Offered by:
SEN. FRANTZ, 36th Dist.

To: Subst. House Bill No. 7056 File No. 813 Cal. No. 560

"AN ACT CONCERNING THE REVISOR’S TECHNICAL CORRECTIONS TO THE FINANCE, REVENUE AND BONDING STATUTES."

After the last section, add the following and renumber sections and internal references accordingly:

"Sec. 501. Subsection (f) of section 13 of public act 11-57, as amended by section 134 of public act 13-239, is amended to read as follows (Effective July 1, 2015):

For the Department of [Transportation] Economic and Community Development: Grants-in-aid for improvements to ports and marinas, including dredging and navigational direction, not exceeding $5,998,750, provided $1,000,000 shall be used to conduct a study of the strategy for economic development in the New Haven, New London and Bridgeport ports.

Sec. 502. Subsection (f) of public act 11-57 is amended to read as follows (Effective July 1, 2015):"
(f) For the Department of [Transportation] Economic and Community Development: Grants-in-aid for improvements to ports and marinas, including dredging and navigational direction, not exceeding $25,000,000.

Sec. 503. Section 15-1 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2015):

The Governor shall appoint a harbor master, and may appoint a deputy harbor master, for each of the harbors of New Haven, Norwich, Bridgeport, Stamford, Norwalk, Stonington, New London and Branford, and may appoint a suitable number of harbor masters and deputy harbor masters in any town in this state which has navigable waters within its limits, provided the appointment of a harbor master or deputy harbor master for the harbor of any municipality which has adopted a harbor management plan, pursuant to chapter 444a, shall be made by the Governor from a list of not less than three nominees submitted by the municipality's harbor management commission. Appointments shall be for terms of three years from July first in the year of the appointment and until a successor is appointed and qualified except the term of office of any person appointed before or after July first in any year to a newly created office of harbor master or deputy harbor master shall begin on the day of the appointment and expire on July first next succeeding the completion of the person's third full year in office. Any appointment to fill a vacancy shall be for the remainder of the term of the original appointee and until a successor is appointed and qualified. Harbor masters shall have the general care and supervision of the harbors and navigable waterways over which they have jurisdiction, subject to the direction and control of the Commissioner of [Transportation] Energy and Environmental Protection, and shall be responsible to the commissioner for the safe and efficient operation of such harbors and navigable waterways in accordance with the provisions of this chapter. The harbor masters or deputy harbor masters shall exercise their duties in a manner consistent with any harbor management plan adopted pursuant to
section 22a-113m for a harbor over which they have jurisdiction. The commissioner may delegate any of his powers and duties under this chapter to such harbor masters or to any existing board of harbor commissioners, but shall at all times be vested with responsibility for the overall supervision of the harbors and navigable waterways of the state.

Sec. 504. Section 15-7 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2015):

(a) The harbor master shall have the general care and supervision of Bridgeport Harbor and its tidewaters and its rivers and of all the flats and lands flowed thereby, and all other tidewaters, flats and rivers which are within the city limits of said city but are not adjacent to said harbor in order to limit, prevent and abate sources of water pollution, to prevent or remove any unauthorized encroachment and other obstruction which is likely to interfere with the full navigation of said harbor, or in any way injure its channels or cause any reduction in its tidewaters, or prevent, abate or remove any unauthorized landfills upon or affecting the tidewaters located within the city limits of Bridgeport. The harbor master shall exercise his responsibility in a manner consistent with any harbor management plan for the Bridgeport Harbor adopted pursuant to section 22a-113m.

(b) Each person who contemplates the building over said harbor and tidewaters of any bridge, wharf, pier dam or bulkheads, or the dredging or filling in of any flats or tidewaters, or the driving or placement of any piles, dolphins or bumpers below high-water mark shall, before beginning such work, give written notice upon forms provided by said master of his intention to do such work to the Commissioner of [Transportation] Energy and Environmental Protection and to said harbor master and shall submit plans or drawings of any proposed wharf or any other structure, and of the flats to be dredged or filled, and of the mode in which the work is to be performed; and no such work shall be commenced until the plan or drawing and the mode of performing the same is approved in writing.
by the commissioner. The commissioner may reject or alter such plans
at his discretion and prescribe the direction, limits and mode of
building of the wharf and other structures, and all such works shall be
executed under the supervision of the commissioner and the harbor
master.

(c) Any erection made or work done in any manner not sanctioned
by said commissioner, when his direction is required as hereinbefore
provided, shall be deemed a public nuisance. Said commissioner may
order suits in the name of the city and prevent or stop or abate, by
injunction or otherwise, any such erection or other nuisance and such
suits shall be conducted by and at the expense of the city of Bridgeport.

(d) Any person aggrieved by any action taken or order issued by
said commissioner under authority of this section may within thirty
days appeal to the superior court for the judicial district of Fairfield
and said court shall take such action in the premises as equity may
require.

(e) Any person who violates or assists in violating any of the
provisions of subsection (b) of this section or any direction or order of
the commissioner made pursuant thereto shall be guilty of a class C
misdemeanor.

Sec. 505. Section 15-9 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2015):

(a) When the master or owner of any vessel lying within the
navigable waters of this state, or the person having the same in charge,
wilfully neglects or refuses to obey the order of any harbor master
performing his duties under the provisions of this chapter, such harbor
master may cause such vessel to be removed at the expense of the
owner. Any such master, owner or person in violation of this section
shall be deemed to have committed an infraction and shall be fined
eighty-five dollars.

(b) A harbor master may notify any officer attached to an organized
police department or any state police officer that a master or owner of
a vessel is in violation of the provisions of subsection (a) of this section.
Any such officer may remove and take such vessel into custody and
shall give written notice by certified mail to the owner or master of
such vessel, if known, which notice shall state (1) that the vessel has
been taken into custody and stored, (2) the location of storage of the
vessel, (3) that such vessel may be sold after fifteen days if the market
value of such vessel does not exceed five hundred dollars or after
ninety days if the value of such vessel exceeds five hundred dollars,
and (4) that the owner has a right to contest the validity of such taking
by application, on a form prescribed by the Commissioner of
[Transportation] Energy and Environmental Protection, to the hearing
officer named in such notice within ten days from the date of such
notice. Such application forms shall be made readily available to the
public at all offices of the Department of [Transportation] Energy and
Environmental Protection and at all state and local police departments.

(c) The chief executive officer of each town may appoint a suitable
person, who shall not be a member of any state or local police
department, to be a hearing officer to hear applications to determine
whether or not the taking was authorized under the provisions of this
section. Two or more towns may join in appointing such officer;
provided any such hearing shall be held at a location which is as near
to the town where such vessel was located as is reasonable and
practicable. The commissioner shall establish by regulation the
qualifications necessary for hearing officers and procedures for the
holding of such hearings. If it is determined at such hearing that the
owner or master was in violation of subsection (a) of this section, the
owner or master of such vessel shall be liable for any expenses
incurred as a result of such removal, or the costs and expenses incident
to such removal, including legal expenses and court costs incurred in
such recovery. If it is determined at such hearing that the owner or
master was not in violation of subsection (a) of this section, the owner
or master of such vessel shall not be liable for any expenses incurred as
a result of such removal or for the costs and expenses incident to such
removal, including legal expenses and court costs incurred in such recovery. Any person aggrieved by the decision of such hearing officer may, within fifteen days of the notice of such decision, appeal to the superior court for the judicial district wherein such hearing was held.

(d) The state or local police department which has custody of the removed vessel shall have the power to sell such vessel at public auction in accordance with the provisions of this section. The state or local police department shall apply the avails of such sale toward the payment of its charges, any storage charges and the payment of any debt or obligation incurred by the officer who placed the same in storage. Such sale shall be advertised in a newspaper published or having a circulation in the town where such vessel is stored or other place is located three times, commencing at least five days before such sale; and, if the last place of abode of the owner of such vessel is known to or may be ascertained by the state or local police by the exercise of reasonable diligence, notice of the time and place of sale shall be given him by mailing such notice to him in a registered or certified letter, postage paid, at such last usual place of abode, at least five days before the time of sale. The state or local police department shall report the sales price, storing and towing charges, if any; buyer's name and address; identification of the vessel and such other information as may be required in regulations which shall be adopted by the Commissioner of [Transportation] Energy and Environmental Protection in accordance with the provisions of chapter 54, to the commissioner within fifteen days after the sale of the vessel. The proceeds of such sale, after deducting the amount due for any storage and all expenses connected with such sale, including the expenses of the officer who placed such vessel in storage, shall be paid to the owner of such vessel or his legal representatives, if claimed by him or them at any time within one year from the date of such sale. If such balance is not claimed within said period, it shall escheat to the municipality from which the vessel was removed. If the expenses incurred by the municipality for such removal and towing and the sale of such vessel and any fines exceed the proceeds of such sale, the
owner of the vessel shall be liable for such excess amount. A vessel may not be sold in accordance with the provisions of this section until:

(1) The expiration of the time period under subdivision (3) of subsection (b) of this section and (2) a final decision has been rendered in connection with an application filed pursuant to subdivision (4) of subdivision (b) of this section.

(e) The Commissioner of [Transportation] Energy and Environmental Protection shall adopt regulations in accordance with the provisions of chapter 54, to carry out the provisions of this section.

Sec. 506. Section 15-11a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2015):

(a) A duly authorized harbor master shall determine whether a vessel is a derelict vessel. Upon such determination, the Commissioner of [Transportation] Energy and Environmental Protection, such harbor master or a duly authorized representative of a municipality may cause such derelict vessel to be removed at the expense of any owner, agent or operator of such derelict vessel and may recover the expense of such removal, together with the costs and expenses incident to such removal, including legal expenses and court costs incurred in such recovery, from the owner, agent or operator of such vessel in an action founded upon this section. The last owner of record of such vessel shall be responsible for such vessel. [After consultation with the Commissioner of Transportation, the] The Commissioner of Energy and Environmental Protection may consider any such vessel to be an encroachment subject to the provisions of sections 22a-359 to 22a-363f, inclusive.

(b) Prior to removing and taking such derelict vessel into custody, the Commissioner of [Transportation] Energy and Environmental Protection, a duly authorized harbor master or a duly authorized representative of a municipality shall make a reasonable attempt to notify the owner, agent or operator of the vessel and shall allow such owner, agent or operator to make arrangements for removal of the
vessel. Such notification shall inform the owner, agent or operator that, pursuant to this section, if the vessel is not removed within twenty-four hours of notification, it shall be removed, taken into custody and stored at the owner's, agent's or operator's expense.

(c) Prior to removing a derelict vessel, the Commissioner of Transportation, Energy and Environmental Protection, a duly authorized harbor master or a duly authorized representative of a municipality shall affix to such vessel a readily visible notification sticker. The notification sticker shall contain the following information:

(1) The date and time the notification sticker was affixed to the vessel,
(2) a statement that, pursuant to this section, if the vessel is not removed within twenty-four hours of the time the sticker was affixed, it shall be taken into custody and stored at the owner's expense, (3) the location and telephone number where additional information may be obtained, and (4) the identity of the person who affixed the sticker.

(d) If the derelict vessel is not removed by the owner, agent or operator within the time period provided in subsection (c) of this section, the Commissioner of Transportation, Energy and Environmental Protection, a duly authorized harbor master or a duly authorized representative of a municipality may direct that such vessel be removed and taken into custody and may cause the same to be stored in a suitable place.

(e) If a derelict vessel is removed and taken into custody pursuant to subsection (d) of this section, the Commissioner of Transportation, Energy and Environmental Protection, a duly authorized harbor master or a duly authorized representative of a municipality shall give written notice, by certified mail, return receipt requested, to the owner, agent or operator of such vessel, if known, which notice shall state: (1) The vessel has been removed, taken into custody and stored, (2) the location from which the vessel was removed, and (3) that the vessel may be disposed of after fifteen days if the market value of such vessel, as determined by a certified marine surveyor, does not exceed two thousand dollars or that the vessel may be sold after ninety days,
pursuant to the provisions of subsection (f) of this section.

(f) Ninety days or more after written notice has been given pursuant to subsection (e) of this section, the Commissioner of [Transportation] Energy and Environmental Protection, a duly authorized harbor master or a duly authorized representative of a municipality may sell a derelict vessel at public auction in accordance with the provisions of this section. The commissioner, harbor master or authorized agent of a municipality shall apply the proceeds of such sale toward the payment of its charges, any storage charges and the payment of any debt or obligation incurred by the commissioner, harbor master or agent who placed the vessel in storage. Such sale shall be advertised twice in a newspaper published or having a circulation in the town where such vessel is stored or is located, commencing at least five days before such sale; and, if the last place of abode of the owner, agent or operator of such vessel is known to or ascertained by the commissioner, harbor master or agent by the exercise of reasonable diligence, notice of the time and place of sale shall be given to such owner, agent or operator by sending such notice to the owner, agent or operator, by certified mail, return receipt requested, at such last place of abode at least five days before the day of the sale. The proceeds of such sale, after deducting any amount due for removal and storage charges and all expenses connected with such sale, shall be paid to the owner, agent or operator of such vessel or the owner's, agent's or operator's legal representatives, if claimed by the owner, agent or operator or the owner's, agent's or operator's legal representative at any time within one year from the date of such sale. If such balance is not claimed within said period, it shall escheat to the municipality from which the vessel was removed. If the expenses incurred by the commissioner, harbor master or agent for such removal and storage and sale of such vessel and any fines exceed the proceeds of such sale, the owner, agent or operator of the vessel shall be liable for such excess expenses.

(g) The Commissioner of [Transportation] Energy and Environmental Protection may require the owner, agent or operator to
furnish a performance bond in an amount sufficient to cover the estimated costs of removal as determined by the commissioner.

Sec. 507. Section 15-25 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2015):

Any person who removes, damages or destroys any buoy, beacon, channel marker or floating guide placed in the waters of this state by authority of the Commissioner of [Transportation] Energy and Environmental Protection or the harbor master of any harbor, or moors or in any manner attaches any boat, vessel or raft of any kind to such buoy, beacon, channel marker or floating guide, unless his life, or the safety of the vessel in which he is, is endangered, or cuts down, removes, damages or destroys any beacon or navigational aid erected on land in this state, shall be fined not more than one thousand dollars."

This act shall take effect as follows and shall amend the following sections:

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