

Legislative History for Connecticut Act

HB 5464	PA 417	1979
House - 1647-1655, 7659-7666		17
Senate - 766, 2120-2132, 2399-2401, 2587-2588, 3852-3853, 3930		22
Environment - 652, 658, 758-759, 771-772, 774-776		9
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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1979

VOL. 22  
PART 5  
1380-1748

Hearing none, it is so ordered.

CLERK:

Calendar, Page 9, Calendar No. 253, File No. 59. Substitute for House Bill No. 6112. AN ACT CONCERNING STUDENT REAL ESTATE INTERNSHIP PROGRAM. Favorable Report on the Committee on Insurance and Real Estate.

REP. GROPPPO: (63rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Groppo.

REP. GROPPPO: (63rd)

May this item be passed retaining its place on the Calendar, please?

SPEAKER ABATE:

Is there objection to passing this item? Is there objection? Hearing none, it is so ordered.

CLERK:

Calendar Page 9, Calendar No. 255, File No. 56. Substitute for House Bill No. 5464. AN ACT CONCERNING THE CIVIL PREPAREDNESS LAWS. Favorable Report on the Committee on Public Safety.

REP. COLUCCI: (71st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Colucci.

House of Representatives

Thursday, March 22, 1979

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REP. COLUCCI: (71st)

Mr. Speaker I move acceptance of the Committee's Favorable Report and passage of the Bill.

SPEAKER ABATE:

The question is on acceptance of the Joint Committee's Favorable Report and passage of the Bill. Will you remark Rep. Colucci?

REP. COLUCCI: (71st)

Yes, Mr. Speaker. The intent of this Bill is to align the State laws with the Federal laws. The Disaster Relief of Act of '74, known as Public Law 92-93288, has become the guideline in dealing with natural disasters and Section 28-1 is amended by the addition of "or a disaster" following the phrase "by any such attack". This is added purely for clarification purposes.

Further House Bill 5464 inserts two new definitions for major disaster and emergency, while repealing the old definition for disaster. Again, this is done to align Federal and State legislation. Having Federal and State legislation say the same thing facilitates the administration of these laws. I move acceptance of the Bill, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the Bill? Will you remark further on the Bill? Members please be seated.

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REP. DE MERELL: (35th)

Mr. Speaker.

SPEAKER ABATE:

Rep. DeMerrell.

REP. DE MERELL: (35th)

Thank you, Mr. Speaker. Through you a question to Mr. Colucci.

SPEAKER ABATE:

Frame your question please, Rep. DeMerrell.

REP. DE MERRELL: (35th)

For the edification of the Chamber, in line 23 the Bill refers to surname, or something of that nature, would you care to illucidate on the meaning of that word?

SPEAKER ABATE:

Would the gentleman care to respond to the question?

REP. COLUCCI: (71st)

Mr. Speaker, I knew that would be asked.

It's a tidal wave according to Mr. Stolberg who is a geography major or a professor in geography.

SPEAKER ABATE:

Rep. DeMerrell you have the floor.

REP. DE MERRELL: (35th)

Well I just would like to note that if our State ever happens to shift coasts so that we are subject to the Pacific

Ocean, indeed it may be of concern and I'm glad that we're that farsighted.

SPEAKER ABATE:

Thank you Rep. DeMerrell, than you very much. Will you remark further on the Bill?

REP. HANLON: (70th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Hanlon.

REP. HANLON: (70th)

Mr. Speaker, I have a couple of questions and the reason why I'm going to be posing these questions is that I believe that in many instances this Bill reflects the wording of Federal statutes, however, it is not always proper apparently to just incorporate as a whole, language from Federal statutes and I think perhaps my questions will bring this point out.

Through you, Mr. Speaker, I'd like to direct a question to the gentleman reporting out the Bill.

SPEAKER ABATE:

You may proceed.

REP. HANLON: (70th)

Mr. Colucci, on lines 26 and 27, the definition of major disaster, there is reference to other catastrophies in any part of the United States. Through you, Mr. Speaker, my question is

if there were a tornado in Hawaii, could the Governor proclaim a major disaster area here in Connecticut under that definition?

SPEAKER ABATE:

Would the gentleman care to respond to the question?

REP. COLUCCI: (71st)

I doubt it, because I don't think we'd get any Federal assistance by doing that, and I think what this Bill is doing is by defining what emergencies we have would be the reasons we would be getting Federal assistance, or United States assistance. And I don't think Connecticut would get that kind of an emergency grant or assistance if the disaster took place in whatever city you mentioned, or state.

REP. HANLON: (70th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Hanlon.

REP. HANLON: (70th)

I won't direct my second question because I presume the answer will be the same but I'd just like to point out, bring to the members attention that the same situation exists on line 40 and 41 of the Bill and with very, with great respect to my good friend Mr. Colucci, I would respectfully disagree with his interpretation. I believe that this Bill obviously is an attempt to incorporate Federal standards into a statute and sometimes I

object to doing that, but sometimes I see merit in doing it, but I do see dangers in just wholesale adoption of language from Federal statutes and I think misapplication of this law could result by an interpretation of the words as contained on line 27 and 26 and 40 and 41 of this Bill.

It gives far reaching power to declare disasters and I think it could be conceivably -- occur in this State that a disaster or an emergency that did not actually exist here in the State of Connecticut might be used as a basis to declare such a situation here in Connecticut. Thank you.

SPEAKER ABATE:

Will you remark further on the Bill?

Will the members please be seated. Staff and guests please come to the well of the House.

REP. JAEKLE: (122nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Jaekle.

REP. JAEKLE: (122nd)

I apologize, Mr. Speaker, for being late on chiming in but I have a question to the proponent of the Bill I would like to direct through you.

SPEAKER ABATE:

Frame your question please, Rep. Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. It concerns lines 206 through 211 of the file copy of the Bill wherein a penalty section had been inserted to the existing language carrying penalties not in excess of \$500., but my question is whether the Judiciary Committee has reviewed this piece of legislation?

SPEAKER ABATE:

Does the gentleman care to respond to the question?

REP. COLUCCI: (71st)

To my knowledge I don't know if they have reviewed this section. We mentioned it in Committee and the reason we went with the Bill, if you look in the file copy, there's -- the revenue estimates for this Bill are nil -- such a fine could only be imposed during a time of a major disaster which is determined by the President - the emergency, which is, it's almost has nothing really -- we thought it didn't have to go there. It probably will never be used and that's why it wasn't sent.

REP. JAEKLE: (122nd)

Thank you. My concern is that this Bill establishes penalties and indeed, on the last section of the Bill, line 235 through 240 includes a non-discrimination section which is now under the jurisdiction of the Judiciary Committee, when the function of the Human Rights and Opportunities Committee was merged with Judiciary and it would seem appropriate to me that

the Judiciary Committee consider this Bill. Thank you.

SPEAKER ABATE:

Will you remark further on the Bill? Will you remark further on the Bill? Will the members please be seated. Will the members please be seated. Staff and guests please come to the well of the House.

The machine will be opened.

The House of Representatives is voting by roll at this time, will you please return to the Chamber immediately.

The House of Representatives is voting by roll at this time, will members please return to the Chamber immediately.

Have all the members voted? Have all the members voted? Will the members please check the roll call machine to determine if their vote is properly recorded? The machine will be locked and the Clerk will take the tally.

REP. STOLBERG: (93rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Stolberg.

REP. STOLBERG: (93rd)

In the affirmative please.

SPEAKER ABATE:

Will the record please indicate that Rep. Stolberg has cast his vote in the affirmative.

Will the Clerk please announce the tally.

CLERK:

House Bill 5464

Total Number Voting 145

Necessary for Passage 73

Those Voting Yea 119

Those Voting Nay 26

Those Absent & Not Voting 6

SPEAKER ABATE:

Bill passes.

CLERK:

Calendar, Page 9, Calendar No. 256, File No. 61, Substitute for House Bill No. 5330, AN ACT CONCERNING AFFIRMATIVE ACTION PLANS FOR LOCAL AND REGIONAL BOARDS OF EDUCATION. Favorable Report of the Committee on Education.

REP. GROPPPO: (63rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Groppo.

REP. GROPPPO: (63rd)

Mr. Speaker, may this item be passed retaining its place on the Calendar, please?

SPEAKER ABATE:

Is there objection to passing this item? Hearing none, it is so ordered.

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House of Representatives

Tuesday, May 15, 1979

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kbu

CLERK:

Senate Bill 1555, with House Amendment Schedule "A".

Total number voting 135

Necessary for passage 68

Those voting yea 135

Those voting nay 0

Those absent and not voting 16

DEPUTY SPEAKER COATSWORTH:

The bill as amended is passed.

CLERK:

Calendar, page 26. Disagreeing Actions (Potential)

Calendar No. 255, File 56 and 872. Substitute for House Bill

5464. AN ACT CONCERNING THE CIVIL PREPAREDNESS LAWS. As

amended by Senate Amendment Schedule "A". Favorable Report of  
the Committee on Judiciary.

REP. COLUCCI: (71st)

Mr. Speaker.

DEPUTY SPEAKER COATSWORTH:

Rep. Michael Colucci.

REP. COLUCCI: (71st)

Mr. Speaker, I move acceptance of the Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER COATSWORTH:

The question is on acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, sir?

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REP. COLUCCI: (71st)

Mr. Speaker. The Clerk has an amendment LCO 8518. If the Clerk would call and read the amendment please.

DEPUTY SPEAKER COATSWORTH:

Clerk will please call and read LCO 8518 House Amendment Schedule "A".

CLERK:

LCO 8518 offered by Rep. Swieszkowski of the 26th.

In line 209 after the word "chapter" insert the words "during the civil preparedness emergency".

DEPUTY SPEAKER COATSWORTH:

We have the amendment sir, what is your pleasure?

REP. COLUCCI: (71st)

Mr. Speaker I move passage of the amendment.

DEPUTY SPEAKER COATSWORTH:

Question is on adoption of House Amendment Schedule "A".  
Will you remark sir?

REP. COLUCCI: (71st)

Yes, all the amendment does is it clarifies the right of entry and the fines are applicable only in situations where the Governor has declared a civil preparedness emergency. I move the amendment.

DEPUTY SPEAKER COATSWORTH:

The question is on adoption of House Amendment Schedule "A". Rep. Van Norstrand.

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REP. VAN NORSTRAND: (141st)

Mr. Speaker. I can't help but say I support the amendment Mr. Speaker as to say when I was looking for it two months ago when this bill was before us.

DEPUTY SPEAKER COATSWORTH:

Will you remark further on the amendment. Will you remark further on the adoption of the amendment? All those in favor of the amendment please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COATSWORTH:

Opposed. No. The ayes have it. The amendment is adopted.  
Ruled technical.

REP. COLUCCI: (71st)

Mr. Speaker. The Clerk has Senate Amendment Schedule "A" which is LCO 7487, and if the Clerk would call and I have permission to summarize.

DEPUTY SPEAKER COATSWORTH:

Clerk will please call LCO 7487, which is Senate Amendment Schedule "A".

CLERK:

LCO 7487 offered by Sen. Leonhardt of the 5th.

DEPUTY SPEAKER COATSWORTH:

Gentlemen let us all leave the Chambers and summarize in lieu of reading. Any objection. Hearing none, Rep. Colucci will

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## 1979 GENERAL ASSEMBLY

## SENATE

APRIL 4, 1979

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to the Committee.

SENATOR LIEBERMAN:

Mr. President, on Calendar 190, I'd move that Senate Bill number 1313, that's reason enough to recommit it, right there, Mr. President - File 82 be recommitted to the Committee on Labor and Public Employees.

THE CHAIR:

You have heard the Motion. Is there objection to recommit this item to Labor and Public Employees? Hearing none, it is so ordered.

SENATOR LIEBERMAN:

Thank you Mr. President. Continuing on page seven, Calendar 221, we will take up. We will mark passed retaining, the remaining items on page seven. On page eight, Calendar 246 will be passed retaining. We will take up the next three items, Calendars 247, 250 and 251. Calendar 253 will be passed retaining and Calendar 254, Mr. President, I'd move that Substitute for House Bill 5464 File No. 56 be referred to the Committee on the Judiciary.

THE CHAIR:

You have heard the Motion to refer this item to the Committee on Judiciary. Is there objection? Hearing none, it is so ordered.

SENATOR LIEBERMAN:

Thank you Mr. President. Page nine, Calendar 260, I'd

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time, just requesting a Roll Call. Will you remark further? Hearing no further remarks, would you announce an immediate Roll Call in the Senate.

THE CLERK:

Immediate Roll Call has been ordered in the Senate. Would all Senators please take their seats. Immediate Roll Call has been ordered in the Senate. Would all Senators please return to the Chamber.

THE CHAIR:

The machine is open. Have all Senators voted?

THE CLERK:

Roll Call taking place in the Senate. Would all Senators please be seated.

THE CHAIR:

The machine will be closed. The Clerk will take a tally.

The vote is:

26 YEA

9 NAY

The Bill is passed.

THE CLERK:

Continuing on page 5 of the Calendar, Calendar 254, File 56, Favorable Report of the Joint Standing Committee on Judiciary, Substitute for House Bill 5464, AN ACT CONCERNING PREPAREDNESS LAWS.

THE CHAIR:

Senator Leonhardt.

SENATOR LEONHARDT:

Mr. President, I move acceptance of the Joint Committee's Favorable

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Report and passage of the Bill.

THE CHAIR:

Question is on acceptance and passage. Will you remark, Senator?

SENATOR LEONHARDT:

Very briefly, what this Bill basically would do is bring certain aspects of our Civil Preparedness Statutes into line with federal statutes and federal guidelines in five areas. First of all, the Bill would distinguish between major disasters on the one hand and emergencies on the other so that the State of Connecticut could qualify for federal aid in emergencies that are less than Federal disasters; less than major disasters. It would also clarify that civil preparedness personnel, including federal employees are protected from liability for actions related to their civil preparedness actions. It would set up a fine of \$50.00 to \$500.00 on anyone refusing to allow access to his or her property by persons engaged in civil preparedness functions. It would also require state approval of local civil preparedness plans and finally, the Bill would prohibit discrimination in the implementation of the Act. If there are no objections Mr. President, I move that the Bill be placed on the Consent Calendar.

THE CHAIR:

The question is on acceptance and passage. Will you remark on the question? Senator Post.

SENATOR POST:

Mr. President, thru you Mr. President, I wonder if I could ask Senator Leonhardt a couple of questions. Through you Mr. President, if I understand

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the File Copy correctly, emergency now is defined to mean, among other things, any snow storm and I would appreciate an explanation as to what - I'm referring to Line 40 in the File Copy - what powers then would trigger in under this civil preparedness law in the event of a snow storm?

THE CHAIR:

Senator Leonhardt if you care to respond.

SENATOR LEONHARDT:

Yes Mr. President. What happens is that the State of Connecticut can apply to the federal government for aid based on an emergency condition and for emergencies as opposed to major disasters, simply the relevant agency in Washington has to approve that there is an emergency for the State of Connecticut to qualify for aid. Whereas, for major disasters, the President of the United States has to declare a major disaster. So that in the event of a snow storm, the State of Connecticut could make application either as an emergency or, I'd also point out, through you, Mr. President, that snow storms can, under the definition above, the definition of emergency, also be major disasters. The State of Connecticut could apply for aid, either as an emergency or a major disaster and then action would be taken by the relevant decision maker in Washington as to whether the State had qualified for assistance.

THE CHAIR:

Senator Post, you have the floor.

SENATOR POST:

Thank you Mr. President. Again through you Mr. President, I remember

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earlier in the session we had a great deal of correspondence regarding powers being delegated to government officials to take property, to come onto your property and so forth. Senator Leonhard, through you Mr. President, would you be kind enough to tell me whether or not those powers in this law be extended to government officials?

THE CHAIR:

Senator Leonhardt if you care to respond.

SENATOR LEONHARDT:

Yes, Mr. President. I suppose that the actual rights of entry are not being extended, but a fine is being imposed if the right of entry is denied or refused. I'd also point out, and Senator Post is very helpful I think in an important area of this legislation, that in the situation of Storm Larry that confronted the State a year ago, the Governor had to execute, had to sign a right of entry agreement, before the Federal Government would agree to send federal personnel in to help the State of Connecticut and one of the important provisions of this Bill, in terms of extending protection from liability to federal employees would be to allow the federal government to take action more quickly without executing a lot of extra paperwork in the event of an emergency.

THE CHAIR:

Senator Post, you still have the floor.

SENATOR POST:

Thank you Mr. President. I'd like to go back into that questioning. I'm not sure I got - maybe I didn't ask my question directly enough.

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Under this proposed law, do government officials in a snow storm, have the right to come onto your property and take your property?

THE CHAIR:

Senator Leonhardt.

SENATOR LEONHARDT:

Thank you Mr. President. They do have the right to come onto your property in order to execute certain specific functions such as evacuating personnel to shelter areas, controlling traffic and panic, controlling the lighting and civil communication and in order to perform those functions, they do have the right to do so. However, the Bill doesn't really treat that area. It doesn't change the treatment of that area. It does set up a fine for people who refuse to let personnel execute those functions and it does protect federal personnel from liability while they're performing those functions.

THE CHAIR:

Senator Post, you still have the floor.

SENATOR POST:

Thank you sir.

THE CHAIR:

Any further discussion on the question? Hearing none, the Motion is, Senator Gunther.

SENATOR GUNTHER:

Mr. President, thru you, a question to Senator Leonhardt.

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THE CHAIR:

Proceed Senator.

SENATOR GUNTHER:

If he'd care to, I'd like to know - actually, in this Bill, it very succinctly says that disasters and emergencies could exist anywhere in the United States and this Bill would be brought on line. Is that correct?

THE CHAIR:

Senator Leonhardt if you care to respond.

SENATOR LEONHARDT:

Senator Gunther, which line was that on?

SENATOR GUNTHER:

Well, actually, it's in both - Line 22, Major Disaster, that whole section going down below Line 46 - it describes what is disaster or an emergency is and it says anywhere in the United States -

THE CHAIR:

Senator Leonhardt.

SENATOR LEONHARDT:

Thank you Mr. President. I noticed that language after the Bill had come out of Committee and gone through the House by a margin of 118 to 26. I think Senator, in an absolutely perfect world, those three little words might not have been there in terms of drafting, but I don't think that they do any damage. I think it's self evident that the State of Connecticut and the Governor of the State of Connecticut don't execute any jurisdiction beyond the boundaries of the State.

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THE CHAIR:

Senator Gunther you have the floor.

SENATOR GUNTHER:

Mr. President, again, I'll ask you, with that terminology being there, they could. I don't know the last sonomy we had or the volcano, whether the one down in St. - one of those little islands down there, but right now, with this language, wouldn't that allow a state of emergency or a disaster to be declared in the State of Connecticut, under the verbics that are in this particular Bill?

THE CHAIR:

Senator Leonhardt if you care to respond.

SENATOR LEONHARDT:

I don't quite get your question. Could you clarify the question?

SENATOR GUNTHER:

With the verbage that exists in this particular Bill right now, if a volcano, a landslide, a mudslide, a snowstorm, a draught, a fire, an explosion, a sonomy, no matter what it might be occurring anywhere in the United States, if it occurred, according to the language in this Bill, would it not then set up the mechanism to either declare an emergency or a disaster in the State of Connecticut, according to this Bill that we have before us?

SENATOR LEONHARDT:

I think, Senator Gunther, that's so out of line with common sense that I don't think it's a contingency that we need to be unduly concerned

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about.

SENATOR GUNTHER:

Mr. President, I have great concern when common sense comes into government and quite often, we have things that occur here that if the language is in the law, that's the law of the land and I think that if that isn't what the intent is, I think this language should possibly be cleaned up before we ever act on this because certainly we should not take and give this type of authority to either the Governor or the Civil Preparedness, if it's going to apply to any situation that occurs anywhere in the United States. Now, you can say all you want about what the intent and common sense is, but when we write into a law and we very succinctly say that when any of these disasters take place, anywhere in the United States, that we then have a disaster situation, or an emergency in the State of Connecticut and if this is not the intent of this Bill, I would suggest that possibly you pass retain it and clean it up.

THE CHAIR:

Question is still on acceptance and passage. No Motion has been made other than that. Senator Post, for the second time.

SENATOR POST:

Thank you Mr. President. Through you Mr. President, I'd like to ask Senator Leonhardt, in section 4 in the protection from responsibility, if I understand - am I correct Senator Leonhardt, that a person now who is authorized by the State as the result of a snowstorm occurring anywhere in

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the country, could come onto your property and you could not - and do damage, and you would have no right to sue them?

THE CHAIR:

Senator Leonhardt, if you care to respond to the question.

SENATOR LEONHARDT:

As long as they are executing a civil preparedness function and they're not engaged in a situation of willful misconduct. That's the case.

SENATOR POST:

I don't see an exemption for willful misconduct.

SENATOR LEONHARDT:

In Line 179.

THE CHAIR:

Through the Chair, gentlemen.

SENATOR POST:

If a person, through you Mr. President, if a person is authorized by the State comes onto your property and does damage, it's not that that person is held harmless by the State and would recover any expenses of suit, but rather the property owner under this, has no recourse against the State or the town or any local official, operating under this Act? Is that correct?

THE CHAIR:

Senator Leonhardt, if you care to respond?

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SENATOR LEONHARDT:

Through you Mr. President, that is correct. And I think this is very much in keeping with the long-standing tradition that in situations of civil emergency, the State has certain extraordinary powers that have to be executed and this statute is really not changing the concept there at all, except to extend it to federal officials who are assisting the State. We're really building on a very long-time, well established concept and only saying that the same, very same concepts that we, for a long time had for local and state officials we're now going to extend to federal officials who come into the State of Connecticut at our request, to help us in times of civil emergency.

THE CHAIR:

Senator Post, you still have the floor.

SENATOR POST:

Thank you Mr. President. I appreciate Senator Leonhardt's answers and I'm convinced that he believes this is good and proper law. Frankly, I'm concerned. This is one of those very strange issues which only triggers in, we hope, in times of what all of would view to be a natural disaster or some great emergency. Unfortunately, this is one of those laws however, with all the good intent, which goes far beyond that and would seem to allow government officials to come onto anybody's property, technically, anytime there's a snowstorm anywhere in the United States. That scares me. I don't think we should be adopting laws that are quite that wide open. If

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and when we have trouble in Connecticut, I think we should be very sure and very clear as to what authority people have to come onto your property, use your property and be exempt from any responsibility. And I frankly, am not prepared to support this Bill at this time because I don't think it's tightly drawn. I think it's too broad and with all the good intent of protecting us in the event of natural disasters, it does seem to give any person authorized by any town officials to come in in any snowstorm onto your property and to be exempt from any liability. That's too broad and I think I'll vote against it. Thank you, sir.

THE CHAIR:

Further discussion on the Bill? Senator Ballen.

SENATOR BALLEEN:

Thank you Mr. President. As I recall the Committee testimony, the hearings and the discussion, I was convinced that this was a good Bill and was, in fact, needed. However, I also recall I think that at one of the Committee meetings, there was some discussion about acts, disasters or accidents occurring outside of the State of Connecticut and they were specifically not to be included in the Bill and I thought some language was going to be drafted by one of the attorneys for the Committee that would exclude accidents or disasters outside of the State of Connecticut and I was wondering, perhaps through you Mr. President, if I could suggest to Senator Leonhardt that perhaps an Amendment might be in order at a future date, to pass retain the Bill, and he could draw an Amendment because I

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certainly do recall that there was discussion in the Committee that we would exempt occurrences outside of the State of Connecticut from being affected by this Bill.

THE CHAIR:

Are you making a Motion to pass retain or pass temporarily so that an Amendment can be prepared, Senator?

SENATOR BALLEEN:

I would make a Motion to pass retain the Bill if I may, Mr. President.

THE CHAIR:

To pass retain. The Motion before the Chamber at this point is to pass retain the item which is on page 5, Calendar 254. Is there discussion on the Motion to pass retain? Senator Leonhardt.

SENATOR LEONHARDT:

As a courtesy to Senator Ballen who I worked very closely with, on a cooperative basis in the Committee during this Session of the General Assembly, I would like to second the Motion to pass retain the Bill and I'll work with him and I think we can come back and deal with this important area for the State.

THE CHAIR:

Senator Ballen.

SENATOR BALLEEN:

Thank you. Thank you Senator Leonhardt. I didn't really want it as a matter of courtesy. I really think it's a good Bill. I think it's a Bill

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that should pass, but I do see obvious defects that were discussed in Committee that I think can be corrected and that's really why I made the Motion.

THE CHAIR:

The Motion is to pass retain the item. Is there further discussion on the Motion? Any objection? Hearing none, it is so ordered. The item is passed retaining its place on the Calendar.

THE CLERK:

Continuing on page 5 of the Calendar, Calendar 337, File 272, Favorable Report of the Joint Standing Committee on Insurance and Real Estate, Substitute Senate Bill 713, AN ACT CONCERNING PARTIAL PAYMENT OF CLAIMS.

THE CHAIR:

Senator Murphy.

SENATOR MURPHY:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill. I believe the Clerk has an Amendment.

THE CHAIR:

Question is on acceptance and passage and the Clerk has an Amendment.

THE CLERK:

Clerk has Senate Amendment, Schedule A, Senate Bill 713, offered by Senator Murphy, LCO 7664. 7664. Copies are on the desks.

SENATOR MURPHY:

Mr. President, I move adoption of the Amendment.

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1979

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PART 8  
2397-2748

Thursday, May 3, 1979

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THE CHAIR:

Will you remark further on the nomination? Hearing no further remarks, announce an immediate roll call. The machine is open.

THE CLERK:

Roll call taking place in the Senate. Would all Senators be seated. Roll call in process in the Senate. Would all Senators please return to the Chamber.

THE CHAIR:

Machine will be closed. The Clerk will take a tally. The vote is 36 yea, 0 nay, the Resolution is adopted.

THE CLERK:

Continuing on page 4 of the calendar, under the heading Favorable Reports, calendar 254, File 56, Favorable Report of the Joint Standing Committee on Judiciary, Substitute for House Bill 5464, An Act Concerning the Civil Preparedness Laws.

THE CHAIR:

Senator Leonhardt.

SENATOR LEONHARDT:

Mr. President, move acceptance of the joint committee's favorable report and adoption of the bill.

THE CHAIR:

Question is on acceptance and passage. Will you remark, Senator?

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SENATOR LEONHARDT:

I believe Clerk has an amendment.

THE CLERK:

Clerk has Senate amendment Schedule "A", File 56, Substitute House Bill 5464, LCO 7487, offered by Senator Leonhardt. 7487.

SENATOR LEONHARDT:

I'd like to waive reading of the amendment, if I may, Mr. President.

THE CHAIR:

Without objection, it is so ordered. Moving for the adoption of the amendment, Senator.

SENATOR LEONHARDT:

Yes. So moved, Mr. President.

THE CHAIR:

Yes, Sir.

SENATOR LEONHARDT:

What this amendment would briefly do is take out reference to "In The Whole United States" and just substitute reference to "The State Of Connecticut" in the sections which we discussed yesterday on the Senate floor and subsequently in Sec. 4 of the bill slightly narrow the immunity provisions so that the only people who would be immune who were authorized by the Civil Preparedness Forces not by any member of the State or local government. If there's no objection, Mr. President, I move

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adoption of the amendment.

THE CHAIR:

Question is on adoption of Senate "A". Will you remark further on adoption? Hearing none, those in favor indicate by saying aye. Those in opposition? Senate "A" is adopted. Proceed, Senator Leonhardt.

SENATOR LEONHARDT:

Mr. President, I believe I explained the bill quite fully yesterday and if there's no further objection, I move that the bill be placed on today's consent calendar.

THE CHAIR:

Further discussion on the bill. Motion is to place the item on consent. Is there objection to the motion? Hearing none, it is so ordered. The item is placed on the consent calendar.

THE CLERK:

Turning to page 5 of the calendar, calendar 404, File 195, Favorable Report of the Joint Standing Committee on Finance, Revenue and Bonding, Substitute for House Bill 7864, An Act Concerning Town Ordinances Regulating Vending on Public Streets and From House to House.

THE CHAIR:

Page 5, calendar 404, Finance, Revenue and Bonding bill.

SENATOR BECK:

Mr. President.

HB 5464, HB 7864, HB 5880, HB 7661, SB 133, SB 790, SB 132, HB 6550, HB 6564,  
SB 575, HB 7920, HB 7810, HB 5452, HB 7200, HB 7755, SB 1496, SB 710, SB 1509,  
SB 1532, SB 1536, SB 1618, SB 1647, SB 1530, SB 870, SB 293, SB 497, SB 1473,  
SB 1602, SB 1604, SB 364, SB 545, SB 1360, SB 1432, SB 1566, HB 7787, HB 7904,  
HB 7624, HB 7900, HB 7619, HB 6001, HB 6835, HB 6977, HB 7742, HB 7751,  
HB 7754, HB 7756, HB 5365, HB 5653, HB 5712, HB 5750, Thursday, May 3, 1979  
HB 7843, HB 7319, SB 1523, SB 1556, SB 1483, HB 7617, HB 6752,  
HB 6275, HB 7707, HB 5230, HB 7840, HB 7846, HB 7860, HB 7807, Page 21 **2587**  
HB 7618

calendars 754, 755, 756. On page 26, calendar 760. On page 27, calendar 767, 769. On page 28, calendar 772. On page 29, calendars 782, 783, 785. On page 30, all items, 787, 788, 789, 790, 791, 792 and on page 31, calendar 794.

SENATOR POST:

Mr. President.

THE CHAIR:

Senator Post.

SENATOR POST:

Mr. President, I would request that calendar No. 510 on SB 132 the bottom of page 7, File No. 488 be removed from the consent calendar, Sir, <sup>as</sup> I would like to vote against that proposal.

THE CHAIR:

Bottom of page 7, calendar 510 is requested to be removed from the consent calendar. It is so ordered. Senator Prete.

SENATOR PRETE:

Calendar No. 510 was never on the consent calendar. Oh, yes, it was. Yes, it was. Sorry. That's my mistake.

THE CHAIR:

We will roll call that item first. Announce an immediate roll call in the Senate. Will all Senators take their seats, please. Announce an immediate roll call.

THE CLERK:

Immediate roll call in the Senate. Would all Senators please take their seats.

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THE CHAIR:

We are voting on an item removed from the consent calendar at the bottom of page 7, calendar 510. The machine is open. Have all Senators voted? Machine is closed. The Clerk will take a tally. The vote is 32 yea, 1 nay. The bill is passed. We shall now vote on today's consent calendar. Will all Senators please take their seats. The machine is open. Have all Senators voted on the consent calendar?

THE CLERK:

Senator Murphy.

THE CHAIR:

Have all Senators voted? Machine will closed. The Clerk will take a tally. The vote is 33 yea, 0 nay. Consent calendar is passed.

SENATOR LIEBERMAN:

Mr. President.

THE CHAIR:

Senator Lieberman.

SENATOR LIEBERMAN:

I move for suspension of the rules to allow for immediate transmittal to the House of those items that should go to the House.

THE CHAIR:

Question is suspending the rules for the immediate transmittal of all items that need further House action. Is there

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THE CLERK:

Turning to page twenty-one of the Calendar, under the heading Disagreeing Actions, Cal. 057, Files 19 and 927. Favorable report of the joint standing Committee on Appropriations. Substitute for Senate Bill 112. AN ACT CONCERNING THE CREATION OF A COMMISSION TO STUDY AND UPDATE THE GRAND JURY SYSTEM, as amended by Senate Amendment Schedules A and C and House Amendment Schedules A and B.

THE PRESIDENT:

The Chair will make an observation. It was brought to my attention by the Office of the LCO that there is a minor problem and without objection, it may be marked Passed Retaining.

THE CLERK:

Cal. 254, Files 56, 872 and 1134. Favorable report of the joint standing Committee on Judiciary. Substitute for House Bill 5464. AN ACT CONCERNING THE CIVIL PREPAREDNESS LAWS, as amended by House Amendment Schedule A and Senate Amendment Schedule A.

THE PRESIDENT:

Senator Leonhardt.

SENATOR LEONHARDT: (5th)

I move that the House Amendment Schedule A be accepted and if there is no objection that the bill be placed on the Consent Calendar.

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THE PRESIDENT:

Hearing no objection, so ordered.

Senator Leonhardt moved for adoption of House Amendment A. All those in favor signify by saying Aye. Those opposed Nay. The Ayes have it. THE AMENDMENT IS ADOPTED.

Senator Leonhardt has now moved to place the bill as amended on the Consent Calendar.

THE CLERK:

CA1. 270, Files 157 and 955. Favorable report of the joint standing Committee on Transportation. Senate Bill 470. AN ACT CONCERNING BIDDING FOR FEDERAL OR STATEFUNDED PARATRANSIT PROGRAMS, as amended by House Amendment Schedule A.

THE PRESIDENT:

Senator Owens.

SENATOR OWENS: (22nd)

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill as amended by House Amendment A.

THE PRESIDENT:

Will you remark.

SENATOR OWENS:

Yes, very briefly. This bill would require that any program to provide paratransit services to a state agency and so forth would allow participation by private for profit operators of paratransit vehicles. In essence, that it what

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THE PRESIDENT:

The machine is open.

THE CLERK:

A roll call in the Senate on today's Consent Calendar. Would all senators please return to the chamber. A roll call on the Consent Calendar in the Senate. Would all senators please vote.

THE PRESIDENT:

SB 516, SB 1497, SB 1450, HB 7316, HB 7813, SB 1681, SB 1134, HB 5773, HB 7590, HB 5266, HB 5354, HB 7098, HB 7542, HB 7543, HB 7545, HB 7638, HB 7824, HB 7833, HB 7847, HB 5124, HB 7335, HB 7336, HB 7443, HB 7622, HB 7972, HB 5464, SB 470, SB 1474

Have all senators voted. The machine is closed.

The Clerk will take a tally. The vote is 33 Yea - 0 Nay.THE CONSENT CALENDAR IS PASSED.

I believe there is business left on the Clerk's desk. Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I just wanted to move to suspend the rules to allow for immediate transmittal to the House of those items that should go there.

THE PRESIDENT:

The question is on suspension for immediate transmittal. Is there objection. Hearing none, the rules are suspended and all items needed further House action are transmitted.

THE CLERK:

The Clerk has a favorable report of the joint standing Committee on Banks. Senate Bill 1686. AN ACT CONCERNING A STUDY ON LEGISLATION TO LIMIT THE CONDUCT OF BUSINESS IN

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MR. CAGNETTA (Continued): nuclear's share of total U.S. electric output to 27%. If this nuclear electric output had to be replaced by coal, it would cost approximately \$10 billion per year to the nation's electric customers. Oil replacement costs would be greater, by at least another 100% over coal, or \$20 billion per year in additional electric energy expenses for the consumer. Further, it -- assuming the oil would be available -- Further, it is not clear at this time that the alternatives to nuclear energy could be developed in time, which would then lead to electric shortages. Selective supply shutoffs to absorb the shortfall of electricity would have severe national economic and societal disruptions.

The Federal Government is taking action in developing a more comprehensive nuclear waste management program. Actions proposed by Bill No. 5096 will not contribute to the resolution of the concern, but could lead to significant adverse financial and societal impacts. It would be more constructive for the State to work through their representatives in Congress and the appropriate Federal Legislative Committee to ensure the timely implementation of the current and proposed federal waste management programs.

With regard to Bill No. 5097, although there are no plans to locate a federal high-level waste repository in Connecticut, a more constructive action by the State would be to consider low-level nuclear waste burial in Connecticut. This committee has several proposed bills dealing with the accounting and burial of waste containing toxic substances, including Bill No. 5237 and 5664. Low-level nuclear waste is less hazardous than a majority of the toxic substances we deal within the State of Connecticut. The state planning for waste burial of toxic substances should encompass low-level waste for:

1. It would result in significant savings to Connecticut.
2. It would provide a contingency in the event of closure of other low-level waste burial facilities which would impact not only the nuclear power facilities but all users of radioisotopes including the medical profession.

Thank you.

REP. ANDERSON: Mr. Cagnetta, is Northeast Utilities done anything with hydroelectric.

MR. CAGNETTA: Oh, there's a half a dozen. Commonwealth,  
Edison, Tennessee

: New York

MR. CAGNETTA: New York State, TVA --

SEN. GUNTHER: All geographically -- much larger states than  
the State of Connecticut too and not with the concentration  
of whether geographic area.

MR. CAGNETTA: Well, percent wise -- their percent capacity  
is essentially that of ours. But effectively most utility  
systems work toward a nuclear portion of something like  
50%. 50-60% because most utility systems characteristics  
are very similar in their psychic behavior. Their daily  
psychic behavior load. And when you look at the base load  
night-day load, which is what you want to build -- base  
power facilities for which is really their nuclear portion,  
it runs about 50-60% so we would -- we would not plan to  
add any more to take a greater percent of that load. That  
is in -- when we're saying we need more nuclear in the  
early 1990's, we're saying again that's the base load and  
not the peaking load which we would take with other type  
of facilities. hydro, peaking units using oil and  
gas.

SEN. GUNTHER: Well, what's your anticipated growth per year  
in the needs for additional power. Percentage wise.

MR. CAGNETTA: The number is in the 3% range. I can't remember  
the second digit.

SEN. GUNTHER: From 8% that we were getting thrown at us five  
and six years ago.

MR. CAGNETTA: Well, the 7-8% did not reflect any conservation  
measures. It looked at the growth -- historically. Now  
we're looking at the growth in terms of specific -- we're  
now working with regional planners in Connecticut State  
Planners as to what anticipated industrial, residential,  
commercial growth that they expect in each of the regions  
of Connecticut. We're looking at the effective conserva-  
tion program. We're talking to State people as to what  
conservation programs they tend to implement in the next  
ten years. And we're looking at them optimistically and  
that's how we got from the 7% down to 3% range. So we're  
saying we've reduced that demand both because of the  
slower growth of industry that we project in Connecticut

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SEN. SCHNELLER (Continued): the wisdom of providing this equipment, has recommended that it be included in her budget so that you can, if you so desire, delete the appropriation and send it directly to the floor of the Senate. I hope you'll look upon this favorably. This legislation has been before your committee for the past four years and hopefully this is the year that it will pass and this equipment will be provided.

SEN. SKOWRONSKI: Thank you very much, Senator. Are there any questions? Would this need not go to your committee or to Finance, it can go directly to the chambers?

SEN. SCHNELLER: The appropriation has been recommended by the Governor in her budget.

SEN. SKOWRONSKI: Thank you verymuch.

SEN. SCHNELLER: Thank you, Mr. Chairman.

SEN. SKOWRONSKI: The next speaker on the right, John Bigelow. And then in the on-deck circle Karen Eberhardt, on the left.

MR. BIGELOW: Thank you. Before I read the statement I have prepared, I would like to address myself to a few comments by, I believe, the first speaker this morning who represented the Northeast Utilities. One of the comments he made was that the government was going to be responsible for high level waste and I was immediately reminded that it's the same government who brought us Viet Nam and all the responsibilities there and it was the people of this country who brought us out. I think now's the opportunity for the people to bring us out of further problems.

He also commented that it was special interest groups who talked against the use of nuclear energy and today I have heard only special interest groups talking in favor of it. Nuclear industry is a special interest group. The manufacturers of nuclear-related equipment are special interest groups. The interest group I represent are the people of the towns I live in, my children and future generations. And it's because of this that I'm gravely concerned that we have moved so fast in our use of nuclear power and shown too little regard for not only our current environmental needs, but the health and safety of our yet-to-be-born generations. I beg that the government of this state move to protect its people through the passage of the following legislation. The Proposed Bills No. 263, 1147, 1148, 5016, 5096, 5664, 6816, 6965 and Raised Committee Bill No. 7597. I would, however, like to suggest that they include one sentence in the Proposed Bill No. 5096

MR. BIGELOW (Continued): where it states that the government, through its authorized agency, has identified and approved a demonstrable technology of means for the disposal of high level nuclear waste. I believe the nautical industry -- thought they had approved a demonstrable technology when they sent the S.S. Titanic on its first voyage. They should have reserved demonstrable technology for the conclusion of that voyage and thus, I suggest that they read into -- write into that bill following that high level nuclear waste the following -- and that this means for disposal of said wastes be in operation at the time such construction shall begin.

Simply having the technology does in no way insure the people of this country that it is going to be employed and so we would simply go ahead and build another nuclear facility without this technology in operation.

And so I do, in closing, hope that our government in this state will consider the needs of the people and not the needs of the industry as its paramount goal. Thank you.

SEN. SKOWRONSKI: Thank you very much, Mr. Bigelow. The next speaker is Karen Eberhardt. You have to go to the desk of the minority leader to be picked up on the microphone. And the next speaker on the right will be Ava Biffer followed on the left by Senator Russell Post.

MS. EBERHARDT: Do I have to stand up? If I do, I can't turn my pages.

SEN. SKOWRONSKI: No, you may be seated and proceed at your ease.

MS. EBERHARDT: All right. I represent UCAN, United Citizens Against Nuc's in Fairfield County and the Norwalk Utility Coalition Action Group and Connecticut Solar Coalition and the Clam Shell Alliance and a few other odds and ends. And as people have been speaking, things have been popping into my mind so I have a few other remarks to make that I hadn't originally planned to make, and these are just rhetorical questions, but I think they bear asking.

If nuclear power is cheaper as has just been said, why do the utility companies continue to ask for rate hikes? Why does the cost of nuclear power continue to increase, if it's cheaper? And as far as soft drinks are concerned, I feel that we shouldn't be drinking them in the first place, I don't care what kind of bottle they're in because they're very unhealthy drinks. They're nutritionally ugly drinks. They don't have anything of any nutritional value in them. They're composed

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MS. CARLSON (Continued): The League supports proposed Bill 5236, an act concerning payments to towns by operators of private landfill, for two reasons. The additional revenue may provide an incentive for a town to accept a regional landfill within their boundaries and, secondly, the per ton charge may also provide an incentive for communities to reduce the amount of waste in need of disposal.

Proposed Bill 5235, an act requiring state inspectors on premises of landfill operations attempts to address the problem of non-compliance with state laws and regulations concerning operation and maintenance of landfill. The solid waste management unit of DEP continues to encounter significant difficulties in enforcing landfill regulations. Although the League opposes this bill as going a bit overboard, we wish to make two suggestions regarding this problem.

First, that additional money be appropriated to increase the level of enforcement staffing. We should not expect effective enforcement without adequate staffing levels. For example, in Illinois a staff of 40 field inspectors inspect 200 landfills monthly. In Connecticut only three inspectors monitor our 174 landfills. Shouldn't we begin by providing DEP with adequate staff?

Our second suggestion is that the Committee consider the provisions of Bill 5235 for any future hazardous waste landfills in Connecticut since insuring proper operation of such a landfill may warrant a full time inspector. Several bills being heard today concern the management of industrial hazardous waste. This important state have the legislative authority to implement the federal requirements under the Resource Conservation and Recovery Act. We urge that the Committee refrain from endorsing any measure which would not -- which would be a duplication of the federal requirements and would, therefore, lead to an unnecessary burden on Connecticut's industries.

Proposed Bill 5016, an act concerning the transportation and disposal of toxic and hazardous waste materials; 5237, concerning the disposal of hazardous waste materials; and 1147, concerning the use of production of hazardous or toxic materials, all seem to duplicate federal efforts.

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We support 5664, an act requiring the recording of disposal of hazardous materials as an interim measure to provide readily available information on approved hazardous waste

MS. CARLSON (Continued): disposal. The League strongly supports proposed Bill 1148, an act concerning the inventory of deposits of toxic, hazardous waste. Although RCRA addresses the future treatment, storage, transportation and disposal of hazardous waste, it does not address the more immediate potential dangers from old, abandoned sites such as the one which was recently discovered in Canton.

According to the EPA Environment News, December, 1978, Page 6, federal funds may be used to identify closed sites where hazardous wastes have been dumped in the past to monitor such closed sites for potential problems. However, the funds do not provide for cleanup of closed dump sites.

We also support raised Committee Bill 7597, concerning contamination, pollution or emergency resulting from the discharge, spillage, loss, seepage or filtration of oil, petroleum, chemical liquids or solid liquid or gaseous products or hazardous waste.

Finally, the League continues to support proposed Bill 6191, an act establishing voting membership on the Connecticut Resources Recovery Authority for the chairperson of the Connecticut Solid Waste Management Advisory Council. We hope that this year the Committee will approve this measure.

Thank you for your attention.

SEN. SKOWRONSKI: Before asking for questions from the Committee, I'd like to announce the arrival of two other Committee members, Representative Bertinuson, the Vice Chairman, and Representative Ahearn. Okay. Questions from the Committee.

REP. BERTINUSON: I have just one question. I noticed that you made reference to siting -- it sounded as though the League had taken a position in definite opposition to siting on public land at any time or were you just objecting to the idea that this would be until a solid -- until a resources recovery facility was built and we all know that the state is not going to be provided for completely by that type of facility.

MS. CARLSON: I hate to say this, but I'm reading the testimony only and I will have to have specialists come back to you with that. I'll take your question and have it referred to you.

REP. BERTINUSON: Okay, fine. Thank you very much.

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MR. WAGNER: Senator and members of the Committee. My name is Gilbert Wagner and I'm Production Manager for Pfizer, Inc. in Groton, Connecticut. I'm also on the CBIA Environmental Committee and the Solid Waste Advisory Council of CRRA, also the Connecticut Industrial Waste Management Task Force, and I've worked with the NERCON Task Force on hazardous waste.

I came -- you heard from me two weeks ago at that legislative session on the need for a hazardous waste facility in Connecticut. I came here to support the establishment of an independent solid and hazardous waste facility evaluation council, and I realize that proposed bills have been but I would like to say just a few sentences about it. It would be similar to the Power Facility Evaluation Council, as I understand it, and would have the responsibility for approving the location of sites for the disposal of solid and/or hazardous wastes. The best interests of the State, industry and the public can be served by a responsible council with broad public input. If the only answer to disposal under present local option is to export our industrial waste, we may lose our industries and their business to other states as well.

On the proposed Bill 1147, 1148, 5664 and 5665, each of these bills, as was mentioned by Commissioner Pac, is covered by Subtitle C of the Resource Conservation and Recovery Act, and those guidelines and regulations are in the process of being promulgated this year. Each is a very necessary part of the hazardous waste control action and will be covered in great detail by the new guidelines. Support is needed this year to ensure that the DEP of Connecticut has the authority to assume interim control of the RCRA program as proposed under the U.S. EPA guidelines. There is a need for a coordinated approach to this very serious problem, and a set of State regulations which diverge or conflict with pending EPA regulations or current and proposed Federal Department of Transportation regulations can only make cooperation difficult or impossible. There is no question in our minds that these regulations are necessary. As an interim stopgap, we support the modifications outlined in Raised Committee Bill 7597. This is an act that we're all familiar with. We've been dealing with it now for some time, and in its amendment recognizes both the Department of Transportation regulations and the pending RCRA regulations, and in general provides immediate control of hazardous wastes statewide in all aspects of transportation, generation, disposal, etc. By working within existing legislation, the

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MR. WAGNER (Continued): job of hazardous waste control is greatly simplified.

In proposed Bill 6965, which is an act concerning a minimum penalty for the intentional disposal of toxic and hazardous wastes, we would hope that that would be made an intentional, clearly intentional. Accidental disposal or a second party situation where a company has paid for legal disposal and yet is involved through a disposer in an illegal operation should all be taken into consideration. Purely, this would be an intentional disposal of hazardous waste.

Also, as a member of the Solid Waste Advisory Council, I strongly urge you to give the Chairman a vote. That's Bill 6191.

That's it.

SEN. SKOWRONSKI: Thank you very much. Representative Bertinuson has a question.

REP. BERTINUSON: I'd like to clarify in my own mind on this adopting regulations. In the first place, no one has any intention, I'm sure, of adopting any regulations that are not in conformity with the Federal Resources Recovery Act. I'm not clear if -- is it your feeling that we don't need any State legislation. That the federal legislation and regulations are adequate or should we not be adopting State statute and regulations that are in conformity with the federal but that put it under State control?

MR. WAGNER: You already have the ability and the DEP already has the ability to assume control of hazardous wastes and that is through the interim authorization which is allowed in RCRA in this act. There is an interim authority which is granted to the states if they apply for it and under that you assume the hazardous waste handling authority. Therefore, the regulations which you propose are redundant in that respect, and I think if you want to check that out with Commissioner Pac, he'd be the best one to check it with. But this is my understanding and you really are reinventing the wheel, because all of these are so thoroughly covered in the Act which you got a copy of today that you will find them all covered.

REP. BERTINUSON: I have not read the full act and I wasn't aware that that automatically if the State applies then we come under federal regulations. Is that what you're

MR. WAGNER: Yes, that's what I'm saying.

REP. BERTINUSON: And we don't -- well, what about -- do you still think that a bill like 7597 is necessary? That's the one that deals with

MR. WAGNER: That goes somewhat beyond RCRA in that it handles the transportation by boat, by barge, and so forth, and handles many of the items immediately, and if you must have stopgap legislation, if I may repeat myself, you must have a stopgap legislation, at least that gives you the ability to handle hazardous waste immediately. There is a period of time between applying for the authorization and the time that you get it through EPA.

REP. BERTINUSON: So your reference to stopgap is only that fairly brief period of time between right now and the time when the State applies to the federal agency and then is authorized?

MR. WAGNER: Yes.

REP. BERTINUSON: Okay. Thank you very much.

REP. JOYCE: Mr. Wagner, which bills would be redundant, and I think 1147

MR. WAGNER: 1147, 1148

REP. JOYCE: 5664.

MR. WAGNER: And 5665.

REP. JOYCE: Thank you.

SEN. SKOWRONSKI: Mr. Wagner, you alluded to a bill that called for fines and you may a suggestion that it ought to be for an intentional violation. What was the number of that bill, I missed that.

MR. WAGNER: 6965. I have a copy of that here.

SEN. SKOWRONSKI: I believe that the language of that bill already provides that it be an intentional deposition of wastes.

MR. WAGNER: Because of the scarcity of language, I wanted to make sure -- to reinforce that it be truly intentional.