



House of Representatives

File No. 843

General Assembly

January Session, 2001

(Reprint of File No. 282)

House Bill No. 6778
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 31, 2001

**AN ACT CONCERNING THE CONNECTICUT COASTLINE PORT
AUTHORITY.**

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

1 Section 1. Section 32-425 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 As used in sections 32-425 to 32-434, inclusive:

4 (1) "Authority" means the Connecticut [Coastline] Port Authority.

5 (2) "Board" means the board of directors of the authority.

6 (3) "Director" means a member of the board.

7 (4) "Executive director" means the chief executive and
8 administrative officer of the authority.

9 (5) "Federal government" means the United States of America, the
10 President of the United States of America and any department or
11 corporation, agency, or instrumentality created, designated or

12 established before or after July 1, 1993, by the United States of
13 America.

14 (6) "Port" means all ports, harbors and navigable tidal rivers of
15 [Bridgeport, New Haven and New London] the state, from the head of
16 navigation to the seaward limits within the jurisdiction of the state.

17 (7) "State" means the state of Connecticut.

18 Sec. 2. Section 32-426 of the general statutes is repealed and the
19 following is substituted in lieu thereof:

20 (a) There is hereby created a body politic and corporate to be known
21 as the "Connecticut [Coastline] Port Authority". [, hereinafter referred
22 to as the authority.] The authority is constituted a public
23 instrumentality and political subdivision of the state and the exercise
24 by the authority of the powers conferred in sections 32-425 to 32-434,
25 inclusive, as amended by this act, shall be deemed and held to be the
26 performance of an essential public and governmental function. The
27 Connecticut [Coastline] Port Authority shall not be construed to be a
28 department, institution or agency of the state.

29 (b) The authority shall be governed by a board of directors
30 consisting of the Commissioners of Transportation and Economic and
31 Community Development, serving ex officio; one port professional
32 from each of the port areas of Bridgeport, New Haven and New
33 London designated by the chairman of the Bridgeport Port Authority,
34 the chairman of the New Haven Harbor Cooperative and the chief
35 executive officer of the city of New London, respectively, provided in
36 no event shall there be more than one representative from a single
37 business entity, each serving as ex-officio nonvoting members; six
38 members appointed by the Governor, one of whom shall be a resident
39 of the city of New London, one of whom shall be a resident of the city
40 of New Haven and one of whom shall be a resident of the city of
41 Bridgeport; and six members appointed as follows: One by the
42 president pro tempore of the Senate, one by the majority leader of the
43 Senate, one by the minority leader of the Senate, one by the speaker of

44 the House of Representatives, one by the majority leader of the House
45 of Representatives and one by the minority leader of the House of
46 Representatives. The Commissioner of Transportation or the
47 Commissioner of Economic and Community Development may
48 designate [his] a deputy or any member of [his] the commissioner's
49 staff to represent [him] the commissioner at meetings of the authority,
50 with full power to act and vote [in his behalf] on behalf of the
51 commissioner. The term of each member of the board shall be
52 coterminous with the term of the appointing authority for such
53 member or until a successor is chosen, whichever is later. The
54 Governor shall fill any vacancy for the unexpired term of a member
55 appointed by the Governor. The appropriate appointing authority
56 shall fill any vacancy for the unexpired term of a member appointed
57 by the appointing authority. Whenever there is a vacancy, other than
58 with regard to an ex-officio member, the executive director shall send
59 written notice of the vacancy to the appointing authority for such
60 vacant position. For the purposes of this section, "port professional"
61 means an individual actively engaged in port operations.

62 (c) The Commissioner of Transportation shall serve as chairperson
63 of the board. The directors shall annually elect one of their number as
64 secretary. The board may elect such other officers of the board as it
65 deems proper. Members shall receive no compensation for the
66 performance of their duties, [hereunder] but shall be reimbursed for
67 necessary expenses incurred in the performance thereof.

68 (d) Each director of the authority, before entering upon [his duties]
69 the duties of the position, shall take and subscribe the oath or
70 affirmation required by article eleventh, section 1, of the constitution.
71 A record of each such oath or affirmation shall be filed in the office of
72 the Secretary of the State. The board [of directors of the authority] shall
73 adopt written procedures, in accordance with the provisions of section
74 1-121, for: (1) Adopting an annual budget and plan of operations,
75 including a requirement of board approval before the budget or plan
76 may take effect; (2) hiring, dismissing, promoting and compensating
77 employees of the authority including an affirmative action policy and a

78 requirement of board approval before a position may be created or a
79 vacancy filled; (3) acquiring personal services, including a requirement
80 of board approval for any nonbudgeted expenditure in excess of five
81 thousand dollars; (4) contracting for financial, legal and other
82 professional services, including a requirement that the authority solicit
83 proposals at least once every three years for each such service which it
84 uses; and (5) the use of surplus funds to the extent authorized under
85 sections 32-425 to 32-434, inclusive, as amended by this act, or other
86 provisions of the general statutes.

87 (e) No trustee, director, partner or officer of any person, firm or
88 corporation which owns port facilities, or individual having a financial
89 interest in any such person, firm or corporation, shall serve as a
90 member of the board. [of directors of the authority.] No provision of
91 this subsection shall prohibit a governmental employee from serving
92 as a member of [said] the board.

93 (f) The Commissioner of Transportation shall, within available
94 appropriations, provide administrative or other services to the
95 authority.

96 Sec. 3. Section 32-430 of the general statutes is repealed and the
97 following is substituted in lieu thereof:

98 The purpose of the authority shall be to promote the economic
99 development of the port areas [of Bridgeport, New Haven and New
100 London] in the state, in support of the entities operating [said] such
101 port areas, by (1) providing economic development planning, (2)
102 identifying new opportunities for the ports, (3) encouraging year-
103 round use of water-related industries, (4) ensuring competitiveness of
104 port resources, (5) analyzing the potential for private investment in
105 said ports, (6) analyzing the types of industries that could utilize the
106 ports, (7) determining port-related capital spending needs, (8)
107 recommending investments in port infrastructures, (9) working with
108 other agencies to maintain utility and other infrastructure capabilities
109 of the ports, (10) improving the competitive position of the ports

110 through unified marketing, (11) strengthening the niche market of each
111 port to ensure an identifiable competitive advantage, (12) reviewing
112 ocean-borne international trade in New England, analyzing historical
113 trends and forecasting future cargo flows at the ports, and (13)
114 maintaining a current impact analysis for each port and for the state
115 port system as a whole. No provision of sections 32-425 to 32-434,
116 inclusive, as amended by this act, shall be construed to limit the
117 powers and duties of the Commissioner of Transportation with regard
118 to the operation and development of ports.

119 Sec. 4. Subsection (l) of section 1-79 of the general statutes is
120 repealed and the following is substituted in lieu thereof:

121 (l) "Quasi-public agency" means the Connecticut Development
122 Authority, Connecticut Innovations, Incorporated, Connecticut Health
123 and Education Facilities Authority, Connecticut Higher Education
124 Supplemental Loan Authority, Connecticut Housing Finance
125 Authority, Connecticut Housing Authority, Connecticut Resources
126 Recovery Authority, Connecticut Hazardous Waste Management
127 Service, Lower Fairfield County Convention Center Authority, Capital
128 City Economic Development Authority and Connecticut [Coastline]
129 Port Authority.

130 Sec. 5. Subdivision (1) of section 1-120 of the general statutes is
131 repealed and the following is substituted in lieu thereof:

132 (1) "Quasi-public agency" means the Connecticut Development
133 Authority, Connecticut Innovations, Incorporated, Connecticut Health
134 and Educational Facilities Authority, Connecticut Higher Education
135 Supplemental Loan Authority, Connecticut Housing Finance
136 Authority, Connecticut Housing Authority, Connecticut Resources
137 Recovery Authority, Connecticut Hazardous Waste Management
138 Service, Connecticut [Coastline] Port Authority, Capital City Economic
139 Development Authority and Connecticut Lottery Corporation.

140 Sec. 6. Section 1-125 of the general statutes is repealed and the
141 following is substituted in lieu thereof:

142 The directors, officers and employees of the Connecticut
143 Development Authority, Connecticut Innovations, Incorporated,
144 Connecticut Higher Education Supplemental Loan Authority,
145 Connecticut Housing Finance Authority, Connecticut Housing
146 Authority, Connecticut Resources Recovery Authority, Connecticut
147 Health and Educational Facilities Authority, Capital City Economic
148 Development Authority, Connecticut Lottery Corporation and
149 Connecticut [Coastline] Port Authority and any person executing the
150 bonds or notes of the agency shall not be liable personally on such
151 bonds or notes or be subject to any personal liability or accountability
152 by reason of the issuance thereof, nor shall any director or employee of
153 the agency be personally liable for damage or injury, not wanton,
154 reckless, wilful or malicious, caused in the performance of his or her
155 duties and within the scope of his or her employment or appointment
156 as such director, officer or employee. The agency shall protect, save
157 harmless and indemnify its directors, officers or employees from
158 financial loss and expense, including legal fees and costs, if any, arising
159 out of any claim, demand, suit or judgment by reason of alleged
160 negligence or alleged deprivation of any person's civil rights or any
161 other act or omission resulting in damage or injury, if the director,
162 officer or employee is found to have been acting in the discharge of his
163 or her duties or within the scope of his or her employment and such
164 act or omission is found not to have been wanton, reckless, wilful or
165 malicious.

166 Sec. 7. Subdivision (4) of section 7-329b of the general statutes is
167 repealed and the following is substituted in lieu thereof:

168 (4) "Port facilities" means (A) wharves, docks, piers, vessels, air or
169 bus terminals, railroad tracks or terminals, cold storage and
170 refrigerating plants, warehouses, elevators, freight-handling
171 machinery and such equipment as is used in the handling of freight,
172 passengers and vessels, vehicles, and the establishment and operation
173 of a port and any other works, vessels, vehicles, rolling stock,
174 properties, buildings, structures or other facilities necessary or
175 desirable for commerce and industry or waterfront development

176 within a district or in connection with the development and operation
177 of port facilities, or (B) manufacturing and industrial facilities,
178 recreational and entertainment facilities, residential facilities or other
179 commercial facilities necessary for commerce and industry or
180 waterfront development within a district, and (C) located within [the
181 geographic boundaries of] or benefiting the district. Sec. 8. This act
182 shall take effect from its passage.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Transportation

Municipal Impact: None

Explanation

State Impact:

This bill broadens the scope of the Connecticut Coastline Port Authority (renamed under the bill the Connecticut Port Authority) from the current three (3) commercial ports (Bridgeport, New Haven and New London) to lesser used ports, requires any waterfront development within a district to benefit the district, changes the effective date to upon passage and makes technical changes. It is anticipated that this bill will have no fiscal impact.

House "A" eliminates the \$45,000 appropriation increase for the Connecticut Port Authority, requires any waterfront development within a district to benefit the district and changes the effective date to upon passage would have a cost savings of \$45,000 .

OLR Bill Analysis

HB 6778 (as amended by House "A")*

AN ACT CONCERNING THE CONNECTICUT COASTLINE PORT AUTHORITY.**SUMMARY:**

This bill (1) expands the scope of the Connecticut Coastline Port Authority to include all ports, harbors, and navigable tidal rivers in the state's municipalities instead of only the three deepwater ports in Bridgeport, New Haven, and New London and (2) renames it the Connecticut Port Authority.

The bill also expands the definition of port facilities that the Bridgeport and New London port authorities may operate and maintain to include facilities outside the districts' geographic boundaries that benefit the district. Currently, port facilities must be physically located within district boundaries.

The bill expands the Connecticut Coastline Port Authority's charge to include promoting the economic development of all port areas rather than only those of Bridgeport, New Haven, and New London.

Finally, the bill requires the authority's executive director to notify the appropriate appointing authority in writing that a vacancy has occurred among the board of directors. The authority's board consists of the transportation and economic development commissioners; six members appointed by the governor; six members appointed, one apiece, by the House speaker, Senate president, and House and Senate majority and minority leaders; and one nonvoting representative from each of the three deepwater ports appointed by designated local officials.

*House Amendment "A" deletes a \$45,000 appropriation increase for the Connecticut Port Authority from the original bill, adds the port facility definition expansion, and makes the bill effective upon passage instead of on October 1, 2001.

EFFECTIVE DATE: -Upon passage

BACKGROUND

Legislative History

The House referred the bill (File 282) to the Government Administration and Elections Committee on April 19 and the Finance, Revenue and Bonding Committee on May 2. The committees reported it favorably without changes on April 25 and May 9, respectively.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Change of Reference
Yea 27 Nay 0

Planning and Development Committee

Joint Favorable Report
Yea 17 Nay 0

Government Administration and Elections Committee

Joint Favorable Report
Yea 18 Nay 0

Finance, Revenue and bonding Committee

Joint Favorable Report
Yea 41 Nay 0