
OLR Bill Analysis

sSB 241 (as amended by House "A" and Senate "A")*

AN ACT CONCERNING OVERSIGHT AND TRANSPARENCY AT THE CONNECTICUT PORT AUTHORITY.

SUMMARY

This bill makes the following changes related to the Connecticut Port Authority (CPA):

1. increases the number of members on the CPA's board of directors from 15 to 21 and makes other changes to appointments, including adding officials from the three cities with deep water ports (Bridgeport, New Haven, and New London) and two municipalities with small harbors (§ 2);
2. requires the attorney general to provide legal services to the Connecticut Pilot Commission and exempts the commission's directors, officers, and employees from personal liability under certain conditions (§§ 5 & 6);
3. by January 1, 2022, requires CPA to submit to the Transportation Committee a plan for ensuring that the process for selecting and distributing Small Harbor Improvement Projects Program (SHIPP) grants is transparent and equitable (see BACKGROUND) (§ 3); and
4. requires the authority to report certain information on the its operations, finances, contracts, and projects, and the Department of Administrative Services (DAS) commissioner and Office of Policy and Management (OPM) secretary to review and comment on the reports (§§ 1 & 4).

*Senate Amendment "A" (1) eliminates the underlying bill's provisions on bonding for small ports, State Contracting Standards Board oversight, and the payment in lieu of taxes reimbursement rate

for CPA property and (2) adds the provisions on board membership, the SHIPP plan, the Connecticut Pilot Commission, and the annual reporting requirement.

*House Amendment "A" (1) requires the DAS commissioner and OPM secretary to jointly review and comment on certain CPA reports, rather than verify them, and (2) makes other minor changes to the bill's reporting provisions.

EFFECTIVE DATE: Upon passage, except that the board changes are applicable to appointments made on or after the date of the bill's passage.

§§ 1 & 4 — REPORTING

The bill requires CPA's executive director to submit quarterly reports to the Transportation Committee beginning October 1, 2021, on the status of (1) pending and current contracts, (2) small harbor projects, and (3) the construction project at the State Pier in New London.

The bill also modifies requirements for the authority's annual report, which it must submit to the governor and Transportation Committee. It requires the report to include (1) descriptions of CPA's finances and the projects it undertook in the prior year and (2) recommendations for legislation to promote its purpose.

Lastly, the bill requires the DAS commissioner and OPM secretary to jointly review and comment on each quarterly report and annual report before it is submitted.

§ 2 — BOARD OF DIRECTORS

The bill adds six additional members to the CPA board of directors, increasing its membership from 15 to 21. It does so by (1) increasing the governor's board appointments from four to seven and (2) adding as ex-officio members the chief elected officials of Bridgeport, New Haven, and New London (i.e., the locations of the state's three deep water ports), or the officials' designees.

The bill also requires that two board seats be filled by chief elected officials of municipalities with small harbors, or the officials' designees. It does so by specifying that the House majority leader's appointment and one of the governor's appointments must be one of these officials. The bill correspondingly eliminates requirements that the board include an elected or appointed municipal official from each of (1) a coastal municipality with a population of 100,000 or less and (2) a coastal community with a population of 50,000 or less.

The bill specifies that the Senate president pro tempore's appointment must be a local port authority member or employee. Current law requires that the board include one such member or employee but does not specify who must make the appointment.

Finally, the bill also makes technical and conforming changes.

§§ 5 & 6 — CONNECTICUT PILOT COMMISSION

The bill makes two changes regarding legal services and liability for the Connecticut Pilot Commission.

First, it adds the Connecticut Pilot Commission to the list of state entities the attorney general must defend and provide legal services to. By doing so, it requires the attorney general to, among other things, appear for the Pilot Commission in all suits and civil proceedings (except upon criminal recognizances and bail bonds) in which the state is a party or is interested or in which the officers' official acts and doings are called in question.

The bill also specifically gives Pilot Commission directors, officers, and employees immunity from personal liability for damage or injury caused in performing their duties within the scope of their employment or appointment, provided the damage or injury was not due to wanton, reckless, willful, or malicious actions. This protection applies under existing law to directors, officers, and employees of the states' quasi-public agencies, including CPA.

By law, the nine-member Connecticut Pilot Commission assists and advises CPA on licensing marine pilots, safely conducting vessels, and

protecting the state's ports and waters (CGS § 15-13c). It is within CPA for administrative purposes only.

BACKGROUND

Small Harbor Improvement Projects Program (SHIPP)

SHIPP is a competitive grant program, established and administered by CPA, that provides funds for harbor improvement projects that are not related to the deep water ports in Bridgeport, New Haven, and New London. Harbor improvement projects generally must be within, near, or on an active navigational channel and include dredging, marina repair, boat ramp facilities improvement, harbor management plans, and feasibility studies. SHIPP is capitalized by state general obligation bonds.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Change of Reference - APP
Yea 35 Nay 0 (03/26/2021)

Appropriations Committee

Joint Favorable
Yea 50 Nay 0 (04/21/2021)