



Senate

General Assembly

File No. 85

February Session, 2002

Substitute Senate Bill No. 151

Senate, March 21, 2002

The Committee on Energy and Technology reported through SEN. PETERS of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE BROOKFIELD WATER COMPANY.

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

1 Section 1. (*Effective from passage*) The Brookfield Water Company, a
2 corporation incorporated under the laws of the state of Connecticut on
3 February 2, 1998, shall continue to exist as a corporation with all the
4 rights, powers and duties set forth in its certificate of incorporation
5 and any amendment thereto, and said corporation shall further have
6 and exercise all powers and privileges granted herein, together with
7 such other powers, privileges and duties as may be granted to water
8 companies by the general statutes for the purpose of supplying the
9 town of Brookfield and the inhabitants thereof with an abundant
10 supply of water for public, domestic and other use.

11 Sec. 2. (*Effective from passage*) The Brookfield Water Company shall,
12 in addition to the powers and privileges referred to in section 1 of this
13 act, be further empowered and authorized, as may be necessary or
14 convenient for conducting water to and distributing water within the

15 town of Brookfield: (1) To open public streets, ways and grounds for
16 purposes of installing, maintaining, repairing and replacing its mains,
17 pipes and conduits and other works useful for public water supply,
18 provided said corporation shall have such streets, ways and grounds
19 in all respects in as good condition as before the installation,
20 maintenance, repair or replacement of such mains, pipes, conduits and
21 other works; (2) to install, maintain, operate, repair and replace its
22 mains, pipes and conduits and other works through, over and under
23 public streets, ways and grounds in said town of Brookfield or the
24 immediate vicinity of the town of Brookfield; (3) to construct, repair
25 and maintain such reservoir or reservoirs or other source or sources of
26 water supply and structures and facilities appurtenant thereto; (4) to
27 construct, repair and maintain any canals or aqueducts and other
28 works as may be useful for public water supply; (5) to install fire
29 hydrants; and (6) to remove existing nuisances and prohibit the
30 erection of other nuisances upon such streams as may be used by the
31 corporation for water supply purposes, provided nothing in sections 1
32 to 4, inclusive, of this act shall authorize said corporation to take the
33 property or vested rights of any other person without just
34 compensation therefor.

35 Sec. 3. (*Effective from passage*) The Brookfield Water Company may
36 take, hold and use such lands, springs, streams or ponds or such rights
37 and interests therein as may be expedient or necessary for the
38 purposes of providing a public water supply to the town of Brookfield
39 and its inhabitants in accordance with sections 1 to 4, inclusive, of this
40 act, preserving the purity of such water and preventing any
41 contamination thereof, provided, in all such cases where the law shall
42 require that compensation be paid to any person whose rights,
43 interests or property have been or will be injuriously affected by such
44 taking, said corporation may apply to the Superior Court and such
45 court, after such notice as said court shall deem sufficient, shall
46 appoint a committee of three disinterested persons who shall, after
47 reasonable notice to the parties, determine and award the amount to be
48 paid by said corporation on account of such taking, which
49 determination and award shall be returned to the clerk of the Superior

50 Court, who shall, upon approval by the court, record the same. The
51 court's approval of an award shall constitute a final judgment.

52 Sec. 4. (*Effective from passage*) The town of Brookfield or any school
53 district or fire district within said town may contract with said
54 corporation for a supply of water for use or protection of any property
55 within its limits and for other purposes and may assess and collect a
56 tax for such amounts as may be required to meet liabilities under such
57 contract or contracts.

58 Sec. 5. (*Effective from passage*) Sections 1 to 4, inclusive, of this act
59 shall be valid and effective as an amendment to the Certificate of
60 Incorporation of the Brookfield Water Company if, not later than one
61 year after the effective date of this act, it is accepted at a meeting of the
62 stockholders of said corporation duly noticed for such purpose and
63 only upon the filing after such meeting of a certificate of amendment in
64 the office of the Secretary of the State.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>

Statement of Legislative Commissioners:

Language was rewritten in section 3 for purposes of grammar.

ET Joint Favorable Subst.-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill concerns the powers and privileges of the Brookfield Water Company and has no fiscal impact on the Department of Public Utility Control.

OLR Bill Analysis

sSB 151

AN ACT CONCERNING THE BROOKFIELD WATER COMPANY

SUMMARY:

The Office of Legislative Research does not analyze special acts.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable

Yea 10 Nay 4