



General Assembly

February Session, 2020

Governor's Bill No. 5021

LCO No. 634



Referred to Committee on TRANSPORTATION

Introduced by:

REP. ARESIMOWICZ, 30th Dist.

REP. RITTER M., 1st Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

**AN ACT CONCERNING REVISIONS TO THE CONNECTICUT PORT
AUTHORITY STATUTE.**

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

1 Section 1. Section 15-31a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2020*):

3 (a) There is hereby established and created a body politic and
4 corporate, constituting a public instrumentality and political
5 subdivision of the state of Connecticut established and created for the
6 performance of an essential public and governmental function, to be
7 known as the Connecticut Port Authority. The authority shall not be
8 construed to be a department, institution or agency of the state.

9 (b) The powers of the authority shall be vested in and exercised by a
10 board of directors, which shall consist of [~~fifteen~~] sixteen voting
11 members as follows: (1) The State Treasurer, or the Treasurer's designee,

12 the Commissioner of Energy and Environmental Protection, or the
13 commissioner's designee, the Commissioner of Transportation, or the
14 commissioner's designee, the Commissioner of Economic and
15 Community Development, or the commissioner's designee, [and] the
16 Secretary of the Office of Policy and Management, or the secretary's
17 designee, and the chief elected official of the city of New London, all of
18 whom shall serve ex officio; (2) one appointed by the speaker of the
19 House of Representatives for a term of four years; (3) one appointed by
20 the majority leader of the House of Representatives for a term of two
21 years; (4) one appointed by the minority leader of the House of
22 Representatives for a term of two years; (5) one appointed by the
23 president pro tempore of the Senate for a term of four years; (6) one
24 appointed by the majority leader of the Senate for a term of two years;
25 (7) one appointed by the minority leader of the Senate for a term of four
26 years; and (8) four appointed by the Governor, two for a term of four
27 years and two for a term of two years. Thereafter, said members of the
28 General Assembly and the Governor shall appoint members of the
29 board to succeed such appointees whose terms expire and each member
30 so appointed shall hold office for a period of four years from the first
31 day of July in the year of his or her appointment. Appointed members
32 shall include: (A) Individuals who have experience and expertise in one
33 or more of the following areas: (i) International trade; (ii) marine
34 transportation; (iii) finance; (iv) auditing; or [(iv)] (v) economic
35 development; (B) one member or employee of a local port authority; (C)
36 one elected or appointed municipal official from a coastal municipality
37 with a population not greater than one hundred thousand; and (D) one
38 elected or appointed municipal official from a coastal community with
39 a population not greater than fifty thousand. The [board of directors]
40 Governor shall select the chairperson from among the members of the
41 board. [, who shall serve for a term of two years.] The board of directors
42 shall select a vice-chairperson from among its members and such other
43 officers as it deems necessary.

44 (c) No appointed member of the board of directors may designate a
45 representative to perform his or her respective duties under this section

46 in such member's absence. Any appointed member who fails to attend
47 three consecutive meetings of the board or who fails to attend fifty per
48 cent of all meetings of the board held during any calendar year shall be
49 deemed to have resigned from the board. Any vacancy occurring other
50 than by expiration of term shall be filled not later than thirty days
51 following the occurrence of such vacancy in the same manner as the
52 original appointment for the balance of the unexpired term. The
53 appointing authority for any member may remove such member for
54 inefficiency, neglect of duty or misconduct in office after giving the
55 member a copy of the charges against the member and an opportunity
56 to be heard, in person or by counsel, in the member's defense, upon not
57 less than ten days' notice. If any member shall be so removed, the
58 appointing authority for such member shall file in the office of the
59 Secretary of the State a complete statement of charges made against such
60 member and the appointing authority's findings on such statement of
61 charges, together with a complete record of the proceedings.

62 (d) The members of the board of directors shall appoint an executive
63 director of the authority who shall not be a member of the board and
64 shall serve at the pleasure of the board and receive such compensation
65 as shall be fixed by the board. The executive director shall: (1) Be the
66 chief administrative officer of the authority and direct and supervise
67 administrative affairs and technical activities in accordance with [the]
68 applicable laws and regulations, authority policies and directives of the
69 board; (2) approve all accounts for salaries, allowable expenses of the
70 authority or of any employee or consultant thereof, and expenses
71 incidental to the operation of the authority in a manner consistent with
72 applicable laws and regulations and authority policies; (3) perform such
73 other duties as may be directed by the board in carrying out the
74 purposes of this section; and (4) attend all meetings of the board, keep a
75 record of the proceedings of the authority and maintain and be
76 custodian of all books, documents and papers filed with the authority
77 and of the minute book or journal of the authority and of its official seal.
78 The executive director may cause copies to be made of all minutes and
79 other records and documents of the authority and may give certificates

80 under the official seal of the authority to the effect that such copies are
81 true copies, and all persons dealing with the authority may rely upon
82 such certificates.

83 (e) Each member of the board of directors shall serve without
84 compensation, but shall be reimbursed for such member's actual and
85 necessary expenses incurred during the performance of such member's
86 official duties.

87 (f) Members of the board of directors may engage in private
88 employment, or in a profession or business, subject to any applicable
89 laws, rules and regulations of the state regarding official ethics or
90 conflict of interest.

91 (g) Notwithstanding any provision of the general statutes, it shall not
92 constitute a conflict of interest for a trustee, director, partner or officer
93 of any person, firm or corporation, or any individual having a financial
94 interest in a person, firm or corporation, to serve as a member of the
95 board of directors of the authority, provided such trustee, director,
96 partner, officer or individual shall comply with all applicable provisions
97 of chapter 10.

98 (h) [~~Eight~~] Nine members of the board of directors of the authority
99 shall constitute a quorum for the transaction of any business or the
100 exercise of any power of the authority. For the transaction of any
101 business or the exercise of any power of the authority, and except as
102 otherwise provided in this section, the authority may act by a majority
103 of the members present at any meeting at which a quorum is in
104 attendance.

105 (i) The board may delegate to [~~eight~~] nine or more members such
106 board powers and duties as it may deem necessary and proper in
107 conformity with the provisions of this section and its bylaws.

108 (j) The initial members of the board may begin service immediately
109 upon appointment, but shall not serve past the sixth Wednesday of the
110 next regular session of the General Assembly unless qualified in the

111 manner provided in section 4-7. Thereafter, all appointments shall be
112 made with the advice and consent of both houses of the General
113 Assembly, in the manner provided in section 4-19.

114 (k) The board shall establish written procedures, in accordance with
115 the provisions of section 1-121, necessary to carry out the provisions of
116 this section and section 15-31b. Such procedures shall include, but not
117 be limited to, procedures for (1) adopting an annual budget and plan of
118 operations, including a requirement of board approval before the
119 budget or plan may take effect; (2) hiring, dismissing, promoting and
120 compensating employees of the authority, including an affirmative
121 action policy and a requirement of board approval before a position may
122 be created or a vacancy filled; (3) acquiring real and personal property
123 and personal services, including a requirement of board approval for
124 any nonbudgeted expenditure in excess of five thousand dollars; (4)
125 contracting for financial, legal, bond underwriting and other
126 professional services, including a requirement that the authority solicit
127 proposals at least once every three years for each such service it uses; (5)
128 issuing and retiring bonds, bond anticipation notes and other
129 obligations of the authority; (6) awarding loans, grants and other
130 financial assistance, including eligibility criteria, the application process
131 and the role played by the authority's staff and board of directors; and
132 (7) using surplus funds to the extent authorized under this chapter or
133 other provisions of the general statutes.

134 [(k)] (l) On or before December fifteenth of each year, the board shall
135 report, in accordance with the provisions of section 11-4a, to the
136 Governor and the joint standing committees of the General Assembly
137 having cognizance of matters relating to transportation, commerce and
138 the environment, summarizing the authority's activities, disclosing
139 operating and financial statements and recommending legislation to
140 promote the authority's purposes.

141 [(l)] (m) The board shall annually contract with a firm of certified
142 public accountants to undertake an independent financial audit of the
143 authority in accordance with generally accepted auditing standards.

144 Such audit shall be completed not later than six months after the end of
145 the fiscal year, unless the board approves an extension of such deadline.
146 Not later than seven days after receiving [an audit of the authority
147 conducted by an] the audit report from the independent auditing firm,
148 the board shall submit a copy of the report, in accordance with the
149 provisions of section 11-4a, to the joint standing committees of the
150 General Assembly having cognizance of matters relating to
151 appropriations, commerce, the environment and transportation. [a copy
152 of each such audit.]

153 [(m)] (n) The board shall: (1) Develop and recommend to the
154 Governor and the joint standing committee of the General Assembly
155 having cognizance of matters relating to transportation a maritime
156 policy for the state; (2) advise the Governor and such committee
157 concerning the state's maritime policies and operations; (3) support the
158 development of the state's maritime commerce and industries,
159 including its ports and harbors; (4) recommend investments and actions,
160 including dredging, required in order to preserve and enhance maritime
161 commerce and industries; and (5) conduct studies and present
162 recommendations concerning maritime issues.

163 [(n)] (o) At least once each year, the board shall hold a public hearing
164 for the purpose of evaluating the adequacy of the state's maritime
165 policies, facilities and support for maritime commerce and industry.

166 [(o)] (p) On or before January 1, 2017, and annually thereafter, the
167 board of directors shall submit, in writing, to the Governor (1) a list of
168 projects which, if undertaken by the state, would support the state's
169 maritime policies and encourage maritime commerce and industry; (2)
170 recommendations for improvements to existing maritime policies,
171 programs and facilities; and (3) such other recommendations as the
172 board considers appropriate. Copies of such report shall be submitted
173 to the joint standing committee of the General Assembly having
174 cognizance of matters relating to transportation, in accordance with the
175 provisions of section 11-4a.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2020</i>	15-31a
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Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]