

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 19-123—sSB 869
Transportation Committee

AN ACT CONCERNING RECOMMENDATIONS BY THE CONNECTICUT AIRPORT AUTHORITY REGARDING NONBUDGETED EXPENDITURES, THE CONNECTICUT AIRPORT AND AVIATION ACCOUNT AND EXEMPT RECORDS UNDER THE FREEDOM OF INFORMATION ACT

SUMMARY: This act modifies the Freedom of Information Act (FOIA) by exempting from disclosure public agencies' responses to private entities' requests for proposals (RFPs) or bid solicitations. (Existing law exempts from disclosure responses to public agencies' RFPs or bid solicitations.) As under existing law, the agency's chief executive officer must certify that the public's interest in the response's confidentiality outweighs its interest in the response's disclosure. Such responses are exempt from disclosure only until the applicable contract is executed or contract negotiations have ended, whichever occurs earlier.

The act also transfers the authority to spend funds in the Connecticut airport and aviation account (see **BACKGROUND**) from the transportation commissioner to the Connecticut Airport Authority (CAA) executive director. As under existing law, spending from the account requires approval from the Office of Policy and Management secretary.

Lastly, the act increases the maximum amount of nonbudgeted emergency expenditures that the CAA board may authorize the executive director to make without prior board approval from \$500,000 to \$1,000,000. As under existing law, the executive director may make such expenditures only (1) to restore operations at any CAA airport that suffers damage from a natural disaster or incurs a substantial casualty loss that creates unsafe conditions or (2) when failing to act would disrupt airport operations. Within 24 hours of making a nonbudgeted expenditure, the executive director must notify the board chairperson or vice chairperson of the expenditure's amount and purpose.

EFFECTIVE DATE: Upon passage, except that the FOIA provision is effective October 1, 2019.

BACKGROUND

Connecticut Airport and Aviation Account

By law, the revenue services commissioner must deposit into the account 75.3% of petroleum products gross earnings tax (PGET) revenue from aviation fuel sources (equivalent to 6.1% of aviation fuel sales), regardless of a law requiring that all PGET revenue be deposited in the Special Transportation Fund (STF). (By law, sales of most petroleum products, including aviation fuel, are

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subject to the 8.1% PGET (CGS § 12-587.) The remaining 24.7% of PGET revenue from aviation fuel (equivalent to 2% of aviation sales) is deposited in the STF.

Under federal law, recipients of federal airport funding must use all airport revenue exclusively for airport-related purposes (49 U.S.C. § 47107(b)). Federal Aviation Administration (FAA) policy guidance clarifies that state revenue derived from taxes on aviation fuel is considered “airport revenue,” even if those taxes are of general applicability, and is therefore subject to such that restriction (79 FR § 66282). However, the restriction does not apply to revenue from a tax or a portion of a tax that was in effect when the federal law took effect (i.e., December 30, 1987). On December 30, 1987, the PGET rate was 2%.