



General Assembly

January Session, 2011

Raised Bill No. 1067

LCO No. 3896

03896_____CE_

Referred to Committee on Commerce

Introduced by:

(CE)

AN ACT CONCERNING THE CREATION OF A QUASI-PUBLIC STATE-WIDE PORT AUTHORITY.

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

1 Section 1. (NEW) (*Effective July 1, 2011*) (a) There is hereby
2 established and created a body politic and corporate, constituting a
3 public instrumentality and political subdivision of the state of
4 Connecticut established and created for the performance of an
5 essential public and governmental function, to be known as the State-
6 Wide Port Authority. The authority shall not be construed to be a
7 department, institution or agency of the state. The authority shall be
8 located within the Office of Policy and Management for administrative
9 purposes only and shall receive additional staff support from the
10 Departments of Economic and Community Development and
11 Transportation.

12 (b) The powers of the authority shall be vested in and exercised by a
13 board of directors, which shall consist of the Commissioners of
14 Economic and Community Development and Transportation, or the
15 commissioners' designees; the Secretary of the Office of Policy and
16 Management, or the secretary's designee; a representative each from

17 the Bridgeport, New Haven and New London deepwater port
18 authorities; and five members appointed by the Governor. The
19 chairperson of the board shall be appointed from among the directors
20 by the Governor, with the advice and consent of both houses of the
21 General Assembly and shall serve at the pleasure of the Governor.

22 (c) Appointed directors may not designate a representative to
23 perform in their absence their respective duties under this section and
24 section 2 of this act. Any appointed director who fails to attend three
25 consecutive meetings of the board or who fails to attend fifty per cent
26 of all meetings of the board held during any calendar year shall be
27 deemed to have resigned from the board. Any vacancy occurring other
28 than by expiration of term shall be filled in the same manner as the
29 original appointment for the balance of the unexpired term.

30 (d) The chairperson shall, with the approval of the directors,
31 appoint a president of the authority who shall be an employee of the
32 authority and paid a salary prescribed by the directors. The president
33 shall supervise the administrative affairs and technical activities of the
34 authority in accordance with the directives of the board.

35 (e) Each director shall be entitled to reimbursement for such
36 director's actual and necessary expenses incurred during the
37 performance of such director's official duties.

38 (f) Directors may engage in private employment, or in a profession
39 or business, subject to any applicable laws, rules and regulations of the
40 state or federal government regarding official ethics or conflict of
41 interest.

42 (g) Seven directors of the authority shall constitute a quorum for the
43 transaction of any business or the exercise of any power of the
44 authority. For the transaction of any business or the exercise of any
45 power of the authority, except as otherwise provided in this section
46 and section 2 of this act, the authority may act by a majority of the
47 directors present at any meeting at which a quorum is in attendance.

48 (h) The board may delegate to three or more directors such board
49 powers and duties as it may deem necessary and proper in conformity
50 with the provisions of this section and section 2 of this act and its
51 bylaws.

52 (i) The appointing authority for any director may remove such
53 director for inefficiency, neglect of duty or misconduct in office after
54 giving the director a copy of the charges against the director and an
55 opportunity to be heard, in person or by counsel, in the director's
56 defense, upon not less than ten days' notice. If any director shall be so
57 removed, the appointing authority for such director shall file in the
58 office of the Secretary of the State a complete statement of charges
59 made against such director and the appointing authority's findings on
60 such statement of charges, together with a complete record of the
61 proceedings.

62 (j) The authority shall continue as long as it has bonds or other
63 obligations outstanding and until its existence is terminated by law.
64 Upon the termination of the existence of the authority, all of its rights
65 and properties shall pass to and be vested in the state of Connecticut.

66 (k) Notwithstanding any provision of the general statutes, it shall
67 not constitute a conflict of interest for a trustee, director, partner or
68 officer of any person, firm or corporation, or any individual having a
69 financial interest in a person, firm or corporation, to serve as a director
70 of the authority, provided such trustee, director, partner, officer or
71 individual shall abstain from deliberation, action or vote by the
72 authority in specific respect to such person, firm or corporation.

73 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) The purposes of the State-
74 Wide Port Authority shall be to: (1) Coordinate port development,
75 focusing on private and public investments; (2) pursue federal funds
76 for dredging and infrastructure development; (3) market the
77 advantages of Connecticut ports to the domestic and international
78 shipping industry; (4) coordinate the planning and funding of capital
79 projects promoting the development of each port; and (5) assess

80 appropriate strategic and entrepreneurial initiatives that may be
81 available to the state.

82 (b) In the course of serving the purposes set forth in subsection (a) of
83 this section, the authority is authorized and empowered to:

84 (1) Have perpetual succession as a body politic and corporate and to
85 adopt bylaws for the regulation of its affairs and the conduct of its
86 business;

87 (2) Adopt an official seal and alter the same at pleasure;

88 (3) Maintain an office at such place or places as it may designate;

89 (4) Sue and be sued in its own name, and plead and be impleaded;

90 (5) Employ such assistants, agents and other employees as may be
91 necessary or desirable, which employees shall be exempt from the
92 classified service and shall not be employees, as defined in subsection
93 (b) of section 5-270 of the general statutes; establish all necessary or
94 appropriate personnel practices and policies, including those relating
95 to hiring, promotion, compensation, retirement and collective
96 bargaining, which need not be in accordance with chapter 68 of the
97 general statutes, and the authority shall not be an employer, as defined
98 in subsection (a) of section 5-270 of the general statutes; and engage
99 consultants, attorneys and appraisers as may be necessary or desirable
100 to carry out its purposes in accordance with this section;

101 (6) Issue bonds, bond anticipation notes and other obligations of the
102 authority for any of its corporate purposes, and to fund or refund the
103 same;

104 (7) Receive and accept aid or contributions from any source of
105 money, property, labor or other things of value, to be held, used and
106 applied to carry out the purposes of this section subject to such
107 conditions upon which such grants and contributions may be made,
108 including, but not limited to, gifts or grants from any department,

109 agency or instrumentality of the United States or this state for any
110 purpose consistent with this section;

111 (8) Borrow money for the purpose of obtaining working capital;

112 (9) Make and enter into all contracts and agreements necessary or
113 incidental to the performance of its duties and the execution of its
114 powers under section 1 of this act and this section, including contracts
115 and agreements for such professional services as the board of directors
116 shall deem necessary, including, but not limited to, financial
117 consultants, bond counsel, underwriters and technical specialists;

118 (10) Acquire, lease, purchase, own, manage, hold and dispose of
119 personal property, and lease, convey or deal in or enter into
120 agreements with respect to such property on any terms necessary or
121 incidental to the carrying out of these purposes;

122 (11) Invest in, acquire, lease, purchase, own, manage, hold and
123 dispose of real property and lease, convey or deal in or enter into
124 agreements with respect to such property on any terms necessary or
125 incidental to carrying out the purposes of this section, provided such
126 transactions shall not be subject to approval, review or regulation by
127 any state agency pursuant to title 4b of the general statutes or any
128 other provision of the general statutes, except that real property
129 transactions shall be subject to review by the State Properties Review
130 Board;

131 (12) Procure insurance against any liability or loss in connection
132 with its property and other assets, in such amounts and from such
133 insurers as it deems desirable and to procure insurance for employees;

134 (13) Account for and audit funds of the authority and funds of any
135 recipients of funds from the authority;

136 (14) Hold patents, copyrights, trademarks, marketing rights,
137 licenses, or any other evidences of protection or exclusivity as to any
138 products issued under the laws of the United States or any state or any

139 nation; and

140 (15) Do all acts and things necessary or convenient to carry out the
141 purposes of section 1 of this act and this section and the powers
142 expressly granted by section 1 of this act and this section.

143 Sec. 3. (NEW) (*Effective July 1, 2011*) The board of directors of the
144 State-Wide Port Authority shall adopt written procedures, in
145 accordance with the provisions of section 1-121 of the general statutes,
146 for: (1) Adopting an annual budget and plan of operations, including a
147 requirement of board approval before the budget or plan may take
148 effect; (2) hiring, dismissing, promoting and compensating employees
149 of the authority, including an affirmative action policy and a
150 requirement of board approval before a position may be created or a
151 vacancy filled; (3) acquiring real and personal property and personal
152 services, including a requirement of board approval for any
153 nonbudgeted expenditure in excess of five thousand dollars; (4)
154 contracting for financial, legal, bond underwriting and other
155 professional services, including a requirement that the authority solicit
156 proposals at least once every three years for each such service which it
157 uses; (5) issuing and retiring bonds, bond anticipation notes and other
158 obligations of the authority; (6) awarding loans, grants and other
159 financial assistance, including eligibility criteria, the application
160 process and the role played by the authority's staff and board of
161 directors; and (7) the use of surplus funds to the extent authorized
162 under this section and sections 1 and 2 of this act or other provision of
163 the general statutes.

164 Sec. 4. (NEW) (*Effective July 1, 2011*) The board of directors of the
165 State-Wide Port Authority shall submit to the joint standing
166 committees of the General Assembly having cognizance of matters
167 relating to commerce and transportation a copy of each audit of the
168 authority conducted by an independent auditing firm, not later than
169 seven days after the audit is received by said board of directors.

170 Sec. 5. Subsection (l) of section 1-79 of the general statutes is

171 repealed and the following is substituted in lieu thereof (*Effective July*
172 *1, 2011*):

173 (l) "Quasi-public agency" means the Connecticut Development
174 Authority, Connecticut Innovations, Incorporated, Connecticut Health
175 and Education Facilities Authority, Connecticut Higher Education
176 Supplemental Loan Authority, Connecticut Housing Finance
177 Authority, Connecticut Housing Authority, Connecticut Resources
178 Recovery Authority, Lower Fairfield County Convention Center
179 Authority, Capital City Economic Development Authority,
180 Connecticut Lottery Corporation, State-Wide Port Authority and
181 Health Information Technology Exchange of Connecticut.

182 Sec. 6. Section 1-120 of the general statutes is repealed and the
183 following is substituted in lieu thereof (*Effective July 1, 2011*):

184 As used in sections 1-120 to 1-123, inclusive:

185 (1) "Quasi-public agency" means the Connecticut Development
186 Authority, Connecticut Innovations, Incorporated, Connecticut Health
187 and Educational Facilities Authority, Connecticut Higher Education
188 Supplemental Loan Authority, Connecticut Housing Finance
189 Authority, Connecticut Housing Authority, Connecticut Resources
190 Recovery Authority, Capital City Economic Development Authority,
191 Connecticut Lottery Corporation, State-Wide Port Authority and
192 Health Information Technology Exchange of Connecticut.

193 (2) "Procedure" means each statement, by a quasi-public agency, of
194 general applicability, without regard to its designation, that
195 implements, interprets or prescribes law or policy, or describes the
196 organization or procedure of any such agency. The term includes the
197 amendment or repeal of a prior regulation, but does not include,
198 unless otherwise provided by any provision of the general statutes, (A)
199 statements concerning only the internal management of any agency
200 and not affecting procedures available to the public and (B) intra-
201 agency memoranda.

202 (3) "Proposed procedure" means a proposal by a quasi-public
203 agency under the provisions of section 1-121 for a new procedure or
204 for a change in, addition to or repeal of an existing procedure.

205 Sec. 7. Section 1-124 of the general statutes is repealed and the
206 following is substituted in lieu thereof (*Effective July 1, 2011*):

207 (a) The Connecticut Development Authority, the Connecticut
208 Health and Educational Facilities Authority, the Connecticut Higher
209 Education Supplemental Loan Authority, the Connecticut Housing
210 Finance Authority, the Connecticut Housing Authority, the
211 Connecticut Resources Recovery Authority, the Health Information
212 Technology Exchange of Connecticut, the State-Wide Port Authority
213 and the Capital City Economic Development Authority shall not
214 borrow any money or issue any bonds or notes which are guaranteed
215 by the state of Connecticut or for which there is a capital reserve fund
216 of any kind which is in any way contributed to or guaranteed by the
217 state of Connecticut until and unless such borrowing or issuance is
218 approved by the State Treasurer or the Deputy State Treasurer
219 appointed pursuant to section 3-12. The approval of the State Treasurer
220 or said deputy shall be based on documentation provided by the
221 authority that it has sufficient revenues to (1) pay the principal of and
222 interest on the bonds and notes issued, (2) establish, increase and
223 maintain any reserves deemed by the authority to be advisable to
224 secure the payment of the principal of and interest on such bonds and
225 notes, (3) pay the cost of maintaining, servicing and properly insuring
226 the purpose for which the proceeds of the bonds and notes have been
227 issued, if applicable, and (4) pay such other costs as may be required.

228 (b) To the extent the Connecticut Development Authority,
229 Connecticut Innovations, Incorporated, Connecticut Higher Education
230 Supplemental Loan Authority, Connecticut Housing Finance
231 Authority, Connecticut Housing Authority, Connecticut Resources
232 Recovery Authority, Connecticut Health and Educational Facilities
233 Authority, the Health Information Technology Exchange of

234 Connecticut, the State-Wide Port Authority or the Capital City
235 Economic Development Authority is permitted by statute and
236 determines to exercise any power to moderate interest rate fluctuations
237 or enter into any investment or program of investment or contract
238 respecting interest rates, currency, cash flow or other similar
239 agreement, including, but not limited to, interest rate or currency swap
240 agreements, the effect of which is to subject a capital reserve fund
241 which is in any way contributed to or guaranteed by the state of
242 Connecticut, to potential liability, such determination shall not be
243 effective until and unless the State Treasurer or his or her deputy
244 appointed pursuant to section 3-12 has approved such agreement or
245 agreements. The approval of the State Treasurer or his or her deputy
246 shall be based on documentation provided by the authority that it has
247 sufficient revenues to meet the financial obligations associated with the
248 agreement or agreements.

249 Sec. 8. Section 1-125 of the general statutes is repealed and the
250 following is substituted in lieu thereof (*Effective July 1, 2011*):

251 The directors, officers and employees of the Connecticut
252 Development Authority, Connecticut Innovations, Incorporated,
253 Connecticut Higher Education Supplemental Loan Authority,
254 Connecticut Housing Finance Authority, Connecticut Housing
255 Authority, Connecticut Resources Recovery Authority, including ad
256 hoc members of the Connecticut Resources Recovery Authority,
257 Connecticut Health and Educational Facilities Authority, Capital City
258 Economic Development Authority, the Health Information Technology
259 Exchange of Connecticut, State-Wide Port Authority and Connecticut
260 Lottery Corporation and any person executing the bonds or notes of
261 the agency shall not be liable personally on such bonds or notes or be
262 subject to any personal liability or accountability by reason of the
263 issuance thereof, nor shall any director or employee of the agency,
264 including ad hoc members of the Connecticut Resources Recovery
265 Authority, be personally liable for damage or injury, not wanton,
266 reckless, wilful or malicious, caused in the performance of his or her

267 duties and within the scope of his or her employment or appointment
 268 as such director, officer or employee, including ad hoc members of the
 269 Connecticut Resources Recovery Authority. The agency shall protect,
 270 save harmless and indemnify its directors, officers or employees,
 271 including ad hoc members of the Connecticut Resources Recovery
 272 Authority, from financial loss and expense, including legal fees and
 273 costs, if any, arising out of any claim, demand, suit or judgment by
 274 reason of alleged negligence or alleged deprivation of any person's
 275 civil rights or any other act or omission resulting in damage or injury,
 276 if the director, officer or employee, including ad hoc members of the
 277 Connecticut Resources Recovery Authority, is found to have been
 278 acting in the discharge of his or her duties or within the scope of his or
 279 her employment and such act or omission is found not to have been
 280 wanton, reckless, wilful or malicious.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	New section
Sec. 2	<i>July 1, 2011</i>	New section
Sec. 3	<i>July 1, 2011</i>	New section
Sec. 4	<i>July 1, 2011</i>	New section
Sec. 5	<i>July 1, 2011</i>	1-79(l)
Sec. 6	<i>July 1, 2011</i>	1-120
Sec. 7	<i>July 1, 2011</i>	1-124
Sec. 8	<i>July 1, 2011</i>	1-125

Statement of Purpose:

To create a State-Wide Port Authority to coordinate and facilitate state investment and appropriate entrepreneurial activities at each of the state's deepwater ports.

[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.]