



Senate

General Assembly

File No. 172

January Session, 2023

Senate Bill No. 120

Senate, March 22, 2023

The Committee on Environment reported through SEN. LOPES of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT REQUIRING THE CONNECTICUT AIRPORT AUTHORITY TO COMPLY WITH THE CONNECTICUT ENVIRONMENTAL PROTECTION ACT FOR ANY HISTORIC STRUCTURES AND LANDMARKS UNDER THE AUTHORITY'S CONTROL.

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

1 Section 1. Section 22a-19a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The provisions of sections 22a-15 to 22a-19, inclusive, shall be
4 applicable to the unreasonable destruction of historic structures and
5 landmarks of the state, which shall be those properties (1) listed or
6 under consideration for listing as individual units on the National
7 Register of Historic Places (16 USC 470a, as amended), [or] (2) which are
8 a part of a district listed or under consideration for listing on said
9 national register and which have been determined by the State Historic
10 Preservation Review Board to contribute to the historic significance of
11 such district, or (3) under the care, custody and control of the
12 Connecticut Airport Authority that contain structures or landmarks

13 determined to be historic by any historical society of any host
14 municipality for the facilities of such authority. If the plaintiff in any
15 such action cannot make a prima facie showing that the conduct of the
16 defendant, acting alone or in combination with others, has or is likely
17 unreasonably to destroy the public trust in such historic structures or
18 landmarks, the court shall tax all costs for the action to the plaintiff.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-19a

ENV *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:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
CT Airport Authority	Bradley International Airport Enterprise Fund and General Aviation Airport Enterprise Fund - Potential Cost	Indeterminate	Indeterminate

Municipal Impact: None

Explanation

The bill expands the Connecticut Environmental Policy Act (CEPA) historic property protections to Connecticut Airport Authority (CAA) properties deemed historic by an historical society of any host municipality. To the extent that a CAA property is "deemed to be historic" by a host historical society and the authority undertakes a project impacting that property, there may be higher costs associated with CAA reviews.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 120*****AN ACT REQUIRING THE CONNECTICUT AIRPORT AUTHORITY TO COMPLY WITH THE CONNECTICUT ENVIRONMENTAL PROTECTION ACT FOR ANY HISTORIC STRUCTURES AND LANDMARKS UNDER THE AUTHORITY'S CONTROL.*****SUMMARY**

The Connecticut Environmental Protection Act permits any person, corporation, organization, or other legal entity to sue in Superior Court or intervene in administrative proceedings to protect the public trust in the air, water, or other state natural resources from unreasonable pollution, impairment, or destruction. It also protects certain historic properties (e.g., those listed as individual units on the National Register of Historic Places) from unreasonable destruction in this same way (CGS §§ 22a-14 to 22a-20).

This bill expands the act's historic property protection by applying it to certain properties under the Connecticut Airport Authority's (CAA) care, custody, and control. Specifically, it applies to properties with structures or landmarks deemed historic by a historical society of any host municipality for CAA's facilities.

By law, unlike interventions aimed at preventing environmental harm, a party intervening to prevent a historic property's unreasonable destruction is liable for any costs if it cannot make a prima facie showing that the action will, or likely will, destroy the property. The bill correspondingly applies this liability to those who sue or intervene concerning CAA properties.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Bill

SB 121, favorably reported by the Environment Committee, requires CAA to conduct environmental impact evaluations for property acquisitions and expansions of property under its care, custody, or control.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 32 Nay 0 (03/03/2023)