

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen J. Buoniconti

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the creation of the Massachusetts Resources Recovery Corporation.

PETITION OF:

NAME:

Stephen J. Buoniconti

DISTRICT/ADDRESS:

Hampden

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

1 AN ACT RELATIVE TO THE CREATION OF THE MASSACHUSETTS RESOURCES
2 RECOVERY CORPORATION.

3

4 Whereas the General Court recognizes and declares that:

- 5 1. In 2004, the Commonwealth generated 13.9 million tons of waste, of which 12.4 million tons was
6 managed through diversion (7.6 million tons) or in-state disposal (4.8 million tons), while 1.6
7 million tons was exported for disposal (net basis).
- 8 2. While the Commonwealth has sought to maintain enough solid waste capacity to manage its own
9 waste, regional market conditions, among other factors, has led the Commonwealth to become a
10 net exporter with no relief in sight.
- 11 3. Accordingly, the Massachusetts Department of Environmental Protection (“DEP”) has formulated
12 a Solid Waste Master Plan to guide the Commonwealth’s policies and strategies for managing
13 solid waste through 2010.
- 14 4. Among the stated goals in the recently updated Solid Waste Master Plan: 2006 Revision, the DEP
15 seeks to “leverag[e] resources and build partnerships, build cost-effective programs, and prioritize
16 materials and sectors where the greatest amount of waste reduction can be achieved.”
- 17 5. Municipalities throughout the Commonwealth are facing limited revenues and increased costs;

- 18 6. Massachusetts' current policies seeking to achieve no net import/export of waste and recyclables,
19 increased revenue and cost savings to municipalities, can be achieved through the creation of a
20 quasi-independent state agency, the Massachusetts Resource Recovery Corporation, to allow the
21 Commonwealth to enter the solid waste and resource recovery market.
- 22 7. In addition, the creation of such entity has the potential to create good paying local jobs, while
23 guaranteeing secure and environmentally responsible waste stream management.
- 24 8. The Commonwealth, by creating the Massachusetts resource recovery corporation and through
25 its operating a central landfill and resource recovery facility, is a participant in the landfill
26 services market and has entered that market for the purpose of serving the citizens, residents,
27 and municipalities of this state; and
- 28 9. That private industry be encouraged to continue playing a key role in the state's solid waste
29 management programs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

30 **SECTION 1.** The General Laws, as appearing in the 2006 Official Edition, are hereby
31 amended by inserting after chapter 16, the following new chapter:-

32 **CHAPTER 16A**

33 **Massachusetts Resource Recovery Corporation**

34 **Section 1. Definitions**

35 As used in this chapter, the following words shall, unless the context clearly requires otherwise,
36 have the following meanings:

37 “Clean up”, a project for the removal of pollution which restores potability to a drinking water
38 supply or which prevents the contamination of said supply, including without limitation the
39 planning, design, and implementation of appropriate means of assessment and public solution of
40 the contamination problem.

41 “Closure”, a project for the deactivation and completion of a solid waste facility, including
42 without limitation planning, design and implementation of capping, containment, completion and
43 any other activity necessary or incidental to minimize or prevent damage, or threats of damage,
44 to the public health, safety or welfare, or to the environment.

45 “Construction”, a project for the provision of additional solid waste facility capacity, or for
46 closure or containment at existing solid waste facilities, in accordance with all applicable
47 technical and legal requirements, including without limitation planning, design and
48 implementation of facility development, siting, alteration, expansion, improvement or equipping,
49 and all activities necessary or incidental thereto, including acquisition of real or personal
50 property or interests therein.

51 “Containment”, a project for the prevention of leachate generation and migration from a solid
52 waste facility, including without limitation planning, design and implementation of surface
53 sealing, grading, drainage control, lining, slurry trenching, grout curtain sheeting, and other
54 activities necessary or incidental to leachate control.

55 “Corporation”, the Massachusetts Resource Recovery Corporation

56 “Facility”, any place or site where solid waste has been or will be deposited, dumped, stored,
57 transferred or treated, including any landfill, refuse transfer station, refuse incinerator rated by
58 the department at more than one ton of refuse per hour, refuse composting plant, or other work
59 for treating or disposing of solid waste.

60 “Healthcare facility”, any hospital, nursing home, extended care facility, long-term care facility,
61 clinical or medical laboratory, state health or mental institution, institution for the mentally ill or
62 retarded, clinic, physician’s office or health maintenance organization.

63 “Landfill”, any area, site or works for the disposal of solid waste into or on land.

64 “Person”, any natural or corporate person, whether public or private, including corporations,
65 societies, associations and partnerships and bodies politic and corporate, public agencies,
66 authorities, departments, offices and political subdivisions of the commonwealth.

67 “Pollution”, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting,
68 escaping, leaching, dumping or disposing of any material which, because of its quantity,
69 concentration or other characteristics, is or may be injurious to human, plant or animal life or to
70 property, or may unreasonably interfere with the comfortable enjoyment of life or property.

71 “Public body”, any city, town, district, commission, council, financing authority or other political
72 subdivision of the commonwealth, and any agency, authority, board, bureau, commission,
73 council, department or other entity or instrumentality of government.

74 “Resource Recovery” or “Recycling”, means the processing or diversion of solid wastes in such
75 a way as to produce materials or energy that may be used in manufacturing, agriculture or other
76 processes.

77 “Resource Recovery Facility” or “Recycling Facility”, any place or site where resource recovery
78 or recycling will occur.

79 “Solid waste” or “waste”, garbage, refuse, trash, rubbish, sludge, residue or by-products of
80 processing or treatment of discarded material, and any other solid, semi-solid or liquid discarded
81 material resulting from domestic, commercial, mining, industrial, agricultural, municipal, or
82 other sources or activities, but shall not include solid or dissolved material in domestic sewage.

83 “Tipping fee”, the fee or other cost charged by the operator of a solid waste disposal facility for
84 the disposal of solid waste in the facility.

85 **Section 2. Massachusetts Resource Recovery Corporation, Creation, Board Composition;**
86 **Executive Director**

87 (a) There shall be a body politic and corporate and a public instrumentality to be known as the
88 Massachusetts Resource Recovery Corporation, which shall be an independent public entity not
89 subject to the supervision and control of any other executive office, department, commission,
90 board, bureau, agency or political subdivision of the commonwealth except as specifically
91 provided in any general or special law. The exercise by the authority of the powers conferred by
92 this chapter shall be considered to be the performance of an essential public function. The
93 purpose of the corporation is to provide, either by contract with a private concern or directly by
94 the corporation, a solid waste landfill and recycling facility as defined by the department of

95 environmental protection at, or within a convenient distance of, all solid waste disposal facilities
96 under its jurisdiction. These recycling facilities will provide cities and towns with a place to
97 deposit their recyclable materials at no tipping cost to the municipalities; provided, however, that
98 tipping fees may be charged in accordance with this chapter when the solid waste processing
99 facility is designed to process nonsource separated or partially source separated solid waste for
100 recycling, diversion or alternative use of at least seventy percent (70%) of the municipal solid
101 waste stream. as described in this chapter.

102 (b) There shall be a board, with duties and powers established by this chapter, that shall govern
103 the corporation. The Corporation board shall consist of 9 members: the secretary for
104 administration and finance, ex officio, who shall serve as chairperson; the commissioner of the
105 department of environmental protection, ex officio; the executive director of the corporation; 4
106 members appointed by the governor, 1 of whom shall be a member in good standing of the
107 Massachusetts chapter of the Solid Waste Management Association, 1 of whom shall be a
108 environmental consultant, 1 of whom shall be the chairman of the corporation advisory board
109 and 1 of whom shall be a resident of a state facility's host community; and 2 members appointed
110 by the attorney general, 1 of whom shall be representative of a environmental group and 1 of
111 whom shall be a member in good standing of the Massachusetts Municipal Association. All
112 appointments shall serve a term of 3 years, but a person appointed to fill a vacancy shall serve
113 only for the unexpired term. An appointed member of the board shall be eligible for
114 reappointment. The board shall annually elect 1 of its members to serve as vice-
115 chairperson. Each member of the board serving ex officio may appoint a designee under section
116 6A of chapter 30.

117 (c) Six members of the board shall constitute a quorum, and the affirmative vote of 6 members

118 of the board shall be necessary and sufficient for any action taken by the board. No vacancy in
119 the membership of the board shall impair the right of a quorum to exercise all the rights and
120 duties of the corporation. Members shall serve without pay, but shall be reimbursed for actual
121 expenses necessarily incurred in the performance of their duties. The chairperson of the board
122 shall report to the governor and to the general court no less than annually.

123 (d) Any action of the corporation may take effect immediately and need not be published or
124 posted unless otherwise provided by law. Meetings of the corporation shall be subject to section
125 11A½ of chapter 30A; but, said section 11A½ shall not apply to any meeting of members of the
126 corporation serving ex officio in the exercise of their duties as officers of the commonwealth if
127 no matters relating to the official business of the corporation are discussed and decided at the
128 meeting. The corporation shall be subject to all other provisions of said chapter 30A, and
129 records pertaining to the administration of the corporation shall be subject to section 42 of
130 chapter 30 and section 10 of chapter 66. All moneys of the corporation shall be considered to be
131 public funds for purposes of chapter 12A. The operations of the corporation shall be subject to
132 chapter 268A and chapter 268B.

133 (e) The chairperson shall hire an executive director to supervise the administrative affairs and
134 general management and operations of the corporation and also serve as secretary of the
135 corporation, ex officio. The executive director shall receive a salary commensurate with the
136 duties of the office. The executive director may appoint other officers and employees of the
137 corporation necessary to the functioning of the corporation. Sections 9A, 45, 46, and 46C of
138 chapter 30, chapter 31 and chapter 150E shall not apply to the executive director or any other
139 employees of the corporation. The executive director shall, with the approval of the board:—

140 (i) plan, direct, coordinate and execute administrative functions in conformity with the

- 141 policies and directives of the board;
- 142 (ii) employ professional and clerical staff as necessary;
- 143 (iii) report to the board on all operations under his control and supervision;
- 144 (iv) prepare an annual budget and manage the administrative expenses of the
145 corporation; and
- 146 (v) undertake any other activities necessary to implement the powers and duties set forth
147 in this chapter.

148 **Section 3. Purpose and Duties of the Corporation**

149 (a) The purposes and duties of the corporation shall be:

150 (1) The planning, design, construction, financing, management, ownership, operation, permitting
151 and maintenance of transfer stations, waste processing facilities, resource recovery facilities, and
152 all other solid waste management facilities deemed necessary by the corporation as being
153 desirable, convenient, or appropriate to carry out the provisions of this chapter;

154 (2) The provision of solid waste management services to municipalities and persons within the
155 Commonwealth by receiving solid wastes at the corporation facilities, pursuant to contracts
156 between the corporation and the municipalities, and persons, the recovery of resources and
157 resource values from the solid wastes, and the production from the services and resource
158 recovery operations, of revenues sufficient to provide for the support of the corporation and its
159 operations on a self-sustaining basis with due regard to the provision of the services at a
160 reasonable cost to the clients it has contracted with;

161 (3) The fullest feasible utilization, through contractual arrangements, of private industry for
162 implementation of the corporation's plans and programs, and for any other activities that may be
163 considered necessary, desirable, or convenient by the corporation;

164 (4) Assistance with and coordination of efforts directed towards source separation of solid wastes
165 for recycling purposes;

166 (5) Assistance in the development of industries and commercial enterprises within the state based
167 upon resource recovery, recycling, and reuse;

168 (6) Provide, either by contract with a private concern or directly by the corporation, or a
169 recycling facility at, or within a convenient distance of, all solid waste management facilities
170 under the jurisdiction of the Massachusetts resource recovery corporation; and

171 These purposes and duties shall be considered to be operating responsibilities of the corporation,
172 in accordance with the statewide solid waste management plan, and are to be considered public
173 purposes. It is the intention of this chapter that the corporation shall be granted all powers
174 necessary to fulfill these purposes and to carry out its assigned responsibilities, and that the
175 provisions of this chapter are to be construed liberally in furtherance of these objectives.

176 **Section 4. Powers of the Corporation.**

177 The corporation shall have all of the powers necessary and convenient to carry out and effectuate
178 the purposes and provisions of this chapter, including but without limiting the generality of the
179 foregoing, the power to:

180 (a) to adopt by-laws for the regulation of its affairs and the conduct of its business;

181 (b) to adopt an official seal and alter the same at its pleasure;

182 (c) to maintain offices at such places within the commonwealth as it may determine and to
183 conduct meetings of the corporation in accordance with the by-laws of the corporation and the
184 provisions of the second paragraph of section fifty-nine of chapter one hundred and fifty-six B;

185 (d) to sue and be sued in its own name, plead and be impleaded;

186 (e) to own, construct, maintain, repair, reconstruct, improve, rehabilitate, use, police, administer,
187 control, lease and operate facilities, or issue a permit for the same, for any or all part thereof;

188 (f) to acquire or lease sites abutting the facilities and to construct or contract for the construction
189 of roads, buildings and appurtenances and other services in such manner and under such terms as
190 it may determine;

191 (g) to issue notes or bonds for any of its corporate purposes related to the corporation payable
192 solely from corporation revenues or portions thereof pledged for their payment and to refund its
193 notes or bonds pertaining to the corporation or any part thereof or payable from such revenues,
194 as provided in this chapter;

195 (h) to fix and revise from time to time and charge and tipping fees and other fees or charges;
196 provided further, that the corporation shall convene at least three public hearings, held
197 throughout the Commonwealth, at least 30 days prior to the effective date of any proposed
198 change in a municipal tipping fee or other fees or charges and shall allow for a one week
199 comment period, after each such hearing, during which written testimony and comments shall be
200 accepted;

201 (i) to adopt such rules and regulations pursuant to the provisions of chapter thirty A and not
202 repugnant to the provisions of the General Laws made applicable to the corporation, as the
203 corporation determines necessary or appropriate to provide for or govern the construction or
204 reconstruction, including contractor qualification, operation, maintenance, repair, rehabilitation,
205 improvement, use, policing, control or administration of the corporation's facilities, the
206 corporation's business or property affairs. Such regulations may include the authority to grant
207 easements, permits or other forms of authorization for the installation, construction,
208 maintenance, repair, renewal, relocation and removal of tracks, pipes, pipelines, mains, conduits,
209 cables, wires, towers, poles and other equipment and appliances of any public utility, private
210 entity or corporation or person owning or operating such facilities in, on, along, over or under the
211 corporation's facilities.

212 Such regulations may impose penalties for violations thereof which, in the case of civil penalties,
213 may be recovered only after notice and hearing conducted by the corporation or its designee and
214 subject to judicial review and enforcement pursuant to the provisions of said chapter thirty A or
215 such other civil proceedings under the laws of the commonwealth or the United States as the law
216 may provide and, in the case of criminal penalties, may be recovered in a proceeding in a trial
217 court of the commonwealth by indictment or complaint. The amount of any such civil or criminal
218 penalty, with the exception of penalties imposed under section nineteen, shall not exceed five
219 hundred dollars for each offense, unless the law otherwise provides. The full amount of a civil
220 penalty shall be paid to the corporation and eighty percent of a penalty recovered in a criminal
221 proceeding shall be accounted for and paid to the corporation. The corporation may further
222 provide in such regulations for adjudicatory proceedings that it or its designee conducts which

223 are subject to judicial review and enforcement according to the provisions of said chapter thirty
224 A;

225 (j) to acquire, lease, hold and dispose of real and personal property or any interest therein in the
226 exercise of its powers and the performance of its duties pursuant to this chapter provided,
227 however, that the corporation shall issue annual reports to the secretary of administration and
228 finance, the house and senate committees on ways and means, the joint committee on the
229 environment, natural resources and agriculture and the joint committee on bonding, capital
230 expenditures and state assets, detailing the financial transactions and revenues associated with
231 the sale, concession or lease of real property held in the name of or under the control of the
232 corporation, whether by purchase or otherwise, and any transactions relating to real property
233 currently pending; and provided further, that the annual report shall include the current market
234 values of the real properties related to the transactions;

235 (k) to place and maintain or grant permission by easement or otherwise to any public utility,
236 corporation or person to place and maintain on or under or within the corporation's property or
237 any part of its operations thereof, ducts, pipes, pipelines, mains, conduits, cables, wires, towers,
238 poles or other structures to be so located as not to interfere with the safe and convenient
239 operation and maintenance of the corporation purposes and to contract with any such public
240 utility, corporation or person for such permission on such terms and conditions as may be fixed
241 by the corporation. The construction, maintenance and repair of any such ducts, pipes, pipelines,
242 mains, conduits, cable, wires, towers, poles or other structures shall be subject to such directions
243 and regulations as the corporation may impose.

244 Whenever the corporation shall determine that it is necessary that any such ducts, pipes,
245 pipelines, mains, conduits, cable, wires, towers, poles or other structures which are now or
246 hereafter may be located in, on, along, over or under the corporation's facility's or operations be
247 relocated or removed, the public utility, corporation or person owning or operating such facilities
248 shall relocate or remove the same in accordance with the order of the corporation. In case of any
249 such relocation or removal, the public utility, corporation or person owning or operating the
250 same, its successors or assigns may maintain and operate, with the necessary appurtenances, in
251 the new location for as long a period and upon the same terms and conditions as it had the right
252 to maintain and operate such facilities in their former location;

253 (l) to acquire in the name of the corporation by purchase or otherwise, on such terms and
254 conditions and in such manner as it may deem proper or by the exercise of the power of eminent
255 domain in accordance with the provisions of chapter seventy-nine or any alternative method now
256 or hereafter provided by law, such public lands and any fee simple absolute or lesser interest in
257 such private property, or part thereof or rights therein as it may deem necessary for carrying out
258 the provisions of this chapter;

259 (m) to enter upon any lands, waters and premises in the commonwealth for the purpose of
260 making surveys, soundings, drillings and examinations as the corporation may deem necessary,
261 convenient or desirable for carrying out the purposes of this chapter and such entry shall not be
262 deemed a trespass nor shall an entry for such purposes be deemed an entry under any
263 condemnation proceedings which may be then pending. The corporation shall provide
264 reimbursement for any actual damage resulting to such lands, waters and premises as a result of
265 such activities. The commonwealth hereby consents to the use of all lands owned by it, including

266 lands lying underwater, which are deemed by the corporation to be necessary, convenient or
267 desirable for the construction, operation or maintenance of the corporation's facilities;

268 (n) to make and enter into all contracts and agreements necessary, convenient or desirable in the
269 performance of its duties and the execution of its powers under this chapter including, but not
270 limited to, contracts or agreements with state, local or regional public agencies and authorities
271 which the corporation deems necessary, convenient, or desirable for the ownership, construction,
272 operation, maintenance, repair, reconstruction, improvement, rehabilitation, use, control,
273 administration or policing of the corporation's facilities or any of its operations thereof.
274 Notwithstanding the provisions of this clause, the corporation may without competitive bids and
275 notwithstanding the provisions of any general or special law to the contrary, award a contract,
276 otherwise subject to this section, limited to the performance of emergency repairs necessary to
277 preserve the safety of persons or property;

278 (o) to employ consulting engineers, attorneys, accountants, construction and financial experts,
279 superintendents, managers, and such other employees and agents as may be necessary in its
280 judgment, and to fix their compensation;

281 (p) to receive and accept from any federal agency grants for or in aid of the ownership,
282 construction, operation, maintenance, repair, reconstruction, improvement, rehabilitation, use,
283 control, administration or policing of the corporation's facilities or any part of its operations
284 thereof and to receive and accept aid or contributions from any source of either money, property,
285 labor or other things of value to be held, used and applied only for the purposes for which such
286 grants and contributions may be made; and

287 (q) to do all acts and things necessary, convenient or desirable to carry out the powers expressly
288 granted in this chapter

289 (r) to undertake and promote the conduct of research into source separation and source reduction
290 techniques, facilities, and systems and into other solid waste management areas for any purpose
291 consistent with this chapter; provided further, that the corporation and the department of
292 environmental protection shall cooperate on the implementation of a statewide solid waste
293 master plan. The corporation, with the assistance of the department of environmental protection,
294 will submit an annual report on the status of separation of solid waste in the state;

295 (s) to produce materials, fuels, energy, and by-products in any form from the processing of solid
296 wastes by the system, facilities, and equipment under its jurisdiction, and to receive funds or
297 revenues from their sale, and to deposit the funds or revenues in a bank or banks;

298 (t) to conduct a training course for newly appointed and qualified members and new designees
299 within six (6) months of their qualification or designation. The course shall be developed by the
300 executive director of the corporation, approved by the corporation, and conducted by the
301 executive director of the corporation or his designee. The corporation may approve the use of
302 any corporation or staff members or other individuals to assist with training. The training course
303 shall include instruction in the areas as determined by the board.

304 **Section 5. Bonding Authority and Remedies**

305 The corporation is hereby authorized to provide by resolution at one time or from time to time
306 for the issue of bonds of the corporation for any one or more of the following purposes:

307 (1) To acquire by purchase or otherwise, plan, design, construct, reconstruct, alter, recondition
308 and improve for lease to any eligible private company or individual, solid waste or resource
309 recovery facilities, property and equipment.

310 (2) To pay any capital costs of the corporation, whether or not bonds for any such purchase may
311 also be issued under clause (1).

312 Bonds may be issued for any costs of the foregoing incurred either before or after the issue of the
313 bonds. Bonds issued under either of the foregoing clauses may be issued in sufficient amount to
314 pay the expenses of issues and to establish such reserves as may be required by any applicable
315 trust agreement or bond resolution. The aggregate principal amount of bonds for the corporation
316 established under this chapter which may be outstanding at any one time under this section shall
317 not exceed the sum of 200 million dollars; provided, however, that no such bonds may be issued
318 under this section without the prior approval of the board.

319 The bonds of each issue shall be dated, shall bear interest at such rates, shall mature at such time
320 or times not exceeding forty years from their date or dates as may be determined by the
321 corporation and may be made redeemable before maturity at the option of the corporation at such
322 price or prices and under such terms and conditions as may be fixed by the corporation prior to
323 the issue of the bonds. The corporation shall determine the form of the bonds, including any
324 interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix
325 the denomination or denominations of the bonds, and the place or places of payment of principal
326 and interest, which may be at any bank or trust company within or without the commonwealth.
327 In case any officer whose signature or a facsimile of whose signature shall appear on any bonds
328 or coupons shall cease to be such officer before the delivery of such bonds, such signature or

329 such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had
330 remained in office until such delivery. All bonds issued under the provisions of this act shall
331 have and are hereby declared to have all the qualities and incidents of negotiable instruments
332 under the Uniform Commercial Code. The bonds may be issued in coupon or in registered form,
333 or both, as the corporation may determine, and provisions may be made for the registration of
334 any coupon bonds as to principal alone, and also as to both principal and interest, for the
335 reconversion into coupon bonds of any bonds registered as to both principal and interest and for
336 the exchange of coupon and registered bonds. The corporation may sell such bonds in such
337 manner, either at public or private sale, and for such price as it may determine to be for the best
338 interest of the corporation.

339 The proceeds of such bonds shall be disbursed in such manner and under such restrictions, if any,
340 as the corporation may provide. The corporation may also provide for the replacement of any
341 bonds which shall become mutilated or shall be destroyed or lost. Bonds and bond anticipation
342 notes may be issued under the provisions of this chapter without obtaining the consent of any
343 department, division, commission, board, bureau or agency of the commonwealth, and without
344 any other proceedings or the happening of any other conditions or things than those proceedings,
345 conditions or things which are specifically required by this chapter. Provisions of this chapter
346 relating to the preparation, adoption or approval of plans, programs, projects, budgets and
347 expenditures shall not affect the issue of bonds and notes and the bonds and notes may be issued
348 either before or after such preparation, adoption or approval.

349 While any bonds or notes issued or assumed by the corporation remain outstanding, the powers,
350 duties and existence of the corporation and the provisions for payments by the commonwealth to

351 the corporation shall not be diminished or impaired in any way that will affect adversely the
352 interests and rights of the holders of such bonds or notes.

353 In the discretion of the corporation such bonds shall be secured by a trust agreement by and
354 between the corporation and a separate corporate trustee, which may be any trust company or
355 bank having the powers of a trust company within the commonwealth. Either the resolution
356 providing for the issue of bonds or such trust agreement may contain such provisions for
357 protecting and enforcing the rights and remedies of the bondholders as may be reasonable and
358 proper and not in violation of law, including covenants setting forth the duties of the corporation
359 in relation to the acquisition, improvement, maintenance, operation, repair and insurance of
360 property, and the custody, safeguarding and application of all moneys and may pledge or assign
361 the revenues to be received, but shall not convey or mortgage any property.

362 Bonds issued under this chapter are hereby made securities in which all public officers and
363 public bodies of the commonwealth and its political subdivisions, all insurance companies, and
364 savings banks, co-operative banks and trust companies in their banking departments, banking
365 associations, investment companies, executors, trustees and other fiduciaries, and all other
366 persons whatsoever who are now or may hereafter be authorized to invest in bonds or other
367 obligations of a similar nature may properly and legally invest funds, including capital in their
368 control or belonging to them, and such bonds are hereby made obligations which may properly
369 and legally be made eligible for the investment of savings deposits and the income thereof in the
370 manner provided by section fifteen B of chapter one hundred and sixty-seven. Such bonds are
371 hereby made securities which may properly and legally be deposited with and received by any
372 state or municipal officer or any agency or political subdivision of the commonwealth for any

373 purpose for which the deposit of bonds or other obligations of the commonwealth now or may
374 hereafter be authorized by law.

375 Any holder of bonds issued under the provisions of this chapter or of any of the coupons
376 appertaining thereto, and the trustee under the trust agreement, if any except to the extent the
377 rights herein given may be restricted by such resolution or trust agreement, may, either at law or
378 in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights
379 under the laws of the commonwealth or granted hereunder or under such resolution or trust
380 agreement, and may enforce and compel the performance of all duties required by this chapter or
381 by such resolution or trust agreement to be performed by the corporation or by any officer
382 thereof.

383 The corporation is authorized to provide by resolution at one time or from time to time for the
384 issue of interest bearing or discounted notes for the purposes and in the amounts that bonds may
385 be issued. The notes shall be payable within three years from their dates, but the principal of and
386 interest on notes issued for a shorter period may be renewed or paid from time to time by the
387 issue of other notes hereunder maturing within the required time from the date of the original
388 loan being refunded. When bonds are issued for the purposes for which the notes were issued,
389 the proceeds of the bonds shall be used to repay the notes, except that interest on the notes may
390 be financed as a current expense to the extent deemed appropriate by the corporation. The notes
391 may be secured by a trust agreement or by the provisions of a resolution, as in the case of bonds.
392 Bond anticipation notes may be issued either before or after the authorization of the bonds being
393 anticipated. If any bond anticipation note is paid otherwise than from the proceeds of bonds or
394 renewal notes, such payment shall be included in the measure of the net cost of service. But, if

395 bonds or renewal notes are later issued to provide for such payment, there shall be a
396 corresponding offset against the net cost of service.

397 The corporation shall establish a reserve fund sufficient to meet the needs of the corporation
398 necessary to secure bonding, insurance or other needs associated with the carrying out the
399 provisions of this act. Such reserve fund shall be considered as necessary to meeting the
400 obligations of the corporation and shall be so considered as part of the disbursements
401 contemplated in section 7.

402 **Section 6. Municipal Partnership with the Corporation**

403 (a) Any person or municipality which intends to transfer, treat, or dispose of solid waste
404 originating or collected within the state, or which intends to make arrangements to do so, shall
405 utilize, exclusively, a facility or resource recovery facility designated by the corporation as
406 provided under this chapter. All transfer stations in existence as of the enactment of this act are
407 empowered so long as they maintain the appropriate license to continue their operations, and the
408 corporation shall not exercise its powers under this chapter to compete with their operation and
409 activity. No municipality shall have power to engage in, grant any license, or permit for or enter
410 into any contract for the collection, treatment, storage, or disposal of solid waste, and no
411 municipality or any person shall engage in any activities within the state, including disposal of
412 solid waste, which would impair the ability of the corporation to meet its contractual obligations
413 to its bondholders and others, or which would be in competition with the purposes of the
414 corporation as provided in this chapter. The corporation shall not be empowered to engage in the
415 transportation, transfer, or storage of solid waste, except in temporary situations where a
416 municipality has defaulted in its obligation under this section, or in conjunction with its activities

417 at its disposal sites. Provided, however, that municipal contracts which were in existence at the
418 date of enactment of this legislation, are excepted from this requirement until expiration of the
419 original term of the contract or the expiration of any extension approved by the corporation, or
420 sooner termination of the contracts, and provided, further, that municipalities operating their own
421 landfills on the date of the enactment of this act shall be free to continue to use the landfills until
422 closure of the landfills. Without limiting the generality of the preceding, municipalities and
423 persons are expressly empowered to contract with the corporation and/or, subject to the approval
424 of the corporation, with a duly licensed private disposal facility for the disposal of solid wastes.
425 The approval shall be conditioned upon a finding by the board of the corporation that any
426 proposed contract with a Massachusetts municipality or person is in conformity with the
427 statewide solid waste master plan and this chapter, and that the proposed contract will not impair
428 the ability of the corporation to meet its contractual obligations to its bondholders and others.
429 The contracts may have a maximum total term, including all renewals, of up to fifty (50) years.

430 The corporation shall charge fees for its solid waste management services that, together with
431 other revenues available to the corporation, will, at a minimum, be sufficient to provide for the
432 support of the corporation and its operations on a self-sustaining basis, including debt service on
433 its bonds and other obligations. Any revenue in excess of that necessary to support the
434 corporation and its operations on a self-sustaining basis shall be distributed in accordance with
435 section 7.

436 (b) Insofar as the provisions of this chapter are inconsistent with the provisions of any other laws
437 of this state, general, special, or local, restricting the power of any municipality to enter into long
438 term contracts with the corporation, the provisions of this chapter shall be controlling. The

439 corporation shall provide suitable and appropriate assistance to communities under these
440 circumstances. Notwithstanding the preceding, if the corporation deems it desirable, it may from
441 time to time permit municipalities to contract among themselves for the disposal of their wastes.

442 (c) Municipalities, along with private producers of waste which contract with the corporation
443 for disposal of their wastes, shall continue to be free to make their own arrangements for
444 collection of wastes at the source and/or the hauling of wastes to the designated processing
445 and/or transfer stations, so long as those arrangements are in compliance with the department of
446 environmental protection's governance of them and with this chapter, and any municipal license
447 relating thereto.

448 (d) The corporation and any municipality may enter into a contract or contracts providing for
449 or relating to the disposal of solid waste originating in the municipality and the cost and expense
450 of the disposal. The contract may be made with or without consideration and for a specified or
451 unspecified time not to exceed fifty (50) years, and on any terms and conditions which may be
452 approved by the municipality and which may be agreed to by the corporation in conformity with
453 its contracts with the holders of any bonds or other obligations. Subject to the contracts with the
454 holders of bonds, the municipality is authorized and directed to do and perform any and all acts
455 or things necessary, convenient, or desirable to carry out and perform the contract and to provide
456 for the payment or discharge of any obligation under the contract in the same manner as other
457 obligations of the municipality.

458 (e) The corporation shall charge each municipality with which it has a long-term contract for
459 solid waste disposal services a tipping fee per ton of source separated solid waste excluding
460 separated recyclable materials, sludge, and demolition debris delivered to any corporation

461 facility computed in accordance with this subsection. For purposes of this chapter, "fiscal year"
462 shall mean the twelve-month period, July 1 to June 30. The municipal tipping fee shall be equal
463 to one hundred seven and one-half percent (107.5%) of the prior fiscal year's municipal tipping
464 fee through the end of the 2009 fiscal year. One dollar and ten cents (\$1.10) per ton on all
465 garbage, including recycled garbage, collected by the corporation as tipping fee shall be paid to
466 the host community. In addition to any other fees the corporation shall also charge a three dollar
467 (\$3.00) tipping fee per vehicle. Any vehicle carrying municipal solid waste shall be exempt from
468 this three dollar (\$3.00) tipping fee. All fees collected shall be paid to the host community on a
469 biannual basis. No tipping fee shall be charged for recyclable materials delivered to a recycling
470 facility provided by or through the corporation.

471 (f) The corporation shall establish in the contract, the maximum amount of municipal solid
472 waste that each municipality will be entitled to deliver to the corporation at the municipal tipping
473 fee. Solid waste in excess of the contract amount will be charged to the municipality at the non-
474 municipal rate. In determining the maximum amount of municipal solid waste which will qualify
475 for the municipal tipping fee, the corporation shall consider the municipality's solid waste per
476 capita average, the statewide solid waste per capita average, and any other factors that it shall
477 deem appropriate. The corporation shall be entitled to negotiate and adjust fees accordingly in
478 the event of a municipality exceeds such amounts.

479 (g) Seaweed collected and removed by a municipality shall be deemed "yard waste" for
480 purposes of this chapter and any rules, regulations and/or plans promulgated by the corporation
481 pursuant to this chapter, and shall be accepted by the corporation at the same rate and cost as all
482 other municipal yard waste.

483 (h) The corporation, after the initial resource recovery facility becomes operational, shall
484 charge each non-municipal user of its facilities a fee per ton equal to the projected annual
485 resource recovery system cost less energy revenues and interest earnings on bond reserve funds,
486 if any, divided by the projected tons to be processed by the corporation at its resource facilities
487 for the year. Landfill costs shall not be considered in the calculation unless landfill costs exceed
488 revenues generated at the landfills; in those cases, excess landfill costs will be added to the
489 system costs.

490

491 (i) On or before October 1 of each year, the corporation shall submit a budget to the secretary
492 of administration and finance for the succeeding fiscal year using actual resource recovery
493 system revenues and costs, and the audit of the preceding fiscal year prepared by the
494 corporation's independent auditors and accepted by the auditor general. On or before December 1
495 of each year, the secretary of administration and finance, in consultation with the corporation,
496 shall review the budget of the corporation and shall determine and certify the finances of the
497 corporation.

498 If at any time, the corporation determines that a state subsidy is necessary to meet the
499 corporation's obligations for the current fiscal year, it shall request, in writing, to the secretary of
500 administration and finance for a supplemental appropriation. After review, the secretary of
501 administration and finance will recommend to the governor additional funding for the
502 corporation, and the governor after further review, shall submit a supplemental appropriation bill
503 request for the funds to the general court.

504 From the appropriations made by the general court, the state controller is authorized and
505 directed to draw his or her orders upon the general treasurer every month for the payment of
506 those sums that may be required upon receipt by him or her of properly authenticated vouchers.

507 (j) If, in any fiscal year, the appropriation is not made and if the corporation has insufficient
508 other funds to discharge its obligations to holders of its bonds and notes as certified by the state
509 auditor general, the corporation shall be empowered to charge both municipal and non-municipal
510 users whatever fees are necessary to discharge its obligations to holders of its bonds and notes,
511 and the municipal tipping fee set forth in subsection (e) shall not be applicable for the fiscal year.

512 **Section 7. Surplus Funds of the Corporation to the Department of Environmental**
513 **Protection and General Fund**

514 In the event the corporation has revenues sufficient to provide for the support of the corporation
515 and its operations on a self-sustaining basis with due regard to the provision of the services at a
516 reasonable cost to the clients it has contracted with, after payments due any host community or
517 directly abutting community, the corporation shall transfer such excess funds to the department
518 of environmental protection to offset costs associated with the enforcement of the solid waste
519 laws and regulations and, subsequently, any remainder to the general fund of the
520 Commonwealth.

521 The department of environmental protection shall inform the corporation of the amount
522 necessary to enforce such laws and regulations on an annual basis.

523 **Section 8. Initial Facility and Resource Recovery Facility Development Plan. –**

524 Notwithstanding any special or general law to the contrary, the corporation shall implement a

525 solid waste processing and resource recovery system as soon as possible conforming to the
526 following criteria:

527 (1) The system shall consist of a waste processing facility or facilities that may be either
528 publicly or privately owned with a nameplate capacity not to exceed 5,000 tons per day,
529 individually.

530 (2) Any corporation owned or leased facilities shall be located at a location encompassing the
531 following characteristic:

532 a. A site containing at least 600 contiguous acres of land; served by both road and rail;
533 and capable of providing a suitable buffer for the host community's residents.

534

535 (3) Any energy revenues which may be generated by the facilities may inure to the benefit of
536 either the corporation or the vendor or both.

537 (4) The corporation shall select through competitive bidding, vendors to construct, operate,
538 maintain, and/or own these facilities. The corporation shall issue an initial request for proposals
539 for the construction and/or operation of required facilities within six months of the enactment of
540 this legislation.

541 (5) The state auditor general shall review and evaluate the reasonableness and fairness of all
542 contracts and agreements related to the construction, operation, and maintenance of the facilities.
543 The state auditor will forward the results of such review to the corporation within thirty days of
544 receipt by the state auditor's office.

545 (6) In choosing vendors for the facilities, preference shall be given to vendors who:

546 (i) Provide private financing and privately own the facilities with minimal or no financial risk
547 to the corporation or state;

548 (ii) Provide a waste processing facility technology that on-site separates, recovers for recycling
549 and composting the highest percentage of the waste stream and lowest amount of residue;

550 (iii) Demonstrate the highest number of primary and secondary markets for materials recovered
551 from the waste stream and alternative material uses in the event a material market fails or
552 becomes economically infeasible;

553 (iv) Can provide the greatest degree of flexibility in the type of materials outputted from the
554 facility in order to adjust to changing markets for recovered materials; and

555 (v) Guarantee a fixed rate tipping fee and/or fixed escalation rate of tipping fees for the longest
556 time periods.

557 (vi) Develop economic development opportunities with the region for purposes of promoting job
558 growth and economic growth.

559 (7) In an effort to reduce energy costs and resulting tipping fees at the facilities, the corporation
560 may consider the use of a natural gas cogeneration unit as an integral part of the facility provided
561 that the maximum output of the cogeneration unit does not exceed twenty-five (25) megawatts.
562 The inclusion or addition of a gas cogeneration component shall not delay the permitting,
563 construction and operation of the facilities and the gas cogeneration components may be added to
564 the facilities after construction or operation of the facilities begins.

565 (8) In addition to any source separation programs for household hazardous waste, the facilities
566 shall have the capacity to separate household hazardous wastes and hazardous wastes from the
567 waste stream and it shall be the responsibility of the corporation to provide for proper disposal of
568 those hazardous wastes at a licensed facility. The corporation may enter an agreement with any
569 facility vendor to provide for proper disposal.

570 (9) The corporation, in conjunction the department of environmental protection, shall ensure that
571 the siting of any facility meets the requirements of chapter 21H. Notwithstanding any general or
572 special law to the contrary, the commissioner of the department of environmental protection may
573 waive any requirement of chapter 21H if it is determined that it is in the best interests of the
574 Commonwealth in meeting the requirements of this chapter.

575 **Section 9. Host community assessment committee; Definition; Funding; Powers and Duties.**

576 (a) Within seven (7) days from the date of the filing for a solid waste disposal license, the
577 corporation shall notify the chief elected official or the chief executive officer of the municipality
578 in which the facility is proposed to be sited of the filing for a solid waste disposal license. Within
579 thirty (30) days of the date of the notice, the municipality may submit to the executive director a
580 request for an amount not to exceed seventy-five thousand dollars (\$75,000) for the
581 establishment of a local host community assessment committee which shall negotiate with the
582 corporation a host community agreement that includes a host community benefit package. The
583 host community agreement may address, but shall not be limited to, traffic concerns, hours of
584 operation, highway improvements and litter control. The agreements may be overridden in the
585 case of emergency by the executive director. The host community agreement may provide for

586 benefits to the municipality, either monetary or nonmonetary which are in addition to the
587 payments required by subsection (b).

588 (b) All public solid waste landfill and waste to energy facilities shall be required to pay to the
589 municipality at minimum a per annum fee of one dollar (\$1.00) per ton of solid waste disposed at
590 the site or seven hundred fifty thousand dollars (\$750,000), whichever is greater. The executive
591 director may, by regulation, determine and impose disposal fees for other solid waste.

592 (c) Communities directly abutting the host community shall negotiate, collectively, with the
593 corporation an abutting host community agreement that includes an abutting host community
594 benefit package. The abutting host community agreement may address, but shall not be limited
595 to, traffic concerns, hours of operation, highway improvements and litter control. The
596 agreements may be overridden in the case of emergency by the executive director. In no case
597 shall the abutting host community agreement, in the aggregate, provide for monetary or non-
598 monetary benefits exceeding twenty (20%) percent of the total compensation provided to any
599 host community, excluding that which is provided in section (b) above.

600 **Section 10. Continued Protection of Ground and Surface Water**

601 The corporation shall be committed to completion of appropriate studies of the ground and
602 surface water under and adjacent to the corporation's facilities to determine whether and to what
603 extent contamination from the corporation's facilities may affect water quality or public health,
604 and to what extent any contamination has a significant impact on human health or the
605 environment. This requirement may be satisfied in part or in full by studies already underway
606 and in compliance with the Comprehensive Environmental Response, Compensation and

607 Liability Act of 1980, 42 U.S.C., § 9601 et seq. ("CERCLA") or other applicable federal or state
608 environmental statutes.

609 If the studies determine that there is in fact an impact by the landfill on water quality or public
610 health, which is not remediated by the installation of public water, then the corporation shall be
611 responsible to take additional remedial action required to further protect public health or to
612 preserve important environmental qualities which are determined to be threatened. As in the case
613 of studies, this requirement may be satisfied in whole or in part by remedial actions required
614 under CERCLA or other applicable federal or state environmental statutes.

615 Once a facility is established by the corporation, the corporation shall abide by any
616 regulations governing the operation of facilities and recycling facilities, as established by the
617 department of environmental protection under applicable laws or regulations.

618 **Section 11. Meeting the Statewide Solid Waste Master Plan.**

619 The corporation shall consult with the department of environmental protection in meeting the
620 goals of the statewide solid waste master plan of which the corporation's facilities shall be a
621 component part. Nothing in this chapter shall be interpreted as limiting the authority of the
622 department of environmental protection to prepare a statewide, comprehensive, solid waste
623 management plan, including, but not limited to, any plan required by any federal law, rules, or
624 regulations to meet federal requirements that may be conditions precedent to receiving federal
625 assistance.

626 **Section 12. Powers of the department of health and the department of environmental**
627 **protection.**

628

629 Nothing contained in this chapter shall be construed to affect the powers granted to the
630 department of public health and the department of environmental protection in ensuring the safe
631 operation of solid waste facilities; provided further, any solid waste facilities under the
632 jurisdiction of the corporation shall be subject to the regulatory and enforcement activities of the
633 department of environmental protection.

634 **Section 13. Disposal of infectious and pathological waste.**

635 No resource recovery system or facility made available by the corporation shall accept or burn
636 any infectious or human or animal pathological waste from any hospital, clinic, medical
637 laboratory, nursing home, medical examiner, or teaching hospital. Any facility violating this
638 provision shall be fined not less than two thousand five hundred dollars (\$2,500) nor more than
639 five thousand dollars (\$5,000). The fine shall be paid to the city or town in which the facility is
640 located.

641 Any person who shall knowingly and willfully perform any act or shall conspire with any person,
642 hospital, clinic, medical laboratory, medical examiner, or teaching hospital to perform any act in
643 violation of the provisions of this section shall be fined not less than two thousand five hundred
644 dollars (\$2,500) nor more than five thousand dollars (\$5,000).

645 **Section 14. Massachusetts Resource Recovery Corporation Advisory Board.**

646

647 The governor shall appoint from among interested citizens of the Commonwealth eleven (11)
648 members of a Massachusetts Resource Recovery Corporation Advisory Board, 6 of whom shall
649 be residents of the host community or communities directly abutting the host community. In the
650 month of June each year, the governor shall appoint a successor to the member of the board
651 whose term shall expire in that year, to hold office commencing on the first day of July in the
652 year of appointment and until the first day of July in the third year after their respective
653 appointments and until their respective successors are appointed and qualified. Any vacancy
654 which may occur in the board shall be filled by the governor with the original manner of
655 appointment, for the duration of the unexpired term.

656

657 It shall be the role of the advisory board to give advice to the corporation concerning rules and
658 regulations and legislation affecting solid waste management, resource recovery, and recycling;
659 and to study the effects of existing recovery and recycling programs, and to annually report its
660 findings to the corporation for inclusion in the annual report and to recommend to the
661 corporation, special studies and projects which it feels are needed to further economic solid
662 waste management, resource recovery, and recycling. The members of the advisory board shall
663 serve without compensation. The advisory board shall, at regular intervals, conduct business
664 meetings for the purpose of carrying out its general business, and the meetings shall be open to
665 the public and all records and minutes will be a matter of public record. The members of the
666 advisory board shall elect a chairperson on an annual basis.

667 **Section 15. Reporting requirements.**

668 The corporation shall, within ninety (90) days after the close of each fiscal year, submit an
669 annual report of its activities for the preceding year to the governor, the speaker of the house of
670 representatives, the president of the senate, the state treasurer, and the secretary of state.

671 **Section 16. Tax Exempt**

672 Notwithstanding any general or special law to the contrary, the corporation and all its real and
673 personal property shall be exempt from taxation and from betterments and special assessments;
674 and the corporation shall not be required to pay any tax, excise or assessment to or for the
675 commonwealth or any of its political subdivisions; nor shall the corporation be required to pay
676 any fee or charge for any permit or license, nor any compliance fee, issued to it by the
677 commonwealth, by any department, board or officer thereof, or by any political subdivision of
678 the commonwealth, or by any department, board or officer of such political subdivision, or by
679 any department; and, so far as constitutionally permissible, the corporation shall be exempt from
680 tolls for the use of highways, bridges and tunnels. Bonds and notes issued by the authority, their
681 transfer and the income therefrom, including any profit made on the sale thereof, shall at all
682 times be free from taxation within the commonwealth.

683 Notwithstanding any general or special law to the contrary, the corporation shall be exempt from
684 any fees or taxes associated with surplus lines insurance; provided, however, that the exemption
685 shall extend to any insurance broker for any insurance premium tax or surplus lines tax being
686 incurred or having been incurred by the insurance broker as a result of the insurance having been
687 procured, placed, negotiated, continued or renewed for or on behalf of the corporation.

688 **Section 17. Severability**

689 The provisions of this chapter are severable and if any provision or part of any provision shall be
690 held invalid or unconstitutional or inapplicable to any person or circumstances, the invalidity,
691 unconstitutionality, or inapplicability shall not affect or impair the remaining provisions of this
692 chapter. All acts or parts of acts inconsistent with this chapter are repealed.

693

694 **Section 18. Violations; Sanctions; Injunctive relief.**

695

696 The attorney general of the state shall have the power to bring an action in the name of the state,
697 and the corporation through its legal counsel shall have the power to bring an action in the name
698 of the corporation in any court of competent jurisdiction for restraining orders and injunctive
699 relief to restrain and enjoin violations or threatened violations of this chapter, or for specific
700 performance of the obligations of any person or municipality under this chapter. Proceedings
701 under this chapter shall be instituted and prosecuted in the name of the corporation, (1) by the
702 attorney general or (2) by the corporation through its legal counsel. The superior court shall have
703 the jurisdiction in equity to enforce the provisions of this chapter and any rules or regulation of
704 the corporation under the provisions of this chapter.

705 **Section 19. Procedures to enforcement.**

706 In any instance wherein there is a violation of its rules and regulations or any order of the
707 corporation, the corporation and the attorney general shall have the power to order the violator to
708 cease and desist, or to remedy the violations, and the corporation may impose administrative
709 penalties. The corporation may impose administrative penalties only in accordance with the

710 notice and hearing provisions of chapter 30A, and the corporation's enforcement plan, as may be
711 amended from time to time, developed pursuant to the department of environmental protection's
712 regulations for reduction and recycling of commercial and non-municipal residential solid waste.
713 Without being required to enter into any recognizance or to give surety for costs, the attorney
714 general and executive director may institute administrative, civil or criminal proceedings in the
715 name of the corporation when there are reasonable grounds to believe that there has been a
716 violation of any provision of this chapter and the corporation's enforcement plan, as may be
717 amended from time to time, developed pursuant to the department of environmental protection's
718 regulations for reduction and recycling of commercial and non-municipal residential solid waste.
719 The attorney general may assist the corporation in carrying out any civil or administrative
720 proceedings. It shall be the duty of the attorney general to carry out all criminal proceedings
721 initiated by the executive director.

722 (b) The superior court shall have jurisdiction to enforce the provisions of this chapter and any
723 rule, regulation, permit or administrative order issued pursuant to this chapter. Proceedings for
724 enforcement may be instituted and prosecuted in the name of the corporation. Proceedings
725 provided in this section shall be in addition to other administrative or judicial proceedings
726 authorized by this chapter.

727 (c) Any person charged with the violation of the provisions of this chapter shall have a right to a
728 trial by jury on every issue of fact.

729 **Section 20. Liberal construction.**

730 This chapter, being necessary for the welfare of the Commonwealth and its residents, shall be
731 liberally construed to effectuate its purposes. Neither this chapter nor anything in this chapter is
732 or shall be construed as a restriction or limitation upon any powers that the corporation might
733 otherwise have under any laws of this state, and this chapter is cumulative to any powers
734 conferred by other laws. Contracts for the construction and acquisition of any project undertaken
735 pursuant to this chapter shall comply with the provisions of any other state law applicable to
736 contracts for the construction and acquisition of state owned property. No proceedings, notice, or
737 approval shall be required for the issuance of any bonds, notes and other obligations or any
738 instrument as security for them, except as is provided in this chapter.