

Legislative History for Connecticut Act

SB 973	PA 395	1985
House	8093-8104	(12)
Senate	2829-2833, 2842-2843, 4057-4062, 4104-4105	(15)
Judiciary	1627-1628, 1715	(3)
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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1985

VOL. 28  
PART 22  
7906-8312

kpt

300

House of Representatives

Thursday, May 23, 1985

CLERK:

The House of Representatives is now voting by roll call. Please return to the Chamber immediately.

The House of Representatives is now voting by roll call.

Please return to the Chamber immediately.

SPEAKER VAN NORSTRAND:

Have all the members voted and are your votes properly recorded? Have all the members voted? If so, the machine will be locked and the Clerk will please take a tally.

Will the Clerk please announce the tally.

CLERK:

Senate Bill 972 as amended by House "A".

Total number voting	148
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Necessary for passage	75
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Those voting yea	148
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Those voting nay	0
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Those absent and not voting	3
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SPEAKER VAN NORSTRAND:

The bill as amended is passed.

CLERK:

Page 10, Calendar No. 744, Substitute for Senate

Bill 973, File No. 743, AN ACT CONCERNING THE PENALTY FOR AN EMPLOYER'S FAILURE TO NOTIFY THE FIRE MARSHALL OF THE

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301

8094

House of Representatives

Thursday, May 23, 1985

PRESENCE OF HAZARDOUS MATERIALS, as amended by Senate Amendment Schedules "A" and "B". Favorable Report of the Committee on Judiciary.

REP. WOLLENBERG: (21st)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. William Wollenberg.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. I move acceptance of the Committee's Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER VAN NORSTRAND:

The question is on acceptance and passage in concurrence with the Senate. Will you remark, sir?

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker, this bill would subject a manufacturer to a civil penalty up to the \$1,000 a day for failure to comply with the existing statutory requirements that manufacturers notify the local fire marshall of the presence of any specified hazardous substances. Presently there is no penalty for that.

Mr. Speaker, the two Senate amendments, if the Clerk would please, on the desk, I believe is LCO NO. 7440, Senate "A". Would the Clerk please call and I be allowed

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House of Representatives

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to summarize.

SPEAKER VAN NORSTRAND:

Will the Clerk please call LCO No. 7440 previously designated Senate Amendment Schedule "A".

CLERK:

Senate Amendment Schedule "A", LCO 7440 offered by Sen. Johnston.

SPEAKER VAN NORSTRAND:

The gentleman seeks permission to summarize. Is there objection? Please proceed, sir.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker, there are two technical additions of language in one, changes to within 30 days on line 25, shall within 30 days provide the local fire marshall for the area where the establishment is located, a notice in writing.

I would urge adoption of the amendment.

SPEAKER VAN NORSTRAND:

The question is on adoption. Will you remark?  
The question is on adoption. If not, all in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

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SPEAKER VAN NORSTRAND:

All opposed indicate by saying nay.

The ayes have it. Senate "A" is adopted and ruled technical.

REP. WOLLENBERG: (21st)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Mr. Speaker, the Clerk has on her desk LCO No. 7073. Would the Clerk please call and read.

SPEAKER VAN NORSTRAND:

Will the Clerk please call LCO No. 7073 previously designated Senate Amendment Schedule "B". Please call and read.

CLERK:

Senate Amendment Schedule "B", LCO 7073 offered by Sen. O'Leary.

In line 27 after dollars, insert, for each day such employer fails to provide such notice the attorney general upon complaint of the local fire marshall shall institute a civil action to recover such fine.

SPEAKER VAN NORSTRAND:

The amendment is in your possession, sir.  
Your pleasure.

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REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Just briefly, as it says, it explains itself. For each day the employer fails to provide such notice, the fine may be imposed and the attorney general, upon complaint, shall bring the action. And I urge the adoption of Senate "B".

SPEAKER VAN NORSTRAND:

The question is on adoption of Senate "B". Will you remark? The question is on adoption of Senate "B".

If not, all in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

All opposed indicate by saying nay.

REPRESENTATIVES:

No.

SPEAKER VAN NORSTRAND:

The ayes have it. Senate "B" is adopted and ruled technical. Will you remark further on the bill as amended by Senate "A" and Senate "B".

REP. CASEY: (118th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. T. J. Casey.

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REP. CASEY: (118th)

Mr. Speaker, the Clerk has an amendment, LCO 7918. Will he please call and may I be allowed to summarize.

SPEAKER VAN NORSTRAND:

The Clerk please call LCO No. 7918 designated House Amendment Schedule "A".

CLERK:

House Amendment Schedule "A", LCO 7918 offered by Rep. Casey.

SPEAKER VAN NORSTRAND:

The gentleman seeks permission to summarize. Is there objection? Seeing one, please proceed, sir.

REP. CASEY: (118th)

Mr. Speaker, as you witnessed just earlier, Senate "A" and Senate "B" were trying to address problems with this bill, yet Senate "B" has problems and this amendment helps to correct those problems.

I move passage of the amendment, Mr. Speaker.

SPEAKER VAN NORSTRAND:

The question is on adoption of the amendment. Will you remark?

REP. CASEY: (118th)

Yes, Mr. Speaker. What happens in this amendment is Senate "A" is still as is, as was adopted, but Senate

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"B" is changed slightly, in that the employer who fails, will be subject to up to \$1,000 fine. Now that determines the size, the court will decide what that fine shall be. But if within three days after notice of his failure to have these materials supplied to the local fire marshall, he might be subject up to \$1,000 per day fine.

Mr. Speaker, that's an important distinction because one, in the first instance, he might have been negligent in terms of his filing. But three days from being notified of his negligence and he's not up to date, then he's wilfully violating the law and that punishment might be stiffer.

I move again, passage of this amendment.

SPEAKER VAN NORSTRAND:

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

REP. TIFFANY: (36th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. John J. Tiffany.

REP. TIFFANY: (36th)

Mr. Speaker, I guess a parliamentary inquiry. It would seem to me that the proper action would have been to reject Senate "B" because House "A" contradicts

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Senate "B" and how in the world are you going to mesh the two together if they pass. With the amendment that passed last should be an overriding factor?

SPEAKER VAN NORSTRAND:

That has been the history, Rep. Tiffany. Obviously House "A" embodies with similar intent portions of Senate "B". That was the amendment that required the attorney general upon complaint of the fire marshall to seek in court a civil penalty. I noticed that language with some other changes incorporated in House "A".

REP. TIFFANY: (36th)

I'm not, through you, Mr. Speaker, to you, Mr. Speaker, I'm not nearly as concerned with Senate "A" as I am Senate "B". Senate "B" says that he shall be fined, the fine for each day, and then House "A" is going to make it each day that he does not after a certain period of time.

SPEAKER VAN NORSTRAND:

It inserts the three day period, as I read it, sir.

REP. TIFFANY: (36th)

I certainly support House "A" over Senate "B", but I would have been more comfortable if we'd moved for rejection of Senate "B".

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SPEAKER VAN NORSTRAND:

Will you remark further on House "A"? Will you remark further? If not, all in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

All opposed indicate by saying nay.

REPRESENTATIVES:

No.

SPEAKER VAN NORSTRAND:

Ayes have it. House "A" is adopted and ruled technical.

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House Amendment Schedule "A".

Delete lines 22 to 37, inclusive, in their entirety and insert the following in lieu thereof:

"(b) (On or before October 1, 1984, and annually thereafter, each) EACH employer who uses, keeps, stores, or produces any hazardous material in his manufacturing establishment shall, WITHIN THIRTY DAYS, provide the local fire marshal for the area where the establishment is located with notice, in writing, of the presence or ELIMINATION of any such substances in his establishment. The notification shall include the hazard class, as described in 49 CFR 172.101, of each such substance and the location in the establishment where it can normally be found. Notification of the name of the substance shall not be required. ANY EMPLOYER WHO FAILS TO PROVIDE NOTICE AS REQUIRED BY THIS SUBSECTION SHALL BE ASSESSED A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS. ANY EMPLOYER WHO, AFTER THREE DAYS FROM THE DATE OF HIS

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House of Representatives

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ACTUAL KNOWLEDGE OF THE ASSESSMENT OF SUCH PENALTY, FAILS TO PROVIDE NOTICE AS REQUIRED BY THIS SUBSECTION, SHALL BE ASSESSED AN ADDITIONAL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH DAY SUCH EMPLOYER FAILS TO PROVIDE SUCH NOTICE. THE ATTORNEY GENERAL, UPON COMPLAINT OF THE LOCAL FIRE MARSHALL, SHALL INSTITUTE A CIVIL ACTION TO RECOVER SUCH FINE. ANY MONEYS COLLECTED IN ACCORDANCE WITH THIS SECTION SHALL BE DEPOSITED IN THE EMERGENCY SPILL RESPONSE FUND ESTABLISHED UNDER SECTION 22a-451."

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SPEAKER VAN NORSTRAND:

Will you remark further on the bill? Will you remark further? If not, staff and guests please come to the well of the House. The machine will be opened. The Clerk please announce the pendency of a roll call.

CLERK:

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

The House of Representatives is now voting by roll call.

Will the members please return to the Chamber immediately.

SPEAKER VAN NORSTRAND:

Have all the members voted and are your votes properly recorded? If so, the machine will be locked and the Clerk please take a tally.

REP. DICKINSON: (30th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Loren Dickinson.

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REP. DICKINSON: (30th)

Thank you, Mr. Speaker. In the affirmative,  
please.

SPEAKER VAN NORSTRAND:

Rep. Dickinson of the 30th in the affirmative.

REP. JAHN: (32nd)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Robert Jahn.

REP. JAHN: (32nd)

Mr. Speaker, in the affirmative, please.

SPEAKER VAN NORSTRAND:

Rep. Jahn in the affirmative.

REP. ANTONETTI: (82nd)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Richard Antonetti.

REP. ANTONETTI: (82nd)

In the affirmative, please.

SPEAKER VAN NORSTRAND:

Rep. Antonetti in the 82nd in the affirmative.

REP. WILBER: (133rd)

Mr. Speaker.

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SPEAKER VAN NORSTRAND:

Rep. Elinor Wilber.

REP. WILBER: (133rd)

Mr. Speaker, in the affirmative.

SPEAKER VAN NORSTRAND:

Rep. Elinor Wilber of the 133rd in the affirmative.

Will the Clerk please announce the tally.

CLERK:

Senate Bill 973 as amended by Senate "A" and  
Senate "B" and House "A".

Total number voting	150
Necessary for passage	76
Those voting yea	150
Those voting nay	0
Those absent and not voting	1

SPEAKER VAN NORSTRAND:

The bill as amended by Senate "A", Senate "B"  
and House "A" is passed.

CLERK:

Page 10, Calendar No. 747, Substitute for Senate  
Bill 885, File No. 789, AN ACT CONCERNING AVIATION  
FACILITIES, as amended by Senate Amendment Schedule "A".  
Favorable Report of the Committee on Judiciary.

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
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VOL. 28  
PART 9  
2823-3170

Regular Session  
May 15, 1985

2829 75  
jgt

SENATOR MORANO:

Mr. President, may this be passed temporarily?

THE CHAIR:

Any objection to passing temporarily? No objection.

It may be passed temporarily.

THE CLERK:

Calendar 510 was passed temporarily waiting for an amendment. The amendment is here.

THE CHAIR:

You may call it please.

THE CLERK:

Calendar 510, Substitute for Senate Bill 973, File 743.  
An Act Concerning The Penalty For An Employer's Failure To  
Notify The Fire Marshal Of The Presence Of Hazardous Materials.  
Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Richard Johnston.

SENATOR JOHNSTON:

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

THE CHAIR:

Clerk, please call the amendment.

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THE CLERK:

Senate Amendment Schedule "A", LCO No. 7440 introduced  
by Senator Johnston.

THE CHAIR:

Senator Johnston.

SENATOR JOHNSTON:

Thank you, Mr. President. I yield to Senator Benson.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Thank you, Mr. President. I move adoption of the amendment  
and waive the reading and beg leave of the circle to summarize.

THE CHAIR:

Without objection, you may proceed.

SENATOR BENSON:

Thank you, Mr. President. Quite simply what this does is  
it takes out the annual submission of the reports of the ma-  
terials that are on site and requires that within thirty days,  
when there is a new presence or elimination of hazardous sub-  
stance, that a report be filed with the fire marshal, and I  
beg, oh, I shouldn't say beg, I move adoption of the amendment.

THE CHAIR:

Wish to remark further on the amendment? All those in

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jgt

favor of the amendment, signify by saying aye. Those opposed,  
nay. The ayes have it. The amendment's adopted. Further  
amendments?

THE CLERK:

Senate Amendment Schedule "B", LCO No. 7073 introduced by  
Senator Mustone.

THE CHAIR:

Senator Mustone.

SENATOR MUSTONE:

Yes. Could we please stand at ease just one minute please?

THE CHAIR:

Certainly. Senate will stand at ease.

SENATOR MUSTONE:

Yes, Mr. President. Excuse me. I'd like to move the  
amendment and request permission to summarize.

THE CHAIR:

Without objection, you may proceed.

SENATOR MUSTONE:

It just increases the fee, Mr. President, to one thousand  
dollars.

THE CHAIR:

Wish to remark further on the amendment? All those in  
favor of the amendment signify by saying aye - excuse me.

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Senator Benson, wish to be heard?

SENATOR BENSON:

Thank you, Mr. President, I believe the bill already changed it to a thousand dollars. This made it a thousand dollars per day which brings it in line, consistent with existing statutes and existing violations and penalties that are presently in place. Is that correct ...?

SENATOR MUSTONE:

Mr. President, it increases it to a thousand dollar fine per day and the Attorney General may initiate civil action on the complaint of the fire marshal.

SENATOR BENSON:

I do rise in support of this amendment, Mr. President.  
Thank you.

THE CHAIR:

All those in favor of the amendment signify by saying aye. Those opposed, nay. The ayes have it. The amendment's adopted.  
Further amendments?

THE CLERK:

No further amendments.

THE CHAIR:

Senator Richard Johnston, on the bill as amended by "A" and "B".

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SENATOR JOHNSTON:

Thank you, Mr. President. On the bill as amended by Senate Amendment "A" and "B", this legislation would subject manufacturers to a penalty of up to one thousand dollars per day for failure to notify local fire marshals of the presence of specified hazardous substances. If there are no objections, I urge that this bill, as amended by Senate Amendment "A" and "B" be placed on consent.

THE CHAIR:

Any objection? Hearing none, so ordered.

THE CLERK:

Page 3, calendar 514, Senate Bill No. 983, File 749. An Act Concerning Prejudgment Remedies Issued Ex Parte.

Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Richard Johnston.

SENATOR JOHNSTON:

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

THE CHAIR:

Any amendments?

THE CLERK:

I have three amendments, Senator Johnston. Any order?

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2812 jgt

SENATOR AVALLONE:

After an application for a prejudgment remedy has been submitted to a judge of the Superior Court and the judge has reviewed the affidavit and has reviewed the complaint or the allegations of the plaintiff, he then has the authority to grant an order attaching property. That order will be served upon the defendant and so, it is at that point that the defendant is served and has notice that his property has been attached.

SENATOR MILLER:

Thank you, Mr. President.

THE CHAIR:

Further remarks? You've asked that it be placed on the consent calendar? Any objection? Hearing none, so ordered.

Senator Robertson.

THE CLERK:

An immediate roll call on the consent calendar has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call on the consent calendar has been ordered in the Senate. Will all Senators please return to the chamber.

Page 2, calendar 479. <sup>HB 7596</sup> Page 3, calendar 507, 510 and 514. <sup>SB 583, SB 973, SB 983</sup>  
Page 6, calendar 547, 548 and 549. <sup>HB 6502, HB 7234, HB 7709</sup> On page 7, calendar 550, <sup>HB 7798</sup>  
<sup>HB 5778, HB 5898</sup> 554, 555. <sup>HB 7168, HB 7553</sup> On page 8, calendar 558 and 561. On page 9,

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HB 7603, HB 6310  
calen... 62 and 566. On page 10, calen ar HB 5983, HB 7438, HB 7527  
HB 5643, HB 7825 HB 5081  
572 and 573. On page 11, calendar 576. On page 12, calendar  
HB 7855  
582. That completes the consent.

A roll call vote on the consent calendar. Will all Sena-  
tors please return to the chamber.

THE CHAIR: (THE PRESIDENT PRO TEMPORE IN THE CHAIR)

We're about to vote on a consent calendar as read by the  
Clerk. Is there anyone who wishes to have any bill taken off  
the consent calendar? Is there any opposition to any bill  
being on the consent calendar? Anyone wish to have a bill  
removed? If not, the machine will be opened. Senator Daniels.  
Senator Daniels.

THE CLERK:

There's a roll call in process in the Senate. Will all ..  
Senator Daniels. There's a roll call in process in the Senate.  
All Senators return to the chamber.

THE CHAIR:

All right. The machine will be closed. Clerk will take  
a tally. Consent calendar passes 35 to zero. Clerk will  
please call the next item.

THE CLERK:

Page 3, calendar 509, Substitute for Senate Bill 972,  
File 744. An Act Concerning Civil Penalties For Hazardous

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PROCEEDINGS  
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PART 12  
3310-4264

Regular Session  
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4057 148  
dk

THE CLERK:

Page 18, Cal. No. 510, Substitute for Senate Bill No. 973, File No. 743. An Act Concerning the Penalty For An Employer's Failure To Notify the Fire Marshal of the Presence of Hazardous Materials. (As amended by Senate Amendment Schedules "A" and "B", and House Amendment Schedule "A".) Favorable Report of the Committee on Judiciary. Senate passed with Senate "A" and "B" 5/15. House passed with Senate "A" and "B" and House "A" 5/23.

THE CHAIR:

Senator Richard Johnston.

SENATOR RICHARD JOHNSTON:

Thank you, Mr. President. I move acceptance of the joint Committee's Favorable Report and passage of the bill, in concurrence with the House Amendment.

THE CHAIR:

Will you remark?

SENATOR RICHARD JOHNSTON:

May I have just one moment, Mr. President?

THE CHAIR:

The Senate will stand at ease. Senator.

SENATOR RICHARD JOHNSTON:

Yes. For the record, Mr. President, it seems that the amendment that I described for the last bill, is really for

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this bill. And, that is that a manufacturer could be subjected to a penalty of five hundred dollars per day, as opposed to a thousand dollars per day penalty, that we passed up here in the Senate. With regard to the last bill, the House Amendment, amended the bill to reduce the penalty as well, from a thousand to five hundred dollars a day, and also added a requirement that civil actions might be brought against such employers by the Attorney General's Office.

THE CHAIR:

Now let's get this record straight, because apparently, we're going to have some confusion about the interpretation you made of the House Amendment. I think it will be necessary for us to go back to 509. Why don't we clear the board, and refer to 509, please.

SENATOR RICHARD JOHNSTON:

O.K. Thank you, Mr. President.

THE CHAIR:

Do you move it again? Move for adoption in concurrence with the House?

SENATOR RICHARD JOHNSTON:

I'm sorry. I move acceptance of the joint Committee's Favorable Report and passage of the bill, in concurrence with the House Amendment.

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THE CHAIR:

Now you wish to explain House "A"?

SENATOR RICHARD JOHNSTON:

Yes, Mr. President. The House Amendments would subject the manufacturer to a civil penalty of up to one thousand dollars a day for the presence of hazardous materials in his establishment, which does not notify the local fire marshall about. It also allows the Attorney General to bring civil action onto such a manufacturer, upon a complaint by the local fire marshall.

THE CHAIR:

Will you identify the amendment? Apparently you're now talking about 510, and we're back to 509, Senator. Now, we are on 509 again, based on the fact that you observed that you are talking about an amendment which has or had, no application to 509. Now, are we ready now to talk about 509, and the amendment? All right, you may proceed?

SENATOR RICHARD JOHNSTON:

I'm sorry, Mr. President. I will yield to the Chairman on Transportation, in as much as it is a Transportation amendment.

SENATOR MORANO:

Mr. President?

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THE CHAIR:

Senator Morano, on 509.

SENATOR MORANO:

I'm referring to L.C.O. No. 6389, House Amendment "A".

THE CHAIR:

That's correct.

SENATOR MORANO:

I move the adoption of the House Amendment "A", and I'd like to summarize. This amendment clarifies the intent of Public Act 84-404, to require compliance with federal motor carrier safety regulations, for all interstate and intrastate transportation of hazardous materials. Federal motor carrier regulations currently apply to all interstate trucking operations, and the Transportation Committee, last year, felt that it was important that the federal regulations also apply to in state transportation of hazardous materials. The amendment also delays application of the federal motor carrier safety regulations, for interstate non-hazardous trucking operations, until October of 1986, to allow the Transportation Committee to further review the regulations.

THE CHAIR:

Any objection to House "A"? All those in favor, signify by saying aye. Those opposed. House "A" is adopted. We are now on the bill, with all the amendments, and in concurrence

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dk

with the House action? You wish to speak further?

SENATOR MORANO:

Mr. President...

THE CHAIR:

You're moving to the consent calendar? Any objection?  
The item is placed on the consent calendar. The next item  
is 510. Senator Richard Johnston.

SENATOR RICHARD JOHNSTON:

I move acceptance of joint Committee's Favorable Report  
and passage of the bill, Mr. President, in concurrence with  
the House Amendment "A".

THE CHAIR:

All right. I think it'd be easier if you said, in con-  
currence with the House, which includes all the actions of  
the Senate and the House. Because we've already taken action.  
Without specifically focussing on House "A". But if you wish  
to explain House "A", you're at liberty to do so. You may  
proceed. What does House "A" say?

SENATOR RICHARD JOHNSTON:

Thank you, Mr. President. House "A" establishes a civil  
penalty of one thousand dollars, per day, for any employer  
who fails to provide notice to the local fire marshal, with  
respect to hazardous substances. And it also authorizes the  
Attorney General, on complaint of local fire marshal, to

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dk

bring a complaint against such a manufacturer. And I would move this be placed on consent.

THE CHAIR:

Any objection? Hearing none, so ordered.

THE CLERK:

Page 19, Cal. No. 514, Senate Bill No. 983, File No. 749.  
An Act Concerning Prejudgment Remedies Issued Ex Parte. (As amended by Senate Amendment Schedule "B" and House Amendment Schedule "A".) Favorable Report of the Committee on Judiciary. Senate passed with Senate "B" 5/15. House passed with Senate "B" and House "A" 5/23.

THE CHAIR:

Senator Richard Johnston.

SENATOR RICHARD JOHNSTON:

Thank you, Mr. President. I move acceptance of the joint Committee's Favorable Report and passage of the bill, in concurrence with the House.

THE CHAIR:

All right. Wish to remark?

SENATOR RICHARD JOHNSTON:

This is a bill which was once before us, relative to ex parte prejudgment remedies, and is relative to the granting of same, without notice or a hearing. And if there is no objection, I move that this be placed on consent.

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4104 dk

A roll call on the consent calendar has been ordered in the Senate, will all Senators please return to the Chamber.

THE CHAIR:

Please give your attention to the Clerk, who will run down the items that are included in the consent calendar.

THE CLERK:

Page 5, I'm sorry. Page 1, Cal. No. 610. SB 303  
Page 5, Cal. No. 731 and No. 733. HB 7563, HB 7662  
Page 6, Cal. No. 736 and No. 738. HB 7653, HB 5853  
On page 7, Cal. No. 741 and No. 743. HB 6927, HB 7475  
Page 8, Cal. No. 744 and No. 747. HB 7605, HB 7800  
On page 18, Cal. Nos. 449, 499, 509, and 510. SB 332, HB 7481, SB 972, SB 973  
And on page 19, Cal. No. 514. SB 983

THE CHAIR:

Any objections? Any changes? If not, Clerk will please call the roll call.

THE CLERK:

Roll call on the consent calendar immediately in the Senate. Roll call on the consent calendar immediately in the Senate.

THE CHAIR:

The machine will be open. Has everyone voted? Machine is closed. Clerk, please tally the vote.

Result of the vote: 36 yea, 0 nay. The consent calendar

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is adopted. Senator Smith.

SENATOR SMITH:

Mr. President, I would move for suspension of the rules, to transmit all the transactions to the House, please?

THE CHAIR:

If there is no objections, so ordered. Senator Gunther.

SENATOR GUNTHER:

Mr. President, may we go back to an item that was passed? On the top of page 9, Cal. No. 749, File 1133, Senate Bill 484. I'd like to make a motion that we refer it to Appropriations.

THE CHAIR:

The motion is to refer it to Appropriations. Is there any objection? Hearing none, so ordered.

SENATOR GUNTHER:

Mr. President, I'd ask for a suspension of the rules, for immediate transmittal to Appropriations.

THE CHAIR:

Question is on suspension, for immediate transmittal to the Appropriations Committee. Are there any objections? Hearing none, so ordered.

THE CLERK:

Page 17, Cal. No. 439, Petition No. 11, Senate Bill No. 412, Files 666 and 1103. An Act Establishing A State Board of Vocational Education. No recommendation by the Committee

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MS. RIDDLE: (continued)  
that there's no question along the road.

973, yes.

SEN. JOHNSTON: May I interrupt you for a moment. To the extent that that would be true, that it's a civil penalty, is it appropriately before this committee?

MS. RIDDLE: Yes.

SEN. JOHNSTON: Why? I mean we only deal with criminal penalties, so why are there infractions?

MS. RIDDLE: Judiciary has traditionally dealt with any enforcement provisions, whether it may be civil or criminal, and as a matter of fact, last year we recommended that there be a study of this, Senator, because there is a lack of uniformity across the statutes as to the distinguishing between the criminal and civil. And I've been doing it on a sort of piecemeal basis to try to solve the problems that we have.

SEN. JOHNSTON: I've been seeing as legislation is proposed, that there are many agencies out there that impose civil fines. That aren't necessarily what I would consider to be criminal sanctions.

MS. RIDDLE: Right. Well, you're absolutely right. But what we have tried to do with hazardous area, because we are modeled back to the federal law, we tried to be as consistent with what we do and what they do so there's no problem. But I agree with you.

Okay, Senate Bill 973. This one deals with the State Fire Code. In 1983 the General Assembly passed Public Act 83-511, which requires an employer to notify the local fire marshal whenever the employer has hazardous chemicals and materials in his plant, in his manufacturing plant.

And this information is extremely valuable, should there be a fire in that plant, because they would know then how to treat the situation, based on that information that they have. It is a relatively new law, but the weakness in it is that there is no sanction.

MS. RIDDLE: (continued)

What this bill does is it provides a sanction, and it gives, in essence, tries to give the local fire marshal some more clout. We have had calls in our office, especially from Wallingford, about this problem and they say it isn't just in Wallingford, it's with other fire marshals.

The question that isn't answered in the draft and it is really left to the committee is this very generally says an employer who fails to provide the notice shall forfeit to the State a sum not to exceed \$1000. I think you might want to amend it by a consideration of the Committee as to who you would like to go after this. Would you like the local corporation counsel to go after it? Would you like the Commissioner of Environmental Protection? Would you like the Attorney General? I think that's a Committee decision. We're pointing out the hole and realizing there's a concern by local fire marshals, and we need some clout here. Again, you could determine where the money goes, municipally or statewide too.

SEN. JOHNSTON: Turn to page 2 for a moment, line 43, notification of the name and the substance shall not be required. What does that mean?

MS. RIDDLE: Well, see, right above that it says the notification shall include the hazard class. And I think from the fire marshal's standpoint, that is sufficient for them to understand how to deal with the, with the fire. In other words, these are federal regulations. The hazardous materials are in the code of federal regulations, and that's what they use and those kind of classes. I guess, as long as they can see, I don't have them all at my fingertips, but I think as long as they are in a certain kind of flammable class or gas class or oil class or that kind of thing, they then know how to treat the fire.

I'm not opposed to saying that you specify the name. I think the people must have argued in 1983 that that's too much privacy and there's too much information. What they need to know is what kind of way to treat it, from the fire marshal's standpoint, should there be a fire,

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ATTORNEY GENERAL

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TESTIMONY OF  
ATTORNEY GENERAL  
JOSEPH I. LIEBERMAN  
BEFORE THE JUDICIARY COMMITTEE  
APRIL 4, 1985

I appreciate the opportunity to speak before the Judiciary Committee in support of Senate Bill 972, An Act Concerning Civil Penalties for Hazardous Waste Violations and Senate Bill 973, An Act Concerning the Penalty for an Employer's Failure to Notify the Fire Marshal of the Presence of Hazardous Materials.

My office has been very active in enforcing Connecticut's environmental laws. Section 22a-131 of the Connecticut General Statutes states that any person who violates any provision of Connecticut's hazardous waste program shall be fined. A fine can be either civil or criminal in nature and it is difficult to determine whether the fine is intended to be a civil one or a criminal one. The issue has come up in many cases.

Senate Bill 972 will clarify that the penalty for violation of section 22a-131 of the Connecticut General Statutes is a civil penalty. This amendment will prevent anyone from arguing in court that the fine is criminal in nature and avoid needless litigation and argument on this point.

The State Fire Code is enforced by the local fire marshals. In 1983, the General Assembly passed Public Act 83-511 which requires an employer to notify the local fire marshal whenever the employer has hazardous chemicals and materials in his manufacturing plant. This information is extremely valuable. If a fire breaks out in a particular building, the fire marshal will know whether there are potentially explosive or highly toxic chemicals in the building and he will be able to take appropriate action and precautions.

To make this legislation work, the fire marshal needs the cooperation of every manufacturing plant in the town. There has not always been full cooperation and there is currently no enforcement power given to the fire marshal.

Senate Bill 973 will impose a penalty of \$1,000 on an employer for failure to provide this much-needed information to the local fire marshals. This penalty provision will increase the amount of information available to local fire marshals and may prevent injury to firemen and neighbors from burning hazardous chemicals.