



General Assembly

February Session, 2010

Raised Bill No. 394

LCO No. 1894

01894_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

**AN ACT CONCERNING THE GOVERNANCE OF THE CONNECTICUT
RESOURCES RECOVERY AUTHORITY.**

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

1 Section 1. Section 22a-261 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective May 1, 2010*):

3 (a) There is hereby established and created a body politic and
4 corporate, constituting a public instrumentality and political
5 subdivision of the state of Connecticut established and created for the
6 performance of an essential public and governmental function, to be
7 known as the Connecticut Resources Recovery Authority. The
8 authority shall not be construed to be a department, institution or
9 agency of the state.

10 [(b) On and before May 31, 2002, the powers of the authority shall
11 be vested in and exercised by a board of directors, which shall consist
12 of twelve directors: Four appointed by the Governor and two ex-officio
13 members, who shall have a vote including the Commissioner of
14 Transportation and the Commissioner of Economic and Community
15 Development; two appointed by the president pro tempore of the

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

40 (c) On and after June 1, 2002, the powers of the authority shall be
41 vested in and exercised by a board of directors, which shall consist of
42 eleven directors as follows: Three appointed by the Governor, one of
43 whom shall be a municipal official of a municipality having a
44 population of fifty thousand or less and one of whom shall have
45 extensive, high-level experience in the energy field; two appointed by
46 the president pro tempore of the Senate, one of whom shall be a
47 municipal official of a municipality having a population of more than
48 fifty thousand and one of whom shall have extensive high-level
49 experience in public or corporate finance or business or industry; two

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

84 filled in the same manner as the original appointment for the balance
85 of the unexpired term. As used in this subsection, "municipal official"
86 means the first selectman, mayor, city or town manager or chief
87 financial officer of a municipality that has entered into a solid waste
88 disposal services contract with the authority and pledged the
89 municipality's full faith and credit for the payment of obligations
90 under such contract.]

91 (b) On and after June 1, 2010, the powers of the authority shall be
92 vested in and exercised by a board of directors, which shall consist of
93 directors who are municipal officials. Such directors shall be jointly
94 appointed by the Governor, the president pro tempore of the Senate
95 and the speaker of the House of Representatives. As used in this
96 subsection, "municipal official" means the first selectman, mayor, city
97 or town manager or chief financial officer of a municipality that has
98 entered into a solid waste disposal services contract with the authority
99 and pledged the municipality's full faith and credit for the payment of
100 obligations under such contract. The appointment of each director
101 shall be made with the advice and consent of both houses of the
102 General Assembly. The Governor shall designate one of the directors
103 to serve as chairperson of the board, with the advice and consent of
104 both houses of the General Assembly. The chairperson of the board
105 shall serve at the pleasure of the Governor. Any appointed director
106 who fails to attend three consecutive meetings of the board or who
107 fails to attend fifty per cent of all meetings of the board held during
108 any calendar year shall be deemed to have resigned from the board.
109 Any vacancy occurring other than by expiration of term shall be filled
110 in the same manner as the original appointment for the balance of the
111 unexpired term. Notwithstanding the provisions of this subsection, the
112 terms of all members of the board of directors who are serving on May
113 31, 2010, shall expire on said date.

114 [(d)] (c) The chairperson shall, with the approval of the directors,
115 appoint a president of the authority who shall be an employee of the
116 authority and paid a salary prescribed by the directors. The president

117 shall supervise the administrative affairs and technical activities of the
118 authority in accordance with the directives of the board.

119 [(e)] (d) Each director shall be entitled to reimbursement for said
120 director's actual and necessary expenses incurred during the
121 performance of said director's official duties.

122 [(f)] (e) Directors may engage in private employment, or in a
123 profession or business, subject to any applicable laws, rules and
124 regulations of the state or federal government regarding official ethics
125 or conflict of interest.

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

147 [(h)] There is established, effective June 1, 2002, a steering committee
148 of the board of directors, consisting of at least three but not more than

149 five directors, who shall be jointly appointed by the Governor, the
150 president pro tempore of the Senate and the speaker of the House of
151 Representatives. Said committee shall consist of at least one director
152 who is a municipal official, as defined in subsection (c) of this section.
153 The steering committee shall forthwith establish a financial
154 restructuring plan for the authority, subject to the approval of the
155 board of directors, and shall implement said plan. The financial
156 restructuring plan shall determine the financial condition of the
157 authority and provide for mitigation of the impact of the Connecticut
158 Resources Recovery Authority-Enron-Connecticut Light and Power
159 Company transaction on municipalities which have entered into solid
160 waste disposal services contracts with the authority. The steering
161 committee shall also review all aspects of the authority's finances and
162 administration, including but not limited to, tipping fees and
163 adjustments to such fees, the annual budget of the authority, any
164 budget transfers, any use of the authority's reserves, all contracts
165 entered into by or on behalf of the authority, including but not limited
166 to, an assessment of the alignment of interests between the authority
167 and the authority's contractors, all financings or restructuring of debts,
168 any sale or other disposition or valuation of assets of the authority,
169 including sales of electricity and steam, any joint ventures and
170 strategic partnerships, and the initiation and resolution of litigation,
171 arbitration and other disputes. The steering committee (1) shall have
172 access to all information, files and records maintained by the authority,
173 (2) may retain consultants and utilize other resources necessary to
174 carry out its responsibilities under this subsection, which have a total
175 cost of not more than five hundred thousand dollars, without the
176 approval of the board of directors, and may draw on accounts of the
177 authority for such costs, and (3) shall submit a report to the board of
178 directors and the General Assembly, in accordance with section 11-4a,
179 on its findings, progress and recommendations for future action by the
180 board of directors in carrying out the purposes of this subsection, not
181 later than December 31, 2002. Said report shall also include a report on
182 any loans made to the authority under section 22a-268d. The steering

183 committee shall terminate on December 31, 2002, unless extended by
184 the board.]

185 [(i)] (g) The board may delegate to three or more directors such
186 board powers and duties as it may deem necessary and proper in
187 conformity with the provisions of this chapter and its bylaws. [At least
188 one of such directors shall be a municipal official, as defined in
189 subsection (c) of this section, and at least one of such directors shall not
190 be a state employee.]

191 [(j)] (h) Appointed directors may [not] designate a representative to
192 perform in their absence their respective duties under this chapter.

193 [(k)] (i) The term "director", as used in this section, shall include
194 such persons so designated as provided in this section and this
195 designation shall be deemed temporary only and shall not affect any
196 applicable civil service or retirement rights of any person so
197 designated.

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

208 [(m)] (k) The authority shall continue as long as it has bonds or
209 other obligations outstanding and until its existence is terminated by
210 law. Upon the termination of the existence of the authority, all its
211 rights and properties shall pass to and be vested in the state of
212 Connecticut.

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

221 [(o)] (m) Notwithstanding the provisions of any other law to the
222 contrary, it shall not constitute a conflict of interest for a trustee,
223 director, partner or officer of any person, firm or corporation, or any
224 individual having a financial interest in a person, firm or corporation,
225 to serve as a director of the authority, provided such trustee, director,
226 partner, officer or individual shall abstain from deliberation, action or
227 vote by the authority in specific respect to such person, firm or
228 corporation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	May 1, 2010	22a-261

Statement of Purpose:

To reconstitute the board of directors of the Connecticut Resources Recovery Authority.

[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.]