

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-428		774	3	1	1
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>Banking</i> 276-278 				<u>House Pages:</u> <ul style="list-style-type: none"> • 3829 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 2177

H-115

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
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Wednesday, May 26, 1971

63.

MBS

opposed? The bill is passed.

THE CLERK:

Top of page 9, Calendar No. 1106, Substitute for Senate Bill No. 458, An Act Concerning Interlocking Directors in Banking Institutions.

JOHN MAHANEY, 92nd District:

Mr. Speaker, may Calendar No. 1106 be passed temporarily? We are waiting for an amendment.

MR. SPEAKER:

The matter will be passed temporarily.

THE CLERK:

Next matter, Calendar No. 1108, Substitute for Senate Bill No. 0774, An Act Concerning Natural Gas Pipelines.

OWEN CLARK, 14th District:

Mr. Speaker, I move acceptance of the committee's favorable report and passage of the bill.

MR. SPEAKER:

Question is on acceptance and passage, will you remark?

OWEN CLARK, 14th District:

This bill adopts the federal safety standards applicable to pipeline facilities as the law of this state and thus, the enforcement in our Connecticut public utilities commission. If we don't do this, there is a provision under federal law which would enjoin the regulations on us and thus enforcement in a federal agency rather than a Connecticut

S-80
CONNECTICUT
GENERAL ASSEMBLY

SENATE

PROCEEDINGS
1971

VOL.14
PART 5
1921-2435

May 19, 1971

Page 142

Calender No. 703, File No. 1018. Favorable report of the Joint Senate Committee on Banks and Regulated Activities. Substitute S.B. 774. An Act Concerning Natural Gas Pipelines.

SENATOR BUCKLEY:

Mr. President, move acceptance and passage.

THE CHAIR:

Any remarks.

SENATOR BUCKLEY:

Mr. President, this authorizes, directs the State Utilities Commission to administer the safety standards established by the Department of Transportation. Without this bill such safety standards for natural gas pipelines would be administered by the Federal Government.

THE CHAIR:

Question on passage. Will you remark further.

SENATOR MACOULEY:

Mr. President, just a question to Senator Buckley. As I read this bill, this makes the Federal safety standards the law in Connecticut. Does this lower or raise the standards should not the Federal law me the minimum standards or maybe I didn't understand the report.

SENATOR BUCKLEY:

Keeps them exactly the same as the Federal standards, only allows Connecticut to handle the safety requirements of the non-intrastate transmission facilities, those are reserved to the

**JOINT
STANDING
COMMITTEE
HEARINGS**

BANKS

1-445

**1971
Index**

and ecological matters and making some of the material given to the PUC secret for a period of time -- I guess all of them concerning environmental matters. I'd like to advise this committee that the matters in all of the bills whose numbers I just read off are dealt with extensively in legislation under consideration by the Environmental Committee on which hearings were held this morning. All of these matters are covered there. These bills are all inconsistent with the bills being considered over there this morning. At the very least there should be some dove-tailing between the two committees and in any event....

Chairman Blake: You can be sure we will look into the matter and if they have been handled by the Environmental Committee we will be very happy to defer to that committee.

Mr. Lowenthal: Basically the thrust and purpose of these bills is directly contrary to what's being considered in the Environmental Committee. I happen to be against this particular thrust because it burdens the PUC with functions and decisions which it is not equipped to handle in view of its already big tasks. Thank you.

Helen Pope: Executive Director of the Conn. Consumer Assoc. I would like to speak in opposition to 773, 779, and 780. We feel as the spokesman before me feels that it is not wise to give such a large degree of power to any one group in decisions which pertain to the use of public lands and the control over environmental issues. 779 would eliminate the local authority of the location of power lines and such decisions as that. Our organization would agree with Mr. Cogen that although this is a complex matter, certainly the local authorities should be involved in that decision making. Is it all right for me to speak on some other bills? 6336. 3738

Sen. Buckley: It has been our usual practice to take bills in order for the convenience of the committee. Anyone else opposed to SB 773?

Mrs. Eldridge: Sen. Buckley, I'm a conservationist and I've served on the Governor's Environmental Policy Committee. I am opposed as the two previous speakers changes of statutory laws governing anything to do with aesthetic, desecration, and wasting of our natural resources by any utility company, by any organization, groups without first having specific plans presented to the town people, to the town. After all the government is by the people as well as for the people and I think the citizens should have every available facility and privilege of being heard on any plans for the desecration of their natural resources. Thank you.

Sen. Buckley: Anyone else opposed to 773? Seeing no one we will move to the next bill which is 774. Mr. Odlum.

Mr. Odlum: Thank you, Chairman Buckley. 774 was drawn because it was forced on us by the Federal Power Commission. The FPC has told us that if we do not.... in gas lines, in gas distribution, with it being mainly means I believe, the large lines, that these people violate or attempt to violate or are about to violate will be subject to injunctive and monetary sanctions by the PUC of the state of Conn., directly without resort to the courts. Let me explain. At

the present time, we can fine anybody up to \$5,000 a day for a violation. Since I've been there for almost five years we have never done that and we don't like to do that, if we can possibly avoid it. But if we do, nevertheless come to the point where we would have to employ either punitive, well, they call it.....here, or injunctive relief we would have to go to the courts and bring a court action. What the FPC wants is for us to directly fine these persons from our own bench. If we don't do that they will take over jurisdiction of the natural gas people feel about this, I don't think they like it, I mean our local gas people and Mr. Bowerman sitting next to me, who's president of the Southern Conn. Gas. This was forced on us and we filed it practically the way it was sent to us. In the statement of purpose we say the Federal Government requires the above amendment or it will take over the enforcement of safety provisions of gas distribution and gas transmission lines in the state of Conn. In other words, this state is being forced to do this as other states are. The PUC believes it is necessary that this bill passes. There are some states that do have this power already. Some have obtained it after receiving this injunction from the FDC. That's the only purpose of this bill.

Sen. Buckley: May I ask a question. This bill doesn't provide due process in any appeals or any rights, don't you feel that's important too?

Mr. Odlum: I think there is due process in every bill, Sen. Buckley. I think that we can get due process regardless if it says so in the bill or not. I think they'd have a right of appeal.

Sen. Buckley: It says without resort, directly without resorts to the courts.

Mr. Odlum: But after that I think they can go to the courts and ask for some kind of due process or equity.

Sen. Buckley: Speaking for myself, I couldn't find myself to be for a bill of this broad authority without having some protections built into it. The language appears to be a narrative rather than a language proper for inclusion into our General Statutes.

Mr. Odlum: That may well be, but this is the bill that was sent us that we copied because we wanted to comply with them.

Sen. Buckley: If you'd like to consider a substitute that you might present to us I think it might receive more favorable consideration than this bill.

Rep. Clark: Without seeing it here I understand that this is a - chapter 284 of our General Statutes, but any safety provisions and standards of the PUC... Would it be specific then that those ones that are required by the FPC, would of necessity would be incorporated in our own. This is the understanding.

Mr. Odlum: This would become part of Chapter 284.

Mr. Bowerman: I appear here in favor of this bill with serious qualifications. Let me try to put this in context. The Natural Gas

Pipeline Safety Act of 1968 provides that the Federal Dept. of Transportation shall have jurisdiction to enforce its safety regulations unless the state makes the violation of these regulations a penalty enforceable state law. To the same extent, as is provided in section 9 and 10 of the Federal Act. Therefore, I am in favor of the idea that violations of the newly constituted regulations of the Dept. of Transportation should be made a violation of state law. Otherwise you are going to have federal authorities which have no control and jurisdiction over intrastate companies attempting to regulate intrastate companies. However, what the PUC does in this particular bill is try to give itself the same kind of authority. If the policeman on the beat makes an arrest for whatever should have the same authority to impose the penalty. They try to circumvent the entire machinery of the state of Conn. which if designed in every context to provide that if there is a complaint the complaint is made to prosecuting authorities, the authorities present it in court, and the courts impose the penalty. That's the Conn. system. That is not the system of this bill. Neither is it the requirement as Mr. Odlum has said, of the Dept. of Transportations Act, the Pipeline Safety Act. That act says that in the Federal context if there is a complaint which the FBChonors, it refers that matter to the Atty. General or to the U. S. Atty. in the district appropriate for that hearing. That then is presented to the prosecuting arm of the federal government, to the courts and the courts impose the penalty. That ought to be the procedure in this state. To go further, this act would also say that the PUC should have authority to punish, of itself, any violation of any regulation which it imposes. There is nothing in the Statutes of this state or in the written regulations of the PUC which requires even a public hearing upon the adoption of their regulations. I think it appropriate that violations of PUC regulations should be a state offence, provided those regulations are adopted through a machinery which protects the public at least through the right of a public hearing. If that phase of this bill is to be incorporated in the final product, then the machinery must be written into statutes requiring that they formalize their very informal procedure in which they occasionally do call people in for consultation. They should be required to if they are going to impose penalties with respect to violations of their regulations.

Sen. Buckley: Maybe there are some questions on Mr. Bowerman's ... Would you, I'm not asking you to do it, but if you'd like to submit a substitute along the lines you indicated, I think we would like to consider such.

Mr. Odlum: They also said in this bill that this penalty shall be a civil penalty not to exceed \$1,000, etc. They don't put it under penal... This was drawn from information handed to me by somebody else in our department who is directly in contact with the engineering department.

Sen. Buckley: Thank you and if you'd like to submit a substitute we will be pleased to consider it. 774, anybody else in favor? Seeing none, those opposed to 774. Nobody to be interested in opposing it. The hearing is closed on 774. The next bill is 777, anybody in favor of 777?

Mr. Keevers: This was the bill which I told you was filed in error and we would like to withdraw it.