



Senate

General Assembly

File No. 265

January Session, 2015

Senate Bill No. 953

Senate, March 26, 2015

The Committee on Labor and Public Employees reported through SEN. GOMES of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING LABOR PEACE.

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

1 Section 1. Section 32-600 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2016*):

3 As used in this chapter and sections 32-650 to 32-668, inclusive, the
4 following terms shall have the following meanings:

5 (1) "Authority" means the Capital Region Development Authority
6 created pursuant to section 32-601.

7 (2) "Capital city project" means any or all of the following: (A) A
8 convention center project as defined in subdivision (3) of this section;
9 (B) a downtown higher education center; (C) the civic center and
10 coliseum complex; (D) the development of the infrastructure and
11 improvements to the riverfront; (E) (i) the creation of up to three
12 thousand downtown housing units through rehabilitation and new
13 construction, and (ii) the demolition or redevelopment of vacant

14 buildings; (F) the addition to downtown parking capacity; (G)
15 development and redevelopment; and (H) the promotion of and
16 attraction to in-state professional and amateur sports and sporting
17 events in consultation with the Sports Advisory Board established
18 under section 10-425. All capital city projects shall be located or
19 constructed and operated in the capital city economic development
20 district, as defined in subdivision (7) of this section, provided any
21 project undertaken pursuant to subparagraph (G) of this subdivision
22 may be located anywhere in the town and city of Hartford, any project
23 undertaken pursuant to subparagraph (D) or (E) (ii) of this subdivision
24 may be located anywhere in the town and city of Hartford or town of
25 East Hartford, and any project undertaken pursuant to subparagraph
26 (H) of this subdivision may be located anywhere in the state.

27 (3) "Convention center" means a convention facility constructed and
28 operated in the capital city economic development district, including
29 parking for such facility, in conjunction with a privately developed
30 hotel, including ancillary facilities and infrastructure improvements as
31 more particularly described in the master development plan.

32 (4) "Convention center facilities" means (A) the convention center
33 and the related parking facilities, as defined in section 32-651, to the
34 extent such related parking facilities are developed, owned or operated
35 by the authority, (B) the on-site related private development, as
36 defined in section 32-651, to the extent any such on-site related private
37 development is developed, owned or operated by the authority
38 pursuant to a determination by the Secretary of the Office of Policy
39 and Management and the authority that such development, ownership
40 or operation by the authority is necessary and in the public interest,
41 and (C) a central heating and cooling plant serving the convention
42 center, the related parking facilities, the related private development
43 and, to the extent of any surplus capacity, other users. "Convention
44 center facilities" does not include the convention center hotel.

45 (5) "Convention center hotel" means the privately developed hotel
46 required to be constructed and operated in conjunction with the

47 convention center, as more particularly described in the master
48 development plan, as defined in section 32-651, including the second
49 phase of the convention center hotel as therein described.

50 (6) "Convention center project" means the development, design,
51 construction, finishing, furnishing and equipping of the convention
52 center facilities and related site acquisition and site preparation.

53 (7) "Capital city economic development district" means the area
54 bounded and described as follows: The northerly side of Masseek
55 Street from the intersection of Van Dyke Avenue proceeding westerly
56 to the intersection of Van Block Avenue, proceeding northerly along
57 Van Block to the intersection of Nepaquash Street, proceeding easterly
58 to the intersection of Huyshope Avenue, proceeding northerly along
59 Huyshope Avenue to the intersection of Charter Oak Avenue,
60 proceeding westerly along Charter Oak Avenue to Wyllys Street,
61 proceeding along Wyllys Street to Popieluszko Court, north on
62 Popieluszko Court to Charter Oak Avenue proceeding westerly to
63 Main Street, proceeding south along Main Street to Park Street, thence
64 west along Park Street to the intersection of Laurel Street, proceeding
65 north on Laurel Street to the intersection of Capitol Avenue,
66 proceeding west on Capitol Avenue to the intersection of Forest Street,
67 proceeding north on Forest Street to the intersection of Farmington
68 Avenue, proceeding east on Farmington Avenue to the intersection of
69 Asylum Avenue, proceeding east on Asylum Avenue, thence
70 northwesterly along the Exit 48 on ramp to Interstate 84 northward to
71 the railroad, now proceeding northeasterly along the railroad to its
72 intersection with the southerly railroad spur, thence proceeding
73 southeasterly along the railroad R.O.W. to the Bulkeley Bridge. Thence
74 easterly to the city line. Proceeding south along city boundary to the
75 point perpendicular with Masseek Street. Thence westerly to the point
76 of beginning.

77 (8) "Capital region" means the towns contiguous to the city of
78 Hartford, including the town of East Hartford.

79 (9) "Private development district" means any land on the Adriaen's

80 Landing site that is designated jointly by the Secretary of the Office of
81 Policy and Management and the authority as available for the purpose
82 of on-site related private development and in need of inducement for
83 private development and operation. Only land on which construction
84 of a building or improvement is to commence on or after July 1, 2008,
85 shall be so designated. Any land so designated shall remain part of the
86 private development district during the term, including any
87 extensions, of any agreement providing for payments to the authority
88 in lieu of real property taxes entered into pursuant to subsection (e) of
89 section 32-602, and thereafter, until the Secretary of the Office of Policy
90 and Management and the authority certify that such designation is no
91 longer a needed inducement to private development and operation. As
92 used in this subdivision, "land" includes an easement to use air space,
93 whether or not contiguous to the surface of the ground.

94 (10) "Labor peace agreement" means an agreement between a
95 contractor, and any subcontractor thereof, and a labor organization
96 representing hotel or concession area employees in the state that
97 requires the labor organization and its members to refrain from
98 engaging in labor activity that may disrupt the hotel or concession
99 area's operations, including, but not limited to, strikes, boycotts, work
100 stoppages and picketing.

101 (11) "Substantial proprietary interest" means an initial investment by
102 the Capital Region Development Authority, as described in section 32-
103 601, of not less than twenty-five million dollars in any project.

104 (12) "Hotel" means a commercial establishment where sleeping
105 accommodations are offered for pay to transient guests.

106 (13) "Concession area" means a space or privilege granted within or
107 upon a premises that is used for the purpose of a subsidiary business
108 or service.

109 Sec. 2. Subsection (d) of section 32-602 of the general statutes is
110 repealed and the following is substituted in lieu thereof (*Effective*
111 *January 1, 2016*):

112 (d) In addition to the powers enumerated in subsections (b) and (c)
113 of this section, with respect to capital city projects the authority shall
114 have the following powers: (1) To acquire, by gift, purchase,
115 condemnation, lease or transfer, lands or rights-in-land and to sell and
116 lease or sublease, as lessor or lessee or sublessor or sublessee, any
117 portion of its real property rights, including air space above and enter
118 into related common area maintenance, easement, access, support and
119 similar agreements, and own and operate facilities, provided such
120 activity is consistent with all applicable federal tax covenants of the
121 authority, transfer or dispose of any property or interest therein
122 acquired by it, at any time and to receive and accept aid or
123 contributions, from any source, of money, labor, property or other
124 thing of value, to be held, used and applied to carry out the purposes
125 of this section, subject to the conditions upon which such grants and
126 contributions are made, including, but not limited to, gifts or grants
127 from any department, agency or instrumentality of the United States or
128 this state for any purpose consistent with this section; (2) in
129 consultation with the chief elected official of the town and city of
130 Hartford, to condemn properties which may be necessary or desirable
131 to effectuate the purposes of the authority to be exercised in
132 accordance with the provisions of part I of chapter 835; (3) to formulate
133 plans for, acquire, finance and develop, lease, purchase, construct,
134 reconstruct, repair, improve, expand, extend, operate, maintain and
135 market facilities, provided such activities are consistent with all
136 applicable federal tax covenants of the authority; (4) to contract and be
137 contracted with provided, if management, operating or promotional
138 contracts or agreements or other contracts or agreements are entered
139 into with nongovernmental parties with respect to property financed
140 with the proceeds of obligations the interest on which is excluded from
141 gross income for federal income taxation, the board of directors shall
142 ensure that such contracts or agreements are in compliance with the
143 covenants of the authority upon which such tax exclusion is
144 conditioned; (5) to fix and revise, from time to time, and to charge and
145 collect fees, rents and other charges for the use, occupancy or operation
146 of such projects, and to establish and revise from time to time,

147 procedures concerning the use, operation and occupancy of such
148 facilities, including parking rates, rules and procedures, provided such
149 arrangements are consistent with all applicable federal tax covenants
150 of the authority, and to utilize net revenues received by the authority
151 from the operation of such facilities, after allowance for operating
152 expenses and other charges related to the ownership, operation or
153 financing thereof, for other proper purposes of the authority,
154 including, but not limited to, funding of operating deficiencies or
155 operating or capital replacement reserves for either such facilities and
156 related parking facilities as determined to be appropriate by the
157 authority; (6) to engage architects, engineers, attorneys, accountants,
158 consultants and such other independent professionals as may be
159 necessary or desirable to carry out its purposes; (7) to contract for
160 construction, development, concessions and the procurement of goods
161 and services and to establish and modify procurement procedures,
162 from time to time, to implement the foregoing in accordance with the
163 provisions of section 32-603; (8) to borrow money and to issue bonds,
164 notes and other obligations of the authority to the extent permitted
165 under section 32-607, to fund and refund the same and to provide for
166 the rights of the holders thereof and to secure the same by pledge of
167 assets, revenues, notes and state contract assistance, as provided in
168 section 32-608; (9) to do anything necessary and desirable, including
169 executing reimbursement agreements or similar agreements in
170 connection with credit facilities, including, but not limited to, letters of
171 credit or policies of bond insurance, remarketing agreements and
172 agreements for the purpose of moderating interest rate fluctuations, to
173 render any bonds to be issued pursuant to section 32-607 more
174 marketable; [and] (10) to engage in and contract for marketing and
175 promotional activities to attract national, regional and local
176 conventions, sporting events, trade shows, exhibitions, banquets and
177 other events to maximize the use of exhibition, sporting and
178 entertainment facilities under the operation or jurisdiction of the
179 authority; and (11) for any project entered into on or after January 1,
180 2016, in which the authority holds a substantial proprietary interest, to
181 require any contract for hotel and concession area operation or

182 management services within such project to include a labor peace
183 agreement between the contractor providing such services and the
184 labor organization representing the employees of such hotel or
185 concession area. The requirement for such labor peace agreement may
186 be waived if the authority (A) determines that the contract would not
187 be consummated if a labor peace agreement was required, and (B)
188 details the specific basis for such determination in writing. Such
189 written determination shall be subject to disclosure under the Freedom
190 of Information Act, as defined in section 1-200.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2016</i>	32-600
Sec. 2	<i>January 1, 2016</i>	32-602(d)

LAB *Joint Favorable*

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: See Below

Municipal Impact: None

Explanation

The bill has no direct fiscal impact by allowing the Capital Region Development Authority to require certain labor contracts between hotel and concession area operation contractors and labor organizations to include a labor peace agreement.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 953*****AN ACT CONCERNING LABOR PEACE.*****SUMMARY:**

This bill allows the Capital Region Development Authority (CRDA) to require certain contracts for hotel and concession area operation or management services to include a “labor peace agreement” between the contractor and the labor organization (i.e., union) representing the hotel’s or concession area’s employees. CRDA can require the agreements on any projects it enters into on or after January 1, 2016 and in which it initially invests at least \$25 million.

Under the bill, a “labor peace agreement” is an agreement between a contractor, or any of its subcontractors, and a union that represents hotel or concession area employees in the state that requires the union to refrain from strikes, boycotts, work stoppages, picketing, or other labor activity that could disrupt the hotel or concession area’s operations. The bill defines a “concession area” as a space or privilege within or upon a premises that is used for a subsidiary business or service.

The bill allows CRDA to waive the requirement for an agreement if it (1) determines that a contract could not be consummated if an agreement was required and (2) details the specific basis for its determination in writing. The written determination will be subject to disclosure under the Freedom of Information Act.

EFFECTIVE DATE: January 1, 2016

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 13 Nay 0 (03/12/2015)