



Senate

General Assembly

File No. 238

February Session, 2010

Substitute Senate Bill No. 109

Senate, April 1, 2010

The Committee on Commerce reported through SEN. LEBEAU of the 3rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE BRADLEY BOARD OF DIRECTORS.

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

1 Section 1. Subsection (b) of section 15-101mm of the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2010*):

4 (b) (1) The Bradley Board of Directors shall consist of seven
5 members, appointed as follows: The Commissioner of Transportation
6 and the Commissioner of Economic and Community Development,
7 each serving ex-officio, a representative appointed by the speaker of
8 the House of Representatives from the Connecticut Transportation
9 Strategy Board, created by section 13b-57e, a representative appointed
10 by the minority leader of the House of Representatives from among
11 the members of the Bradley International Community Advisory Board,
12 as created by section 15-101pp and three private sector members
13 appointed as follows: (A) The Governor shall appoint one member,
14 who shall be the chairperson, and whose first term shall expire on June
15 30, 2005, (B) the president pro tempore of the Senate shall appoint one

16 member whose first term shall expire on June 30, 2005, (C) the minority
17 leader of the Senate shall appoint one member whose first term shall
18 expire on June 30, 2005. The term of office of each successor shall be
19 four years. The term of each appointed member of the Bradley Board
20 of Directors shall expire on June 30, 2010, or when such member's
21 successor is appointed and has qualified, whichever is later.

22 (2) On and after July 1, 2010, the Bradley Board of Directors shall
23 consist of the Commissioner of Transportation and the Commissioner
24 of Economic and Community Development, each serving ex officio,
25 and seven members appointed with the advice and consent of the
26 General Assembly, as follows: A member appointed by the speaker of
27 the House of Representatives from the Connecticut Transportation
28 Strategy Board established by section 13b-57e; a member appointed by
29 the minority leader of the House of Representatives from among the
30 members of the Bradley International Community Advisory Board
31 established by section 15-101pp, and five private sector members
32 appointed as follows: (A) The Governor shall appoint three members,
33 one of whom shall be the chairperson, (B) the president pro tempore of
34 the Senate shall appoint one member, and (C) the minority leader of
35 the Senate shall appoint one member. The term of office of each
36 appointed member shall be four years from the date of appointment,
37 or until such member's successor is appointed and has qualified,
38 whichever is later.

39 Sec. 2. Section 15-101nn of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective July 1, 2010*):

41 The Bradley Board of Directors shall have the duty and authority to:
42 (1) [In consultation with the Commissioner of Transportation, develop]
43 Develop an organizational and management structure that will best
44 accomplish the goals of Bradley International Airport; (2) approve the
45 annual capital and operating budget of Bradley International Airport;
46 (3) act in cooperation with the Connecticut Transportation Strategy
47 Board, created pursuant to section 13b-57e; (4) advocate for Bradley
48 International Airport's interests and ensure that Bradley International

49 Airport's potential as an economic development resource for the state
50 and region are fully realized; (5) ensure that an appropriate mission
51 statement and set of strategic goals for Bradley International Airport
52 are established and that progress toward accomplishing the mission
53 and strategic goals is regularly assessed; (6) approve Bradley
54 International Airport's master plan; (7) establish and review policies
55 and plans for marketing the airport and for determining the best use of
56 airport property; (8) ensure appropriate independent expertise is
57 available to advise the Bradley Board of Directors, particularly in the
58 areas of strategy and marketing and select consultants as necessary, for
59 purposes related to strategy and marketing, pursuant to procedures
60 established by the board; (9) employ managerial employees, as defined
61 in section 5-270, and establish the salary of such employees, which
62 shall be paid from the Bradley Enterprise Fund; (10) ensure customer
63 service standards, performance targets and performance assessment
64 systems are established for the airport enterprise; [(10)] (11) approve
65 community relations policies and ensure that the community advisory
66 board, created pursuant to section 15-101pp, operates effectively to
67 ensure that community comment and information is regularly and
68 fully considered in decisions related to Bradley International Airport;
69 [(11)] (12) create a code of conduct for the Bradley Board of Directors
70 consistent with part I of chapter 10; [(12)] (13) report to the Governor
71 and the General Assembly on an annual basis; [(13)] (14) establish
72 procedures to review and approve significant contracts, other than
73 collective bargaining agreements, relating to the operation of Bradley
74 International Airport prior to approval; [, which procedures shall
75 require completion of each such review no later than ten business days
76 after the board receives the contract; and (14)] (15) develop, jointly,
77 with the State Contracting Standards Board, on or before June 30, 2011,
78 a streamlined competitive bidding procedure for the selection of
79 construction contractors, airport vendors and professional and other
80 services. Such bidding procedure shall comply with all federal
81 requirements for the receipt of federal funds for the airport; and (16)
82 adopt rules for the conduct of its business which shall not be
83 considered regulations, as defined in subdivision (13) of section 4-166.

84 Sec. 3. Section 15-101oo of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective July 1, 2010*):

86 [For administrative purposes only, the] The Bradley Board of
87 Directors shall [perform its functions] be within the Department of
88 Transportation, for administrative purposes only. The administrative
89 functions of the board of directors shall be performed by the
90 Department of Transportation and the costs thereof [, including the]
91 may be reimbursed by the Bradley Enterprise Fund. The cost of
92 consultants [recommended to advise] selected by the Bradley Board of
93 Directors [,] may be reimbursed or paid by the Bradley Enterprise
94 Fund. Consultants [recommended] selected by the Bradley Board of
95 Directors shall be engaged by the Department of Transportation but
96 shall report to the Bradley Board of Directors. The selection and
97 engagement of consultants [for] by the Bradley Board of Directors shall
98 be exempt from sections 13b-20b to 13b-20m, inclusive, and sections 4-
99 212 to 4-219, inclusive.

100 Sec. 4. (*Effective from passage*) The Bradley Board of Directors shall
101 study the functions and activities of said board and airport that are
102 subject to any provision of the general statutes or of any public or
103 special act, in order to determine if any such provisions prevent or
104 delay the ability of the board to discharge its legal duties and
105 responsibilities for the operation and development of the airport. The
106 board shall report, in accordance with the provisions of section 11-4a
107 of the general statutes, to the joint standing committees of the General
108 Assembly having cognizance of matters relating to commerce and
109 Bradley International Airport, not later than February 15, 2011, with
110 respect to any such provision and shall (1) describe the specific manner
111 in which such provision results in prevention or delay, and (2) make
112 recommendations for amendment, repeal or exemption from such
113 provisions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	15-101mm(b)

Sec. 2	<i>July 1, 2010</i>	15-101nn
Sec. 3	<i>July 1, 2010</i>	15-101oo
Sec. 4	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In section 1(b)(2), the term "representative" was changed to "member" in two places for conformity in terms, and in section 4, "of Bradley International Airport" was deleted after the phrase "The Bradley Board of Directors", to avoid repetition.

CE *Joint Favorable Subst.-LCO*

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 11 \$	FY 12 \$
Department of Transportation	EF - None	None	None

Note: EF=Enterprise Fund

Municipal Impact: None

Explanation

A section by section fiscal impact statement is presented below.

Section 1 updates and makes technical revisions to the Bradley Airport Board of Directors. There is no state or municipal impact resulting from any of the changes.

Sections 2 and 3 do not result in any fiscal impact.

Section 4 requires the Bradley Board of Directors to study: (a) its functions and activities and (b) its ability to discharge its duties. The Board must report its findings to the General Assembly by February 15, 2011. This is not anticipated to result in a fiscal impact.

The Out Years

There is no ongoing fiscal impact in the out years.

OLR Bill Analysis**sSB 109*****AN ACT CONCERNING THE BRADLEY BOARD OF DIRECTORS.*****SUMMARY:**

This bill revamps the Bradley International Airport board of directors, increasing its membership and making it more independent of the Department of Transportation (DOT). It also requires the board to identify any law that prevents it from fulfilling its statutory duties and responsibilities. The board must report its findings and recommendations on this matter to the Commerce and Transportation committees by February 15, 2011.

EFFECTIVE DATE: July 1, 2010, except for the requirement that the board report on laws preventing it from fulfilling its statutory duties, which takes effect upon passage.

BOARD MEMBERSHIP

The bill simultaneously reconstitutes the board and expands its membership from seven to nine. It ends the terms of the current members on June 30, 2010 or when each member's successor is appointed and qualified, whichever is later. It reestablishes the board beginning July 1, 2010 and adds two members. As Table 1 shows, the composition of the reconstituted board mirrors that of the current board, except that the bill adds two private sector members the governor appoints.

Table 1: Reconstituted Bradley Airport Board of Directors

<i>Appointing Authority</i>	<i>Current Law</i>	<i>The Bill</i>
Ex officio	DOT and Department of Economic and Community	Same (2)

	Development commissioners (2)	
House Speaker	Transportation Strategy Board representative (1)	Same (1)
House Minority Leader	Bradley International Community Advisory Board representative (1)	Same (1)
Governor	Private sector representative (1)	Three private sector members (3)
Senate President Pro Tempore	Private sector representative (1)	Same (1)
Senate Minority Leader	Private sector representative (1)	Same (1)
Total Members	7 members	9 members

As under current law (1) the governor appoints the chairperson and (2) the new members serve four-year terms or until their successors have been appointed and qualified, whichever is later. Unlike the current members, the new ones must be appointed with the legislature's advice and consent.

EXPANDED POWERS AND AUTONOMY OF BRADLEY BOARD

The bill expands the board's powers and increases its autonomy from DOT. The law authorizes the board to develop an organizational and management structure that will best accomplish the airport's goals. Current law requires it to do so in consultation with the DOT commissioner. The bill eliminates this requirement.

It also gives the board new personnel and procurement powers. The board can employ managerial employees, as defined by law, for the airport and establish their salary, which the board must pay from the Bradley Enterprise Fund.

The board can also approve, not just review, significant contracts,

other than collective bargaining agreements, relating to airport operations. In doing so, the board can take more than the 10 days current law allows. The bill implicitly authorizes the board to select consultants directly rather than recommend them to DOT for employment, and allows the board to pay them from the Bradley Enterprise Fund.

The bill requires the board to develop a streamlined competitive bidding procedure for selecting construction contractors, airport vendors, and professional and other services. The board must do this with the State Contracting Standard Board by June 30, 2011. The procedure must comply with all the federal requirements for how the airport can obtain federal funds.

STUDY ON STATE LAWS IMPEDING THE BOARD

The bill requires the board to determine if state laws prevent or delay it from discharging its duties and functions regarding the airport’s operation and development. The board must report its findings to the Commerce and Transportation committees by February 15, 2011. In doing so, it must describe how these laws affect airport operations and development and recommend whether the legislature should amend or repeal them or exempt the board and airport from them.

COMMITTEE ACTION

Commerce Committee

Joint Favorable

Yea 20 Nay 0 (03/16/2010)