

DRAFT

Proposed Substitute Bill No. 1107

JANUARY SESSION, 2019

LCO No. 6731

AN ACT CONCERNING THE TERMS OF THE BOARD OF TRUSTEES OF THE CONNECTICUT TRUST FOR HISTORIC PRESERVATION AND CONSTRUCTION INVOLVING HISTORIC STRUCTURES.

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

1 Section 1. Section 3 of special act 75-93, as amended by special act
2 85-42, is amended to read as follows (*Effective from passage*):

3 (a) The affairs of the trust shall be under the general direction of a
4 board of trustees which, prior to the annual meeting in April, 1986,
5 shall be composed of twenty-one members. The first board shall be
6 selected as follows: Three members shall be appointed by the
7 governor, one of whom shall serve for one year, one for two years, and
8 one for three years. Eighteen members shall be elected by the
9 incorporators herein named, six of whom shall serve for one year, six
10 for two years, and six for three years. Thereafter, and until the annual
11 meeting in April, 1986, the governor shall annually appoint one
12 member for a term of three years and the board of trustees shall elect
13 six members for terms of three years to replace those members whose
14 terms of office expire. Any vacancy which occurs shall be filled for the
15 unexpired portion of the term by the same authority that made the
16 original appointment. [A trustee having served two consecutive terms
17 of office shall not be eligible for appointment or election to the board of
18 trustees except after the lapse of one year, provided a member of the
19 original board of trustees may serve two consecutive terms in addition

DRAFT

Proposed Substitute Bill No. 1107

20 to and immediately following such trustee's original term.] At the first
21 meeting of the board of trustees, and at its annual meeting thereafter,
22 the board of trustees shall select from its members a chairman and a
23 vice chairman who shall respectively serve for a term of one year or
24 until their successors shall have been elected and duly qualified. Said
25 annual meeting shall be held during the month of April. If the office of
26 any trustee elected by the board of trustees shall become vacant for
27 any cause, the remaining trustees shall elect a successor to fill the
28 unexpired term of such trustee. If the office of any trustee appointed
29 by the governor shall become vacant for any cause, the governor shall
30 select a successor to fill the unexpired term of such trustee. Trustees
31 shall serve without compensation.

32 (b) Upon the election of new trustees at the annual meeting in April,
33 1986, the board of trustees shall be composed of thirty-three members.
34 All members appointed or elected pursuant to subsection (a) of this
35 section shall continue to be members for the term for which they were
36 appointed or elected, except that such terms shall end upon the
37 election of new trustees at the third annual meeting following the
38 meeting at which their terms began. The board of trustees shall, at the
39 annual meeting in April 1986, elect twelve additional members for
40 terms beginning at said meeting, four of whom shall serve until the
41 annual meeting of April, 1987, four of whom shall serve until the
42 annual meeting of April, 1988, and four of whom shall serve until the
43 annual meeting of April, 1989. Thereafter, the governor shall annually
44 appoint one member for a term which shall end upon the election of
45 new trustees at the third annual meeting following the annual meeting
46 at which the term for which such member was appointed began, and
47 the board of trustees shall elect ten members for terms which shall end
48 at the completion of the election of new trustees at the third annual
49 meeting following the annual meeting at which such members were
50 elected to replace those members whose terms of office expire. [A
51 trustee having served two consecutive terms of office shall not be
52 eligible for appointment or election to the board of trustees until the
53 annual meeting next following the end of the trustee's term.] At its

DRAFT

Proposed Substitute Bill No. 1107

54 annual meeting, which shall be held during the month of April, the
55 board of trustees shall select from its members a chairman and a vice
56 chairman who shall respectively serve for a term to end at the next
57 annual meeting or until their successors shall have been elected and
58 duly qualified. If the office of any trustee elected by the board of
59 trustees shall become vacant for any cause, the remaining trustees shall
60 elect a successor to fill the unexpired term of such trustee. If the office
61 of any trustee appointed by the governor shall become vacant for any
62 cause, the governor shall select a successor to fill the unexpired term of
63 such trustee. Trustees shall serve without compensation.

64 Sec. 2. (NEW) (*Effective October 1, 2019*) As used in this section,
65 "historic structure" has the same meaning as "historic structures and
66 landmarks" in section 10-410 of the general statutes and "distressed
67 municipality" has the same meaning as provided in section 32-9p of
68 the general statutes. On and after October 1, 2019, until October 1,
69 2022, any new construction plan or project of a private or municipal
70 entity alone or in combination that proposes to rebuild, remove,
71 demolish, move or raze a historic structure that is located in an
72 opportunity zone designated pursuant to Public Law 115-97 within a
73 town having a population of less than thirty thousand which has been
74 determined to be a distressed municipality for the ten consecutive
75 years immediately prior to such proposal, shall be exempt from the
76 provisions of subdivision (2) of subsection (c) of section 10-409 of the
77 general statutes, as amended by this act, and section 22a-19a of the
78 general statutes, if such structure has been continuously vacant for at
79 least such ten-year period. This section shall not be construed to
80 exempt such plan or project from the requirements concerning
81 protection of the public trust in the air, water and other natural
82 resources under sections 22a-15 to 22a-19, inclusive, of the general
83 statutes.

84 Sec. 3. Section 10-409 of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective October 1, 2019*):

DRAFT

Proposed Substitute Bill No. 1107

86 (a) With respect to historical preservation, there is established
87 within the Department of Economic and Community Development a
88 Historic Preservation Council. The Historic Preservation Council shall
89 consist of twelve members to be appointed by the Governor. On or
90 before January fifth in the even-numbered years, the Governor shall
91 appoint six members for terms of four years each to replace those
92 whose terms expire. One of such members shall be the State Historian
93 and one shall be the State Archaeologist. Members shall be appointed
94 in accordance with the provisions of section 4-9a. No member shall
95 serve for more than two consecutive full terms. Any member who fails
96 to attend three consecutive meetings or who fails to attend fifty per
97 cent of all meetings held during any calendar year shall be deemed to
98 have resigned from office. The Governor shall biennially designate one
99 member of the council to be chairperson. The Governor shall fill any
100 vacancy for any unexpired portion of the term and may remove any
101 member as provided by section 4-12. No compensation shall be
102 received by the members of the council but they shall be reimbursed
103 for their necessary expenses.

104 (b) The Department of Economic and Community Development
105 may, with the advice of the Historic Preservation Council, (1) study
106 and investigate historic structures and landmarks in this state and
107 encourage and recommend the development, preservation and
108 marking of such historic structures and landmarks found to have
109 educational, recreational and historical significance; (2) prepare, adopt
110 and maintain standards for a state register of historic places; (3) update
111 and keep current the state historic preservation plan; (4) administer the
112 State Register of Historic Places Program; (5) assist owners of historic
113 structures in seeking federal or other aid for historic preservation and
114 related purposes; (6) recommend to the General Assembly the placing
115 and maintaining of suitable markers, memorials or monuments or
116 other edifices to designate historic structures and landmarks found to
117 have historical significance; (7) make recommendations to the General
118 Assembly regarding the development and preservation of historic
119 structures and landmarks owned by the state; (8) maintain a program

DRAFT

Proposed Substitute Bill No. 1107

120 of historical, architectural, and archaeological research and
121 development including surveys, excavation, scientific recording,
122 interpretation and publication of the historical, architectural,
123 archaeological and cultural resources of the state; (9) cooperate with
124 promotional, patriotic, educational and research groups and
125 associations, with local, state and national historical societies,
126 associations and commissions, with agencies of the state and its
127 political subdivisions and with the federal government, in promoting
128 and publicizing the historical heritage of Connecticut; (10) formulate
129 standards and criteria to guide the several municipalities in the
130 evaluation, delineation and establishment of historic districts; (11)
131 cooperate with the State Building Inspector, the Codes and Standards
132 Committee and other building officials and render advisory opinions
133 and prepare documentation regarding the application of the State
134 Building Code to historic structures and landmarks if requested by
135 owners of historic structures and landmarks, the State Building
136 Inspector, the Codes and Standards Committee or other building
137 officials; (12) review planned state and federal actions to determine
138 their impact on historic structures and landmarks; (13) operate the
139 Henry Whitfield House of Guilford, otherwise known as the Old Stone
140 House, the Prudence Crandall Museum, Old New-Gate Prison and
141 Copper Mine and the Eric Sloane Museum and Kent Iron Furnace as
142 state historical museums and, in its discretion, charge a fee for
143 admission to said museums and account for and deposit the same as
144 provided in section 4-32; (14) provide technical and financial assistance
145 to carry out the purposes of this section and sections 10-410 to 10-416,
146 inclusive; (15) adopt regulations in accordance with the provisions of
147 chapter 54 for the preservation of sacred sites and archaeological sites;
148 and (16) inventory state lands to identify sacred sites and
149 archaeological sites. The department shall study the feasibility of
150 establishing a state museum of Connecticut history at an appropriate
151 existing facility.

152 (c) The Historic Preservation Council shall [(A)] (1) review and
153 approve or disapprove requests by owners of historic properties on

DRAFT

Proposed Substitute Bill No. 1107

154 which the department holds preservation easements to perform
155 rehabilitation work on sacred sites and archaeological sites; [(B)] (2)
156 request the assistance of the Attorney General to prevent the
157 unreasonable destruction of historic properties pursuant to the
158 provisions of section 22a-19a; and [(C)] (3) place and maintain suitable
159 markers, memorials or monuments to designate sites or places found
160 to have historic significance. The council shall meet monthly. The
161 Connecticut Trust for Historic Preservation may provide technical
162 assistance to the council.

163 [(b)] (d) Notwithstanding the provisions of this section or section 1-
164 210, the Department of Economic and Community Development may
165 withhold from disclosure to the public information relating to the
166 location of archaeological sites under consideration for listing by the
167 department or those listed on the National Register of Historic Places
168 or the state register of historic places whenever the department
169 determines that disclosure of specific information would create a risk
170 of destruction or harm to such sites. The provisions of this subsection
171 shall not apply to any such site unless the person who reported or
172 discovered such site has submitted a written statement to the
173 department requesting that no disclosure be made. Upon receipt of
174 such statement, the department may withhold such information from
175 disclosure until the July first next succeeding such receipt. Such person
176 may request that a period of nondisclosure be extended by submitting
177 such statements prior to July first of any year.

178 [(c)] (e) The Historic Preservation Council of the Department of
179 Economic and Community Development shall develop a model ballot
180 form to be mailed by clerks of municipalities on the question of
181 creation of historic districts or districts as provided for in section 7-
182 147a to 7-147k, inclusive.

183 Sec. 4. Section 22a-9 of the general statutes is repealed and the
184 following is substituted in lieu thereof (*Effective October 1, 2019*):

185 The commissioner shall act as the official agent of the state in all

DRAFT

186 matters affecting the purposes of this title and sections 2-20a, 5-238a,
187 subsection (c) of section 7-131a, sections 7-131e, 7-131f, subsection (a)
188 of section 7-131g, sections 7-131i, 7-131l, [subsection] subsections (a) to
189 (c), inclusive, of section 10-409, as amended by this act, subdivisions
190 (51) and (52) of section 12-81, subdivisions (21) and (22) of section 12-
191 412, subsections (a) and (b) of section 13a-94, sections 13a-142a, 13b-56,
192 13b-57, 14-100b, 14-164c, chapter 268, sections 16a-103, 22-91c, 22-91e,
193 subsections (b) and (c) of section 22a-148, section 22a-150, subdivisions
194 (2) and (3) of section 22a-151, sections 22a-153, 22a-154, 22a-155, 22a-
195 158, chapter 446c, sections 22a-295, 22a-300, 22a-308, 22a-416, chapters
196 446h to 446k, inclusive, chapters 447 and 448, sections 23-35, 23-37a, 23-
197 41, chapter 462, section 25-34, chapter 477, subsection (b) of section 25-
198 128, subsection (a) of section 25-131, chapters 490 and 491 and sections
199 26-257, 26-297, 26-303 and 47-46a, under any federal laws now or
200 hereafter to be enacted and as the official agent of any municipality,
201 district, region or authority or other recognized legal entity in
202 connection with the grant or advance of any federal or other funds or
203 credits to the state or through the state, to its political subdivisions.

204 Sec. 5. Subsection (a) of section 32-1c of the general statutes is
205 repealed and the following is substituted in lieu thereof (*Effective*
206 *October 1, 2019*):

207 (a) In addition to any other powers, duties and responsibilities
208 provided for in this chapter, chapter 131, chapter 579 and section 4-8
209 and [subsection] subsections (a) to (c), inclusive, of section 10-409, as
210 amended by this act, the commissioner shall have the following
211 powers, duties and responsibilities: (1) To administer and direct the
212 operations of the Department of Economic and Community
213 Development; (2) to report annually to the Governor, as provided in
214 section 4-60; (3) to conduct and administer the research and planning
215 functions necessary to carry out the purposes of said chapters and
216 sections; (4) to encourage and promote the development of industry
217 and business in the state and to investigate, study and undertake ways
218 and means of promoting and encouraging the prosperous

DRAFT

Proposed Substitute Bill No. 1107

219 development and protection of the legitimate interest and welfare of
220 Connecticut business, industry and commerce, within and outside the
221 state; (5) to serve, ex officio as a director on the board of Connecticut
222 Innovations, Incorporated; (6) to serve as a member of the Committee
223 of Concern for Connecticut Jobs; (7) to promote and encourage the
224 location and development of new business in the state as well as the
225 maintenance and expansion of existing business and for that purpose
226 to cooperate with state and local agencies and individuals both within
227 and outside the state; (8) to plan and conduct a program of information
228 and publicity designed to attract tourists, visitors and other interested
229 persons from outside the state to this state and also to encourage and
230 coordinate the efforts of other public and private organizations or
231 groups of citizens to publicize the facilities and attractions of the state
232 for the same purposes; (9) to advise and cooperate with municipalities,
233 persons and local planning agencies within the state for the purpose of
234 promoting coordination between the state and such municipalities as
235 to plans and development; (10) by reallocating funding from other
236 agency accounts or programs, to assign adequate and available staff to
237 provide technical assistance to businesses in the state in exporting,
238 manufacturing and cluster-based initiatives and to provide guidance
239 and advice on regulatory matters; (11) to aid minority businesses in
240 their development; (12) to appoint such assistants, experts, technicians
241 and clerical staff, subject to the provisions of chapter 67, as are
242 necessary to carry out the purposes of said chapters and sections; (13)
243 to employ other consultants and assistants on a contract or other basis
244 for rendering financial, technical or other assistance and advice; (14) to
245 acquire or lease facilities located outside the state subject to the
246 provisions of section 4b-23; (15) to advise and inform municipal
247 officials concerning economic development and collect and
248 disseminate information pertaining thereto, including information
249 about federal, state and private assistance programs and services
250 pertaining thereto; (16) to inquire into the utilization of state
251 government resources and coordinate federal and state activities for
252 assistance in and solution of problems of economic development and

DRAFT

Proposed Substitute Bill No. 1107

253 to inform and advise the Governor about and propose legislation
254 concerning such problems; (17) to conduct, encourage and maintain
255 research and studies relating to industrial and commercial
256 development; (18) to prepare and review model ordinances and
257 charters relating to these areas; (19) to maintain an inventory of data
258 and information and act as a clearinghouse and referral agency for
259 information on state and federal programs and services relative to the
260 purpose set forth herein. The inventory shall include information on all
261 federal programs of financial assistance for defense conversion projects
262 and other projects consistent with a defense conversion strategy and
263 shall identify businesses which would be eligible for such assistance
264 and provide notification to such business of such programs; (20) to
265 conduct, encourage and maintain research and studies and advise
266 municipal officials about forms of cooperation between public and
267 private agencies designed to advance economic development; (21) to
268 promote and assist the formation of municipal and other agencies
269 appropriate to the purposes of this chapter; (22) to require notice of the
270 submission of all applications by municipalities and any agency
271 thereof for federal and state financial assistance for economic
272 development programs as relate to the purposes of this chapter; (23)
273 with the approval of the Commissioner of Administrative Services, to
274 reimburse any employee of the department, including the
275 commissioner, for reasonable business expenses, including but not
276 limited to, mileage, travel, lodging, and entertainment of business
277 prospects and other persons to the extent necessary or advisable to
278 carry out the purposes of subdivisions (4), (7), (8) and (11) of this
279 subsection and other provisions of this chapter; (24) to assist in
280 resolving solid waste management issues; (25) (A) to serve as an
281 information clearinghouse for various public and private programs
282 available to assist businesses, (B) to identify specific micro businesses,
283 as defined in section 32-344, whose growth and success could benefit
284 from state or private assistance and contact such small businesses in
285 order to (i) identify their needs, (ii) provide information about public
286 and private programs for meeting such needs, including, but not

DRAFT

Proposed Substitute Bill No. 1107

287 limited to, technical assistance, job training and financial assistance,
288 and (iii) arrange for the provision of such assistance to such businesses;
289 (26) to enhance and promote the digital media and motion picture
290 industries in the state; (27) by reallocating funding from other agency
291 accounts or programs, to develop a marketing campaign that promotes
292 Connecticut as a place of innovation; and (28) by reallocating funding
293 from other agency accounts or programs, to execute the steps
294 necessary to implement the knowledge corridor agreement with
295 Massachusetts to promote the biomedical device industry.

296 Sec. 6. Subsection (f) of section 32-23f of the general statutes is
297 repealed and the following is substituted in lieu thereof (*Effective*
298 *October 1, 2019*):

299 (f) The principal of and interest on bonds or notes issued by the
300 corporation may be secured by a pledge of any revenues and receipts
301 of the corporation derived from any project and may be additionally
302 secured by a mortgage or deed of trust covering all or any part of a
303 project, including any additions, improvements, extensions to or
304 enlargements of any projects thereafter made. Such bonds or notes
305 may also be secured by a pledge or assignment of a loan agreement,
306 conditional sale agreement or agreement of sale or by an assignment of
307 the lease of any project for the construction and acquisition of which
308 said bonds or notes are issued and by an assignment of the revenues
309 and receipts derived by the corporation from such project. The
310 payments of principal and interest on such bonds or notes may be
311 additionally secured by a pledge of any other property, revenues,
312 moneys, or funds available to the corporation for such purpose. The
313 resolution authorizing the issuance of any such bonds or notes and any
314 such mortgage or deed of trust or lease or loan agreement, conditional
315 sale agreement or agreement of sale or credit agreement may contain
316 agreements and provisions respecting the establishment of reserves to
317 secure such bonds or notes, the maintenance and insurance of the
318 projects covered thereby, the fixing and collection of rents for any
319 portion thereof leased by the corporation to others or the sums to be

DRAFT

Proposed Substitute Bill No. 1107

320 paid under any conditional sale agreement or agreement of sale
321 entered into by the corporation with others, the creation and
322 maintenance of special funds from such revenues and the rights and
323 remedies available in the event of default, the vesting in a trustee or
324 trustees of such property, rights, powers and duties in trust as the
325 corporation may determine, which may include any or all of the rights,
326 powers and duties of any trustee appointed by the holders of any
327 bonds and notes and limiting or abrogating the right of the holders of
328 any bonds and notes of the corporation to appoint a trustee under this
329 chapter, chapter 578 and [subsection] subsections (a) to (c), inclusive,
330 of section 10-409, as amended by this act, or limiting the rights, powers
331 and duties of such trustee; provision for a trust agreement by and
332 between the corporation and a corporate trust which may be any trust
333 company or bank having the powers of a trust company within or
334 without the state, which agreement may provide for the pledging or
335 assigning of any revenues or assets or income from assets to which or
336 in which the corporation has any rights or interest, and may further
337 provide for such other rights and remedies exercisable by the trustee
338 as may be proper for the protection of the holders of any bonds or
339 notes and not otherwise in violation of law, and such agreement may
340 provide for the restriction of the rights of any individual holder of
341 bonds or notes of the corporation and may contain any further
342 provisions which are reasonable to delineate further the respective
343 rights, duties, safeguards, responsibilities and liabilities of the
344 corporation; persons and collective holders of bonds or notes of the
345 corporation and the trustee; and covenants to do or refrain from doing
346 such acts and things as may be necessary or convenient or desirable in
347 order to better secure any bonds or notes of the corporation, or which,
348 in the discretion of the corporation, will tend to make any bonds or
349 notes to be issued more marketable notwithstanding that such
350 covenants, acts or things may not be enumerated herein; and any other
351 matters of like or different character, which in any way affect the
352 security or protection of the bonds or notes, all as the corporation shall
353 deem advisable and not in conflict with the provisions hereof. Each

DRAFT

Proposed Substitute Bill No. 1107

354 pledge, agreement, mortgage and deed of trust made for the benefit or
355 security of any of the bonds or notes of the corporation shall be in
356 effect until the principal of and interest on the bonds or notes for the
357 benefit of which the same were made have been fully paid, or until
358 provision has been made for payment in the manner provided in the
359 resolution or resolutions authorizing their issuance. Any pledge made
360 in respect of such bonds or notes shall be valid and binding from the
361 time when the pledge is made; the revenues, money or property so
362 pledged and thereafter received by the corporation shall immediately
363 be subject to the lien of such pledge without any physical delivery
364 thereof or further act; and the lien of any such pledge shall be valid
365 and binding as against all parties having claims of any kind in tort,
366 contract or otherwise against the corporation irrespective of whether
367 such parties have notice thereof. Neither the resolution, trust indenture
368 nor any other instrument by which a pledge is created need be
369 recorded. The resolution authorizing the issuance of such bonds or
370 notes may provide for the enforcement of any such pledge or security
371 in any lawful manner. The corporation may elect to have the
372 provisions of title 42a, the Connecticut uniform commercial code,
373 apply to any pledge made by or to the corporation to secure its bonds
374 or notes by filing a financing statement with respect to the security
375 interest created by the pledge and, in such case, the financing
376 statement shall be filed as if the debtor were located in this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	SA 75-93, Sec. 3
Sec. 2	<i>October 1, 2019</i>	New section
Sec. 3	<i>October 1, 2019</i>	10-409
Sec. 4	<i>October 1, 2019</i>	22a-9
Sec. 5	<i>October 1, 2019</i>	32-1c(a)
Sec. 6	<i>October 1, 2019</i>	32-23f(f)