



General Assembly

Substitute Bill No. 5125

February Session, 2012

* _____HB05125ENV___031512_____*

AN ACT INCREASING MUNICIPAL REPRESENTATION ON THE BOARD OF DIRECTORS FOR 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 Section 22a-261 of the general statutes is repealed and the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 from passage*):

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)] (b) (1) On and [after June 1, 2002] before June 30, 2012, the
41 powers of the authority shall be vested in and exercised by a board of
42 directors, which shall consist of eleven directors as follows: Three
43 appointed by the Governor, one of whom shall be a municipal official
44 of a municipality having a population of fifty thousand or less and one
45 of whom shall have extensive, high-level experience in the energy
46 field; two appointed by the president pro tempore of the Senate, one of
47 whom shall be a municipal official of a municipality having a
48 population of more than fifty thousand and one of whom shall have
49 extensive high-level experience in public or corporate finance or
50 business or industry; two appointed by the speaker of the House of
51 Representatives, one of whom shall be a municipal official of a
52 municipality having a population of more than fifty thousand and one
53 of whom shall have extensive high-level experience in public or
54 corporate finance or business or industry; two appointed by the

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

87 (2) The Governor, with the advice and consent of the General
88 Assembly, shall appoint to the board of directors two ad hoc members

89 to represent each facility operated by the authority, provided not less
90 than one-half of the total number of such ad hoc members shall be
91 chief elected officials of municipalities, or their designees. Each ad hoc
92 member shall be an elector from a municipality in the area served by
93 such facility and shall only vote on matters concerning such facility. If
94 the legislative body of any municipality that is the host site of a facility
95 passes a resolution requesting the Governor to appoint a resident of
96 such host municipality to be an ad hoc member of the board of
97 directors, the Governor shall appoint such an ad hoc member to
98 represent such municipality on the board of directors upon the
99 existence of a vacancy in the ad hoc membership that otherwise
100 represents such facility. Each ad hoc member shall serve for a term of
101 four years. As used in this subsection, "municipal official" means the
102 first selectman, mayor, city or town manager or chief financial officer
103 of a municipality that has entered into a solid waste disposal services
104 contract with the authority and pledged the municipality's full faith
105 and credit for the payment of obligations under such contract.

106 (c) On and after July 1, 2012, the powers of the authority shall be
107 vested in and exercised by a board of directors, which shall consist of
108 fifteen directors as follows: (1) Three appointed by the Governor, one
109 of whom shall be a municipal official of a municipality having a
110 population of thirty thousand or less and one of whom shall have
111 extensive, high-level experience in the energy field; (2) four ad hoc
112 members serving on the board as of June 30, 2012, each of whom shall
113 serve until the expiration of their original four-year term. The
114 president pro tempore of the Senate, speaker of the House of
115 Representatives, minority leader of the Senate and minority leader of
116 the House of Representatives shall each appoint one such ad hoc
117 member; (3) two appointed by the president pro tempore of the Senate,
118 one of whom shall be a municipal official of a municipality having a
119 population of more than thirty thousand and one of whom shall have
120 extensive high-level experience in public or corporate finance or
121 business or industry; (4) two appointed by the speaker of the House of
122 Representatives, one of whom shall be a municipal official of a

123 municipality having a population of more than thirty thousand and
124 one of whom shall have extensive high-level experience in public or
125 corporate finance or business or industry; (5) two appointed by the
126 minority leader of the Senate, one of whom shall be a municipal official
127 of a municipality having a population of thirty thousand or less and
128 one of whom shall have extensive high-level experience in public or
129 corporate finance or business or industry; and (6) two appointed by the
130 minority leader of the House of Representatives, one of whom shall be
131 a municipal official of a municipality having a population of thirty
132 thousand or less and one of whom shall have extensive, high-level
133 experience in the environmental field. At the end of the terms of the
134 former ad hoc members appointed by the president pro tempore of the
135 Senate and the speaker of the House of Representatives, the president
136 pro tempore and the speaker shall each appoint a member who shall
137 be a municipal official of a municipality having a population of thirty
138 thousand or less. At the end of the terms of the former ad hoc members
139 appointed by the minority leader of the Senate and the minority leader
140 of the House of Representatives, the minority leaders shall each
141 appoint a member who shall be a municipal official of a municipality
142 having a population of more than thirty thousand. No director may be
143 a member of the General Assembly. Not more than two of the directors
144 appointed by the Governor shall be members of the same political
145 party. Each director who is not a former ad hoc member of the board
146 shall serve for a term of four years. The appointment of each director
147 shall be made with the advice and consent of both houses of the
148 General Assembly. The Governor shall designate one of the directors
149 to serve as chairperson of the board, with the advice and consent of
150 both houses of the General Assembly. The chairperson of the board
151 shall serve at the pleasure of the Governor. Any appointed director
152 who fails to attend three consecutive meetings of the board or who
153 fails to attend fifty per cent of all meetings of the board held during
154 any calendar year shall be deemed to have resigned from the board.
155 Any vacancy occurring other than by expiration of term shall be filled
156 in the same manner as the original appointment for the balance of the
157 unexpired term. As used in this subsection, "municipal official" means

158 the first selectman, mayor, city or town manager or chief financial
159 officer of a Connecticut municipality.

160 (d) The chairperson shall, with the approval of the directors,
161 appoint a president of the authority who shall be an employee of the
162 authority and paid a salary prescribed by the directors. The president
163 shall supervise the administrative affairs and technical activities of the
164 authority in accordance with the directives of the board.

165 (e) Each director shall be entitled to reimbursement for said
166 director's actual and necessary expenses incurred during the
167 performance of said director's official duties.

168 (f) Directors may engage in private employment, or in a profession
169 or business, subject to any applicable laws, rules and regulations of the
170 state or federal government regarding official ethics or conflict of
171 interest.

172 (g) [Six] On and before June 30, 2012, six directors of the authority
173 shall constitute a quorum for the transaction of any business or the
174 exercise of any power of the authority, provided [,] two directors from
175 municipal government shall be present in order for a quorum to be in
176 attendance. On and after July 1, 2012, eight directors of the authority
177 shall constitute a quorum for the transaction of any business or the
178 exercise of any power of the authority, provided four directors from
179 municipal government shall be present in order for a quorum to be in
180 attendance. For the transaction of any business or the exercise of any
181 power of the authority, and except as otherwise provided in this
182 chapter, the authority shall have power to act by a majority of the
183 directors present at any meeting at which a quorum is in attendance.
184 [If the legislative body of a municipality that is the site of a facility
185 passes a resolution requesting the Governor to appoint a resident of
186 such municipality to be an ad hoc member, the Governor shall make
187 such appointment upon the next vacancy for the ad hoc members
188 representing such facility. The Governor shall appoint with the advice
189 and consent of the General Assembly ad hoc members to represent

190 each facility operated by the authority provided at least one-half of
191 such members shall be chief elected officials of municipalities, or their
192 designees. Each such facility shall be represented by two such
193 members. The ad hoc members shall be electors from a municipality or
194 municipalities in the area to be served by the facility and shall vote
195 only on matters concerning such facility. The terms of the ad hoc
196 members shall be four years.]

197 [(h)There is established, effective June 1, 2002, a steering committee
198 of the board of directors, consisting of at least three but not more than
199 five directors, who shall be jointly appointed by the Governor, the
200 president pro tempore of the Senate and the speaker of the House of
201 Representatives. Said committee shall consist of at least one director
202 who is a municipal official, as defined in subsection (c) of this section.
203 The steering committee shall forthwith establish a financial
204 restructuring plan for the authority, subject to the approval of the
205 board of directors, and shall implement said plan. The financial
206 restructuring plan shall determine the financial condition of the
207 authority and provide for mitigation of the impact of the Connecticut
208 Resources Recovery Authority-Enron-Connecticut Light and Power
209 Company transaction on municipalities which have entered into solid
210 waste disposal services contracts with the authority. The steering
211 committee shall also review all aspects of the authority's finances and
212 administration, including but not limited to, tipping fees and
213 adjustments to such fees, the annual budget of the authority, any
214 budget transfers, any use of the authority's reserves, all contracts
215 entered into by or on behalf of the authority, including but not limited
216 to, an assessment of the alignment of interests between the authority
217 and the authority's contractors, all financings or restructuring of debts,
218 any sale or other disposition or valuation of assets of the authority,
219 including sales of electricity and steam, any joint ventures and
220 strategic partnerships, and the initiation and resolution of litigation,
221 arbitration and other disputes. The steering committee (1) shall have
222 access to all information, files and records maintained by the authority,
223 (2) may retain consultants and utilize other resources necessary to

224 carry out its responsibilities under this subsection, which have a total
225 cost of not more than five hundred thousand dollars, without the
226 approval of the board of directors, and may draw on accounts of the
227 authority for such costs, and (3) shall submit a report to the board of
228 directors and the General Assembly, in accordance with section 11-4a,
229 on its findings, progress and recommendations for future action by the
230 board of directors in carrying out the purposes of this subsection, not
231 later than December 31, 2002. Said report shall also include a report on
232 any loans made to the authority under section 22a-268d. The steering
233 committee shall terminate on December 31, 2002, unless extended by
234 the board.]

235 [(i)] (h) The board may delegate to three or more directors such
236 board powers and duties as it may deem necessary and proper in
237 conformity with the provisions of this chapter and its bylaws. At least
238 one of such directors shall be a municipal official, as defined in
239 subsection [(c)] (b) of this section, and at least one of such directors
240 shall not be a state employee.

241 [(j)] (i) Appointed directors may not designate a representative to
242 perform in their absence their respective duties under this chapter.

243 [(k)] (j) The term "director", as used in this section, shall include
244 such persons so designated as provided in this section and this
245 designation shall be deemed temporary only and shall not affect any
246 applicable civil service or retirement rights of any person so
247 designated.

248 [(l)] (k) The appointing authority for any director may remove such
249 director for inefficiency, neglect of duty or misconduct in office after
250 giving the director a copy of the charges against the director and an
251 opportunity to be heard, in person or by counsel, in the director's
252 defense, upon not less than ten days' notice. If any director shall be so
253 removed, the appointing authority for such director shall file in the
254 office of the Secretary of the State a complete statement of charges
255 made against such director and the appointing authority's findings on

256 such statement of charges, together with a complete record of the
 257 proceedings.

258 [(m)] (l) The authority shall continue as long as it has bonds or other
 259 obligations outstanding and until its existence is terminated by law.
 260 Upon the termination of the existence of the authority, all its rights and
 261 properties shall pass to and be vested in the state of Connecticut.

262 [(n)] (m) The directors, members and officers of the authority and
 263 any person executing the bonds or notes of the authority shall not be
 264 liable personally on such bonds or notes or be subject to any personal
 265 liability or accountability by reason of the issuance thereof, nor shall
 266 any director, member or officer of the authority be personally liable for
 267 damage or injury, not wanton or wilful, caused in the performance of
 268 such person's duties and within the scope of such person's
 269 employment or appointment as such director, member or officer.

270 [(o)] (n) Notwithstanding the provisions of any other law to the
 271 contrary, it shall not constitute a conflict of interest for a trustee,
 272 director, partner or officer of any person, firm or corporation, or any
 273 individual having a financial interest in a person, firm or corporation,
 274 to serve as a director of the authority, provided such trustee, director,
 275 partner, officer or individual shall abstain from deliberation, action or
 276 vote by the authority in specific respect to such person, firm or
 277 corporation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-261

Statement of Legislative Commissioners:

In section 1(b), "appointment" was changed to "appoint" for accuracy and in section 1(h), an internal subsection reference was corrected.

ENV *Joint Favorable Subst.-LCO*