



General Assembly

February Session, 2002

Amendment

LCO No. 3427

SB0038303427SD0

Offered by:

SEN. SULLIVAN, 5th Dist.

SEN. JEPSSEN, 27th Dist.

SEN. LOONEY, 11th Dist.

SEN. FONFARA, 1st Dist.

To: Subst. Senate Bill No. 383

File No. 326

Cal. No. 211

"AN ACT CONCERNING QUASI-PUBLIC AGENCIES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 22a-261 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

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

12 (b) [The] On and before May 31, 2002, the powers of the authority

13 shall be vested in and exercised by a board of directors, which shall
14 consist of thirteen directors: Four appointed by the Governor and three
15 ex-officio members, who shall have a vote including the Secretary of
16 the Office of Policy and Management, the Commissioner of
17 Transportation, and the Commissioner of Economic and Community
18 Development; two appointed by the president pro tempore of the
19 Senate, two by the speaker of the House, one by the minority leader of
20 the Senate and one by the minority leader of the House of
21 Representatives. Any such legislative appointee may be a member of
22 the General Assembly. The directors appointed by the Governor under
23 this subsection shall serve for terms of four years each, from January
24 first next succeeding their appointment, provided, of the directors first
25 appointed, two shall serve for terms of two years, and two for terms of
26 four years, from January first next succeeding their appointment. Any
27 vacancy occurring under this subsection other than by expiration of
28 term shall be filled in the same manner as the original appointment for
29 the balance of the unexpired term. [(c)] Of the four members
30 appointed by the Governor under this subsection, two shall be first
31 selectmen, mayors or managers of Connecticut municipalities; one
32 from a municipality with a population of less than fifty thousand, one
33 from a municipality of over fifty thousand population; two shall be
34 public members without official governmental office or status with
35 extensive high-level experience in municipal or corporate finance or
36 business or industry, provided not more than two of such appointees
37 shall be members of the same political party. The chairman of the
38 board under this subsection shall be appointed by the Governor, with
39 the advice and consent of both houses of the General Assembly [. The
40 chairman] and shall serve at the pleasure of the Governor.
41 Notwithstanding the provisions of this subsection, the terms of all
42 members of the board of directors who are serving on May 31, 2002,
43 shall expire on said date.

44 (c) On and after June 1, 2002, the powers of the authority shall be
45 vested in and exercised by a board of directors, which shall consist of
46 thirteen directors as follows: Three appointed by the Governor, one of

47 whom shall be a municipal official of a municipality having a
48 population of fifty thousand or less and one of whom shall have
49 extensive, high-level experience in the energy field; two appointed by
50 the president pro tempore of the Senate, one of whom shall be a
51 municipal official of a municipality having a population of more than
52 fifty thousand and one of whom shall have extensive high-level
53 experience in public or corporate finance or business or industry; two
54 appointed by the speaker of the House of Representatives, one of
55 whom shall be a municipal official of a municipality having a
56 population of more than fifty thousand and one of whom shall have
57 extensive high-level experience in public or corporate finance or
58 business or industry; two appointed by the minority leader of the
59 Senate, one of whom shall be a municipal official of a municipality
60 having a population of fifty thousand or less and one of whom shall
61 have extensive high-level experience in public or corporate finance or
62 business or industry; two appointed by the minority leader of the
63 House of Representatives, one of whom shall be a municipal official of
64 a municipality having a population of fifty thousand or less and one of
65 whom shall have extensive, high-level experience in the environmental
66 field; and two voting ex-officio members, who shall be the Secretary of
67 the Office of Policy and Management and the State Treasurer, or their
68 designees. No director may be a member of the General Assembly. Not
69 more than two of the directors appointed by the Governor shall be
70 members of the same political party. The appointed directors shall
71 serve for terms of four years each, provided, of the directors first
72 appointed for terms beginning on June 1, 2002, (1) two of the directors
73 appointed by the Governor, one of the directors appointed by the
74 president pro tempore of the Senate, one of the directors appointed by
75 the speaker of the House of Representatives, one of the directors
76 appointed by the minority leader of the Senate and one of the directors
77 appointed by the minority leader of the House of Representatives shall
78 serve an initial term of two years and one month, and (2) the other
79 appointed directors shall serve an initial term of four years and one
80 month. The appointment of each director for a term beginning on or
81 after June 1, 2004, shall be made with the advice and consent of both

82 houses of the General Assembly. The Governor shall designate one of
83 the directors to serve as chairperson of the board, with the advice and
84 consent of both houses of the General Assembly. The chairperson of
85 the board shall serve at the pleasure of the Governor. Any appointed
86 director who fails to attend three consecutive meetings of the board or
87 who fails to attend fifty per cent of all meetings of the board held
88 during any calendar year shall be deemed to have resigned from the
89 board. Any vacancy occurring other than by expiration of term shall
90 be filled in the same manner as the original appointment for the
91 balance of the unexpired term. As used in this subsection, "municipal
92 official" means the first selectman, mayor, city or town manager or
93 chief financial officer of a municipality that has entered into a solid
94 waste disposal services contract with the authority and pledged the
95 municipality's full faith and credit for the payment of obligations
96 under such contract.

97 (d) The [chairman] chairperson shall, with the approval of the
98 directors, appoint a president of the authority who shall be an
99 employee of the authority [,] and paid a salary prescribed by the
100 [chairman, subject to the approval of the] directors. The president shall
101 supervise the administrative affairs and technical activities of the
102 authority in accordance with the directives of the board.

103 (e) Each director shall be entitled to reimbursement for [his] said
104 director's actual and necessary expenses incurred during the
105 performance of [his] said director's official duties.

106 (f) Directors may engage in private employment, or in a profession
107 or business, subject to any applicable laws, rules and regulations of the
108 state or federal government regarding official ethics or conflict of
109 interest.

110 (g) [~~Six~~] Seven directors of the authority shall constitute a quorum
111 for the transaction of any business or the exercise of any power of the
112 authority, provided, at least [two ex-officio directors and one director]
113 one ex-officio director, or the designee of an ex-officio director, and

114 two directors from municipal government [must] shall be present in
115 order for a quorum to be in attendance. For the transaction of any
116 business or the exercise of any power of the authority, and except as
117 otherwise provided in this chapter, the authority shall have power to
118 act by a majority of the directors present at any meeting at which a
119 quorum is in attendance. If the legislative body of a municipality that
120 is the site of a facility passes a resolution requesting the Governor to
121 appoint a resident of such municipality to be an ad hoc member, the
122 Governor shall make such appointment upon the next vacancy for the
123 ad hoc members representing such facility. The Governor shall appoint
124 with the advice and consent of the General Assembly ad hoc members
125 to represent each facility operated by the authority provided at least
126 one-half of such members shall be chief elected officials of
127 municipalities, or their designees. Each such facility shall be
128 represented by two such members. The ad hoc members shall be
129 electors from a municipality or municipalities in the area to be served
130 by the facility and shall vote only on matters concerning such facility.
131 The terms of the ad hoc members shall be four years.

132 (h) There is established, effective June 1, 2002, a steering committee
133 of the board of directors, consisting of at least three but not more than
134 five directors, who shall be jointly appointed by the Governor, the
135 president pro tempore of the Senate and the speaker of the House of
136 Representatives. Said committee shall consist of at least one director
137 who is a municipal official, as defined in subsection (c) of this section.
138 The steering committee shall forthwith establish a financial
139 restructuring plan for the authority, subject to the approval of the
140 board of directors, and shall implement said plan. The financial
141 restructuring plan shall determine the financial condition of the
142 authority and provide for mitigation of the impact of the Connecticut
143 Resources Recovery Authority-Enron-Connecticut Light and Power
144 Company transaction on municipalities which have entered into solid
145 waste disposal services contracts with the authority. The steering
146 committee shall also review all aspects of the authority's finances and
147 administration, including but not limited to, tipping fees and

148 adjustments to such fees, the annual budget of the authority, any
149 budget transfers, any use of the authority's reserves, all contracts
150 entered into by or on behalf of the authority, including but not limited
151 to, an assessment of the alignment of interests between the authority
152 and the authority's contractors, all financings or restructuring of debts,
153 any sale or other disposition or valuation of assets of the authority,
154 including sales of electricity and steam, any joint ventures and
155 strategic partnerships, and the initiation and resolution of litigation,
156 arbitration and other disputes. The steering committee (1) shall have
157 access to all information, files and records maintained by the authority,
158 (2) may retain consultants and utilize other resources necessary to
159 carry out its responsibilities under this subsection, which have a total
160 cost of not more than five hundred thousand dollars, without the
161 approval of the board of directors, and may draw on accounts of the
162 authority for such costs, and (3) shall submit a report to the board of
163 directors and the General Assembly, in accordance with section 11-4a
164 of the general statutes, on its findings, progress and recommendations
165 for future action by the board of directors in carrying out the purposes
166 of this subsection, not later than December 31, 2002. Said report shall
167 also include a report on any loans made to the authority under section
168 3 of this act. The steering committee shall terminate on December 31,
169 2002, unless extended by the board.

170 [(h)] (i) The board may delegate to three or more directors such
171 board powers and duties as it may deem necessary and proper in
172 conformity with the provisions of this chapter and its bylaws. At least
173 one of such directors shall be a municipal official, as defined in
174 subsection (c) of this section, and at least one of such directors shall
175 not be a state employee.

176 [(i) Members of the board] (j) Appointed directors may not
177 designate a representative to perform in their absence their respective
178 duties under this chapter.

179 [(j)] (k) The term "director", as used in this section, shall include
180 such persons so designated as provided [herein] in this section and this

181 designation shall be deemed temporary only and shall not affect any
182 applicable civil service or retirement rights of any person so
183 designated.

184 [(k)] (l) The [Governor] appointing authority for any director may
185 remove [any] such director for inefficiency, neglect of duty or
186 misconduct in office after giving [him] the director a copy of the
187 charges against [him] the director and an opportunity to be heard, in
188 person or by counsel, in [his] the director's defense, upon not less than
189 ten days' notice. If any director shall be so removed, the [Governor]
190 appointing authority for such director shall file in the office of the
191 Secretary of the State a complete statement of charges made against
192 such director and [his] the appointing authority's findings [thereon] on
193 such statement of charges, together with a complete record of the
194 proceedings.

195 [(l)] (m) The authority shall continue as long as it shall have bonds
196 or other obligations outstanding and until its existence shall be
197 terminated by law. Upon the termination of the existence of the
198 authority, all its rights and properties shall pass to and be vested in the
199 state of Connecticut.

200 [(m)] (n) The directors, members and officers of the authority and
201 any person executing the bonds or notes of the authority shall not be
202 liable personally on such bonds or notes or be subject to any personal
203 liability or accountability by reason of the issuance thereof, nor shall
204 any director, member or officer of the authority be personally liable for
205 damage or injury, not wanton or wilful, caused in the performance of
206 [his] such person's duties and within the scope of [his] such person's
207 employment or appointment as such director, member or officer.

208 [(n)] (o) Notwithstanding the provisions of any other law to the
209 contrary, it shall not constitute a conflict of interest for a trustee,
210 director, partner or officer of any person, firm or corporation, or any
211 individual having a financial interest in a person, firm or corporation,
212 to serve as a director of the authority, provided such trustee, director,

213 partner, officer or individual shall abstain from deliberation, action or
214 vote by the authority in specific respect to such person, firm or
215 corporation.

216 Sec. 2. (NEW) (*Effective from passage*) Notwithstanding any provision
217 of the general statutes, the Attorney General shall have supervision
218 over all legal matters and claims of the Connecticut Resources
219 Recovery Authority arising from the Connecticut Resources Recovery
220 Authority-Enron-Connecticut Light and Power Company transaction.
221 The Attorney General may appear for the Connecticut Resources
222 Recovery Authority in all civil suits and other civil proceedings arising
223 from said transaction, and all such suits and proceedings shall be
224 conducted by the Attorney General or under the direction of the
225 Attorney General.

226 Sec. 3. (NEW) (*Effective from passage*) The Connecticut Resources
227 Recovery Authority may, with the approval of two-thirds of the
228 appointed directors of the authority at a duly called meeting of said
229 authority, and with the subsequent approval of the State Treasurer and
230 the Secretary of the Office of Policy and Management, borrow
231 temporarily from the state for the purposes of supporting the
232 repayment of debt issued by the authority on behalf of the Mid-
233 Connecticut Project, an amount in the aggregate not to exceed one
234 hundred fifteen million dollars in accordance with the provisions of
235 this section. Prior to any such borrowing, or the draw-down of an
236 amount pursuant to a master loan agreement entered into between the
237 authority and the state, the authority shall submit for approval by the
238 State Treasurer and the Secretary of the Office of Policy and
239 Management a financial mitigation plan which shall include, but not
240 be limited to, a plan to minimize tipping fees for municipalities that
241 have entered into solid waste disposal services contracts with the
242 authority and any additional information the State Treasurer and the
243 Secretary may require. Such financial mitigation plan shall include
244 information detailing the efforts that the authority has made to reduce
245 the amount necessary to borrow from the state, including, but not
246 limited to, the reduction of general administration and costs,

247 renegotiation of vendor contracts, efforts to increase the price paid for
248 the sale of steam or electricity, and efforts to assess the viability of the
249 sale of hard assets of the project. In addition, the authority shall
250 provide the State Treasurer and the Secretary with its proposed budget
251 for the ensuing fiscal year, a three year financial plan, a cash flow
252 analysis showing the need for the current and projected future
253 borrowings, and the most recent certified audit of the authority. Such
254 loans shall be repaid as provided in a repayment schedule established
255 by the State Treasurer and the Secretary and shall bear and pay interest
256 as shall be determined by the State Treasurer in the best interest of the
257 State. The State Treasurer is authorized to establish fixed or variable
258 interest rates for such loans based upon the interest rate of the Short
259 Term Investment Fund or the interest rate of any borrowing by the
260 state that may be required to fund the loans to the authority. The
261 repayments of principal and the interest applicable to any such loans
262 made shall be paid to the State Treasurer in accordance with a
263 repayment plan established by the State Treasurer and the Secretary.
264 Such loans shall be subordinate to all bonded indebtedness of the
265 authority.

266 Sec. 4. (NEW) (*Effective from passage*) The board of directors of the
267 Connecticut Resources Recovery Authority shall include in the annual
268 report required under section 1-123 of the general statutes a
269 description of the efforts of the authority to mitigate the effects of any
270 loss of revenue from the Connecticut Resources Recovery Authority-
271 Enron-Connecticut Light and Power Company transaction. The board
272 shall also submit said annual report to the joint standing committee of
273 the General Assembly having cognizance of matters relating to finance,
274 revenue and bonding.

275 Sec. 5. Subdivision (19) of subsection (a) of section 22a-266 of the
276 general statutes is repealed and the following is substituted in lieu
277 thereof (*Effective from passage*):

278 (19) Act as an electric supplier or an electric aggregator pursuant to
279 public act 98-28* provided any net revenue to the authority from

280 activities, contracts, products or processes undertaken pursuant to this
281 subdivision, after payment of principal and interest on bonds and
282 repayment of any loans or notes of the authority, shall be distributed
283 so as to reduce the costs of other authority services to the users thereof
284 on a pro rata basis proportionate to costs paid by such users. In acting
285 as an electric supplier or an electric aggregator pursuant to any license
286 granted by the Department of Public Utility Control, the authority may
287 enter into contracts for the purchase and sale of electricity and electric
288 generation services, provided such contracts are solely for the
289 purposes of ensuring the provision of safe and reliable electric service
290 and protecting the position of the authority with respect to capacity
291 and price.

292 Sec. 6. Subsection (b) of section 16-245 of the general statutes is
293 repealed and the following is substituted in lieu thereof (*Effective from*
294 *passage*):

295 (b) On and after January 1, 2000, no person, no municipality and no
296 regional water authority shall sell or attempt to sell electric generation
297 services to end use customers located in the state using the
298 transmission or distribution facilities of an electric distribution
299 company, as defined in section 16-1, as amended, and no municipality
300 [] and no regional water authority [and the Connecticut Resources
301 Recovery Authority] except as provided in section 16-245b and no
302 person shall aggregate, broker or market the sale of electric generation
303 services to end use customers using the transmission or distribution
304 facilities of an electric distribution company unless the person has been
305 issued a license by the Department of Public Utility Control in
306 accordance with the provisions of this section, provided an electric
307 distribution company is not required to be licensed pursuant to this
308 section to provide electric generation services pursuant to subsection
309 (a) or, prior to January 1, 2004, subsection (c) of section 16-244c. On
310 and after the effective date of this section, the Connecticut Resources
311 Recovery Authority shall not (1) sell or attempt to sell electric
312 generation services to end use customers located in the state using the
313 transmission or distribution facilities of an electric distribution

314 company, as defined in section 16-1, as amended, unless the authority
315 has been issued a license by the Department of Public Utility Control
316 in accordance with the provisions of this section, or (2) aggregate,
317 broker or market the sale of electric generation services to end use
318 customers using the transmission or distribution facilities of an electric
319 distribution company except as provided in section 16-245b. Not later
320 than January 1, 1999, the department shall, by regulations adopted
321 pursuant to chapter 54, develop licensing procedures. The licensing
322 process shall begin not later than April 1, 1999.

323 Sec. 7. (NEW) (*Effective January 1, 2003*) Any performance incentive
324 plan for officers and employees of the Connecticut Resources Recovery
325 Authority that authorizes payments in addition to established salaries
326 shall be in writing, apply to all officers and employees of the authority,
327 provide for any such payment to be made on the basis of both the job
328 performance of the officer or employee and the overall financial
329 performance of the authority, and be subject to the approval of the
330 board of directors of the authority pursuant to section 22a-261 of the
331 general statutes, as amended by this act. No payments under such plan
332 shall be made during any year that annual salary increases have been
333 suspended. The provisions of this section shall not (1) limit the rights
334 of any officer or employee under an existing collective bargaining
335 agreement or (2) prohibit the payment of extra or overtime pay for
336 extra or overtime work in accordance with written procedures adopted
337 pursuant to section 22a-268a of the general statutes, as amended by
338 this act.

339 Sec. 8. (NEW) (*Effective January 1, 2003*) The Connecticut Resources
340 Recovery Authority shall not retain a lobbyist, as defined in section 1-
341 91 of the general statutes. The provisions of this section and chapter 10
342 of the general statutes shall not be construed to prohibit a director,
343 officer or employee of the authority from lobbying, as defined in
344 section 1-91 of the general statutes, on behalf of the authority.

345 Sec. 9. Section 22a-268a of the general statutes is repealed and the
346 following is substituted in lieu thereof (*Effective January 1, 2003*):

347 The board of directors of the Connecticut Resources Recovery
348 Authority shall adopt written procedures, in accordance with the
349 provisions of section 1-121, for: (1) Adopting an annual budget and
350 plan of operations, including a requirement of board approval before
351 the budget or plan may take effect; (2) hiring, dismissing, promoting
352 and compensating employees of the authority, including an
353 affirmative action policy and a requirement of board approval before a
354 position may be created or a vacancy filled; (3) acquiring real and
355 personal property and personal services, including a requirement of
356 board approval for any such nonbudgeted expenditure in excess of
357 five thousand dollars; (4) contracting for (A) the business, design,
358 operating, management, construction, transportation, marketing,
359 planning and research and development functions of the authority, (B)
360 financial, legal, bond underwriting and other professional services and
361 (C) supplies, materials and equipment, including (i) notwithstanding
362 any provision of this chapter, standards for determining when
363 contracts described in this subdivision (4) shall be awarded on the
364 basis of competitive bidding or competitive negotiation, an exemption
365 for small purchases, and criteria for waiving competitive bidding or
366 competitive negotiation, and (ii) a requirement that the authority
367 solicit proposals at least once every three years for each such
368 professional service which it uses; (5) issuing and retiring bonds, bond
369 anticipation notes and other obligations of the authority; (6) awarding
370 loans, grants and other financial assistance, including eligibility
371 criteria, the application process and the role played by the authority's
372 staff and board of directors; and (7) the use of surplus funds to the
373 extent authorized under this chapter or other provisions of the general
374 statutes.

375 Sec. 10. Subdivisions (16) and (17) of subsection (a) of section 22a-
376 266 of the general statutes are repealed and the following is substituted
377 in lieu thereof (*Effective January 1, 2003*):

378 (16) Contract for services in the performance of architectural and
379 engineering design, the supervision of design and construction, system
380 management and facility management; for such professional or

381 technical services as are specified in subdivision (3) of section 22a-265;
382 and for such other professional or technical services as may require
383 either prequalification of a contractor or the submission by any
384 individual, firm or consortium or association of individuals or firms of
385 a proposal in response to an official request for proposal or similar
386 written communication of the authority that is issued or made
387 pursuant to the contracting procedures adopted under section 22a-
388 268a, as amended by this act, whenever such services are, in the
389 discretion of the authority, deemed necessary, desirable or convenient
390 in carrying out the purposes of the authority;

391 (17) Contract for the construction of solid waste facilities with
392 private persons or firms, or consortia of such persons or firms,
393 pursuant to applicable provisions of this chapter, the requirements of
394 applicable regulations, the contracting procedures adopted under
395 section 22a-268a, as amended by this act, and the state plan and in
396 accordance with such specifications, terms and conditions as the
397 authority may deem necessary or advisable.

398 Sec. 11. Subsections (b) and (c) of section 22a-266 of the general
399 statutes are repealed and the following is substituted in lieu thereof
400 (*Effective January 1, 2003*):

401 (b) Any contracts authorized by this chapter shall be entered into by
402 the authority (1) on the same basis and subject to the same limitations
403 and considerations applicable to municipal and regional resources
404 recovery authorities pursuant to subsection (c) of section 7-273bb, and
405 (2) pursuant to the contracting procedures adopted under section 22a-
406 268a, as amended by this act, except that in entering into a contract for
407 a resources recovery facility, solid waste facility, volume reduction
408 plant or solid waste management system, the authority shall consider
409 the best interests of the municipality or region to be served by such
410 facility, plant or system.

411 (c) The authority shall have power, in its discretion, either to
412 purchase on a centralized basis, heavy solid waste processing

413 equipment to be installed in waste management projects, or to require
414 such purchase and installation as part of a construction contract. The
415 authority shall conduct its contracting and purchasing operations in
416 accordance with its regularly adopted and promulgated procurement
417 policies, including the contracting procedures adopted under section
418 22a-268a, as amended by this act, and specific rules and procedures on
419 purchasing and contracting approved by a two-thirds vote of its full
420 board of directors. In procuring services with respect to the
421 establishment, management and operation of transfer stations, and the
422 transportation of solid wastes therefrom to a solid waste facility, the
423 authority and its subcontractors shall insofar as is practicable give
424 preference to firms based in Connecticut. Whenever the authority
425 determines that a contract for facility management shall be awarded on
426 other than [an open-bid] a competitive bidding basis, in accordance
427 with applicable provisions of subdivision (16) of subsection (a) of this
428 section, subsection (b) of this section, [and] section 22a-268 and the
429 contracting procedures adopted under section 22a-268a, the directors
430 shall, at least sixty days prior to the award date, pass a resolution
431 expressing their intent to award and shall within ten days cause a copy
432 of such resolution to be printed in one daily and one weekly
433 newspaper published within the state. Thereupon, interested parties
434 who so desire may, within thirty days, petition the directors with
435 respect to such contract and offer evidence in extenuation before a
436 referee appointed by the [chairman] chairperson. Such referee shall not
437 be an employee of the authority and shall report [his] the referee's
438 findings with respect to such petition and evidence to the directors at
439 least ten days prior to the projected award date. The directors shall
440 give due consideration to such findings in determining the final award
441 of the contract.

442 Sec. 12. Section 22a-268 of the general statutes is repealed and the
443 following is substituted in lieu thereof (*Effective January 1, 2003*):

444 The authority shall utilize private industry, by contract, to carry out
445 the business, design, operating, management, marketing, planning and
446 research and development functions of the authority, unless the

447 authority determines that it is in the public interest to adopt another
448 course of action. The authority is hereby empowered to enter into
449 long-term contracts with private persons for the performance of any
450 such functions of the authority which, in the opinion of the authority,
451 can desirably and conveniently be carried out by a private person
452 under contract provided any such contract shall contain such terms
453 and conditions as will enable the authority to retain overall
454 supervision and control of the business, design, operating,
455 management, transportation, marketing, planning and research and
456 development functions to be carried out or to be performed by such
457 private persons pursuant to such contract. Such contracts [may] shall
458 be entered into either on a [negotiated or an open-bid] competitive
459 negotiation or competitive bidding basis, and the authority in its
460 discretion may select the type of contract it deems most prudent to
461 utilize, pursuant to the contracting procedures adopted under section
462 22a-268a, as amended by this act and considering the scope of work,
463 the management complexities associated therewith, the extent of
464 current and future technological development requirements and the
465 best interests of the state. Whenever a long-term contract is entered
466 into on other than [an open-bid] a competitive bidding basis, the
467 criteria and procedures therefor shall conform to applicable provisions
468 of subdivision (16) of subsection (a) and subsections (b) and (c) of
469 section 22a-266, as amended by this act, provided however, that any
470 contract for a period of over five years in duration, or any contract for
471 which the annual consideration is greater than fifty thousand dollars
472 shall be approved by a two-thirds vote of the authority's full board of
473 directors. The terms and conditions of such contracts shall be
474 determined by the authority, as shall the fees or other similar
475 compensation to be paid to such persons for such contracts. The
476 contracts entered into by the authority shall not be subject to the
477 approval of any other state department, office or agency. However,
478 copies of all contracts of the authority shall be maintained by the
479 authority as public records, subject to the proprietary rights of any
480 party to the contract. Nothing of the aforesaid shall be deemed to
481 restrict the discretion of the authority to utilize its own staff and work

482 force for the performance of any of its assigned responsibilities and
483 functions whenever, in the discretion of the authority, it becomes
484 necessary, convenient or desirable to do so. Any litigation with respect
485 to any terms, conditions or provisions of any contract of the authority,
486 or the performance or nonperformance of same by either party, shall
487 be tried before a judge of the Superior Court of Connecticut.

488 Sec. 13. (NEW) (*Effective January 1, 2003*) The Connecticut Resources
489 Recovery Authority shall make the following information available to
490 the public through the Internet, except for any such information which
491 is not required to be disclosed to the public pursuant to the Freedom of
492 Information Act, as defined in section 1-200 of the general statutes, as
493 amended:

494 (1) The schedule of meetings of the board of directors of the
495 authority and each committee established by said board, not later than
496 seven days after such schedule is established;

497 (2) Draft minutes of each meeting of the board of directors of the
498 authority and each committee established by said board, not later than
499 seven days after each such meeting is held;

500 (3) Each report required under section 4a-60g of the general statutes,
501 as amended, setting forth small and minority-business set-aside
502 program goals and addressing the authority's progress in meeting said
503 goals, not later than seven days after each such report is required to be
504 submitted to the Commission on Human Rights and Opportunities
505 under said section 4a-60g;

506 (4) The annual plan of operations which the authority is required to
507 prepare pursuant to section 22a-264 of the general statutes, not later
508 than seven days after the plan is promulgated;

509 (5) Each report that the authority is required to submit to the
510 General Assembly pursuant to the general statutes, not later than
511 seven days after the report is submitted; and

512 (6) Each audit of the authority conducted by the Auditors of Public
513 Accounts, each compliance audit of the authority's activities conducted
514 pursuant to section 1-122 of the general statutes, and each audit
515 conducted by an independent auditing firm, not later than seven days
516 after each such audit is received by the board of directors of the
517 authority.

518 Sec. 14. (NEW) (*Effective from passage*) The board of directors of the
519 Connecticut Resources Recovery Authority shall submit to the joint
520 standing committee of the General Assembly having cognizance of
521 matters relating to finance, revenue and bonding a copy of each audit
522 of the authority conducted by an independent auditing firm, not later
523 than seven days after the audit is received by said board of directors.

524 Sec. 15. (*Effective from passage*) The Legislative Program Review and
525 Investigations Committee shall study the advantages and
526 disadvantages of the powers and duties of the Connecticut Resources
527 Recovery Authority being exercised by a state agency instead of by a
528 body politic and corporate which is a political subdivision of the state,
529 provided such study shall recognize that, if such a structural change is
530 made, provision is required to be made to ensure the payment of the
531 authority's outstanding obligations and the performance of the
532 authority's contracts and agreements consistent with section 22a-274 of
533 the general statutes. Said committee shall submit a report on its
534 findings and recommendations to the General Assembly not later than
535 January 1, 2003.

536 Sec. 16. Subsection (a) of section 1-124 of the general statutes is
537 repealed and the following is substituted in lieu thereof (*Effective from*
538 *passage*):

539 (a) The Connecticut Development Authority, the Connecticut
540 Health and Educational Facilities Authority, the Connecticut Higher
541 Education Supplemental Loan Authority, the Connecticut Housing
542 Finance Authority, [and] the Connecticut Housing Authority and the
543 Connecticut Resources Recovery Authority shall not borrow any

544 money or issue any bonds or notes which are guaranteed by the state
 545 of Connecticut or for which there is a capital reserve fund of any kind
 546 which is in any way contributed to or guaranteed by the state of
 547 Connecticut until and unless such borrowing or issuance is approved
 548 by the State Treasurer [of the state or his deputy] or the deputy State
 549 Treasurer appointed pursuant to section 3-12. The approval of the State
 550 Treasurer or [his] said deputy shall be based on documentation
 551 provided by the authority that it has sufficient revenues to (1) pay the
 552 principal of and interest on the bonds and notes issued, (2) establish,
 553 increase and maintain any reserves deemed by the authority to be
 554 advisable to secure the payment of the principal of and interest on
 555 such bonds and notes, (3) pay the cost of maintaining, servicing and
 556 properly insuring the purpose for which the proceeds of the bonds and
 557 notes have been issued, if applicable, and (4) pay such other costs as
 558 may be required."

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>January 1, 2003</i>
Sec. 8	<i>January 1, 2003</i>
Sec. 9	<i>January 1, 2003</i>
Sec. 10	<i>January 1, 2003</i>
Sec. 11	<i>January 1, 2003</i>
Sec. 12	<i>January 1, 2003</i>
Sec. 13	<i>January 1, 2003</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>from passage</i>
Sec. 16	<i>from passage</i>