



General Assembly

January Session, 2007

Amendment

LCO No. 7134

HB0640407134HRO

Offered by:
REP. WILLIAMS, 68th Dist.

To: House Bill No. 6404

File No. 454

Cal. No. 368

**"AN ACT CONCERNING THE OPERATION OF HYDRAULIC
LOADING OR UNLOADING EQUIPMENT AT CERTAIN SOLID
WASTE FACILITIES."**

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- 1 Change the effective date of section 1 to "Effective October 1, 2008"
- 2 After the last section, add the following and renumber sections and
3 internal references accordingly:
- 4 "Sec. 501. (*Effective July 1, 2007*) Not later than September 1, 2007, the
5 Department of Public of Utility Control shall conduct a contested case
6 proceeding, in accordance with the provisions of chapter 54 of the
7 general statutes, to determine whether resource recovery facilities in
8 the state should expand their capacity. Not later than January 1, 2008,
9 the department shall submit a report with the department's
10 recommendation regarding such expansion to the joint standing
11 committee of the General Assembly having cognizance of matters
12 relating to energy in accordance with the provisions of section 11-4a of
13 the general statutes.

14 Sec. 502. (*Effective from passage*) On or before ninety days after the
15 effective date of this section, the Department of Public Utility Control
16 and the Department of Environmental Protection shall initiate a docket
17 to expand curbside recycling programs in the state. Not later than
18 January 1, 2008, said departments shall submit a joint report with the
19 departments' recommendation regarding such expansion to the joint
20 standing committees of the General Assembly having cognizance of
21 matters relating to energy and the environment in accordance with the
22 provisions of section 11-4a of the general statutes.

23 Sec. 503. (*Effective October 1, 2007*) On or before ninety days after the
24 effective date of this section, the Department of Public Utility Control
25 and the Department of Environmental Protection shall initiate a docket
26 to study the administrative costs of the Connecticut Resources
27 Recovery Authority and the correlation between such costs and the
28 tipping fees charged to participating municipalities. Not later than July
29 1, 2008, the departments shall submit a joint report of their findings
30 regarding such study to the joint standing committees of the General
31 Assembly having cognizance of matters relating to energy and the
32 environment in accordance with the provisions of section 11-4a of the
33 general statutes.

34 Sec. 504. Section 22a-261 of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective October 1, 2007*):

36 (a) There is hereby established and created a body politic and
37 corporate, constituting a public instrumentality and political
38 subdivision of the state of Connecticut established and created for the
39 performance of an essential public and governmental function, to be
40 known as the Connecticut Resources Recovery Authority. The
41 authority shall not be construed to be a department, institution or
42 agency of the state.

43 (b) On and before May 31, 2002, the powers of the authority shall be
44 vested in and exercised by a board of directors, which shall consist of
45 twelve directors: Four appointed by the Governor and two ex-officio

46 members, who shall have a vote including the Commissioner of
47 Transportation and the Commissioner of Economic and Community
48 Development; two appointed by the president pro tempore of the
49 Senate, two by the speaker of the House, one by the minority leader of
50 the Senate and one by the minority leader of the House of
51 Representatives. Any such legislative appointee may be a member of
52 the General Assembly. The directors appointed by the Governor under
53 this subsection shall serve for terms of four years each, from January
54 first next succeeding their appointment, provided, of the directors first
55 appointed, two shall serve for terms of two years, and two for terms of
56 four years, from January first next succeeding their appointment. Any
57 vacancy occurring under this subsection other than by expiration of
58 term shall be filled in the same manner as the original appointment for
59 the balance of the unexpired term. Of the four members appointed by
60 the Governor under this subsection, two shall be first selectmen,
61 mayors or managers of Connecticut municipalities; one from a
62 municipality with a population of less than fifty thousand, one from a
63 municipality of over fifty thousand population; two shall be public
64 members without official governmental office or status with extensive
65 high-level experience in municipal or corporate finance or business or
66 industry, provided not more than two of such appointees shall be
67 members of the same political party. The chairman of the board under
68 this subsection shall be appointed by the Governor, with the advice
69 and consent of both houses of the General Assembly and shall serve at
70 the pleasure of the Governor. Notwithstanding the provisions of this
71 subsection, the terms of all members of the board of directors who are
72 serving on May 31, 2002, shall expire on said date.

73 (c) On and after June 1, 2002, the powers of the authority shall be
74 vested in and exercised by a board of directors, which shall consist of
75 eleven directors as follows: Three appointed by the Governor, one of
76 whom shall be a municipal official of a municipality having a
77 population of fifty thousand or less and one of whom shall have
78 extensive, high-level experience in the energy field; two appointed by
79 the president pro tempore of the Senate, one of whom shall be a

80 municipal official of a municipality having a population of more than
81 fifty thousand and one of whom shall have extensive high-level
82 experience in public or corporate finance or business or industry; two
83 appointed by the speaker of the House of Representatives, one of
84 whom shall be a municipal official of a municipality having a
85 population of more than fifty thousand and one of whom shall have
86 extensive high-level experience in public or corporate finance or
87 business or industry; two appointed by the minority leader of the
88 Senate, one of whom shall be a municipal official of a municipality
89 having a population of fifty thousand or less and one of whom shall
90 have extensive high-level experience in public or corporate finance or
91 business or industry; two appointed by the minority leader of the
92 House of Representatives, one of whom shall be a municipal official of
93 a municipality having a population of fifty thousand or less and one of
94 whom shall have extensive, high-level experience in the environmental
95 field. No director may be a member of the General Assembly. Not
96 more than two of the directors appointed by the Governor shall be
97 members of the same political party. The appointed directors shall
98 serve for terms of four years each, provided, of the directors first
99 appointed for terms beginning on June 1, 2002, (1) two of the directors
100 appointed by the Governor, one of the directors appointed by the
101 president pro tempore of the Senate, one of the directors appointed by
102 the speaker of the House of Representatives, one of the directors
103 appointed by the minority leader of the Senate and one of the directors
104 appointed by the minority leader of the House of Representatives shall
105 serve an initial term of two years and one month, and (2) the other
106 appointed directors shall serve an initial term of four years and one
107 month. The appointment of each director for a term beginning on or
108 after June 1, 2004, shall be made with the advice and consent of both
109 houses of the General Assembly. The Governor shall designate one of
110 the directors to serve as chairperson of the board, with the advice and
111 consent of both houses of the General Assembly. The chairperson of
112 the board shall serve at the pleasure of the Governor. Any appointed
113 director who fails to attend three consecutive meetings of the board or
114 who fails to attend fifty per cent of all meetings of the board held

115 during any calendar year shall be deemed to have resigned from the
116 board. Any vacancy occurring other than by expiration of term shall be
117 filled in the same manner as the original appointment for the balance
118 of the unexpired term. As used in this subsection, "municipal official"
119 means the first selectman, mayor, city or town manager or chief
120 financial officer of a municipality that has entered into a solid waste
121 disposal services contract with the authority and pledged the
122 municipality's full faith and credit for the payment of obligations
123 under such contract.

124 (d) On and after October 1, 2007, the powers of the authority shall
125 be vested in and exercised by a board of fourteen directors, which shall
126 consist of the twelve directors appointed in accordance with subsection
127 (c) of this section, and two additional public members appointed by
128 the Governor, with the advice and consent of both houses of the
129 General Assembly. The directors appointed by the Governor under
130 this subsection shall serve for terms of four years each, from January
131 first next succeeding their appointment. Any vacancy occurring under
132 this subsection other than by expiration of term shall be filled in the
133 same manner as the original appointment for the balance of the
134 unexpired term. Of the two members appointed by the Governor
135 under this subsection, one shall have an expertise in public health and
136 epidemiological issues, and one shall reside in an overburdened
137 community. For the purposes of this subsection, "overburdened
138 community" means a census tract (1) for which not less than twenty
139 per cent of the population consists of noninstitutionalized low-income
140 persons or not less than fifty per cent of the population consists of
141 noninstitutionalized minority persons, and (2) having more than three
142 affecting facilities located within a five-mile radius, and (3) 0" affecting
143 facilities" means electric generating facilities, waste incinerators or
144 combustors, sewage treatment plants, waste storage, transfer or
145 disposal facilities, landfills, facilities that produce hazardous
146 substances, major sources of air pollution, as defined by the federal
147 Clean Air Act, sources with air emissions that exceed the federal Toxic
148 Release Inventory reporting threshold pursuant to the federal

149 Emergency Planning, Community Right-to-Know, and Pollution
150 Prevention Act, and limited access highways.

151 [(d)] (e) The chairperson shall, with the approval of the directors,
152 appoint a president of the authority who shall be an employee of the
153 authority and paid a salary prescribed by the directors. The president
154 shall supervise the administrative affairs and technical activities of the
155 authority in accordance with the directives of the board.

156 [(e)] (f) Each director shall be entitled to reimbursement for said
157 director's actual and necessary expenses incurred during the
158 performance of said director's official duties.

159 [(f)] (g) Directors may engage in private employment, or in a
160 profession or business, subject to any applicable laws, rules and
161 regulations of the state or federal government regarding official ethics
162 or conflict of interest.

163 [(g) Six] (h) Seven directors of the authority shall constitute a
164 quorum for the transaction of any business or the exercise of any
165 power of the authority, provided, two directors from municipal
166 government shall be present in order for a quorum to be in attendance.
167 For the transaction of any business or the exercise of any power of the
168 authority, and except as otherwise provided in this chapter, the
169 authority shall have power to act by a majority of the directors present
170 at any meeting at which a quorum is in attendance. If the legislative
171 body of a municipality that is the site of a facility passes a resolution
172 requesting the Governor to appoint a resident of such municipality to
173 be an ad hoc member, the Governor shall make such appointment
174 upon the next vacancy for the ad hoc members representing such
175 facility. The Governor shall appoint with the advice and consent of the
176 General Assembly ad hoc members to represent each facility operated
177 by the authority provided at least one-half of such members shall be
178 chief elected officials of municipalities, or their designees. Each such
179 facility shall be represented by two such members. The ad hoc
180 members shall be electors from a municipality or municipalities in the

181 area to be served by the facility and shall vote only on matters
182 concerning such facility. The terms of the ad hoc members shall be four
183 years.

184 [(h)] (i) There is established, effective June 1, 2002, a steering
185 committee of the board of directors, consisting of at least three but not
186 more than five directors, who shall be jointly appointed by the
187 Governor, the president pro tempore of the Senate and the speaker of
188 the House of Representatives. Said committee shall consist of at least
189 one director who is a municipal official, as defined in subsection (c) of
190 this section. The steering committee shall forthwith establish a
191 financial restructuring plan for the authority, subject to the approval of
192 the board of directors, and shall implement said plan. The financial
193 restructuring plan shall determine the financial condition of the
194 authority and provide for mitigation of the impact of the Connecticut
195 Resources Recovery Authority-Enron-Connecticut Light and Power
196 Company transaction on municipalities which have entered into solid
197 waste disposal services contracts with the authority. The steering
198 committee shall also review all aspects of the authority's finances and
199 administration, including but not limited to, tipping fees and
200 adjustments to such fees, the annual budget of the authority, any
201 budget transfers, any use of the authority's reserves, all contracts
202 entered into by or on behalf of the authority, including but not limited
203 to, an assessment of the alignment of interests between the authority
204 and the authority's contractors, all financings or restructuring of debts,
205 any sale or other disposition or valuation of assets of the authority,
206 including sales of electricity and steam, any joint ventures and
207 strategic partnerships, and the initiation and resolution of litigation,
208 arbitration and other disputes. The steering committee (1) shall have
209 access to all information, files and records maintained by the authority,
210 (2) may retain consultants and utilize other resources necessary to
211 carry out its responsibilities under this subsection, which have a total
212 cost of not more than five hundred thousand dollars, without the
213 approval of the board of directors, and may draw on accounts of the
214 authority for such costs, and (3) shall submit a report to the board of

215 directors and the General Assembly, in accordance with section 11-4a,
216 on its findings, progress and recommendations for future action by the
217 board of directors in carrying out the purposes of this subsection, not
218 later than December 31, 2002. Said report shall also include a report on
219 any loans made to the authority under section 22a-268d. The steering
220 committee shall terminate on December 31, 2002, unless extended by
221 the board.

222 [(i)] (j) The board may delegate to three or more directors such
223 board powers and duties as it may deem necessary and proper in
224 conformity with the provisions of this chapter and its bylaws. At least
225 one of such directors shall be a municipal official, as defined in
226 subsection (c) of this section, and at least one of such directors shall not
227 be a state employee.

228 [(j)] (k) Appointed directors may not designate a representative to
229 perform in their absence their respective duties under this chapter.

230 [(k)] (l) The term "director", as used in this section, shall include
231 such persons so designated as provided in this section and this
232 designation shall be deemed temporary only and shall not affect any
233 applicable civil service or retirement rights of any person so
234 designated.

235 [(l)] (m) The appointing authority for any director may remove such
236 director for inefficiency, neglect of duty or misconduct in office after
237 giving the director a copy of the charges against the director and an
238 opportunity to be heard, in person or by counsel, in the director's
239 defense, upon not less than ten days' notice. If any director shall be so
240 removed, the appointing authority for such director shall file in the
241 office of the Secretary of the State a complete statement of charges
242 made against such director and the appointing authority's findings on
243 such statement of charges, together with a complete record of the
244 proceedings.

245 [(m)] (n) The authority shall continue as long as it has bonds or
246 other obligations outstanding and until its existence is terminated by

247 law. Upon the termination of the existence of the authority, all its
248 rights and properties shall pass to and be vested in the state of
249 Connecticut.

250 [(n)] (o) The directors, members and officers of the authority and
251 any person executing the bonds or notes of the authority shall not be
252 liable personally on such bonds or notes or be subject to any personal
253 liability or accountability by reason of the issuance thereof, nor shall
254 any director, member or officer of the authority be personally liable for
255 damage or injury, not wanton or wilful, caused in the performance of
256 such person's duties and within the scope of such person's
257 employment or appointment as such director, member or officer.

258 [(o)] (p) Notwithstanding the provisions of any other law to the
259 contrary, it shall not constitute a conflict of interest for a trustee,
260 director, partner or officer of any person, firm or corporation, or any
261 individual having a financial interest in a person, firm or corporation,
262 to serve as a director of the authority, provided such trustee, director,
263 partner, officer or individual shall abstain from deliberation, action or
264 vote by the authority in specific respect to such person, firm or
265 corporation."