Legislative History for Connecticut Act

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House 3489-3535 (47)

Senate 2837-2838, 2872 (3)

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DEPUTY SPEAKER FRANKEL:

The bill as amended is passed.

CLERK:

Page 12, Calendar 444, Substitute for House Bill 5907, AN ACT IMPLEMENTING THE LAW REVISION COMMISSION'S TECHNICAL REVISION OF THE MOTOR VEHICLE LAWS. Favorable Report of the Committee on Transportation.

REP. NIEDERMEIER: (134th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Niedermeier.

REP. NIEDERMEIER: (134th)

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

DEPUTY SPEAKER FRANKEL:

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

REP. NIEDERMEIER: (134th)

Thank you, Mr. Speaker. This bill makes numerous technical changes in the motor vehicle statutes, and particularly Title XIV of the Connecticut General Statutes. It reflects a several year long study and work by the members of the Law Revision Commission, who have worked very closely with various committees in the General Assembly

and with the Department of Motor Vehicles. I think it's a bill which will clean up various sections and provide greater consistency in the Motor Vehicle Statues and therefore I urge its passage. Thank you, Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Will you remark further? Rep. Belden.

REP. BELDEN: (113th)

Mr. Speaker, the Clerk has an amendment, LCO 3421. Would he call and read, please.

DEPUTY SPEAKER FRANKEL:

The Clerk has LCO No. 3421, which will be designated House Amendment Schedule "A". Will the Clerk please call and read the amendment.

CLERK:

LCO NO. 3421, designated House "A", offered by Rep. Emmons.

In line 2589, after the word "TRAILERS" and before the comma, insert the following: "AND BOAT TRAILERS"

DEPUTY SPEAKER FRANKEL:

The amendment's in your possession, Rep. Belden. What is your pleasure?

REP. BELDEN: (113th)

Mr. Speaker, I move adoption.

DEPUTY SPEAKER FRANKEL:

The question is on adoption of House "A". Will you remark, sir?

REP. BELDEN: (113th)

Yes, Mr. Speaker. It's a very simple amendment, just clarifying the trailer part of the statute.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of House Amendment Schedule "A"? Will you remark further on its adoption?

REP. NIEDERMEIER: (134th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Niedermeier.

REP. NIEDERMEIER: (134th)

Mr. Speaker, this is a technical amendment and it's a good one and I urge its adoption.

DEPUTY SPEAKER FRANKEL:

Thank you, madam. Will you remark further on the adoption of House "A"? If not, all those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed nay. The ayes have it. House "A" is adopted.

REP. MIGLIARO: (80th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Eugene Migliaro.

REP. MIGLIARO: (80th)

Thank you, Mr. Speaker. The Clerk has an amendment, LCO No. 3628. Will he please call and may I be allowed to summarize.

DEPUTY SPEAKER FRANKEL:

The Clerk has an amendment, LCO No. 3628, which will be designated as House Amendment Schedule "B". Would the Clerk please call the amendment.

CLERK:

LCO 3628, offered by Rep. Migliaro, designated House "B".

DEPUTY SPEAKER FRANKEL:

The gentleman seeks permission to summarize House "B". Seeing no objection, Rep. Migliaro, you may proceed, sir.

REP. MIGLIARO: (80th)

Yes, Mr. Speaker, what the amendment does in essence

is exempt five years old and 50,000 miles, according to the recent federal court decision, and at this point, I would move for acceptance.

DEPUTY SPEAKER FRANKEL:

The gentleman has moved adoption of House Amendment Schedule "B". Will you remark on its adoption?

REP. MIGLIARO: (80th)

Yes, Mr. Speaker. As you know, Mr. Speaker, members of the House, in a recent court decision, a U.S. court, a District Court of Appeals, District of Columbia, a three judge panel ruled in a decision, in a case, General Motors vs. Ruckelshaus. Now, the original case was relative to a call back provision.

And in the decision, and the concurring judge's decision of Judge Baselon and Judge Wilkie, they cited in their decision, that their interpretation, would be based on statutory interpretation. In it they cited the Clean Air Act, which cited in Section 207C of the Clean Air Act, that cited Section 75-21D, where a car when it outlives its useful life, which Congress has dubbed as 50,000 or five years old, whichever comes first, that once a car reaches either of these plateaus, that this vehicle, there are no auto emission standards with which to conform with.

Now, based on that decision, and based on the fact that the Auto Emission Program in the State of Connecticut is governed by the Clean Air Act and the federal guidelines and regulations, it would indicate that these cars are exempt under the program.

Now, even according to our section in our general statutes, which is Section 14-164c, and it states in one area, that such standards should be consistent as provisions of federal law, if any. Due to the fact that we are governed by that and there are no federal laws according to that decision of U.S. District Court Appeals decision, then it would indicate to me that these cars, under our emission program, that reach a plateau, are exempt under the Auto Emission Inspection Program.

Now, I know that the opponents of my position on this are going to say, we're going to lose money. As you know, you've received letters, and again the numbers game are coming out. They're starting with the fact that we're going to lose millions of dollars. Now, that's not the issue. The issue is not what you're going to lose with United Technology that you have a contract with, which by the way, with all the legal minds that drew up this contract, would indicate to me that somebody was very lax when this contract was drawn up, because they never

read the certain section that I had picked out, and if I can find it as a common layman through research, this particular section and decision, would indicate to me that somebody made a mistake, and I do not believe that we as legislators should hold the people hostage in this state for a mistake that was made by the state officials.

Now, the fact remains, that the bottom line is this. We as legislators, we make laws every day of the week while we're up here, and the reason why we make these laws is so that the people will conform with these laws.

Now, we're saying is a federal ruling and a federal law which has been cited according to the Clean Air Act, which we are governed by on our Auto Emission Program, and we're saying to the people, you are not going to be able to comply with the law. We are reversing the process and that doesn't make sense to me. I believe that the right thing to do here, regardless of any clause in a contract, where you have guaranteed United Technology x number of emission tests per year, and that there will be a dollar sign attached to that, that is not the fault of John Q. Taxpayer out there. We did not make the mistake. The law says 5 years, 50,000 miles, these cars are exempt, and they are going to be challenged in the court of law.

There was a recent article just the other day that

13% of the vehicles, compared to last year, have not gone through the auto emission inspection, and many of these 13%, if not all, come under this criteria, 5 years or 50,000 miles, and they're waiting on us as legislators to make the proper decision, according to law.

I know that the lobbying has been very hard and very strong by the DEP as well as the Motor Vehicle Department, and I can understand where they're coming from. They don't want to lose any jobs there. Well, as the old saying goes, when we create a bureaucracy, the easiest thing to do is to create it. Try and get rid of it. You can't. They'll try to maintain that they're justified in keeping their jobs.

Now, I received a letter from the federal auto emissions program and from Ruckelhaus' department, and there they inferred, not that we were going to lose any money, they said they'd have to reevaluate the program and see what overall effect it's going to have when you exempt these cars, but the bottom line then goes back to the federal court decision, which by the way is the second highest court in the land. And I do believe that when this goes to court, and believe me it will be going to court, and I would like to see people saved the suspense, because to do the right thing here, would be to have them

comply with the law. Now, the auto emissions program has been established by a federal act of the Clean Air Act, and this was cited and this section is cited within the Clean Air Act of the federal act.

And this is where the determining factor came, that under this provision, these cars are exempt, and I don't see how you could change it in any way, shape, or form. I know I have done an awful lot of work on this and I know there's been an awful lot of opposition, political opposition, but not according to the voters out there in the state of Connecticut.

I'm swamped every day, every day right up until midnight many nights, with calls, letters, and all, on this particular bill. All the people are saying is to do what is right, comply with the federal law, and that's all I'm asking the members here to do. The federal law says they're exempt, then by all means let's exempt them. It's going to involve approximately 800,000 vehicles.

But what's interesting to note, the very vehicles that your're going to be exempting are those who can least afford to pay this program. And I'm talking about the elderly, I'm talking about the working poor, I'm talking about the unemployed, people who have that second car.

I've read the transcript, and I've given the transcript to many members in the Hall of this House. They have read it, I'm sure they've digested it. I don't think politics should be involved in this at all. I believe what we should be doing as lawmakers is to comply with the federal law. We're always talking that we have to do what is right and according to the federal law, but here's a chance to prove it.

The federal law says these vehicles are exempt by statutory interpretation according to this U.S. District of Columbia in their concurring decision. I don't think anything else should come into play. I'm not interested in what the DEP is trying to infer and using their scare tactics again on the dollar signs. That's not the issue. Dollar signs are definitely not the issue. Law is the issue, and I think as lawmakers we should therefore comply with the law.

There has been no appeal that I know of as yet. I do assume that an appeal will be forthcoming. I've complied with the law under the present law. And I said I will do it because I'm a lawmaker. But now that this decision has been handed down, I do not intend to bring my car in August, and I do intend to go to court if I have to. And I will challenge this law, because

now I feel the law is on my side as well as the people in this state that it affects. I'm hoping that the body here will really look at the issue and the merit of this issue, which is the bottom line is obeying the law.

I don't feel that we should buckle under pressure and threats and innuendos of possible loss under the Clean Air Act, which it does not state. It's interesting to note that if I'm exempt, I don't see how the courts can say that we will turn around and reappraise your program, because the law says I am exempt, and I didn't make the law. I believe the only way that you can change this is through an act of Congress where the law was created in the beginning.

And until they do that, I feel anybody who challenges this law under this decision of the U.S. District Court is doing the right thing. And I have been advocating challenging it, and many people are doing just that. There's a recent case in Bridgeport right now where an individual went in and challenged it and refused to pay the fine and pleaded not guilty. The judge told them to go home and forget it, but he said no, I want a jury trial. And he will be able to get that jury trial because the bill we passed here a few weeks ago that I opposed because you were taking the right of

a jury trial away from individuals by lowering the fine from $99 to $75, which I would question under the 14th amendment of the due process, but that's another story in itself.

Now, this individual has gone back three times, and three times they have postponed it. The prosecutor has tried to talk them out of going forward with the case. The Motor Vehicle Department and the DEP and the Attorney General's office have written them letters and tried to talk them out of going out of it, or not going through with the case. It would indicate to me that the reason why they're so concerned is that they're not about to feel that they can win the case if it ever comes to court.

And it's also interesting to note that the prosecutor in Bridgeport, one of the prosecutors didn't even want to handle the case. What it proves here is that they're trying to use the numbers game to get people to turn against this bill of what is legally right. And what's legally right is a court decision according to, based on the Clean Air Act and its findings under statutory interpretation. I know that there's going to be rebuttal on this in respect to the money, and the numbers game of what we're going to lose, and I hope I've

covered that, because that is not the issue. The issue here is doing what is right by the people in this state according to a federal law.

I urge the members of this body to deeply consider this when you vote, for the simple reason that if I'm going to make laws up here as a legislator and ask people to obey them, I'm sure as hell not going to ask them not to obey a law and hold them hostage on a mistake that was made by certain officials in this state capitol or agencies, where they didn't do their homework and research and the particular law and the law of the federal Clean Air Act when they drew up the contract with United Technologies.

And I don't believe we should hold hostage the people in this state on this particular bill. Mr. Speaker, I move that when the vote be taken, it be taken by roll call.

DEPUTY SPEAKER FRANKEL:

The question before the Chamber is on a roll call vote of House "B". All those in favor of a roll call vote, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Noting that there are only approximately 100 members in the Chamber, the Chair believes that there has been a sufficient number to call for a roll call vote and will order a roll call at the appropriate time. Will you remark further on House "B"?

REP. NIEDERMEIER: (134th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Niedermeier.

REP. NIEDERMEIER: (134th)

Thank you, Mr. Speaker. This amendment in my view is misguided. It confuses myths with facts. It is misleading and has misled the public, and I'd like to proceed to explain to this Chamber why almost everything Rep. Migliaro has just said is incorrect.

Number one, the court case which Rep. Migliaro cites as the law of the land has been overturned and vacated by a U.S. Court of Appeals decision. Number two, Mr. Speaker, even if that decision had not been vacated and overturned, it is clear that the decision in that case has no import on Connecticut's or any other state's auto emissions program. That opinion is one that is held by our Attorney General, by the federal EPA and by

our State Department of Environmental Protection. It is also, Mr. Speaker, the opinion that is evidenced in a letter addressed to Rep. Migliaro from Mr. Joseph Cannon, the assistant administrator for air and pollution at the EPA in Washington, in which he says directly to Rep. Migliaro you asked whether the recent decision in General Motors vs. dealing with the useful life for recall purposes would effect state emissions inspections.

That decision, Mr. Cannon says, should have no impact whatever on state inspection and maintenance programs. The case dealt with the application of the useful life definition in the Clean Air Act to the recall provisions of the act. Nothing, and I underline nothing, in this statute or the legislative history suggests that inspection and emission programs are in any way constrained to apply only to those vehicles within their useful life as defined in the act.

Mr. Speaker, it's clear, number one, not only that the decision has been vacated, but number two, that it specifically applied before it was successfully overturned only to the responsibility of a manufacturer such as General Motors, the plaintiff in that case, to repair a vehicle within its useful life. It has no import whatsoever

regarding the need for a vehicle to comply with an auto emissions program.

Number three, Mr. Speaker, this amendment, if it were passed, would effectively exempt more than half of the vehicles in our state from the annual emissions program. Not only would it thereby reduce the effectiveness of the program, but it would reduce the effectiveness by exempting those vehicles which are older and have the most need of the inspection program because their control systems are likely to have been deteriorated over the years.

Fourth, Mr. Speaker, as is clearly set forth in a letter from the EPA and also consistent with their testimony before the committee, exempting those vehicles would make our program unacceptable to the EPA and would result in the imposition of economic sanctions. It could mean, Mr. Speaker, the loss of $250 million in highway, sewage plant construction and air pollution control grants. Currently the EPA is taking such action against three other states to cut off their highway funds. In addition, as a recent article in the New York Times notes, the EPA is also taking such action against the cities of Albuquerque, Chicago, Nashville, Detroit, and other cities across our country which have sought to

change or eliminate programs.

Fifth, Mr. Speaker, if we were to exempt these vehicles from the program, it would be the industrial sector of our state which would have their stationary sources which are already cut extremely low, further controlled as a means of attempting to grapple with the federal clean air standards.

In essence, Mr. Speaker, I don't want to prolong the debate on what I have said earlier is really a misguided amendment, one which would clearly place us in violation of federal law, which is based upon a court decision which has been vacated. I'd like to agree with Rep. Migliaro, yes, we should obey the law and we should obey the law as it currently stands, not how we would like it to stand, with the further appeal that's been vacated, the decision that's been vacated further appealed again.

I think we have a responsibility to be responsible in this General Assembly. I strongly urge rejection of this amendment and at this time would like to yield to Rep. Mary Mushinsky, who will discuss briefly the benefits of the program from the clean air standards standpoint.

DEPUTY SPEAKER FRANKEL:

Rep. Mushinsky, do you accept the yield, madame?

REP. MUSHINSKY: (85th)

Yes, thank you, Mr. Speaker. Thank you, Rep. Niedermeier. If you look at the bar charts, who passes and who fails these emissions tests, you'll see that the real problem vehicles are the old junks like the one I drive, the cars from 1973-1978. These are the old cars that this amendment addresses. The greatest benefit in the program accrues from fixing this particular old cars.

These vehicles are the cars with the highest failure rates. We have some data in from the third and fourth quarter of 1983. The emissions are, in fact, going down. We have a 39% reduction in hydrocarbons, which leads to the ozone problem in Connecticut, and we also show a 30% reduction in carbon monoxide.

So if we take out one half of the fleet, we will have to make up this load reduction of pollution elsewhere. We will have to reduce these tons elsewhere. We'll have to come down harder on new car owners and on industries. I urge you to reject this amendment.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of House Amendment Schedule "B"?

REP. MIGLIARO: (80th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Migliaro.

REP. MIGLIARO: (80th)

For the second time, Mr. Speaker. I have the letter that Rep. Niedermeier was referring to, and in the last paragraph it states that the State was seriously considering such an option. We would analyze the specific emissions reduction of the program, of course. State adoption of a program not meeting minimum requirements would not be approved on the part of the State of the implementation plan and thus would be subject to State sanctions.

But all those they would have to analyze and find out what the overall effect was, which brings out an interesting point. The program itself has never been established factually how much auto emission reduction we've had in the state of Connecticut since this monstrosity of a program has been in effect. And they have never been able to substantiate it. You hear all kinds of figures, but you just don't get the bottom line. And then when we hear Rep. Niedermeier talk about highway funds, it's interesting to note that this body and this

state from the year of 1976 to 1981 turned down $444 million in highway funds. We didn't care about them.

And then we come along with the tandem law, which I supported challenging the government on, which there were sanctions involved in that. Forget Rep. Niedermeier did not care about the funds we were going to lose because that was her bill. And that's fine. But then all of a sudden when we look at the bottom line with the Hamilton Standards and United Technology, now all of a sudden we're worried about what we're going to lose on a figure that has never been substantiated.

And I ask myself a very important question. What's really behind all of this? I don't know, and I can't put my finger on the bottom line. But I'm going to close with just one short letter here, and I've gotten many like this, and I won't trouble you people with reading them all. But just to show you how effective your program is, to get an idea of what you're doing for the people out there. The letter was sent to me on February 23, and this is from an individual who has a Chevy, a Mr. Meehan, Sr.

"On February 23, my wife took the vehicle that she drives which is a 1975 Chevy Nova for its emission test and it failed. On March 12, I took the car to

Garber's Garage where he checked everything, replaced necessary parts and made necessary adjustments. The bill for this was $42.63." Now remember that for parts and labor. "I also bought a new air filter for $2.15 and put it in myself." On March 13, he took the car back for a retest. It failed again.

"I went to apply for a waiver." The law says they have to give you a waiver after you have spent $40 or more. But the inspector said the labor was the only portion of the bill that counted toward a waiver and therefore the parts were neither related to the problem or the emissions system, and neither of which counted toward the $40 requirement for a waiver. Now we got a new rule all of a sudden, so now again he had to go back, and now he's got to pay that $10 a third time.

"March 14 I took the car to Garber's Garage again where they checked everything and took it into place with an official emissions set up and attempted to make adjustments while it was hooked up to the machine. They would get it running within limits without touching anything. It would drift within limits and then on its own. The bill for all this labor came to $46.36 more on this day. It was apparent at this point that more expensive procedures, of course, would be necessary to

try to alleviate the condition. There was no way to know for sure whether they would be successful. Because I already spent far more than the amount necessary required by law for labor and because this car runs perfectly, I was not prepared to go into much more expense. On March 15, I took the car back to the emissions testing facility.

Before going through the test, I went to see the inspector. He asked what I wanted. I explained everything that had been done and how the car would drift within limits and then out. I asked him to look over the bill and see if there's any there, if everything was in order for a waiver if the car should fail again. He looked them over and told me to take the car through and we'd see about the waiver if we failed."

It gets more interesting when you read it. "I explained to him that I had already spent quite a bit of money trying to get through this test and I wanted to have to avoid repeatedly paying $10 for the test for nothing. If there's anything else I need to put a waiver in the case of another failure, I asked him to please let me know at this time so I could comply with it and avoid going through again for nothing and just wasting my money. I had already explained to him that the next thing to try for rebuilding or replacing the

carburetor, but I wasn't prepared to do this. He replied "Don't worry about it. I don't want you to have to buy another carburetor. Go through the test, and if it fails again, come in and see me." I took the car through. Although the results were better than the other times, it failed again.

The inspector had me park it and raise the hood. He did check all the emission control devices which were all in order. He went around to the back of the car and opened the gas cap and then he told me I didn't qualify for a waiver because somebody," now, get this, "somebody had cut out the restricting device in the neck of the gas tank. That prevents regular gas from being poured into it. I bought the car used just last year and I want to make it clear I was not aware of this condition. In fact, up until the moment the inspector discovered it, we were under the impression that it was impossible to do so.

I will remedy that situation by having it replaced. The point I would like to make is why couldn't the inspector have told me what had to be checked and remedied when I asked him instead of going through and paying another $10? How many more of these little surprises does he have to pull out of his hat in the

future? How much more can he harrass me by finding excuses to refuse the waiver which the law entitles me for the specific purpose of preventing unreasonable expenses to be forced upon people in order to comply with the emissions control program? There's no longer any doubt in my mind that this individual intends to avoid issuing the waivers provided by law either because he is personally, or his Motor Vehicle Department, or the businessman running the facility in which his office is located, had decided they just don't like the part of the law and are going to do everything possible to prevent from having us comply with it.

This testing took place in 1984 at the emissions control facility in Brooklyn, Connecticut. To further clarify my complaint, I want to state I am not challenging the inspector's reasons for refusing a waiver, rather perhaps they are legitimate, perhaps not. I will further answer that. Right now, I don't know. I objected to his reluctance to answering me when I specifically asked him to let me know before I go through the test again if there was anything else I would need to do before paying another $10. If there may be a half a dozen reasons why it can be refused, why doesn't he refuse it all for the same reason at once so a person can know

once and for all where they stand, instead of hoarding them and secretly using them one at a time to cause a whole string of refusals instead of one?

Of course, this also results in a stream of emissions tests which are financially beneficial to the facility which he works in conjunction with. That in itself could be food for thought, could it not? What it all boils down to is that I feel like a mouse that a cat is toying with, and I don't like it. I don't believe our legislators in passing this bill ever intended it to be used as a threat over citizens in such a contemptuous manner."

Now this is just one of many. I have others and I won't read them, but this is happening repeatedly out there. That is another issue in itself, and that, I can assure you, is going to be coming up again next year, because I do intend to come back, and I do intend to pursue this. Right now, I still say the law is the law. I still say that decision I was not aware of any appellate or appeal that Ms. Niedermeier brought out, and I intend to look that up.

But I do say that under the present decision, I think that it is binding enough. I think that the cars should be exempt, and I think that the abuses within

the auto emission program should be cleaned up. Maybe if our efforts and Ms. Niedermeier's efforts should be put in that direction and make them honor the statutes that are on the books now, such as honoring that $40 limit once you show and demonstrate you've done that amount of repairs and not telling people that you're not going to honor it.

And I can show it's done time and time again. This gentleman went back four times before he got a waiver. That's $20 more he had to pay without talking about the time and effort he had to put in. And I think it's got to stop. Somewhere along the line you've got to stop harrassing these people. I think that we're running this think into the ground. I don't believe they have come out and proven that the program has been effective, and as you know, that if we don't do something about it and get rid of this monstrosity of a law, we're going to have an awful lot of voters on our back on election day.

REP. MISCIKOSKI: (65th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. John A. Miscikoski.

REP. MISCIKOSKI: (65th)

Thank you, Mr. Speaker. This is a touhh one for me because I have a big, black, fat Cadillac that's 12 years old, and I just got rejected last week. I guess it's a conflict of interest if I vote for this bill, because it would exempt my red tag.

You know, there's a lot of difference of opinion about these controls and emissions, whatever you want to call them, and it seems to appear that the only different parts of the state that's heavily debated. But as far as I can see that the system is working according to the people that test all these systems and until they can prove otherwise, I think it's still a good idea to keep the system. Thank you.

REP. BERTINUSON: (57th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Bertinuson.

REP. BERTINUSON: (57th)

Mr. Speaker, I'd like to associate myself with the remarks of Rep. Miscikoski. I believe that he's absolutely correct. I stand in strong opposition to the amendment as the House did last year. Nothing has changed since last year other than we do know that the

program is working. People have learned to live with it. The court case, as has been pointed out, has been vacated.

There's no reason for us to move away from the position we've taken that we know it's necessary to clean up our air. It is working and I hope that you'll all join me in voting down this amendment.

REP. BELDEN: (113th)

Mr. Speaker. Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Richard Belden.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. I would like to input into this debate another part of the equation, and I would ask the members of this Chamber to hang tough on doing away with tolls because believe me, there's more pollution generated in this state at the toll plazas than would ever be corrected in the testing stations in the state.

There are millions of cars. You take a half a mile to slow down and in some cases wait in line as long as 15-20 minutes to pay the toll and then have to accelerate and regain their speed. And this state every year generates more pollution. And I would like to stand

today in favor of this amendment, because if we could couple the reduction of testing with the removal of the tolls, the air quality plan submitted by this state to the federal government could show substantial reductions in the emissions that come from the use of hydrocarbon in this state. Thank you.

REP. FOLEY: (131st)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Foley.

REP. FOLEY: (131st)

Yes, Mr. Speaker. Thank you. The chairman of the Environment Committee made a comment during her remarks that I think bears looking at, and that is that nothing has changed since last year. Well, in fact, something has changed, and that is the rate of noncompliance. The rate of noncompliance of people that have effectively voted with their feet by walking away from emissions control centers has increased.

The entire system within my district and within my area is under severe questioning by the voters, and in fact has no support. This is possibly government at its worst. A General Assembly elected by the people that is ignoring the wishes of what I believe to be an excess of

of 80% of the people. I have yet to see a poll or a finding in the state of Connecticut that has not shown total and complete rejection.

It is an example to the people that their government does not care what they think. That in turn threatens the credibility of our entire system and of this Chamber. This amendment deserves to pass because of the fact that the system that we have implemented does not work, does not have the support of the people and in fact should be removed. Thank you.

REP. RYBAK: (66th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Rybak.

REP. RYBAK: (66th)

Thank you, Mr. Speaker. I try to follow the rule that generally a representative should vote according to the voice of reason and logic, and I suppose reason and logic have been presented by those who are opposed to this amendment. This is one time I'm going to vote with my emotions, because I took my car, my junk, as Rep. Mushinsky referred to her car. Hers is a '73-'78. Mine's a '69. Mine classifies as an antique. I took it to the emissions station, and I found out something

very interesting when my car failed. Last year it had passed, so I asked the attendant why would the car fail? It hasn't gotten any dirtier.

He said ah, but the standards have changed. I said, well, what do you mean the standards have changed? He said well, last year on your car we allowed 1,050 parts per million on the hydrocarbons and 8.5% on the carbon monoxide, but this year we're only allowing 750 parts per million on the hydrocarbons and 7.5% on the carbon monoxide. And I said, well, wait a minute. That's a drastic change. How come? Last year I was rated because I drive one of these big tanks, a '69 Chrysler, was rated in the truck category by weight, even though my car doesn't really classify as a truck, particularly what's left of it.

This year I showed up in the passenger car category with much more strict standards. I said, well, my car hasn't gotten that much lighter. I may have lost a piece of a fender here or there, but it hasn't lost 2,000 pounds. He said, ah, we were told to put the heavy old cars in the truck category when this started, but now we're tightening the screws so you are now in with the Omni's and the Fiesta's and the Renault's and the little cars. I said, my God, there's three of them

in mine. I was unsuccessful in my argument. Since then I've had an opportunity to look at the figures.

There's no way you're going to take a car that's 1968 or '69, and these are covered by the law. There's a common misconception that cars 10 years old or older are not covered by emissions. They are covered now. They are covered forevermore by emissions, until we change that year in the statutes that says 1968. There's no way you're going to take a car with 110 or 120,000 miles on it and tune up that carburetor and tune up those rings to get that car to pass this emission.

You're going to spend your $40 each year and get a waiver each year, and you know what that is? That's a tax. A tax to keep your car on the road. I'm not urging anyone else to vote for this amendment, with all due respect to the sponsor. But for once I'm going to do what I told that guy when I drove out of the emissions station. I'm voting with Migliaro.

REP. FUSSCAS: (55th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Will you remark? Rep. Peter Fusscas.

REP FUSSCAS: (55th)

Thank you, Mr. Speaker. Through you a question to Rep. Mushinsky.

DEPUTY SPEAKER FRANKEL:

Please frame your question, sir.

REP. FUSSCAS: (55th)

In reference, many of the members of the Chamber probably don't know how it's done. I certainly don't know how it's done. But how do you measure the air pollution in Connecticut given the fact that sometimes the air moves down from Canada and sweeps into Connecticut and out again, comes up the Atlantic coast. It goes through the Ohio Valley and picks up, I'm sure, the steel mill discharge and rolls into Connecticut.

How does the EPA test this?

DEPUTY SPEAKER FRANKEL:

Rep. Mushinsky.

REP. MUSHINSKY: (85th)

Through you, Mr. Speaker, I'll clarify what I said earlier. I did not give you ambiant air readings. I gave you emission readings. The third and fourth quarter DEP report for 1983 are on the emissions and how they have declined, and there's a 39% reduction in hydrocarbon emissions that's measured at the tailpipe, and a 30% reduction in carbon monoxide emissions. That means that less pollution is entering the air to begin with. So you can take it from there. Logically

there will be fewer tons in the air, but I'm measuring at the tailpipe end. We do not yet have ambiant air measurements because they're not performed until the summer when the problem is greatest.

DEPUTY SPEAKER FRANKEL:

Rep. Fusscas.

REP. FUSSCAS: (55th)

Through you, Mr. Speaker, one additional question. How do they determine whether or not it's the retirement of old cars and the influx of new, better-controlled cars that accounts for this reduction? I mean, how do they differentiate between testing the emissions program vs. the normal replacement of old cars with new ones?

DEPUTY SPEAKER FRANKEL:

Rep. Mushinsky.

REP. MUSHINSKY: (85th)

Through you, Mr. Speaker, I know you've had a long weekend. We know which are the problem vehicles because of the bar graphs. The bar graphs show which make, model, and year cars fail, what the failure rate was, what the emissions standards were for those vehicles, and we can chart each year, make, and model. And the clunkers are the '78-'78's. They represent the

bulk of the emissions, and if you do take out that whole half of the fleet, the standards will be much more severe on the remaining cars, which leads us to Rep. Rybak's problem.

He'll have even a harder time passing next year, as the standards will be more severe for those one half the fleet that are remaining.

REP. FUSSCAS: (55th)

Through you, Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Fusscas.

REP. FUSSCAS: (55th)

One final question. In the past fiscal year, how many, of all the cars that failed, how many got waivers?

DEPUTY SPEAKER FRANKEL:

Rep. Mushinsky, will you respond?

REP. MUSHINSKY: (85th)

Through you, Mr. Speaker, I do not know the answer to that one.

DEPUTY SPEAKER FRANKEL:

Rep. Fusscas, you have the floor, sir.

REP. FUSSCAS: (55th)

Well, Mr. Speaker, thank you, sir. It's apparent to me that we have not rational basis today by which to

measure the effectiveness of the emissions program. There has been nothing said today that tells me one, that we are measuring anything meaningful, let alone the emissions program.

You know, I think the only clunker in this whole area is the fact that we have an emisssions program.

REP. NIEDERMEIER: (134th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Niedermeier.

REP. NIEDERMEIER: (134th)

Mr. Speaker, just very briefly, I would like to just respond to a couple of the comments that have been made about the amendment. I know most of the members of the Chamber now know how they're going to vote on this amendment, so I don't want to prolong it unnecessarily. Rep. Migliaro indicates that there's a double standard here, one being used regarding the Clean Air Act and EPA standards, and one regarding the tandem truck legislation.

I would just number one, remind Mr. Migliaro that the federal legislation regarding tandem trucks specifically indicated that the federal government would not be empowered to impose any financial sanctions but only to seek injunctive relief, so there was a far different

situation there where they were not in the position to, as they are here, to hold $250 million in federal funds.

Number two, Rep. Migliaro quotes from part of that letter he received from the federal government, which indicates that if we were to exempt these vehicles, then the federal government would analyze our program. What he fails to do because he selectively quotes from that letter, is to read the previous sentence which says "We do not believe that an inspection maintenance program could demonstrate the necessary 25% reduction in hydrocarbons and the 35% reduction in carbon monoxide by only including cars within 5 years and 50,000 miles in the program.

Third, Mr. Speaker, Rep. Foley mentioned that we should be responsive to the people. I would say that because this issue has been not presented in an objective factual manner and the public does not fully understand the court case, the fact that it's been vacated, the fact that it never even applied. And so in my view, we have not done as good a job as we need to to let the public know what the facts are on this issue, not what the myths are that have been articulated well over the months.

Fourth, Mr. Speaker, although I can sympathize with Rep. Rybak, I would say that an emotional response

is not one that's required in this situation. If we were to go along with this amendment, all of our other cars that are less than five years old, that he's worried about the slight change in standards. We'd have such a high standard that we would probably have to flunk 80 or 90% and never even meet the Clean Air Act standards.

In sum, Mr. Speaker, this amendment contravenes opinions offered by the EPA, the DEP, our Attorney General and is based in a misguided way upon a court decision that has been vacated, and I strongly urge its rejection.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of House Amendment Schedule "B"?

REP. YOUNG: (143rd)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Young.

REP. YOUNG: (143rd)

Mr. Speaker, a question for Rep. Niedermeier. We haven't heard anything about measurements of ambiant air in this whole process. We've heard lowering of emissions of those cars that have been tested. You have told us that if we do not continue to test these old

cars, the newer cars will have to face stricter standards. On what basis do we think that the newer cars will have to face stricter standards? Have we got measures of ambient air that show us that or not?

DEPUTY SPEAKER FRANKEL:

Rep. Niedermeier.

REP. NIEDERMEIER: (134th)

Mr. Speaker, through you, because the program has only finished its first year and several months, the ambient air standards will not be firmly tested until this summer. However, when the Transportation Committee held hearings on this issue, the EPA official from Boston who did testify indicated that he felt it would be impossible for us to meet those standards if we exempted these vehicles, even with extremely high standards on those remaining vehicles that are in the program.

REP. YOUNG: (143rd)

Thank you, Mr. Speaker. A further question, then. To reiterate, we have no specific knowledge of ambient air standards which would indicate the effect of not testing older cars. Am I correct?

DEPUTY SPEAKER FRANKEL:

Rep. Niedermeier.

REP. NIEDERMEIER: (134th)

Mr. Speaker, just very briefly, we do have specific information from the DEP which notes that there is a significant increase even since the program in hydrocarbons and carbon monoxide. With relationship to hydrocarbons, the expected emissions in 1983 was supposed to be 168 tons.

Their analysis indicates that there is a 39% reduction in that we have emitted about 32,000 less tons of hydrocarbons because of the program. In terms of carbon monoxide, the department indicates that without the program, the expected emissions in 1983 would have been 650,000 tons, but they expect that there was a 12% reduction in carbon monoxide, therefore a reduction of about 78,000 tons saved because of the program.

We are making significant progress, only in a very short period of time.

REP. YOUNG: (143rd)

Thank you, Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of House "B"?

REP. PATTON: (119th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Patton.

REP. PATTON: (119th)

Mr. Speaker, I'm hoping that the General Assembly will continue to maintain our auto emissions program in full force in effect without backing down or moderating in any way its intended purpose.

I don't think you need to get involved in a lot of the rhetoric with regard to proving this, that, or the other thing. The simple fact is that we've been polluting with autos for almost a century. You can't expect to change it in a year. You can't expect to have a lot of data that's going to show a significant reduction in a year. It's going to take many years, and you can't expect the subsequent years of regulation regarding emissions to have the same standards that they had in the first year. We will have to raise the standards with every subsequent year in order to reduce the carbons in the atmosphere.

So that when Rep. Rybak said reduced from 8.5% to 7.5%, well, that's the direction we have to go into. And I would hope that we would continue to increase the standards as the years go by and as the autos are cleaned up, and eventually, if we're successful, we will get all

the cars off the road that are spewing out a lot of black smoke and blue smoke.

You know, the issue is not just a particular standard. The issue is whether people are going to live or die. You can't have dirty air and dirty water and still an environment that we all have to live in. This issue is rather simple. Are we going to take care of the environment that we have, are we going to clean up our own messes or not? I think we have to continue to go in the direction we're in, and I hope that the General Assembly will reject this amendment.

REP. FOLEY: (131st)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of House "B"? Rep. Foley.

REP. FOLEY: (131st)

Thank you, Mr. Speaker, for the second time and very briefly, the largest problem with the emissions control seems to be the fog surrounding the Chamber. We've heard discussion in terms of how you must get these cars off the road. In fact, this takes not one car off the road. You pay your $40 or you find the bill is going to cost you more than $40 and that car still goes right on

down the road belching its smoke, whatever it may be. I have suggested in the past publicly that perhaps we should accept the cars that are five years new, not five years old.

However, having talked again with the people, the people don't want that. The simple fact of the matter is that this takes, the present system, takes not one car off the road. In fact, it becomes, as Rep. Rybak stated, a tax. And who is this tax upon? A very simple group of people, a very select group of people. It tends to be the second car in the family. It tends to be the family that owns two cars, the family that is lower middle income, who doesn't afford a new car, and in this case what you're doing is you're taxing the people who can in fact not afford that, who in fact are buying that used car on the basis that they cannot afford a brand new vehicle.

So you're taking a select group of people, working class, middle class, lower middle class, and singling them out. And Mr. Speaker, as I conclude my remarks, I would like to ask that this amendment be printed when the appropriate time occurs.

DEPUTY SPEAKER FRANKEL:

It will be printed if it is passed, and it will be

printed if it is not passed, sir.

Will you remark further on the adoption of House "B"? If not, will staff and guests please come to the well of the House. Members, please take your seats.

Clerk please open the machine.

CLERK:

The House of Representatives is now voting by roll. Will the members please return to the Chamber. There is a roll call vote pending in the Hall of the House. Will members return to the Chamber immediately.

DEPUTY SPEAKER FRANKEL:

Have all the members voted? Have all the members voted, and is your vote properly cast? Members please check the roll call board to see that their vote is properly cast. If so, the machine will be locked and the Clerk will please take a tally.

Will the Clerk please announce the tally.

CLERK:

House Amendment Schedule "B" to House Bill 5907.

Total Number Voting	145
Necessary for Adoption	73
Those Voting Yea	67
Those Voting Nay	78
Those Absent and Not Voting	6

DEPUTY SPEAKER FRANKEL:

House "B" fails.

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House Amendment Schedule "B".

After line 3973, insert section 78 as follows and renumber the remaining section accordingly:

"Sec. 78. Subsection (c) of section 14-164c of the general statutes is repealed and the following is substituted in lieu thereof:

(c) The commissioner, on or before November 1, 1979, shall adopt rules and regulations which require an annual exhaust emissions inspection and compliance or waiver with exhaust emission standards defined by the commissioner of environmental protection for all motor vehicles registered or which will be registered in this state except: (1) Vehicles having a gross weight of more than ten thousand pounds; (2) vehicles powered by a fuel other than gasoline; (3) bicycles with motors attached; (4) motorcycles; (5) vehicles operating with a temporary registration; (6) vehicles [manufactured before the 1968 model year) FIVE YEARS OLD OR OLDER OR VEHICLES HAVING AN ODOMETER MILEAGE READING OF FIFTY THOUSAND MILES OR MORE: (7) new vehicles at the time of initial registration; (8) vehicles registered but not designed primarily for highway use; (9) farm vehicles, as defined in subsection (g) of section 14-49. The commissioner may require emissions inspection and compliance or waiver prior to completion of the sale and registration of a motor vehicle over one year old."

After line 3975, insert section 80 as follows:

"Sec. 80. This act shall take effect from its passage, except that sections 1 to 77, inclusive, and 79 shall take effect October 1, 1984."

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DEPUTY SPEAKER FRANKEL:

Will you remark further on this bill as amended by House "A"?

REP. MIGLIARO: (80th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Migliaro.

REP. MIGLIARO: (80th)

Could the amendment be printed in the Journal, please.

DEPUTY SPEAKER FRANKEL:

The request has been previously made, sir, and it will be ordered in the Journal.

REP. MIGLIARO: (80th)

Thank you.

REP. NIEDERMEIER: (134th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Will you remark further on this bill as amended? Rep. Niedermeier.

REP. NIEDERMEIER: (134th)

Mr. Speaker, the bill as amended now is a bill that makes technical changes in the motor vehicle statutes, and I urge its passage.

DEPUTY SPEAKER FRANKEL:

Will staff and guests please come to the well of the House. Members please be seated. Clerk please open the machine.

CLERK:

The House of Representatives is now voting by roll. Will members please return to the Chamber immediately. The House of Representatives is voting by roll. Will the members please return to the Chamber immediately.

DEPUTY SPEAKER FRANKEL:

Have all the members voted? Have all the members voted, and is your vote properly cast? If so, the machine will be locked, and the Clerk will please take a tally.

Will the Clerk please announce the tally.

CLERK:

House Bill 5907 as amended by House Amendment Schedule "A".

Total Number Voting	146
Necessary for Passage	74
Those Voting Yea	146
Those Voting Nay	0
Those Absent and Not Voting	5

DEPUTY SPEAKER FRANKEL:

The bill as amended is passed.

CLERK:

Returning to Calendar Page 10, Calendar No. 413, File No. 513, Substitute for House Joint Resolution No. 45, RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION WITH RESPECT TO SELECTION OF JUDGES. Favorable Report

S-228

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
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2728-3122

If there are no objections, I ask that it be placed on the Consent Calendar.

THE CHAIR:

Hearing no objections, so ordered.

THE CLERK:

Cal. 695, File 574. Substitute for House Bill 5907. AN ACT IMPLEMENTING THE LAW REVISION COMMISSION'S TECHNICAL REVISION OF THE MOTOR VEHICLE LAWS, as amended by House Amendment Schedule A. Favorable report of the Committee on Transportation.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

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

THE CHAIR:

As amended by House Amendment Schedule A. Do you wish to remark?

SENATOR DIBELLA:

House Amendment A implements the Law Revision Commission's technical revisions of motor vehicle laws. House Amendment A includes under trailers and boat trailers. It extends it

to include those two groups. It is a technical change, Mr. President. I urge passage of House Amendment A.

THE CHAIR:

Well, we are doing it all together now, unless you are rejecting House A. Since you are not rejecting, we will do the whole bill as amended.

SENATOR DIBELLA:

Thank you, Mr. President. This bill would make numerous technical changes to many motor vehicle related statutes in Title 14 of the General Statutes. In general, the changes would be removing obsolete language, reorganizing and alphabetizing definitions in several places, rewording individual statutes, dividing the subjectmatters and some combined statutes into separate laws, and moving parts of some statutes into others more directly related to the subjects.

If there are no objections, Mr. President, I would urge that this be placed on the Consent Calendar.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Cal. 696, File 700. Substitute for House Bill 5152.

AN ACT ALLOWING THE OFFERING AND TASTING OF FREE SAMPLES OF

so ordered.

The Clerk will make the appropriate announcement for a roll call on the Consent Calendar.

THE CLERK:

An immediate roll call has been called for in the Senate. Will all senators please take their seats. An immediate roll call has been called for in the Senate. Will all senators please be seated.

THE CHAIR:

Please give your attention to the Clerk who will read the Consent Calendar to date, which will be the first of perhaps a few more. Please give your attention to the Clerk.

THE CLERK:

Yes, Mr. President. Page two - Cals. 469, 505, 561, 568, Page three - Cals. 609, 640 and 646. Page four - Cals. 660, 661, 662, 663, 664, and 665. Page five - Cals. 667, 669, 670 and 671. Cals. on Page six - 674, 676 and 677. Page seven - Cals. 678, 679, 680 and 682. Page eight - Cals. 683, 684, 686 and 687. Page nine - Cals. 688, 689, 690, 691, 692, and 693. Page ten - Cals. 694, 695, 696, 697 and 698. Page eleven - Cals. 699, 700, 701, 702 and 703. Page twelve - Cals. 704, 705, 706, 707 and 712. Page thirteen - Cals. 713, 714, 715 and 716. I believe that completes the list.

SB260-HB5208
SB526-SB581
HB5826-HB5701
HB5768-HB5155
HB5273-HB5736
HB5865-HB5875
HB5903-HB5411
HB5031-HB5504
HB5451-HB5892
HB5909-HB5702
HB5159-HB5759
HB5380-HB5709
HB5129-HB5532
HB5829-HB5611

HB5565-HB5693 HB5152-HB5215 HB5951-HB5090
HB5840-HB5820 HB5374-HB5734 HB5825-HB5893
HB5195-HB5412 HB5656-HB5661 HB5441-HB5945
HB5594-HB5697 HB5200-HB5948 HB5938-HB5394

JOINT
STANDING
COMMITTEE
HEARINGS

TRANSPORTATION
PART 2
375-756

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TRANSPORTATION

Fairfield Police Court
Room No.
March 20, 1984
8:00 p.m.

PRESIDING CHAIRMAN: Representative Niedermeier

COMMITTEE MEMBERS PRESENT:

SENATORS: Morano

REPRESENTATIVES: Niedermeier, Esposito, Miscikoski, Anastasia, Gelsi, Wilbur

SEN. MORANO: I'm Sen. Mike Morano from Greenwich, ranking member of the Transportation Committee -- Senate ranking member, and on my left is Rep. Frank Esposito, on my right, the notorious Rep. Tony Miscikoski, and next to him, Rep. Anastasia, and Senate Rep. Gelsi who has left the room temporarily.

Tonight we will hear from some of our State officials representing the departments. We will limit their time to 5 minutes and then carry on with the public.

First person is David Hemond, Law Revision Commission, speaking to Bill No. 5907.

MR. DAVID HEMOND: Good evening. I'm David Hemond. I'm Staff Attorney for the Connecticut Law Revision Commission.

I'd like to testify briefly in support of the Commission's technical revision of Title 14 of the General Statutes House Bill 5907, An Act Implementing The Law Revision Commission's Technical Revision Of The Motor Vehicle Laws.

This revision is as the title indicates a techinical revision. It does not change the law. It is, however, necessary to improve the organization of Title 14 to clarify certain of the language, to ensure, for example, that registration provisions are found together with other registration provisions that -- licensing provisions are found together.

MR. HEMOND: (continued)

The definition sections remain applicable. For example, there are some definitions which some words which are defined in the current Statutes which never actually in the Statutes because over the years those sections have been repealed.

The definition sections are no longer alphabetized.

There's a variety of technical clarifying stories, sort of, provisions which the Commission's bill would improve on.

That bill was prepared in cooperation with the Motor Vehicle Department and the Legislative Commissioner's Office, Attorney Larry Shipero and Karen Desciaponel also worked with the Commission on that.

I'd like to point out that the bill before you does conflict with a current pending other bill which is Senate Bill 120 which raises and enacts certain fee provisions. This bill also deals with fee provisions, and therefore reconciliation is necessary.

The Commission's prepared substitute, which is now up in the Legislative Commissioner's Office -- that substitute basically removes the bill provisions which deal with fees so that there's no conflict with those 2 bills.

And if this bill is to go forward, it should be the substitute that's enacted. And I'll be out there answering questions.

SEN. MORANO: Any questions from members of the Committee? Rep. Wilbur.

REP. WILBUR: As with any bill that's called the technical bill makes legislators very nervous because usually quite often at this point we have not sat down and really identified all of the portions of the Statutes to which you referred, and so forth.

And I guess what I'm going to ask you is for your assurance

REP. WILBUR: (continued)
that it is in fact a technical bill and that, well, at least unwitingly, come across some --

MR. HEMOND: Sure, the Commission has been doing technical revisions for the past 5 or 6 years. We've prepared prior revisions of the probate laws, of the human rights laws, of the Court and Civil Procedure Sections entitled 51 and 52.

This is something we've done with no problems in the past. We're very careful to make sure that we don't in fact change any substinate provision of the law. And that is reviewed both by the Commission and by the Legislative Commissioner's Office.

I can assure you, categorically, there is no substance provision at all in the bill. But it is, nonetheless, an important clarifying story, sort of, bill and is worthy of consideration.

REP. WILBUR: Yes. It just helped to have your assurance that that's what we are dealing with because I recognize that we have had very good experience with previous revisions. Thank you.

MR. HEMOND: Thank you very much.

REP. GELSI: (inaudible -- not speaking into the mike.)
-- Just to clarify for the record, I think, that we're looking at a technical bill that's (inaudible).
My question is that technical bill is (inaudible) and is not the intent of the committee to in any way change or (inaudible) except to make just (inaudible).

SEN. MORANO: Are there any further questions? If not, Rep. Niedermeier is Chairman of the House Committee, has just arrived, and I'm sure you all know Chris. It's good to see you again, Chris.

REP. NIEDERMEIER: It's good to see you, too, Mike. I apologize for being a few minutes late.

The next witness is Mr. Dick Carpenter, the Executive

REP. NIEDERMEIER: (continued)
Director of the Southwestern Area Regional Planning Agency.

MR. DICK CARPENTER: Thank you very much, Madam Chairman. I have a copy of my (inaudible -- not speaking into mike).

First of all, thank you very much for inviting me to testify tonight. I do want to say that I'm giving my own views, our own legislative committee has not yet met to consider these bills in detail, and they have just received them. And they have further comments on them.

I'm also a member of the Connecticut Public Transportation Commission and I speak as an individual in offering these views.

On Bill 123, while I can well appreciate the need to correct Section 16343 to reflect reality, I suggest that the Committee may well wish to consider whether or not Connecticut should vest executive policy control of the New Haven line in a board of several persons rather than in one person, the commissioner of transportation.

Such transit boards or authorities exist in other states line Massachusetts, New York, Pennsylvania, and New Jersey. If used in Connecticut, this approach could provide a real voice for commuters and public officials in the areas directly served by the railroads.

Certainly since commuters collectively pay over ½ of the cost of operating the railroad, it could be argued that they have earned the right to help decide how the railroad is run. That's not to reflect on the present management. It's just offering an idea that might be considered.

It would take time to set this up, but it's certainly done elsewhere.

Bill 5235, this would give Connecticut more control over the Connecticut portion of the line. I certainly agree that Connecticut ought to have this and given the recent statements -- public statements of Chairman Kiley of the MTA and our Commissioner Burns, I would