



General Assembly

January Session, 2001

Amendment

LCO No. 7138

Offered by:

REP. SCRIBNER, 107th Dist.

To: Subst. House Bill No. 6176

File No. 177

Cal. No. 149

"AN ACT CONCERNING WATER COMPANY CHOICE."

1 In line 1, before "(NEW)", insert "Section 1."

2 After line 7, insert the following:

3 "Sec. 2. (NEW) (a) A water utility coordinating committee created
4 pursuant to section 25-33f of the general statutes shall protect, save
5 harmless and indemnify its directors, officers and employees from
6 financial loss and expense, including legal fees and costs, if any, arising
7 out of any claim, demand, suit or judgment by reason of alleged
8 negligence or alleged deprivation of any person's civil rights or any
9 other act or omission resulting in damage or injury, if the director,
10 officer or employee is found to have been acting in the discharge of the
11 duties of such director, officer or employee or within the scope of the
12 office of such director, officer or employee or employment and such
13 act or omission is not found to have been wanton, reckless, wilful or
14 malicious.

15 (b) The state through the Attorney General shall provide for the

16 defense of any such director, officer or employee in any civil action or
17 proceeding in any state or federal court or alternative dispute
18 resolution proceeding arising out of any alleged act, omission or
19 deprivation which occurred or is alleged to have occurred while the
20 director, officer or employee was acting in the discharge of the duties
21 of such director, officer or employee or in the scope of the employment
22 of such director, officer or employee, except that the state shall not be
23 required to provide for such defense whenever the Attorney General,
24 based on an investigation of the facts and circumstances of the case,
25 determines that it would be inappropriate to do so and the Attorney
26 General so notifies the director, officer or employee in writing.

27 (c) Legal fees and costs incurred as a result of the retention by such
28 director, officer or employee of an attorney to defend the interests of
29 such director, officer or employee in any civil action or proceeding
30 shall be paid by the state in those cases where (1) the Attorney General
31 has stated in writing to the director, officer or employee pursuant to
32 this subsection, that the state shall not provide an attorney to defend
33 the interests of such director, officer or employee, and (2) the director,
34 officer or employee is found to have acted in the discharge of the
35 duties of such director, officer or employee or within the scope of the
36 employment of such director, officer or employee and not to have
37 acted wantonly, recklessly, wilfully or maliciously. Such legal fees and
38 costs incurred by such director, officer or employee shall be paid to
39 such director, officer or employee only after the final disposition of the
40 suit, claim, demand or alternative dispute resolution proceeding and
41 only in such amounts as determined by the Attorney General to be
42 reasonable. In determining whether such amounts are reasonable, the
43 Attorney General may consider whether it was appropriate for a group
44 of directors, officers or employees to be represented by the same
45 attorney."