



General Assembly

January Session, 2007

Amendment

LCO No. 7189

HB0640407189HRO

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."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 22a-261 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2007*):

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) On and before May 31, 2002, the powers of the authority shall be
13 vested in and exercised by a board of directors, which shall consist of

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

42 (c) On and after June 1, 2002, the powers of the authority shall be
43 vested in and exercised by a board of directors, which shall consist of
44 eleven directors as follows: Three appointed by the Governor, one of
45 whom shall be a municipal official of a municipality having a
46 population of fifty thousand or less and one of whom shall have
47 extensive, high-level experience in the energy field; two appointed by

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

83 who fails to attend fifty per cent of all meetings of the board held
84 during any calendar year shall be deemed to have resigned from the
85 board. Any vacancy occurring other than by expiration of term shall be
86 filled in the same manner as the original appointment for the balance
87 of the unexpired term. As used in this subsection, "municipal official"
88 means the first selectman, mayor, city or town manager or chief
89 financial officer of a municipality that has entered into a solid waste
90 disposal services contract with the authority and pledged the
91 municipality's full faith and credit for the payment of obligations
92 under such contract.

93 (d) On and after October 1, 2007, the powers of the authority shall
94 be vested in and exercised by a board of fourteen directors, which shall
95 consist of the twelve directors appointed in accordance with subsection
96 (c) of this section, and two additional public members appointed by
97 the Governor, with the advice and consent of both houses of the
98 General Assembly. The directors appointed by the Governor under
99 this subsection shall serve for terms of four years each, from January
100 first next succeeding their appointment. Any vacancy occurring under
101 this subsection other than by expiration of term shall be filled in the
102 same manner as the original appointment for the balance of the
103 unexpired term. Of the two members appointed by the Governor
104 under this subsection, one shall have an expertise in public health and
105 epidemiological issues, and one shall reside in an overburdened
106 community. For the purposes of this subsection, "overburdened
107 community" means a census tract (1) for which not less than twenty
108 per cent of the population consists of noninstitutionalized low-income
109 persons or not less than fifty per cent of the population consists of
110 noninstitutionalized minority persons, and (2) having more than three
111 affecting facilities located within a five-mile radius, and (3) "affecting
112 facilities" means electric generating facilities, waste incinerators or
113 combustors, sewage treatment plants, waste storage, transfer or
114 disposal facilities, landfills, facilities that produce hazardous
115 substances, major sources of air pollution, as defined by the federal
116 Clean Air Act, sources with air emissions that exceed the federal Toxic

117 Release Inventory reporting threshold pursuant to the federal
118 Emergency Planning, Community Right-to-Know, and Pollution
119 Prevention Act, and limited access highways.

120 [(d)] (e) The chairperson shall, with the approval of the directors,
121 appoint a president of the authority who shall be an employee of the
122 authority and paid a salary prescribed by the directors. The president
123 shall supervise the administrative affairs and technical activities of the
124 authority in accordance with the directives of the board.

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

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

132 [(g) Six] (h) Seven directors of the authority shall constitute a
133 quorum for the transaction of any business or the exercise of any
134 power of the authority, provided, two directors from municipal
135 government shall be present in order for a quorum to be in attendance.
136 For the transaction of any business or the exercise of any power of the
137 authority, and except as otherwise provided in this chapter, the
138 authority shall have power to act by a majority of the directors present
139 at any meeting at which a quorum is in attendance. If the legislative
140 body of a municipality that is the site of a facility passes a resolution
141 requesting the Governor to appoint a resident of such municipality to
142 be an ad hoc member, the Governor shall make such appointment
143 upon the next vacancy for the ad hoc members representing such
144 facility. The Governor shall appoint with the advice and consent of the
145 General Assembly ad hoc members to represent each facility operated
146 by the authority provided at least one-half of such members shall be
147 chief elected officials of municipalities, or their designees. Each such
148 facility shall be represented by two such members. The ad hoc

149 members shall be electors from a municipality or municipalities in the
150 area to be served by the facility and shall vote only on matters
151 concerning such facility. The terms of the ad hoc members shall be four
152 years.

153 [(h)] (i) There is established, effective June 1, 2002, a steering
154 committee of the board of directors, consisting of at least three but not
155 more than five directors, who shall be jointly appointed by the
156 Governor, the president pro tempore of the Senate and the speaker of
157 the House of Representatives. Said committee shall consist of at least
158 one director who is a municipal official, as defined in subsection (c) of
159 this section. The steering committee shall forthwith establish a
160 financial restructuring plan for the authority, subject to the approval of
161 the board of directors, and shall implement said plan. The financial
162 restructuring plan shall determine the financial condition of the
163 authority and provide for mitigation of the impact of the Connecticut
164 Resources Recovery Authority-Enron-Connecticut Light and Power
165 Company transaction on municipalities which have entered into solid
166 waste disposal services contracts with the authority. The steering
167 committee shall also review all aspects of the authority's finances and
168 administration, including but not limited to, tipping fees and
169 adjustments to such fees, the annual budget of the authority, any
170 budget transfers, any use of the authority's reserves, all contracts
171 entered into by or on behalf of the authority, including but not limited
172 to, an assessment of the alignment of interests between the authority
173 and the authority's contractors, all financings or restructuring of debts,
174 any sale or other disposition or valuation of assets of the authority,
175 including sales of electricity and steam, any joint ventures and
176 strategic partnerships, and the initiation and resolution of litigation,
177 arbitration and other disputes. The steering committee (1) shall have
178 access to all information, files and records maintained by the authority,
179 (2) may retain consultants and utilize other resources necessary to
180 carry out its responsibilities under this subsection, which have a total
181 cost of not more than five hundred thousand dollars, without the
182 approval of the board of directors, and may draw on accounts of the

183 authority for such costs, and (3) shall submit a report to the board of
184 directors and the General Assembly, in accordance with section 11-4a,
185 on its findings, progress and recommendations for future action by the
186 board of directors in carrying out the purposes of this subsection, not
187 later than December 31, 2002. Said report shall also include a report on
188 any loans made to the authority under section 22a-268d. The steering
189 committee shall terminate on December 31, 2002, unless extended by
190 the board.

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

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

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

204 [(l)] (m) The appointing authority for any director may remove such
205 director for inefficiency, neglect of duty or misconduct in office after
206 giving the director a copy of the charges against the director and an
207 opportunity to be heard, in person or by counsel, in the director's
208 defense, upon not less than ten days' notice. If any director shall be so
209 removed, the appointing authority for such director shall file in the
210 office of the Secretary of the State a complete statement of charges
211 made against such director and the appointing authority's findings on
212 such statement of charges, together with a complete record of the
213 proceedings.

214 [(m)] (n) The authority shall continue as long as it has bonds or

215 other obligations outstanding and until its existence is terminated by
216 law. Upon the termination of the existence of the authority, all its
217 rights and properties shall pass to and be vested in the state of
218 Connecticut.

219 [(n)] (o) The directors, members and officers of the authority and
220 any person executing the bonds or notes of the authority shall not be
221 liable personally on such bonds or notes or be subject to any personal
222 liability or accountability by reason of the issuance thereof, nor shall
223 any director, member or officer of the authority be personally liable for
224 damage or injury, not wanton or wilful, caused in the performance of
225 such person's duties and within the scope of such person's
226 employment or appointment as such director, member or officer.

227 [(o)] (p) Notwithstanding the provisions of any other law to the
228 contrary, it shall not constitute a conflict of interest for a trustee,
229 director, partner or officer of any person, firm or corporation, or any
230 individual having a financial interest in a person, firm or corporation,
231 to serve as a director of the authority, provided such trustee, director,
232 partner, officer or individual shall abstain from deliberation, action or
233 vote by the authority in specific respect to such person, firm or
234 corporation."