as amended
300 by this act, provided any financial assistance shall be approved in
301 accordance with written procedures prepared pursuant to subdivision
302 (11) of this section; (2) purchase, receive by gift or otherwise, lease,
303 exchange or otherwise acquire, and construct, reconstruct, improve,
304 maintain, equip and furnish one or more projects, including all real
305 and personal property that the commission may deem necessary in
306 connection therewith, and to enter into a contract with a person
307 therefor upon such terms and conditions as the commission shall
308 determine to be reasonable, including, but not limited to,
309 reimbursement for the planning, designing, financing, construction,
310 reconstruction, improvement, equipping, furnishing, operation and

311 maintenance of the project and any claims arising therefrom and
312 establishment and maintenance of reserve and insurance funds with
313 respect to the financing of the project; (3) sell or lease to any person, all
314 or any portion of a project, for such consideration and upon such terms
315 as the commission may determine to be reasonable; (4) mortgage or
316 otherwise encumber all or any portion of a project whenever it shall
317 find such action to be in furtherance of the purposes of this section and
318 sections 1 to 3, inclusive, of special act 93-36, as amended by this act;
319 (5) enter into agreements with any person, including prospective
320 mortgagees and mortgagors, for the purpose of planning, designing,
321 constructing, acquiring, altering and financing projects, or for any
322 other purpose in furtherance of any other power of the commission; (6)
323 grant options to purchase or renew a lease for any of its projects on
324 such terms as the commission may determine to be reasonable; (7)
325 employ or retain attorneys, accountants and architectural, engineering
326 and financial consultants and such other employees and agents to
327 assist it in carrying out the purposes of this section and sections 1 to 3,
328 inclusive, of special act 93-36, as amended by this act; (8) borrow
329 money or accept gifts, grants or loans of funds, property or service
330 from any source, public or private, and comply, subject to the
331 provisions of this section and sections 1 to 3, inclusive, of special act
332 93-36, as amended by this act, with the terms and conditions thereof;
333 (9) accept from a federal agency loans, grants or loan guarantees or
334 otherwise participate in any loan, grant, loan guarantee or other
335 financing or economic or project development program of a federal
336 agency in furtherance of, and consistent with, the purposes of the
337 commission, and enter into agreements with such agency respecting
338 any such loans, grants, loan guarantees or federal agency programs;
339 (10) in connection with any application for assistance under this
340 section and sections 1 to 3, inclusive, of special act 93-36, as amended
341 by this act, or commitments therefor, make and collect such fees and
342 charges as the commission shall determine to be reasonable; (11) adopt
343 procedures to carry out the provisions of this section and sections 1 to
344 3, inclusive, of special act 93-36, as amended by this act, which may
345 give priority to applications for financial assistance based upon the

346 extent the project will materially contribute to the economic base of the
347 county by creating or retaining jobs, providing increased wages or
348 benefits to employees, promoting the export of products or services
349 beyond the boundaries of the county, encouraging innovation in
350 products or services, and encouraging defense-dependent business to
351 diversify to nondefense production; (12) adopt an official seal and alter
352 the same at pleasure; (13) maintain an office at such place or places
353 within the county as it may designate; (14) sue and be sued in its own
354 name and plead and be impleaded, service of process in any action to
355 be made by service upon the chairperson of the commission either in
356 hand or by leaving a copy of the process at the office of the
357 commission with some person having charge thereof; (15) employ such
358 assistants, agents and other employees as may be necessary or
359 desirable for its purposes; (16) contract for and engage appraisers of
360 industrial machinery and equipment, consultants and property
361 management services, and utilize the services of governmental
362 agencies; (17) when it becomes necessary or feasible for the
363 commission to safeguard itself from losses, acquire, purchase, manage
364 and operate, hold and dispose of real and personal property, take
365 assignments of rentals and leases and make and enter into all
366 contracts, leases, agreements and arrangements necessary or incidental
367 to the performance of its duties; (18) in order to further the purposes of
368 this section and sections 1 to 3, inclusive, of special act 93-36, as
369 amended by this act, or to assure the payment of the principal and
370 interest on notes of the commission, purchase, acquire and take
371 assignments of notes, mortgages and other forms of security and
372 evidences of indebtedness, purchase, acquire, attach, seize, accept or
373 take title to any project by conveyance or, by foreclosure, and sell, lease
374 or rent any project for a use specified in this section and sections 1 to 3,
375 inclusive, of special act 93-36, as amended by this act; (19) adopt rules
376 for the conduct of its business; (20) invest any funds not needed for
377 immediate use or disbursement, including any funds held in reserve,
378 in obligations issued or guaranteed by the United States of America or
379 the state of Connecticut and in other obligations which are legal
380 investments for savings banks in this state; and (21) do, or delegate,

381 any and all things necessary or convenient to carry out the purposes
 382 and to exercise the powers given and granted in this section and
 383 sections 1 to 3, inclusive, of special act 93-36, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	SA 93-36Section 1
Sec. 2	<i>from passage</i>	SA 93-36Section 2
Sec. 3	<i>from passage</i>	SA 93-36Section 3
Sec. 4	<i>from passage</i>	SA 93-36Section 4

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which clarifies the organizational structure and duties of the Middlesex County Revitalization Commission, has no fiscal impact on the state or municipalities. The Commission is a nonprofit economic development corporation.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis

sSB 1049

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

SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 0 (04/01/2013)