

**HOUSE . . . . . No. 02026**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Stephen Stat Smith*

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*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

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\_\_\_\_\_  
PETITION OF:

NAME:

| DISTRICT/ADDRESS:

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# HOUSE . . . . . No. 02026

By Mr. Smith of Everett, a petition (accompanied by bill, House, No. 2026) of [petitioners] for legislation to create the Massachusetts Resources Recovery Corporation Joint Committee on Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ SENATE  
□ , NO. 385 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
\_\_\_\_\_

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

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

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

3 CHAPTER 16A

4 Massachusetts Resource Recovery Corporation

5 Section 1. Definitions

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

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

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

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

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

26 “Corporation”, the Massachusetts Resource Recovery Corporation

27 “Facility”, any place or site where solid waste has been or will be deposited, dumped, stored,  
28 transferred or treated, including any landfill, refuse transfer station, refuse incinerator rated by

29 the department at more than one ton of refuse per hour, refuse composting plant, or other work  
30 for treating or disposing of solid waste.

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

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

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

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

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

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

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

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

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

56 Section 2. Massachusetts Resource Recovery Corporation, Creation, Board Composition;  
57 Executive Director

58 (a) There shall be a body politic and corporate and a public instrumentality to be known as the  
59 Massachusetts Resource Recovery Corporation, which shall be an independent public entity not  
60 subject to the supervision and control of any other executive office, department, commission,  
61 board, bureau, agency or political subdivision of the commonwealth except as specifically  
62 provided in any general or special law. The exercise by the authority of the powers conferred by  
63 this chapter shall be considered to be the performance of an essential public function. The  
64 purpose of the corporation is to provide, either by contract with a private concern or directly by  
65 the corporation, a solid waste landfill and recycling facility as defined by the department of  
66 environmental protection at, or within a convenient distance of, all solid waste disposal facilities  
67 under its jurisdiction. These recycling facilities will provide cities and towns with a place to  
68 deposit their recyclable materials at no tipping cost to the municipalities; provided, however, that  
69 tipping fees may be charged in accordance with this chapter when the solid waste processing  
70 facility is designed to process nonsource separated or partially source separated solid waste for

71 recycling, diversion or alternative use of at least seventy percent (70%) of the municipal solid  
72 waste stream. as described in this chapter.

73 (b) There shall be a board, with duties and powers established by this chapter, that shall govern  
74 the corporation. The Corporation board shall consist of 9 members: the secretary for  
75 administration and finance, ex officio, who shall serve as chairperson; the commissioner of the  
76 department of environmental protection, ex officio; the executive director of the corporation; 4  
77 members appointed by the governor, 1 of whom shall be a member in good standing of the  
78 Massachusetts chapter of the Solid Waste Management Association, 1 of whom shall be a  
79 environmental consultant, 1 of whom shall be the chairman of the corporation advisory board  
80 and 1 of whom shall be a resident of a state facility's host community; and 2 members appointed  
81 by the attorney general, 1 of whom shall be representative of a environmental group and 1 of  
82 whom shall be a member in good standing of the Massachusetts Municipal Association. All  
83 appointments shall serve a term of 3 years, but a person appointed to fill a vacancy shall serve  
84 only for the unexpired term. An appointed member of the board shall be eligible for  
85 reappointment. The board shall annually elect 1 of its members to serve as vice-  
86 chairperson. Each member of the board serving ex officio may appoint a designee under section  
87 6A of chapter 30.

88 (c) Six members of the board shall constitute a quorum, and the affirmative vote of 6 members  
89 of the board shall be necessary and sufficient for any action taken by the board. No vacancy in  
90 the membership of the board shall impair the right of a quorum to exercise all the rights and  
91 duties of the corporation. Members shall serve without pay, but shall be reimbursed for actual  
92 expenses necessarily incurred in the performance of their duties. The chairperson of the board  
93 shall report to the governor and to the general court no less than annually.

94 (d) Any action of the corporation may take effect immediately and need not be published or  
95 posted unless otherwise provided by law. Meetings of the corporation shall be subject to section  
96 11A½ of chapter 30A; but, said section 11A½ shall not apply to any meeting of members of the  
97 corporation serving ex officio in the exercise of their duties as officers of the commonwealth if  
98 no matters relating to the official business of the corporation are discussed and decided at the  
99 meeting. The corporation shall be subject to all other provisions of said chapter 30A, and  
100 records pertaining to the administration of the corporation shall be subject to section 42 of  
101 chapter 30 and section 10 of chapter 66. All moneys of the corporation shall be considered to be  
102 public funds for purposes of chapter 12A. The operations of the corporation shall be subject to  
103 chapter 268A and chapter 268B.

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

111 (i) plan, direct, coordinate and execute administrative functions in conformity with the policies  
112 and directives of the board;

113 (ii) employ professional and clerical staff as necessary;

114 (iii) report to the board on all operations under his control and supervision;

115 (iv) prepare an annual budget and manage the administrative expenses of the corporation; and

116 (v) undertake any other activities necessary to implement the powers and duties set forth in this  
117 chapter.

### 118 Section 3. Purpose and Duties of the Corporation

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

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

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

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

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

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

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

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

146 Section 4. Powers of the Corporation.

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

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

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

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

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

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

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

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

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

171 (i) to adopt such rules and regulations pursuant to the provisions of chapter thirty A and not  
172 repugnant to the provisions of the General Laws made applicable to the corporation, as the  
173 corporation determines necessary or appropriate to provide for or govern the construction or  
174 reconstruction, including contractor qualification, operation, maintenance, repair, rehabilitation,  
175 improvement, use, policing, control or administration of the corporation's facilities, the  
176 corporation's business or property affairs. Such regulations may include the authority to grant  
177 easements, permits or other forms of authorization for the installation, construction,

178 maintenance, repair, renewal, relocation and removal of tracks, pipes, pipelines, mains, conduits,  
179 cables, wires, towers, poles and other equipment and appliances of any public utility, private  
180 entity or corporation or person owning or operating such facilities in, on, along, over or under the  
181 corporation's facilities.

182 Such regulations may impose penalties for violations thereof which, in the case of civil penalties,  
183 may be recovered only after notice and hearing conducted by the corporation or its designee and  
184 subject to judicial review and enforcement pursuant to the provisions of said chapter thirty A or  
185 such other civil proceedings under the laws of the commonwealth or the United States as the law  
186 may provide and, in the case of criminal penalties, may be recovered in a proceeding in a trial  
187 court of the commonwealth by indictment or complaint. The amount of any such civil or criminal  
188 penalty, with the exception of penalties imposed under section nineteen, shall not exceed five  
189 hundred dollars for each offense, unless the law otherwise provides. The full amount of a civil  
190 penalty shall be paid to the corporation and eighty percent of a penalty recovered in a criminal  
191 proceeding shall be accounted for and paid to the corporation. The corporation may further  
192 provide in such regulations for adjudicatory proceedings that it or its designee conducts which  
193 are subject to judicial review and enforcement according to the provisions of said chapter thirty  
194 A;

195 (j) to acquire, lease, hold and dispose of real and personal property or any interest therein in the  
196 exercise of its powers and the performance of its duties pursuant to this chapter provided,  
197 however, that the corporation shall issue annual reports to the secretary of administration and  
198 finance, the house and senate committees on ways and means, the joint committee on the  
199 environment, natural resources and agriculture and the joint committee on bonding, capital  
200 expenditures and state assets, detailing the financial transactions and revenues associated with

201 the sale, concession or lease of real property held in the name of or under the control of the  
202 corporation, whether by purchase or otherwise, and any transactions relating to real property  
203 currently pending; and provided further, that the annual report shall include the current market  
204 values of the real properties related to the transactions;

205 (k) to place and maintain or grant permission by easement or otherwise to any public utility,  
206 corporation or person to place and maintain on or under or within the corporation's property or  
207 any part of its operations thereof, ducts, pipes, pipelines, mains, conduits, cables, wires, towers,  
208 poles or other structures to be so located as not to interfere with the safe and convenient  
209 operation and maintenance of the corporation purposes and to contract with any such public  
210 utility, corporation or person for such permission on such terms and conditions as may be fixed  
211 by the corporation. The construction, maintenance and repair of any such ducts, pipes, pipelines,  
212 mains, conduits, cable, wires, towers, poles or other structures shall be subject to such directions  
213 and regulations as the corporation may impose.

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

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

229 (m) to enter upon any lands, waters and premises in the commonwealth for the purpose of  
230 making surveys, soundings, drillings and examinations as the corporation may deem necessary,  
231 convenient or desirable for carrying out the purposes of this chapter and such entry shall not be  
232 deemed a trespass nor shall an entry for such purposes be deemed an entry under any  
233 condemnation proceedings which may be then pending. The corporation shall provide  
234 reimbursement for any actual damage resulting to such lands, waters and premises as a result of  
235 such activities. The commonwealth hereby consents to the use of all lands owned by it, including  
236 lands lying underwater, which are deemed by the corporation to be necessary, convenient or  
237 desirable for the construction, operation or maintenance of the corporation's facilities;

238 (n) to make and enter into all contracts and agreements necessary, convenient or desirable in the  
239 performance of its duties and the execution of its powers under this chapter including, but not  
240 limited to, contracts or agreements with state, local or regional public agencies and authorities  
241 which the corporation deems necessary, convenient, or desirable for the ownership, construction,  
242 operation, maintenance, repair, reconstruction, improvement, rehabilitation, use, control,  
243 administration or policing of the corporation's facilities or any of its operations thereof.

244 Notwithstanding the provisions of this clause, the corporation may without competitive bids and  
245 notwithstanding the provisions of any general or special law to the contrary, award a contract,

246 otherwise subject to this section, limited to the performance of emergency repairs necessary to  
247 preserve the safety of persons or property;

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

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

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

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

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

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

#### 274 Section 5. Bonding Authority and Remedies

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

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

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

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

289 The bonds of each issue shall be dated, shall bear interest at such rates, shall mature at such time  
290 or times not exceeding forty years from their date or dates as may be determined by the  
291 corporation and may be made redeemable before maturity at the option of the corporation at such  
292 price or prices and under such terms and conditions as may be fixed by the corporation prior to  
293 the issue of the bonds. The corporation shall determine the form of the bonds, including any  
294 interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix  
295 the denomination or denominations of the bonds, and the place or places of payment of principal  
296 and interest, which may be at any bank or trust company within or without the commonwealth.  
297 In case any officer whose signature or a facsimile of whose signature shall appear on any bonds  
298 or coupons shall cease to be such officer before the delivery of such bonds, such signature or  
299 such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had  
300 remained in office until such delivery. All bonds issued under the provisions of this act shall  
301 have and are hereby declared to have all the qualities and incidents of negotiable instruments  
302 under the Uniform Commercial Code. The bonds may be issued in coupon or in registered form,  
303 or both, as the corporation may determine, and provisions may be made for the registration of  
304 any coupon bonds as to principal alone, and also as to both principal and interest, for the  
305 reconversion into coupon bonds of any bonds registered as to both principal and interest and for  
306 the exchange of coupon and registered bonds. The corporation may sell such bonds in such  
307 manner, either at public or private sale, and for such price as it may determine to be for the best  
308 interest of the corporation.

309 The proceeds of such bonds shall be disbursed in such manner and under such restrictions, if any,  
310 as the corporation may provide. The corporation may also provide for the replacement of any  
311 bonds which shall become mutilated or shall be destroyed or lost. Bonds and bond anticipation

312 notes may be issued under the provisions of this chapter without obtaining the consent of any  
313 department, division, commission, board, bureau or agency of the commonwealth, and without  
314 any other proceedings or the happening of any other conditions or things than those proceedings,  
315 conditions or things which are specifically required by this chapter. Provisions of this chapter  
316 relating to the preparation, adoption or approval of plans, programs, projects, budgets and  
317 expenditures shall not affect the issue of bonds and notes and the bonds and notes may be issued  
318 either before or after such preparation, adoption or approval.

319 While any bonds or notes issued or assumed by the corporation remain outstanding, the powers,  
320 duties and existence of the corporation and the provisions for payments by the commonwealth to  
321 the corporation shall not be diminished or impaired in any way that will affect adversely the  
322 interests and rights of the holders of such bonds or notes.

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

332 Bonds issued under this chapter are hereby made securities in which all public officers and  
333 public bodies of the commonwealth and its political subdivisions, all insurance companies, and

334 savings banks, co-operative banks and trust companies in their banking departments, banking  
335 associations, investment companies, executors, trustees and other fiduciaries, and all other  
336 persons whatsoever who are now or may hereafter be authorized to invest in bonds or other  
337 obligations of a similar nature may properly and legally invest funds, including capital in their  
338 control or belonging to them, and such bonds are hereby made obligations which may properly  
339 and legally be made eligible for the investment of savings deposits and the income thereof in the  
340 manner provided by section fifteen B of chapter one hundred and sixty-seven. Such bonds are  
341 hereby made securities which may properly and legally be deposited with and received by any  
342 state or municipal officer or any agency or political subdivision of the commonwealth for any  
343 purpose for which the deposit of bonds or other obligations of the commonwealth now or may  
344 hereafter be authorized by law.

345 Any holder of bonds issued under the provisions of this chapter or of any of the coupons  
346 appertaining thereto, and the trustee under the trust agreement, if any except to the extent the  
347 rights herein given may be restricted by such resolution or trust agreement, may, either at law or  
348 in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights  
349 under the laws of the commonwealth or granted hereunder or under such resolution or trust  
350 agreement, and may enforce and compel the performance of all duties required by this chapter or  
351 by such resolution or trust agreement to be performed by the corporation or by any officer  
352 thereof.

353 The corporation is authorized to provide by resolution at one time or from time to time for the  
354 issue of interest bearing or discounted notes for the purposes and in the amounts that bonds may  
355 be issued. The notes shall be payable within three years from their dates, but the principal of and  
356 interest on notes issued for a shorter period may be renewed or paid from time to time by the

357 issue of other notes hereunder maturing within the required time from the date of the original  
358 loan being refunded. When bonds are issued for the purposes for which the notes were issued,  
359 the proceeds of the bonds shall be used to repay the notes, except that interest on the notes may  
360 be financed as a current expense to the extent deemed appropriate by the corporation. The notes  
361 may be secured by a trust agreement or by the provisions of a resolution, as in the case of bonds.  
362 Bond anticipation notes may be issued either before or after the authorization of the bonds being  
363 anticipated. If any bond anticipation note is paid otherwise than from the proceeds of bonds or  
364 renewal notes, such payment shall be included in the measure of the net cost of service. But, if  
365 bonds or renewal notes are later issued to provide for such payment, there shall be a  
366 corresponding offset against the net cost of service.

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

## 372 Section 6. Municipal Partnership with the Corporation

373 (a) Any person or municipality which intends to transfer, treat, or dispose of solid waste  
374 originating or collected within the state, or which intends to make arrangements to do so, shall  
375 utilize, exclusively, a facility or resource recovery facility designated by the corporation as  
376 provided under this chapter. All transfer stations in existence as of the enactment of this act are  
377 empowered so long as they maintain the appropriate license to continue their operations, and the  
378 corporation shall not exercise its powers under this chapter to compete with their operation and

379 activity. No municipality shall have power to engage in, grant any license, or permit for or enter  
380 into any contract for the collection, treatment, storage, or disposal of solid waste, and no  
381 municipality or any person shall engage in any activities within the state, including disposal of  
382 solid waste, which would impair the ability of the corporation to meet its contractual obligations  
383 to its bondholders and others, or which would be in competition with the purposes of the  
384 corporation as provided in this chapter. The corporation shall not be empowered to engage in the  
385 transportation, transfer, or storage of solid waste, except in temporary situations where a  
386 municipality has defaulted in its obligation under this section, or in conjunction with its activities  
387 at its disposal sites. Provided, however, that municipal contracts which were in existence at the  
388 date of enactment of this legislation, are excepted from this requirement until expiration of the  
389 original term of the contract or the expiration of any extension approved by the corporation, or  
390 sooner termination of the contracts, and provided, further, that municipalities operating their own  
391 landfills on the date of the enactment of this act shall be free to continue to use the landfills until  
392 closure of the landfills. Without limiting the generality of the preceding, municipalities and  
393 persons are expressly empowered to contract with the corporation and/or, subject to the approval  
394 of the corporation, with a duly licensed private disposal facility for the disposal of solid wastes.  
395 The approval shall be conditioned upon a finding by the board of the corporation that any  
396 proposed contract with a Massachusetts municipality or person is in conformity with the  
397 statewide solid waste master plan and this chapter, and that the proposed contract will not impair  
398 the ability of the corporation to meet its contractual obligations to its bondholders and others.  
399 The contracts may have a maximum total term, including all renewals, of up to fifty (50) years.  
400 The corporation shall charge fees for its solid waste management services that, together with  
401 other revenues available to the corporation, will, at a minimum, be sufficient to provide for the

402 support of the corporation and its operations on a self-sustaining basis, including debt service on  
403 its bonds and other obligations. Any revenue in excess of that necessary to support the  
404 corporation and its operations on a self-sustaining basis shall be distributed in accordance with  
405 section 7.

406 (b) Insofar as the provisions of this chapter are inconsistent with the provisions of any other laws  
407 of this state, general, special, or local, restricting the power of any municipality to enter into long  
408 term contracts with the corporation, the provisions of this chapter shall be controlling. The  
409 corporation shall provide suitable and appropriate assistance to communities under these  
410 circumstances. Notwithstanding the preceding, if the corporation deems it desirable, it may from  
411 time to time permit municipalities to contract among themselves for the disposal of their wastes.

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

418 (d) The corporation and any municipality may enter into a contract or contracts providing for  
419 or relating to the disposal of solid waste originating in the municipality and the cost and expense  
420 of the disposal. The contract may be made with or without consideration and for a specified or  
421 unspecified time not to exceed fifty (50) years, and on any terms and conditions which may be  
422 approved by the municipality and which may be agreed to by the corporation in conformity with  
423 its contracts with the holders of any bonds or other obligations. Subject to the contracts with the

424 holders of bonds, the municipality is authorized and directed to do and perform any and all acts  
425 or things necessary, convenient, or desirable to carry out and perform the contract and to provide  
426 for the payment or discharge of any obligation under the contract in the same manner as other  
427 obligations of the municipality.

428 (e) The corporation shall charge each municipality with which it has a long-term contract for  
429 solid waste disposal services a tipping fee per ton of source separated solid waste excluding  
430 separated recyclable materials, sludge, and demolition debris delivered to any corporation  
431 facility computed in accordance with this subsection. For purposes of this chapter, "fiscal year"  
432 shall mean the twelve-month period, July 1 to June 30. The municipal tipping fee shall be equal  
433 to one hundred seven and one-half percent (107.5%) of the prior fiscal year's municipal tipping  
434 fee through the end of the 2009 fiscal year. One dollar and ten cents (\$1.10) per ton on all  
435 garbage, including recycled garbage, collected by the corporation as tipping fee shall be paid to  
436 the host community. In addition to any other fees the corporation shall also charge a three dollar  
437 (\$3.00) tipping fee per vehicle. Any vehicle carrying municipal solid waste shall be exempt from  
438 this three dollar (\$3.00) tipping fee. All fees collected shall be paid to the host community on a  
439 biannual basis. No tipping fee shall be charged for recyclable materials delivered to a recycling  
440 facility provided by or through the corporation.

441 (f) The corporation shall establish in the contract, the maximum amount of municipal solid  
442 waste that each municipality will be entitled to deliver to the corporation at the municipal tipping  
443 fee. Solid waste in excess of the contract amount will be charged to the municipality at the non-  
444 municipal rate. In determining the maximum amount of municipal solid waste which will qualify  
445 for the municipal tipping fee, the corporation shall consider the municipality's solid waste per  
446 capita average, the statewide solid waste per capita average, and any other factors that it shall

447 deem appropriate. The corporation shall be entitled to negotiate and adjust fees accordingly in  
448 the event of a municipality exceeds such amounts.

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

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

460

461 (i) On or before October 1 of each year, the corporation shall submit a budget to the secretary  
462 of administration and finance for the succeeding fiscal year using actual resource recovery  
463 system revenues and costs, and the audit of the preceding fiscal year prepared by the  
464 corporation's independent auditors and accepted by the auditor general. On or before December 1  
465 of each year, the secretary of administration and finance, in consultation with the corporation,  
466 shall review the budget of the corporation and shall determine and certify the finances of the  
467 corporation.

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

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

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

482 Section 7. Surplus Funds of the Corporation to the Department of Environmental Protection and  
483 General Fund

484 In the event the corporation has revenues sufficient to provide for the support of the corporation  
485 and its operations on a self-sustaining basis with due regard to the provision of the services at a  
486 reasonable cost to the clients it has contracted with, after payments due any host community or  
487 directly abutting community, the corporation shall transfer such excess funds to the department  
488 of environmental protection to offset costs associated with the enforcement of the solid waste

489 laws and regulations and, subsequently, any remainder to the general fund of the  
490 Commonwealth.

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

493 Section 8. Initial Facility and Resource Recovery Facility Development Plan. – Notwithstanding  
494 any special or general law to the contrary, the corporation shall implement a solid waste  
495 processing and resource recovery system as soon as possible conforming to the following  
496 criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

528 (7) In an effort to reduce energy costs and resulting tipping fees at the facilities, the corporation  
529 may consider the use of a natural gas cogeneration unit as an integral part of the facility provided  
530 that the maximum output of the cogeneration unit does not exceed twenty-five (25) megawatts.

531 The inclusion or addition of a gas cogeneration component shall not delay the permitting,  
532 construction and operation of the facilities and the gas cogeneration components may be added to  
533 the facilities after construction or operation of the facilities begins.

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

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

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

545 (a) Within seven (7) days from the date of the filing for a solid waste disposal license, the  
546 corporation shall notify the chief elected official or the chief executive officer of the municipality  
547 in which the facility is proposed to be sited of the filing for a solid waste disposal license. Within  
548 thirty (30) days of the date of the notice, the municipality may submit to the executive director a  
549 request for an amount not to exceed seventy-five thousand dollars (\$75,000) for the  
550 establishment of a local host community assessment committee which shall negotiate with the  
551 corporation a host community agreement that includes a host community benefit package. The  
552 host community agreement may address, but shall not be limited to, traffic concerns, hours of

553 operation, highway improvements and litter control. The agreements may be overridden in the  
554 case of emergency by the executive director. The host community agreement may provide for  
555 benefits to the municipality, either monetary or nonmonetary which are in addition to the  
556 payments required by subsection (b).

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

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

#### 569 Section 10. Continued Protection of Ground and Surface Water

570 The corporation shall be committed to completion of appropriate studies of the ground and  
571 surface water under and adjacent to the corporation's facilities to determine whether and to what  
572 extent contamination from the corporation's facilities may affect water quality or public health,  
573 and to what extent any contamination has a significant impact on human health or the  
574 environment. This requirement may be satisfied in part or in full by studies already underway

575 and in compliance with the Comprehensive Environmental Response, Compensation and  
576 Liability Act of 1980, 42 U.S.C., § 9601 et seq. ("CERCLA") or other applicable federal or state  
577 environmental statutes.

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

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

587 Section 11. Meeting the Statewide Solid Waste Master Plan.

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

595 Section 12. Powers of the department of health and the department of environmental protection.

596 Nothing contained in this chapter shall be construed to affect the powers granted to the  
597 department of public health and the department of environmental protection in ensuring the safe  
598 operation of solid waste facilities; provided further, any solid waste facilities under the  
599 jurisdiction of the corporation shall be subject to the regulatory and enforcement activities of the  
600 department of environmental protection.

601 Section 13. Disposal of infectious and pathological waste.

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

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

612 Section 14. Massachusetts Resource Recovery Corporation Advisory Board.

613 The governor shall appoint from among interested citizens of the Commonwealth eleven (11)  
614 members of a Massachusetts Resource Recovery Corporation Advisory Board, 6 of whom shall  
615 be residents of the host community or communities directly abutting the host community. In the  
616 month of June each year, the governor shall appoint a successor to the member of the board  
617 whose term shall expire in that year, to hold office commencing on the first day of July in the

618 year of appointment and until the first day of July in the third year after their respective  
619 appointments and until their respective successors are appointed and qualified. Any vacancy  
620 which may occur in the board shall be filled by the governor with the original manner of  
621 appointment, for the duration of the unexpired term.

622 It shall be the role of the advisory board to give advice to the corporation concerning rules and  
623 regulations and legislation affecting solid waste management, resource recovery, and recycling;  
624 and to study the effects of existing recovery and recycling programs, and to annually report its  
625 findings to the corporation for inclusion in the annual report and to recommend to the  
626 corporation, special studies and projects which it feels are needed to further economic solid  
627 waste management, resource recovery, and recycling. The members of the advisory board shall  
628 serve without compensation. The advisory board shall, at regular intervals, conduct business  
629 meetings for the purpose of carrying out its general business, and the meetings shall be open to  
630 the public and all records and minutes will be a matter of public record. The members of the  
631 advisory board shall elect a chairperson on an annual basis.

632 Section 15. Reporting requirements.

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

636 Section 16. Tax Exempt

637 Notwithstanding any general or special law to the contrary, the corporation and all its real and  
638 personal property shall be exempt from taxation and from betterments and special assessments;  
639 and the corporation shall not be required to pay any tax, excise or assessment to or for the

640 commonwealth or any of its political subdivisions; nor shall the corporation be required to pay  
641 any fee or charge for any permit or license, nor any compliance fee, issued to it by the  
642 commonwealth, by any department, board or officer thereof, or by any political subdivision of  
643 the commonwealth, or by any department, board or officer of such political subdivision, or by  
644 any department; and, so far as constitutionally permissible, the corporation shall be exempt from  
645 tolls for the use of highways, bridges and tunnels. Bonds and notes issued by the authority, their  
646 transfer and the income therefrom, including any profit made on the sale thereof, shall at all  
647 times be free from taxation within the commonwealth.

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

### 653 Section 17. Severability

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

### 658 Section 18. Violations; Sanctions; Injunctive relief.

659 The attorney general of the state shall have the power to bring an action in the name of the state,  
660 and the corporation through its legal counsel shall have the power to bring an action in the name  
661 of the corporation in any court of competent jurisdiction for restraining orders and injunctive

662 relief to restrain and enjoin violations or threatened violations of this chapter, or for specific  
663 performance of the obligations of any person or municipality under this chapter. Proceedings  
664 under this chapter shall be instituted and prosecuted in the name of the corporation, (1) by the  
665 attorney general or (2) by the corporation through its legal counsel. The superior court shall have  
666 the jurisdiction in equity to enforce the provisions of this chapter and any rules or regulation of  
667 the corporation under the provisions of this chapter.

668 Section 19. Procedures to enforcement.

669 In any instance wherein there is a violation of its rules and regulations or any order of the  
670 corporation, the corporation and the attorney general shall have the power to order the violator to  
671 cease and desist, or to remedy the violations, and the corporation may impose administrative  
672 penalties. The corporation may impose administrative penalties only in accordance with the  
673 notice and hearing provisions of chapter 30A, and the corporation's enforcement plan, as may be  
674 amended from time to time, developed pursuant to the department of environmental protection's  
675 regulations for reduction and recycling of commercial and non-municipal residential solid waste.  
676 Without being required to enter into any recognizance or to give surety for costs, the attorney  
677 general and executive director may institute administrative, civil or criminal proceedings in the  
678 name of the corporation when there are reasonable grounds to believe that there has been a  
679 violation of any provision of this chapter and the corporation's enforcement plan, as may be  
680 amended from time to time, developed pursuant to the department of environmental protection's  
681 regulations for reduction and recycling of commercial and non-municipal residential solid waste.  
682 The attorney general may assist the corporation in carrying out any civil or administrative  
683 proceedings. It shall be the duty of the attorney general to carry out all criminal proceedings  
684 initiated by the executive director.

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

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

692 Section 20. Liberal construction.

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