



General Assembly

February Session, 2020

Raised Bill No. 5161

LCO No. 1325



Referred to Committee on COMMERCE

Introduced by:
(CE)

AN ACT CONCERNING THE MEMBERS AND DUTIES OF THE STATE HISTORIC PRESERVATION BOARD.

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

1 Section 1. Section 10-321q of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2020*):

3 (a) There is established a State Historic Preservation Review Board,
4 which board shall serve as and have the powers, duties and
5 responsibilities of the board established pursuant to 36 CFR S. 61.4
6 (1978). Said board shall consist of ten members. The members shall be
7 appointed by the State Historic Preservation Officer designated
8 pursuant to 36 CFR S. 61.2 (1978), and shall serve for a term of [one year
9 from July first of each year] three years, except that one-half of members
10 appointed between July 1, 2020, and June 30, 2021, shall serve a term of
11 two years, as determined by the State Historic Preservation Officer.
12 Members may serve additional terms if reappointed by the State
13 Historic Preservation Officer.

14 (b) The legislative body of each municipality may appoint a
15 municipal preservation board, which shall consist of not less than five

16 nor more than nine members. The members of such municipal board
17 shall serve from the date of their original appointment until the next
18 succeeding June thirtieth, and shall thereafter be appointed for a term of
19 one year from July first of each year.

20 (c) The State Historic Preservation Officer shall notify the municipal
21 preservation board or, if there is no board, the chief executive officer of
22 the municipality, at least [sixty] thirty days prior to the scheduled
23 consideration by the State Historic Preservation Review Board of the
24 nomination of property in such municipality to the National Register of
25 Historic Places. The notification shall be accompanied by all information
26 on the nomination that is provided to the members of the State Historic
27 Preservation Review Board for their consideration, which information
28 shall be available for public inspection. The municipal board may hold
29 a public hearing in the municipality on the nomination of any parcel of
30 real property at least fifteen days prior to the scheduled meeting of the
31 State Historic Preservation Review Board on such matter and may make
32 recommendations to the State Historic Preservation Review Board on
33 the nomination of districts containing two or more parcels of real
34 property located in such municipality. Notice of the time, place and
35 subject matter of the hearing shall be published at least once in a
36 newspaper of general circulation in the municipality not more than
37 fifteen nor less than seven days prior to such hearing. A copy of the
38 notice shall be sent to the State Historic Preservation Officer at least ten
39 days prior to such hearing. The State Historic Preservation Officer or
40 [his] said officer's designee [shall] may attend the hearing to testify on
41 such nomination and to explain the consequences of listing in the
42 National Register of Historic Places. In preparing its recommendation
43 on the nomination, the municipal board shall consider whether the
44 properties being proposed for nomination meet the criteria for listing in
45 the National Register of Historic Places, as set forth in 36 CFR S. [60.6
46 (1978)] 60.4, and may consider such other matters as it deems
47 appropriate. The municipal board shall submit its recommendation, if
48 any, with the reasons for the recommendation, to the state board not
49 later than seven days prior to the scheduled consideration of the

50 nomination by the State Historic Preservation Review Board. The State
51 Historic Preservation Review Board shall consider the
52 recommendations of a municipal board, if any, before acting on a
53 nomination if such written recommendation is received by the State
54 Historic Preservation Officer not later than seven days prior to the
55 scheduled consideration of the nomination by the State Historic
56 Preservation Review Board. Failure of the municipal board to present
57 such recommendation shall not prevent the State Historic Preservation
58 Review Board from acting on any nomination.

59 Sec. 2. Section 22a-19a of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective July 1, 2020*):

61 The provisions of sections 22a-15 to 22a-19, inclusive, shall be
62 applicable to the unreasonable destruction of historic structures and
63 landmarks of the state, which shall be those properties (1) listed or
64 under consideration for listing as individual units on the National
65 Register of Historic Places (16 USC 470a, as amended) or (2) which are a
66 part of a district listed or under consideration for listing on said national
67 register and which have been determined by the State Historic
68 Preservation Review Board to contribute to the historic significance of
69 such district. If the plaintiff in any such action cannot make a prima facie
70 showing that the conduct of the defendant, acting alone or in
71 combination with others, has or is likely unreasonably to destroy the
72 public trust in such historic structures or landmarks, the court shall tax
73 all costs for the action to the plaintiff.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2020</i>	10-321q
Sec. 2	<i>July 1, 2020</i>	22a-19a

Statement of Purpose:

To (1) increase State Historic Preservation Review Board members' terms from one year to three years; (2) decrease the notice period required for notification of a municipal preservation board or a

municipality's chief executive officer that a property is nominated to the National Register of Historic Places from sixty days to thirty days; (3) eliminate the requirement that the State Historic Preservation Officer attend municipal hearings regarding nominations to the National Register of Historic Places; and (4) change the board's name from the State Historic Preservation Board to the State Historic Preservation Review Board.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]