

Legislative History for Connecticut Act

HB 9157 PA 522 1973

House - 6071-6080, 6102-6104 13

Senate - 3854-3855, 4016-4018,
4086 6

Environment - 540, 968-972, 1013-1014 (8)

LAW/LEGISLATIVE REFERENCE
DO NOT REMOVE FROM LIBRARY

27p

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

Connecticut State Library

Compiled 2013

CONNECTICUT
GEN. ASSEMBLY
HOUSE
PROCEEDING
1973

VOL. 16
PART 12A
5812-6126

KFC
3618
.H84b

Friday, May 11, 1973 101.

the bill is passed.

EER

THE CLERK:

Returning to the Calendar, top of Page 10, Calendar 739, File 795, H.J.R. 164, Resolution concerning regional standards for housing costs under the flat grant. Favorable report of the Committee on Corrections, Welfare and Humane Institutions.

THE SPEAKER IN THE CHAIR

GERALD F. STEVENS:

Mr. Speaker, I would move that Calendar 739 be referred to the Committee on Appropriations.

MR. SPEAKER:

Is there objection to the motion of reference for Calendar 739 to the Committee on Appropriations? Without objection, so ordered. The item is referred to the Committee on Appropriations.

VIRGINIA M. CONNOLLY:

Mr. Speaker, with your permission, the Members of the Public Health and Safety Committee have asked me to announce for the Journal that they have just returned to the House, and they have missed several roll call votes transacting their business. Thank you, Mr. Speaker.

MR. SPEAKER:

The Journal will so note.

THE CLERK:

Calendar No. 743, File 815, Substitute H.B. 9157, an Act concerning recreational activities on grounds of public water supply reservoirs. Favorable report of the Committee on the Environment.

Friday, May 11, 1973 102.

HAROLD G. HARLOW:

EFR

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

MR. SPEAKER:

Question is on acceptance and passage. Will you remark.

HAROLD G. HARLOW:

Yes. At this point I would like to yield to Representative Osiecki.

CLARICE A. OSIECKI:

Mr. Speaker, the Clerk has an amendment.

THE SPEAKER:

The Clerk please call House Amendment Schedule "A".

THE CLERK:

Sorry to hold you up. House Amendment Schedule "A".
Would you like the Clerk to read the amendment?

CLARICE A. OSIECKI:

Yes, please.

THE CLERK:

In line...to File 815...in line 13, delete the word "and" and insert in lieu thereof a comma, and after the word "protection" insert the following words: "an approval of the Chief Executive Officer of the municipality wherein said watershed area is located".

CLARICE A. OSIECKI:

Yes, Mr. Speaker. The amendment simply clarifies the bill. May I go ahead and speak to the bill? You have to accept this.

Friday, May 11, 1973 103.

MR. SPEAKER:

As soon as we adopt the amendment.

CLARICE A. OSIECKI:

I move adoption of the amendment.

MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "A"? If not, all those in favor of adoption indicate by saying "aye". Those opposed. The amendment is adopted. Question is now on acceptance and passage of the bill as amended.

CLARICE A. OSIECKI:

Mr. Speaker, the purpose of this bill is to allow controlled use of watershed lands and waters for recreation, mostly passive types. In our State, we have over a quarter of a million acres open to recreation. Private recreation acreage is over 89,000 acres. State recreation is over 160,000 acres. Municipal recreation acreage is about 23,000. This will encourage municipalities to be able to provide more passive type recreation in areas for their residents. I move passage of the bill.

MR. SPEAKER:

Question is on acceptance and passage of the bill as amended. Will you remark further? If not, if all Members would please take their seats. The Chair, for the record, would rule House "A" be technical.

WILLIAM R. RATCHFORD:

I, too, rise to support the bill. I think it's finally recognition of the fact that the sportsmen of this State were some of the earliest environmentalists. For the longest period

Friday, May 11, 1973 104.

of time, I think unjustifiably, many of the reservoirs of this State have been closed to sports fishing, to hiking, and to controlled recreational activities. There has been an expressed fear, and wrongly so, that the sportsman would abuse the privilege, and as a result of it our water supplies would be diluted in their quality. I don't think anything could be further from the truth. In our area, we've witnessed consistently that the sportsmen are willing to participate in clean-up campaigns on the shores of our reservoirs, which are open to the fishermen...that our sportsmen are willing further to engage in stocking campaigns so that trout fishing can be available more readily to those who fish in the area, and we've also indicated and experienced situations where sports clubs have joined a municipality in obtaining additional open space lands. So I think this is a positive step that this State should have taken a long period of time ago, and I think that it's something that I, for one, am pleased to witness today, because finally it says to the sportsmen...to the fishermen...to the outdoorsmen in this State...you were the original environmentalists, and you will protect this right if we give it to you on a State-wide basis.

PHYLLIS T. KIPP:

Mr. Speaker. Thank you, Mr. Speaker. I'd like to ask a question of the proponent of the amendment, please...and that is in the case in the Town of Groton, for instance, in Groton City, the source of supply of water encompasses Groton City, the Town of Groton, and part of the Town of Ledyard, and if I understood the amendment correctly, it says something about getting the approval

Friday, May 11, 1973 105.

of the Chief Executive Officer where the water is located. I wonder how this problem could be resolved.

MR. SPEAKER:

The lady care to respond?

CLARICE A. OSIECKI:

Yes. The purpose of the bill is to allow the use of the lands, also, so wherever the land was they would apply to that municipal officer, and if the water went into more than one town, then it would require the approval of each Executive Officer, along with the Board of Health and D.E.P.

PHYLLIS T. KIPP:

That does mean water and the surrounding land?

CLARICE A. OSIECKI:

Yes. Watershed merely means the land surrounding the water.

PHYLLIS T. KIPP:

I still am not sure on how it would work in our particular territory. I don't know which town. Groton City is within the Town of Groton, but Groton City has a Chief Executive Officer...a Mayor. The Town of Groton has a Chief Executive Officer...a Mayor...plus a Town Manager. The Town of Ledyard has a Chief Executive Officer...a Mayor. I'm still not sure who he would apply to in this particular case.

CLARICE A. OSIECKI:

Well, the intention of this bill then to protect the laws from abuse would be that you would apply to each Chief Executive Officer of each town in which the land was going to be used,

Friday, May 11, 1973 106.

or the waters were going to be used.

EFR

PHYLLIS T. KIPP:

All right. Thank you, Mr. Speaker.

MR. SPEAKER:

Will you remark further.

DOMINIC J. BADOLATO:

Mr. Speaker, to press the same point, I don't think that we got the answer yet. I happen to have a copy of the amendment, and it says that approval of the Chief Executive Officer of the municipality wherein said watershed is located must approve the regulations. Well, let me give you an example. We've got our watersheds in the Town of Southington, and this amendment would allow the Chief Executive Officer of the Town of Southington the authority to determine whether those regulations would apply to a watershed that New Britain owns. Now, I don't know whether this is the intent or whether the intent is that the town that owns the watershed...that Chief Executive Office should have something to say about it and not the Executive Officer of the town that doesn't have anything to do with that watershed.

MR. SPEAKER:

Lady from the 108th care to respond.

CLARICE A. OSIECKI:

Yes, Mr. Speaker. Watershed area would mean, as is in the amendment, watershed area would mean the water and the land. So, if permission were given by one utility which owned the watershed land and area, whether it was one town or five, I would...the intent of the bill is that they would go to the Chief Executive

Friday, May 11, 1973 107

Officer of each town and to the Board of Health and to D.E.P. EFE
Each town which was served by that watershed area would have to approve it. There's no intent to bring people from one town into another and use the land without the approval of that town's municipal...Executive Officer.

DOMINIC J. BADOLATO:

Mr. Speaker, I beg to differ. The language provides clearly that the Chief Executive Officer of the municipality wherein said watershed area is located. The example that I gave before is that the watershed...the New Britain watershed...is located in the Town of Southington. No where in the amendment does it say that the Chief Executive Officer of the Town of New Britain, which owns that watershed, has anything to say about the regulations or the use of that reservoir or the area. It gives that authority to the Town of Southington and no one else, and I don't think that I could support the bill with this type of an amendment giving some other Chief Executive Officer authority to determine what's going to happen on land that is owned...a watershed that is owned by the City of New Britain.

CLARICE A. OSIECKI:

Mr. Speaker, through you, the bill is written so that water companies is the owner, and the owner can either be the municipality or a private water company, and you will note that approval of that water company is necessary, as well as the approval of the Chief Executive Officer.

ROBERT J. VICINO:

Mr. Speaker, I understand the explanation of the lady

Friday, May 11, 1973 105

from Danbury. However, we, in Bristol, are in the same predicament that New Britain is. Our watershed is in Harwinton, and with this amendment we would have the approval of the Chief Executive Officer of Harwinton to allow them to use our watershed and the facilities that are adjacent to our water storage. I don't know if that was the intent of the amendment. EFB

JAMES H. MCGILL:

Mr. Speaker, I, too, have to arise to support this particular idea. Now, with the City of Groton, they control the water. They should be the ones who decide who is going to use any of that area with its surrounding land and the water itself, and I couldn't possibly vote for this.

MR. SPEAKER:

Will you remark further.

WILLIAM J. SCULLY:

Mr. Speaker. Yes, Mr. Speaker. I can't support this amendment for the simple reason that the City of Waterbury owns land and watershed area located in the Town of Thomaston and Litchfield, and underneath this amendment it would allow the First Selectman of the Town of Litchfield or Thomaston to allow fishing in our watershed property without anything for us to say about it. Now, these are municipal watersheds.

CLARICE A. OSIECKI:

Mr. Speaker, as I replied before, this amendment is meant to give double protection to towns which have...which are the one town and/ watershed area is in another town. They are the owners of the water company. Nothing can be done without their

Friday, May 11, 1973 109

approval anyway. So, if you have your watershed area in an adjacent town, that town cannot use it unless the owner of the utility, be it a private utility or a municipality with its own water supply, unless their approval is first forthcoming, just as it is stated in the bill itself. But the amendment will cover the towns wherein there is only a municipal water supply within the boundaries of that city. EFE

MR. SPEAKER:

Will you remark further.

RICHARD B. EDWARDS:

Mr. Speaker, through you, a question to the proponent.

MR. SPEAKER:

Please proceed.

RICHARD B. EDWARDS:

May I...do I assume then that in a town where there is a private water company and the watershed extends over into another town that the other town, through its Chief Executive and the water company, can say "yes", there will be this activity going in the reservoir, or the watershed without the permission of the Chief Executive of the first town?

CLARICE A. OSIECKI:

Through you, Mr. Speaker, no. No.

MR. SPEAKER:

The gentleman from the first care to yield to the gentleman from the 119th?

JAMES J. KENNELLY:

No, Mr. Speaker.

Friday, May 11, 1973 110

MR. SPEAKER:

EFF

I didn't think so.

JAMES J. KENNELLY:

Mr. Speaker, I was going to move that we stand at ease for a moment, but apparently it's not necessary. I yield to the Majority Leader.

GERALD F. STEVENS:

Mr. Speaker, my feelings are hurt because he wouldn't yield before. Mr. Speaker, may we pass temporarily this matter?

MR. SPEAKER:

Without objection, the item will be passed temporarily. The Clerk call the next item.

THE CLERK:

Returning to Page 10 of your Calendar, Calendar No. 744, File 812, Substitute H.B. 8585, an Act concerning defenses on instruments in consumer sale transactions. Favorable report of Committee on General Law.

ROSARIO T. VELLA:

Mr. Speaker, I move the acceptance of the Committee's favorable report and passsge of the bill.

MR. SPEAKER:

Question is on acceptance and passage. Will you remark.

ROSARIO T. VELLA:

Mr. Speaker, the Clerk has an amendment.

MR. SPEAKER:

The Clerk please call House "A".

THE CLERK:

Friday, May 11, 1973 132

voted? The machine will be closed, and the Clerk please take a tally. EPI

WILLIAM P. AMBROGIO:

Mr. Speaker, may I be recorded in the negative...I mean in the affirmative.

MR. SPEAKER:

Gentleman from the 95th wishes to be recorded in the negative...I mean in the affirmative. The Clerk announce the tally.

THE CLERK:

Total number voting - 127. Necessary for passage - 64. Those voting yea - 127. Those voting nay - none. Those absent and not voting - 24.

MR. SPEAKER:

The Joint Committee's favorable report is accepted, and ^{as amended} the bill/is passed. The Clerk please return to the item passed temporarily.

THE CLERK:

Return to Calendar 743, on Page 10, File 815, a matter that was discussed and passed temporarily, Substitute H.B. 9157.

MR. SPEAKER:

The item was passed temporarily. The House had adopted House Amendment Schedule "A".

CLARICE A. OSIECKI:

Mr. Speaker, I wish to move for reconsideration of the amendment. I was on the prevailing side.

MR. SPEAKER:

Friday, May 11, 1973 133.

Question is on reconsideration of House Amendment Schedule EFL "A". The lady indicates, in accordance with the rules, she was on the prevailing side. Will you remark on reconsideration.

CLARICE A. OSIECKI:

Yes. Mr. Speaker, the intent in putting in the amendment was to better protect the municipalities. It is not needed. Instead it creates problems, which shouldn't have to arise. I move for reconsideration...withdrawal of the amendment.

MR. SPEAKER:

Will you remark further on reconsideration of House Amendment Schedule "A"? If you wish to reconsider our action, the lady has indicated she would then withdraw the amendment, you should vote in the affirmative. All those in favor of reconsideration indicate by saying "aye". Those opposed. The amendment is reconsidered. The lady now wish to withdraw House Amendment Schedule "A"?

CLARICE A. OSIECKI:

Yes. I move to withdraw House Amendment Schedule "A".

MR. SPEAKER:

Is there objection to the motion by the lady to withdraw House "A"? Without objection, it is so ordered. The amendment is withdrawn. Question is now on acceptance and passage of the bill. Are you prepared to vote? If all Members would please take their seats, non-Members come to the well, the question is on acceptance and passage of Substitute for H.B. 9157. The machine will be opened. The machine will be closed, and the Clerk please take a tally.

Friday, May 11, 1973 134.

THE CLERK:

EFR

Total number voting - 127. Necessary for passage - 64.
Those voting yea - 122. Those voting nay - 5. Those absent and
not voting - 24.

MR. SPEAKER:

The Joint Committee's favorable report is accepted, and
the bill is passed. The Clerk call the next item.

THE CLERK:

Page 11, Calendar No. 752, File 819, Substitute H.B.
8518, an Act concerning construction standards for public buildings
to accommodate disabled persons. Favorable report of the Committee
on General Law.

ELINOR F. WILBER:

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

MR. SPEAKER:

Question is on acceptance and passage. Will you remark.

ELINOR F. WILBER:

Yes, Mr. Speaker. This is a very simple bill, which I
would hope/^{when}passed, will have much more far-reaching effects than
appears likely on the surface. This bill will require builders of
new buildings...buildings where the public is invited to enter, to
eliminate a few of the architectural barriers which now so severely
limit ten per cent of our population. For the benefit of those
Members of the House who have not had an opportunity to review the
State Building Code I should like to read the four sections which
apply to this bill. The first one is on Grading. "The grading of

S-97

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1973

VOL. 16
PART 8
3473-4003

May 16, 1973

200

C.G.C.

at least to get something off the ground for Mansfield Training School and the necessities in there.

THE CHAIR:

Thank you. Senator Rome.

SENATOR ROME:

I would just add my compliments to them as well as to Senator Cutillo. Mr. President, that to be added to the Consent, may I return to Calendar No. 1072 on Page 6? May I refer--I move to continue this in accordance with Rule 33 to the Headstart Program in February of '74?

THE CHAIR:

Is there objection? Hearing none, so ordered.

SENATOR ROME:

Continuing, on Page 8, Calendar No. 1115, 1116, 1118--Dr. Gunther would like to make a comment with regard to legislative intent.

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Mr. President, through you to the chairman of the committee, I would like to take and have the legislative intent of this bill, House Bill 9157 on the record. It doesn't specify specifically hunting on these storage reservoir areas. It has sport fishing from a designated location, additional recreational activities within designated areas of the watersheds of such

May 16, 1973 201

C.G.C.

reservoirs may be permitted, and I did want to get it on the record because the Committee has discussed this thoroughly and it was agreed that hunting was one of those recreational activities and if I may, Mr. Chairman, is this true?

THE CHAIR:

Senator Costello, if you wish.

SENATOR COSTELLO:

Through you, Mr. President, that is correct. It is the intent of this legislation to permit the water companies to permit hunting on the watershed land, the specific mention of sport fishing is because that is an activity which takes place in the waters of the storage reservoirs which is more of a health problem and therefore we specified sport fishing as the activity that could take place within the waters, but hunting definitely would be within the purview of this bill. Representative Osiecki of the House who headed up our sub-committee on this bill confirmed that to be her opinion as well.

THE CHAIR:

Motion is to Consent. Is there--Senator Powanda.

SENATOR POWANDA:

Mr. President, I object to the motion to Consent. I'd like to discuss this matter further.

THE CHAIR:

P. R. it then.

SENATOR DINIELLI:

Mr. President.

S-98

CONNECTICUT
GEN.ASSEMBLY

SENATE

PROCEEDINGS

1973

SPEC. SESS.

JUNE-JULY

VOL.16

PART 9

4004-4434

May 17, 1973

13

C.G.C.

On Page 4 of the Calendar, Calendar No. 1116. File No. 822. House Bill No. 8229. An act prohibiting discrimination on the basis of sex or marital status in credit transactions amended by House Amendment Schedule A. Favorable report of the Committee on Human Rights and Opportunities.

THE CHAIR:

Senator Carruthers. Senator Carruthers.

SENATOR CARRUTHERS:

Mr. President, I move acceptance of the Committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR CARRUTHERS:

As amended. The amendment, I think, added the word solely to that. I think there was some discussion, some concern prior to my recommending that it went on Consent Calendar. I think that has been eliminated and I move now passage on the Consent Calendar.

THE CHAIR:

Is there objection? Hearing none, so ordered.

THE CLERK:

Calendar No. 1118. File No. 815. Substitute for House Bill No. 9157. An act concerning recreational activities on grounds of public water supply reservoirs. Favorable report of the Committee on Environment.

THE CHAIR:

May 17, 1973

14

C.G.C.

Senator Costello.

SENATOR COSTELLO:

Thank you, Mr. President. I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR COSTELLO:

For a long time, it has been the desire of many to make available to the people of the State of Connecticut the thousands of acres of watershed land and some of the waters of the storage reservoirs of the State which are numerous for fishing and other recreational purposes. I believe this bill which has been worked out very carefully and laboriously by a sub-committee of the Environment Committee which presently has the acceptance of the water companies and I believe the endorsement of the Department of Health will permit this to be done only if the water company is willing to do so. It gives to the water companies authority to issue permits for sport fishing from boats or from shore on storage reservoirs only, not primary drinking water reservoirs but the more remote storage reservoirs. It also permits within other designated areas designated by the water companies other recreational activities such as picnicing, hunting or whatever the water company might deem to be a suitable use for the watershed areas. Most of these areas are remote, they are beautiful, scenic areas; they will in effect provide a secondary state park and forest system for the use and enjoyment of the State and it's

May 17, 1973

15

C.G.C.

structured in such a way that it will start off on a cautious, slow beginning basis with the water companies issuing permits, handling all of the administrative problems of this approach. We believe that it's a good start, a good approach, to a project which will benefit many many people of this State.

THE CHAIR:

Motion to Consent?

SENATOR COSTELLO:

I move that the matter be placed on Consent.

THE CHAIR:

Senator Dinielli.

SENATOR DINIELLI:

Mr. President, I would like to go on record as strongly supporting this legislation. As a councilman in 1961 in Bristol I proposed it for our own watershed area. It was met with a horrendous, a horror that this would infiltrate the water, change the water, drinking water, and the fact is there's thousands of acres of it being unused and used only by members of water companies, I think, so now this may open it up to other people.

THE CHAIR:

Motion is to Consent. Is there objection? Hearing none, so ordered.

THE CLERK:

Calendar No. 1132. File No. 969. House Bill No. 8642. An act granting easements to the Town of East Lyme, with a favorable report of the Committee on Finance.

May 17, 1973

75

C. G. C.

We're removing 1193 for what reason I do not know, but we'll discuss it.

THE CHAIR:

1193 we're removing?

SENATOR ROME:

Page 7, bottom.

THE CLERK:

Yes, I had--that bill called?

THE CHAIR:

Call the bill.

SENATOR ROME:

May we act on my motion. We'll call the bill thereafter, please?

THE CHAIR:

The question is on adoption of the Consent Calendar as enumerated by Senate Majority Leader Rome. All those in favor signify by saying Aye. Is there opposition? Hearing none, the Consent Calendar is adopted.

SENATOR LENGE:

Mr. President. Mr. President.

THE CHAIR:

Senator Rome, would you move--we have some Senate bills, some amended bills...

SENATOR ROME:

I move suspension of the rules for immediate transmittal of all the matters passed to the appropriate authority.

Bills passed on the Consent Calendar HB-8864, HB-8266, HB-9317, HB-8082, HB-8644, HB-9401, HB-8685, HB-8983, SB-2484, HB-8144, HB-9390, HB-8745, HB-8270, HB-8960, HB-8957, HB-9355, SB-2483, SB-2158, HB-8841, SB-2244, HB-9404, HB-9387, HB-8854, HB-8539, HB-8147, HB-8301, SB-2027, HB-8874, SB-1778, HB-8349, HB-8551, SB-2383, HB-9387, SB-2432, HB-8746, HB-8229, HB-9157, HB-9153, HB-8642, HB-9385, HB-8080, HB-9124, HB-8409, HB-8564, HB-8980, HB-8941, HB-8320 and HB-9207.

JOINT
STANDING
COMMITTEE
HEARINGS

ENVIRONMENT
PART 2
426-737

1973

MARCH 21, 1973

Iron & Steel institute, and Associated Industry.

This restrictive bill, Mr. Wilson quotes, requires a deposit on all beer and soft containers have not, has not succeeded, it has damaged the beverage and packaging industries serving the people in Oregon. He notes the surveys have been conducted, not by industry sources but by the Oregon State Highway Division; it shows an increase in beverage container share of litter after the bill went into effect after October.

During the first 3 months of the law's operation, beverage containers increased "to 18.2% of litter by piece, count up from 14.4% in September, which is a month prior to going into effect.

The growth and volume of beer containers was even sharper and increased to 24.5% from 17.3% as the result of expanded use of bottles which are more bulkier than cans.

Data for the Oregon survey, as I mentioned, was generated by State employees who collected and counted litter at 30 separate mile long sites throughout the State before and after surveys conducted by industry, along two Oregon highways show similar results to official state figures. One significant increase noted, last October, when the bill was enacted, returnable bottles represented 27% of the total glass litter. State statistics revealed 3 months later returnables accounted for over 50%.

According to Oregon Liquor Control Commission, which I would substantiate any more than any supermarket, not discounting supermarkets, but I have to go buy state figures because feel they are more honorable, sales were down 13% in the month of December, 3rd month of the bottle bill.

It is true January was up, it does not show in this report but January nationwide was a good month for the beverage business because of the extreme warm climates throughout the country.

The volume of beer sold in cans in December approached zero, down an estimate of 99.4%. Most foreign beers, and this includes all foreign beers, was eliminated completely from the market and this

JOINT
STANDING
COMMITTEE
HEARINGS

ENVIRONMENT
PART 3
738-1036

1973

TUESDAY

MARCH 27, 1973

Because we have a industry in Simsbury which by the nature of its business, I must say, it produces a noise making tool and must test it. However, the noise which it omits every day at the same time is considerable and it is very disturbing for the people who live in the area which unfortunately are some of our loder citizens. They have protested in the past and feel their protests have gone unheard. I was interested in the clause which would provide for public notice of a petition made by the industry to the Department which would allow the public to object within a limited time period in which could cause public hearings. I think this sharing of viewpoints between industry and citizens of the town will be to everybodies advantage so I support the bill or at least part of it which I am familiar with.

REPRESENTATIVE TIFFANY: Is there anyone else?

MARGARET RENNIE: I am Margaret Rennie from New Milford and I guess you will all be glad the testimony is very short. The testimony up to now has been excellant I must say. To the Committee on Environment Vill #2159, Margaret Rennie of New Milford, I am Civic Chairman of the Garden Club of New Milford. I endorse and support bill # 2159 and urge the Committee on the Environment to approve it,

REPRESENTATIVE TIFFANY: Thank you, anyone appearing in favor of 2159? Anyone in opposition? If not we will move on to #9157, An Act Concerning Recreational Activities On Grounds Of Public Water Supply Reservoirs. Those speaking in favor first, anyone to speak in favor? Anyone in favor of # 9157? Anyone here in opposition?

RICHARD WOODHULL: My name is Richard Woodhull I am Chief of the Water Supply Section of the State Health Department. We believe additional safeguards should be written into this bill. Section one should be written so as to permit the State Commissioner of Health to prohibit fishing and ice skating in those vases where treatment facilities are deemed inadequate as to properly safeguard the health of persons drinking the water. There are small storage reservoirs where present treatment is marginal and where we feel fishing and ice skating would produce a distinct hazard.

In Section two, line 33 should be corrected to read "commissioner of health" rather than "department of health". This is necessary in order to allow effective implementation. Basically we are opposed to the concept of opening up the reserviors but if they are opened up this way to recreational use we feel that certain safeguards should be written into the bill. Thank you.

CHARLES MCCHRISTIE: Members of the committee I am Charles McChristie speaking on behalf of the Bridgeport Hydraulic Company and the Connecticut Water Works Association which represents the investor owned and the municipal water works of the State. This bill is some what of a surprise in that an earlier bill was considered at a hearing two weeks ago, a substitute which had general agreement among the proponents and opponents and it wrote into that bill the same kind of protection that Mr. Woodhull has just requested in this bill. We have no strong feelings one way or another which of these substitute bills goes in so long as the strong protection for the purity of water sources are are written into them.

TUESDAY

MARCH 27, 1973

We have got several slight changes which we have marked up one of these bills copies which incorporates suggestions made by Mr. Woodhull. I will briefly run down them and leave a copy of this marked up bill with the committee. This bill as it now stands would allow recreational activities including hiking, ice skating and bicycling and skiing and snow shoeing. We feel you either have the specific or the general which would change this to read "... in addition to sport fishing such additional recreational activities within designated areas of water shed of such reservoirs as shall be permitted." Of course with regulations made by the public water utilities, this is one problem I think there are a few misprints in the bill. You have got all water supplies being opened up to these use or all storage reservoirs but then you give only the public water companies in how to say "...distinction to say the 'Metropolitan District Commission the power to make regulations, I think the 'companies' on line 25 has to be changed to 'utilities. Similarly 'Commission of Environmental Protection' must read 'Department' on line 26. Further more on Section 3 of the bill you have got the same problem on line 37 with companies used instead of utilities. Also in that section and the way the original compromise bill was drafted we would suggest in line 39, 40 and 41 that it say "fees for the issuance of such permits in order to reimburse the Water Utilities for the cost to them of such recreational activities in Public water supply storage reservoir," in other words "storage" should be put both lines I guess it is 40½ and 41. In addition the provision to reimburse the water utilities for the cost to them of such recreational activities is broader than to defray the cost of supervision. The reason it is broader is that supervision isn't the only cost that is going to be incurred upon opening up these water supplies. The additional purification equipment, the additional health safety provisions that will be needed may very well add cost to the water companies and public water works. If there is not provision in the bill for reimbursement for these costs then the general rate payer is the person who is going to pay the freight for the recreational use of these lands. I think the original intent was to have the people who wanted to avail themselves of the recreational use pay the fees to reimburse the Water Utilities for the cost. Finally the original compromise bill had a section 4 which reads " ... no public water utilities shall be liable in damages for injury or property damage to any person who enters upon its lands or waters under the provisions of this act. I think this is essential if you are going to impose additional burdens in terms of water quality, purification, supervision on water companies you don't want to add to that the bottomless pit of liability for property or personal injury damage. This section, we feel, is absolutely essential to the bill in order to make it anyway palpably the recreational use of water supplies. I will leave this draft with the committee as I mentioned earlier we had worked on a compromise with the sport and recreational people, well at least with the sports people, this bill would apparently substitute other recreational uses for hunting. The water companies concern is not so much what kind of recreational use being made of these lands, although ice skating does propose a particular problem and I think Mr. Woodhull has already pointed that out, as safeguards be written in.

TUESDAY

MARCH 27, 1973

The power to make regulations, the power to be insulated from liability to protect water utilities, ultimately the water users, and rate payers from the burdens imposed by the bill.

REPRESENTATIVE TIFFANY: Any questions? I have one...I believe the purpose of the committee of having a hearing on this bill was that the reaction of the water utilities, as to their opinion of a larger variety of recreational activities. Supposedly if the committee gave favorable action to this bill it would be drafted very similar to the so called compromise bill that has been worked out...

CHARLES MCMCHRISTIE: In other words you envision putting in section 4 concerning liability as well as clearly nailing down the storage reservoirs we were talking about and that fees would not only be used to defray the cost of supervision but to reimburse the utilities for actual costs incurred?

REPRESENTATIVE TIFFANY: Yes the committee was wondering what your opinion was of a larger variety of recreational activities

CHARLES MCMCHRISTIE: I think the sportsmen have a different view of this obviously and what they heard should in no way be construed as support for this bill as against the bill which they are supporting. I would say the consideration for the water companies and the public water works are that protection for the public, for uses and for rate payers be written into the bill and that any kind of recreational use be clearly regulated and clearly circumscribed by the terms of the bill.

REPRESENTATIVE TIFFANY: Any questions of the committee? Anyone else appearing in opposition?

JOSEPH LEE: my name is Joseph Lee, I am a lawyer representing the New Haven Water Company. Briefly I would like to endorse the concerns of Mr. Woodhull we share them and that is why we are up here to speak to this bill. I would also like to endorse the suggestions of Mr. McChristie we have discussed this and are basically in accord with the changes we think should be designed into the bill. One thing I am not sure Mr. McChristie mentioned, although I know it is in his proposed draft, is on line 20 we suggested word "all" be deleted in front of "public water supply storage reservoir", this is consistent with the problems with the problem Mr. Woodhull pointed out and that's that not all public supply storage reservoirs can safely accommodate recreational use at this point. We would like to make it clear that is something that can be regulated. Just to speak to the point you raised about broader expanse of permitted recreational activities, as Mr. McChristie said the water companies are less concerned about the activities as they are about the ability to regulate them. We do think however, that many of the water sheds and reservoirs themselves, of course, are entirely different in terms of terrain and drainage, the brook supplies and that kind of thing, and not all of themselves to all the same kinds of activities and for that reason while we wouldn't oppose the concept of a broader recreational use we do oppose the enumeration of specific uses here because I think that is something too that is going to have to be regulated on a case by case basis in connection with the Dept. of Health and the Dept. of Environmental protection.

TUESDAY

MARCH 27, 1973

REPRESENTATIVE TIFFANY: Next speaker please...

ALEXANDER MENKIS: Gentlemen I am Alexander Menkis, Deputy Manager of the Hartford Metropolitan District. The District finds this bill acceptable to it providing two minor changes are made, they have been talked on by previous speakers but we would like to reiterate the fact that we would like to see that clause 4, paragraph 4, that was in one of the previous bills, inserted here. The one saving the utility harmless from liability claim and also we would like to see in paragraph 3, line 41, the word 'storage' inserted there. We afraid that somebody may misconstrue and think all reservoirs are open for these purposes.

REPRESENTATIVE TIFFANY: Thank you, anyone else speaking in opposition?

MARK LEVI: My name is Mark Levi I am council for the Connecticut Fly Fishing Association, I was instrumental in working out this so called compromise bill with others, Bill Gled, who is not here today. I will support the remarks of the previous speakers. We would like to see the liability section added. I was surprised to find the changes were made to add the additional sporting activities and the elimination of the hunting. I think the hunters belong in there too, we are going to have this, although (unclear)...is not here today. Perhaps a better way to designate it would be to just use the general term "recreational activities" and leave it up to the water companies to determine which activities can be supported by a particular area of concern. We just hope that this bill is passed this year and the gates are finally going to be unlocked for the usages in the bill. Thank you very much.

REPRESENTATIVE TIFFANY: Mr. Levi before you leave would it be possible for you and others who worked on the other bill to draw up a comprehensive compromise?

MARK LEVI: I would be very happy to do so, if the others were here today we would get together and put it on paper for you people.

REPRESENTATIVE TIFFANY: Would it be possible to have available to the committee by Friday or at least a rough draft by Friday?

MARK LEVI: As far as thats concerned we can get together and try and make that today maybe

REPRESENTATIVE TIFFANY: If you could point out to us who the other interested partys are so that we can run it through them as well. Mr. Lee has apparently indicated agreement with the...
and I've got the other partys as far as this bill goes...

MARK LEVI: We don't have a large number of committee members here but I would indicate that there were some members of the committee who were interested in opening it up for fly-fishing and others were interested in opening up the reservoirs for hunting, still others felt that all types of recreation should be included and thats why this bill is up for a shoot today. It seems reasonable to gather testimony that water utilities would support a reasonable compromise bill.

TUESDAY

MARCH 27, 1973

...encompassing better points of the fly-fishing bill and general recreation bill. You know our deadline is Friday & tentatively its Friday, I would like to see for one as vice chairman the compromise bill, one bill encompassing all these drafts.

MARK LEVI: I will try and do it, Thank you.

REPRESENTATIVE TIFFANY: Is there anyone else speaking in opposition, technical opposition at least to 9157? If not we will move on to 2190, An Act concerning Protection of Open Space Land Opened For Public Benefit. those speaking in favor first...

JOHN EGEBERT: My name is John E. Egebert I reside in Hebron, Connecticut and I am Secretary Forester of the Connecticut Park and Forest Association and appearing on Senate Bill 2190. The past two years the Connecticut Forest and Park Association has been involved in a Connecticut natural areas project, I have a couple copies of our project report which I will leave with the committee. One of the things that we found that was one of the chief problems in holding areas of unique scientific and educational value for public purposes is the problem of the owners in most cases being non-profit organizations and being faced with the prospect of having to pay so called betterment taxes and I would like to point out to the committee that these taxes would be considered to be assessments for water mains, sewer mains, sidewalks ect, ect..., when these betterments in fact do not serve the land that would be held for public benefit and if these assessments were applied to the land then the organizations holding the property would be faced with an undue burden and in some cases a very extensive burden if they were large holdings. I would like to point out to the committee that in the 1972 section H.B. 5336 was favorably reported by both the committees on Finance and the committee on Environment and I would also like to point out that Finance held a hearing a similar proposal in Richfield on Tuesday evening. I think there are a variety of organizations such as Autobon, Conservancy, and local land trusts who are owning this type of land who would benefit greatly if they knew they would not be assessed for sewers, water mains, ect..., when these in fact would not serve the property in question. I do feel that if the propertys in question ever required these services they should have the abilitys of...should have to pay a defered assessment at that point for these benefits. Now I am not quite sure whether the wording of 2190 is specific enough to address itself to the problem. I have one suggestion since Finance has another month before its deadline that Environment might give this one a favorable one and refer it to Finance and urge them to give favorable consideration to it because there are as I say probably fifty or a hundred organizations in this catagory that could not pay such taxes if they were imposed on the land. Many of the deeds to these organizations would require that the land revert back to the grantors of if the grantors were deceased then it would be up to the court to make distribution of the property and it would be rather self-defeating. I hope you will give it favorable consideration and refer it to Finance. Thank you.

Wednesday

THE ENVIRONMENT

March 28, 1973

ments right there if a certain group called the Environmental Protection Association and others hadn't taken the appeal to court and the court upset the variance they received and now that's going to the Supreme Court, too. So I feel that your bill should if possible prevent water companies from having holding companies. It should say that water companies shall be in the water business and not in the land business. I don't know exactly how it will fit into the wording. I hope that you conceive it. I hadn't thought it through completely myself. Anyways, I want to leave you with that one very essential point. If they can turn to private profit, there's a tremendous temptation put before them. If the legislature can remove that temptation it will be doing all the public a great service.

SENATOR PHILIP COSTELLO, JR.: Thank you, sir. We did have a hearing on this bill at the Capitol and the counsel for a group of water companies appeared before us and we discussed some of the philosophy behind this whole problem. I think that they recognize, and we feel, that the land owned by water companies is to some degree in a public trust. They have powers of eminent domain given to them by the state to acquire water shed properties and they have many advantages as public utilities in the acquisition of properties and at a time in the past when it was easy to come by property rather inexpensively. But now that water is becoming a very precious commodity, anything that might endanger the purity or quality of the water such as the sale of true water shed land is subject to severe public scrutiny. So I don't think they're insensitive to the problem, at least so they've attempted to convey to us, but how we can regulate them within the bounds of constitutional propriety is a serious problem. We are looking at it.

EUGENE CEDAR: The water company, of course, acquires that land and the Public Utilities Commission feeling about it is that once it's on the rate base, it wasn't a stockholder purchase. It was a rate payer purchase because the rates are based directly on the value of the land. The other concept of this land is that it's an irreplaceable natural resource and if you carry it to the extreme where the water company is allowed as private organization to say that this is our asset and we as any other private business can sell this asset, it leaves the people of the State without any...well, it doesn't leave them without any real water supply..actually the water supply would have to be highly treated which would be decreased in quantity because there would no longer be the retention land and it would all flow off swiftly during storms. It would leave us without water so it has...it is one thing more that a piece of property that the water company owns, we feel that it belongs to all the people of the State and then it doesn't represent the piece of land such as might be owned by an electric company where they would put wires... this is the source itself. I cannot imagine how you can tell the Supreme Court of the United States that but eventually we're going to have to. I think very soon one of these cases might go right there.

SENATOR PHILIP COSTELLO, JR.: Thank you. Is there further testimony on this bill? If not, we'll proceed to House Bill #9157, AN ACT CONCERNING RECREATIONAL ACTIVITIES ON THE GROUNDS OF PUBLIC WATER SUPPLY RESERVOIRS. Does anyone wish to be heard on this bill?

The concept here, of course, being to make available to the public the recreational use of reservoirs. Now this particular bill would permit sport fishing in designated locations and bathing in the storage reservoirs

Wednesday

THE ENVIRONMENT

March 28, 1973

not the reservoirs that are used directly for drinking water but the storage reservoirs. For many years, fishing groups and hunting groups have sought the use of such facilities and some states do permit it. Connecticut does not at the present time. It's our belief that we'll come out with some sort of a bill this time that will permit some recreational use because the water companies have agreed to go along to a degree with this sort of a proposal. We may start off with something that has been negotiated by agreement. It's an interesting concept. The Connecticut Department of Health has for many years opposed any public use of reservoirs for recreational purposes and there is great conflict of expert testimony as to whether or not this contaminates the water to any serious degree.

We'll proceed then to House Bill #9079, AN ACT PROVIDING FOR THE CREATION OF BIKE PATHS. Does anyone wish to be heard on that bill?

STEVE ZEMKE: My name is Steve Zemke. I'm a graduate student at Wesleyan University. I'm a bike rider myself and I'd just like to make a few comments on the bill and that is that there are many bike riders at Wesleyan as well as in Middletown. There is a definite problem of places to ride - of places to ride safely. One problem with bikes is the safety of the rider...not being hit by cars and also the problem for cars. And you note this especially when the person is bike riding, a car will go way out to swerve around him. If there is a car coming from the other direction, there is a great possibility of accident. So I see there is definitely a need for places for people to go out and spend the afternoon riding or something like that and not have the danger of being hit by an automobile. I would also say that this is an excellent opportunity to encourage people to take up bike riding as a recreational activity and also it would be very beneficial to younger children who would be riding in the streets. I see this as a definite way for parents, if their kids have a bike, to encourage them to go riding on a bike trail rather than on the streets where there is the possibility of accidents.

SENATOR PHILIP COSTELLO, JR.: Thank you very much. Is there further comment?

IRENE ANGELETTA: My name is Irene Angeletta and I would like to go on record saying that I support this legislation because I'm a bike rider and I feel also that the problem of safety on the roads is one that is a considerable problem. If you've ridden on highways in Connecticut or not even necessarily highways but secondary roads, cars do come fairly close to bike riders. And also as far as children are concerned, I think bicycling is an excellent activity for physical fitness and I think children should be encouraged and it's difficult to encourage children to ride on roads because of the problem of safety so therefore I think that if there are bicycle paths, children can be encouraged in this direction.

SENATOR PHILIP COSTELLO, JR.: Thank you. I might comment for those who have not seen this particular proposal. It was sponsored by Representative DeMerrell of Essex who represents a number of towns along the Connecticut River: Chester, Deep River, part of Haddam. The old railroad line that runs from Old Saybrook to Hartford is partially being used in the summertime by a group of railroad enthusiasts who have restored an old railroad train and run it as a sightseeing route along the Connecticut River up to Deep River from Old Saybrook. At the present time, they do not use that portion of the road bed extending north from Deep River into Middletown. The concept was that possibly the unused roadbed could be used as a bicycle path with some