

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-179—sSB 241

Transportation Committee

Appropriations Committee

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

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

1. increases the number of members on the CPA 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 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).

EFFECTIVE DATE: Upon passage, and the board changes are applicable to appointments made on or after July 12, 2021.

§§ 1 & 4 — REPORTING

Beginning October 1, 2021, the act requires CPA's executive director to submit quarterly reports to the Transportation Committee 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 act 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 act 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

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The act 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 act 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 act 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 act specifies that the Senate president pro tempore's appointment must be a local port authority member or employee. Prior law required that the board include one such member or employee but did not specify who had to make the appointment.

Finally, the act also makes technical and conforming changes.

§§ 5 & 6 — CONNECTICUT PILOT COMMISSION

The act 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 (1) the state is a party or is interested or (2) the officers' official acts and doings are called in question.

The act also specifically (1) gives the Pilot Commission's directors, officers, and employees immunity from personal liability for damage or injury caused while 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, and (2) requires it to save harmless and indemnify them from financial loss and expense, including legal fees, arising out of certain claims, demands, suits, or judgements (e.g., alleged negligence) when they are found to have been acting within the scope of employment. 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

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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.