



General Assembly

**Amendment**

February Session, 2016

LCO No. 4886



Offered by:

SEN. MARTIN, 31<sup>st</sup> Dist.  
SEN. LINARES, 33<sup>rd</sup> Dist.  
REP. LAVIELLE, 143<sup>rd</sup> Dist.  
REP. BYRON, 27<sup>th</sup> Dist.

REP. ZAWISTOWSKI, 61<sup>st</sup> Dist.  
REP. SIMANSKI, 62<sup>nd</sup> Dist.  
REP. WILMS, 142<sup>nd</sup> Dist.

To: Subst. Senate Bill No. 19

File No. 672

Cal. No. 275

**"AN ACT ESTABLISHING THE TRANSIT CORRIDOR DEVELOPMENT ASSISTANCE AUTHORITY."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2016*) (a) For purposes of this  
4 section and sections 2 to 5, inclusive, of this act:

5 (1) "Authority" means the Capital Region Development Authority  
6 created pursuant to section 32-601 of the general statutes;

7 (2) "Authority development project" means a project occurring  
8 within the boundaries of a development district in which the authority  
9 is involved;

10 (3) "Development district" means an area around a transit station,  
11 determined by a memorandum of agreement between the authority

12 and the chief executive officer of the municipality where such transit  
13 station is located and approved by the legislative body of the  
14 municipality where such transit station is located, provided such area  
15 shall not exceed a one-half mile radius of such transit station;

16 (4) "Department" means the Department of Transportation;

17 (5) "State-wide transportation investment program" means the  
18 planning document developed and updated at least every four years  
19 by the department in compliance with the requirements of 23 USC 135,  
20 listing all transportation projects in the state expected to receive federal  
21 funding during the four-year period covered by the program; and

22 (6) "Transit station" means any passenger railroad station or  
23 Hartford-New Britain busway project station that is operational, or for  
24 which the department has initiated planning or that is included in the  
25 state-wide transportation investment program. "Transit station" does  
26 not mean any Hartford-New Britain busway project station located  
27 wholly within a municipality that (A) is included in the capital region,  
28 as defined in section 32-600 of the general statutes, and (B) has a  
29 Hartford-New Britain busway project station that is operational on  
30 January 1, 2016.

31 (b) (1) In addition to the members of the board of directors listed  
32 under subsection (b) of section 32-601 of the general statutes, the chief  
33 elected official of each municipality in which an authority  
34 development project is planned, or such official's designee, shall serve  
35 as an ad hoc, voting member of the board solely for matters directly  
36 affecting such municipality and not including matters pertaining to the  
37 general operations of the authority.

38 (2) In addition to the members of the board of directors listed under  
39 subsection (b) of section 32-601 of the general statutes, the executive  
40 director of the regional council of governments for the planning region  
41 in which an authority development project is planned, or such  
42 executive director's designee, shall serve as an ad hoc, nonvoting  
43 member of the board solely for matters directly affecting such region

44 and not including matters pertaining to the general operations of the  
45 authority.

46 (3) In addition to the members of the board of directors listed under  
47 subsection (b) of section 32-601 of the general statutes, the legislative  
48 body of the municipality in which an authority development project is  
49 planned shall appoint a representative of the minority community to  
50 serve as an ad hoc, nonvoting member of the board solely for matters  
51 directly affecting such community and not including matters  
52 pertaining to the general operations of the authority.

53 Sec. 2. (NEW) (*Effective October 1, 2016*) (a) The Capital Region  
54 Development Authority shall: (1) Stimulate new investment and  
55 economic and transit-oriented development, as defined in section 13b-  
56 79kk of the general statutes, within development districts through  
57 cooperation and coordination with the municipalities wherein each  
58 such development district is located; (2) stimulate tourism, art, culture,  
59 history, education and entertainment in such development districts  
60 through cooperation and coordination with the municipalities wherein  
61 each such development district is located, regional organizations and  
62 the Department of Economic and Community Development; (3)  
63 manage facilities through contractual agreement or other legal  
64 instrument; (4) upon request from the legislative body of a  
65 municipality wherein a development district is located, work with  
66 such municipality to assist in the development and redevelopment  
67 efforts to stimulate the economy of the region; and (5) upon request of  
68 the Secretary of the Office of Policy and Management, enter into an  
69 agreement to facilitate development or redevelopment within a  
70 development district.

71 (b) For the purposes enumerated in subsection (a) of this section, the  
72 authority is authorized and empowered to:

73 (1) Acquire, lease, purchase, own, manage, hold and dispose of  
74 personal property, and lease, convey or deal in or enter into  
75 agreements with respect to such property on any terms necessary or

76 incidental to carrying out the purposes set forth in this section;

77 (2) Procure insurance against any liability or loss in connection with  
78 its property and other assets, in such amounts and from such insurers  
79 as it deems desirable and to procure insurance for employees;

80 (3) Invest any funds not needed for immediate use or disbursement  
81 in obligations issued or guaranteed by the United States of America or  
82 the state of Connecticut, including the Short Term Investment Fund  
83 and the Tax-Exempt Proceeds Fund, and in other obligations that are  
84 legal investments for savings banks in this state, and in time deposits  
85 or certificates of deposit or other similar banking arrangements  
86 secured in such manner as the authority determines;

87 (4) Enter into memoranda of understanding as the authority deems  
88 appropriate to carry out its responsibilities under this section; and

89 (5) Do all acts and things necessary or convenient to carry out the  
90 purposes of, and the powers expressly granted by, this section.

91 (c) In addition to the powers enumerated in subsection (b) of this  
92 section, the Capital Region Development Authority shall have the  
93 following powers with respect to authority development projects:

94 (1) (A) To acquire by gift, purchase, lease or transfer, lands or rights-  
95 in-land and to sell and lease or sublease, as lessor or lessee or sublessor  
96 or sublessee, any portion of its real property rights, including air space  
97 above, and enter into related common area maintenance, easement,  
98 access, support and similar agreements, and own and operate facilities  
99 associated with authority development projects, provided such activity  
100 is consistent with all applicable federal tax covenants of the authority;  
101 (B) to transfer or dispose of any property or interest therein acquired  
102 by the authority at any time; and (C) to receive and accept aid or  
103 contributions from any source of money, labor, property or other thing  
104 of value, to be held, used and applied to carry out the purposes of this  
105 section, subject to the conditions upon which such grants and  
106 contributions are made, including, but not limited to, gifts or grants

107 from any department, agency or instrumentality of the United States or  
108 this state for any purpose consistent with this section;

109 (2) To formulate plans for, acquire, finance and develop, lease,  
110 purchase, construct, reconstruct, repair, improve, expand, extend,  
111 operate, maintain and market facilities associated with authority  
112 development projects, provided such activities are consistent with all  
113 applicable federal tax covenants of the authority;

114 (3) To contract and be contracted with, provided if management,  
115 operating or promotional contracts or agreements or other contracts or  
116 agreements are entered into with nongovernmental parties with  
117 respect to property financed with the proceeds of obligations, the  
118 interest on which is excluded from gross income for federal income  
119 taxation, the board of directors shall ensure that such contracts or  
120 agreements are in compliance with the covenants of the authority  
121 upon which such tax exclusion is conditioned;

122 (4) To fix and revise, from time to time, and to charge and collect  
123 fees, rents and other charges for the use, occupancy or operation of  
124 authority development projects, and to establish and revise from time  
125 to time procedures concerning the use, operation and occupancy of  
126 facilities associated with such projects, including parking rates, rules  
127 and procedures, provided such arrangements are consistent with all  
128 applicable federal tax covenants of the authority, and to utilize net  
129 revenues received by the authority from the operation of such  
130 facilities, after allowance for operating expenses and other charges  
131 related to the ownership, operation or financing thereof, for other  
132 proper purposes of the authority, including, but not limited to,  
133 funding of operating deficiencies or operating or capital replacement  
134 reserves for such facilities and related parking facilities, as determined  
135 to be appropriate by the authority;

136 (5) To engage architects, engineers, attorneys, accountants,  
137 consultants and such other independent professionals as may be  
138 necessary or desirable to carry out authority development projects;

139 (6) To contract for construction, development, concessions and the  
140 procurement of goods and services, and to establish and modify  
141 procurement procedures from time to time in accordance with the  
142 provisions of section 3 of this act to implement the foregoing;

143 (7) To borrow money; and

144 (8) To engage in and contract for marketing and promotional  
145 activities for authority development projects under the operation or  
146 jurisdiction of the authority.

147 (d) Prior to taking any action in a development district, the Capital  
148 Region Development Authority and municipality where such  
149 development district is located shall enter into a memorandum of  
150 agreement. Such memorandum shall include, but not be limited to, (1)  
151 defined responsibilities of the authority and the municipality with  
152 regard to such development district; (2) identification of the properties  
153 within such development district that are controlled or owned by the  
154 authority, the state, the municipality or a private entity; (3) long and  
155 short range plans for the development district, including any  
156 foreseeable changes of use or control of properties located therein; (4)  
157 identification and allocation of revenue sources for projects within  
158 such development district, including, but not limited to, taxes, fees,  
159 rental income or parking; (5) agreement as to the types of activities that  
160 will require a public hearing and the types of requests that will require  
161 a public hearing, which may include a request submitted by the  
162 neighborhood revitalization committee for the area that includes or is  
163 proximate to the development district; (6) agreement as to additional  
164 methods for soliciting community involvement; and (7) specifications  
165 regarding how the memorandum of agreement may be terminated.

166 (e) Nothing in sections 1 to 5, inclusive, of this act shall be construed  
167 as exempting development projects of the Capital Region  
168 Development Authority on privately or municipally owned property  
169 from municipal zoning, subdivision or wetland regulations, municipal  
170 plans of conservation and development or any municipal ordinance.

171 (f) Nothing in sections 1 to 5, inclusive, of this act shall be construed  
172 as limiting the authority of the Capital Region Development Authority  
173 to enter into agreements, to facilitate development or redevelopment  
174 of state property or facilities.

175 Sec. 3. (NEW) (*Effective October 1, 2016*) (a) In lieu of the report  
176 required under section 1-123 of the general statutes, within the first  
177 ninety days of each fiscal year of the Capital Region Development  
178 Authority, the board of directors of the authority shall submit a report  
179 to the Governor, the Auditors of Public Accounts and the joint  
180 standing committee of the General Assembly having cognizance of  
181 matters relating to planning and development. Such report shall  
182 include, but not be limited to, the following: (1) A description of each  
183 authority development project in which the authority is involved, its  
184 location and the amount of funds, if any, provided by the authority  
185 with respect to the construction of such project; (2) a list of all outside  
186 individuals and firms, including principal and other major  
187 stockholders, receiving in excess of five thousand dollars as payments  
188 for services; (3) a comprehensive annual financial report prepared in  
189 accordance with generally accepted accounting principles for  
190 governmental enterprises; and (4) a description of planned activities  
191 for the current fiscal year.

192 (b) The authority shall designate a contract compliance officer from  
193 its staff to monitor compliance of the operations of facilities and  
194 parking facilities associated with authority development projects that  
195 are under the management or control of the authority, with (1) the  
196 provisions of state law applicable to such operations, and (2)  
197 applicable requirements of contracts entered into by the authority  
198 relating to set-asides for small contractors and minority business  
199 enterprises and required efforts to hire available and qualified  
200 members of minorities, as defined in section 32-9n of the general  
201 statutes. Each year during the period of operations of facilities  
202 associated with authority development projects, such officer shall file a  
203 written report with the authority as to findings and recommendations  
204 regarding such compliance.

205       Sec. 4. (NEW) (*Effective October 1, 2016*) (a) Any person, including,  
206 but not limited to, a state or municipal agency, requesting funds from  
207 the state, including, but not limited to, any authority created by the  
208 general statutes or any public or special act, with respect to any  
209 authority development project shall, at the time it makes such request  
210 for funds from the state, present a full and complete copy of its  
211 application or request along with any supporting documents or  
212 exhibits to the authority for its recommendation and to the Secretary of  
213 the Office of Policy and Management. The Capital Region  
214 Development Authority shall, not later than ninety days after receipt  
215 of such application or request, prepare and adopt an economic  
216 development statement summarizing its recommendations with  
217 respect to such application or request and deliver such statement to the  
218 state officer, official, employee or agent of the state or authority to  
219 whom such application or request was made. In preparing such  
220 economic development statement, the Capital Region Development  
221 Authority shall consider any written statement submitted by the  
222 regional council of governments for the planning region in which the  
223 authority development project is planned or the neighborhood  
224 revitalization zone committee for the area that includes or is proximate  
225 to the location in which the authority development project is planned.  
226 The recommendations in such statement shall include contract  
227 provisions regarding performance standards, including, but not  
228 limited to, project timelines.

229       (b) Notwithstanding any provision of the general statutes, public or  
230 special acts, any regulation or procedure or any other law, no officer,  
231 official, employee or agent of the state or any authority created by the  
232 general statutes or any public or special act, shall expend any funds on  
233 any authority development project, unless such officer, official,  
234 employee or agent has received an economic development statement  
235 adopted by the Capital Region Development Authority pursuant to  
236 subsection (a) of this section, except that if no such statement is  
237 received by the date ninety days from the date of the initial application  
238 or request for such funds, such funds may be expended. If funds are

239 expended pursuant to this subsection in a manner not consistent with  
240 the recommendations contained in an economic development  
241 statement for such expenditure, the officer, official, employee or agent  
242 of the state expending such funds shall respond in writing to the  
243 authority, providing an explanation of the decision with respect to  
244 such expenditure.

245 (c) The Capital Region Development Authority shall coordinate the  
246 use of all state, municipal and quasi-public agency planning and  
247 financial resources that are made available for any authority  
248 development project in which the authority is involved.

249 (d) All state agencies, departments, boards, commissions, councils  
250 and quasi-public agencies shall cooperate with the Transit Corridor  
251 Development Assistance Authority in carrying out the purposes set  
252 forth in section 2 of this act.

253 Sec. 5. Section 32-617 of the general statutes is repealed and the  
254 following is substituted in lieu thereof (*Effective October 1, 2016*):

255 The state shall protect, save harmless and indemnify the Capital  
256 Region Development Authority and its directors, officers and  
257 employees from financial loss and expense, including legal fees and  
258 costs, if any, arising out of any claim, demand, suit or judgment based  
259 upon any alleged act or omission of the authority or any such director,  
260 officer or employee in connection with, or any other legal challenge to,  
261 the overall project, as defined in section 32-651, stadium facility  
262 operations, as defined in section 32-651, public act 98-1 of the  
263 December special session, public act 99-241 or public act 00-140,  
264 including without limitation the preparation by the authority of the  
265 environmental impact evaluation contemplated by subsection (j) of  
266 section 32-664, or authority development projects within a  
267 development district, provided any such director, officer or employee  
268 is found to have been acting in the discharge of such director, officer or  
269 employee's duties or within the scope of such director, officer or  
270 employee's employment and any such act or omission is found not to

271 have been wanton, reckless, wilful or malicious."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>October 1, 2016</i>	New section
Sec. 3	<i>October 1, 2016</i>	New section
Sec. 4	<i>October 1, 2016</i>	New section
Sec. 5	<i>October 1, 2016</i>	32-617