



General Assembly

Amendment

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LCO No. 9435

SB0125009435SDO

Offered by:

SEN. COLEMAN, 2nd Dist.
REP. FELTMAN, 6th Dist.
SEN. HANDLEY, 4th Dist.
REP. GREEN, 1st Dist.
REP. MCCRORY, 7th Dist.

SEN. FINCH, 22nd Dist.
SEN. PRAGUE, 19th Dist.
SEN. GOMES, 23rd Dist.
REP. WALKER, 93rd Dist.
REP. HEWETT, 39th Dist.

To: Subst. Senate Bill No. 1250

File No. 870

Cal. No. 330

"AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO IMPOSE A SURCHARGE TO COVER THE COSTS OF IMPLEMENTING THE CLEAN WATER PROJECT, ADOPT PROCUREMENT PROCESSES AND COMPLY WITH MINORITY HIRING AND SET-ASIDE GOALS."

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

3 "Section 1. Number 438 of the special acts of 1941 is amended to
4 read as follows (*Effective from passage*):

5 (a) In any town or city in which The Metropolitan District shall
6 furnish water directly to the inhabitants for domestic and other
7 purposes and shall maintain a sewer system, it may impose for
8 purposes connected with said sewer system as hereinafter stated, a
9 sewer rate upon the users of such water who also use said sewer

10 system, which rate shall be proportional to the quantity of water used
11 as determined by water meters installed and serviced by said district,
12 and shall so far as practicable be uniform throughout the territory
13 served.

14 (b) Such sewer rate shall appear on the water bills of said district as
15 a separate item and shall be due and payable at the same time as the
16 water bills are due and payable. Delinquency in the payment of either
17 water or sewer rates, either non-payment or delay in payment, shall
18 render the user liable to penalty and to the discontinuance of the water
19 service and to a lien upon the premises of the user similar to that now
20 provided in case of non-payment of water rates.

21 (c) The avails of such sewer rate shall be used only for the
22 construction, maintenance, including the maintenance and operation
23 of sewer protection gates and works, repair or reconstruction of said
24 sewer system, any one or more of such purposes, and the payment of
25 the principal and interest of bonds issued for any of such purposes to
26 the extent and in the manner which the district board may, by
27 ordinance, prescribe as hereinafter provided.

28 (d) In accordance with and subject to the limits imposed by this
29 section, the district board may from time to time adopt, alter or repeal
30 ordinances determining the nature and amount of such sewer rates,
31 adjusting special cases, by measurement or estimation of sewer flow,
32 where quantity of water used does not properly reflect use of the
33 sewer. Such ordinances may prescribe the methods of collection and
34 may provide for penalty and discontinuance of water service and lien,
35 and may prescribe and limit the purposes for which the avails of the
36 sewer rates shall be used. Nothing herein contained shall preclude the
37 use of other methods of meeting the expense of such sewer system as
38 are now or may hereafter be provided by law.

39 (e) The district board, by ordinance, may establish and revise a fee
40 to be imposed on all customers receiving water services located within
41 member municipalities sufficient to pay the cost of financing capital

42 expenses necessary to comply with a certain consent decree executed by
43 the Metropolitan District Commission of Hartford in a case filed on
44 August 15, 2006, in the United States District Court for the District of
45 Connecticut encaptioned United States of America and State of
46 Connecticut v. The Metropolitan District Commission of Hartford,
47 including a consent order executed by the Metropolitan District
48 Commission with the Connecticut Department of Environmental
49 Protection on or about November 6, 2006, for abatement of Combined
50 Sewer Overflows and a Connecticut Department of Environmental
51 Protection General Permit related to abatement of nitrogen discharges
52 to the Connecticut River from district wastewater treatment plants
53 located in Rocky Hill, East Hartford and Hartford, except that no such
54 fee may be imposed upon a nonmember municipal customer that
55 entered into a written water supply agreement with the district on
56 January 26, 1996.

57 Sec. 2. Section 39 of number 511 of the special acts of 1929, as
58 amended by special acts 80-14 and 90-14, is amended to read as follows
59 (*Effective from passage*):

60 [Whenever any work shall be necessary to execute or perfect any
61 public work or improvement, or whenever any supplies for the district
62 shall be needed for any particular purpose and such work or supplies
63 shall involve the expenditure of more than ten thousand dollars, except
64 in the case of an emergency to be determined by the district board, a
65 written contract for such work or supplies shall be made under such
66 regulations as the district board may establish, which contract shall be
67 based on sealed bids made in compliance with public notice, duly
68 advertized by publication, in a daily newspaper published in said
69 district, at least five days before the time fixed for opening such bids or
70 proposals.]

71 The district board, by ordinance, shall adopt procurement processes
72 and limits for contracting for goods and services. Such ordinance shall
73 provide for (1) expenditure limits for contract bidding, (2) selection of
74 contractors, (3) use of quality-based selection for professional services,

75 (4) low bid selection, (5) procedures to meet state or federal
76 requirements for funding, (6) ethics standards, and (7) any other
77 provisions necessary to protect the interest of the district.

78 Sec. 3. (NEW) (*Effective from passage*) (a) As used in this section:

79 (1) "Clean water project" means capital improvements to the storm
80 drainage or sewerage system of the Metropolitan District Commission
81 necessary to comply with the consent decree.

82 (2) "Commission" means the Commission on Human Rights and
83 Opportunities established in section 46a-52 of the general statutes.

84 (3) "Consent decree" means the consent decree executed by the
85 Metropolitan District Commission of Hartford in a case filed on
86 August 15, 2006, in the United States District Court for the District of
87 Connecticut encaptioned United States of America and State of
88 Connecticut v. The Metropolitan District Commission of Hartford,
89 Connecticut, including a consent order executed by the Metropolitan
90 District Commission with the Connecticut Department of
91 Environmental Protection on or about November 6, 2006, for
92 abatement of Combined Sewer Overflows and a Connecticut
93 Department of Environmental Protection General Permit related to
94 abatement of nitrogen discharges to the Connecticut River from district
95 wastewater treatment plants located in Rocky Hill, East Hartford and
96 Hartford.

97 (4) "Metropolitan District" means the Metropolitan District of
98 Hartford County.

99 (5) "District board" means the district board of the Metropolitan
100 District of Hartford County.

101 (6) "Small contractor" means any contractor, subcontractor,
102 manufacturer or service company (A) which has been doing business
103 and has maintained its principal place of business in the state for a
104 period of at least one year prior to the date of application for

105 certification under this section, (B) which had gross revenues not
106 exceeding three million dollars in the most recently completed fiscal
107 year prior to such application, and (C) at least fifty-one per cent of the
108 ownership of which is held by a person or persons who are active in
109 the daily affairs of the business and have the power to direct the
110 management and policies of the business.

111 (7) "Minority business enterprise" means any small contractor (A) in
112 which fifty-one per cent or more of the capital stock, if any, or assets of
113 which are owned by a person or persons who (i) are active in the daily
114 affairs of the enterprise, (ii) have the power to direct the management
115 and policies of the enterprise, and (iii) are members of a minority, and
116 (B) who has a certificate of eligibility issued by the Department of
117 Administrative Services under regulations adopted under section 4a-
118 60h of the general statutes.

119 (8) "Minority" means (A) Black Americans, including all persons
120 having origins in any of the black African racial groups not of Hispanic
121 origin; (B) Hispanic Americans, including all persons of Mexican,
122 Puerto Rican, Cuban, Central or South American or other Spanish
123 culture, origin, regardless of race; (C) Asian Pacific Americans and
124 Pacific Islanders; or (D) American Indians and persons having origins
125 in any of the original peoples of North America and maintaining
126 identifiable tribal affiliations through membership and participation or
127 community identification.

128 (9) "Ex-offender" means any person who (A) has been convicted of
129 an offense and been released from any incarceration, and (B) is
130 meeting or has discharged all conditions of probation or parole, if
131 applicable.

132 (b) (1) Each contract entered into by the metropolitan district for the
133 construction, reconstruction or capital improvement to the water
134 supply system or sewerage system operated by the metropolitan
135 district or the provision of goods, materials and services shall contain
136 provisions stating that the contractor:

137 (A) Agrees and warrants that in the performance of the contract
138 such contractor will not discriminate or permit discrimination against
139 any person or group of persons on the grounds of race, color, religious
140 creed, age, marital or civil union status, sexual orientation, national
141 origin, ancestry or sex, in any manner prohibited by the laws of the
142 United States or this state. The contractor further agrees to take
143 affirmative action to insure that applicants with job-related
144 qualifications are employed and that employees are treated when
145 employed without regard to their race, color, religious creed, age,
146 marital or civil union status, sexual orientation, national origin,
147 ancestry or sex;

148 (B) In all solicitations to or advertisements for employees placed by
149 or on behalf of the contractor, to state that it is an "affirmative action-
150 equal opportunity employer" in accordance with regulations adopted
151 by the commission;

152 (C) To provide each employee, subcontractor and vendor with
153 which such contractor has a contract or understanding, a notice to be
154 provided by the commission advising the employee, subcontractor or
155 vendor of the contractor's commitments under this section, and to post
156 copies of the notice in conspicuous places available to employees and
157 applicants for employment;

158 (D) To comply with each provision of this section and with each
159 regulation or relevant order issued by said commission;

160 (E) To provide the commission with such information requested by
161 the commission, and permit access to pertinent books, records and
162 accounts, concerning the employment practices and procedures of the
163 contractor as relate to the provisions of this section;

164 (F) Agrees and warrants to employ minority workers as follows: (i)
165 From the effective date of this section until March 31, 2008, at least nine
166 per cent; (ii) from April 1, 2008, until March 31, 2009, at least seventeen
167 per cent; and (iii) thereafter, at least twenty-five per cent except if such
168 percentage is waived, revised or postponed by the commission in

169 accordance with the provisions of subdivision (2) of subsection (d) of
170 this section; and

171 (G) Agrees and warrants to employ ex-offenders as follows: (i) From
172 April 1, 2008, until March 31, 2009, at least two and one-half per cent;
173 and (ii) thereafter, five per cent, except if such percentage is waived,
174 revised or postponed by the commission in accordance with the
175 provisions of subdivision (2) of subsections (d) of this section.

176 (2) An ex-offender who is a minority may be included in the
177 determination of the percentage under subparagraphs (F) and (G) of
178 this subsection.

179 (c) In connection with the clean water project, the district board
180 shall set aside in each fiscal year for award to minority business
181 enterprises, on the basis of a competitive bidding procedure: (1)
182 Contracts or portions of contracts for the construction or
183 reconstruction of capital improvements to the water supply system or
184 sewerage system; (2) contracts or portions of contracts for the
185 provision of goods, materials and services. The total value of each
186 contract or portions thereof to be set aside shall be the following
187 percentage of the average of a the total value of such contracts
188 awarded by the metropolitan district annually as follows: (A) From the
189 effective date of this section until March 31, 2008, at least six per cent;
190 (B) from April 1, 2008, until March 31, 2009, at least nine per cent; (C)
191 from April 1, 2009, until March 31, 2010, at least twelve per cent; (D)
192 from April 1, 2010, until March 31, 2011, at least fifteen per cent; and
193 (E) thereafter, at least eighteen per cent. A contract that may not be set
194 aside due to a conflict with a federal law or regulation shall not be
195 included in the calculation of such average.

196 (d) (1) The Commission on Human Rights and Opportunities shall
197 conduct one or more studies to determine if there is or has been a
198 disparity between: (A) The number of qualified minority businesses
199 ready, willing and able to contract or subcontract with the
200 metropolitan district for construction or reconstruction of capital

201 improvements for the clean water project and the number of qualified
202 minority businesses actually engaged to perform contracts awarded by
203 the metropolitan district, and (B) the number of qualified minority
204 businesses ready, willing and able to contract or subcontract with the
205 metropolitan district for the provision of products, goods and services
206 to the metropolitan district and the number of qualified minority
207 businesses actually engaged to provide such products, goods and
208 services to the metropolitan district for the previous five-year period.
209 Each disparity study shall also examine (i) the present and future
210 capacity of minority persons and ex-offenders to perform the work
211 under the contract, and (ii) the present and future capacity of minority
212 business enterprises expected to be ready, willing and able to perform
213 work on the clean water project. In making such examination, the
214 commission may consider any public or private job training program.
215 Each such study shall include recommendations concerning revisions
216 to the percentage of minority hiring provided for in subsection (b) of
217 this section and to the percentage of contracts to be set aside under
218 subsection (c) of this section based on any disparities found in a study.
219 The first study shall be submitted on or before December 31, 2007, to
220 the metropolitan district and the joint standing committee of the
221 General Assembly having cognizance of matters relating to planning
222 and development. On or after January 1, 2008, the metropolitan district
223 may increase or decrease the percentage of minority hiring provided
224 for in subsection (b) of this section or the percentage of contracts to be
225 set aside under subsection (c) of this section in accordance with the
226 recommendations of a study conducted under this section.

227 (2) The commission may waive, revise or postpone the requirement
228 of compliance with the percentage of minority hiring provided for in
229 subsection (b) of this section and the percentage of contracts to be set
230 aside under subsection (c) of this section based on the availability of
231 contractors and subcontractors in the labor force who can perform the
232 contract as determined by a disparity study or studies conducted in
233 accordance with subdivision (1) of this subsection.

234 (e) The commission shall monitor or cause to be monitored

235 compliance by the district board and each contractor and subcontractor
236 with the provisions of this section. The commission shall file quarterly
237 a written report to the metropolitan district and the joint standing
238 committee of the General Assembly having cognizance of matters
239 relating to planning and development concerning the findings and
240 recommendations of the commission regarding the compliance of the
241 metropolitan district with the set-aside and hiring requirements of this
242 section.

243 (f) The commission may, in accordance with regulations adopted
244 pursuant to the provisions of chapter 54 of the general statutes, impose
245 a compliance monitoring and enforcement fee on the metropolitan
246 district sufficient to cover the cost of monitoring and enforcing
247 compliance with the provisions of this section. The metropolitan
248 district may apportion the amount of this fee among each contractor
249 engaged to perform services or provide products in connection with
250 the project.

251 (g) The commission may adopt regulations, in accordance with the
252 provisions of chapter 54 of the general statutes, to implement this
253 section.

254 Sec. 4. (NEW) (*Effective July 1, 2008*) If the commission determines
255 that the metropolitan district is not in compliance with the provisions
256 of this section and that such noncompliance is significant, the
257 commission may impose a noncompliance fee in an amount that is not
258 less than two per cent but not more than ten per cent of the value of
259 the contract or subcontracts in which the noncompliance took place.
260 The amount of any noncompliance fee imposed under this section may
261 be reduced if (1) the commission determines that the district board met
262 or exceeded (A) the percentage of minority and ex-offender
263 employment provided for in subsection (b) of this section for the clean
264 water project during the same contractual period in which the
265 noncompliance occurred, or (B) the percentage of contracts to be set
266 aside under subsection (c) of this section for the clean water project
267 during the same contractual period in which the noncompliance

268 occurred, or (2) the gross pay of all minority persons employed by all
269 contractors and subcontractors engaged in the clean water project
270 exceeds twenty-five per cent of the gross pay earned by all persons
271 employed by all contractors and subcontractors engaged in the clean
272 water project and the gross pay of all ex-offenders employed by all
273 contractors and subcontractors exceeds five per cent of the gross pay
274 earned by all persons employed by all contractors and subcontractors
275 engaged in the clean water project during the same contractual period
276 in which the noncompliance occurred. Any fees paid pursuant to this
277 section shall be deposited in the special account established pursuant
278 to section 5 of this act.

279 Sec. 5. (NEW) (*Effective from passage*) There is established an account
280 to be known as the "Metropolitan District of Hartford County set-side
281 account" which shall be a separate, nonlapsing account within the
282 General Fund. Moneys in the account shall be expended by the Office
283 of Workforce Competitiveness for the purposes of section 6 of this act.

284 Sec. 6. (NEW) (*Effective from passage*) Within available
285 appropriations, The Office of Workforce Competitiveness, established
286 pursuant to section 4-124w of the general statutes, shall establish one
287 or more programs to provide training to increase participation of
288 minorities, minority business enterprises and ex-offenders in
289 construction or reconstruction of capital improvements to the storm
290 drainage or sewerage system operated by the Metropolitan District of
291 Hartford County as required by the consent decree executed by the
292 Metropolitan District Commission of Hartford in a case filed on
293 August 15, 2006, in the United States District Court for the District of
294 Connecticut encaptioned United States of America and State of
295 Connecticut v. The Metropolitan District Commission of Hartford,
296 Connecticut, including a consent order executed by the Metropolitan
297 District Commission with the Connecticut Department of
298 Environmental Protection on or about November 6, 2006, for
299 abatement of Combined Sewer Overflows and a Connecticut
300 Department of Environmental Protection General Permit related to
301 abatement of nitrogen discharges to the Connecticut River from district

302 wastewater treatment plants located in Rocky Hill, East Hartford and
303 Hartford.

304 Sec. 7. (*Effective July 1, 2007*) (a) For the purposes described in
305 subsection (b) of this section, the State Bond Commission shall have
306 the power, from time to time, to authorize the issuance of bonds of the
307 state in one or more series and in principal amounts not exceeding in
308 the aggregate ten million dollars.

309 (b) The proceeds of the sale of said bonds, to the extent of the
310 amount stated in subsection (a) of this section, shall be used by the
311 Department of Environmental Protection for the purpose of a grant to
312 the Metropolitan District Commission to be used for the elimination of
313 the overflow of sanitary sewage to Trout Brook, Piper Brook, Mill
314 Brook, Goff Brook, Meadow Brook and the Connecticut River caused
315 by the inflow of rainwater from drains, roof leaders and sump pumps
316 and infiltration of groundwater into the sanitary sewers of West
317 Hartford, Newington, Rocky Hill, Wethersfield and Windsor.

318 (c) All provisions of section 3-20 of the general statutes, or the
319 exercise of any right or power granted thereby, which are not
320 inconsistent with the provisions of this section are hereby adopted and
321 shall apply to all bonds authorized by the State Bond Commission
322 pursuant to this section, and temporary notes in anticipation of the
323 money to be derived from the sale of any such bonds so authorized
324 may be issued in accordance with said section 3-20 and from time to
325 time renewed. Such bonds shall mature at such time or times not
326 exceeding twenty years from their respective dates as may be provided
327 in or pursuant to the resolution or resolutions of the State Bond
328 Commission authorizing such bonds. None of said bonds shall be
329 authorized except upon a finding by the State Bond Commission that
330 there has been filed with it a request for such authorization which is
331 signed by or on behalf of the Secretary of the Office of Policy and
332 Management and states such terms and conditions as said commission,
333 in its discretion, may require. Said bonds issued pursuant to this
334 section shall be general obligations of the state and the full faith and

335 credit of the state of Connecticut are pledged for the payment of the
 336 principal of and interest on said bonds as the same become due, and
 337 accordingly and as part of the contract of the state with the holders of
 338 said bonds, appropriation of all amounts necessary for punctual
 339 payment of such principal and interest is hereby made, and the State
 340 Treasurer shall pay such principal and interest as the same become
 341 due."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 438 of the special acts of 1941
Sec. 2	<i>from passage</i>	Number 511 of the special acts of 1929, Sec. 39
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2008</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2007</i>	New section