



General Assembly

February Session, 2002

**Amendment**

LCO No. 3976

\*HB0521003976HDO\*

Offered by:

REP. DAVIS, 50<sup>th</sup> Dist.

REP. FONTANA, 87<sup>th</sup> Dist.

To: House Bill No. 5210

File No. 290

Cal. No. 172

**"AN ACT CONCERNING REGIONAL WATER POLLUTION  
CONTROL AUTHORITY JURISDICTION."**

1 After section 1, insert the following:

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

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

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

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

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

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

79 Sec. 4. Section 3 of special act 77-98, as amended by section 2 of  
80 special act 78-24 and section 1 of special act 84-46, is amended to read  
81 as follows (*Effective from passage*):

82 (a) There is created a district to be known as the "South Central

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

93 (b) Upon approval by the representative policy board pursuant to  
94 section 19 of special act 77-98, as amended by this act, and the electors  
95 of the town of Wolcott at a referendum, the area and territory of the  
96 town of Wolcott shall become part of the South Central Connecticut  
97 Regional Water District.

98 Sec. 5. Subsection (a) of section 4 of special act 77-98, as amended by  
99 section 3 of special act 78-24 and section 2 of special act 84-46, is  
100 amended to read as follows (*Effective from passage*):

101 (a) There shall be a representative policy board of the South Central  
102 Connecticut Regional Water District which shall consist of one elector  
103 from each city and town within the district who shall be appointed by  
104 the chief elected official of such city or town, with the approval of its  
105 legislative body, and one elector of the state who shall be appointed by  
106 the governor. Members shall serve for a term of three years  
107 commencing July 1, except that the members first appointed shall  
108 serve terms commencing July 1, 1977, and such members appointed  
109 from Bethany, East Haven, Killingworth, New Haven, Orange and  
110 West Haven shall serve until June 30, 1978, such members appointed  
111 from Branford, Guilford, Madison, North Branford, Prospect and  
112 Woodbridge shall serve until June 30, 1979, such members appointed  
113 from Cheshire, Hamden, Milford, North Haven and Wallingford shall  
114 serve until June 30, 1980, and the member first appointed by the  
115 governor shall serve for a term commencing upon appointment and

116 ending on the third June thirtieth thereafter; provided members shall  
117 continue to serve until their successors are appointed and have  
118 qualified. In the event of the resignation, death or disability of a  
119 member from any city or town or the state, a successor may be  
120 appointed by the chief elected official of such city or town, or in the  
121 case of the member appointed by the governor, for the unexpired  
122 portion of the term. The chief elected official of each such city or town  
123 may appoint a provisional member to serve until December 1, 1977,  
124 with full authority to act as a member until said date. Members and  
125 provisional members shall receive [fifty] one hundred dollars for each  
126 day in which they are engaged in their duties and shall be reimbursed  
127 for their necessary expenses incurred in the performance of their  
128 duties. They shall elect a chairman and a vice-chairman, who shall be  
129 members or provisional members of the representative policy board,  
130 and a secretary. The chairman shall receive a per diem payment of 1.5  
131 times the amount paid to members and provisional members. The  
132 representative policy board shall meet at least quarterly with the  
133 authority and such members of the staff of the authority as the  
134 representative policy board deems appropriate.

135 Sec. 6. Section 10 of special act 77-98 is amended to read as follows  
136 (*Effective from passage*):

137 Whenever a public hearing is required under sections 1 to 33,  
138 inclusive, of [this act] special act 77-98, as amended by special act 78-24  
139 and this act, notice of such hearing shall be published by the  
140 representative policy board at least twenty days before the date set  
141 therefor, in a newspaper or newspapers having a general circulation in  
142 each city and town comprising the district. Such notice shall set forth  
143 the date, time and place of such hearing and shall include a description  
144 of the matters to be considered at such hearing. A copy of the notice  
145 shall be filed in the office of the clerk of each such city and town and  
146 shall be available for inspection by the public. At such hearings, all the  
147 users of the water supply system or the wastewater system, owners of  
148 property served or to be served and other interested persons shall have  
149 an opportunity to be heard concerning the matters under

150 consideration. When appropriate, the chairman of the representative  
151 policy board may convene more than one hearing on any matter and  
152 direct such hearings to be held in suitable locations within the district  
153 so as to assure broader participation by the general public in  
154 discussion of the matters under consideration, provided in the case of  
155 the sale or transfer of real property pursuant to section 18 of special act  
156 77-98, as amended by section 7 of special act 78-24 and this act, a public  
157 hearing shall be held in the city or town in which such real property is  
158 situated. Any decision of the representative policy board on matters  
159 considered at such public hearing shall be in writing and shall be  
160 published in a newspaper or newspapers having a general circulation  
161 in each city and town comprising the district within thirty days after  
162 such decision is made.

163 Sec. 7. Section 11 of special act 77-98, as amended by section 5 of  
164 special act 78-24 and section 3 of special act 84-46, is amended to read  
165 as follows (*Effective from passage*):

166 Subject to the provisions of sections 1 to 33, inclusive, of special act  
167 77-98, as amended by special act 78-24, special act 84-46, sections 5 to 7,  
168 inclusive, of special act 99-12, and this act, the authority shall have the  
169 power: (a) To sue and be sued; (b) to have a seal and alter the same at  
170 its pleasure; (c) to acquire in the name of the authority by purchase,  
171 lease or otherwise and to hold and dispose of personal property or any  
172 interest therein, including shares of stock of a subsidiary corporation;  
173 (d) to acquire in the name of the authority by purchase, lease or  
174 otherwise and to hold and dispose of any real property or interest  
175 therein, including water rights and rights of way and water discharge  
176 rights, which the authority determines to be necessary or convenient,  
177 and to acquire any existing wastewater system or water supply system  
178 or parts thereof which are wholly or partially within the district as  
179 described under section [1 of this act] 3 of special act 78-24, as  
180 amended by section 2 of special act 78-24, section 1 of special act 84-46  
181 and this act. As a means of so acquiring, the authority or a subsidiary  
182 corporation may purchase all of the stock or all or any part of the  
183 assets and franchises of any existing privately owned water or

184 wastewater company, whereupon the authority or such subsidiary  
185 corporation shall succeed to all rights, powers and franchises thereof.  
186 Sections 16-43, 16-50c and 16-50d of the general statutes shall not apply  
187 to any action by the authority or a subsidiary corporation or any action  
188 by any privately owned water company or sewage company, as  
189 defined in section 16-1 of the general statutes, taken to effectuate the  
190 acquisition of the stock or all or any part of the assets and franchises of  
191 such water company or sewage company by the authority, provided  
192 section 16-43 shall apply to any action taken to effectuate the  
193 acquisition of the stock or all or any part of the assets and franchises of  
194 the Ansonia Derby Water Company by the authority.  
195 Notwithstanding any provision of section 25-32 of the general statutes,  
196 land may be transferred to the authority or a subsidiary corporation of  
197 the authority as part of such an acquisition. The commissioner of  
198 health services shall not grant a permit for a change in the use of any  
199 class I or class II land owned by the Ansonia Derby Water Company  
200 on the effective date of this section and not transferred to the authority  
201 or a subsidiary corporation or a permit for the sale, lease or assignment  
202 of any such class II land, unless (1) all provisions of section 25-32 are  
203 complied with, and (2) the commissioner of health services determines,  
204 after holding a hearing, notice of which shall be published not later  
205 than thirty days before the hearing in one or more newspapers having  
206 a substantial circulation in the municipalities in which the land is  
207 located, that such change in the use or sale, lease, or assignment of the  
208 land will not have a significant adverse impact upon present and  
209 future water supply needs of the authority or a subsidiary corporation  
210 of the authority; (e) to construct and develop any water supply system  
211 or any wastewater system; (f) to own, operate, maintain, repair,  
212 improve, construct, reconstruct, replace, enlarge and extend any of its  
213 properties; (g) any provision in any general statute, special act or  
214 charter to the contrary notwithstanding, but subject to the provisions  
215 of section 12 of special act 77-98, as amended by this act, and section 28  
216 of special act 77-98, as amended by section 9 of special act 78-24, to sell  
217 water, however acquired, to customers within the district or to any  
218 municipality or water company; (h) any provisions in any general

219 statute, special act or charter to the contrary notwithstanding, to  
220 purchase water approved by the commissioner of health from any  
221 person, private corporation or municipality when necessary or  
222 convenient for the operation of any water supply system operated by  
223 the authority; (i) to adopt and amend bylaws, rules and regulations for  
224 the management and regulation of its affairs and for the use and  
225 protection of the water and properties of the authority or a subsidiary  
226 corporation and, subject to the provisions of any resolution  
227 authorizing the issuance of bonds, rules for the sale of water, the  
228 collection and processing of wastewater and the collection of rents and  
229 charges [therefore] for both water supply and wastewater functions. A  
230 copy of such bylaws, rules and regulations and all amendments  
231 thereto, certified by the secretary of the authority, shall be filed in the  
232 office of the secretary of the state and with the clerk of each town and  
233 city within the district. Any superior court located within the district  
234 shall have jurisdiction over any violation of such bylaws, rules or  
235 regulations and the authority may prosecute actions before the  
236 superior court to enforce such bylaws, rules and regulations; (j) to  
237 make contracts and to execute all necessary or convenient instruments,  
238 including evidences of indebtedness, negotiable or non-negotiable; (k)  
239 to borrow money, to issue negotiable bonds or notes, to fund and  
240 refund the same and to provide for the rights of the holders of the  
241 authority's obligations; (l) to open the grounds in any public street or  
242 way or public grounds for the purpose of laying, installing,  
243 maintaining or replacing pipes and conduits, provided upon the  
244 completion of such work the grounds shall be restored to the condition  
245 they were in previously; (m) to enter into cooperative agreements with  
246 other water authorities, municipalities, water districts, [or] water  
247 companies or water pollution control authorities within or without the  
248 district for interconnection of facilities, for exchange or interchange of  
249 services and commodities or for any other lawful purpose necessary or  
250 desirable to effect the purposes of sections 1 to 33, inclusive, of special  
251 act 77-98, as amended by special act 78-24, special act 84-46 and  
252 sections 5 to 7, inclusive, of special act 99-12, such agreements to be  
253 binding for a period specified therein; (n) to acquire, hold, develop and

254 maintain land and other real estate and waters for conservation and for  
255 compatible active and passive recreational purposes and to levy  
256 charges for such uses, provided the state department of health finds  
257 that such uses will not harm the quality of water provided by the  
258 authority; (o) to apply for and accept grants, loans or contributions  
259 from the United States, the state of Connecticut or any agency,  
260 instrumentality or subdivision of either of them or from any person,  
261 and to expend the proceeds for any of its purposes; (p) to create  
262 programs and policies for the purpose of conserving water; (q) to do  
263 any and all things necessary or convenient to carry out the powers  
264 expressly given in sections 1 to 33, inclusive, of special act 77-98, as  
265 amended by special act 78-24, special act 84-76, and sections 5 to 7,  
266 inclusive, of special act 99-12 and this act, including the powers  
267 granted by the general statutes to stock corporations, except the power  
268 to issue stock, and the powers granted by the general statutes to water  
269 pollution control authorities.

270 Sec. 8. Section 12 of special act 77-98 is amended to read as follows  
271 (*Effective from passage*):

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

288 district after a public hearing.

289 Sec. 9. Subsection (a) of section 13 of special act 77-98 is amended to  
290 read as follows (*Effective from passage*):

291 (a) Except with respect to (1) any real or personal property or  
292 interest therein, the legal title to which is vested in the state or a  
293 political subdivision thereof, [or with respect to] (2) any existing water  
294 supply system, or (3) any existing wastewater system, if such authority  
295 cannot agree with any owner upon the terms of acquisition by the  
296 authority of any real or personal property or interest therein which the  
297 authority is authorized to acquire, the authority may proceed, at its  
298 election, in the manner provided in subsection (b) or in the manner  
299 provided in subsection (c) of this section.

300 Sec. 10. Section 14 of special act 77-98, as amended by section 6 of  
301 special act 78-24 and section 6 of special act 99-12, is amended to read  
302 as follows (*Effective from passage*):

303 With the approval of the representative policy board, the authority  
304 shall establish just and equitable rates or charges for the use of the  
305 water supply system and the wastewater system authorized herein, to  
306 be paid by any customer, and may change such rates or charges from  
307 time to time. Such water supply system rates or charges shall be  
308 established so as to provide funds sufficient in each year, with other  
309 water supply related revenues, if any, (a) to pay the cost of  
310 maintaining, repairing and operating the water supply system and  
311 each and every portion thereof, to the extent that adequate provision  
312 for the payment of such cost has not otherwise been made, (b) to pay  
313 the principal of and the interest on outstanding water supply bonds of  
314 the authority as the same shall become due and payable, (c) to meet  
315 any requirements of any resolution authorizing, or trust agreement  
316 securing, such bonds of the authority, (d) to make payments in lieu of  
317 taxes as provided in section 21 of special act 77-98, as amended by  
318 section 8 of special act 78-24 and this act, as the same become due and  
319 payable, upon the water supply system properties of the authority or

320 of a subsidiary corporation to the municipalities in which such  
321 properties are situated, (e) to provide for the maintenance,  
322 conservation and appropriate recreational use of the land of the  
323 authority, and (f) to pay all other reasonable and necessary expenses of  
324 the authority and of the representative policy board to the extent that  
325 such expenses are allocable to the water supply system activities of the  
326 authority and the representative policy board. Such wastewater system  
327 rates or charges shall be established so as to provide funds sufficient in  
328 each year with other wastewater related revenues, if any, (1) to pay the  
329 cost of maintaining, repairing and operating the wastewater system  
330 and each and every portion thereof, to the extent that adequate  
331 provision for the payment of such cost has not otherwise been made,  
332 (2) to pay the principal of and the interest on outstanding wastewater  
333 bonds of the authority as the same shall become due and payable, (3)  
334 to meet any requirements of any resolution authorizing, or trust  
335 agreement securing, such bonds of the authority, (4) to pay all other  
336 reasonable and necessary expenses of the authority and of the  
337 representative policy board to the extent that such expenses are  
338 allocable to the wastewater activities of the authority and of the  
339 representative policy board. No such rate or charge shall be  
340 established until it has been approved by the representative policy  
341 board, after said board has held a public hearing at which all the users  
342 of the waterworks system or the wastewater system, the owners of  
343 property served or to be served and others interested have had an  
344 opportunity to be heard concerning such proposed rate or charge. The  
345 representative policy board shall approve such rates and charges  
346 unless it finds that such rates and charges will provide funds in excess  
347 of the amounts required for the purposes described previously in this  
348 section, or unless it finds that such rates and charges will provide  
349 funds insufficient for such purposes. The rates or charges so  
350 established for any class of users or property served shall be extended  
351 to cover any additional premises thereafter served which are within  
352 the same class, without the necessity of a hearing thereon. Any change  
353 in such rates or charges shall be made in the same manner in which  
354 they were established. The rates or charges levied upon any customer

355 of any water supply system acquired pursuant to subsection (d) of  
356 section 11 of special act 77-98, as amended by section 5 of special act  
357 78-24, [and] section 3 of special act 84-46 and this act or served  
358 pursuant to a cooperative agreement pursuant to subsection (m) of  
359 said section 11 shall not be required to be equalized with the  
360 authority's existing rates, but may be set on a separate basis, provided  
361 such rates are just, equitable and nondiscriminatory. Such rates or  
362 charges, if not paid when due, shall constitute a lien upon the premises  
363 served and a charge against the owners thereof, which lien and charge  
364 shall bear interest at the same rate as would unpaid taxes. Such lien  
365 shall take precedence over all other liens or encumbrances except taxes  
366 and may be foreclosed against the lot or building served in the same  
367 manner as a lien for taxes, provided all such liens shall continue until  
368 such time as they shall be discharged or foreclosed by the authority  
369 without the necessity of filing certificates of continuation, but in no  
370 event for longer than ten years. The amount of any such rate or charge  
371 which remains due and unpaid for thirty days may, with interest  
372 thereon at the same rate as unpaid taxes and with reasonable  
373 attorneys' fees, be recovered by the authority in a civil action in the  
374 name of the authority against such owners. Any municipality shall be  
375 subject to the same rate or charges under the same conditions as other  
376 users of [such] the water supply system or the wastewater system. The  
377 assets or the revenues of the water system shall not be available to  
378 satisfy debts, judgments or other obligations arising out of the  
379 operation of the wastewater system and the assets or the revenues of  
380 the wastewater system shall not be available to satisfy debts,  
381 judgments or other obligations arising out of the operation of the water  
382 system.

383 Sec. 11. Subsection (a) of section 15 of special act 77-98, as amended  
384 by section 7 of special act 99-12, is amended to read as follows (*Effective*  
385 *from passage*):

386 (a) The representative policy board shall establish an office of  
387 consumer affairs to act as the advocate for consumer interests in all  
388 matters which may affect consumers, including without limitation

389 matters of rates, water quality and supply and wastewater service  
390 quality. The costs of such office of consumer affairs, unless otherwise  
391 provided by the state, shall be paid by the authority.

392 Sec. 12. Section 16 of special act 77-98 is amended to read as follows  
393 (*Effective from passage*):

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

409 Sec. 13. Subsection (b) of section 17 of special act 77-98 is amended  
410 to read as follows (*Effective from passage*):

411 (b) No member or employee of the representative policy board or of  
412 the authority shall accept or receive, directly or indirectly, from any  
413 person, firm or corporation to which any contract or purchase order  
414 may be awarded, by rebate, gift or otherwise, any [money, or any thing  
415 of value or any] promise, obligation or contract for future reward or  
416 compensation or any money or any thing of value in excess of ten  
417 dollars, provided the aggregate value of all such things provided by a  
418 donor to a recipient in any calendar year shall not exceed fifty dollars  
419 and, excluding any food or beverage or food and beverage, costing less  
420 than fifty dollars in the aggregate per recipient in a calendar year, and

421 consumed on an occasion or occasions at which the person paying,  
422 directly or indirectly, for the food or beverage, or his representative, is  
423 in attendance. Any person who violates any provision of this  
424 subsection shall be fined not more than five hundred dollars or  
425 imprisoned for not more than six months or both.

426 Sec. 14. Section 18 of special act 77-98, as amended by section 7 of  
427 special act 78-24, is amended to read as follows (*Effective from passage*):

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

441 (b) Within two years from the date it acquires all or part of a water  
442 supply system, the authority shall develop and submit to the  
443 representative policy board for approval (1) standards for determining  
444 the suitability of its real property for categories of land use, including  
445 which, if any, of its real property may be surplus with regard to the  
446 purity and adequacy of both present and future water supply, which,  
447 if any, may be desirable for specified modes of recreation or open  
448 space use and which may be suitable for other uses, giving due  
449 consideration to the state plan of conservation and development, to  
450 classification and performance standards recommended in the final  
451 report of the council on water company lands pursuant to subsection  
452 (c) of section 16-49c of the general statutes and to such other plans and  
453 standards as may be appropriate, and (2) policies regarding the

454 disposition of its real property including identification of dispositions  
455 which are unlikely to have any significant effect on the environment.  
456 Prior to approving any standards or policies specified in this  
457 subsection, the representative policy board shall hold one or more  
458 public hearings to consider the proposed standards and policies. The  
459 proposed standards and policies shall be available for public  
460 inspection in the offices of the authority from the date notice of such  
461 hearing is published. The authority may amend such standards and  
462 policies from time to time with the approval of the representative  
463 policy board, which shall hold public hearings if it deems such  
464 amendments substantial.

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

484 (d) Each request by the authority for approval pursuant to  
485 subsection (c) shall be accompanied by an evaluation of the potential  
486 impact of the proposed action for which approval is requested, which  
487 shall include: (1) A description of the real property and its

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

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

522 town and city in the district.

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

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

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

588 (h) The authority shall use the proceeds of any sale or transfer under  
589 this section solely for capital improvements to its remaining properties,

590 acquisition of real property or any interest or right therein, retirement  
591 of debt or any combination of such purposes.

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

596 Sec. 15. Section 19 of special act 77-98 is amended to read as follows  
597 (*Effective from passage*):

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

615 Sec. 16. Subsection (a) of section 21 of special act 77-98, as amended  
616 by section 8 of special act 78-24, is amended to read as follows (*Effective*  
617 *from passage*):

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

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

641 Sec. 17. Section 22 of special act 77-98 is amended to read as follows  
642 (*Effective from passage*):

643 (a) The authority, subject to the approval of the representative  
644 policy board, shall have the power and is authorized from time to time  
645 to issue its negotiable bonds for any of its corporate purposes,  
646 including incidental expenses in connection therewith, and to secure  
647 the payment of the same by a lien or pledge covering all or part of its  
648 contracts, earnings or revenues. The authority shall have power from  
649 time to time, whenever it deems refunding expedient, to refund any  
650 bonds by the issuance of new bonds within the terms of any refunding  
651 provisions of its bonds, whether the bonds to be refunded have or  
652 have not matured, and may issue bonds partly to refund bonds then  
653 outstanding and partly for any of its public purposes. Except as may  
654 be otherwise expressly provided by the authority, every issue of bonds  
655 by the authority shall be preferred obligations, taking priority over all

656 other claims against the authority, including payments in lieu of taxes  
657 to any municipality, and payable out of any moneys, earnings or  
658 revenues of the authority, subject only to any agreements with the  
659 holders of particular bonds pledging any particular moneys, earnings  
660 or revenues. Notwithstanding the fact that the bonds may be payable  
661 from a special fund, if they are otherwise of such form and character as  
662 to be negotiable instruments under the terms of the uniform  
663 commercial code, the bonds shall be negotiable instruments within the  
664 meaning of and for all the purposes of the uniform commercial code,  
665 subject only to the provisions of the bonds for registration.

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

683 (c) Any resolution or resolutions authorizing any bonds or any issue  
684 of bonds may contain provisions which shall be a part of the contract  
685 with the holders of the bonds thereby authorized as to (1) pledging all  
686 or any part of the moneys, earnings, income and revenues derived  
687 from all or any part of the properties of the authority to secure the  
688 payment of the bonds or of any issue of the bonds subject to such  
689 agreement with the bondholders as may then exist; (2) the rates,

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

719 (d) The authority may obtain from a commercial bank or insurance  
720 company a letter of credit, line of credit or other liquidity facility or  
721 credit facility for the purpose of providing funds for the payments in  
722 respect of bonds, notes or other obligations required by the holder  
723 thereof to be redeemed or repurchased prior to maturity or for

724 providing additional security for such bonds, notes or other  
725 obligations. In connection therewith, the authority may enter into  
726 reimbursement agreements, remarketing agreements, standby bond  
727 purchase agreements and any other necessary or appropriate  
728 agreements. The authority may pledge all or any part of the moneys,  
729 earnings, income and revenues derived from all or any part of the  
730 properties of the authority and any other property which may be  
731 pledged to bondholders to secure its payment obligations under any  
732 agreement or contract entered into pursuant to this section subject to  
733 such agreements with the bondholders as may then exist.

734 (e) In connection with or incidental to the carrying of bonds or notes  
735 or in connection with or incidental to the sale and issuance of bonds or  
736 notes, the authority may enter into such contracts to place the  
737 obligation of the authority, as represented by the bonds or notes, in  
738 whole or in part, on such interest rate or cash flow basis as the  
739 authority may determine, including without limitation, interest rate  
740 swap agreements, insurance agreements, forward payment conversion  
741 agreements, contracts providing for payments based on levels of, or  
742 changes in, interest rates or market indices, contracts to manage  
743 interest rate risk, including, without limitation, interest rate floors or  
744 caps, options, puts, calls and similar arrangements. Such contracts  
745 shall contain such payment, security, default, remedy and other terms  
746 and conditions as the authority may deem appropriate and shall be  
747 entered into with such party or parties as the authority may select,  
748 after giving due consideration, where applicable, for the  
749 creditworthiness of the counter party or counter parties, provided such  
750 parties or counter parties shall be a financial institution whose  
751 unsecured long-term obligations are rated within the top two rating  
752 categories of any nationally recognized rating service. The authority  
753 may pledge all or any part of the moneys, earnings, income and  
754 revenues derived from all or any part of the properties of the authority  
755 and any other property which may be pledged to bondholders to  
756 secure its payment obligations under any agreement or contract  
757 entered into pursuant to this section subject to such agreements with

758 the bondholders as may then exist.

759        [(d)] (f) It is the intention of the general assembly that any pledge of  
760 earnings, revenues or other moneys made by the authority shall be  
761 valid and binding from the time when the pledge is made; that the  
762 earnings, revenues or other moneys so pledged and thereafter received  
763 by the authority shall immediately be subject to the lien of such pledge  
764 without any physical delivery thereof or further act, and that the lien  
765 of any such pledge shall be valid and binding as against all parties  
766 having claims of any kind in tort, contract or otherwise against the  
767 authority irrespective of whether such parties have notice thereof.  
768 Neither the resolution nor any other instrument by which a pledge is  
769 created need be recorded.

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

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

779        [(g)] (i) In the discretion of the authority, the bonds may be secured  
780 by a trust indenture by and between the authority and a corporate  
781 trustee, which may be any trust company or bank having the powers  
782 of a trust company. Such trust indenture may contain such provisions  
783 for protecting and enforcing the rights and remedies of the  
784 bondholders as may be reasonable and proper and not in violation of  
785 any law, including covenants setting forth the duties of the authority  
786 in relation to the construction, maintenance, operation, repair and  
787 insurance of the properties and the custody, safeguarding and  
788 application of all moneys, and may provide that the properties shall be  
789 constructed and paid for under the supervision and approval of

790 consulting engineers. The authority may provide by such trust  
791 indenture or other depository for the methods of disbursement thereof,  
792 with such safeguards and restrictions as it may determine. All  
793 expenses incurred in carrying out such trust indenture may be treated  
794 as part of the cost of maintenance, operation and repair of the  
795 properties. If the bonds are secured by a trust indenture, bondholders  
796 shall have no authority to appoint a separate trustee to represent them.

797 [(h)] (j) Notwithstanding any other provision of sections 1 to 33,  
798 inclusive, of [this act] special act 77-98, as amended by special act 78-  
799 24, special act 84-46 and this act, any resolution or resolutions  
800 authorizing bonds or notes of the authority shall contain a covenant by  
801 the authority that it will at all times maintain rates, fees, rentals or  
802 other charges sufficient to pay, and that any contracts entered into by  
803 the authority for the sale and distribution of water or the collection of  
804 wastewater shall contain rates, fees, rentals or other charges sufficient  
805 to pay, the cost of operation and maintenance of the properties and the  
806 principal of and interest on any obligation issued pursuant to such  
807 resolution or resolutions as the same severally become due and  
808 payable, and to maintain any reserves or other funds required by the  
809 terms of such resolution or resolutions.

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

815 Sec. 18. Section 23 of special act 77-98 is amended to read as follows  
816 (*Effective from passage*):

817 The authority shall have the power and is authorized to issue  
818 negotiable [bond anticipation] notes and may renew the same from  
819 time to time, but the maximum maturity of any such note, including  
820 renewals thereof, shall not exceed five years from date of issue of such  
821 original note. Such notes shall be paid from any moneys of the

822 authority available therefor and not otherwise pledged or from the  
823 proceeds of the sale of the bonds of the authority in anticipation of  
824 which they were issued. The notes shall be issued and may be secured  
825 in the same manner as the bonds and such notes and the resolution or  
826 resolutions authorizing such notes may contain any provisions,  
827 conditions or limitations which the bonds or a bond resolution of the  
828 authority may contain. Such notes shall be as fully negotiable as the  
829 bonds of the authority.

830 Sec. 19. Section 29 of special act 77-98 is amended to read as follows  
831 (*Effective from passage*):

832 Insofar as the provisions of sections 1 to 33, inclusive, of [this act]  
833 special act 77-98, as amended by special act 78-24 and this act, are  
834 inconsistent with the provisions of any other general or special act or  
835 any municipal ordinance, the provisions of sections 1 to 33, inclusive,  
836 of [this act] special act 77-98, as amended by special act 78-24 and this  
837 act, shall be controlling; provided nothing contained in sections 1 to 33,  
838 inclusive, of [this act] special act 77-98, as amended by special act 78-  
839 24, special act 84-46 and this act, shall exempt the authority from  
840 compliance with zoning regulations lawfully established by any  
841 municipality, except that the plants, structures and other facilities of  
842 the water supply system or the wastewater system owned or operated  
843 by the authority shall be permitted uses in all zoning districts in every  
844 city, town or borough within the district; and provided further that the  
845 authority may not construct purification or filtration plants or  
846 wastewater treatment plants in any zoning district in which such use is  
847 not permitted under local zoning regulations without first obtaining  
848 approval of the proposed location of such facility from the  
849 representative policy board following a public hearing.

850 Sec. 20. Section 30 of special act 77-98, as amended by section 10 of  
851 special act 78-24, is amended to read as follows (*Effective from passage*):

852 (a) The authority or any person who is aggrieved by a decision of  
853 the representative policy board with respect to the establishment of

854 rates or charges, the establishment of land use standards and  
855 disposition policies, the sale or other transfer or change of use of real  
856 property, the location of purification, [or] filtration or wastewater  
857 treatment plants, the commencement of any project costing more than  
858 [one] two million dollars to repair, improve, construct, reconstruct,  
859 enlarge or extend any of the properties or systems of the authority or  
860 the acquisition by purchase, lease or otherwise of any existing water  
861 supply system, wastewater system or part thereof, other than the  
862 purchase of all or any part of the properties and franchises of the New  
863 Haven Water Company, is entitled to [judicial] review [under] by the  
864 Superior Court as provided in this section. For the purposes of this  
865 section the holders of any bonds or notes of the authority and any  
866 trustee acting on behalf of such holders shall be deemed aggrieved  
867 persons with respect to any decision of the representative policy board  
868 which violates any covenant or other provision of the resolution or  
869 resolutions authorizing such bonds or notes.

870 (b) Proceedings for review shall be instituted by filing a petition in  
871 the [court of common pleas] Superior Court for the judicial district of  
872 New Haven [County] within [thirty] forty-five days after publication  
873 of the decision of the representative policy board or, if a rehearing is  
874 requested, within [thirty] forty-five days after the decision thereon.  
875 Copies of the petition shall be served upon the representative policy  
876 board and published in a newspaper or newspapers having a general  
877 circulation in each town or city comprising the district.

878 (c) The filing of the petition shall not of itself stay enforcement of the  
879 decision of the representative policy board. The representative policy  
880 board may grant, or the reviewing court may order, a stay upon  
881 appropriate terms, provided enforcement of a decision respecting the  
882 establishment of rates or charges may be stayed only after issuance of a  
883 judgment for the appellant by the reviewing court.

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

887 copy of the entire record of the proceeding under review, which shall  
888 include the representative policy board's findings of fact and  
889 conclusions of law, separately stated. By stipulation of all parties to the  
890 review proceedings, the record may be shortened. A party  
891 unreasonably refusing to stipulate to limit the record may be taxed by  
892 the court for the additional costs. The court may require or permit  
893 subsequent corrections or additions to the record.

894 (e) If, before the date set for hearing, application is made to the court  
895 for leave to present additional evidence, and it is shown to the  
896 satisfaction of the court that the additional evidence is material and  
897 that there were good reasons for failure to present it in the proceeding  
898 before the representative policy board, the court may refer the case  
899 back to the board with instructions to take such evidence as the court  
900 directs. The representative policy board may modify its findings and  
901 decision by reason of the additional evidence and shall file that  
902 evidence and any modifications, new findings, or decisions with the  
903 reviewing court.

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

909 (g) The court shall not substitute its judgment for that of the  
910 representative policy board as to the weight of the evidence on  
911 questions of fact. The court [may] shall affirm the decision of the  
912 representative policy board [or remand the case for further  
913 proceedings. The court may reverse or modify the decision if] unless  
914 the court finds that the substantial rights of the appellant have been  
915 prejudiced because the representative policy board's findings,  
916 inferences, conclusions, or decisions are: (1) In violation of  
917 constitutional provisions, the general statutes or the provisions of this  
918 or another special act; (2) in excess of the authority of the  
919 representative policy board; (3) made upon unlawful procedure; (4)

920 affected by other error of law; (5) clearly erroneous in view of the  
921 reliable probative, and substantial evidence on the whole record; or (6)  
922 arbitrary or capricious or characterized by abuse of discretion or  
923 clearly unwarranted exercise of discretion. If the court finds such  
924 prejudice, it shall sustain the appeal and, if appropriate, may render a  
925 judgment under subsection (h) of this section or remand the case for  
926 further proceedings.

927 (h) If a particular representative policy board action is required by  
928 law, the court, on sustaining the appeal, may render a judgment that  
929 modifies the representative policy board decision, orders the  
930 representative policy board action, or orders the representative policy  
931 board to take such action as may be necessary to effect the particular  
932 action.

933 [(h)] (i) In any case in which an aggrieved party claims that he  
934 cannot pay the costs of an appeal under this section and will thereby  
935 be deprived of a right to which he is entitled, he shall, within the time  
936 permitted for filing the appeal, file with the clerk of the court to which  
937 the appeal is to be taken an application for waiver of payment of such  
938 fees, costs and necessary expenses, including the requirements of  
939 bond, if any. The application shall conform to the requirements of  
940 section 28A of the Practice Book. After such hearing as the court  
941 determines is necessary, the court shall enter its judgment on the  
942 application, which judgment shall contain a statement of the facts the  
943 court has found, with its conclusions thereon. The filing of the  
944 application for the waiver shall toll the time limits for the filing of an  
945 appeal until such time as a judgment on such application is entered.

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

949 Sec. 21. Section 12 of special act 78-24 is amended to read as follows  
950 (*Effective from passage*):

951 Neither the members of the authority, [nor] any person acting in its

952 behalf nor any member or employee of the representative policy board,  
953 while acting within the scope of their authority shall be subject to any  
954 personal liabilities resulting from the erection, construction,  
955 reconstruction, maintenance or operation of the properties or any of  
956 the improvements of the authority or a subsidiary corporation or  
957 resulting from carrying out any of the powers expressly given in  
958 special act 77-98, as amended by [this act] special act 78-24, special act  
959 84-46, special act 99-12 and this act.

960 Sec. 22. Section 22a-358 of the general statutes is repealed and the  
961 following is substituted in lieu thereof (*Effective January 1, 2003*):

962 (a) Whenever any public water system has water reserves in excess  
963 of those required to maintain an abundant supply of water to  
964 inhabitants of its service area, such system may sell such excess water  
965 to any other public water system upon approval of the Commissioner  
966 of Public Health. Such approval shall be given only after (1) the  
967 applicant has clearly established to the satisfaction of the  
968 commissioner that such abundant supplies are in existence and will  
969 continue to be in existence for [five] ten years, [or for such longer  
970 period as the applicant seeks permission to sell excess water] and (2)  
971 the purchasing community water system being supplied has agreed to  
972 restrict water usage in the same manner as the applicant when  
973 necessary in accordance with the emergency contingency provisions of  
974 the applicant's water supply plan. The commissioner shall make such  
975 determination on the basis of generally accepted engineering  
976 principles and techniques. The commissioner shall make an  
977 appropriate investigation in making such determination or [may] shall  
978 have an investigation made by an independent person; in either event  
979 the cost of such investigation shall be borne by the applicant.  
980 Permission granted under this subsection shall be valid for such period  
981 up to ten years as the commissioner shall approve, and may be  
982 renewed in the same manner as an original application. "Public water  
983 system" includes a corporation, company, municipality, political  
984 subdivision, association, joint stock association, partnership or person,  
985 or lessee thereof, owning, maintaining, operating, managing or

986 controlling any pond, lake, reservoir or distributing plant employed  
987 for the purpose of supplying water for general domestic use in any  
988 town, city or borough, or portion thereof, within this state. Permission  
989 granted under this section shall be in addition to any approval or other  
990 authorization which a public water system must by law receive from  
991 the Department of Public Utility Control, and nothing in this section  
992 shall be construed to impair the jurisdiction of the Department of  
993 Public Utility Control.

994 (b) Any company, town, city, borough, corporation or person may  
995 appeal from any decision of said commissioner issued under the  
996 provisions of subsection (a) of this section to the superior court as  
997 provided in section 4-183.

998 Sec. 23. Section 4 of special act 77-98, as amended by section 3 of  
999 special act 78-24 and section 2 of special act 84-46, is amended by  
1000 adding subsection (e) as follows (*Effective from passage*):

1001 (NEW) (e) Upon the expansion of the South Central Connecticut  
1002 Regional Water District to include the area and territory of the town of  
1003 Wolcott, the representative policy board shall include one member  
1004 from the town of Wolcott appointed in the manner described in  
1005 subsection (a) of this section. Such member shall serve for an initial  
1006 term ending on June 30, 2004, or such later time as the member's  
1007 successor shall be appointed and qualified. The weighted vote of such  
1008 member shall be determined in the manner set forth in subsection (b)  
1009 of this section, provided in no event shall such weighted vote be less  
1010 than one."