



Senate

General Assembly

File No. 182

February Session, 2014

Substitute Senate Bill No. 33

Senate, March 31, 2014

The Committee on Planning and Development reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ESTABLISHING A NEW HAVEN REGION DEVELOPMENT AUTHORITY.

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

1 Section 1. (NEW) (*Effective from passage*) (a) The following terms,
2 when used in this section and in sections 2 to 9, inclusive, of this act
3 shall have the following meanings:

4 (1) "City project" means a project occurring within the city of New
5 Haven but outside the boundaries of the NRDA development district;

6 (2) "Authority development project" means a project occurring
7 within the boundaries of the NRDA development district;

8 (3) "NRDA development district" means the area commencing at the
9 intersection of Union Avenue, Church Street South and Church Street
10 Extension and proceeding northeasterly on Union Street to the
11 intersection with Water Street, thence proceeding easterly on Water
12 Street to the intersection of Olive Street, thence proceeding northerly

13 on Olive Street to the intersection of Court Street, thence proceeding
14 westerly on Court Street to the intersection of Orange Street, thence
15 proceeding southerly on Orange Street to the intersection of Chapel
16 Street, thence proceeding westerly on Chapel Street to the intersection
17 of Church Street, thence proceeding southerly on Church Street to the
18 intersection of Crown Street, thence proceeding westerly on Crown
19 Street to the intersection with Temple Street, thence proceeding
20 southerly on Temple Street to the intersection with George Street and
21 proceeding westerly on George Street to the intersection of York Street,
22 thence proceeding southerly on York Street to the intersection of
23 Howard Avenue, thence proceeding southeasterly on Howard Avenue
24 to the intersection of Spring Street, thence proceeding northeasterly on
25 Spring Street, thence proceeding northerly on Union Avenue
26 terminating at the intersection of Church Street South, Church Street
27 Extension and Union Avenue; and

28 (4) "Greater New Haven region" means all of the towns contiguous
29 to the city of New Haven.

30 (b) There is created a body politic and corporate to be known as the
31 "New Haven Region Development Authority". The New Haven
32 Region Development Authority shall be a public instrumentality and
33 political subdivision of this state and the exercise of the powers
34 conferred by this section and sections 2 to 10, inclusive, of this act by
35 the authority shall be deemed and held to be the performance of an
36 essential public and governmental function. The New Haven Region
37 Development Authority shall not be construed to be a department,
38 institution or agency of the state.

39 (c) The New Haven Region Development Authority shall be
40 governed by a board of directors consisting of thirteen members. The
41 board shall consist of the following members: (1) Three appointed by
42 the Governor; (2) two appointed by the mayor of the city of New
43 Haven, one of whom shall be an employee of the city of New Haven
44 who is responsible for economic development and who is not an
45 elected official; (3) the chair of the South Central Regional Council of

46 Governments, except that if the chair is the mayor of New Haven, then
47 the vice-chairperson shall serve; (4) one appointed jointly by the
48 speaker of the House of Representatives and the president pro tempore
49 of the Senate; (5) one appointed jointly by the minority leaders of the
50 House of Representatives and Senate; (6) the mayor of New Haven,
51 who shall serve as a voting, ex-officio member; and (7) the Secretary of
52 the Office of Policy and Management and the Commissioners of
53 Transportation, Housing and Economic and Community
54 Development, or their designees, who shall serve as voting, ex-officio
55 members. The Governor shall designate the chairperson. All initial
56 appointments shall be made not later than thirty days after the
57 effective date of this section. The terms of the initial board members
58 appointed shall be as follows: The three members appointed by the
59 Governor shall serve four-year terms from the appointment date; the
60 two members appointed by the mayor of the city of New Haven shall
61 serve three-year terms from the appointment date; the member
62 appointed jointly by the speaker of the House of Representatives and
63 the president pro tempore of the Senate shall serve a two-year term
64 from the appointment date and the member appointed jointly by the
65 minority leaders of the House of Representatives and the Senate shall
66 serve a two-year term from the appointment date. Thereafter all
67 members shall be appointed for four-year terms. A member of the
68 board shall be eligible for reappointment. Any member of the board
69 may be removed by the appointing authority for misfeasance,
70 malfeasance or wilful neglect of duty. Each member of the board,
71 before commencing such member's duties, shall take and subscribe the
72 oath or affirmation required by article XI, section 1, of the state
73 Constitution. A record of each such oath shall be filed in the office of
74 the Secretary of the State. The board of directors shall maintain a
75 record of its proceedings in such form as it determines, provided such
76 record indicates attendance and all votes cast by each member. Any
77 member who fails to attend three consecutive meetings or who fails to
78 attend fifty per cent of all meetings held during any calendar year shall
79 be deemed to have resigned from the board. A majority vote of the
80 members of the board shall constitute a quorum and the affirmative

81 vote of a majority of the members present at a meeting of the board
82 shall be sufficient for any action taken by the board. No vacancy in the
83 membership of the board shall impair the right of a quorum to exercise
84 all the rights and perform all the duties of the board. Any action taken
85 by the board may be authorized by resolution at any regular or special
86 meeting and shall take effect immediately unless otherwise provided
87 in the resolution. The board may delegate to three or more of its
88 members, or its officers, agents and employees, such board powers and
89 duties as it may deem proper.

90 (d) (1) The board of directors shall annually elect one of its members
91 as vice-chairperson and shall elect other of its members as officers,
92 adopt a budget and bylaws, designate an executive committee, report
93 semiannually to the appointing authorities with respect to operations,
94 finances and achievement of its economic development objectives, be
95 accountable to and cooperate with the state whenever the state may
96 audit the authority or authority development project or at any other
97 time as the state may inquire as to either, including allowing the state
98 reasonable access to any such project and to the records of the
99 authority.

100 (2) The authority shall have an executive director who shall be
101 appointed by the board of directors and shall be the chief
102 administrative officer of the authority. The executive director shall not
103 be a member of the board of directors.

104 (3) Members of the board of directors shall receive no compensation
105 for the performance of their duties hereunder, but shall be reimbursed
106 for all expenses reasonably incurred in the performance thereof.

107 (e) Each member of the board of directors of the authority and the
108 executive director shall execute a surety bond in the penal sum of at
109 least one hundred thousand dollars, or, in lieu thereof, the chairperson
110 of the board shall execute a blanket position bond covering each
111 member, the executive director and the employees of the authority.
112 Each surety bond shall be conditioned upon the faithful performance
113 of the duties of the office or offices covered, executed by a surety

114 company authorized to transact business in this state as a surety and to
115 be approved by the Attorney General and filed in the office of the
116 Secretary of the State. The cost of each bond shall be paid by the
117 authority.

118 (f) No board member shall have or acquire any financial interest in
119 (1) any city project or authority development project, (2) any project
120 undertaken by the authority within the greater New Haven region, or
121 (3) any property included or planned to be included in any such
122 project or in any contract or proposed contract for materials or services
123 to be used in such project.

124 (g) The authority shall have perpetual succession and shall adopt
125 procedures for the conduct of its affairs in accordance with section 3 of
126 this act. Such succession shall continue as long as the authority shall
127 have bonds, notes or other obligations outstanding and until the
128 existence of the authority is terminated by law at which time the rights
129 and properties of the authority shall pass to and be vested in the state.

130 (h) All financial, credit and proprietary information contained in
131 any application or request filed with the authority with respect to
132 funding for any city project or authority development project shall be
133 exempt from the provisions of subsection (a) of section 1-210 of the
134 general statutes.

135 Sec. 2. (NEW) (*Effective from passage*) (a) The purpose of the New
136 Haven Region Development Authority shall be (1) to stimulate new
137 investment within the city of New Haven; (2) to stimulate economic
138 development in the greater New Haven region; (3) to encourage
139 residential housing development; (4) to stimulate tourism, art, culture,
140 history, education and entertainment through cooperation and
141 coordination with city and regional organizations and the Department
142 of Economic and Community Development; (5) to manage facilities
143 through contractual agreement or other legal instrument; (6) upon
144 request from the legislative body of a city or town within the greater
145 New Haven region, to work with such city or town to assist in the
146 development and redevelopment efforts to stimulate the economy of

147 the region and increase tourism; (7) upon request of the Secretary of
148 the Office of Policy and Management, to enter into an agreement for
149 funding to facilitate development or redevelopment within the NRDA
150 development district; and (8) to develop and redevelop property
151 outside the NRDA development district and within the city of New
152 Haven at the request of the mayor.

153 (b) For these purposes, the authority shall have the following
154 powers: (1) To have perpetual succession as a body corporate and to
155 adopt procedures for the regulation of its affairs and the conduct of its
156 business as provided in section 3 of this act; (2) to adopt a corporate
157 seal and alter the same at its pleasure; (3) to maintain an office at such
158 place or places within the city of New Haven as it may designate; (4) to
159 sue and be sued, to contract and be contracted with; (5) to employ such
160 assistants, agents and other employees as may be necessary or
161 desirable to carry out its purposes, which employees shall not be
162 employees, as defined in subsection (b) of section 5-270 of the general
163 statutes, to fix their compensation, to establish and modify personnel
164 procedures as may be necessary from time to time and to negotiate and
165 enter into collective bargaining agreements with labor unions; (6) to
166 acquire, lease, hold and dispose of personal property for the purposes
167 set forth in this section; (7) to procure insurance against any liability or
168 loss in connection with its property and other assets, in such amounts
169 and from such insurers as it deems desirable and to procure insurance
170 for employees; (8) to invest any funds not needed for immediate use or
171 disbursement in obligations issued or guaranteed by the United States
172 of America or the state of Connecticut, including the Short Term
173 Investment Fund, and the Tax-Exempt Proceeds Fund, and in other
174 obligations that are legal investments for savings banks in this state
175 and in time deposits or certificates of deposit or other similar banking
176 arrangements secured in such manner as the authority determines; (9)
177 to enter into such memoranda of understanding as the authority
178 deems appropriate to carry out its responsibilities under this section;
179 and (10) to do all acts and things necessary or convenient to carry out
180 the purposes of and the powers expressly granted by this section.

181 (c) In addition to the powers enumerated in subsection (b) of this
182 section, with respect to authority development projects, the authority
183 shall have the following powers: (1) (A) To acquire by gift, purchase,
184 condemnation, lease or transfer, lands or rights-in-land and to sell and
185 lease or sublease, as lessor or lessee or sublessor or sublessee, any
186 portion of its real property rights, including air space above, and enter
187 into related common area maintenance, easement, access, support and
188 similar agreements, and own and operate facilities, provided such
189 activity is consistent with all applicable federal tax covenants of the
190 authority; (B) to transfer or dispose of any property or interest therein
191 acquired by it at any time; and (C) to receive and accept aid or
192 contributions from any source of money, labor, property or other thing
193 of value, to be held, used and applied to carry out the purposes of this
194 section, subject to the conditions upon which such grants and
195 contributions are made, including, but not limited to, gifts or grants
196 from any department, agency or instrumentality of the United States or
197 this state for any purpose consistent with this section; (2) in
198 consultation with the mayor of the city of New Haven, to condemn
199 properties that may be necessary or desirable to effectuate the
200 purposes of the authority to be exercised in accordance with the
201 provisions of part I of chapter 835 of the general statutes; (3) to
202 formulate plans for, acquire, finance and develop, lease, purchase,
203 construct, reconstruct, repair, improve, expand, extend, operate,
204 maintain and market facilities, provided such activities are consistent
205 with all applicable federal tax covenants of the authority; (4) to
206 contract and be contracted with, provided if management, operating or
207 promotional contracts or agreements or other contracts or agreements
208 are entered into with nongovernmental parties with respect to
209 property financed with the proceeds of obligations, the interest on
210 which is excluded from gross income for federal income taxation, the
211 board of directors shall ensure that such contracts or agreements are in
212 compliance with the covenants of the authority upon which such tax
213 exclusion is conditioned; (5) to fix and revise, from time to time, and to
214 charge and collect fees, rents and other charges for the use, occupancy
215 or operation of such projects, and to establish and revise from time to

216 time procedures concerning the use, operation and occupancy of such
217 facilities, including parking rates, rules and procedures, provided such
218 arrangements are consistent with all applicable federal tax covenants
219 of the authority, and to utilize net revenues received by the authority
220 from the operation of such facilities after allowance for operating
221 expenses and other charges related to the ownership, operation or
222 financing thereof, for other proper purposes of the authority,
223 including, but not limited to, funding of operating deficiencies or
224 operating or capital replacement reserves for either such facilities and
225 related parking facilities as determined to be appropriate by the
226 authority; (6) to engage architects, engineers, attorneys, accountants,
227 consultants and such other independent professionals as may be
228 necessary or desirable to carry out its purposes; (7) to contract for
229 construction, development, concessions and the procurement of goods
230 and services and to establish and modify procurement procedures
231 from time to time to implement the foregoing in accordance with the
232 provisions of section 3 of this act; (8) to borrow money and to issue
233 bonds, notes and other obligations of the authority to the extent
234 permitted under section 6 of this act, to fund and refund the same and
235 to provide for the rights of the holders thereof and to secure the same
236 by pledge of assets, revenues and notes; (9) to do anything necessary
237 and desirable, including executing reimbursement agreements or
238 similar agreements in connection with credit facilities, including, but
239 not limited to, letters of credit or policies of bond insurance,
240 remarketing agreements and agreements for the purpose of
241 moderating interest rate fluctuations, to render any bonds to be issued
242 pursuant to section 6 of this act more marketable; and (10) to engage in
243 and contract for marketing and promotional activities for the facilities
244 under the operation or jurisdiction of the authority.

245 (d) The authority and the mayor of the city of New Haven may
246 enter into a memorandum of understanding pursuant to which: (1)
247 Administrative support and services, including all staff support,
248 necessary for the operations of the authority may be provided by the
249 city of New Haven or other authority within the city of New Haven,
250 (2) the city of New Haven or other authority within the city of New

251 Haven is authorized to administer contracts and accounts of the
252 authority, and (3) provision is made for the coordination of
253 management and operational activities that may include: (A) Joint
254 procurement and contracting, (B) the sharing of services and resources,
255 (C) the coordination of promotional activities, and (D) other
256 arrangements designed to enhance revenues, reduce operating costs or
257 achieve operating efficiencies. The terms and conditions of such
258 memorandum of understanding, including provisions with respect to
259 the reimbursement by the authority to the city of New Haven or other
260 authority within the city of New Haven of the costs of such
261 administrative support and services, shall be as the authority and the
262 mayor of the city of New Haven determine to be appropriate.

263 Sec. 3. (NEW) (*Effective from passage*) The board of directors of the
264 New Haven Region Development Authority shall adopt written
265 procedures, in accordance with the provisions of section 1-121 of the
266 general statutes, for: (1) Adopting an annual budget and plan of
267 operations, which shall include a requirement of board approval
268 before the budget or plan may take effect; (2) hiring, dismissing,
269 promoting and compensating employees of the authority, which shall
270 include an affirmative action policy and a requirement of board
271 approval before a position may be created or a vacancy filled; (3)
272 acquiring real and personal property and personal services, which
273 shall include a requirement of board approval for any nonbudgeted
274 expenditure in excess of five thousand dollars; (4) contracting for
275 financial, legal, bond underwriting and other professional services,
276 which shall include a requirement that the authority solicit proposals
277 at least once every three years for each such service that it uses; (5)
278 issuing and retiring bonds, notes and other obligations of the
279 authority; (6) providing financial assistance, which shall include
280 eligibility criteria, the application process and the role played by the
281 authority's staff and board of directors; and (7) the use of surplus
282 funds.

283 Sec. 4. (NEW) (*Effective from passage*) (a) In lieu of the report required
284 under section 1-123 of the general statutes, within the first ninety days

285 of each fiscal year of the New Haven Region Development Authority,
286 the board of directors of the authority shall submit a report to the
287 Governor, the Auditors of Public Accounts and the joint standing
288 committee of the General Assembly having cognizance of matters
289 relating to finance, revenue and bonding. Such report shall include,
290 but not be limited to, the following: (1) A list of all bonds issued during
291 the preceding fiscal year, including, for each such issue, the financial
292 advisor and underwriters, whether the issue was competitive,
293 negotiated or privately placed, and the issue's face value and net
294 proceeds; (2) a description of the authority development project or any
295 economic development project in the greater New Haven region in
296 which the authority is involved, its location and the amount of funds,
297 if any, provided by the authority with respect to the construction of
298 such project; (3) a list of all outside individuals and firms, including
299 principal and other major stockholders, receiving in excess of five
300 thousand dollars as payments for services; (4) a comprehensive annual
301 financial report prepared in accordance with generally accepted
302 accounting principles for governmental enterprises; (5) the cumulative
303 value of all bonds issued, the value of outstanding bonds and the
304 amount of the state's contingent liability; (6) the affirmative action
305 policy statement, a description of the composition of the work force of
306 the authority by race, sex and occupation and a description of the
307 affirmative action efforts of the authority; and (7) a description of
308 planned activities for the current fiscal year.

309 (b) In lieu of the audit required under section 1-122 of the general
310 statutes, the board of directors of the authority shall annually contract
311 with a person, firm or corporation for a compliance audit of the
312 authority's activities during the preceding authority fiscal year. The
313 audit shall determine whether the authority has complied with its
314 regulations concerning affirmative action, personnel practices, the
315 purchase of goods and services and the use of surplus funds. The
316 board shall submit the audit report to the Governor, the Auditors of
317 Public Accounts and the joint standing committee of the General
318 Assembly having cognizance of matters relating to finance, revenue
319 and bonding.

320 (c) The board of directors of the authority shall annually contract
321 with a firm of certified public accountants to undertake an
322 independent financial audit of the authority in accordance with
323 generally accepted auditing standards. The board shall submit the
324 audit report to the Governor, the Auditors of Public Accounts and the
325 joint standing committee of the General Assembly having cognizance
326 of matters relating to finance, revenue and bonding. The books and
327 accounts of the authority shall be subject to annual audits by the state
328 Auditors of Public Accounts.

329 (d) The authority shall designate a contract compliance officer from
330 the staff of the authority to monitor compliance of the operations of
331 facilities under the management or control of the authority and related
332 parking facilities with (1) the provisions of state law applicable to such
333 operations, and (2) applicable requirements of contracts entered into
334 by the authority relating to set-asides for small contractors and
335 minority business enterprises and required efforts to hire available and
336 qualified members of minorities, as defined in section 32-9n of the
337 general statutes, and available and qualified residents of the city of
338 New Haven for jobs in such operations. Each year during the period of
339 facility operations, such officer shall file a written report with the
340 authority as to findings and recommendations regarding such
341 compliance.

342 Sec. 5. (NEW) (*Effective from passage*) (a) Any person, including, but
343 not limited to, a state or municipal agency, requesting funds from the
344 state, including, but not limited to, any authority created by the
345 general statutes or any public or special act, with respect to any city
346 project or any economic development project in the greater New
347 Haven region in which the New Haven Region Development
348 Authority is involved shall, at the time it makes such request for funds
349 from the state, present a full and complete copy of its application or
350 request along with any supporting documents or exhibits to the New
351 Haven Region Development Authority for its recommendation and to
352 the Secretary of the Office of Policy and Management. The New Haven
353 Region Development Authority shall, not later than ninety days after

354 receipt of such application or request, prepare and adopt an economic
355 development statement summarizing its recommendations with
356 respect to such application or request and deliver such statement to the
357 state officer, official, employee or agent of the state or authority to
358 whom such application or request was made. The recommendations in
359 such statement shall include contract provisions regarding
360 performance standards, including, but not limited to, project timelines.

361 (b) Notwithstanding any other provision of the general statutes,
362 public or special acts, any regulation or procedure or any other law, no
363 officer, official, employee or agent of the state or any authority created
364 by the general statutes or any public or special act shall expend any
365 funds on any city project or any economic development project in the
366 region in which the authority is involved, unless such officer, official,
367 employee or agent has received an economic development statement
368 adopted by the authority pursuant to subsection (a) of this section,
369 except that if no such statement is received by the date ninety days
370 from the date of the initial application or request for such funds, such
371 funds may be expended. If funds are expended pursuant to this
372 subsection in a manner not consistent with the recommendations
373 contained in an economic development statement for such
374 expenditure, the officer, official, employee or agent of the state
375 expending such funds shall respond in writing to the authority,
376 providing an explanation of the decision with respect to such
377 expenditure.

378 (c) The authority shall coordinate the use of all state and municipal
379 planning and financial resources that are or can be made available for
380 any city project or any economic development project in the greater
381 New Haven region in which the authority is involved, including any
382 resources available from any quasi-public agency.

383 (d) All state and municipal agencies, departments, boards,
384 commissions and councils shall cooperate with the New Haven Region
385 Development Authority in carrying out the purposes enumerated in
386 section 2 of this act.

387 Sec. 6. (NEW) (*Effective from passage*) (a) The board of directors of the
388 New Haven Region Development Authority is authorized from time to
389 time to issue its bonds, notes and other obligations in such principal
390 amounts as in the opinion of the board shall be necessary to provide
391 sufficient funds for carrying out the purposes set forth in section 2 of
392 this act, including the payment, funding or refunding of the principal
393 of, or interest or redemption premiums on, any bonds, notes and other
394 obligations issued by it, whether the bonds, notes or other obligations
395 or interest to be funded or refunded have or have not become due, the
396 establishment of reserves to secure such bonds, notes and other
397 obligations, loans made by the authority and all other expenditures of
398 the authority incident to and necessary or convenient to carry out the
399 purposes set forth in section 2 of this act.

400 (b) Except as may be otherwise expressly provided in this section or
401 by the board, every issue of bonds, notes or other obligations shall be a
402 general obligation of the authority payable out of any moneys or
403 revenues of the authority and subject only to any agreements with the
404 holders of particular bonds, notes or other obligations pledging any
405 particular moneys or revenues. Any such bonds, notes or other
406 obligations may be additionally secured by, any grant or contributions
407 from any department, agency or instrumentality of the United States or
408 person or a pledge of any moneys, income or revenues of the authority
409 from any source whatsoever.

410 (c) Notwithstanding any other provision of any law, any bonds,
411 notes or other obligations issued by the authority pursuant to this
412 section shall be fully negotiable within the meaning and for all
413 purposes of title 42a of the general statutes. Any such bonds, notes or
414 other obligations shall be legal investments for all trust companies,
415 banks, investment companies, savings banks, building and loan
416 associations, executors, administrators, guardians, conservators,
417 trustees and other fiduciaries and pension, profit-sharing and
418 retirement funds.

419 (d) Bonds, notes or other obligations of the authority shall be

420 authorized by resolution of the board of directors of the authority and
421 may be issued in one or more series and shall bear such date or dates,
422 mature at such time or times, in the case of any such note, or any
423 renewal thereof, not exceeding the term of years as the board shall
424 determine from the date of the original issue of such notes, and, in the
425 case of bonds, not exceeding thirty years from the date thereof, bear
426 interest at such rate or rates, be in such denomination or
427 denominations, be in such form, either coupon or registered, carry
428 such conversion or registration privileges, have such rank or priority,
429 be executed in such manner, be payable from such sources in such
430 medium of payment at such place or places within or without this
431 state, and be subject to such terms of redemption, with or without
432 premium, as such resolution or resolutions may provide.

433 (e) Bonds, notes or other obligations of the authority may be sold at
434 public or private sale at such price or prices as the board shall
435 determine.

436 (f) Bonds, notes or other obligations of the authority may be
437 refunded and renewed from time to time as may be determined by
438 resolution of the board, provided any such refunding or renewal shall
439 be in conformity with any rights of the holders thereof.

440 (g) Bonds, notes or other obligations of the authority issued under
441 the provisions of this section shall not be deemed to constitute a debt
442 or liability of the state or of any political subdivision thereof other than
443 the authority or a pledge of the faith and credit of the state or of any
444 such political subdivision other than the authority, and shall not
445 constitute bonds or notes issued or guaranteed by the state within the
446 meaning of section 3-21 of the general statutes, but shall be payable
447 solely from the funds as provided in this section. All such bonds, notes
448 or other obligations shall contain on the face thereof a statement to the
449 effect that neither the state of Connecticut nor any political subdivision
450 thereof other than the authority shall be obligated to pay the same or
451 the interest thereof except from revenues or other funds of the
452 authority and that neither the faith and credit nor the taxing power of

453 the state of Connecticut or of any political subdivision thereof other
454 than the authority is pledged to the payment of the principal of or the
455 interest on such bonds, notes or other obligations.

456 (h) Any resolution or resolutions authorizing the issuance of bonds,
457 notes or other obligations may contain provisions, except as limited by
458 existing agreements with the holders of bonds, notes or other
459 obligations, which shall be a part of the contract with the holders
460 thereof, as to the following: (1) The pledging of all or any part of the
461 moneys received by the authority to secure the payment of the
462 principal of and interest on any bonds, notes or other obligations or of
463 any issue thereof; (2) the pledging of all or part of the assets of the
464 authority to secure the payment of the principal and interest on any
465 bonds, notes or other obligations or of any issue thereof; (3) the
466 establishment of reserves or sinking funds, the making of charges and
467 fees to provide for the same, and the regulation and disposition
468 thereof; (4) limitations on the purpose to which the proceeds of sale of
469 bonds, notes or other obligations may be applied and pledging such
470 proceeds to secure the payment of the bonds, notes or other
471 obligations, or of any issues thereof; (5) limitations on the issuance of
472 additional bonds, notes or other obligations, the terms upon which
473 additional bonds, bond anticipation notes or other obligations may be
474 issued and secured, the refunding or purchase of outstanding bonds,
475 notes or other obligations of the authority; (6) the procedure, if any, by
476 which the terms of any contract with the holders of any bonds, notes or
477 other obligations of the authority may be amended or abrogated, the
478 amount of bonds, notes or other obligations the holders of which must
479 consent thereto and the manner in which such consent may be given;
480 (7) limitations on the amount of moneys to be expended by the
481 authority for operating, administrative or other expenses of the
482 authority; (8) the vesting in a trustee or trustees of such property,
483 rights, powers and duties in trust as the authority may determine,
484 which may include any or all of the rights, powers and duties of any
485 trustee appointed by the holders of any bonds, notes or other
486 obligations and limiting or abrogating the right of the holders of any
487 bonds, notes or other obligations of the authority to appoint a trustee

488 or limiting the rights, powers and duties of such trustee; (9) a provision
489 for a trust agreement by and between the authority and a corporate
490 trustee which may be any trust company or bank having the powers of
491 a trust company within or without the state, which agreement may
492 provide for the pledging or assigning of any assets or income from
493 assets to which or in which the authority has any rights or interest, and
494 may further provide for such other rights and remedies exercisable by
495 the trustee as may be proper for the protection of the holders of any
496 bonds, notes or other obligations of the authority and not otherwise in
497 violation of law. Such agreement may provide for the restriction of the
498 rights of any individual holder of bonds, notes or other obligations of
499 the authority. All expenses incurred in carrying out the provisions of
500 such trust agreement may be treated as a part of the cost of operation
501 of the authority. The trust agreement may contain any further
502 provisions which are reasonable to delineate further the respective
503 rights, duties, safeguards, responsibilities and liabilities of the
504 authority, individual and collective holders of bonds, notes and other
505 obligations of the authority and the trustees; (10) covenants to do or
506 refrain from doing such acts and things as may be necessary or
507 convenient or desirable in order to better secure any bonds, notes or
508 other obligations of the authority, or which, in the discretion of the
509 authority, will tend to make any bonds, notes or other obligations to be
510 issued more marketable notwithstanding that such covenants, acts or
511 things may not be enumerated herein; and (11) any other matters of
512 like or different character, which in any way affect the security or
513 protection of the bonds, notes or other obligations.

514 (i) Any pledge made by the authority of income, revenues or other
515 property shall be valid and binding from the time the pledge is made.
516 The income, revenue, such state taxes as the authority shall be entitled
517 to receive or other property so pledged and thereafter received by the
518 authority shall immediately be subject to the lien of such pledge
519 without any physical delivery thereof or further act, and the lien of any
520 such pledge shall be valid and binding as against all parties having
521 claims of any kind in tort, contract or otherwise against the authority,
522 irrespective of whether such parties have notice thereof.

523 (j) The board of directors of the authority is authorized and
524 empowered to obtain from any department, agency or instrumentality
525 of the United States any insurance or guarantee as to, or of or for the
526 payment or repayment of, interest or principal or both, or any part
527 thereof, on any bonds, notes or other obligations issued by the
528 authority pursuant to the provisions of this section and,
529 notwithstanding any other provisions of sections 1 to 9, inclusive, of
530 this act, to enter into any agreement, contract or any other instrument
531 whatsoever with respect to any such insurance or guarantee except to
532 the extent that such action would in any way impair or interfere with
533 the authority's ability to perform and fulfill the terms of any agreement
534 made with the holders of the bonds, bond anticipation notes or other
535 obligations of the authority.

536 (k) Neither the members of the board of directors of the authority
537 nor any person executing bonds, notes or other obligations of the
538 authority issued pursuant to this section shall be liable personally on
539 such bonds, notes or other obligations or be subject to any personal
540 liability or accountability by reason of the issuance thereof, nor shall
541 any director or employee of the authority be personally liable for
542 damage or injury caused in the performance of his duties and within
543 the scope of his employment or appointment as such director, officer
544 or employee, provided the conduct of such director, officer or
545 employee was found not to have been wanton, reckless, wilful or
546 malicious. The authority shall protect, save harmless and indemnify its
547 directors, officers or employees from financial loss and expense,
548 including legal fees and costs, if any, arising out of any claim, demand,
549 suit or judgment by reason of alleged negligence or alleged
550 deprivation of any person's civil rights or any other act or omission
551 resulting in damage or injury, if the director, officer or employee is
552 found to have been acting in the discharge of his or her duties or
553 within the scope of his or her employment and such act or omission is
554 found not to have been wanton, reckless, wilful or malicious.

555 (l) The board of directors of the authority shall have power to
556 purchase bonds, notes or other obligations of the authority out of any

557 funds available for such purpose. The authority may hold, cancel or
558 resell such bonds, notes or other obligations subject to and in
559 accordance with agreements with holders of its bonds, notes and other
560 obligations.

561 (m) All moneys received pursuant to the authority of this section,
562 whether as proceeds from the sale of bonds or as revenues, shall be
563 deemed to be trust funds to be held and applied solely as provided in
564 this section. Any officer with whom, or any bank or trust company
565 with which, such moneys shall be deposited shall act as trustee of such
566 moneys and shall hold and apply the same for the purposes of section
567 2 of this act, and the resolution authorizing the bonds of any issue or
568 the trust agreement securing such bonds may provide.

569 (n) Any holder of bonds, notes or other obligations issued under the
570 provisions of this section, and the trustee or trustees under any trust
571 agreement, except to the extent the rights herein given may be
572 restricted by any resolution authorizing the issuance of or any such
573 trust agreement securing such bonds, may, either at law or in equity,
574 by suit, action, mandamus or other proceeding, protect and enforce
575 any and all rights under the laws of the state or granted under this
576 section or under such resolution or trust agreement and may enforce
577 and compel the performance of all duties required by this section or by
578 such resolution or trust agreement to be performed by the authority or
579 by any officer, employee or agent thereof, including the fixing,
580 charging and collecting of the rates, rents, fees and charges herein
581 authorized and required by the provisions of such resolution or trust
582 agreement to be fixed, established and collected.

583 (o) The authority may make representations and agreements for the
584 benefit of the holders of any bonds, notes or other obligations of the
585 state which are necessary or appropriate to ensure the exclusion from
586 gross income for federal income tax purposes of interest on bonds,
587 notes or other obligations of the state from taxation under the Internal
588 Revenue Code of 1986 or any subsequent corresponding internal
589 revenue code of the United States, as from time to time amended,

590 including agreement to pay rebates to the federal government of
591 investment earnings derived from the investment of the proceeds of
592 the bonds, notes or other obligations of the authority. Any such
593 agreement may include: (1) A covenant to pay rebates to the federal
594 government of investment earnings derived from the investment of the
595 proceeds of the bonds, notes or other obligations of the authority; (2) a
596 covenant that the authority will not limit or alter its rebate obligations
597 until its obligations to the holders or owners of such bonds, notes or
598 other obligations are finally met and discharged; and (3) provisions to
599 (A) establish trust and other accounts which may be appropriate to
600 carry out such representations and agreements, (B) retain fiscal agents
601 as depositories for such funds and accounts, and (C) provide that such
602 fiscal agents may act as trustee of such funds and accounts.

603 (p) No bonds, notes or other obligations shall be issued by the
604 authority unless such bonds, notes or other obligations have been
605 approved for issuance by the State Bond Commission following a
606 finding that such issuance is in the public interest.

607 Sec. 7. (NEW) (*Effective from passage*) With the concurrence of the
608 Secretary of the Office of Policy and Management and the State
609 Treasurer, the New Haven Region Development Authority may
610 submit an application to Connecticut Innovations, Incorporated, for a
611 loan or loans consistent with the requirements of chapter 579 of the
612 general statutes and Connecticut Innovations, Incorporated, is hereby
613 authorized to review such application as a package for the purposes of
614 its requirements, including eligibility for federal or state funding in
615 addition to the financing applied for. Any loan by Connecticut
616 Innovations, Incorporated, to the New Haven Region Development
617 Authority shall be evidenced by the general obligation bond of
618 Connecticut Innovations, Incorporated, in fully marketable form, duly
619 executed and accompanied by an approving legal opinion with respect
620 to validity, security and tax matters as would otherwise be required in
621 a public offering. Any loan with respect to a hotel or other portions of
622 private investment pertaining to any convention center project shall be
623 on such terms and conditions as Connecticut Innovations,

624 Incorporated, requires to satisfy its eligibility for financing of a loan
625 from the proceeds of its general obligation program bonds.

626 Sec. 8. (NEW) (*Effective from passage*) The state of Connecticut does
627 hereby pledge to and agree with the holders of any bonds, notes and
628 other obligations issued under section 6 of this act and with those
629 parties who may enter into contracts with the New Haven Region
630 Development Authority or its successor agency, that the state will not
631 limit or alter the rights hereby vested in the authority or in the holders
632 of any bonds, notes or other obligations of the authority to which
633 contract assistance is pledged pursuant to this section until such
634 obligations, together with the interest thereon, are fully met and
635 discharged and such contracts are fully performed on the part of the
636 authority, provided nothing contained herein shall preclude such
637 limitation or alteration if and when adequate provision shall be made
638 by law for the protection of the holders of such bonds, notes and other
639 obligations of the authority or those entering into contracts with the
640 authority. The authority is authorized to include this pledge and
641 undertaking for the state in such bonds, notes and other obligations or
642 contracts.

643 Sec. 9. (NEW) (*Effective from passage*) The state shall protect, save
644 harmless and indemnify the New Haven Region Development
645 Authority and its directors, officers and employees from financial loss
646 and expense, including legal fees and costs, if any, arising out of any
647 claim, demand, suit or judgment based upon any alleged act or
648 omission of the authority or any such director, officer or employee in
649 connection with, or any other legal challenge to, such projects within
650 the NRDA development district, provided any such director, officer or
651 employee is found to have been acting in the discharge of such
652 director, officer or employee's duties or within the scope of such
653 director, officer or employee's employment and any such act or
654 omission is found not to have been wanton, reckless, wilful or
655 malicious.

656 Sec. 10. (NEW) (*Effective from passage*) No ordinance, law or

657 regulation adopted by, or granting authority to, any municipality shall
 658 apply to the demolition, construction, repair, improvement, expansion
 659 or extension of the New Haven Train Station if undertaken by the state
 660 or a public instrumentality thereof, including the New Haven Region
 661 Development Authority. Notwithstanding any provision of the general
 662 statutes, the State Building Inspector and the State Fire Marshal shall
 663 have original jurisdiction of the New Haven Train Station, including,
 664 but not limited to, the conduct of necessary reviews and inspections,
 665 and the issuance of any building permit, certificate of occupancy or
 666 other necessary permits or certificates related to building construction,
 667 occupancy or fire safety.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In sec. 6, subsec. (p), a reference to bonds of the state was removed.

PD *Joint Favorable Subst.*

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:*** None***Municipal Impact:*** None***Explanation***

The bill establishes the New Haven Region Development Authority (NRDA) as a quasi-public authority. Establishing NRDA has no state impact because (1) NRDA under the bill is a public agency financially autonomous from the state and (2) the bill does not provide any state appropriation or bond authorization for the authority.

The bill allows NRDA to generate revenue through various sources, including grants and contributions, fees and rents for use or operation of the authority's projects, and the issuance of bonds. NRDA's ability to issue its own bonds is not anticipated to have a state fiscal impact because the bonds are not a statutory financial obligation of the state.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 33*****AN ACT ESTABLISHING A NEW HAVEN REGION DEVELOPMENT AUTHORITY.*****SUMMARY:**

This bill creates the quasi-public New Haven Region Development Authority (NRDA) to, among other things, stimulate economic development and promote tourism, art, culture, history, education, and entertainment in New Haven and the region. It authorizes NRDA to develop and redevelop property and manage facilities in a development district encompassing parts of downtown New Haven, Wooster Square, and the Hill (defined as “NRDA development district”) and develop property in other parts of the city at the mayor’s request (defined as “city projects”). The bill allows NRDA to assist with development efforts in the six municipalities contiguous to New Haven (East Haven, Hamden, North Haven, Orange, West Haven, and Woodbridge, defined as “greater New Haven”).

The bill establishes a 13-member board to govern NRDA and gives it general powers to operate as a quasi-public agency and development-specific powers for projects within the NRDA development district. It authorizes NRDA to (1) issue bonds and other notes backed by its financial resources, with the State Bond Commission’s approval, and (2) enter into a memorandum of understanding (MOU) with New Haven or another city authority for administrative support and services. It subjects NRDA to specific auditing and reporting requirements.

The bill also exempts the New Haven train station’s physical development from local oversight when undertaken by NRDA or another state or public entity. The exemption specifically applies to the station’s demolition, construction, repair, improvement, extension, and

expansion. Under the bill, the state building inspector and state fire marshal have original jurisdiction over the station, including conducting necessary reviews and inspections and issuing (1) building permits; (2) certificates of occupancy; or (3) other permits or certificates related to building construction, occupancy, and fire safety.

EFFECTIVE DATE: Upon passage

QUASI-PUBLIC AGENCY

The bill makes NRDA a public instrumentality and political subdivision of the state, created to perform an essential public and government function, but specifies that it is not a state agency, department, or institution. It has perpetual succession as long as any of its obligations are outstanding. Its rights and properties vest in the state when it lawfully terminates.

The bill does not place NRDA under a number of existing laws that apply to quasi-public agencies. These include laws subjecting (1) board members and employees to the state ethics code and (2) the authority to biennial audits by the state auditors.

GOVERNANCE

Board Membership

Under the bill, NRDA's 13-member board consists of seven appointed directors; the chair of the South Central Regional Council of Governments (or vice-chair if the chair is New Haven's mayor); and five ex officio, voting directors: the New Haven mayor; the Office of Policy and Management (OPM) secretary; and the transportation, housing, and Department of Economic and Community Development (DECD) commissioners, or their designees.

Table 1 lists the appointed directors, their appointing authority, and initial terms. All appointments must be made within 30 days after the bill's passage.

Table 1: NRDA Appointed Board Directors

<i>Appointing Authority</i>	<i>Number of Appointments</i>	<i>Initial</i>
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		<i>Term</i>
Governor	Three	Four years
New Haven mayor	Two, one of whom is a nonelected, city employee responsible for economic development	Three years
House speaker and Senate president pro tempore (jointly)	One	Two years
House and Senate minority leaders (jointly)	One	Two years

After their initial terms, appointed directors serve four-year, staggered terms and may be reappointed. Each must take the constitutional oath of office. Directors (1) may be removed by the appointing authority for malfeasance or wilful neglect of duty and (2) are deemed to have resigned if they miss three consecutive meetings or 50% of the meetings in a calendar year.

Duties

The board must adopt a budget and bylaws. It must report twice a year to the appointing authorities about its operations, finances, and achievement of economic development objectives. The board is accountable to the state and must cooperate with it when it audits NRDA's operations and projects. It must grant the state reasonable access to NDRA projects and records.

Board Deliberations

A majority of the directors constitutes a quorum, and a majority of those present can act. Vacancies do not prevent a quorum from acting. The board may act by adopting resolutions at regular or special meetings, which take effect immediately, unless the resolution specifies otherwise. The board must keep records of its proceedings in a form it chooses, indicating each director's attendance and votes cast.

The board may delegate any of its powers and duties to three or more directors, agents, or employees.

Chairperson and Executive Director

The governor appoints the board chairperson. The board elects a vice-chairperson and other officers and appoints an executive committee and executive director, who cannot be a board member.

Surety and Compensation

The bill requires the authority to provide either an individual surety bond for at least \$100,000 for each director and the executive director or a comprehensive bond covering the directors, executive director, and employees. The attorney general must approve the bond, which must be filed with the secretary of the state.

Board directors are not paid, but they are reimbursed for expenses.

Conflict of Interest

The bill prohibits directors from having a financial interest in a:

1. city project or authority development project,
2. project undertaken by the authority within the greater New Haven region,
3. property included or planned for inclusion in any such projects, or
4. contract or proposed contract for material or services used in the projects.

Indemnification

NRDA directors and employees are not personally liable for bonds NRDA issues or for any damage or injury caused by performing duties within the scope of their employment or appointment, as long as the actions are not willful, wanton, reckless, or malicious.

NRDA must indemnify its directors, officers, and employees from financial loss and expense arising from certain specified claims, demands, suits, or judgments involving their actions. This protection applies to individuals performing their duties or acting within the scope of their employment, as long as the act or omission was not

wanton, reckless, willful, or malicious.

The bill also requires the state to indemnify NRDA and its directors, officers, and employees from financial loss and expense resulting from a claim, demand, suit, or judgment connected to an act or omission connected to a NRDA development district project. The protection applies to individuals performing their duties or acting within the scope of their employment, as long as the act or omission was not wanton, reckless, willful, or malicious.

PURPOSE

Under the bill, NRDA must (1) stimulate new investment in New Haven and economic development in the greater New Haven region and (2) promote tourism, art, culture, history, education, and entertainment by cooperating with city and regional organizations and DECD.

It must also:

1. encourage residential housing development;
2. manage facilities through contractual agreements or other legal instruments;
3. assist cities and towns in the region, at the request of their legislative bodies, in development and redevelopment efforts to stimulate the region's economy and increase tourism;
4. enter into a funding agreement to develop or redevelop property within the NRDA development district, at the OPM secretary's request; and
5. develop and redevelop property in New Haven outside the NRDA development district, at the mayor's request.

POWERS

General and Development-Specific Powers

The bill gives NRDA general powers to function as a quasi-public

agency and specific powers related to projects occurring within the NRDA development district's boundaries ("authority development projects"). The general powers allow it to:

1. have perpetual succession as a body corporate;
2. adopt and alter a corporate seal;
3. adopt procedures for regulating and conducting its affairs;
4. maintain offices in New Haven;
5. sue and be sued;
6. purchase insurance for its property, other assets, and employees;
7. enter into contracts and MOUs;
8. acquire, lease, and dispose of personal property;
9. invest funds not immediately needed in (a) U.S.- or state-issued or -guaranteed obligations, including the Short Term Investment Fund and Tax-Exempt Proceeds Fund, (b) legal investments for savings banks in Connecticut, and (c) time deposits, certificates of deposit, or similar arrangements; and
10. do all things necessary and convenient to carry out these powers.

The bill authorizes NRDA to employ necessary staff and specifies that they are not state employees under the state's collective bargaining law. NRDA may establish and modify personnel procedures, including employee compensation, and enter into collective bargaining agreements with labor unions.

With respect to projects occurring in the NRDA development district's boundaries, NDRA may:

1. acquire and dispose of property;

2. acquire property by eminent domain, in consultation with New Haven's mayor and according to the procedures redevelopment agencies use when taking property;
3. plan for, acquire, finance, construct, develop, operate, market, and maintain facilities;
4. collect fees and rents from the facilities it develops and adopt procedures for operating them;
5. enter into contracts;
6. borrow money, issue bonds, and enter into credit and other agreements to make the bonds more marketable;
7. engage independent professionals, such as lawyers, accountants, and architects;
8. adopt and amend procurement procedures; and
9. receive money, property, and labor from any source, including government sources.

MOU with New Haven

The bill authorizes NRDA to enter into an MOU with New Haven pursuant to which the city or another authority in the city (1) provides administrative support and services, including staff support and (2) administers NDRA's contracts and accounts. The MOU may also coordinate management and operational activities, including:

1. joint procurement and contracting;
2. sharing services and resources;
3. coordinating promotional activities; and
4. arrangements enhancing revenues, reducing operating costs, or achieving operating efficiencies.

The MOU can specify the terms and conditions for these relationships, including reimbursement by NRDA to the city or city authority.

Bonding Authority

Under the bill, NRDA can issue bonds and other notes with terms of up to 30 years. The bonds are secured, unless expressly provided, by NRDA's financial resources. The bill prohibits NRDA from issuing any bonds without State Bond Commission approval. This approval is contingent on the commission finding that the bond issue is in the public interest.

The bill allows NRDA to determine how it will issue and repay the bonds and specifies the terms and conditions it may include in its agreement with bondholders.

Authority bonds are not backed by the state's full faith and credit or guaranteed by the state or any political subdivision of it and must say so on their face. They do not count toward the state's bond cap. NRDA may make whatever representations or agreements are needed to exempt its bonds from federal income tax.

The authority's pledge of its income, revenue, or other property is legally binding and subject to liens. The bill specifies that a lien on such a pledge is binding against all parties with a claim against NRDA, regardless of whether the parties received a notice of the lien.

The bill makes NRDA bonds fully negotiable and legal investments. It authorizes NRDA to buy insurance to cover debt service payments and allows the board to purchase, hold, and sell the authority's bonds in accordance with its agreements with bondholders.

It exempts board directors and those executing bonds or notes from personal liability. And it gives bondholders and their trustees the right, subject to the provisions of the bond resolution, to take legal action to force the board to perform its duties. The bill makes the bond proceeds and other revenue connected with the bonds trust funds, which must be used as the bond resolution specifies.

Under the bill, the state pledges not to limit or alter the authority's or its bondholders' or contractors' rights until the obligations are discharged, unless it adequately protects the bondholders and contractors. With respect to bondholders, the state's pledge applies to bonds for which the state has pledged "contract assistance." (The bill does not define contract assistance or provide a mechanism for such assistance.) It authorizes NRDA to include this pledge in its bonds, other obligations, and contracts.

DUTIES

Written Procedures

NDRA's board must adopt written procedures to:

1. adopt an annual budget and plan of operations and require board approval before either can take effect;
2. hire, dismiss, promote, and pay authority employees, develop an affirmative action policy, and require board approval before a position may be created or a vacancy filled;
3. acquire real and personal property and personal services, and require board approval for any non-budgeted expenditure of more than \$5,000;
4. contract for financial, legal, bond underwriting, and other professional services, and require the board to solicit proposals at least once every three years for these services;
5. issue and retire bonds and other authority obligations;
6. award financial assistance, including developing eligibility criteria, an application process, and determining the role played by employees and directors; and
7. use surplus funds.

NRDA must follow the same notice requirements quasi-public agencies follow before adopting the procedures.

Coordinating Projects in New Haven and Region

The bill requires NRDA to coordinate all state and municipal planning and financial resources for New Haven projects outside its development district and projects in greater New Haven in which it is involved and requires all state and municipal agencies to cooperate with it in its efforts.

Applicants requesting state funds for a project in the city or region in which the NRDA is involved must submit a copy of their application, along with supporting documents, to the OPM secretary and NRDA. NRDA has 90 days to give the funding agency its written recommendations, which must include provisions regarding performance standards, including project timelines. The agency cannot spend funds on such a project until it receives NRDA's recommendations or after 90 days, whichever is sooner. It does not have to implement the recommendations, but must give NRDA a written explanation about any spending decision that is inconsistent with them.

Annual Report

Instead of the annual report quasi-public agencies must submit to the governor, state auditors, and the Program Review and Investigations Committee, the board must annually report, within 90 days after NRDA's fiscal year begins, to the governor, state auditors, and the Finance, Revenue, and Bonding Committee on NRDA's finances, procurement, and employment. This report must include:

1. a list of the bonds it issued in the preceding fiscal year and, for each issue, its face value and net proceeds, the names of financial advisors and underwriters, and whether the issue was competitive, negotiated, or privately placed;
2. the cumulative value of all bonds issued and outstanding;
3. the amount of the state's contingent liability;
4. a description of each project, its location, and the amount the

- authority spent on its construction;
5. a comprehensive financial report prepared according to generally accepted governmental accounting principles;
 6. a list of individuals and firms, including their principal and other major stockholders, who received more than \$5,000 for services;
 7. a statement of the authority's affirmative action policy, a description of its workforce by race, sex, and occupation, and a description of its affirmative action efforts; and
 8. a description of the activities planned for the current fiscal year.

Independent Financial Audit

The bill requires the board to annually contract with a certified public accounting firm to undertake a financial audit, according to generally accepted auditing standards. It must submit the audit to the governor, state auditors, and the Finance, Revenue, and Bonding Committee. The bill also subjects NRDA to annual audits by state auditors.

Compliance Reports

Instead of the biennial compliance audit the state auditors conduct on quasi-public agencies, the board must annually contract with a person or firm for a compliance audit. It must submit it to the governor, state auditors, and the Finance, Revenue, and Bonding Committee. The compliance audit must check NRDA's performance against its written procedures on personnel and affirmative action, procurement, and use of surplus funds.

The bill also requires NRDA to designate a contract compliance officer to monitor NDRA's operations, or those of facilities under its control, for compliance with state law and contracting requirements relating to (1) set-asides for small contractors and minority business enterprises and (2) required efforts to hire available and qualified

minorities and New Haven residents. The compliance officer must file an annual written report, including findings and recommendations, with NDRA.

Connecticut Innovations, Incorporated (CII) Loans

The bill makes NRDA eligible for CII loans if (1) the OPM secretary and state treasurer agree; (2) CII authorizes bonds for the amount of the loan; and (3) the bonds have the same validity, security, and tax status as would be required for a fully marketable instrument. CII loans for a hotel or convention center project must satisfy CII's terms and conditions for using its general obligation bond proceeds. (The bill does not contemplate a hotel or convention center project.)

FREEDOM OF INFORMATION ACT

The bill exempts the financial, credit, and proprietary information in applications or requests filed with NRDA for funding from freedom of information laws.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 9 Nay 6 (03/12/2014)