



General Assembly

January Session, 2007

Raised Bill No. 7276

LCO No. 4811

04811_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

**AN ACT CONCERNING REVISIONS TO THE SOLID WASTE
MANAGEMENT SERVICES ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-263 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The directors of the authority shall meet at least monthly at the call
4 of the chairman and may meet more frequently if necessary and
5 desirable. It shall maintain at all times minutes of its meetings
6 including its considerations, deliberations, decisions and resolutions,
7 which minutes shall be considered public records. It shall maintain all
8 necessary records and data with respect to its operations and shall
9 report [quarterly] annually to the Governor and [annually to] the
10 General Assembly [,] upon its operations. Such reports shall include,
11 but not be limited to, a listing of the number and type of waste
12 management service contracts entered into with local government
13 units and persons, and the charges therefor; a listing of the contracts
14 entered into for the services of private industry in the operation of
15 systems and facilities; a map showing the location of all facilities
16 owned or leased by the authority; a schedule of the amounts of waste

17 received and processed in such facilities; a listing of the outstanding
18 issues of notes and bonds of the authority and the payment status
19 thereof; a budget showing the administrative expenses of the
20 authority; a report of revenues of the authority from all sources and of
21 the redistribution of any surplus revenues. The authority shall be
22 subject to audit by the state Auditors of Public Accounts in accordance
23 with normal audit practices prescribed for departments, boards,
24 commissions and other agencies of the state.

25 Sec. 2. Section 22a-265 of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective from passage*):

27 The authority shall have power to:

28 (1) Employ a staff necessary to carry out and conduct the business of
29 the authority; [of not to exceed seventy personnel, exclusive of the
30 directors, and to fix their duties, qualifications and compensation
31 provided before employing more than forty-five persons the board of
32 directors shall, by a two-thirds vote of all the members, establish the
33 maximum number of employees which may be employed;]

34 (2) Establish offices where necessary in the state of Connecticut;

35 (3) Make and enter into any contract or agreement necessary or
36 incidental to the performance of its duties and execution of its powers;

37 (4) Sue and be sued;

38 (5) Have a seal and alter it at pleasure;

39 (6) Make and alter bylaws and rules and regulations with respect to
40 the exercise of its own powers;

41 (7) Conduct such hearings, examinations and investigations as may
42 be necessary and appropriate to the conduct of its operations and the
43 fulfillment of its responsibilities;

44 (8) Obtain access to public records and apply for the process of

45 subpoena if necessary to produce books, papers, records and other
46 data;

47 (9) Charge reasonable fees for the services it performs and waive,
48 suspend, reduce or otherwise modify such fees, provided such user
49 fees shall apply uniformly within each municipality to all users who
50 are provided with waste management services with respect to a given
51 type or category of wastes, in accordance with criteria established by
52 the authority, and provided further no change may be made in user
53 fees without at least sixty days prior notice to the users affected
54 thereby;

55 (10) Purchase, lease or rent such real and personal property as it
56 may deem necessary, convenient or desirable;

57 (11) Appoint such state and local advisory councils as it may from
58 time to time deem advisable, including but not limited to state and
59 local councils on the continuation and utilization of source-separation
60 and recycling efforts to benefit the people of the state;

61 (12) Otherwise, do all things necessary for the performance of its
62 duties, the fulfillment of its obligations, the conduct of its operations,
63 the maintenance of its working relationships with municipalities,
64 regions and persons, and the conduct of a comprehensive program for
65 solid waste disposal and resources recovery, and for solid waste
66 management services, in accordance with the provisions of the state
67 solid waste management plan, applicable statutes and regulations and
68 the requirements of this chapter;

69 (13) Receive and accept, from any source, aid or contributions,
70 including money, property, labor and other things of value;

71 (14) To invest any funds not needed for immediate use or
72 disbursement in obligations issued or guaranteed by the United States
73 of America or the state of Connecticut and in obligations that are legal
74 investments for savings banks in this state; and

75 (15) To adopt regular procedures for exercising its power under this
76 chapter not in conflict with other provisions of the general statutes.

77 Sec. 3. Section 22a-268 of the general statutes is repealed and the
78 following is substituted in lieu thereof (*Effective from passage*):

79 The authority shall utilize private industry, by contract, to carry out
80 the business, design, operating, management, marketing, planning and
81 research and development functions of the authority, unless the
82 authority determines that it is in the public interest to adopt another
83 course of action. The authority is hereby empowered to enter into
84 long-term contracts with private persons for the performance of any
85 such functions of the authority which, in the opinion of the authority,
86 can desirably and conveniently be carried out by a private person
87 under contract provided any such contract shall contain such terms
88 and conditions as will enable the authority to retain overall
89 supervision and control of the business, design, operating,
90 management, transportation, marketing, planning and research and
91 development functions to be carried out or to be performed by such
92 private persons pursuant to such contract. Such contracts shall be
93 entered into either on a competitive negotiation or competitive bidding
94 basis, and the authority in its discretion may select the type of contract
95 it deems most prudent to utilize, pursuant to the contracting
96 procedures adopted under section 22a-268a and considering the scope
97 of work, the management complexities associated therewith, the extent
98 of current and future technological development requirements and the
99 best interests of the state. Whenever a long-term contract is entered
100 into on other than a competitive bidding basis, the criteria and
101 procedures therefor shall conform to applicable provisions of
102 subdivision (16) of subsection (a) and subsections (b) and (c) of section
103 22a-266, provided however, that any contract for a period of over five
104 years in duration, or any contract for which the annual consideration is
105 greater than [fifty] one hundred thousand dollars shall be approved by
106 [a] the affirmative vote of two-thirds [vote of the authority's full board
107 of directors] of the directors present at any meeting at which a quorum

108 is in attendance. The terms and conditions of such contracts shall be
109 determined by the authority, as shall the fees or other similar
110 compensation to be paid to such persons for such contracts. The
111 contracts entered into by the authority shall not be subject to the
112 approval of any other state department, office or agency. However,
113 copies of all contracts of the authority shall be maintained by the
114 authority as public records, subject to the proprietary rights of any
115 party to the contract. Nothing of the aforesaid shall be deemed to
116 restrict the discretion of the authority to utilize its own staff and work
117 force for the performance of any of its assigned responsibilities and
118 functions whenever, in the discretion of the authority, it becomes
119 necessary, convenient or desirable to do so. Any litigation with respect
120 to any terms, conditions or provisions of any contract of the authority,
121 or the performance or nonperformance of same by either party, shall
122 be tried before a judge of the Superior Court of Connecticut.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-263
Sec. 2	<i>from passage</i>	22a-265
Sec. 3	<i>from passage</i>	22a-268

Statement of Purpose:

To provide the Connecticut Resources Recovery Authority the flexibility needed to implement programs set forth in the updated Solid Waste Management Plan, to enhance the effectiveness of its board of directors meetings and to reduce redundant state reporting requirements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]