



General Assembly

January Session, 2013

Amendment

LCO No. 8697

SB0104308697SD0

Offered by:

SEN. MAYNARD, 18th Dist.
SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. AYALA, 23rd Dist.
SEN. BARTOLOMEO, 13th Dist.
SEN. BYE, 5th Dist.
SEN. CASSANO, 4th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. CRISCO, 17th Dist.
SEN. DOYLE, 9th Dist.
SEN. DUFF, 25th Dist.

SEN. FONFARA, 1st Dist.
SEN. GERRATANA, 6th Dist.
SEN. HARP, 10th Dist.
SEN. HARTLEY, 15th Dist.
SEN. LEBEAU, 3rd Dist.
SEN. LEONE, 27th Dist.
SEN. MEYER, 12th Dist.
SEN. MUSTO, 22nd Dist.
SEN. OSTEN, 19th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. STILLMAN, 20th Dist.

To: Subst. Senate Bill No. 1043

File No. 317

Cal. No. 243

"AN ACT ESTABLISHING THE CONNECTICUT PORT AUTHORITY."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2015*) (a) There is hereby
4 established and created a body politic and corporate, constituting a
5 public instrumentality and political subdivision of the state of
6 Connecticut established and created for the performance of an
7 essential public and governmental function, to be known as the

8 Connecticut Port Authority. The authority shall not be construed to be
9 a department, institution or agency of the state.

10 (b) The powers of the authority shall be vested in and exercised by a
11 board of directors, which shall consist of seven voting members,
12 appointed by the Governor with the advice and consent of both houses
13 of the General Assembly. The Governor shall appoint the initial
14 members to the board as follows: (A) Three members for two years;
15 and (B) four members for four years. Thereafter, the Governor shall
16 appoint members of the board to succeed such appointees whose
17 terms expire and each member so appointed shall hold office for a
18 period of four years from July first in the year of his or her
19 appointment. The Commissioner of Energy and Environmental
20 Protection, the Commissioner of Transportation and the Commissioner
21 of Economic and Community Development shall each serve as
22 nonvoting, ex-officio members of the board. Appointed directors shall
23 have business and management experience and shall include
24 individuals who have experience and expertise in one or more of the
25 following areas: (i) International trade, (ii) marine transportation, (iii)
26 finance, or (iv) economic development.

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

35 (d) The board of directors of the authority shall appoint an executive
36 director who shall not be a member of the board and who shall serve at
37 the pleasure of the board and receive such compensation as shall be
38 fixed by the board. The executive director shall have extensive
39 experience in the development and management of multi-use port
40 operations. The executive director shall be the chief administrative

41 officer of the authority and shall direct and supervise administrative
42 affairs and technical activities in accordance with the directives of the
43 board. The executive director shall approve all accounts for salaries,
44 allowable expenses of the authority or of any employee or consultant
45 thereof, and expenses incidental to the operation of the authority. The
46 executive director shall perform such other duties as may be directed
47 by the board in carrying out the purposes of sections 1 to 4, inclusive,
48 of this act. The executive director shall be exempt from the classified
49 service. The executive director shall attend all meetings of the board,
50 keep a record of the proceedings of the authority and shall maintain
51 and be custodian of all books, documents and papers filed with the
52 authority and of the minute book or journal of the authority and of its
53 official seal. The executive director may cause copies to be made of all
54 minutes and other records and documents of the authority and may
55 give certificates under the official seal of the authority to the effect that
56 such copies are true copies, and all persons dealing with the authority
57 may rely upon such certificates.

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

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

65 (g) Four directors of the authority shall constitute a quorum for the
66 transaction of any business or the exercise of any power of the
67 authority. For the transaction of any business or the exercise of any
68 power of the authority, and, except as otherwise provided in this
69 section, the authority may act by a majority of the directors present at
70 any meeting at which a quorum is in attendance.

71 (h) The board may delegate to four or more directors such board
72 powers and duties as it may deem necessary and proper in conformity

73 with the provisions of this section and its bylaws.

74 (i) The appointing authority for any director may remove such
75 director for inefficiency, neglect of duty or misconduct in office after
76 giving the director a copy of the charges against the director and an
77 opportunity to be heard, in person or by counsel, in the director's
78 defense, upon not less than ten days' notice. If any director shall be so
79 removed, the appointing authority for such director shall file in the
80 office of the Secretary of the State a complete statement of charges
81 made against such director and the appointing authority's findings on
82 such statement of charges, together with a complete record of the
83 proceedings.

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

88 (k) Notwithstanding any provision of the general statutes, it shall
89 not constitute a conflict of interest for a trustee, director, partner or
90 officer of any person, firm or corporation, or any individual having a
91 financial interest in a person, firm or corporation, to serve as a director
92 of the authority, provided such trustee, director, partner, officer or
93 individual shall abstain from deliberation, action or vote by the
94 authority in specific respect to such person, firm or corporation.

95 (l) The Governor shall appoint the chairperson of the board, who
96 shall serve for a term of four years. The board shall elect from its
97 members a vice-chairperson and such other officers as it deems
98 necessary. Vacancies among any officers shall be filled within thirty
99 days following the occurrence of such vacancy in the same manner as
100 the original selection. Said board shall establish bylaws to govern its
101 procedures and shall appoint such committees and advisory boards as
102 may be convenient or necessary in the transaction of its business.

103 (m) The initial members of the board may begin service

104 immediately upon appointment, but shall not serve past the sixth
105 Wednesday of the next regular session of the General Assembly unless
106 qualified in the manner provided in section 4-7 of the general statutes.
107 Thereafter, all appointments shall be made with the advice and
108 consent of both houses of the General Assembly, in the manner
109 provided in section 4-19 of the general statutes.

110 Sec. 2. (*Effective July 1, 2015*) (a) The Connecticut Port Authority shall
111 have the duty, power and authority generally to coordinate port
112 development, with a focus on private and public investments, pursue
113 federal and state funds for dredging and other infrastructure
114 improvements to increase cargo movement through Connecticut ports,
115 market the advantages of such ports to the domestic and international
116 shipping industry, coordinate the planning and funding of capital
117 projects promoting the development of such ports and develop
118 strategic entrepreneurial initiatives that may be available to the state,
119 and specifically to:

120 (1) Develop an organizational and management structure that will
121 best accomplish the goals of the authority concerning Connecticut
122 ports;

123 (2) Create a code of conduct for the board of directors of the
124 authority consistent with part I of chapter 10 of the general statutes;

125 (3) On or before December fifteenth each year, report, in accordance
126 with the provisions of section 11-4a of the general statutes, to the
127 Governor and the joint standing committees of the General Assembly
128 having cognizance of matters relating to transportation, commerce and
129 the environment, summarizing the authority's activities, disclosing
130 operating and financial statements and recommending legislation to
131 promote the authority's purposes;

132 (4) Adopt rules for the conduct of its business which shall not be
133 considered regulations, as defined in subdivision (13) of section 4-166
134 of the general statutes;

135 (5) Receive and accept aid or contributions from any source of
136 money, property, labor or other things of value, to be held, used and
137 applied to carry out the purposes of sections 1 to 4, inclusive, of this
138 act, subject to such conditions upon which such grants and
139 contributions may be made, including, but not limited to, gifts or
140 grants from any department, agency or instrumentality of the United
141 States or this state for any purpose consistent with sections 1 to 4,
142 inclusive, of this act;

143 (6) Enter into agreements with any department, agency, office or
144 instrumentality of the United States or this state, including the office of
145 the State Treasurer, to carry out the purposes of sections 1 to 4,
146 inclusive, of this act;

147 (7) The extent permitted under sections 1 to 4, inclusive, of this act,
148 borrow money or secure credit on a temporary, short-term, interim or
149 long-term basis;

150 (8) Issue bonds, bond anticipation notes and other obligations of the
151 authority to the extent permitted under sections 1 to 4, inclusive, of
152 this act, to fund and refund the same and provide for the rights of the
153 holders thereof, and to secure the same by pledge of revenues, notes
154 and mortgages of others;

155 (9) Acquire, lease, hold and dispose of real and personal property,
156 including, but not limited to, any state pier real property under its
157 control, for its corporate purposes. Notwithstanding this subdivision,
158 the authority shall not convey fee simple ownership in any land under
159 its jurisdiction and control without the approval of the Properties
160 Review Board and the Attorney General;

161 (10) Employ such assistants, agents and other employees, including
162 a marketing manager with experience (A) in port market development
163 and promotion, and (B) working with vessel operators, railroads, the
164 shipping industry and the trucking industry, and to engage
165 consultants and such other independent professionals as may be

166 necessary or desirable to carry out its purposes in accordance with
167 sections 1 to 4, inclusive, of this act and, except for such employees
168 who are covered by collective bargaining agreements, to fix their
169 compensation, and to provide technical assistance as provided in
170 sections 1 to 4, inclusive, of this act;

171 (11) To maintain an office at such place or places as it may
172 designate;

173 (12) To sue and be sued in its own name, and plead and be
174 impleaded;

175 (13) To mortgage any property of the authority for the benefit of the
176 holders of obligations issued by the authority;

177 (14) Make and enter into all contracts and agreements necessary or
178 incidental to the performance of its duties and the execution of its
179 powers under sections 1 to 4, inclusive, of this act, including, but not
180 limited to, the granting of leasehold interests, concession, access and
181 development rights and privileges, supplier, vendor, contractor and
182 consultant contracts; and

183 (15) Do all acts and things necessary or convenient to carry out the
184 purposes of sections 1 to 4, inclusive, of this act and chapter 242 of the
185 general statutes and the powers expressly granted by sections 1 to 4,
186 inclusive, of this act.

187 (b) To serve its purpose, the authority may:

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

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

192 (3) (A) Employ such assistants, agents and other employees as may
193 be necessary or desirable; (B) establish all necessary or appropriate

194 personnel practices and policies; and (C) engage consultants, attorneys
195 and appraisers as may be necessary or desirable to carry out its
196 purposes in accordance with this section;

197 (4) Invest in, acquire, lease, purchase, own, manage, hold and
198 dispose of real property, including, but not limited to, any state pier
199 real property under its control, and lease, convey or deal in or enter
200 into agreements with respect to such property on any terms necessary
201 or incidental to carrying out the purposes of sections 1 to 4, inclusive,
202 of this act, provided such transactions shall not be subject to approval,
203 review or regulation by any state agency pursuant to title 4b of the
204 general statutes or any other provision of the general statutes.
205 Notwithstanding this subdivision, the authority shall not convey fee
206 simple ownership in any land under its jurisdiction and control
207 without the approval of the Properties Review Board and the Attorney
208 General;

209 (5) Procure insurance against any liability or loss in connection with
210 its property and other assets, in such amounts and from such insurers
211 as it deems desirable and to procure insurance for employees; and

212 (6) Account for and audit funds of the authority and funds of any
213 recipients of funds from the authority.

214 Sec. 3. (NEW) (*Effective July 1, 2015*) The board of directors of the
215 Connecticut Port Authority shall adopt written procedures, in
216 accordance with the provisions of section 1-121 of the general statutes,
217 for: (1) Adopting an annual budget and plan of operations, including a
218 requirement of board approval before the budget or plan may take
219 effect; (2) hiring, dismissing, promoting and compensating employees
220 of the authority, including an affirmative action policy and a
221 requirement of board approval before a position may be created or a
222 vacancy filled; (3) acquiring real and personal property and personal
223 services, including a requirement of board approval for any
224 nonbudgeted expenditure in excess of five thousand dollars; (4)
225 contracting for financial, legal and other professional services,

226 including a requirement that the authority solicit proposals at least
227 once every three years for each such service which it uses; (5)
228 awarding loans, grants and other financial assistance, including
229 eligibility criteria, the application process and the role played by the
230 authority's staff and board of directors; and (6) the use of surplus
231 funds to the extent authorized under sections 1 to 4, inclusive, of this
232 act or other provision of the general statutes.

233 Sec. 4. (NEW) (*Effective July 1, 2015*) The board of directors of the
234 Connecticut Port Authority shall submit to the joint standing
235 committees of the General Assembly having cognizance of matters
236 relating to appropriations, commerce, the environment and
237 transportation a copy of each audit of the authority conducted by an
238 independent auditing firm, not later than seven days after the audit is
239 received by said board of directors.

240 Sec. 5. Subsection (l) of section 1-79 of the general statutes is
241 repealed and the following is substituted in lieu thereof (*Effective July*
242 *1, 2015*):

243 (l) "Quasi-public agency" means Connecticut Innovations,
244 Incorporated, and the Connecticut Health and Education Facilities
245 Authority, Connecticut Higher Education Supplemental Loan
246 Authority, Connecticut Housing Finance Authority, Connecticut
247 Housing Authority, Connecticut Resources Recovery Authority, Lower
248 Fairfield County Convention Center Authority, Capital Region
249 Development Authority, Connecticut Lottery Corporation, Connecticut
250 Airport Authority, Health Information Technology Exchange of
251 Connecticut, Connecticut Health Insurance Exchange, [and] Clean
252 Energy Finance and Investment Authority and Connecticut Port
253 Authority.

254 Sec. 6. Subdivision (1) of section 1-120 of the general statutes is
255 repealed and the following is substituted in lieu thereof (*Effective July*
256 *1, 2015*):

257 (1) "Quasi-public agency" means Connecticut Innovations,
258 Incorporated, and the Connecticut Health and Educational Facilities
259 Authority, Connecticut Higher Education Supplemental Loan
260 Authority, Connecticut Housing Finance Authority, Connecticut
261 Housing Authority, Connecticut Resources Recovery Authority,
262 Capital Region Development Authority, Connecticut Lottery
263 Corporation, Connecticut Airport Authority, Health Information
264 Technology Exchange of Connecticut, Connecticut Health Insurance
265 Exchange, [and] Clean Energy Finance and Investment Authority and
266 Connecticut Port Authority.

267 Sec. 7. Section 1-124 of the general statutes is repealed and the
268 following is substituted in lieu thereof (*Effective July 1, 2015*):

269 (a) Connecticut Innovations, Incorporated, the Connecticut Health
270 and Educational Facilities Authority, the Connecticut Higher
271 Education Supplemental Loan Authority, the Connecticut Housing
272 Finance Authority, the Connecticut Housing Authority, the
273 Connecticut Resources Recovery Authority, the Health Information
274 Technology Exchange of Connecticut, the Connecticut Airport
275 Authority, the Capital Region Development Authority, the
276 Connecticut Health Insurance Exchange, [and] the Clean Energy
277 Finance and Investment Authority and the Connecticut Port Authority
278 shall not borrow any money or issue any bonds or notes which are
279 guaranteed by the state of Connecticut or for which there is a capital
280 reserve fund of any kind which is in any way contributed to or
281 guaranteed by the state of Connecticut until and unless such
282 borrowing or issuance is approved by the State Treasurer or the
283 Deputy State Treasurer appointed pursuant to section 3-12. The
284 approval of the State Treasurer or said deputy shall be based on
285 documentation provided by the authority that it has sufficient
286 revenues to (1) pay the principal of and interest on the bonds and notes
287 issued, (2) establish, increase and maintain any reserves deemed by the
288 authority to be advisable to secure the payment of the principal of and
289 interest on such bonds and notes, (3) pay the cost of maintaining,

290 servicing and properly insuring the purpose for which the proceeds of
291 the bonds and notes have been issued, if applicable, and (4) pay such
292 other costs as may be required.

293 (b) To the extent Connecticut Innovations, Incorporated, and the
294 Connecticut Higher Education Supplemental Loan Authority,
295 Connecticut Housing Finance Authority, Connecticut Housing
296 Authority, Connecticut Resources Recovery Authority, Connecticut
297 Health and Educational Facilities Authority, the Health Information
298 Technology Exchange of Connecticut, the Connecticut Airport
299 Authority, the Capital Region Development Authority, the
300 Connecticut Health Insurance Exchange, [or] the Clean Energy Finance
301 and Investment Authority or Connecticut Port Authority is permitted
302 by statute and determines to exercise any power to moderate interest
303 rate fluctuations or enter into any investment or program of
304 investment or contract respecting interest rates, currency, cash flow or
305 other similar agreement, including, but not limited to, interest rate or
306 currency swap agreements, the effect of which is to subject a capital
307 reserve fund which is in any way contributed to or guaranteed by the
308 state of Connecticut, to potential liability, such determination shall not
309 be effective until and unless the State Treasurer or his or her deputy
310 appointed pursuant to section 3-12 has approved such agreement or
311 agreements. The approval of the State Treasurer or his or her deputy
312 shall be based on documentation provided by the authority that it has
313 sufficient revenues to meet the financial obligations associated with the
314 agreement or agreements.

315 Sec. 8. Section 1-125 of the general statutes is repealed and the
316 following is substituted in lieu thereof (*Effective July 1, 2015*):

317 The directors, officers and employees of Connecticut Innovations,
318 Incorporated, and the Connecticut Higher Education Supplemental
319 Loan Authority, Connecticut Housing Finance Authority, Connecticut
320 Housing Authority, Connecticut Resources Recovery Authority,
321 including ad hoc members of the Connecticut Resources Recovery
322 Authority, Connecticut Health and Educational Facilities Authority,

323 Capital Region Development Authority, the Health Information
324 Technology Exchange of Connecticut, Connecticut Airport Authority,
325 Connecticut Lottery Corporation, Connecticut Health Insurance
326 Exchange, [and] the Clean Energy Finance and Investment Authority
327 and Connecticut Port Authority and any person executing the bonds or
328 notes of the agency shall not be liable personally on such bonds or
329 notes or be subject to any personal liability or accountability by reason
330 of the issuance thereof, nor shall any director or employee of the
331 agency, including ad hoc members of the Connecticut Resources
332 Recovery Authority, be personally liable for damage or injury, not
333 wanton, reckless, wilful or malicious, caused in the performance of his
334 or her duties and within the scope of his or her employment or
335 appointment as such director, officer or employee, including ad hoc
336 members of the Connecticut Resources Recovery Authority. The
337 agency shall protect, save harmless and indemnify its directors,
338 officers or employees, including ad hoc members of the Connecticut
339 Resources Recovery Authority, from financial loss and expense,
340 including legal fees and costs, if any, arising out of any claim, demand,
341 suit or judgment by reason of alleged negligence or alleged
342 deprivation of any person's civil rights or any other act or omission
343 resulting in damage or injury, if the director, officer or employee,
344 including ad hoc members of the Connecticut Resources Recovery
345 Authority, is found to have been acting in the discharge of his or her
346 duties or within the scope of his or her employment and such act or
347 omission is found not to have been wanton, reckless, wilful or
348 malicious.

349 Sec. 9. Section 13b-51b of the general statutes is repealed and the
350 following is substituted in lieu thereof (*Effective July 1, 2015*):

351 There shall be, within the Department of Transportation, a State
352 Maritime Office which shall: (1) Be responsible for maritime
353 operations, including the State Pier in New London, the Connecticut
354 River ferries and such other operational responsibilities as shall be
355 assigned to it; (2) serve as the Governor's principal maritime policy

356 advisor; (3) serve as the liaison between the state and federal, local and
357 private entities involved in maritime policy activities; (4) coordinate
358 the state's maritime policy activities; (5) encourage year-round use of
359 water-related industries; (6) work with the Department of Economic
360 and Community Development and other state, local and private
361 entities to maximize the economic potential of Connecticut's ports and
362 other maritime resources; (7) conduct necessary research and planning
363 activities; (8) assess potential state investments in ports and other
364 maritime facilities; [(9) provide staff support to the Connecticut
365 Maritime Commission, created in section 13b-51a; (10)] (9) provide
366 staff support to the Connecticut Pilot Commission created by section
367 15-13c; and [(11)] (10) undertake such other responsibilities as may be
368 assigned to it by the commissioner or the Governor.

369 Sec. 10. Section 13b-55a of the general statutes is repealed and the
370 following is substituted in lieu thereof (*Effective July 1, 2015*):

371 (a) In addition to municipal requests for a grant-in-aid pursuant to
372 section 13b-57, harbor improvement projects may be initiated by the
373 Commissioner of Transportation on behalf of the state or for the state
374 on behalf of the federal government. Recommendations on the
375 prioritization or inclusion of projects shall be submitted to the
376 commissioner by the Connecticut [Maritime Commission] Port
377 Authority. The department shall contract for the provision of goods
378 and services to harbors and waterways for such improvements, and
379 shall provide the funding required under such contracts, except that
380 the commissioner may enter into agreements with other state agencies
381 or municipalities for such agencies or municipalities to provide the
382 funding for any of such contracts. The department shall administer all
383 contracts entered into under this section.

384 (b) All contracts are subject to final negotiation of the scope and
385 budget for a given project. Contracting periods may vary depending
386 on each project. Payments shall be made on a reimbursement basis for
387 deliverables completed no later than the dates of service of an executed
388 contract. Appropriate back-up information shall be included with each

389 payment request indicating that services have been rendered. The
390 department may elect to provide part or all of the funds necessary as
391 an upfront payment, provided funds are held in a separate, noninterest
392 bearing account and are expended not later than sixty days after such
393 funds are provided.

394 (c) Harbor improvement projects include the preparation of plans,
395 studies and construction for the alteration and improvement of various
396 state, municipal and other properties in or adjacent to the waters of the
397 state, for the purpose of improving the economy and infrastructure of
398 the state.

399 Sec. 11. Subdivision (2) of subsection (b) of section 12-587 of the
400 general statutes is repealed and the following is substituted in lieu
401 thereof (*Effective from passage*):

402 (2) Gross earnings derived from the first sale of the following
403 petroleum products within this state shall be exempt from tax: (A) Any
404 petroleum products sold for exportation from this state for sale or use
405 outside this state; (B) the product designated by the American Society
406 for Testing and Materials as "Specification for Heating Oil D396-69",
407 commonly known as number 2 heating oil, to be used exclusively for
408 heating purposes or to be used in a commercial fishing vessel, which
409 vessel qualifies for an exemption pursuant to section 12-412; (C)
410 kerosene, commonly known as number 1 oil, to be used exclusively for
411 heating purposes, provided delivery is of both number 1 and number 2
412 oil, and via a truck with a metered delivery ticket to a residential
413 dwelling or to a centrally metered system serving a group of
414 residential dwellings; (D) the product identified as propane gas, to be
415 used exclusively for heating purposes; (E) bunker fuel oil, intermediate
416 fuel, marine diesel oil and marine gas oil to be used in any vessel (i)
417 having a displacement exceeding four thousand dead weight tons, or
418 (ii) primarily engaged in interstate commerce; (F) for any first sale
419 occurring prior to July 1, 2008, propane gas to be used as a fuel for a
420 motor vehicle; (G) for any first sale occurring on or after July 1, 2002,
421 grade number 6 fuel oil, as defined in regulations adopted pursuant to

422 section 16a-22c, to be used exclusively by a company which, in
423 accordance with census data contained in the Standard Industrial
424 Classification Manual, United States Office of Management and
425 Budget, 1987 edition, is included in code classifications 2000 to 3999,
426 inclusive, or in Sector 31, 32 or 33 in the North American Industrial
427 Classification System United States Manual, United States Office of
428 Management and Budget, 1997 edition; (H) for any first sale occurring
429 on or after July 1, 2002, number 2 heating oil to be used exclusively in a
430 vessel primarily engaged in interstate commerce, which vessel
431 qualifies for an exemption under section 12-412; (I) for any first sale
432 occurring on or after July 1, 2000, paraffin or microcrystalline waxes;
433 (J) for any first sale occurring prior to July 1, 2008, petroleum products
434 to be used as a fuel for a fuel cell, as defined in subdivision (113) of
435 section 12-412; (K) a commercial heating oil blend containing not less
436 than ten per cent of alternative fuels derived from agricultural
437 produce, food waste, waste vegetable oil or municipal solid waste,
438 including, but not limited to, biodiesel or low sulfur dyed diesel fuel;
439 or (L) for any first sale occurring on or after July 1, 2007, diesel fuel
440 other than diesel fuel to be used in an electric generating facility to
441 generate electricity.

442 Sec. 12. Subdivision (3) of subsection (a) of section 12-458 of the
443 general statutes is repealed and the following is substituted in lieu
444 thereof (*Effective from passage*):

445 (3) Said tax shall not be payable on such fuel as may have been (A)
446 sold to the United States, (B) sold to a municipality of this state, (i) for
447 use by any contractor performing a service for such municipality in
448 accordance with a contract, provided such fuel is used by such
449 contractor exclusively for the purposes of and in accordance with such
450 contract, or (ii) for use exclusively in a school bus, as defined in section
451 14-275, (C) sold to a municipality of this state, a transit district of this
452 state, or this state, at other than a retail outlet, for governmental
453 purposes and for use in vehicles owned and operated, or leased and
454 operated by such municipality, such transit district or this state, (D)

455 sold to a person licensed as a distributor in this state under section 12-
456 456, (E) transferred from storage within this state to some point
457 without this state, (F) sold to the holder of a permit issued under
458 section 12-458a for sale or use without this state, (G) sold to the holder
459 of a permit issued under subdivision (63) of section 12-412, provided
460 (i) such fuel is not used in motor vehicles registered or required to be
461 registered to operate upon the public highways of this state, unless
462 such fuel is used in motor vehicles registered exclusively for farming
463 purposes, (ii) such fuel is not delivered, upon such sale, to a tank in
464 which such person keeps fuel for personal and farm use, and (iii) a
465 statement, prescribed as to form by the Commissioner of Revenue
466 Services and bearing notice to the effect that false statements made
467 under this section are punishable, that such fuel is used exclusively for
468 farming purposes, is submitted by such person to the distributor, (H)
469 sold exclusively to furnish power for an industrial plant in the actual
470 fabrication of finished products to be sold, or for the fishing industry,
471 (I) sold exclusively for heating purposes, (J) sold exclusively to furnish
472 gas, water, steam or electricity, if delivered to consumers through
473 mains, lines or pipes, (K) sold to the owner or operator of an aircraft, as
474 defined in section 15-34, exclusively for aviation purposes, provided (i)
475 for purposes of this subdivision, "aviation purposes" means for the
476 purpose of powering an aircraft or an aircraft engine, (ii) such fuel is
477 delivered, upon such sale, to a tank in which fuel is kept exclusively
478 for aviation purposes, and (iii) a statement, prescribed as to form by
479 the Commissioner of Revenue Services and bearing notice to the effect
480 that false statements made under this section are punishable, that such
481 fuel is used exclusively for aviation purposes, is submitted by such
482 person to the distributor, (L) sold to a dealer who is licensed under
483 section 12-462 and whose place of business is located upon an
484 established airport within this state, [or] (M) diesel fuel sold
485 exclusively for use in portable power system generators that are larger
486 than one hundred fifty kilowatts, or (N) sold for use in any vessel (i)
487 having a displacement exceeding four thousand dead weight tons, or
488 (ii) primarily engaged in interstate commerce.

489 Sec. 13. (NEW) (*Effective July 1, 2013*) (a) There is established an
490 Office of Maritime Development within the Department of Economic
491 and Community Development for administrative purposes only. The
492 Office of Maritime Development shall promote and coordinate, in
493 consultation with the Commissioner of Transportation and the
494 Commissioner of Energy and Environmental Protection, the operations
495 of the Connecticut Port Authority established pursuant to sections 1 to
496 4, inclusive, of this act.

497 (b) The Governor, in consultation with the Commissioner of
498 Economic and Community Development, the Commissioner of
499 Transportation and the Commissioner of Energy and Environmental
500 Protection, shall appoint an executive director to manage the daily
501 activities and duties of the Office of Maritime Development. The
502 executive director shall have the necessary qualifications to perform
503 the duties of said office, including, but not limited to, having
504 experience in the development and management of multi-use port
505 operations, international trade, maritime transportation, finance and
506 economic development. Within available appropriations, the executive
507 director shall: (1) Appoint, employ and remove such assistants,
508 employees and personnel as deemed necessary for the efficient and
509 effective administration of the activities of the office; (2) develop a plan
510 to transition the maritime functions of the Department of
511 Transportation to the Connecticut Port Authority; (3) review and make
512 recommendations for state policies that affect Connecticut's ports; (4)
513 coordinate state, regional and local efforts to encourage the growth of
514 Connecticut's ports; (5) develop a plan to eliminate the Office of
515 Maritime Development and transition the functions of the Office of
516 Maritime Development and the Connecticut Maritime Commission to
517 the Connecticut Port Authority after the establishment of the
518 Connecticut Port Authority; (6) identify, in collaboration with the
519 Commissioner of Economic and Community Development, the
520 Commissioner of Transportation and the Commissioner of Energy and
521 Environmental Protection, qualified candidates for the board of
522 directors of the Connecticut Port Authority and the executive director

523 of the Connecticut Port Authority; (7) develop a plan concerning the
 524 bonding authority of the Connecticut Port Authority; and (8) prepare
 525 and submit, on or before January 1, 2015, a report of activities, findings
 526 and recommendations concerning the establishment of the Connecticut
 527 Port Authority to the Governor and the joint standing committees of
 528 the General Assembly having cognizance of matters relating to
 529 commerce, transportation and the environment, in accordance with the
 530 provisions of section 11-4a of the general statutes.

531 Sec. 14. Section 13b-51a of the general statutes is repealed. (*Effective*
 532 *July 1, 2015*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	New section
Sec. 2	<i>July 1, 2015</i>	New section
Sec. 3	<i>July 1, 2015</i>	New section
Sec. 4	<i>July 1, 2015</i>	New section
Sec. 5	<i>July 1, 2015</i>	1-79(l)
Sec. 6	<i>July 1, 2015</i>	1-120(1)
Sec. 7	<i>July 1, 2015</i>	1-124
Sec. 8	<i>July 1, 2015</i>	1-125
Sec. 9	<i>July 1, 2015</i>	13b-51b
Sec. 10	<i>July 1, 2015</i>	13b-55a
Sec. 11	<i>from passage</i>	12-587(b)(2)
Sec. 12	<i>from passage</i>	12-458(a)(3)
Sec. 13	<i>July 1, 2013</i>	New section
Sec. 14	<i>July 1, 2015</i>	Repealer section