



House of Representatives

General Assembly

File No. 678

January Session, 2015

Substitute House Bill No. 6851

House of Representatives, April 16, 2015

The Committee on Planning and Development reported through REP. MILLER, P. of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ESTABLISHING THE CONNECTICUT TRANSIT CORRIDOR DEVELOPMENT AUTHORITY.

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

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
2 section and sections 2 to 9, inclusive, of this act:

3 (1) "Authority" means the Connecticut Transit Corridor
4 Development Authority created pursuant to this section;

5 (2) "Authority development project" means a project occurring
6 within the boundaries of a Connecticut Transit Corridor Development
7 Authority development district;

8 (3) "Connecticut Transit Corridor Development Authority
9 development district" or "development district" means an area around
10 a transit station, determined by a memorandum of agreement between
11 the authority and the chief executive officer of the municipality where
12 such transit station is located, provided such area shall not exceed a

13 one-half mile radius of such transit station;

14 (4) "Department" means the Department of Transportation;

15 (5) "State-wide transportation investment program" means the
16 planning document developed and updated at least every four years
17 by the department in compliance with the requirements of 23 USC 135,
18 listing all transportation projects in the state expected to receive federal
19 funding during the four-year period covered by the program; and

20 (6) "Transit station" means any passenger railroad station or
21 Hartford-New Britain busway project station that is operational, or for
22 which the department has initiated planning or that is included in the
23 state-wide transportation investment program.

24 (b) There is hereby established and created a body politic and
25 corporate, constituting a public instrumentality and political
26 subdivision of the state established and created for the performance of
27 an essential public and governmental function, to be known as the
28 Connecticut Transit Corridor Development Authority. The authority
29 shall not be construed to be a department, institution or agency of the
30 state.

31 (c) (1) The powers of the authority shall be vested in and exercised
32 by a board of directors, which shall consist of eleven members: (A)
33 Four appointed by the Governor; (B) one appointed jointly by the
34 speaker of the House of Representatives and the president pro tempore
35 of the Senate; (C) one appointed jointly by the majority leaders of the
36 House of Representatives and the Senate; (D) one appointed jointly by
37 the minority leaders of the House of Representatives and the Senate;
38 and (E) the Secretary of the Office of Policy and Management and the
39 Commissioners of Transportation, Housing and Economic and
40 Community Development, or their designees, who shall serve as ex
41 officio members of the board, with the right to vote.

42 (2) In addition to the members listed under subdivision (1) of this
43 subsection, the chief elected official of each municipality in which an

44 authority development project is planned, or such official's designee,
45 shall serve as an ad hoc, voting member of the board solely for matters
46 directly affecting such project and not including matters pertaining to
47 the general operations of the authority.

48 (3) In addition to the members listed under subdivisions (1) and (2)
49 of this subsection, the executive director of the regional council of
50 governments for the planning region in which an authority
51 development project is planned, or such executive director's designee,
52 shall serve as an ad hoc, nonvoting member of the board solely for
53 matters directly affecting such project and not including matters
54 pertaining to the general operations of the authority.

55 (4) The Governor shall designate the chairperson of the board from
56 among the voting members. All initial appointments shall be made not
57 later than thirty days after the effective date of this section. The terms
58 of the initial board members shall be as follows: (A) The four members
59 appointed by the Governor shall serve terms of four years from the
60 date of appointment; (B) the member appointed jointly by the speaker
61 of the House of Representatives and the president pro tempore of the
62 Senate shall serve a term of two years from the date of appointment;
63 (C) the member appointed jointly by the majority leaders of the House
64 of Representatives and the Senate shall serve a term of two years from
65 the date of appointment; and (D) the member appointed jointly by the
66 minority leaders of the House of Representatives and the Senate shall
67 serve a term of two years from the date of appointment. Thereafter, all
68 members shall be appointed by the original appointing authority for
69 four-year terms. Any member of the board shall be eligible for
70 reappointment. Any vacancy occurring other than by expiration of
71 term shall be filled in the same manner as the original appointment for
72 the balance of the unexpired term. The appointing authority for any
73 member may remove such member for misfeasance, malfeasance or
74 wilful neglect of duty.

75 (5) Each member of the board, before commencing such member's
76 duties, shall take and subscribe the oath or affirmation required by

77 article XI, section 1, of the state Constitution. A record of each such
78 oath shall be filed in the office of the Secretary of the State.

79 (6) The board of directors shall maintain a record of its proceedings
80 in such form as it determines, provided such record indicates
81 attendance and all votes cast by each member. Any member who fails
82 to attend three consecutive meetings or who fails to attend fifty per
83 cent of all meetings held during any calendar year shall be deemed to
84 have resigned from the board. A majority of the members of the board
85 shall constitute a quorum, and an affirmative vote by a majority of the
86 members present at a meeting of the board shall be sufficient for any
87 action taken by the board. No vacancy in the membership of the board
88 shall impair the right of a quorum to exercise all the rights and
89 perform all the duties of the board. Any action taken by the board may
90 be authorized by resolution at any regular or special meeting and shall
91 take effect immediately unless otherwise provided in the resolution.
92 The board may delegate to three or more of its members, or its officers,
93 agents or employees, such board powers and duties as it may deem
94 proper.

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

105 (2) The chairperson of the board, with the approval of the members
106 of the board of directors, shall appoint an executive director of the
107 authority who shall be an employee of the authority and paid a salary
108 prescribed by the members. The executive director shall be the chief
109 administrative officer of the authority and shall supervise the

110 administrative affairs and technical activities of the authority in
111 accordance with the directives of the board. The executive director
112 shall not be a member of the board.

113 (3) Each member of the board of directors shall be entitled to
114 reimbursement for such member's actual and necessary expenses
115 incurred during the performance of such member's official duties, but
116 shall receive no compensation for the performance of such duties.

117 (e) Each member of the board of directors of the authority and the
118 executive director shall execute a surety bond in the penal sum of at
119 least one hundred thousand dollars, or, in lieu thereof, the chairperson
120 of the board shall execute a blanket position bond covering each
121 member, the executive director and the employees of the authority.
122 Each surety bond shall be conditioned upon the faithful performance
123 of the duties of the office or offices covered, be executed by a surety
124 company authorized to transact business in this state as a surety and
125 be approved by the Attorney General and filed in the office of the
126 Secretary of the State. The cost of each bond shall be paid by the
127 authority.

128 (f) No board member shall have or acquire any financial interest in
129 (1) any authority development project, or (2) any property included or
130 planned to be included in any such project or in any contract or
131 proposed contract for materials or services to be used in such project.

132 (g) The authority shall have perpetual succession and shall adopt
133 procedures for the conduct of its affairs in accordance with section 3 of
134 this act. Such succession shall continue as long as the authority has
135 bonds, notes or other obligations outstanding and until its existence is
136 terminated by law, provided no such termination shall affect any
137 outstanding contractual obligation of the authority and the state shall
138 succeed to the obligations of the authority under any contract. Upon
139 the termination of the existence of the authority, all its rights and
140 properties shall pass to and be vested in the state.

141 Sec. 2. (NEW) (*Effective October 1, 2015*) (a) The purposes of the

142 Connecticut Transit Corridor Development Authority shall be to: (1)
143 Stimulate new investment and economic and transit-oriented
144 development, as defined in section 13b-79kk of the general statutes,
145 within Connecticut Transit Corridor Development Authority
146 development districts through cooperation and coordination with the
147 municipalities wherein each such development district is located; (2)
148 stimulate tourism, art, culture, history, education and entertainment in
149 such development districts through cooperation and coordination with
150 the municipalities wherein each such development district is located,
151 regional organizations and the Department of Economic and
152 Community Development; (3) manage facilities through contractual
153 agreement or other legal instrument; (4) upon request from the
154 legislative body of a municipality wherein a development district is
155 located, work with such municipality to assist in the development and
156 redevelopment efforts to stimulate the economy of the region; and (5)
157 upon request of the Secretary of the Office of Policy and Management,
158 enter into an agreement to facilitate development or redevelopment
159 within a development district.

160 (b) For the purposes enumerated in subsection (a) of this section, the
161 authority is authorized and empowered to:

162 (1) Have perpetual succession as a body politic and corporate and to
163 adopt procedures for the regulation of its affairs and the conduct of its
164 business, as provided in section 3 of this act;

165 (2) Adopt a corporate seal and alter the same at pleasure;

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

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

168 (5) Contract and be contracted with;

169 (6) (A) Employ such assistants, agents and other employees as may
170 be necessary or desirable to carry out its purposes, which employees
171 shall be exempt from the classified service and shall not be employees,
172 as defined in subsection (b) of section 5-270 of the general statutes; (B)

173 establish all necessary or appropriate personnel practices and policies,
174 including those relating to hiring, promotion, compensation,
175 retirement and collective bargaining, which need not be in accordance
176 with chapter 68 of the general statutes, and the authority shall not be
177 an employer as defined in subsection (a) of section 5-270 of the general
178 statutes; (C) negotiate and enter into collective bargaining agreements
179 with labor unions; and (D) engage consultants, attorneys and
180 appraisers as may be necessary or desirable to carry out its purposes in
181 accordance with sections 1 to 8, inclusive, of this act;

182 (7) Acquire, lease, purchase, own, manage, hold and dispose of
183 personal property, and lease, convey or deal in or enter into
184 agreements with respect to such property on any terms necessary or
185 incidental to carrying out the purposes set forth in this section;

186 (8) Procure insurance against any liability or loss in connection with
187 its property and other assets, in such amounts and from such insurers
188 as it deems desirable and to procure insurance for employees;

189 (9) Invest any funds not needed for immediate use or disbursement
190 in obligations issued or guaranteed by the United States of America or
191 the state of Connecticut, including the Short Term Investment Fund
192 and the Tax-Exempt Proceeds Fund, and in other obligations that are
193 legal investments for savings banks in this state, and in time deposits
194 or certificates of deposit or other similar banking arrangements
195 secured in such manner as the authority determines;

196 (10) Enter into such memoranda of understanding as the authority
197 deems appropriate to carry out its responsibilities under this section;
198 and

199 (11) Do all acts and things necessary or convenient to carry out the
200 purposes of, and the powers expressly granted by, this section.

201 (c) In addition to the powers enumerated in subsection (b) of this
202 section, the Connecticut Transit Corridor Development Authority shall
203 have the following powers with respect to authority development

204 projects:

205 (1) (A) To acquire by gift, purchase, lease or transfer, lands or rights-
206 in-land and to sell and lease or sublease, as lessor or lessee or sublessor
207 or sublessee, any portion of its real property rights, including air space
208 above, and enter into related common area maintenance, easement,
209 access, support and similar agreements, and own and operate facilities
210 associated with authority development projects, provided such activity
211 is consistent with all applicable federal tax covenants of the authority;
212 (B) to transfer or dispose of any property or interest therein acquired
213 by the authority at any time; and (C) to receive and accept aid or
214 contributions from any source of money, labor, property or other thing
215 of value, to be held, used and applied to carry out the purposes of this
216 section, subject to the conditions upon which such grants and
217 contributions are made, including, but not limited to, gifts or grants
218 from any department, agency or instrumentality of the United States or
219 this state for any purpose consistent with this section;

220 (2) To formulate plans for, acquire, finance and develop, lease,
221 purchase, construct, reconstruct, repair, improve, expand, extend,
222 operate, maintain and market facilities associated with authority
223 development projects, provided such activities are consistent with all
224 applicable federal tax covenants of the authority;

225 (3) To contract and be contracted with, provided if management,
226 operating or promotional contracts or agreements or other contracts or
227 agreements are entered into with nongovernmental parties with
228 respect to property financed with the proceeds of obligations, the
229 interest on which is excluded from gross income for federal income
230 taxation, the board of directors shall ensure that such contracts or
231 agreements are in compliance with the covenants of the authority
232 upon which such tax exclusion is conditioned;

233 (4) To fix and revise, from time to time, and to charge and collect
234 fees, rents and other charges for the use, occupancy or operation of
235 authority development projects, and to establish and revise from time
236 to time procedures concerning the use, operation and occupancy of

237 facilities associated with such projects, including parking rates, rules
238 and procedures, provided such arrangements are consistent with all
239 applicable federal tax covenants of the authority, and to utilize net
240 revenues received by the authority from the operation of such
241 facilities, after allowance for operating expenses and other charges
242 related to the ownership, operation or financing thereof, for other
243 proper purposes of the authority, including, but not limited to,
244 funding of operating deficiencies or operating or capital replacement
245 reserves for such facilities and related parking facilities, as determined
246 to be appropriate by the authority;

247 (5) To engage architects, engineers, attorneys, accountants,
248 consultants and such other independent professionals as may be
249 necessary or desirable to carry out authority development projects;

250 (6) To contract for construction, development, concessions and the
251 procurement of goods and services, and to establish and modify
252 procurement procedures from time to time in accordance with the
253 provisions of section 3 of this act to implement the foregoing;

254 (7) To borrow money and to issue bonds, notes and other
255 obligations of the authority to the extent permitted under section 6 of
256 this act, to fund and refund the same and to provide for the rights of
257 the holders thereof and to secure the same by pledge of assets,
258 revenues and notes;

259 (8) To do anything necessary and desirable, including executing
260 reimbursement agreements or similar agreements in connection with
261 credit facilities, including, but not limited to, letters of credit or policies
262 of bond insurance, remarketing agreements and agreements for the
263 purpose of moderating interest rate fluctuations, to render any bonds
264 to be issued pursuant to section 6 of this act more marketable; and

265 (9) To engage in and contract for marketing and promotional
266 activities for authority development projects under the operation or
267 jurisdiction of the authority.

268 (d) The Connecticut Transit Corridor Development Authority and
269 the Capital Region Development Authority established pursuant to
270 chapter 588x of the general statutes, may enter into a memorandum of
271 understanding pursuant to which: (1) Administrative support and
272 services, including all staff support necessary for the operations of the
273 Connecticut Transit Corridor Development Authority may be
274 provided by the Capital Region Development Authority, and (2)
275 provision is made for the coordination of management and operational
276 activities that may include: (A) Joint procurement and contracting; (B)
277 the sharing of services and resources; (C) the coordination of
278 promotional activities; and (D) other arrangements designed to
279 enhance revenues, reduce operating costs or achieve operating
280 efficiencies. The terms and conditions of such memorandum of
281 understanding, including provisions with respect to the
282 reimbursement by the Connecticut Transit Corridor Development
283 Authority to the Capital Region Development Authority of the costs of
284 such administrative support and services, shall be as the Connecticut
285 Transit Corridor Development Authority and the Capital Region
286 Development Authority determine to be appropriate.

287 (e) Prior to taking any action in a development district, the
288 Connecticut Transit Corridor Development Authority and
289 municipality where such district is located shall enter into a
290 memorandum of understanding. Such memorandum shall include, but
291 not be limited to, (1) defined responsibilities of the authority and the
292 municipality with regard to such district; (2) identification of the
293 properties within such district that are controlled or owned by the
294 authority, the state, the municipality or a private entity; (3) long and
295 short range plans for the district, including any foreseeable changes of
296 use or control of properties located therein; (4) identification and
297 allocation of revenue sources for projects within such district,
298 including, but not limited to, bonding, taxes, fees, rental income or
299 parking; and (5) agreement as to the types of activities that will require
300 a public hearing.

301 (f) Nothing in sections 1 to 8, inclusive, of this act shall be construed

302 as exempting development projects of the Connecticut Transit
303 Corridor Development Authority on privately or municipally owned
304 property from municipal zoning, subdivision or wetland regulations,
305 municipal plans of conservation and development or any municipal
306 ordinance.

307 (g) Nothing in sections 1 to 8, inclusive, of this act shall be construed
308 as limiting the authority of the Connecticut Transit Corridor
309 Development Authority to enter into agreements to facilitate
310 development or redevelopment of state property or facilities.

311 Sec. 3. (NEW) (*Effective October 1, 2015*) The board of directors of the
312 Connecticut Transit Corridor Development Authority shall adopt
313 written procedures, in accordance with the provisions of section 1-121
314 of the general statutes, for: (1) Adopting an annual budget and plan of
315 operations, which shall include a requirement of board approval
316 before the budget or plan may take effect; (2) hiring, dismissing,
317 promoting and compensating employees of the authority, which shall
318 include an affirmative action policy and a requirement of board
319 approval before a position may be created or a vacancy filled; (3)
320 acquiring real and personal property and personal services, which
321 shall include a requirement of board approval for any nonbudgeted
322 expenditure in excess of five thousand dollars; (4) contracting for
323 financial, legal, bond underwriting and other professional services,
324 including a requirement that the authority solicit proposals at least
325 once every three years for each such service that it uses; (5) issuing and
326 retiring bonds, notes and other obligations of the authority; (6)
327 providing loans, grants and other financial assistance, which shall
328 include eligibility criteria, the application process and the role played
329 by the authority's staff and board of directors; and (7) the use of
330 surplus funds.

331 Sec. 4. (NEW) (*Effective October 1, 2015*) (a) In lieu of the report
332 required under section 1-123 of the general statutes, within the first
333 ninety days of each fiscal year of the Connecticut Transit Corridor
334 Development Authority, the board of directors of the authority shall

335 submit a report to the Governor, the Auditors of Public Accounts and
336 the joint standing committee of the General Assembly having
337 cognizance of matters relating to finance, revenue and bonding. Such
338 report shall include, but not be limited to, the following: (1) A list of all
339 bonds issued during the preceding fiscal year, including, for each such
340 issue, the financial advisor and underwriters, whether the issue was
341 competitive, negotiated or privately placed, and the issue's face value
342 and net proceeds; (2) a description of each authority development
343 project in which the authority is involved, its location and the amount
344 of funds, if any, provided by the authority with respect to the
345 construction of such project; (3) a list of all outside individuals and
346 firms, including principal and other major stockholders, receiving in
347 excess of five thousand dollars as payments for services; (4) a
348 comprehensive annual financial report prepared in accordance with
349 generally accepted accounting principles for governmental enterprises;
350 (5) the cumulative value of all bonds issued, the value of outstanding
351 bonds and the amount of the state's contingent liability; (6) the
352 affirmative action policy statement, a description of the composition of
353 the work force of the Connecticut Transit Corridor Development
354 Authority by race, sex and occupation and a description of the
355 affirmative action efforts of the authority; and (7) a description of
356 planned activities for the current fiscal year.

357 (b) The board of directors of the authority shall annually contract
358 with a person, firm or corporation for a compliance audit of the
359 authority's activities during the preceding authority fiscal year. The
360 audit shall determine whether the authority has complied with its
361 policies and procedures concerning affirmative action, personnel
362 practices, the purchase of goods and services and the use of surplus
363 funds. The board shall submit the audit report to the Governor, the
364 Auditors of Public Accounts and the joint standing committee of the
365 General Assembly having cognizance of matters relating to finance,
366 revenue and bonding.

367 (c) The board of directors of the authority shall annually contract
368 with a firm of certified public accountants to undertake an

369 independent financial audit of the Connecticut Transit Corridor
370 Development Authority in accordance with generally accepted
371 auditing standards. The board shall submit the audit report to the
372 Governor, the Auditors of Public Accounts and the joint standing
373 committee of the General Assembly having cognizance of matters
374 relating to finance, revenue and bonding.

375 (d) The authority shall designate a contract compliance officer from
376 its staff to monitor compliance of the operations of facilities and
377 parking facilities associated with authority development projects that
378 are under the management or control of the authority, with (1) the
379 provisions of state law applicable to such operations, and (2)
380 applicable requirements of contracts entered into by the authority
381 relating to set-asides for small contractors and minority business
382 enterprises and required efforts to hire available and qualified
383 members of minorities, as defined in section 32-9n of the general
384 statutes. Each year during the period of operations of facilities
385 associated with authority development projects, such officer shall file a
386 written report with the authority as to findings and recommendations
387 regarding such compliance.

388 Sec. 5. (NEW) (*Effective October 1, 2015*) (a) Any person, including,
389 but not limited to, a state or municipal agency, requesting funds from
390 the state, including, but not limited to, any authority created by the
391 general statutes or any public or special act, with respect to any
392 authority development project shall, at the time it makes such request
393 for funds from the state, present a full and complete copy of its
394 application or request along with any supporting documents or
395 exhibits to the authority for its recommendation and to the Secretary of
396 the Office of Policy and Management. The Connecticut Transit
397 Corridor Development Authority shall, not later than ninety days after
398 receipt of such application or request, prepare and adopt an economic
399 development statement summarizing its recommendations with
400 respect to such application or request and deliver such statement to the
401 state officer, official, employee or agent of the state or authority to
402 whom such application or request was made. In preparing such

403 economic development statement, the Connecticut Transit Corridor
404 Development Authority shall consider any written statement
405 submitted by the regional council of governments for the planning
406 region in which the authority development project is planned. The
407 recommendations in such statement shall include contract provisions
408 regarding performance standards, including, but not limited to, project
409 timelines.

410 (b) Notwithstanding any provision of the general statutes, public or
411 special acts, any regulation or procedure or any other law, no officer,
412 official, employee or agent of the state or any authority created by the
413 general statutes or any public or special act, shall expend any funds on
414 any authority development project, unless such officer, official,
415 employee or agent has received an economic development statement
416 adopted by the Connecticut Transit Corridor Development Authority
417 pursuant to subsection (a) of this section, except that if no such
418 statement is received by the date ninety days from the date of the
419 initial application or request for such funds, such funds may be
420 expended. If funds are expended pursuant to this subsection in a
421 manner not consistent with the recommendations contained in an
422 economic development statement for such expenditure, the officer,
423 official, employee or agent of the state expending such funds shall
424 respond in writing to the authority, providing an explanation of the
425 decision with respect to such expenditure.

426 (c) The Connecticut Transit Corridor Development Authority shall
427 coordinate the use of all state, municipal and quasi-public agency
428 planning and financial resources that are made available for any
429 authority development project in which the authority is involved,
430 including any resources available from any quasi-public agency.

431 (d) All state agencies, departments, boards, commissions, councils
432 and quasi-public agencies shall cooperate with the Connecticut Transit
433 Corridor Development Authority in carrying out the purposes set forth
434 in section 2 of this act.

435 Sec. 6. (NEW) (*Effective October 1, 2015*) (a) The board of directors of

436 the Connecticut Transit Corridor Development Authority is authorized
437 from time to time to issue its bonds, notes and other obligations in
438 such principal amounts as in the opinion of the board shall be
439 necessary to provide sufficient funds for carrying out the purposes set
440 forth in section 2 of this act, including the payment, funding or
441 refunding of the principal of, or interest or redemption premiums on,
442 any bonds, notes and other obligations issued by it, whether the bonds,
443 notes or other obligations or interest to be funded or refunded have or
444 have not become due, the establishment of reserves to secure such
445 bonds, notes and other obligations, loans made by the authority and all
446 other expenditures of the authority incident to and necessary or
447 convenient to carry out the purposes set forth in section 2 of this act.

448 (b) Every issue of bonds, notes or other obligations shall be a
449 general obligation of the authority payable out of any moneys or
450 revenues of the authority and subject only to any agreements with the
451 holders of particular bonds, notes or other obligations pledging any
452 particular moneys or revenues. Any such bonds, notes or other
453 obligations may be additionally secured by any grant or contributions
454 from any department, agency or instrumentality of the United States or
455 person or a pledge of any moneys, income or revenues of the authority
456 from any source whatsoever.

457 (c) Notwithstanding any other provision of any law, any bonds,
458 notes or other obligations issued by the authority pursuant to this
459 section shall be fully negotiable within the meaning and for all
460 purposes of title 42a of the general statutes. Any such bonds, notes or
461 other obligations shall be legal investments for all trust companies,
462 banks, investment companies, savings banks, building and loan
463 associations, executors, administrators, guardians, conservators,
464 trustees and other fiduciaries and pension, profit-sharing and
465 retirement funds.

466 (d) Bonds, notes or other obligations of the authority shall be
467 authorized by resolution of the board of directors of the authority and
468 may be issued in one or more series and shall bear such date or dates,

469 mature at such time or times, in the case of any such note, or any
470 renewal thereof, not exceeding the term of years as the board shall
471 determine from the date of the original issue of such notes, and, in the
472 case of bonds, not exceeding thirty years from the date thereof, bear
473 interest at such rate or rates, be in such denomination or
474 denominations, be in such form, either coupon or registered, carry
475 such conversion or registration privileges, have such rank or priority,
476 be executed in such manner, be payable from such sources in such
477 medium of payment at such place or places within or without this
478 state, and be subject to such terms of redemption, with or without
479 premium, as such resolution or resolutions may provide.

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

483 (f) Bonds, notes or other obligations of the authority may be
484 refunded and renewed from time to time as may be determined by
485 resolution of the board, provided any such refunding or renewal shall
486 be in conformity with any rights of the holders of such bonds, notes or
487 other obligations.

488 (g) Bonds, notes or other obligations of the authority issued under
489 the provisions of this section shall not be deemed to constitute a debt
490 or liability of the state or of any political subdivision thereof other than
491 the authority, or a pledge of the faith and credit of the state or of any
492 such political subdivision other than the authority, and shall not
493 constitute bonds or notes issued or guaranteed by the state within the
494 meaning of section 3-21 of the general statutes, but shall be payable
495 solely from the funds as provided in this section. All such bonds, notes
496 or other obligations shall contain on the face thereof a statement to the
497 effect that neither the state of Connecticut nor any political subdivision
498 thereof other than the authority shall be obligated to pay the same or
499 the interest thereof except from revenues or other funds of the
500 authority and that neither the faith and credit nor the taxing power of
501 the state of Connecticut or of any political subdivision thereof other

502 than the authority is pledged to the payment of the principal of, or the
503 interest on, such bonds, notes or other obligations.

504 (h) Any resolution or resolutions authorizing the issuance of bonds,
505 notes or other obligations may contain provisions, except as limited by
506 existing agreements with the holders of bonds, notes or other
507 obligations, which shall be a part of the contract with the holders
508 thereof, as to the following: (1) The pledging of all or any part of the
509 moneys received by the authority to secure the payment of the
510 principal of and interest on any bonds, notes or other obligations or of
511 any issue thereof; (2) the pledging of all or part of the assets of the
512 authority to secure the payment of the principal and interest on any
513 bonds, notes or other obligations or of any issue thereof; (3) the
514 establishment of reserves or sinking funds, the making of charges and
515 fees to provide for the same, and the regulation and disposition
516 thereof; (4) limitations on the purpose to which the proceeds of sale of
517 bonds, notes or other obligations may be applied and pledging such
518 proceeds to secure the payment of the bonds, notes or other
519 obligations, or of any issues thereof; (5) limitations on the issuance of
520 additional bonds, notes or other obligations, the terms upon which
521 additional bonds, bond anticipation notes or other obligations may be
522 issued and secured, the refunding or purchase of outstanding bonds,
523 notes or other obligations of the authority; (6) the procedure, if any, by
524 which the terms of any contract with the holders of any bonds, notes or
525 other obligations of the authority may be amended or abrogated, the
526 amount of bonds, notes or other obligations the holders of which must
527 consent thereto and the manner in which such consent may be given;
528 (7) limitations on the amount of moneys to be expended by the
529 authority for operating, administrative or other expenses of the
530 authority; (8) the vesting in a trustee or trustees of such property,
531 rights, powers and duties in trust as the authority may determine,
532 which may include any or all of the rights, powers and duties of any
533 trustee appointed by the holders of any bonds, notes or other
534 obligations and limiting or abrogating the right of the holders of any
535 bonds, notes or other obligations of the authority to appoint a trustee
536 or limiting the rights, powers and duties of such trustee; (9) provision

537 for a trust agreement by and between the authority and a corporate
538 trustee which may be any trust company or bank having the powers of
539 a trust company within or without the state, which agreement may
540 provide for the pledging or assigning of any assets or income from
541 assets to which or in which the authority has any rights or interest, and
542 may further provide for such other rights and remedies exercisable by
543 the trustee as may be proper for the protection of the holders of any
544 bonds, notes or other obligations of the authority and not otherwise in
545 violation of law. Such agreement may provide for the restriction of the
546 rights of any individual holder of bonds, notes or other obligations of
547 the authority. All expenses incurred in carrying out the provisions of
548 such trust agreement may be treated as a part of the cost of operation
549 of the authority. The trust agreement may contain any further
550 provisions which are reasonable to delineate further the respective
551 rights, duties, safeguards, responsibilities and liabilities of the
552 authority, individual and collective holders of bonds, notes and other
553 obligations of the authority and the trustees; (10) covenants to do or
554 refrain from doing such acts and things as may be necessary or
555 convenient or desirable in order to better secure any bonds, notes or
556 other obligations of the authority, or which, in the discretion of the
557 authority, will tend to make any bonds, notes or other obligations to be
558 issued more marketable, notwithstanding that such covenants, acts or
559 things may not be enumerated herein; and (11) any other matters of
560 like or different character, which in any way affect the security or
561 protection of the bonds, notes or other obligations.

562 (i) Any pledge made by the authority of income, revenues or other
563 property shall be valid and binding from the time the pledge is made.
564 The income, revenue, such state taxes as the authority shall be entitled
565 to receive or other property so pledged and thereafter received by the
566 authority shall immediately be subject to the lien of such pledge
567 without any physical delivery thereof or further act, and the lien of any
568 such pledge shall be valid and binding as against all parties having
569 claims of any kind in tort, contract or otherwise against the authority,
570 irrespective of whether such parties have notice thereof.

571 (j) The board of directors of the authority is authorized and
572 empowered to obtain from any department, agency or instrumentality
573 of the United States any insurance or guarantee as to, or of or for the
574 payment or repayment of, interest or principal or both, or any part
575 thereof, on any bonds, notes or other obligations issued by the
576 authority pursuant to the provisions of this section and,
577 notwithstanding any other provisions of sections 1 to 8, inclusive, of
578 this act, to enter into any agreement, contract or any other instrument
579 whatsoever with respect to any such insurance or guarantee except to
580 the extent that such action would in any way impair or interfere with
581 the authority's ability to perform and fulfill the terms of any agreement
582 made with the holders of the bonds, bond anticipation notes or other
583 obligations of the authority.

584 (k) Neither the members of the board of directors of the authority
585 nor any person executing bonds, notes or other obligations of the
586 authority issued pursuant to this section shall be liable personally on
587 such bonds, notes or other obligations or be subject to any personal
588 liability or accountability by reason of the issuance thereof, nor shall
589 any director, officer or employee of the authority be personally liable
590 for damage or injury caused in the performance of such director,
591 officer or employee's duties and within the scope of employment or
592 appointment as such director, officer or employee, provided the
593 conduct of such director, officer or employee was found not to have
594 been wanton, reckless, wilful or malicious. The authority shall protect,
595 save harmless and indemnify its directors, officers or employees from
596 financial loss and expense, including legal fees and costs, if any, arising
597 out of any claim, demand, suit or judgment by reason of alleged
598 negligence or alleged deprivation of any person's civil rights or any
599 other act or omission resulting in damage or injury, if the director,
600 officer or employee is found to have been acting in the discharge of his
601 or her duties or within the scope of his or her employment and such
602 act or omission is found not to have been wanton, reckless, wilful or
603 malicious.

604 (l) The board of directors of the authority shall have power to

605 purchase bonds, notes or other obligations of the authority out of any
606 funds available for such purpose. The authority may hold, cancel or
607 resell such bonds, notes or other obligations subject to and in
608 accordance with agreements with holders of its bonds, notes and other
609 obligations.

610 (m) All moneys received pursuant to the authority of this section,
611 whether as proceeds from the sale of bonds or as revenues, shall be
612 deemed to be trust funds to be held and applied solely as provided in
613 this section. Any officer with whom, or any bank or trust company
614 with which, such moneys shall be deposited shall act as trustee of such
615 moneys and shall hold and apply the same for the purposes of section
616 2 of this act, and the resolution authorizing the bonds of any issue or
617 the trust agreement securing such bonds may provide.

618 (n) Any holder of bonds, notes or other obligations issued under the
619 provisions of this section, and the trustee or trustees under any trust
620 agreement, except to the extent the rights herein given may be
621 restricted by any resolution authorizing the issuance of or any such
622 trust agreement securing such bonds, may, either at law or in equity,
623 by suit, action, mandamus or other proceeding, protect and enforce
624 any and all rights under the laws of the state or granted under this
625 section or under such resolution or trust agreement and may enforce
626 and compel the performance of all duties required by this section or by
627 such resolution or trust agreement to be performed by the authority or
628 by any officer, employee or agent of the authority, including the fixing,
629 charging and collecting of the rates, rents, fees and charges herein
630 authorized and required by the provisions of such resolution or trust
631 agreement to be fixed, established and collected.

632 (o) The authority may make representations and agreements for the
633 benefit of the holders of any bonds, notes or other obligations of the
634 state which are necessary or appropriate to ensure the exclusion from
635 gross income for federal income tax purposes of interest on bonds,
636 notes or other obligations of the state from taxation under the Internal
637 Revenue Code of 1986 or any subsequent corresponding internal

638 revenue code of the United States, as from time to time amended,
639 including agreement to pay rebates to the federal government of
640 investment earnings derived from the investment of the proceeds of
641 the bonds, notes or other obligations of the authority. Any such
642 agreement may include: (1) A covenant to pay rebates to the federal
643 government of investment earnings derived from the investment of the
644 proceeds of the bonds, notes or other obligations of the authority; (2) a
645 covenant that the authority will not limit or alter its rebate obligations
646 until its obligations to the holders or owners of such bonds, notes or
647 other obligations are finally met and discharged; and (3) provisions to
648 (A) establish trust and other accounts which may be appropriate to
649 carry out such representations and agreements, (B) retain fiscal agents
650 as depositories for such funds and accounts, and (C) provide that such
651 fiscal agents may act as trustee of such funds and accounts.

652 Sec. 7. (NEW) (*Effective October 1, 2015*) The state of Connecticut
653 does hereby pledge to and agree with the holders of any bonds, notes
654 and other obligations issued under section 6 of this act and with those
655 parties who may enter into contracts with the Connecticut Transit
656 Corridor Development Authority or its successor agency, that the state
657 will not limit or alter the rights hereby vested in the authority or in the
658 holders of any bonds, notes or other obligations of the authority to
659 which contract assistance is pledged pursuant to this section until such
660 obligations, together with the interest thereon, are fully met and
661 discharged and such contracts are fully performed on the part of the
662 authority, provided nothing contained herein shall preclude such
663 limitation or alteration if and when adequate provision shall be made
664 by law for the protection of the holders of such bonds, notes and other
665 obligations of the authority or those entering into contracts with the
666 authority. The authority is authorized to include this pledge and
667 undertaking for the state in such bonds, notes and other obligations or
668 contracts.

669 Sec. 8. (NEW) (*Effective October 1, 2015*) The state shall protect, save
670 harmless and indemnify the Connecticut Transit Corridor
671 Development Authority and its directors, officers and employees from

672 financial loss and expense, including legal fees and costs, if any, arising
673 out of any claim, demand, suit or judgment based upon any alleged act
674 or omission of the authority or any such director, officer or employee
675 in connection with, or any other legal challenge to, authority
676 development projects within a Connecticut Transit Corridor
677 Development Authority development district, provided any such
678 director, officer or employee is found to have been acting in the
679 discharge of such director, officer or employee's duties or within the
680 scope of such director, officer or employee's employment and any such
681 act or omission is found not to have been wanton, reckless, wilful or
682 malicious.

683 Sec. 9. Subdivision (12) of section 1-79 of the general statutes, as
684 amended by section 4 of public act 14-222, is repealed and the
685 following is substituted in lieu thereof (*Effective October 1, 2015*):

686 (12) "Quasi-public agency" means Connecticut Innovations,
687 Incorporated, the Connecticut Health and Education Facilities
688 Authority, the Connecticut Higher Education Supplemental Loan
689 Authority, the Connecticut Housing Finance Authority, the State
690 Housing Authority, the Materials Innovation and Recycling Authority,
691 the Capital Region Development Authority, the Connecticut Lottery
692 Corporation, the Connecticut Airport Authority, the Health
693 Information Technology Exchange of Connecticut, the Connecticut
694 Health Insurance Exchange, the Connecticut Green Bank, [and] the
695 Connecticut Port Authority, and the Connecticut Transit Corridor
696 Development Authority.

697 Sec. 10. Subdivision (1) of section 1-120 of the general statutes, as
698 amended by section 5 of public act 14-222, is repealed and the
699 following is substituted in lieu thereof (*Effective October 1, 2015*):

700 (1) "Quasi-public agency" means Connecticut Innovations,
701 Incorporated, the Connecticut Health and Educational Facilities
702 Authority, the Connecticut Higher Education Supplemental Loan
703 Authority, the Connecticut Housing Finance Authority, the
704 Connecticut Housing Authority, the Materials Innovation and

705 Recycling Authority, the Capital Region Development Authority, the
706 Connecticut Lottery Corporation, the Connecticut Airport Authority,
707 the Health Information Technology Exchange of Connecticut, the
708 Connecticut Health Insurance Exchange, the Connecticut Green Bank,
709 [and] the Connecticut Port Authority, and the Connecticut Transit
710 Corridor Development Authority.

711 Sec. 11. Section 1-124 of the general statutes, as amended by section
712 6 of public act 14-222, is repealed and the following is substituted in
713 lieu thereof (*Effective October 1, 2015*):

714 (a) Connecticut Innovations, Incorporated, the Connecticut Health
715 and Educational Facilities Authority, the Connecticut Higher
716 Education Supplemental Loan Authority, the Connecticut Housing
717 Finance Authority, the Connecticut Housing Authority, the Materials
718 Innovation and Recycling Authority, the Health Information
719 Technology Exchange of Connecticut, the Connecticut Airport
720 Authority, the Capital Region Development Authority, the
721 Connecticut Health Insurance Exchange, the Connecticut Green Bank,
722 [and] the Connecticut Port Authority and the Connecticut Transit
723 Corridor Development Authority shall not borrow any money or issue
724 any bonds or notes which are guaranteed by the state of Connecticut or
725 for which there is a capital reserve fund of any kind which is in any
726 way contributed to or guaranteed by the state of Connecticut until and
727 unless such borrowing or issuance is approved by the State Treasurer
728 or the Deputy State Treasurer appointed pursuant to section 3-12. The
729 approval of the State Treasurer or said deputy shall be based on
730 documentation provided by the authority that it has sufficient
731 revenues to (1) pay the principal of and interest on the bonds and notes
732 issued, (2) establish, increase and maintain any reserves deemed by the
733 authority to be advisable to secure the payment of the principal of and
734 interest on such bonds and notes, (3) pay the cost of maintaining,
735 servicing and properly insuring the purpose for which the proceeds of
736 the bonds and notes have been issued, if applicable, and (4) pay such
737 other costs as may be required.

738 (b) To the extent Connecticut Innovations, Incorporated, the
739 Connecticut Higher Education Supplemental Loan Authority, the
740 Connecticut Housing Finance Authority, the Connecticut Housing
741 Authority, the Materials Innovation and Recycling Authority, the
742 Connecticut Health and Educational Facilities Authority, the Health
743 Information Technology Exchange of Connecticut, the Connecticut
744 Airport Authority, the Capital Region Development Authority, the
745 Connecticut Health Insurance Exchange, the Connecticut Green Bank,
746 [or] the Connecticut Port Authority or the Connecticut Transit
747 Corridor Development Authority is permitted by statute and
748 determines to exercise any power to moderate interest rate fluctuations
749 or enter into any investment or program of investment or contract
750 respecting interest rates, currency, cash flow or other similar
751 agreement, including, but not limited to, interest rate or currency swap
752 agreements, the effect of which is to subject a capital reserve fund
753 which is in any way contributed to or guaranteed by the state of
754 Connecticut, to potential liability, such determination shall not be
755 effective until and unless the State Treasurer or his or her deputy
756 appointed pursuant to section 3-12 has approved such agreement or
757 agreements. The approval of the State Treasurer or his or her deputy
758 shall be based on documentation provided by the authority that it has
759 sufficient revenues to meet the financial obligations associated with the
760 agreement or agreements.

761 Sec. 12. Section 1-125 of the general statutes, as amended by section
762 7 of public act 14-222, is repealed and the following is substituted in
763 lieu thereof (*Effective October 1, 2015*):

764 The directors, officers and employees of Connecticut Innovations,
765 Incorporated, the Connecticut Higher Education Supplemental Loan
766 Authority, the Connecticut Housing Finance Authority, the
767 Connecticut Housing Authority, the Materials Innovation and
768 Recycling Authority, including ad hoc members of the Materials
769 Innovation and Recycling Authority, the Connecticut Health and
770 Educational Facilities Authority, the Capital Region Development
771 Authority, the Health Information Technology Exchange of

772 Connecticut, the Connecticut Airport Authority, the Connecticut
 773 Lottery Corporation, the Connecticut Health Insurance Exchange, the
 774 Connecticut Green Bank, [and] the Connecticut Port Authority and the
 775 Connecticut Transit Corridor Development Authority and any person
 776 executing the bonds or notes of the agency shall not be liable
 777 personally on such bonds or notes or be subject to any personal
 778 liability or accountability by reason of the issuance thereof, nor shall
 779 any director or employee of the agency, including ad hoc members of
 780 the Materials Innovation and Recycling Authority, be personally liable
 781 for damage or injury, not wanton, reckless, wilful or malicious, caused
 782 in the performance of his or her duties and within the scope of his or
 783 her employment or appointment as such director, officer or employee,
 784 including ad hoc members of the Materials Innovation and Recycling
 785 Authority. The agency shall protect, save harmless and indemnify its
 786 directors, officers or employees, including ad hoc members of the
 787 Materials Innovation and Recycling Authority, from financial loss and
 788 expense, including legal fees and costs, if any, arising out of any claim,
 789 demand, suit or judgment by reason of alleged negligence or alleged
 790 deprivation of any person's civil rights or any other act or omission
 791 resulting in damage or injury, if the director, officer or employee,
 792 including ad hoc members of the Materials Innovation and Recycling
 793 Authority, is found to have been acting in the discharge of his or her
 794 duties or within the scope of his or her employment and such act or
 795 omission is found not to have been wanton, reckless, wilful or
 796 malicious.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	New section
Sec. 3	<i>October 1, 2015</i>	New section
Sec. 4	<i>October 1, 2015</i>	New section
Sec. 5	<i>October 1, 2015</i>	New section
Sec. 6	<i>October 1, 2015</i>	New section
Sec. 7	<i>October 1, 2015</i>	New section
Sec. 8	<i>October 1, 2015</i>	New section

Sec. 9	<i>October 1, 2015</i>	1-79(12)
Sec. 10	<i>October 1, 2015</i>	1-120(1)
Sec. 11	<i>October 1, 2015</i>	1-124
Sec. 12	<i>October 1, 2015</i>	1-125

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:

Municipalities	Effect	FY 16 \$	FY 17 \$
Various Municipalities	Grand List Increase	Potential	Potential

Explanation

The bill establishes the Connecticut Transit Corridor Development Authority (CTCDA). It allows the CTCDA, after entering into a memorandum of understanding (MOU) with an affected municipality, to develop property and manage facilities in certain developments.

To the extent that development of property results in increased property values in affected districts, affected municipalities would experience a grand list increase. This increase would result in additional property tax revenue, given a constant mill rate. Any other impact to municipalities would depend on the terms of any MOUs the CTCDA enters into with them.

The bill also allows the CTCDA and the Capital Region Development Authority (CRDA) to enter into a memorandum of understanding (MOU) that will allow CRDA to provide administrative support to the authority. The bill allows the MOU to include terms for reimbursement by the authority to CRDA for such services. There is therefore no fiscal impact to CRDA.

The Out Years

The annualized ongoing fiscal impact identified above would

continue into the future subject to changes in municipal grand lists and subject to the terms of any MOUs that the CTCDA enters into.

OLR Bill Analysis**sHB 6851*****AN ACT ESTABLISHING THE CONNECTICUT TRANSIT CORRIDOR DEVELOPMENT AUTHORITY.*****SUMMARY:**

This bill creates the Connecticut Transit Corridor Development Authority (CTCDA) as a quasi-public agency to, among other things, stimulate new investment and economic and transit-oriented development near transit stations. It authorizes CTCDA, after entering into a memorandum of understanding (MOU) with an affected municipality, to develop property and manage facilities in development districts encompassing the areas around existing and planned transit stations (i.e., “development districts”).

The bill establishes an 11-member board to govern CTCDA and gives it general powers to operate as a quasi-public agency and development-specific powers for projects within CTCDA development districts. It authorizes CTCDA to (1) issue bonds and other notes backed by its financial resources and (2) enter into an MOU with the Capital Region Development Authority (CRDA) for administrative support and services. It subjects CTCDA to specific auditing and reporting requirements.

EFFECTIVE DATE: October 1, 2015

QUASI-PUBLIC AGENCY

The bill makes CTCDA a public instrumentality and political subdivision of the state, created to perform an essential public and government function. It is a quasi-public agency, not a state department, institution, or agency, and as such is subject to statutory procedural, operating, and reporting requirements for quasi-public agencies, including lobbying restrictions and an ethics code.

It has perpetual succession as long as any of its obligations are outstanding. Termination does not affect outstanding contractual obligations. Its rights and properties vest in the state when it lawfully terminates.

PURPOSE

Under the bill, CTCDA must (1) stimulate new investment and economic and transit-oriented development (TOD) in development districts through cooperation and coordination with the municipality in which a district is located. Under existing law and the bill, TOD means development within one-half mile or walking distance of public transportation facilities (including rail and bus rapid transit and services) that meets transit-supportive standards for land uses, built environment densities, and walkable environments in order to facilitate and encourage their use.

CTCDA must also:

1. stimulate tourism, art, culture, history, education, and entertainment in development districts by cooperating with regional organizations, DECD, and the municipality in which a district is located;
2. manage facilities through contractual agreements or other legal instruments;
3. assist municipalities in which a district is located, at the request of their legislative bodies, in development and redevelopment efforts to stimulate the region's economy; and
4. enter into an agreement to facilitate development or redevelopment property within a development district, at the OPM secretary's request.

POWERS

General Powers

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

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

1. have perpetual succession as a corporate body;
2. adopt and alter a corporate seal;
3. adopt procedures for regulating and conducting its affairs;
4. maintain offices;
5. sue and be sued;
6. purchase insurance for its property, other assets, and employees;
7. enter into contracts and MOUs;
8. acquire, lease, manage, and dispose of personal property and enter into agreements with respect to such property;
9. enter into agreements to facilitate development or redevelopment of state property or facilities;
10. engage consultants, attorneys, and appraisers;
11. invest funds that are 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
12. do all things necessary and convenient to carry out these powers.

The bill also authorizes CTCDA to employ staff as necessary and specifies that they are not state employees, and CTCDA is not an employer, under the state's collective bargaining law. CTCDA may establish and modify personnel policies, including employee

compensation, promotion, retirement, and collective bargaining. CTCDA may enter into collective bargaining agreements with labor unions, but these agreements do not have to comply with the state's collective bargaining law for state employees.

Development District Powers

CTCDA must delineate development district boundaries through a memorandum of agreement with the municipality in which the transit station is located. The development district must not extend beyond a half-mile radius from a transit station. Transit stations are passenger railroad or Hartford-New Britain busway project stations that (1) are operational, (2) the Department of Transportation (DOT) is planning, or (3) are included in DOT's state-wide transportation investment program (a document, updated every four years, listing transportation projects expected to receive federal funding).

With respect to projects occurring in a CTCDA development district's boundaries, CTCDA may:

1. acquire and dispose of property;
2. plan for, acquire, finance, construct, develop, operate, market, and maintain facilities;
3. promote and market development projects;
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, engineers, accountants, and architects;
8. adopt and amend procurement procedures; and

9. receive money, property, and labor from any source, including government sources.

MOU with CRDA

The bill authorizes CTCDA to enter into an MOU with CRDA under which CRDA (1) provides administrative support and services, including staff support and (2) coordinates management and operational activities, including: (a) joint procurement and contracting, (b) sharing services and resources, (c) coordinating promotional activities, and (d) arrangements enhancing revenues, reducing operating costs, or achieving operating efficiencies. The MOU can specify the terms and conditions for these relationships, including reimbursement by CTCDA to CRDA.

Bonding Authority

Under the bill, CTCDA can issue bonds and other notes with terms of up to 30 years. The bonds are secured by CTCDA's financial resources.

The bill allows CTCDA 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 of its political subdivisions and must say so on their face. They do not count toward the state's bond cap. CTCDA 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 CTCDA, regardless of whether the parties received a notice of the lien.

The bill makes CTCDA bonds fully negotiable and legal investments. It authorizes CTCDA 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 CTCDA to include this pledge in its bonds, other obligations, and contracts.

RELATIONSHIP WITH AFFECTED MUNICIPALITY

In addition to establishing a development district's boundaries through an MOU with the affected municipality, the bill requires CTCDA, before taking action in a development district, to enter into an MOU with the municipality in which the district is located. The MOU must:

1. define each party's responsibilities for the district;
2. identify the properties in the district that are controlled or owned by CTCDA, the state, the municipality, or a private entity;
3. specify long and short range plans for the district, including foreseeable changes to the use or ownership of district properties;
4. identify and allocate revenue for district projects, including bonding, taxes, fees, rental income, or parking; and

5. specify the types of activities requiring a public hearing.

The bill specifies that local ordinances and land use regulations apply to projects on private and municipally owned property in a development district.

DUTIES

Coordinating Projects

The bill requires (1) CTCDA to coordinate all state, municipal, and quasi-public agency planning and financial resources that are allocated for a development district project in which it is involved and (2) all state and quasi-public agencies to cooperate with it.

Applicants requesting state funds for a CTCDA development district project must submit a copy of their application, along with supporting documents, to the OPM secretary and CTCDA. CTCDA has 90 days to give the funding agency its written recommendations (called an “economic development statement”), which must include provisions regarding performance standards, including project timelines. CTCDA must consider, in formulating its economic development statement, written statements submitted by the regional council of governments for the planning region in which the project is planned.

The agency cannot spend funds on such a project until it receives CTCDA’s recommendations or after 90 days, whichever is sooner. If it expends funds not consistent with the statement’s recommendations, it must give CTCDA a written explanation about this decision.

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 CTCDA’s fiscal year begins, to the governor, state auditors, and the Finance, Revenue, and Bonding Committee on CTCDA’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 it 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 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 it to the governor, state auditors, and the Finance, Revenue, and Bonding Committee.

Compliance Reports

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 CTCDA's performance against its policies and procedures on personnel and affirmative action, procurement, and use of surplus funds.

The bill also requires CTCDA to designate a contract compliance officer to monitor CTCDA's facility operations 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. The compliance officer must file an annual written report, including findings and recommendations, with CTCDA.

GOVERNANCE

Board Membership

Under the bill, CTCDA's 11-member board consists of seven appointed directors and four ex officio, voting directors: the Office of Policy and Management (OPM) secretary, and the transportation, housing, and Department of Economic and Community Development (DECD) commissioners, or their designees. Additionally, the following individuals, or their designees, serve as ad hoc members: the chief elected official of each municipality in which a CTCDA project is planned and (2) the executive director of each regional council of governments for the planning region in which a project is planned. These ad hoc members may vote only on matters directly affecting a project within their municipality or planning region, respectively.

Table 1 lists the appointed directors, their appointing authority, and initial terms. All appointments must be made by October 31, 2015.

Table 1: CTCDA Appointed Board Directors

<i>Appointing Authority</i>	<i>Number of Appointments</i>	<i>Initial Term</i>
Governor	Four	Four years
House speaker and Senate president pro tempore (jointly)	One	Two years
House and Senate majority leader (jointly)	One	Two years
House and Senate minority leader (jointly)	One	Two years

After their initial terms, appointed directors serve four-year, staggered terms and may be reappointed. Vacancies must be filled for the

unexpired term by the original appointing authority. Each must take the constitutional oath of office. Directors (1) may be removed by the appointing authority for malfeasance or willful 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.

Chairperson and Executive Director

The governor appoints the board chairperson from among the voting members. The board (1) annually elects a vice-chairperson, (2) elects other officers, and (3) appoints an executive committee. The chairperson, with the board's approval, must appoint an executive director, who cannot be a board director. The executive director is (1) a salaried employee, (2) the chief administrative officer of the authority, and (3) responsible for supervising the administrative affairs and technical activities of the authority, pursuant to the board's directives.

Duties

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

CTCDA'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 loans, grants, and other financial assistance, including developing eligibility criteria, an application process, and determining the role played by employees and directors; and
7. use surplus funds.

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

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.

Surety and Compensation

The bill requires each director and the executive director to provide an individual surety bond for at least \$100,000. Alternatively, the board chairperson may execute a blanket bond that covers 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 are reimbursed for expenses.

Conflict of Interest

The bill prohibits directors from having a financial interest in:

1. an authority development project,
2. property included or planned for inclusion in any such project,
or
3. a contract or proposed contract for material or services used in such projects.

Indemnification

CTCDA directors, officers, and employees are not personally liable for bonds CTCDA 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.

CTCDA 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 CTCDA 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 related to a CTCDA 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.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 12 Nay 9 (03/27/2015)