



General Assembly

**Amendment**

February Session, 2002

LCO No. 3364

\*SB0038303364SD0\*

Offered by:

SEN. SULLIVAN, 5<sup>th</sup> Dist.  
SEN. JEPSSEN, 27<sup>th</sup> Dist.  
SEN. LOONEY, 11<sup>th</sup> Dist.  
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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 Section 22a-261 of the general statutes is repealed and the  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 without unduly raising tipping fees for  
234 municipalities that have entered into solid waste disposal services  
235 contracts with the authority, an amount in the aggregate not to exceed  
236 one hundred fifteen million dollars in accordance with the provisions  
237 of this section. Prior to any such borrowing, or the draw-down of an  
238 amount pursuant to a master loan agreement entered into between the  
239 authority and the state, the authority shall submit for approval by the  
240 State Treasurer and the Secretary of the Office of Policy and  
241 Management a financial mitigation plan and any additional  
242 information the State Treasurer and the Secretary may require. Such  
243 financial mitigation plan shall include information detailing the efforts  
244 that the authority has made to reduce the amount necessary to borrow  
245 from the state, including, but not limited to, the reduction of general  
246 administration and costs, renegotiation of vendor contracts, efforts to

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

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

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

277 (19) Act as an electric supplier or an electric aggregator pursuant to  
278 public act 98-28\* provided any net revenue to the authority from  
279 activities, contracts, products or processes undertaken pursuant to this

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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