

Legislative History for Connecticut Act

**PA 14-101**

SB114

House	6732-6736	5
Senate	3159, 3162-3164	4
Planning & <u>Development</u>	59-63, 80-84	10
		<b>19</b>

**H – 1200**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2014**

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PART 20  
6540 – 6911**

Calendar. Is there any objection?

Hearing none, so ordered.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move we have Calendar 468 on the  
Consent Calendar, sir.

SB493

I further move House Calendar 535 to the Consent  
Calendar.

SB114

I'd like to move Calendar Number 537 as amended  
by Senate "A" to the Consent Calendar.

SB417

I'd like to move Calendar Number 498 to the  
Consent Calendar.

SB269

Item 499, as amended by Senate "A" to the Consent  
Calendar.

SB309

Calendar Number 508, House Bill 5312, as amended  
by Senate "A" and Senate "B" to the Consent Calendar.

Those would be the bills in their entirety, Mr.  
Speaker.

DEPUTY SPEAKER GODFREY:

And -- and Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Yes, Mr. Speaker. Mr. Speaker, I'd like to --  
no. Mr. Speaker, I'd like to remove Calendar Number

SB55

506 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

506 is removed from the Consent Calendar.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to remove Calendar 508 from  
the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

Calendar 508 is removed from the Consent  
Calendar.

SB72

Mr. Clerk, would you kindly call the Consent  
Calendar.

THE CLERK:

Mr. Speaker, Consent Calendar Number 1,  
consisting of Calendar Numbers 548; 512, as amended by  
Senate "A"; 450, as amended by Senate "C"; 236, as  
amended by Senate "A"; Calendar 425; Calendar 518, as  
amended by Senate "A"; Calendar 452; Calendar 511;  
Calendar 5 -- excuse me -- 458; Calendar 491; Calendar  
467; Calendar 468; item under suspension, 535; Senate  
Bill 00114, as considered under suspension; Senate  
Bill 417, suspension; Calendar Number 537, as amended  
by Senate "A"; Calendar 498; Calendar 499, as amended  
by Senate "A"; Calendar 508; and, House Bill -- what

SB176  
SB179  
SB70  
SB247  
SB271  
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SB154  
SB155  
SB262  
SB456  
SB463  
SB493  
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HB5312

is it? Is off -- excuse me -- and House Bill 5312,  
which was done under suspension with Senate "A" and  
"B."

DEPUTY SPEAKER GODFREY:

Thank you, Mr. Clerk.

Just -- just for my own clarification, was --  
that was 326 not 236?

THE CLERK:

Three-two-six.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Aresimowicz, what's your pleasure  
on today's Consent Calendar?

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move passage of the bills on  
today's Consent.

DEPUTY SPEAKER GODFREY:

Question is on passage of the bills on the  
Consent Calendar.

Staff and guests please come to the well of the  
House. Members take their seat. The machine will be  
open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll, by -- on today's first Consent Calendar. Will members please report to the Chamber immediately.

DEPUTY SPEAKER GODFREY:

Have all the members voted?

Ladies and gentlemen, before I call for the machine being locked, I need to note that the board is not completely in line with the motion. Calendar 520 "A," which unfortunately is up on the board, was -- there was no motion to put that on the Consent Calendar. Unless there's objection, we'll just fix it ministerially and proceed on. Is there any objection to that solution?

Thank you all.

If all the -- if everyone has voted, the machine will be locked. Clerk will take a tally.

And the Clerk will announce the tally.

THE CLERK:

Consent Calendar Number 1.

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	148
Those voting Nay	0

Those absent and not voting 3

DEPUTY SPEAKER GODFREY:

The Consent Calendar as moved, the bills on it  
are passed.

And now, Mr. Clerk, we will do Calendar 528.

THE CLERK:

House Calendar 528, Favorable Report of the joint  
standing Committee on Insurance and Real Estate,  
Senate Bill 480, AN ACT CONCERNING LIFE INSURANCE  
PROCEDURE LICENSES AND REGISTRATIONS OF BROKER-  
DEALERS, AGENTS, INVESTMENT ADVISERS AND INVESTMENT  
ADVISER AGENTS.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Insurance and  
Real Estate Committee, Representative Megna.

REP. MEGNA (97th):

Thank -- thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the joint  
committee's Favorable Report and passage of the bill,  
in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

The question is on passage and concurrence.  
Would you explain the bill, please, Representative --

REP. MEGNA (97th):

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Calendar page 22, Calendar 515, House Bill Number 5361, move to place on the Consent Calendar.

Also, Madam President, under Matters Returned from Committee, Calendar page 39, Calendar 265, -- pardon me. We've taken action on that one already.

Calendar page -- back on Calendar page 6, Madam President, under Favorable Reports, Calendar page 6, Calendar 331, House Bill Number 5248, move to place on the Consent Calendar.

Also, Madam President, Calendar page 24, Calendar 526, House Bill number 5556. Move to place on the Consent Calendar.

In addition, Madam President, under Favorable Reports, Calendar page 27, Calendar 546, House Bill Number 5061, move to place on the Consent Calendar.

Calendar page 30, Calendar 563, House Bill Number 5554, move to place on the Consent Calendar. It may have been placed there earlier, Madam President.

THE CHAIR:

It has been.

SENATOR LOONEY:

Also Madam President, Calendar page 27, Calendar 543, House Bill Number 5037, move to place this item on the Consent Calendar.

Also under Favorable Reports, Madam President, Calendar page 18, Calendar 470, House Bill Number 5506, move to place on the Consent Calendar.

And back on Calendar page 10, Madam President, Calendar 396, Senate Bill Number 114, move to place on the Consent Calendar.

In addition, Madam President -- in addition, Madam President, I have a couple of items to mark as go.

Madam President, items to be marked go, Calendar page 333, page 33, Calendar 579, House Bill 5348. And

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Opposed. Reconsideration is passed.

SENATOR LOONEY:

Right now since the matter is before us again, Madam President, I would move to mark it passed temporarily.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. Now if the Clerk would call those Consent Calendar items so that we might move to a vote on the Consent Calendar, and then we might proceed to the items that were marked go.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 2 Calendar 166, Senate Bill 427.

Page 4 Calendar 300 Senate Bill 417.

Page 6, Calendar 331, House Bill 5248.

Page 7, Calendar 340, House bill 5273.

On page 10, Calendar 416, House Bill 5407. Calendar 415, House Bill 5518. Calendar 396, Senate Bill 114.

On page 11, Calendar 419, House Bill 5477.

Page 12, Calendar 426, House Bill 5023.

On page 18, Calendar 489, House Bill 5227. Calendar 470, House Bill 5506. Calendar 490, House Bill 5113.

On page 19, Calendar 494, House Bill 5573.

Page 20, Calendar 498, House Bill 5467. Calendar 499, House Bill 5419.

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And on page 22 Calendar 513, House Bill 5353.  
Calendar 515, House Bill 5361.

And on page 24, Calendar 526, House Bill 5556.  
Calendar 524, House Bill 5219.

Page 25, Calendar 4 -- sorry, Calendar 530, House Bill 5368,  
page 27, Calendar 546, House Bill 5061.  
Calendar 543, House Bill 5037.

On page 28, Calendar 550, House Bill 5514.

Page 29, Calendar 554, House Bill 5148.

Page 30, Calendar 563, House Bill 5554.

Page 31, Calendar 567, House Bill 5229. Calendar 565,  
House Bill 5028.

And on page 42, Calendar 384, Senate Bill 442.

THE CHAIR:

Senator Looney, do you have any more good news for us?

SENATOR LOONEY:

Yes, thank you, Madam President. One additional item  
to add before we call for the actual vote on the  
Consent Calendar, and that is item an Calendar page  
33, Calendar 575, House Bill 5359. With that one  
addition it would call for a vote on the Consent  
Calendar.

THE CHAIR:

Mr. Clerk, please call for a vote on the Consent  
Calendar, and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Immediate roll call on the second Consent Calendar  
today has been ordered in the Senate.

THE CHAIR:

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If all members have voted? All membered voted, the machine will be closed. Mr. Clerk, will you please call the tally.

THE CLERK:

On the second Consent Calendar for today.

Total number voting	35
Those voting Yea	35
Those voting Nay	0
Absent not voting	1

THE CHAIR:

Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. If the Clerk would call the first item marked go to follow the Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 33, Calendar 579, Substitute for House Bill Number 5348, AN ACT CONCERNING THE PAYMENT OF DELINQUENT PROPERTY TAXES. Favorable Report of the Committee on Planning and Development.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you. Thank you, Madam President. Pursuant to Rule 15 of the Joint Rules, I am recusing myself from consideration of this bill.

THE CHAIR:

Thank you, sir. Please leave the Chamber.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

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and nuanced discussion. But as we've learned, like I said, I think we need to take a step back and have these dialogues and -- and take a more nuanced approach.

Thank you.

SENATOR OSTEN: Thank you.  
Are there any questions?

Thank you very much.

Next up is Helen Higgins from the CT Trust to Support Preservation.

CHARLOTTE HITCHCOCK: Good afternoon.

Helen Higgins had to leave. And I'm the next person, Charlotte Hitchcock, on the list.

SENATOR OSTEN: Oh, okay.

Thank you.

CHARLOTTE HITCHCOCK: So I'll be giving her presentation and representing her.

So thank you, Senator Osten, and Representative Rojas, and members of the committee. My name is Charlotte Hitchcock. I am staff at the CT Trust for Historic Preservation. I'll be speaking in support of SB114, AN ACT ESTABLISHING A PROPERTY TAX PROGRAM TO ENCOURAGE THE PRESERVATION OF HISTORIC BARNES.

I've been working on the trust to start barns project since 2007. I've seen hundreds of barns throughout the state. The Connecticut Trust Historic Preservation was founded in 1975 by a special act of the Connecticut General Assembly, and is a statewide nonprofit resource for preservation and reuse of our historic

buildings.

Since 2004, the trust has been documenting historic barns. To date, we have over 8300 in our database, and a high percentage of those barns are in need of stabilization work, for example, roof repair, sill repairs, foundation. And we've seen quite a number that have collapsed during our winters, like the one we're having right now, as a result of deferred maintenance. And in many cases, the deferred maintenance is as a result of the owners' fear that their taxes will increase, their property taxes, if they improve their barn.

SB114 authorizes towns and cities to grant property tax relief to barn owners of historic barns, 75 years old or older, that are listed on the state or National Register of Historic Places, who agree to maintain their structures throughout a minimum 10-year preservation easement. We believe that this kind of relief acts as an incentive for maintenance and repair of these structures.

In New Hampshire, where the Barn Tax Incentive Program has been in place for 11 years, 462 barns have been enrolled. The decision on determining which barns in a community are eligible for the program lies with the municipality. Criteria are based on not just the barn's historic importance, but that it provides scenic enjoyment from a public way, contributing to the local community in a larger way.

In addition, the amount of the tax abatement is also determined by the municipality setting up its own individual regulation.

So I'll just switch to the end. A benefit of the Barn Tax Abatement is that jobs will be

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COMMITTEE

created for local workers, such as roofers and timber framers and engineers, done by in-state resident contractors. And barns are a significant part of Connecticut's heritage and cultural landscape.

People love to drive around the state and see our old barns. And, in addition, with a increase in locally resourced foods, the barns are coming back into use again and can be brought back to life.

Thank you.

SENATOR OSTEN: Are there any questions?

Yes, Representative.

REP. KOKORUDA: Thank you for coming this morning, or it's afternoon, I guess, now.

One thing. With the money that the barn owner would -- would receive or with the tax relief --

CHARLOTTE HITCHCOCK: Uh-huh.

REP. KOKORUDA: -- can that money -- now it says it can be used for barn repair. Has it ever been -- have you ever spoken about it being -- that would be mandated, that it would have to be used?

CHARLOTTE HITCHCOCK: Yes. Actually --

REP. KOKORUDA: -- because if the town is going to give that relief --

CHARLOTTE HITCHCOCK: -- actually that would be -- it's -- it's part of the easement that is set up. In order to grant the person, the owner, the tax abatement, the easement requires that

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they maintain their barn in good condition for the 10-year period of the easement. So it's -- it's a promise. In return for less taxes, you will -- you will maintain your barn. In other words, you will spend the money on the barn.

REP. KOKORUDA: And what would happen?

I mean, do you have cases where this -- within, you know, two or three years this isn't happening and does the municipality go back and would rescind the tax relief?

CHARLOTTE HITCHCOCK: Well, the main example that we have is the State of New Hampshire. And in New Hampshire there are various mechanisms. Each town writes its own ordinance, because this is basically an enabling legislation. So each town sets up its own method.

In general, if -- if there's a huge financial hardship, they'll usually relive the person of the easement. If the person suddenly uses their barn for a different purpose than was agreed, and therefore, they're not conforming to the easement, there will usually be a penalty that the town can impose.

REP. KOKORUDA: But the flexibility stays with the town?

CHARLOTTE HITCHCOCK: Right.

The town has -- each municipality has the flexibility to set up the ordinance in the way that works for them.

REP. KOKORUDA: Okay. Thank you.

SENATOR OSTEN: Are there any other questions?

Thank you very much for coming.

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CHARLOTTE HITCHCOCK: Thank you.

SENATOR OSTEN: Chris Drew is next, and last, unless anyone else would like to sign up.

CHRISTOPHER DREW: All right. Senator Osten, Representative Rojas --

SENATOR OSTEN: Excuse me one minute.

Phil, are you waiting around? I see you're on the list.

Thank you.

Sorry, go ahead, Chris.

CHRISTOPHER DREW: Okay. Senator Osten, Representative Rojas, members of the committee, thank you for the opportunity to appear before you this afternoon to comment on Raised Bill Number 5140, AN ACT CONCERNING PROPERTY TAX RELIEF ON CERTAIN REAL PROPERTY HELD IN TRUST.

My name is Chris Drew. I'm a shareholder of the law firm of Drew & Mersereau, and we have an office in Avon. And I practice law in the areas of estate planning and estate settlement. And I respectfully request that the Planning and Development Committee act favorably on Raised Bill Number 5140.

Connecticut General section -- Connecticut General Statute, Section 12-129 N, permits municipalities to provide property tax relief for elderly homeowners and totally disabled homeowners who meet an income criteria established by the municipality.

Raised Bill Number 5140 would permit people who qualify for property tax relief, based on

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SB 114

Greetings members of the Planning and Development Committee  
Senator Osten, co-chair  
Rep. Rojas, co-chair

I own two barns, along with numerous outbuildings, a cottage and a typical 1830's farmhouse on an historic dairy farm property that fronts an oft-used east-west road in the town of Redding. It is a landmark property and the older of the two barns is listed on the Historic Barns of Connecticut registry. Many Reddingites thank me for keeping the property "like it always was" and preserving their view of the aesthetic Little River Valley, which I have done with a conservation easement and ongoing repairs and maintenance of the structures. Just imagine, eight new roofs were needed when I bought the place in 1994!! The Redding Land Trust purchased the field across the road from the farm - once part of the property - on this town-designated scenic highway.

I'd like to think this valley provides one of those sublime, iconic "historic Connecticut views" that have disappeared at an alarming rate in the last thirty years. The work and resources this preservation requires is not for the faint-hearted homeowner. While it provides great public benefit, there is virtually no incentive to do so. I applaud the notion of providing incentives to help protect and preserve our historic places; and barns are a delightful element of Connecticut's historic past, agricultural operations, pastoral expanses and charming roads. I would hope, as thoughtful evaluators of this proposed Bill, that you will also consider just what a tourist might drive to Connecticut to see these days. As many thousands of trees are removed, it is probably not the tree-lined old byways.

Please support this proposal to provide some incentives to barn owners, like me.

Thank you for listening,  
Laurie Heiss  
Cross Highway  
Redding, CT

Non speaking  
FOR THE Record



February 21, 2014

Planning & Development Committee  
Senator Steve Cassano, co-chairman  
Representative Jason Rojas, co-chairman

**In Support of SB 114 - An Act Establishing a Property Tax Program to Encourage the Preservation of Historic Barns.**

My name is Nancy Strong of the Strong Family Farm in Vernon. I am here today to speak in support of SB 114.

The Strong Farm barn was built in 1917 by my great-grandfather, Nathan Morgan Strong, after a fire took the original farm. Seven generations of Strongs have lived and worked on the farm and kept up the barn for the next generations in Vernon Center. It still remains an iconic view to all that pass by.

In the past few years, the barn has been in drastic need of repairs. My father, Norman Strong, always kept the barn painted and did emergency maintenance as the funds were available. When the Connecticut Trust for Historic Preservation first offered its small matching grant for a feasibility/conditions study of the barn, we were honored to be one of their first awardees in this grant program. This study outlined a time table of work that needed to be done on the barn. In the next years, CT Trust for Historic Preservation added a stabilization grant program. We have been lucky to be awarded a couple of small "matching" stabilization grants to go towards a new roof on part of the barn and repair the barn foundation. We always spent more than the match to get the work needed accomplished, but the grant money eased the burden. After the winter storms of 2011, the huge hay barn has become in drastic need of repair and replacement. The roof work needed goes beyond the timeline of repairs set forth by the conditions study, along with the repair and replacement of floors and windows.

SB 114 would authorize the Town of Vernon to grant property tax relief to this historic barn. We have always maintained its structure to the best of our ability and will strive to do so as long as the Strong Family Farm exists. This tax easement will go back into securing the structural integrity of the barn for future generations to cherish and prosper from.

Former and present residents state that the Strong Family Farm is the one place that they can count on that will not change in Vernon. This barn plays a significant part in Vernon's heritage and cultural landscape. This easement will help in the burden of maintaining the barn for future generations.



February 21, 2014

Planning & Development Committee  
Senator Catherine Osten, co-chairman  
Representative Jason Rojas, co-chairman

**In Support of SB 114 An Act Establishing a Property Tax Program to Encourage the Preservation of Historic Barns.**

My name is Helen Higgins and I am director of the Connecticut Trust for Historic Preservation. I am here today to speak in support of SB 114.

The Connecticut Trust for Historic Preservation was founded in 1975 by a special act of the Connecticut General Assembly and is a statewide non-profit resource for preservation and re-use of our historic buildings.

Since 2004 the Trust has been documenting historic barns; to date we have over 8300 in our data base. A high percentage of those barns are in need of stabilization work, for example roof repair, sill repairs, mortar repair.

SB 114 authorizes towns and cities to grant property tax relief to barn owners of historic barns, barns 75 years old or older that are listed on the State or National Register of Historic Places, who agree to maintain their structures throughout a minimum 10-year preservation easement. We believe that this kind of relief acts as an incentive for maintenance and repair of these structures. In New Hampshire, where the barns tax incentive program has been in place for 11 years, 462 barns have been enrolled. The decision determining which barns in a community are eligible for the program lies with the municipality. Criteria are based on not just a barn's historic importance but that it provides scenic enjoyment from a public way. The money saved on taxes can go into barn repair. Some barn owners feel they are better off letting their barns fall down because they are too financially strapped to repair them. We must help owners care for their certified historic barns and encourage them to find uses for these structures, if they are not already being used.

For many of our state's historic barns, there may be a future use that the current owner had not considered, either back to agriculture or to a new adaptive re-use. A further benefit of the barn tax abatement is that jobs will be created for roofers, timber-framers, engineers, masons and the like. These jobs are done by in-state resident contractors.

Barns are a significant part of Connecticut's heritage and cultural landscape; people love to drive around the state and see our old barns. But also, as interest grows in locally sourced foods, these precious buildings can and should be brought back to life.

*Helen Higgins*



## ***PLANNING & DEVELOPMENT COMMITTEE***

February 21, 2014

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 92% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

**SB 114 "An Act Establishing A Property Tax Program To Encourage The Preservation Of Historic Agricultural Structures"**

**SB 116 "An Act Concerning Personal Property Tax Relief For Businesses Affected By Major Construction Activities"**

**HB 5140 "An Act Concerning Property Tax Relief On Certain Real Property Held In Trust"**

SB 114, SB 116 and HB 5140, although appearing to be voluntary, are de facto mandates.

### **De Facto Mandate**

By definition, a state mandate is "any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a state court and any legislation necessary to comply with a federal mandate." However, **in practice, these onerous state laws and proposals come in a variety of forms.** In some cases, the General Assembly passes legislation that a municipality may adopt by local option which, as a practical political matter, local government cannot avoid. Thus, the State imposes chameleon-like mandates termed optional or "**de facto**" mandates.

Make no mistake; this circuitous breed of state mandates can impose an equally negative burden on towns and cities - particularly on shifting costs onto residential and business property taxpayers.

"De facto" mandates are those proposals that provide municipalities with various "options" that would, for example, expand criteria and eligibility for local property tax exemptions. By codifying such 'options' the State politically wedges local officials into enacting many of the proposals - despite potential negative fiscal impacts. Critics are clear to point out, "so what, towns and cities don't have to enact the options." Again, the political reality is that they often have no choice.

**Good intentions can have unintended consequences - as would be the case with many "de facto" mandate**

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**proposals.** Simply put, in times like these -- our hometowns cannot afford new unfunded state mandates, "de facto" or otherwise. The General Assembly should take no action on "de facto" mandate proposals.

★ ★ ★ ★ ★

If you have any questions, please contact Randy Collins, Senior Legislative Associate for CCM, at [rcollins@ccm-ct.org](mailto:rcollins@ccm-ct.org) or (860) 707-6446.