



General Assembly

Substitute Bill No. 964

January Session, 2013



**AN ACT CONCERNING 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 and section 2 of public act 02-85, is amended to read
3 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] section 7 of
13 public act 02-85, and, to the degree consistent with the foregoing, of
14 advancing water conservation and the conservation and compatible
15 recreational use of land held by the authority, conducting water or
16 environmental related activities within or without the district,
17 provided at the time of any additional investment in such activities,
18 the authority's outstanding principal debt investment in such activities
19 made on and after June 30, 2013, shall not exceed five per cent of the

20 authority's net utility plant devoted to water supply and distribution
21 and wastewater collection and treatment and the carrying out of its
22 powers, purposes, and duties under sections 1 to 33, inclusive, of
23 special act 77-98, as amended by special act 78-24, special act 84-46,
24 [and] sections 5 to 7, inclusive, of special act 99-12, [and this act]
25 sections 2 to 21, inclusive, of public act 02-85 and this act, and for the
26 benefit of the people residing in the South Central Connecticut
27 Regional Water District and the State of Connecticut, and for the
28 improvement of their health, safety and welfare, that said purposes are
29 public purposes, and that the authority will be performing an essential
30 governmental function in the exercise of its powers under sections 1 to
31 33, inclusive, of special act 77-98, as amended by special act 78-24,
32 special act 84-46, [and] sections 5 to 7, inclusive, of special act 99-12,
33 [and this act] section 2 of public act 02-85 and this act.

34 Sec. 2. Section 2 of special act 77-98, as amended by section 1 of
35 special act 78-24 and section 3 of public act 02-85, is amended to read
36 as follows (*Effective from passage*):

37 As used in sections 1 to 33, inclusive, of special act 77-98, as
38 amended by special act 78-24, public act 02-85 and this act, unless a
39 different meaning appears in the context: "Authority" means the South
40 Central Connecticut Regional Water Authority created by section 5 of
41 special act 77-98, as amended by section 4 of special act 78-24; [and this
42 act;] "district" means the South Central Connecticut Regional Water
43 District created by section 3 of special act 77-98, as amended by section
44 2 of special act 78-24; "Representative policy board" means the
45 representative policy board of the South Central Connecticut Regional
46 Water District created by section 4 of special act 77-98, as amended by
47 section 3 of special act 78-24; "chief executive officer" means that full
48 time employee of the authority responsible for the execution of the
49 policies of the authority and for the direction of the other employees of
50 the authority; "treasurer" means the treasurer of the authority;
51 "customer" means any person, firm, corporation, company, association
52 or governmental unit furnished water or wastewater service by the
53 authority or any owner of property who guarantees payment for water

54 or wastewater service to such property; "properties" means the water
55 supply and distribution system or systems, wastewater collection and
56 treatment systems and other real or personal property of the authority;
57 "bonds" means bonds, notes and other obligations issued by the
58 authority; "revenues" means all rents, charges and other income
59 derived from the operation of the properties of the authority;
60 "wastewater" means any substance, liquid or solid, which may
61 contaminate or pollute or affect the cleanliness or purity of any water;
62 "water supply system" means plants, structures and other real and
63 personal property acquired, constructed or operated for the purpose of
64 supplying water, including land, reservoirs, basins, dams, canals,
65 aqueducts, standpipes, conduits, pipelines, mains, pumping stations,
66 water distribution systems, compensating reservoirs, waterworks or
67 sources of water supply, wells, purification or filtration plants or other
68 plants and works, connections, rights of flowage or diversion and
69 other plants, structures, conveyances, real or personal property or
70 rights therein and appurtenances necessary or useful and convenient
71 for the accumulation, supply or distribution of water or for the
72 conduct of water or environment related activities; "wastewater
73 system" means plants, structures and other real and personal property
74 acquired, constructed or operated for the purpose of collecting,
75 treating and discharging or reusing wastewater, whether or not
76 interconnected, including wastewater treatment plants, pipes and
77 conduits for collection of wastewater, pumping stations and other
78 plants, works, structures, conveyances, real or personal property or
79 rights therein and appurtenances necessary or useful and convenient
80 for the collection, transmission, treatment and disposition of
81 wastewater; "subsidiary corporation" means a corporation organized
82 under the general statutes or by special act which owns or operates all
83 or part of a water supply system or a wastewater system within the
84 district and all of the voting stock of which is owned by the authority.
85 A reference in sections 1 to 33, inclusive, of special act 77-98, as
86 amended by special act 78-24, [and] special act 84-46, public act 02-85
87 and this act, to any general statute, public act or special act shall
88 include any amendment or successor thereto.

89 Sec. 3. Section 10 of special act 77-98, as amended by section 6 of
90 public act 02-85, is amended to read as follows (*Effective from passage*):

91 Whenever a public hearing is required under sections 1 to 33,
92 inclusive, of special act 77-98, as amended by sections 1 to 11,
93 inclusive, of special act 78-24, [and this act] sections 2 to 21, inclusive,
94 of public act 02-85 and this act, notice of such hearing shall be
95 published by the representative policy board at least twenty days
96 before the date set therefor, in a newspaper or newspapers having a
97 general circulation in each city and town comprising the district. If
98 there is no such newspaper, such notice shall be published in one or
99 more electronic media, including, without limitation, the authority's
100 Internet web site, as are likely to reach a broad segment of persons
101 within the district. Such notice shall set forth the date, time and place
102 of such hearing and shall include a description of the matters to be
103 considered at such hearing. A copy of the notice shall be filed in the
104 office of the clerk of each such city and town and shall be available for
105 inspection by the public. At such hearings, all the users of the water
106 supply system or the wastewater system, owners of property served or
107 to be served and other interested persons shall have an opportunity to
108 be heard concerning the matters under consideration. When
109 appropriate, the chairman of the representative policy board may
110 convene more than one hearing on any matter and direct such hearings
111 to be held in suitable locations within the district so as to assure
112 broader participation by the general public in discussion of the matters
113 under consideration, provided in the case of the sale or transfer of real
114 property pursuant to section 18 of special act 77-98, as amended by
115 section 7 of special act 78-24, [and this act] section 14 of public act 02-85
116 and section 5 of this act, a public hearing shall be held in the city or
117 town in which such real property is situated. Any decision of the
118 representative policy board on matters considered at such public
119 hearing shall be in writing and shall be published in a newspaper or
120 newspapers having a general circulation in each city and town
121 comprising the district within thirty days after such decision is made.

122 Sec. 4. Section 16 of special act 77-98, as amended by section 12 of

123 public act 02-85, is amended to read as follows (*Effective from passage*):

124 All contracts in excess of fifty thousand dollars for any supplies,
125 materials, equipment, construction work or other contractual services
126 shall be in writing and shall be awarded upon sealed bids or proposals
127 made in compliance with a public notice duly advertised by
128 publication in one or more newspapers of general circulation or, if
129 there are no such newspapers, in appropriate electronic media,
130 including, without limitation, the authority's Internet web site, as are
131 likely to reach a broad segment of potential vendors, at least ten days
132 before the time fixed for opening said bids or proposals, except for (1)
133 contracts for professional services, (2) when the supplies, materials,
134 equipment or work can only be furnished by a single party, [or] (3)
135 when the authority determines by a two-thirds vote of the entire
136 authority that the award of such contract by negotiation without
137 public bidding will be in the best interest of the authority, or (4) when
138 the procurement is made as a result of participation in a procurement
139 group, alliance or consortium made up of other state or federal
140 governmental entities in which the state of Connecticut is authorized
141 to participate. The authority may in its sole discretion reject all such
142 bids or proposals or any bids received from a person, firm or
143 corporation the authority finds to be unqualified to perform the
144 contract, and shall award such contract to the lowest responsible
145 bidder qualified to perform the contract.

146 Sec. 5. Subsection (c) of section 18 of special act 77-98, as amended
147 by section 7 of special act 78-24 and section 14 of public act 02-85, is
148 amended to read as follows (*Effective from passage*):

149 (c) After approval of land use standards and disposition policies in
150 the manner provided in subsection (b) of this section, the authority
151 shall not sell or otherwise transfer any real property or any interest or
152 right therein, except for access or utility purposes, or develop such
153 property for any use not directly related to a water supply function,
154 other than for public recreational use not prohibited by section 25-43c
155 of the general statutes, without the approval of a majority of the

156 weighted votes of all of the members of the representative policy
157 board, excluding vacancies, in the case of a parcel of twenty acres or
158 less, and by three-fourths of the weighted votes of all of the members
159 of said board, excluding vacancies, in the case of a parcel in excess of
160 twenty acres. The representative policy board shall not approve such
161 sale or other transfer or development unless it determines, following a
162 public hearing, that the proposed action (1) conforms to the established
163 standards and policies of the authority, (2) is not likely to affect the
164 environment adversely, particularly with respect to the purity and
165 adequacy of both present and future water supply, and (3) is in the
166 public interest, giving due consideration, among other factors, to the
167 financial impact of the proposed action on the customers of the
168 authority and on the municipality in which the real property is located.

169 Sec. 6. Section 19 of special act 77-98, as amended by section 15 of
170 public act 02-85, is amended to read as follows (*Effective from passage*):

171 The authority shall not (1) acquire, by purchase, lease or otherwise,
172 any existing water supply system or parts thereof [,] or any wastewater
173 system or parts thereof, [or] (2) commence any project costing more
174 than two million dollars to repair, improve, construct, reconstruct,
175 enlarge and extend any of its properties or systems, or (3) acquire or
176 make a subsequent investment in any water or environment related
177 business in an amount more than one million dollars without the
178 approval, following a public hearing, of a majority of the total
179 weighted votes of the membership of the representative policy board.
180 In the case of the first acquisition by the authority of an existing water
181 supply system or part thereof, after such approval by the
182 representative policy board the authority shall file with the town clerk
183 of each city and town in the district its plan for such acquisition. The
184 legislative body of each such city and town shall approve or
185 disapprove such acquisition plan within sixty days after such filing,
186 provided failure to disapprove within such sixty days shall be deemed
187 approval of such acquisition plan. The authority shall not first acquire
188 an existing water supply system or part thereof except in accordance
189 with an acquisition plan approved by at least sixty per cent of such

190 legislative bodies.

191 Sec. 7. Subsection (a) of section 22 of special act 77-98, as amended
192 by section 17 of public act 02-85, is amended to read as follows
193 (*Effective from passage*):

194 (a) The authority, subject to the approval of the representative
195 policy board, shall have the power and is authorized from time to time
196 to issue its negotiable bonds for any of its corporate purposes,
197 including incidental expenses in connection therewith, and to secure
198 the payment of the same by a lien or pledge covering all or part of its
199 contracts, earnings or revenues. The authority shall have power from
200 time to time, [whenever it deems refunding expedient] without the
201 approval of the representative policy board, to refund any bonds by
202 the issuance of new bonds within the terms of any refunding
203 provisions of its bonds, whether the bonds to be refunded have or
204 have not matured, and may issue bonds partly to refund bonds then
205 outstanding and partly for any of its public purposes. Except as may
206 be otherwise expressly provided by the authority, every issue of bonds
207 by the authority shall be preferred obligations, taking priority over all
208 other claims against the authority, including payments in lieu of taxes
209 to any municipality, and payable out of any moneys, earnings or
210 revenues of the authority, subject only to any agreements with the
211 holders of particular bonds pledging any particular moneys, earnings
212 or revenues. Notwithstanding the fact that the bonds may be payable
213 from a special fund, if they are otherwise of such form and character as
214 to be negotiable instruments under the terms of the uniform
215 commercial code, the bonds shall be negotiable instruments within the
216 meaning of and for all the purposes of the uniform commercial code,
217 subject only to the provisions of the bonds for registration.

218 Sec. 8. Section 23 of special act 77-98, as amended by section 18 of
219 public act 02-85, is amended to read as follows (*Effective from passage*):

220 The authority shall have the power and is authorized to issue
221 negotiable notes and may renew the same from time to time, but the
222 maximum maturity of any such note, including renewals thereof, shall

223 not exceed [five] eight years from date of issue of such original note.
224 Such notes shall be paid from any moneys of the authority available
225 therefor and not otherwise pledged or from the proceeds of the sale of
226 the bonds of the authority in anticipation of which they were issued.
227 The notes shall be issued and may be secured in the same manner as
228 the bonds and such notes and the resolution or resolutions authorizing
229 such notes may contain any provisions, conditions or limitations which
230 the bonds or a bond resolution of the authority may contain. Such
231 notes shall be as fully negotiable as the bonds of the authority.

232 Sec. 9. Subsection (d) of section 1 of special act 03-12 is amended to
233 read as follows (*Effective from passage*):

234 (d) All net proceeds, after costs of disposition, from the disposition
235 of such class I or class II land and dwelling or barn consistent with this
236 section shall be used by the South Central Connecticut Regional Water
237 Authority to protect or otherwise acquire interests, including, but not
238 limited to, fee title to or conservation easements over additional
239 watershed or aquifer land of public water systems. [No sale, lease,
240 assignment or other disposition or change in use of class I or class II
241 land pursuant to this section shall occur after October 1, 2008.]

242 Sec. 10. Subsection (a) of section 4 of special act 77-98, as amended
243 by section 3 of special act 78-24, section 2 of special act 84-46, section 5
244 of public act 02-85 and section 2 of special act 03-11, is amended to
245 read as follows (*Effective from passage*):

246 (a) There shall be a representative policy board of the South Central
247 Connecticut Regional Water District which shall consist of one elector
248 from each city and town within the district who shall be appointed by
249 the chief elected official of such city or town, with the approval of its
250 legislative body, and one elector of the state who shall be appointed by
251 the governor. Members shall serve for a term of three years
252 commencing July 1, except that the members first appointed shall
253 serve terms commencing July 1, 1977, and such members appointed
254 from Bethany, East Haven, Killingworth, New Haven, Orange and
255 West Haven shall serve until June 30, 1978, such members appointed

256 from Branford, Guilford, Madison, North Branford, Prospect and
 257 Woodbridge shall serve until June 30, 1979, such members appointed
 258 from Cheshire, Hamden, Milford, North Haven and Wallingford shall
 259 serve until June 30, 1980, and the member first appointed by the
 260 governor shall serve for a term commencing upon appointment and
 261 ending on the third June thirtieth thereafter; provided members shall
 262 continue to serve until their successors are appointed and have
 263 qualified. In the event of the resignation, death or disability of a
 264 member from any city or town or the state, a successor may be
 265 appointed by the chief elected official of such city or town, or in the
 266 case of the member appointed by the governor, for the unexpired
 267 portion of the term. The chief elected official of each such city or town
 268 may appoint a provisional member to serve until December 1, 1977,
 269 with full authority to act as a member until said date. Members and
 270 provisional members shall receive one hundred dollars, adjusted as
 271 provided in this subsection, for each day in which they are engaged in
 272 their duties and shall be reimbursed for their necessary expenses
 273 incurred in the performance of their duties. Such one-hundred-dollar-
 274 per-day compensation amount shall be adjusted on January 1, 2015,
 275 and every fifth year thereafter to reflect changes since 2012 in the
 276 Consumer Price Index for All Urban Consumers, Northeast Urban, All
 277 Items (1982-84=100) published by the United States Bureau of Labor
 278 Statistics or a comparable successor index. They shall elect a chairman
 279 and a vice-chairman, who shall be members or provisional members of
 280 the representative policy board, and a secretary. The chairman shall
 281 receive a per diem payment of 1.5 times the amount paid to members
 282 and provisional members. The representative policy board shall meet
 283 at least quarterly with the authority and such members of the staff of
 284 the authority as the representative policy board deems appropriate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	SA 77-98Section 1
Sec. 2	<i>from passage</i>	SA 77-98Section 2

Sec. 3	<i>from passage</i>	SA 77-98Section 10
Sec. 4	<i>from passage</i>	SA 77-98Section 16
Sec. 5	<i>from passage</i>	SA 77-98, Sec. 18(c)
Sec. 6	<i>from passage</i>	SA 77-98Section 19
Sec. 7	<i>from passage</i>	SA 77-98, Sec. 22(a)
Sec. 8	<i>from passage</i>	SA 77-98Section 23
Sec. 9	<i>from passage</i>	SA 03-12, Sec. 1(d)
Sec. 10	<i>from passage</i>	SA 77-98, Sec. 4(a)

PD *Joint Favorable Subst.*