



General Assembly

February Session, 2002

Raised Bill No. 75

LCO No. 221

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT AMENDING THE CHARTER OF THE SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY.

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

1 Section 1. Section 1 of special act 77-98, as amended by section 5 of
2 special act 99-12, is amended to read as follows (*Effective from passage*):

3 It is found and declared as a matter of legislative determination that
4 the creation of the South Central Connecticut Regional Water
5 Authority for the primary purpose of providing and assuring the
6 provision of an adequate supply of pure water and the safe disposal of
7 wastewater at reasonable cost within the South Central Connecticut
8 Regional Water District and such other areas as may be served
9 pursuant to cooperative agreements and acquisitions authorized by
10 section 11 of special act 77-98, as amended by section 5 of special act
11 78-24 and section 3 of special act 84-46 and this act, and, to the degree
12 consistent with the foregoing, of advancing the conservation and
13 compatible recreational use of land held by the authority, and the
14 carrying out of its powers, purposes, and duties under sections 1 to 33,
15 inclusive, of special act 77-98, as amended by special act 78-24, special
16 act 84-46 and sections 5 to 7, inclusive, of [this act] special act 99-12 and

17 this act, are for the benefit of the people residing in the South Central
18 Connecticut Regional Water District and the State of Connecticut, and
19 for the improvement of their health, safety and welfare, that said
20 purposes are public purposes, and that the authority will be
21 performing an essential governmental function in the exercise of its
22 powers under sections 1 to 33, inclusive, of special act 77-98, as
23 amended by special act 78-24, special act 84-46 and sections 5 to 7,
24 inclusive of [this act] special act 99-12 and this act.

25 Sec. 2. Section 2 of special act 77-98, as amended by section 1 of
26 special act 78-24, is amended to read as follows (*Effective from passage*):

27 As used in sections 1 to 33, inclusive, of special act 77-98, as
28 amended by special act 78-24, unless a different meaning appears in
29 the context: "Authority" means the South Central Connecticut Regional
30 Water Authority created by section 5 of special act 77-98, as amended
31 by section 4 of special act 78-24 and this act; "district" means the South
32 Central Connecticut Regional Water District created by section 3 of
33 special act 77-98, as amended by section 2 of special act 78-24;
34 "representative policy board" means the representative policy board of
35 the South Central Connecticut Regional Water District created by
36 section 4 of special act 77-98, as amended by section 3 of special act 78-
37 24; "chief executive officer" means that full time employee of the
38 authority responsible for the execution of the policies of the authority
39 and for the direction of the other employees of the authority;
40 "treasurer" means the treasurer of the authority; "customer" means any
41 person, firm, corporation, company association or governmental unit
42 furnished water or wastewater service by the authority or any owner
43 of property who guarantees payment for water or wastewater service
44 to such property; "properties" means the water supply and distribution
45 system or systems, wastewater collection and treatment systems and
46 other real or personal property of the authority; "bonds" means bonds,
47 notes and other obligations issued by the authority; "revenues" means
48 all rents, charges and other income derived from the operation of the
49 properties of the authority; "wastewater" means any substance, liquid

50 or solid, which may contaminate or pollute or affect the cleanliness or
51 purity of any water; "water supply system" means plants, structures
52 and other real and personal property acquired, constructed or
53 operated for the purpose of supplying water, including land,
54 reservoirs, basins, dams, canals, aqueducts, standpipes, conduits,
55 pipelines, mains, pumping stations, water distribution systems,
56 compensating reservoirs, waterworks or sources of water supply,
57 wells, purification or filtration plants or other plants and works,
58 connections, rights of flowage or diversion and other plants,
59 structures, conveyances, real or personal property or rights therein and
60 appurtenances necessary or useful and convenient for the
61 accumulation, supply or distribution of water; "wastewater system"
62 means plants, structures and other real and personal property
63 acquired, constructed or operated for the purpose of collecting,
64 treating and discharging or reusing wastewater, whether or not
65 interconnected, including wastewater treatment plants, pipes and
66 conduits for collection of wastewater, pumping stations and other
67 plants, works, structures, conveyances, real or personal property or
68 rights therein and appurtenances necessary or useful and convenient
69 for the collection, transmission, treatment and disposition of
70 wastewater; "subsidiary corporation" means a corporation organized
71 under the general statutes or by special act which owns or operates all
72 or part of a water supply system or a wastewater system within the
73 district and all of the voting stock of which is owned by the authority.
74 A reference in sections 1 to 33, inclusive, of special act 77-98, as
75 amended by special act 78-24, and special act 84-46 to any general
76 statute, public act or special act shall include any amendment or
77 successor thereto.

78 Sec. 3. Section 3 of special act 77-98, as amended by section 2 of
79 special act 78-24 and section 1 of special act 84-46, is amended to read
80 as follows (*Effective from passage*):

81 There is created a district to be known as the "South Central
82 Connecticut Regional Water District" which embraces the area and

83 territory of the towns and cities of Ansonia, Beacon Falls, Bethany,
84 Branford, Cheshire, Derby, East Haven, Guilford, Hamden,
85 Killingworth, Madison, Milford, New Haven, North Branford, North
86 Haven, Orange, Oxford, Prospect, Seymour, West Haven and
87 Woodbridge; provided, in the event at any time after June 30, 1982, the
88 authority shall neither own land or properties nor sell water or provide
89 wastewater services directly to customers in any city or town within
90 the district, the area and territory of such city or town thereupon shall
91 be excluded from the district.

92 Sec. 4. Subsection (a) of section 4 of special act 77-98, as amended by
93 section 3 of special act 78-24 and section 2 of special act 84-46, is
94 amended to read as follows (*Effective from passage*):

95 (a) There shall be a representative policy board of the South Central
96 Connecticut Regional Water District which shall consist of one elector
97 from each city and town within the district who shall be appointed by
98 the chief elected official of such city or town, with the approval of its
99 legislative body, and one elector of the state who shall be appointed by
100 the governor. Members shall serve for a term of three years
101 commencing July 1, except that the members first appointed shall
102 serve terms commencing July 1, 1977, and such members appointed
103 from Bethany, East Haven, Killingworth, New Haven, Orange and
104 West Haven shall serve until June 30, 1978, such members appointed
105 from Branford, Guilford, Madison, North Branford, Prospect and
106 Woodbridge shall serve until June 30, 1979, such members appointed
107 from Cheshire, Hamden, Milford, North Haven and Wallingford shall
108 serve until June 30, 1980, and the member first appointed by the
109 governor shall serve for a term commencing upon appointment and
110 ending on the third June thirtieth thereafter; provided members shall
111 continue to serve until their successors are appointed and have
112 qualified. In the event of the resignation, death or disability of a
113 member from any city or town or the state, a successor may be
114 appointed by the chief elected official of such city or town, or in the
115 case of the member appointed by the governor, for the unexpired

116 portion of the term. The chief elected official of each such city or town
117 may appoint a provisional member to serve until December 1, 1977,
118 with full authority to act as a member until said date. Members and
119 provisional members shall receive [fifty] one hundred dollars for each
120 day in which they are engaged in their duties and shall be reimbursed
121 for their necessary expenses incurred in the performance of their
122 duties. They shall elect a chairman and a vice-chairman, who shall be
123 members or provisional members of the representative policy board,
124 and a secretary. The chairman shall receive a per diem payment of 1.5
125 times the amount paid to members and provisional members. The
126 representative policy board shall meet at least quarterly with the
127 authority and such members of the staff of the authority as the
128 representative policy board deems appropriate.

129 Sec. 5. Section 10 of special act 77-98 is amended to read as follows
130 (*Effective from passage*):

131 Whenever a public hearing is required under sections 1 to 33,
132 inclusive, of special act 77-98, as amended by special act 78-24 and this
133 act, notice of such hearing shall be published by the representative
134 policy board at least twenty days before the date set therefor, in a
135 newspaper or newspapers having a general circulation in each city and
136 town comprising the district. Such notice shall set forth the date, time
137 and place of such hearing and shall include a description of the matters
138 to be considered at such hearing. A copy of the notice shall be filed in
139 the office of the clerk of each such city and town and shall be available
140 for inspection by the public. At such hearings, all the users of the water
141 supply system or the wastewater system, owners of property served or
142 to be served and other interested persons shall have an opportunity to
143 be heard concerning the matters under consideration. When
144 appropriate, the chairman of the representative policy board may
145 convene more than one hearing on any matter and direct such hearings
146 to be held in suitable locations within the district so as to assure
147 broader participation by the general public in discussion of the matters
148 under consideration, provided in the case of the sale or transfer of real

149 property pursuant to section 18 of special act 77-98, as amended by
150 section 7 of special act 78-24 and this act, a public hearing shall be held
151 in the city or town in which such real property is situated. Any
152 decision of the representative policy board on matters considered at
153 such public hearing shall be in writing and shall be published in a
154 newspaper or newspapers having a general circulation in each city and
155 town comprising the district within thirty days after such decision is
156 made.

157 Sec. 6. Section 11 of special act 77-98, as amended by section 5 of
158 special act 78-24 and section 3 of special act 84-46, is amended to read
159 as follows (*Effective from passage*):

160 Subject to the provisions of sections 1 to 33, inclusive, of special act
161 77-98, as amended by special act 78-24, [and] special act 84-46 and this
162 act, the authority shall have the power: (a) To sue and be sued; (b) to
163 have a seal and alter the same at its pleasure; (c) to acquire in the name
164 of the authority by purchase, lease or otherwise and to hold and
165 dispose of personal property or any interest therein, including shares
166 of stock of a subsidiary corporation; (d) to acquire in the name of the
167 authority by purchase, lease or otherwise and to hold and dispose of
168 any real property or interest therein, including water rights and rights
169 of way and water discharge rights, which the authority determines to
170 be necessary or convenient, and to acquire any existing wastewater
171 system or water supply system or parts thereof which are wholly or
172 partially within the district as described under section [1 of] 3 of
173 special act 78-24, as amended by section 2 of special act 78-24, section 1
174 of special act 84-46 and this act. As a means of so acquiring, the
175 authority or a subsidiary corporation may purchase all of the stock or
176 all or any part of the assets and franchises of any existing privately
177 owned water or wastewater company, whereupon the authority or
178 such subsidiary corporation shall succeed to all rights, powers and
179 franchises thereof. Sections 16-43, 16-50c and 16-50d of the general
180 statutes shall not apply to any action by the authority or a subsidiary
181 corporation or any action by any privately owned water company or

182 sewage company, as defined in section 16-1 of the general statutes,
183 taken to effectuate the acquisition of the stock or all or any part of the
184 assets and franchises of such water company or sewage company by
185 the authority, provided section 16-43 shall apply to any action taken to
186 effectuate the acquisition of the stock or all or any part of the assets
187 and franchises of the Ansonia Derby Water Company by the authority.
188 Notwithstanding any provision of section 25-32 of the general statutes,
189 land may be transferred to the authority or a subsidiary corporation of
190 the authority as part of such an acquisition. The commissioner of
191 health services shall not grant a permit for a change in the use of any
192 class I or class II land owned by the Ansonia Derby Water Company
193 on the effective date of this section and not transferred to the authority
194 or a subsidiary corporation or a permit for the sale, lease or assignment
195 of any such class II land, unless (1) all provisions of section 25-32 are
196 complied with, and (2) the commissioner of health services determines,
197 after holding a hearing, notice of which shall be published not later
198 than thirty days before the hearing in one or more newspapers having
199 a substantial circulation in the municipalities in which the land is
200 located, that such change in the use or sale, lease, or assignment of the
201 land will not have a significant adverse impact upon present and
202 future water supply needs of the authority or a subsidiary corporation
203 of the authority; (e) to construct and develop any water supply system
204 or any wastewater system; (f) to own, operate, maintain, repair,
205 improve, construct, reconstruct, replace, enlarge and extend any of its
206 properties; (g) any provision in any general statute, special act or
207 charter to the contrary notwithstanding, but subject to the provisions
208 of section 12 of special act 77-98, as amended by this act, and section 28
209 of special act 77-98, as amended by section 9 of special act 78-24, to sell
210 water, however acquired, to customers within the district or to any
211 municipality or water company; (h) any provisions in any general
212 statute, special act or charter to the contrary notwithstanding, to
213 purchase water approved by the commissioner of health from any
214 person, private corporation or municipality when necessary or
215 convenient for the operation of any water supply system operated by

216 the authority; (i) to adopt and amend bylaws, rules and regulations for
217 the management and regulation of its affairs and for the use and
218 protection of the water and properties of the authority or a subsidiary
219 corporation and, subject to the provisions of any resolution
220 authorizing the issuance of bonds, rules for the sale of water, the
221 collection and processing of wastewater and the collection of rents and
222 charges [therefore] for both water supply and wastewater functions. A
223 copy of such bylaws, rules and regulations and all amendments
224 thereto, certified by the secretary of the authority, shall be filed in the
225 office of the secretary of the state and with the clerk of each town and
226 city within the district. Any superior court located within the district
227 shall have jurisdiction over any violation of such bylaws, rules or
228 regulations and the authority may prosecute actions before the
229 superior court to enforce such bylaws, rules and regulations; (j) to
230 make contracts and to execute all necessary or convenient instruments,
231 including evidences of indebtedness, negotiable or non-negotiable; (k)
232 to borrow money, to issue negotiable bonds or notes, to fund and
233 refund the same and to provide for the rights of the holders of the
234 authority's obligations; (l) to open the grounds in any public street or
235 way or public grounds for the purpose of laying, installing,
236 maintaining or replacing pipes and conduits, provided upon the
237 completion of such work the grounds shall be restored to the condition
238 they were in previously; (m) to enter into cooperative agreements with
239 other water authorities, municipalities, water districts, [or] water
240 companies or water pollution control authorities within or without the
241 district for interconnection of facilities, for exchange or interchange of
242 services and commodities or for any other lawful purpose necessary or
243 desirable to effect the purposes of sections 1 to 33, inclusive, of special
244 act 77-98, as amended by special act 78-24 and special act 84-46, such
245 agreements to be binding for a period specified therein; (n) to acquire,
246 hold, develop and maintain land and other real estate and waters for
247 conservation and for compatible active and passive recreational
248 purposes and to levy charges for such uses, provided the state
249 department of health finds that such uses will not harm the quality of

250 water provided by the authority; (o) to apply for and accept grants,
251 loans or contributions from the United States, the state of Connecticut
252 or any agency, instrumentality or subdivision of either of them or from
253 any person, and to expend the proceeds for any of its purposes; (p) to
254 do any and all things necessary or convenient to carry out the powers
255 expressly given in sections 1 to 33, inclusive, of special act 77-98, as
256 amended by special act 78-24 and this act, including the powers
257 granted by the general statutes to stock corporations, except the power
258 to issue stock, and the powers granted by the general statutes to water
259 pollution control authorities.

260 Sec. 7. Section 12 of special act 77-98 is amended to read as follows
261 (*Effective from passage*):

262 The authority shall not sell water to customers in any part of the
263 district with respect to which any person, any firm or any corporation
264 incorporated under the general statutes or any special act has been
265 granted a franchise to operate as a water company, as defined in
266 section 16-1 of the general statutes, or in which any town, city or
267 borough or any district organized for municipal purposes operates a
268 municipal water supply system, unless the legislative body of such
269 town, city, borough or district, such person, or the governing board of
270 such firm or corporation shall consent in writing to such sale by the
271 authority. The authority shall not extend wastewater services into new
272 areas previously unserved without the approval of either the
273 legislative body of the town, city, borough or district in which such
274 area is located or a duly authorized water pollution control authority.
275 Notwithstanding the provisions of any town or district charter, any
276 town or district may sell or transfer a wastewater system to the
277 authority with the approval of the legislative body of such town or
278 district after a public hearing.

279 Sec. 8. Subsection (a) of section 13 of special act 77-98 is amended to
280 read as follows (*Effective from passage*):

281 (a) Except with respect to (1) any real or personal property or

282 interest therein, the legal title to which is vested in the state or a
283 political subdivision thereof, [or with respect to] (2) any existing water
284 supply system, or (3) any existing wastewater system, if such authority
285 cannot agree with any owner upon the terms of acquisition by the
286 authority of any real or personal property or interest therein which the
287 authority is authorized to acquire, the authority may proceed, at its
288 election, in the manner provided in subsection (b) or in the manner
289 provided in subsection (c) of this section.

290 Sec. 9. Section 14 of special act 77-98, as amended by section 6 of
291 special act 78-24 and section 6 of special act 99-12, is amended to read
292 as follows (*Effective from passage*):

293 With the approval of the representative policy board, the authority
294 shall establish just and equitable rates or charges for the use of the
295 water supply system and the wastewater system authorized herein, to
296 be paid by any customer, and may change such rates or charges from
297 time to time. Such water supply system rates or charges shall be
298 established so as to provide funds sufficient in each year, with other
299 water supply related revenues, if any, (a) to pay the cost of
300 maintaining, repairing and operating the water supply system and
301 each and every portion thereof, to the extent that adequate provision
302 for the payment of such cost has not otherwise been made, (b) to pay
303 the principal of and the interest on outstanding water supply bonds of
304 the authority as the same shall become due and payable, (c) to meet
305 any requirements of any resolution authorizing, or trust agreement
306 securing, such bonds of the authority, (d) to make payments in lieu of
307 taxes as provided in section 21 of special act 77-98, as amended by
308 section 8 of special act 78-24 and this act, as the same become due and
309 payable, upon the water supply system properties of the authority or
310 of a subsidiary corporation to the municipalities in which such
311 properties are situated, (e) to provide for the maintenance,
312 conservation and appropriate recreational use of the land of the
313 authority and (f) to pay all other reasonable and necessary expenses of
314 the authority and of the representative policy board to the extent that

315 such expenses are allocable to the water supply system activities of the
316 authority and the representative policy board. Such wastewater system
317 rates or charges shall be established so as to provide funds sufficient in
318 each year with other wastewater related revenues, if any, (1) to pay the
319 cost of maintaining, repairing and operating the wastewater system
320 and each and every portion thereof, to the extent that adequate
321 provision for the payment of such cost has not otherwise been made,
322 (2) to pay the principal of and the interest on outstanding wastewater
323 bonds of the authority as the same shall become due and payable, (3)
324 to meet any requirements of any resolution authorizing, or trust
325 agreement securing, such bonds of the authority, (4) to pay all other
326 reasonable and necessary expenses of the authority and of the
327 representative policy board to the extent that such expenses are
328 allocable to the wastewater activities of the authority and of the
329 representative policy board. No such rate or charge shall be
330 established until it has been approved by the representative policy
331 board, after said board has held a public hearing at which all the users
332 of the waterworks system or the wastewater system, the owners of
333 property served or to be served and others interested have had an
334 opportunity to be heard concerning such proposed rate or charge. The
335 representative policy board shall approve such rates and charges
336 unless it finds that such rates and charges will provide funds in excess
337 of the amounts required for the purposes described previously in this
338 section, or unless it finds that such rates and charges will provide
339 funds insufficient for such purposes. The rates or charges so
340 established for any class of users or property served shall be extended
341 to cover any additional premises thereafter served which are within
342 the same class, without the necessity of a hearing thereon. Any change
343 in such rates or charges shall be made in the same manner in which
344 they were established. The rates or charges levied upon any customer
345 of any water supply system acquired pursuant to subsection (d) of
346 section 11 of special act 77-98, as amended by section 5 of special act
347 78-24, [and] section 3 of special act 84-46 and this act or served
348 pursuant to a cooperative agreement pursuant to subsection (m) of

349 said section 11 shall not be required to be equalized with the
350 authority's existing rates, but may be set on a separate basis, provided
351 such rates are just, equitable and nondiscriminatory. Such rates or
352 charges, if not paid when due, shall constitute a lien upon the premises
353 served and a charge against the owners thereof, which lien and charge
354 shall bear interest at the same rate as would unpaid taxes. Such lien
355 shall take precedence over all other liens or encumbrances except taxes
356 and may be foreclosed against the lot or building served in the same
357 manner as a lien for taxes, provided all such liens shall continue until
358 such time as they shall be discharged or foreclosed by the authority
359 without the necessity of filing certificates of continuation, but in no
360 event for longer than ten years. The amount of any such rate or charge
361 which remains due and unpaid for thirty days may, with interest
362 thereon at the same rate as unpaid taxes and with reasonable
363 attorneys' fees, be recovered by the authority in a civil action in the
364 name of the authority against such owners. Any municipality shall be
365 subject to the same rate or charges under the same conditions as other
366 users of [such] the water supply system or the wastewater system. The
367 assets or the revenues of the water system shall not be available to
368 satisfy debts, judgments or other obligations arising out of the
369 operation of the wastewater system and the assets or the revenues of
370 the wastewater system shall not be available to satisfy debts,
371 judgments or other obligations arising out of the operation of the water
372 system.

373 Sec. 10. Subsection (a) of section 15 of special act 77-98, as amended
374 by section 7 of special act 99-12, is amended to read as follows (*Effective*
375 *from passage*):

376 (a) The representative policy board shall establish an office of
377 consumer affairs to act as the advocate for consumer interests in all
378 matters which may affect consumers, including without limitation
379 matters of rates, water quality and supply and wastewater service
380 quality. The costs of such office of consumer affairs, unless otherwise
381 provided by the state, shall be paid by the authority.

382 Sec. 11. Section 16 of special act 77-98 is amended to read as follows
383 (*Effective from passage*):

384 All contracts in excess of [five] fifty thousand dollars for any
385 supplies, materials, equipment, construction work or other contractual
386 services shall be in writing and shall be awarded upon sealed bids or
387 proposals made in compliance with a public notice duly advertised by
388 publication at least ten days before the time fixed for opening said bids
389 or proposals, except for contracts for professional services, when the
390 supplies, materials, equipment or work can only be furnished by a
391 single party or when the authority determines by a two-thirds vote of
392 the entire authority that the award of such contract by negotiation
393 without public bidding will be in the best interest of the authority. The
394 authority may in its sole discretion reject all such bids or proposals or
395 any bids received from a person, firm or corporation the authority
396 finds to be unqualified to perform the contract, and shall award such
397 contract to the lowest responsible bidder qualified to perform the
398 contract.

399 Sec. 12. Subsection (b) of section 17 of special act 77-98 is amended
400 to read as follows (*Effective from passage*):

401 (b) No member or employee of the representative policy board or of
402 the authority shall accept or receive, directly or indirectly, from any
403 person, firm or corporation to which any contract or purchase order
404 may be awarded, by rebate, gift or otherwise, any [money, or any thing
405 of value or any] promise, obligation or contract for future reward or
406 compensation or any money or any thing of value in excess of ten
407 dollars, provided the aggregate value of all such things provided by a
408 donor to a recipient in any calendar year shall not exceed fifty dollars
409 and, excluding any food or beverage or food and beverage, costing less
410 than fifty dollars in the aggregate per recipient in a calendar year, and
411 consumed on an occasion or occasions at which the person paying,
412 directly or indirectly, for the food or beverage, or his representative, is
413 in attendance. Any person who violates any provision of this

414 subsection shall be fined not more than five hundred dollars or
415 imprisoned for not more than six months or both.

416 Sec. 13. Section 18 of special act 77-98, as amended by section 7 of
417 special act 78-24, is amended to read as follows (*Effective from passage*):

418 (a) Notwithstanding any other provision of sections 1 to 33,
419 inclusive, of special act 77-98, as amended by special act 78-24 and this
420 act, the authority shall not sell or otherwise transfer any unimproved
421 real property or any interest or right therein, except for access or utility
422 purposes, or develop such property for any use not directly related to
423 a water supply function, other than for public recreational use not
424 prohibited by section 25-43c of the general statutes, until the land use
425 standards and disposition policies required by subsection (b) of this
426 section have been approved by the representative policy board, unless
427 the chief executive officer of the town or city in which such property is
428 located has approved such sale, transfer or development in writing.
429 The provisions of this section shall not apply to any portion of a
430 wastewater system.

431 (b) Within two years from the date it acquires all or part of a water
432 supply system, the authority shall develop and submit to the
433 representative policy board for approval (1) standards for determining
434 the suitability of its real property for categories of land use, including
435 which, if any, of its real property may be surplus with regard to the
436 purity and adequacy of both present and future water supply, which,
437 if any, may be desirable for specified modes of recreation or open
438 space use and which may be suitable for other uses, giving due
439 consideration to the state plan of conservation and development, to
440 classification and performance standards recommended in the final
441 report of the council on water company lands pursuant to subsection
442 (c) of section 16-49c of the general statutes and to such other plans and
443 standards as may be appropriate, and (2) policies regarding the
444 disposition of its real property including identification of dispositions
445 which are unlikely to have any significant effect on the environment.

446 Prior to approving any standards or policies specified in this
447 subsection, the representative policy board shall hold one or more
448 public hearings to consider the proposed standards and policies. The
449 proposed standards and policies shall be available for public
450 inspection in the offices of the authority from the date notice of such
451 hearing is published. The authority may amend such standards and
452 policies from time to time with the approval of the representative
453 policy board, which shall hold public hearings if it deems such
454 amendments substantial.

455 (c) After approval of land use standards and disposition policies in
456 the manner provided in subsection (b) of this section, the authority
457 shall not sell or otherwise transfer any real property or any interest or
458 right therein, except for access or utility purposes, or develop such
459 property for any use not directly related to a water supply function,
460 other than for public recreational use not prohibited by section 25-43c
461 of the general statutes, without the approval of a majority of the
462 weighted votes of all of the members of the representative policy board
463 in the case of a parcel of twenty acres or less, and by three-fourths of
464 the weighted votes of all of the members of said board in the case of a
465 parcel in excess of twenty acres. The representative policy board shall
466 not approve such sale or other transfer unless it determines, following
467 a public hearing, that the proposed action (1) conforms to the
468 established standards and policies of the authority, (2) is not likely to
469 affect the environment adversely, particularly with respect to the
470 purity and adequacy of both present and future water supply, and (3)
471 is in the public interest, giving due consideration, among other factors,
472 to the financial impact of the proposed action on the customers of the
473 authority and on the municipality in which the real property is located.

474 (d) Each request by the authority for approval pursuant to
475 subsection (c) shall be accompanied by an evaluation of the potential
476 impact of the proposed action for which approval is requested, which
477 shall include: (1) A description of the real property and its
478 environment, including its existing watershed function and the costs to

479 the authority of maintaining such property in its current use; (2) a
480 statement that the proposed action conforms to the land classification
481 standards and disposition policies of the authority; (3) a detailed
482 statement of the environmental impact of the proposed action and, if
483 appropriate, of any alternatives to the proposed action, considering (A)
484 direct and indirect effects upon the purity and adequacy of both
485 present and future water supply, (B) the relationship of the proposed
486 action to existing land use plans, including municipal and regional
487 land use plans and the state plan of conservation and development, (C)
488 any adverse environmental effects which cannot be avoided if the
489 proposed action is implemented, (D) any irreversible and irretrievable
490 commitments of resources which would be involved should the
491 proposed action be implemented, and (E) any mitigation measures
492 proposed to minimize adverse environmental impacts; except that for
493 a sale or transfer identified in accordance with subsection (b) as being
494 unlikely to have any significant effect on the environment, the
495 authority may submit a preliminary assessment of the impact likely to
496 occur in lieu of such detailed statement of environmental impact, and
497 the representative policy board may, on the basis of such preliminary
498 assessment, waive or modify the requirements for such detailed
499 statement; and (4) a summary of the final evaluation and
500 recommendation of the authority.

501 (e) The representative policy board shall submit the evaluation
502 required by subsection (d) of this section for comment and review, at
503 least sixty days in advance of the public hearing, to the department of
504 health, the department of planning and energy policy, the regional
505 planning agency for the region, the chief executive officer of the city or
506 town in which that real property is situated and other appropriate
507 agencies, and shall make such evaluation available to the public for
508 inspection. The decision of the representative policy board approving
509 or disapproving the proposed action shall be published in a
510 newspaper or newspapers having a general circulation within the
511 district and copies of such decision shall be filed with the clerk of each
512 town and city in the district.

513 (f) Whenever the authority intends to sell or otherwise transfer any
514 unimproved real property or any interest or right therein after
515 approval by the representative policy board, the authority shall first
516 notify in writing, by certified mail, return receipt requested, the
517 commissioner of environmental protection and the legislative body of
518 the city or town in which such land is situated, of such intention to sell
519 or otherwise transfer such property and the terms of such sale or other
520 transfer, and no agreement to sell or otherwise transfer such property
521 may be entered into by the authority except as provided in this
522 subsection. (1) Within ninety days after such notice has been given, the
523 legislative body of the city or town or the commissioner of
524 environmental protection may give written notice to the authority by
525 certified mail, return receipt requested, of the desire of the city, town
526 or state to acquire such property and each shall have the right to
527 acquire the interest in the property which the authority has declared its
528 intent to sell or otherwise transfer, provided the state's right to acquire
529 the property shall be secondary to that of the city or town. (2) If the
530 legislative body of the city or town or the commissioner of
531 environmental protection fails to give notice as provided in
532 subdivision (1) or gives notice to the authority by certified mail, return
533 receipt requested, that the city, town or state does not desire to acquire
534 such property, the city or town or the state shall have waived its right
535 to acquire such property in accordance with the terms of this
536 subsection. (3) Within eighteen months after notice has been given as
537 provided in subdivision (1) by the city or town or the state of its desire
538 to acquire such property, the authority shall sell the property to the
539 city or town or the state, as the case may be, or, if the parties cannot
540 agree upon the amount to be paid therefor, the city or town or the state
541 may proceed to acquire the property in the manner specified for
542 redevelopment agencies in accordance with sections 8-128 to 8-133,
543 inclusive, of the general statutes, provided property subject to the
544 provisions of subsections (b) and (c) of section 25-32 of the general
545 statutes shall not be sold without the approval of the department of
546 health. (4) If the city or town or the state fails to acquire the property or

547 to proceed as provided in said sections within eighteen months after
548 notice has been given by the city or town or the state of its desire to
549 acquire the property, such city or town or the state shall have waived
550 its rights to acquire such property in accordance with the terms of this
551 subsection. (5) Notwithstanding the provisions of section 21 of special
552 act 77-98, as amended by section 8 of special act 78-24 and this act, the
553 authority shall not be obligated to make payments in lieu of taxes on
554 such property for the period from the date the city or town gives notice
555 of its desire to acquire such property to the date it either acquires or
556 waives its right to acquire such property. (6) Notwithstanding the
557 provisions of subdivision (4) if the authority thereafter proposes to sell
558 or otherwise transfer such property to any person subject to less
559 restrictions on use for a price less than that offered by the authority to
560 the city or town and the state, the authority shall first notify the city or
561 town and the commissioner of environmental protection of such
562 proposal in the manner provided in subdivision (1), and such city or
563 town and the state shall again have the option to acquire such property
564 and may proceed to acquire such property in the same manner and
565 within the same time limitations as are provided in subdivisions (1) to
566 (4), inclusive, of this subsection. (7) The provisions of this subsection
567 shall not apply to transfers of real property from the authority to any
568 public service company. (8) A copy of each notice required by this
569 subsection shall be sent by the party giving such notice to the clerk of
570 the town or city in which the real property is situated and such clerk
571 shall make all such notices part of the appropriate land records.

572 (g) Nothing contained in this section shall be construed to deprive
573 the state department of health of its jurisdiction under section 25-32 of
574 the general statutes. The authority shall notify the state commissioner
575 of health of any proposed sale or other transfer of land, or change of
576 use as required by said section.

577 (h) The authority shall use the proceeds of any sale or transfer under
578 this section solely for capital improvements to its remaining properties,
579 acquisition of real property or any interest or right therein, retirement

580 of debt or any combination of such purposes.

581 (i)The provisions of this section shall apply to any unimproved real
582 property or any interest or right therein related to the water supply
583 system whether owned or possessed by the authority or by any
584 subsidiary corporation.

585 Sec. 14. Section 19 of special act 77-98 is amended to read as follows
586 (*Effective from passage*):

587 The authority shall not acquire, by purchase, lease or otherwise any
588 existing water supply system or parts thereof, any wastewater system
589 or parts thereof or commence any project costing more than [three]
590 two million dollars to repair, improve, construct, reconstruct, enlarge
591 and extend any of its properties or systems without the approval,
592 following a public hearing, of a majority of the total weighted votes of
593 the membership of the representative policy board. In the case of the
594 first acquisition by the authority of an existing water supply system or
595 part thereof, after such approval by the representative policy board the
596 authority shall file with the town clerk of each city and town in the
597 district its plan for such acquisition. The legislative body of each such
598 city and town shall approve or disapprove such acquisition plan
599 within sixty days after such filing, provided failure to disapprove
600 within such sixty days shall be deemed approval of such acquisition
601 plan. The authority shall not first acquire an existing water supply
602 system or part thereof except in accordance with an acquisition plan
603 approved by at least sixty per cent of such legislative bodies.

604 Sec. 15. Subsection (a) of section 21 of special act 77-98, as amended
605 by section 8 of special act 78-24, is amended to read as follows (*Effective*
606 *from passage*):

607 (a) Neither the authority nor a subsidiary corporation shall be
608 required to pay taxes or assessments upon any of the properties
609 acquired by it or under its jurisdiction, control or supervision,
610 provided in lieu of such taxes or assessments the authority shall make

611 annual payments to each municipality in which it or a subsidiary
612 corporation owns property related to the water supply system equal
613 to the taxes which would otherwise be due for the property of the
614 authority or such subsidiary corporation in such municipality,
615 excluding any improvements made to or constructed on any such real
616 property by the authority or such subsidiary corporation, provided
617 land owned by the authority or a subsidiary corporation related to the
618 water supply system shall be assessed in accordance with section 12-63
619 of the general statutes, and provided further payments for property
620 acquired by the authority or a subsidiary corporation during any tax
621 year shall be adjusted for such fractional year in accordance with the
622 customary practice in such municipality for adjusting taxes between
623 the buyer and seller of real property. In addition, the authority or a
624 subsidiary corporation shall reimburse each such municipality for its
625 expenses in providing municipal services to any improvements made
626 to or constructed on any real property by the authority or such
627 subsidiary corporation within such municipality. As used in this
628 section, "improvements" does not include water pipes or
629 improvements to water pipes.

630 Sec. 16. Section 22 of special act 77-98 is amended to read as follows
631 (*Effective from passage*):

632 (a) The authority, subject to the approval of the representative
633 policy board, shall have the power and is authorized from time to time
634 to issue its negotiable bonds for any of its corporate purposes,
635 including incidental expenses in connection therewith, and to secure
636 the payment of the same by a lien or pledge covering all or part of its
637 contracts, earnings or revenues. The authority shall have power from
638 time to time, whenever it deems refunding expedient, to refund any
639 bonds by the issuance of new bonds within the terms of any refunding
640 provisions of its bonds, whether the bonds to be refunded have or
641 have not matured, and may issue bonds partly to refund bonds then
642 outstanding and partly for any of its public purposes. Except as may
643 be otherwise expressly provided by the authority, every issue of bonds

644 by the authority shall be preferred obligations, taking priority over all
645 other claims against the authority, including payments in lieu of taxes
646 to any municipality, and payable out of any moneys, earnings or
647 revenues of the authority, subject only to any agreements with the
648 holders of particular bonds pledging any particular moneys, earnings
649 or revenues. Notwithstanding the fact that the bonds may be payable
650 from a special fund, if they are otherwise of such form and character as
651 to be negotiable instruments under the terms of the uniform
652 commercial code, the bonds shall be negotiable instruments within the
653 meaning of and for all the purposes of the uniform commercial code,
654 subject only to the provisions of the bonds for registration.

655 (b) The bonds shall be authorized by resolution of the authority and
656 shall bear such date or dates, mature at such time or times, not
657 exceeding forty years from their respective dates, bear interest at such
658 rates per annum, not exceeding statutory limitations, be payable at
659 such times, be in such denomination, be in such form, either coupon or
660 registered, carry such registration privileges, be executed in such
661 manner, be payable in lawful money of the United States of America,
662 at such place or places, and be subject to such terms of redemption as
663 such resolution or resolutions may provide. All bonds of the authority
664 shall be sold through a negotiated sale or a public sale [upon sealed
665 bids] to the bidder who shall offer the lowest [net interest] cost to the
666 authority, to be determined by the authority. [The notice of sale shall
667 be published at least once, not less than ten nor more than forty days
668 before the date of sale, in a financial newspaper circulated in the state
669 of Connecticut and the city of New York and designated by the
670 authority. The notice shall call for the receipt of sealed bids and shall
671 fix the date, time and place of sale.]

672 (c) Any resolution or resolutions authorizing any bonds or any issue
673 of bonds may contain provisions which shall be a part of the contract
674 with the holders of the bonds thereby authorized as to (1) pledging all
675 or any part of the moneys, earnings, income and revenues derived
676 from all or any part of the properties of the authority to secure the

677 payment of the bonds or of any issue of the bonds subject to such
678 agreement with the bondholders as may then exist; (2) the rates,
679 rentals, fees and other charges to be fixed and collected and the
680 amounts to be raised in each year thereby, and the use and disposition
681 of the earnings and other revenues; (3) the setting aside of reserves and
682 the creation of sinking funds and the regulation and disposition
683 thereof; (4) limitations on the rights of the authority to restrict and
684 regulate the use of the properties in connection with which such bonds
685 are issued; (5) limitations on the purposes to which, and the manner in
686 which, the proceeds of sale of any issue of bonds may be applied; (6)
687 limitations on the issuance of additional bonds, the terms upon which
688 additional bonds may be issued and secured, and the refunding of
689 outstanding or other bonds; (7) the procedure, if any, by which the
690 terms of any contract with bondholders may be amended or
691 abrogated, the amount of bonds the holders of which must consent
692 thereto and the manner in which such consent may be given; (8) the
693 creation of special funds into which any earnings or revenues of the
694 authority may be deposited; (9) the terms and provisions of any trust
695 deed or indenture securing the bonds or under which bonds may be
696 issued; (10) definitions of the acts or omission to act which shall
697 constitute a default in the obligations and duties of the authority to the
698 bondholders and providing the rights and remedies of the
699 bondholders in the event of such default, including as a matter of right
700 the appointment of a receiver, provided such rights and remedies shall
701 not be inconsistent with the general laws of this state; (11) limitations
702 on the power of the authority to sell or otherwise dispose of its
703 properties; (12) any other matters, of like or different character, which
704 in any way affect the security or protection of the bonds; and (13)
705 limitations on the amount of moneys derived from the properties to be
706 expended for operating, administrative or other expenses of the
707 authority.

708 (d) The authority may obtain from a commercial bank or insurance
709 company a letter of credit, line of credit or other liquidity facility or
710 credit facility for the purpose of providing funds for the payments in

711 respect of bonds, notes or other obligations required by the holder
712 thereof to be redeemed or repurchased prior to maturity or for
713 providing additional security for such bonds, notes or other
714 obligations. In connection therewith, the authority may enter into
715 reimbursement agreements, remarketing agreements, standby bond
716 purchase agreements and any other necessary or appropriate
717 agreements. The authority may pledge all or any part of the moneys,
718 earnings, income and revenues derived from all or any part of the
719 properties of the authority and any other property which may be
720 pledged to bondholders to secure its payment obligations under any
721 agreement or contract entered into pursuant to this section subject to
722 such agreements with the bondholders as may then exist.

723 (e) In connection with or incidental to the carrying of bonds or notes
724 or in connection with or incidental to the sale and issuance of bonds or
725 notes, the authority may enter into such contracts to place the
726 obligation of the authority, as represented by the bonds or notes, in
727 whole or in part, on such interest rate or cash flow basis as the
728 authority may determine, including without limitation, interest rate
729 swap agreements, insurance agreements, forward payment conversion
730 agreements, futures contracts, contracts providing for payments based
731 on levels of, or changes in, interest rates or market indices, contracts to
732 manage interest rate risk, including without limitation interest rate
733 floors or caps, options, puts, calls and similar arrangements. Such
734 contracts shall contain such payment, security, default, remedy and
735 other terms and conditions as the authority may deem appropriate and
736 shall be entered into with such party or parties as the authority may
737 select, after giving due consideration, where applicable, for the
738 creditworthiness of the counter party or counter parties. The authority
739 may pledge all or any part of the moneys, earnings, income and
740 revenues derived from all or any part of the properties of the authority
741 and any other property which may be pledged to bondholders to
742 secure its payment obligations under any agreement or contract
743 entered into pursuant to this section subject to such agreements with
744 the bondholders as may then exist.

745 [(d)] (f) It is the intention of the general assembly that any pledge of
746 earnings, revenues or other moneys made by the authority shall be
747 valid and binding from the time when the pledge is made; that the
748 earnings, revenues or other moneys so pledged and thereafter received
749 by the authority shall immediately be subject to the lien of such pledge
750 without any physical delivery thereof or further act, and that the lien
751 of any such pledge shall be valid and binding as against all parties
752 having claims of any kind in tort, contract or otherwise against the
753 authority irrespective of whether such parties have notice thereof.
754 Neither the resolution nor any other instrument by which a pledge is
755 created need be recorded.

756 [(e)] (g) Neither the members of the authority nor any person
757 executing the bonds shall be liable personally on the bonds or be
758 subject to any personal liability or accountability by reason of the
759 issuance thereof.

760 [(f)] (h) The authority shall have the power out of any funds
761 available to purchase, as distinguished from the power of redemption
762 above provided, any bonds issued by it at a price of not more than the
763 principal amount thereof and accrued interest, and all bonds so
764 purchased shall be cancelled.

765 [(g)] (i) In the discretion of the authority, the bonds may be secured
766 by a trust indenture by and between the authority and a corporate
767 trustee, which may be any trust company or bank having the powers
768 of a trust company. Such trust indenture may contain such provisions
769 for protecting and enforcing the rights and remedies of the
770 bondholders as may be reasonable and proper and not in violation of
771 any law, including covenants setting forth the duties of the authority
772 in relation to the construction, maintenance, operation, repair and
773 insurance of the properties and the custody, safeguarding and
774 application of all moneys, and may provide that the properties shall be
775 constructed and paid for under the supervision and approval of
776 consulting engineers. The authority may provide by such trust

777 indenture or other depository for the methods of disbursement thereof,
778 with such safeguards and restrictions as it may determine. All
779 expenses incurred in carrying out such trust indenture may be treated
780 as part of the cost of maintenance, operation and repair of the
781 properties. If the bonds are secured by a trust indenture, bondholders
782 shall have no authority to appoint a separate trustee to represent them.

783 [(h)] (j) Notwithstanding any other provision of sections 1 to 33,
784 inclusive, of special act 77-98, as amended by special act 78-24, [and]
785 special act 84-46 and this act, any resolution or resolutions authorizing
786 bonds or notes of the authority shall contain a covenant by the
787 authority that it will at all times maintain rates, fees, rentals or other
788 charges sufficient to pay, and that any contracts entered into by the
789 authority for the sale and distribution of water or the collection of
790 wastewater shall contain rates, fees, rentals or other charges sufficient
791 to pay, the cost of operation and maintenance of the properties and the
792 principal of and interest on any obligation issued pursuant to such
793 resolution or resolutions as the same severally become due and
794 payable, and to maintain any reserves or other funds required by the
795 terms of such resolution or resolutions.

796 [(i)] (k) If any officer of the authority whose signature or a facsimile
797 of whose signature appears on any bonds or coupons ceases to be such
798 officer before delivery of such bonds, such signature or such facsimile
799 shall nevertheless be valid and sufficient for all purposes as if he had
800 remained in office until such delivery.

801 Sec. 17. Section 23 of special act 77-98 is amended to read as follows
802 (*Effective from passage*):

803 The authority shall have the power and is authorized to issue
804 negotiable [bond anticipation] notes and may renew the same from
805 time to time, but the maximum maturity of any such note, including
806 renewals thereof, shall not exceed five years from date of issue of such
807 original note. Such notes shall be paid from any moneys of the
808 authority available therefor and not otherwise pledged or from the

809 proceeds of the sale of the bonds of the authority in anticipation of
810 which they were issued. The notes shall be issued and may be secured
811 in the same manner as the bonds and such notes and the resolution or
812 resolutions authorizing such notes may contain any provisions,
813 conditions or limitations which the bonds or a bond resolution of the
814 authority may contain. Such notes shall be as fully negotiable as the
815 bonds of the authority.

816 Sec. 18. Section 29 of special act 77-98 is amended to read as follows
817 (*Effective from passage*):

818 Insofar as the provisions of sections 1 to 33, inclusive, of special act
819 77-98, as amended by special act 78-24 and this act, are inconsistent
820 with the provisions of any other general or special act or any
821 municipal ordinance, the provisions of sections 1 to 33, inclusive, of
822 special act 77-98, as amended by special act 78-24 and this act, shall be
823 controlling; provided nothing contained in sections 1 to 33, inclusive,
824 of special act 77-98, as amended by special act 78-24, [and] special act
825 84-46 and this act, shall exempt the authority from compliance with
826 zoning regulations lawfully established by any municipality, except
827 that the plants, structures and other facilities of the water supply
828 system or the wastewater system owned or operated by the authority
829 shall be permitted uses in all zoning districts in every city, town or
830 borough within the district; and provided further that the authority
831 may not construct purification or filtration plants or wastewater
832 treatment plants in any zoning district in which such use is not
833 permitted under local zoning regulations without first obtaining
834 approval of the proposed location of such facility from the
835 representative policy board following a public hearing.

836 Sec. 19. Section 30 of special act 77-98, as amended by section 10 of
837 special act 78-24, is amended to read as follows (*Effective from passage*):

838 (a) The authority or any person who is aggrieved by a decision of
839 the representative policy board with respect to the establishment of
840 rates or charges, the establishment of land use standards and

841 disposition policies, the sale or other transfer or change of use of real
842 property, the location of purification, [or] filtration or wastewater
843 treatment plants, the commencement of any project costing more than
844 [one] two million dollars to repair, improve, construct, reconstruct,
845 enlarge or extend any of the properties or systems of the authority or
846 the acquisition by purchase, lease or otherwise of any existing water
847 supply system, wastewater system or part thereof, other than the
848 purchase of all or any part of the properties and franchises of the New
849 Haven Water Company, is entitled to [judicial] review [under] by the
850 Superior Court as provided in this section. For the purposes of this
851 section the holders of any bonds or notes of the authority and any
852 trustee acting on behalf of such holders shall be deemed aggrieved
853 persons with respect to any decision of the representative policy board
854 which violates any covenant or other provision of the resolution or
855 resolutions authorizing such bonds or notes.

856 (b) Proceedings for review shall be instituted by filing a petition in
857 the [court of common pleas] Superior Court for New Haven County
858 within [thirty] forty-five days after publication of the decision of the
859 representative policy board or, if a rehearing is requested, within
860 [thirty] forty-five days after the decision thereon. Copies of the petition
861 shall be served upon the representative policy board and published in
862 a newspaper or newspapers having a general circulation in each town
863 or city comprising the district

864 (c) The filing of the petition shall not of itself stay enforcement of the
865 decision of the representative policy board. The representative policy
866 board may grant, or the reviewing court may order, a stay upon
867 appropriate terms, provided enforcement of a decision respecting the
868 establishment of rates or charges may be stayed only after issuance of a
869 judgment for the appellant by the reviewing court.

870 (d) Within thirty days after service of the petition, or within such
871 further time as may be allowed by the court, the representative policy
872 board shall transmit to the reviewing court the original or a certified

873 copy of the entire record of the proceeding under review, which shall
874 include the representative policy board's findings of fact and
875 conclusions of law, separately stated. By stipulation of all parties to the
876 review proceedings, the record may be shortened. A party
877 unreasonably refusing to stipulate to limit the record may be taxed by
878 the court for the additional costs. The court may require or permit
879 subsequent corrections or additions to the record.

880 (e) If, before the date set for hearing, application is made to the court
881 for leave to present additional evidence, and it is shown to the
882 satisfaction of the court that the additional evidence is material and
883 that there were good reasons for failure to present it in the proceeding
884 before the representative policy board, the court may refer the case
885 back to the board with instructions to take such evidence as the court
886 directs. The representative policy board may modify its findings and
887 decision by reason of the additional evidence and shall file that
888 evidence and any modifications, new findings, or decisions with the
889 reviewing court.

890 (f) The review shall be conducted by the court without a jury and
891 shall be confined to the record. In cases of alleged irregularities in
892 procedure before the representative policy board, not shown in the
893 record, proof thereon may be taken in the court. The court, upon
894 request, shall hear oral argument and receive written briefs.

895 (g) The court shall not substitute its judgment for that of the
896 representative policy board as to the weight of the evidence on
897 questions of fact. The court [may] shall affirm the decision of the
898 representative policy board [or remand the case for further
899 proceedings. The court may reverse or modify the decision if] unless
900 the court finds that the substantial rights of the appellant have been
901 prejudiced because the representative policy board's findings,
902 inferences, conclusions, or decisions are: (1) In violation of
903 constitutional provisions, the general statutes or the provisions of this
904 or another special act; (2) in excess of the authority of the

905 representative policy board; (3) made upon unlawful procedure; (4)
906 affected by other error of law; (5) clearly erroneous in view of the
907 reliable probative, and substantial evidence on the whole record; or (6)
908 arbitrary or capricious or characterized by abuse of discretion or
909 clearly unwarranted exercise of discretion. If the court finds such
910 prejudice, it shall sustain the appeal and, if appropriate, may render a
911 judgment under subsection (h) of this section or remand the case for
912 further proceedings.

913 (h) If a particular representative policy board action is required by
914 law, the court, on sustaining the appeal, may render a judgment that
915 modifies the representative policy board decision, orders the
916 representative policy board action, or orders the representative policy
917 board to take such action as may be necessary to effect the particular
918 action.

919 [(h)] (i) In any case in which an aggrieved party claims that he
920 cannot pay the costs of an appeal under this section and will thereby
921 be deprived of a right to which he is entitled, he shall, within the time
922 permitted for filing the appeal, file with the clerk of the court to which
923 the appeal is to be taken an application for waiver of payment of such
924 fees, costs and necessary expenses, including the requirements of
925 bond, if any. The application shall conform to the requirements of
926 section 28A of the Practice Book. After such hearing as the court
927 determines is necessary, the court shall enter its judgment on the
928 application, which judgment shall contain a statement of the facts the
929 court has found, with its conclusions thereon. The filing of the
930 application for the waiver shall toll the time limits for the filing of an
931 appeal until such time as a judgment on such application is entered.

932 [(i)] (j) Neither the authority nor the representative policy board
933 shall be construed to be an agency within the scope of chapter 54 of the
934 general statutes.

935 Sec. 20. Section 12 of special act 78-24 is amended to read as follows
936 (*Effective from passage*):

937 Neither the members of the authority, [nor] any person acting in its
 938 behalf nor any member or employee of the representative policy board,
 939 while acting within the scope of their authority shall be subject to any
 940 personal liabilities resulting from the erection, construction,
 941 reconstruction, maintenance or operation of the properties or any of
 942 the improvements of the authority or a subsidiary corporation or
 943 resulting from carrying out any of the powers expressly given in
 944 special act 77-98, as amended by special act 78-24, special act 84-46,
 945 special act 99-12 and this act.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>from passage</i>
Sec. 16	<i>from passage</i>
Sec. 17	<i>from passage</i>
Sec. 18	<i>from passage</i>
Sec. 19	<i>from passage</i>
Sec. 20	<i>from passage</i>

Statement of Purpose:

To authorize the South Central Connecticut Regional Water Authority to provide wastewater service.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]