

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-805		6709	4	6	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> <i>Government Administration & Policy</i> 471-472 <i>Environment</i> 237-238 				<u>House Pages:</u> <ul style="list-style-type: none"> 4639-4645 	<u>Senate Pages:</u> <ul style="list-style-type: none"> 3355-3356(Consent)

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

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Schedule "A" did not include a revision of 31-60b which is essential if this objective, which we agreed is to be achieved. The reference to gratuities to be included in wage order as applying to the restaurant industry become unnecessary and it is therefore deleted in this amendment. Now, I move the adoption of the amendment.

MR. SPEAKER:

Question is on the adoption of the amendment. Will you remark? If not, all those in favor indicate by saying aye, opposed? The amendment is adopted.

PETER GILLIES, 75th District:

Mr. Speaker, I now move adoption of the bill as amended by House Amendment Schedule "A".

MR. SPEAKER:

Motion is on acceptance and passage, as amended by House Amendment Schedule "A", will you remark?

PETER GILLIES, 75th District:

I think the previous explanation of this bill is sufficient and the amendment has been explained.

MR. SPEAKER:

Will you remark on the bill as amended? All those in favor indicate by saying aye, opposed? Passed.

THE CLERK:

Calendar No. 1022, Substitute for House Bill No. 6709,
An Act Concerning the Establishment of a Five Mile River

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Commission.

PETER GILLIES, 75th District:

Mr. Speaker, before we move to the next item, I would move suspension of the rules for the immediate transmittal to the Senate.

MR. SPEAKER:

Is there objection? Hearing none, Calendar 996, Substitute for House Bill 9131, in that particular instance the rules are suspended and the bill only is transmitted to the Senate.

THE CLERK:

Calendar No. 1022, Substitute for House Bill No. 6709,
An Act Concerning the Establishment of a Five Mile River
Commission.

OTHA BROWN, 148th District:

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

MR. SPEAKER:

Will you remark?

OTHA BROWN, 148th District:

Mr. Speaker, there is an amendment.

THE CLERK:

House Amendment Schedule "A" offered by Mr. Newman of
the 146:

Delete all of section 5.

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OTHA BROWN, 148th District:

Mr. Speaker, I move for the adoption of the amendment.

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "A", will you remark?

OTHA BROWN, 148th District:

Mr. Speaker, I will defer to the distinguished Chairman of the Five Mile River Commission, Rep. Newman, to make an explanation with respect to this amendment and subsequently, the bill, and then I will make remarks -- final remarks.

HOWARD NEWMAN, 146th District:

The amendment, Mr. Speaker, is very simple. It deletes the appropriation that was, at \$1,000, that was inserted in the bill. We find that the bill itself will not cost the state any money and we wish to delete the appropriation, at this time.

MR. SPEAKER:

Will you remark further on House Amendment Schedule "A"? If not, all those in favor indicate by saying aye, opposed. Amendment "A" is adopted. Will you remark further on the bill.

HOWARD NEWMAN, 146th District:

Mr. Speaker, this bill carries out the recommendations of the Five Mile River Study Commission which was established by the 1969 Assembly to study navigation, pollution and

conservation of this river. This bill is co-sponsored by all of the Representatives of the towns involved and received a unanimous favorable report from the joint committee on Government Policy and Administration.

Very briefly, the Five Mile River runs between three towns, Norwalk, Darien and New Canaan. Between Norwalk and Darien it is classed as a navigable federal water and the federal government maintains a channel in the center of the river. In the summer around 600 boats are crowded into the small harbor and the Study Commission heard testimony, during the hearings, that a fire among the boats might cause a sizeable disaster. It also heard testimony that only a miracle, up to this time, has prevented serious boating accidents due to overcrowding.

About 200 boats are illegally moored in the federal channel and the Army engineers have advised that they will cease dredging and maintenance of the channel unless these boats are removed from the channel. If they do this, Mr. Speaker, it will cause a great expense to the towns of Darien and Norwalk.

Neither town feels that it could be itself remove these illegally moored boats. The Coast Guard will not remove them and as a result there is a legal vacuum and practically the law of the jungle exists on the River.

Mr. Speaker, complaints from residents of the towns

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concerned have accelerated to the point of indignant complaints for effective action in regard to this serious overcrowding which causes navigational dangers, hazardous fire conditions, pollution and ecological damage. The deterioration of water quality has made it necessary to ban the taking of shellfish from the tidal estuary for several years and local health officers have given unacceptable ratings for swimming.

The divided authority precludes new local legislation that would be effective. A new and separate authority is needed to supervise these navigable waters and co-ordinate the authority of the respective towns and the state.

The proposed commission would consist of six members, two from each town and they would serve without compensation. The Commission would act as a watch dog committee of the river and with the consent of the towns concerned make and enforce regulations for navigation, etc., and could, with the consent of the towns, apply to the appropriate federal authority for the designation of the river estuary as a "special anchorage area" which no town acting by itself could do.

Again, let me say that this will not cost the state any money. The Norwalk Hour on Thursday, May 20th had a very short editorial and it sums up the situation. It says, "Needs Special Authority. It takes consistent attention to

the content of rivers and streams by the public and government officials to render them free of pollution. A state study commission looking into problems along Five Mile River which touches portions of Norwalk, Darien and New Canaan has wisely called for the establishment of a special authority to control the use and development of the waterway. Testimony before the committee during the survey indicated that the river is being an outstanding example as the number of boats which anchor in the river, and the additional scores which illegally take a mooring position in the channel. The effort to keep the river free of congestion can best be achieved by getting a local authority, which understands the situation, the power to do the job. The General Assembly will do well to consider this factor when the time for action is at hand.

Mr. Speaker, this legislation is very urgently needed, very vitally needed, and I urge passage of this very necessary bill. Thank you.

MR. SPEAKER:

Are there further remarks on this bill, as amended.

OTHA BROWN, 148th District:

Mr. Speaker, it has already been previously stated and simply again stated to reiterate that this bill allows the commission, which is a Five Mile River Commission consisting of two elected from each of the towns of Norwalk, Darien and New Canaan to have regulatory use over the river and be

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concerned with the navigation, pollution and conservation of said river. A harbor superintendent shall be appointed and also such professional and clerical personnel as is necessary. This is a good bill and it ought to pass and I move its adoption, as amended.

GENNARO FRATE, 150th District:

Mr. Speaker, representing the town of Darien I support this bill.

WILLIAM LYONS, 149th District:

Mr. Speaker, as a resident of the third taxing district, city of Norwalk, this gentleman says amen.

MR. SPEAKER:

Question is on acceptance and passage, all those in favor indicate by saying aye, opposed. The bill as amended is passed.

HOWARD NEWMAN, 146th District:

Mr. Speaker, may I move for suspension of the rules for immediate transmittal to the Senate.

MR. SPEAKER:

Does the gentleman from the 165th have any objection to suspension of the rules, Rep. Collins? The gentleman from the 75th? Is there objection? If not, the rules are suspended on this particular bill, as amended, and is transmitted to the Senate.

At this point we've made arrangements for an introduction

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of the bill, as amended, signify by saying, "aye". Opposed, "nay". The ayes have it, the bill is passed.

SENATOR IVES:

Mr. President, I move for suspension of the rules for immediate transmittal to the House, On cal. 786, Cal. 1172 and Cal. 677.

THE CHAIR:

If there is no objection, it is so-ordered.

SENATOR CALDWELL:

Mr. President, by agreement of the Minority and the Majority parties, may we take up on a Consent Motion, the following matters: I move for the adoption of the joint committee's favorable reports and the passage of the bills: On page two of the Calendar, 987, File No. 1125, Substitute House Bill 6484. An Act Concerning Personal Property Liens in Favor of Municipality 1101, File 1288, Substitute House Bill 7869, An Act Concerning State Pilots and Pilotage. Page 4, of the Calendar, Cal. 1190, File 1103, Sub House Bill 6709, An Act Concerning An Establishment of a Five Mile River Commission. Cal. 1196, File 1373, Sub House Bill 8671, An Act Concerning Acquisition of Case Mountain for use of A State Park. Cal. 1210, File 1425, Sub House Bill 5760, An Act Authorizing the Treasurer to Replace Mutilated, Defaced, Destroyed, Stolen or Lost State Obligations. Page 5, Cal. 1221, File 787, Sub House Bill 8334, An Act Concerning the Number of Resident State Policemen. Cal. 1224, File 930, House Bill 8453, An Act Concerning Military Funerals for National Guardsmen. Cal. 1230, File 1375, Sub House Bill 7929, An Act Concerning Second Taxing District of Norwalk. Cal. 1241, File 1471, Sub House Bill 5046. An Act Concerning Holding and Sale of Bonds to the State and the Pension Fund of the Teachers Retirement System. Page 6, Cal. 1242, File 1481

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House Bill 5168. An Act Concerning the Power of Lending of Future Advancement of Money and to Complete the Work Progress in the Event of Default.

Cal. 1255, File 1470, Sub House Bill 6723, An Act Concerning Technical Amendments to the Planning and Zoning Statutes with Respect to Hearing.

Cal. 1258, File 1490, House Bill 7321, An Act Concerning Payment for Preparation of Preliminary School Building Plans.

Cal. 1265, File 1472, House Bill 8612, An Act Permitting Constables in Small Towns to Make Arrests outside their jurisdiction and fresh pursuit cases.

Page 7, Cal. That is all I have for now.

Mr. President, at this time, I'd like to suggest that we proceed with the following two Calendars: Cal. 1358, commonly known as the Gambling Bill, File 1362, known as the Environmental Bill.

THE CHAIR:

Senator, do you not want to make to move on the Consent Motion?

Question is on the bill enumerated by the Majority Leader, is there any objection to their passage? Hearing none, said bills are declared passed.

SENATOR CALDWELL:

Mr. President, if any of them did not have double stars, I move that the rules be suspended.

THE CHAIR:

Motion has been made for suspension of the rules where necessary, concerning double or single starred items. Hearing no objection, suspension of the rules is ordered.

THE CLERK:

CAL. NO. 1358, File No. 1560. Favorable report of the joint committee on Appropriations. Substitute House Bill 7238. An Act Concerning A Commission

**JOINT
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WEDNESDAY
10:00 A.M.

THE ENVIRONMENT

FEBRUARY 24, 1971

Rep. Howard Newman, 116th District, Norwalk: I'd like to speak in support of H.B. 5807 which calls for a cessation of regulated activity on any wetlands, till the inventory of all the wetlands within the states has been completed by the commissioner. When this bill 695 was enacted 2 years ago by the Senate the purpose was to try and save the wetlands which were being depleted at a rapid rate, and it was'nt within our contemplation or intention that the mapping of the wetlands would be dragged along for extended periods of time. Here it is 2 years later and many of the sections have not yet been mapped or been declared wetlands. Too many people are trying to get in under the wire with applications to the water resources commission. The army engineers are trying to get in under the wire before the mapping of the declaration of the wetlands is completed. In order to stop these fast-buck operators from ruining even more of our wetlands is sought to hold up these permits and activity until the wetlands is completed. I think this is a vital bill in connection with the public act 695, and has much support down where the people live near the wetlands, thats for sure. I'd also like to speak on H.B. 6702, this is just a statement of purpose that the legislature commissioner was jammed up, and was'nt able to get the bill out, up till this point; he's working in it now. This would require any person filling in along navigable water-ways between the low water mark and out to the channel to pay to the municipality the value of the land reclaimed, less the cost of reclaiming it, the regional value of it. Many people buy 10 or 15 feet along the water-fill out for 100 feet, and they are enriching themselves unjustly at the expense of the state. It is my feeling that they should be obligated to pay the regional value of the land they reclaimed, less the cost of reclaiming it. I only received notice of these public hearings yesterday. I'd like to have this put down again for a public hearing after the bill is completed, and these people have an opportunity to come up and speak in favor of it or in opposition to it. I'm also speaking in reference to H.B. 6709, which is also a statement of intent. It concerns the establishment of a five mile river commissioned in the harbor superintendant to function in connection with navigation conservation, and pollution of the river and harbor. I'ts a little premature for me to come here because the report of the 5 mile study commission, which was organized under special act 240 at the last session of the legislature is just coming in with its report now. This report will concern the establishment of this commission. I would also like to wait on this and have it called for a public hearing after we get the bill in conformity with

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the recommendations in the report. Those two bills can be set down at a later date, I would greatly appreciate it. That's 6709 and 6702, which are merely statements of purpose. Thank you.

Sen. Pac: We will extend the privilege to you Representative. Any other legislators wishing to be heard? If not, the public portion will begin.

H. Lincoln Foster: I live in Falls Village on the shores of one of the smallest streams that feed into the Housatonic. I would like to speak in favor the S.B. 298. Before I speak about this I would like to pay my respects to this committee, the Environment Committee which in my estimation is the most important committee of this session of the legislature, because all of the people of the state of Connecticut share our environment. This particular bill having to do with one aspect of our environment, the river systems, it seems to be a wise forward looking, and yet a very practical bill. This is not purely idealistic, it is the result of careful consideration. If you look at a map of the State of Connecticut with rivers flowing down from north to south into the sound, and some of them coming into the state from other states, some of them originating within our state, you can see that this is an arterial system, very much like the arterial system of the human body. These watersheds are important not only for the waters themselves, but actually as social units. People can think, move, and behave in terms of a watershed. This bill is designed to set up a way of thinking about our rivers as they are today, and how we would like to have them in the future. In the past, most billshaving to do with fresh water, with rivers, have been efforts to correct damage already done. This bill however, looks forward to the future. In fact, this sort of bill would have been impossible in the 1940's when I was here in the legislature. We have changed our way of thinking, we must change our way of thinking if we're going to make a life for today, for my grandchildren, and for your grandchildren. Now this bill is broad in scope because it considers all of the rivers, but it is now enough because these are broken down so that they can be handled in smaller units. The way this will be done will be explained by our future speaker, but it seems to be that this is a bill which deserves your consideration, and I hope you will bring in a favorable report, and will argue for it's passage in the House and the Senate. Thank You.

William Covington, Cornwall: I would like to speak at great length about this bill, but I hope since 5 minutes are allotted I may generate some questions. In the Absence of Professor Tate, who was going to get into the legalities

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1971

GOVERNMENT ADMINISTRATION AND POLICY

TUESDAY

APRIL 6, 1971

Mrs. Ann
Steele:

fundamental law should be written into our currently model Constitution, not methods of taxation which should remain statutory. I'd now like to speak, once again for the League of Women Voters, this time in opposition to SJR 20. We are overwhelmingly in favor of an overall revenue system which is adequate, equitable and flexible in order to best meet the needs of Conn. SJR 20 would continue to divide our budget between funds by earmarking motor vehicle license and registration fees and fuel taxes specifically for the highway fund. Increased revenue from these taxes, therefore, would be locked into a self-perpetuating fund and could not be used where the need is greatest. What is the reason for a network of highways, for instance, if our communities go begging for increased aid to education? Furthermore, injecting this proposal into the Constitution would detract once again from its purity and simplicity. Only fundamental law should be written into our currently model Constitution, not the specifics which should be statutory. On these grounds, then, we oppose SJR 20.

Rep. Gagliardi: Thank you Mrs. Steele. Questions from the Committee? I believe Mrs. Steele has copies for the members - you can leave them with the Clerk. Rep. Newman, did you wish to speak?

Rep. Newman: Thank you Mr. Chairman. I speak in support of substitute for H.B. 6709 which is a bill concerning the establishing of a five mile river commission and (inaudible) the report of a five mile river study commission which was established by Special Act #240 of the 1969 Assembly; we appointed 4 legislators and 2 individuals to study conditions on the 5 mile river areas to navigation, conservation and pollution. The bill was introduced by myself, Rep. Otha Brown, Sen. Rudolph and is co-sponsored by all of the - by Representatives Febrizio, Lyons, Bard of Norwalk, that's all of the Representatives from Norwalk, Rep. Frate of Darien and Rep. Matthews of New Canaan. The five mile river runs through the Towns of Norwalk, Darien, New Canaan; it's federally navigable waters up to about the New Canaan line; there's a channel that's maintained by the Federal Government at great cost; the river's very over crowded - a small river, it has over 600 boats in it and about 200 of them are illegally moored in the channel and it seems that no one can get them out of there - at least the Harbor Masters claim not to have authority. The purpose of this bill is to establish a 6 man commission, 2 members from each town to be appointed by the Governor, on a recommendation of the Governing bodies of each town to serve without compensation, to try to untangle this mess and regulate the river and they would have the authority to order the river superintendent - the Harbor superintendent to carry out the regulations which will

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Rep. Newman: be submitted to the various towns for their approval before they are implemented. There's testimony before the commission that there's a terrible overcrowding it's just been a miracle that there haven't been serious accidents, but there's a great fire hazard existing and if a boat catches fire and the wind is in the right or the wrong direction there can be a pretty bad conflagration. The Federal Government, the Army Engineers are threatening to abandon the channel unless these illegally moored boats are taken out and that will inflict a terrific expense on each of these cities with maintaining the channel if the Army engineers pulls out - so we really need this commission and I've left a copy of the Five Mile River Study Commission report for your committee - it's very badly needed, it's not going to cost money, the Harbor superintendent's salary, if he gets any will be paid by the Towns involved; it's very important to all the towns, it's a very bad situation existing; it's hopeful this will alleviate it, it will be a watch dog committee, it will try to alleviate the pollution, see that navigation is straightened out; most of this commission can apply to the Federal Government for special anchorage area in order to get the boats out of the channel - it would be an agency that could make the application and we vote that this is a very necessary bill. I'll leave this with you.

Rep. Gagliardi: Any questions from the committee? Mrs. Elizabeth Hanson.

Betty Hanson: I'm Betty Hanson of Orange speaking for the League of Women Voters of Conn. We want to speak today in favor of HB 6260 concerning proposed amendments to the constitution. I've also been authorized to speak informally in favor of HB 5406, but it came to our attention too late to prepare formal testimony on it. As regards the HB 6260 concerning proposed amendments to the constitution, we have considered this matter very carefully because we feel that it is of the utmost importance that the voter understand the meaning of the proposed amendment upon which he is to pass his judgment. Obviously the designation on the ballot label of the voting machine must clearly convey the meaning and effect of the proposed amendment; and the explanatory text which is distributed should indeed explain the purpose and the intent. We were distressed by the ballot label designations for the proposed constitutional amendments submitted for referendum in last November's election. The one designated: For constitutional amendment concerning the qualifications of the electors was particularly elusive. You recall that concerned the 18 year old vote. Fortunately prompt response to our expression of concern prompted the addition of parenthetical explanatory material on the ballot label,