

Legislative History for Connecticut Act

SB 311	P.A. 242	1992
Senate 471-472, 1326,	1893-1900, 2034-2036	(14)
Also: 7278-7302		(25)
Energy Q		
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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1994

VOL. 37

PART 2

364-714

WEDNESDAY
March 30, 1994

000471
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tcc

Is there any objection to referring Senate Calendar No. 0054, Substitute for Senate Bill No. 38 to the Committee on the Judiciary? Any objection? Hearing none, so ordered.

SENATOR DIBELLA:

Calendar Item No. 57, Substitute for Senate Bill No. 211, I'd move this to the Committee on Appropriations.

THE CHAIR:

Is there any objection to referring Senate Calendar No. 0057, Substitute for Senate Bill No. 211 to the Committee on Appropriations? Any objection? Hearing none, so ordered.

SENATOR DIBELLA:

On Page 13, Calendar Item No. 58, Substitute for Senate Bill No. 207, I'd refer this to the Committee on Judiciary.

THE CHAIR:

Is there any objection to referring Senate Calendar No. 0058, Substitute for Senate Bill 207, to the Committee on Judiciary? Any objection? Hearing none, so ordered.

SENATOR DIBELLA:

Calendar Item No. 59, Substitute Senate Bill No. 311, I would move this to the Foot of the Calendar.

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THE CHAIR:

Is there any objection to moving Senate Calendar No. 0059, Senate Bill No. 311, to the Foot of the Calendar? Is there any objection? Any objection? Hearing none, so ordered.

SENATOR DIBELLA:

Calendar Item No. 60 Pass Retained. Calendar Item No. 61, Substitute for Senate Bill No. 141, I'd move this to the Committee on Government Administration and Elections.

THE CHAIR:

Is there any objection to referring Senate Calendar No. 0061, Substitute for Senate Bill No. 141, to the Committee on Government Administration and Elections? Is there any objection? Hearing none, so ordered.

SENATOR DIBELLA:

Calendar Item No. 62, Pass Retained.
On Page 14, Calendar Item No. 63 is a Pass Retained. Calendar Item No. 114, Substitute for Senate Bill No. 236, I'd move this to the Committee on Legislative Management.

THE CHAIR:

Is there any objection to referring Senate Calendar No. 114, Substitute for Senate Bill 236 to the Committee on Legislative Management? Is there any

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Item No. 62 is Passed Temporarily. Calendar Item
No. 150 is a Go. Calendar Item No. 171 is a Go.

On Page 38, under Favorable Reports, Resolutions,
Calendar Item No. 287 is a Go. On Page 39, Senate Bill
-- Calendar Item No. 59, Senate Bill No. 311, I would
move that this be referred -- be removed from the Foot
of the Calendar.

THE CHAIR:

Is there any objection to removing Senate Calendar
59, Senate Bill No. 311 from the Foot of the Calendar?

Is there any objection? Any objection?

SENATOR DIBELLA:

I would ask, Madam President, that Calendar Item
No. 59 on Page 39 be marked Pass Retained.

THE CHAIR:

Thank you very much.

SENATOR DIBELLA:

Madam President.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

One correction. On Page 37, Calendar Item No. 261,
I had marked Pass Retained. Substitute for Senate Bill
No. 254, I would move that this be referred to the
Committee on Appropriations.

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Calendar Page 1, Favorable Reports, Calendar No. 59,
File No. 49, Senate Bill No. 311, AN ACT REVISING TITLE
16 OF THE GENERAL STATUTES.

Favorable Report of the Committee on Energy and
Public Utilities.

The Clerk is in possession of five amendments.

THE CHAIR:

Five? Thank you very much, Mr. Clerk. The Chair
would recognize Senator Peters.

SENATOR PETERS:

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

THE CHAIR:

Thank you very much.

SENATOR PETERS:

Madam President, I would like to call LCO952.

THE CLERK:

LCO952, which will be designated Senate Amendment
Schedule "A". It's offered by Senator Peters of the
20th District.

THE CHAIR:

The Chair would recognize Senator Peters.

SENATOR PETERS:

Thank you, Madam President. I seek leave to

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summarize.

THE CHAIR:

Please proceed, Senator.

SENATOR PETERS:

What this proposal does or amendment does is allow the city or municipality to purchase the Bosrah Light & Power Company which currently serves Bosrah, Franklin, Lebanon and Montville. The current law allows the municipal electric utility to serve the town in which it is located. It also requires a two-thirds vote of the city council and a majority vote in a referendum.

It also waives the requirement that at least 15 percent of the electorate vote in the referendum in order to be passed and I urge adoption of the amendment.

THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark on Senate Amendment "A"? Are there any further remarks on Senate Amendment "A"? If not then, please let me know your mind. All those in favor of LCO No. 952, designated by the Clerk as Senate Amendment "A", please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

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Opposed.

The ayes have it.

The amendment is adopted.

THE CHAIR:

Mr. Clerk or Senator Peters.

SENATOR PETERS:

Thank you, Madam President. I ask the Clerk to call LCO4728.

THE CLERK:

LCO4728, which will be designated Senate Amendment Schedule "B". It's offered by Senator Peters of the 20th District.

THE CHAIR:

Senator Peters.

SENATOR PETERS:

Thank you, Madam President. I'd like to summarize.

THE CHAIR:

Move passage of the amendment.

SENATOR PETERS:

I'm sorry. I move passage of the amendment and seek leave to summarize.

THE CHAIR:

Please proceed.

SENATOR PETERS:

Thank you. Last year this legislature adopted

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Public Act 93-268, which encouraged the shared use of telecommunications towers. This proposal allows an entity that agrees to share its tower to file a request for approval with the Connecticut Siting Council which has jurisdiction over those towers.

If the council finds that the agreement meets the criteria contained in existing law, it must issue an order approving the sharing. I also would like to say that this is an agreement with CCM and I urge its passage.

THE CHAIR:

Thank you very much. Would anybody else wish to remark on Senate Amendment "B", LCO No. 4728? Are there any further remarks? Any further remarks? If not then, please let me know your mind. All those in favor of LCO4728, designated by the Clerk as Senate Amendment "B" please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed.

The ayes have it.

The amendment is adopted.

SENATOR PETERS:

Thank you. Madam President, at this time I would

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ask the Clerk to withdraw any amendments in my name,
any further amendments in my name.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO6269, which will be designated Senate Amendment
Schedule "C". It's offered by Senator Przybysz of the
19th District.

THE CHAIR:

The Chair would recognize Senator Przybysz.

SENATOR PRZYBYSZ:

Thank you, Madam President. I would move the
amendment please.

THE CHAIR:

Thank you very much, Senator. Would you like --?

SENATOR PRZYBYSZ:

If I could request permission to summarize please.

THE CHAIR:

Yes, sir.

SENATOR PRZYBYSZ:

Thank you, Madam President. What this amendment
does is to allow the Department of -- the DPUC to
investigate the escape of electricity when it affects
cattle as we currently have it in statute when they
investigate the escape of electricity as it affects

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other types of structures, other types of facilities, such as injury or destruction to such pipes, conductors and structures.

This has been brought to my attention by some farmers in my district about the existence of stray voltage and its effect on farms, in particular cows. This has had an impact on a number, as I said, farms in my district and it has really affected one family in particular.

I refer to a letter that I received from nine year old Megan, who participated in -- had to see a cow die because of the stray voltage that affected her cow and she asked why can't get our electricity from someone else who won't give us stray voltage, from someone who doesn't want to keep hurting our cows. I believe that this will help in having these types of situations investigated and would move adoption of the amendment.

THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark on LCO No. 6269? Are there any further remarks? If not then, please let me know your mind. All those in avor of LCO No. 6269, designated by the Senate Clerk as Senate Amendment "C", please signify by saying aye.

SENATORS:

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Aye.

THE CHAIR:

Opposed.

The ayes have it.

The amendment is adopted.

Senator Peters, you now have before you Senate Bill 311, as amended by Senate "A", "B" and "C".

SENATOR PETERS:

Thank you very much, Madam President. What this bill does, as amended, repeals obsolete provisions, makes other technical changes in the laws regulating public utilities and I urge its passage.

THE CHAIR:

Thank you very much. Would anybody else wish to remark on -- yes, Senator Somma.

SENATOR SOMMA:

Thank you, Madam President. I have a question, through you, to Senator Peters or Senator Milner, if I might.

THE CHAIR:

Certainly, sir.

SENATOR SOMMA:

With the adoption of LC0952, I wondered if the bill ought to be referred to the Planning and Development Committee, to Senator Milner.

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SENATOR MILNER:

Through you, Madam President, I have looked at the issue. It's a one-town issue and I don't believe that it should come to P & D at this point. I don't think it's necessary.

THE CHAIR:

Does that answer your question, sir? Are there any other remarks? Are there any other questions? If no, Senator Peters, would you like to move to place this item on the Consent Calendar if there's no objection?

SENATOR PETERS:

I so move.

THE CHAIR:

Thank you very much. Is there any objection to placing Senate Calendar 59, Senate Bill No. 311, as amended by Senate Amendments "A", "B" and "C" on the Consent Calendar? Is there any objection? Any objection? Hearing none, so ordered.

THE CLERK:

Calendar Page 2, Calendar No. 236, File No. 288, Substitute for Senate Bill 350, AN ACT CONCERNING CERTAIN PROCESSED WOOD.

Favorable Report of the Committee on Environment.

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An immediate roll call has been ordered in the
Senate. Will all Senators please return to the
Chamber. An immediate roll call has been ordered in
the Senate on the Consent Calendar. Will all Senators
please return to the Chamber.

THE CHAIR:

Thank you very much, Mr. Clerk. The issue before
the Chamber is Consent Calendar No. 1. Would you
please read the items that have been placed on the
Consent Calendar.

THE CLERK:

Beginning on Calendar Page 1, Calendar No. 59,
Senate Bill No. 311.

Calendar Page 2, Calendar No. 236, Substitute for
Senate Bill No. 350.

Calendar Page 3, Calendar No. 246, Substitute for
House Bill 5496. Calendar 278, Substitute for House
Bill 5101.

Calendar Page 4, Calendar 288, Substitute for House
Bill 5139. Calendar 293, Substitute for House Bill
5066. Calendar 300, Substitute for House Bill 5717.
Calendar 311, Substitute for Senate Bill 362.

Calendar Page 9, Calendar No. 364, Substitute for
House Bill 5386.

Calendar Page 11, Calendar 388, Substitute for

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House Bill 5538. Calendar Page 18, Calendar No. 185,
Substitute for Senate Bill 239. Calendar Page 19,
Calendar No. 213, Substitute for Senate Bill 282.

Calendar Page 20, Calendar No. 222, Substitute for
House Bill 5537.

Calendar Page 21, Calendar No. 235, Senate Bill No.
414. Calendar 238, Substitute for Senate Bill No. 369.
Calendar 253, Substitute for Senate Bill 363. Calendar
254, Substitute for Senate Bill 364.

Calendar Page 22, Calendar No. 258, Substitute for
Senate Bill 333.

Calendar Page 24, Calendar No. 346, Substitute for
Senate Bill 93.

Madam President, that completes the Consent
Calendar.

THE CHAIR:

Thank you very much, Mr. Clerk. You've heard the
items that have been placed on Consent Calendar No. 1.
The machine is on. You may record your vote.

Is Senator Fleming here? Have all Senators voted
and are your votes properly recorded? Have all
Senators voted and are your votes properly recorded?
The machine is closed.

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The result of the vote:

33 Yea

0 Nay

3 Absent

The Consent Calendar is adopted.

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I move suspension of the rules to transmit all business necessary to be transmitted to the House.

THE CHAIR:

You have before you a motion by Senator DiBella for the immediate transmittal of all items take up here today that need action by the House for the immediate transmittal of those items to the House. Is there any objection to the immediate transmittal of items to the House for their action? Any objection? Hearing none, so ordered. Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. For a Go List. On Page 8, Calendar Item No. 343 and on Page 23, Calendar Item 306.

THE CHAIR:

What was the first one? Could you tell me?

SENATOR DIBELLA:

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House of Representatives

Tuesday, May 3, 1994

REP. JARJURA: (74th)

Thank you, Mr. Speaker. For purposes of an introduction.

SPEAKER RITTER:

Please proceed, sir.

REP. JARJURA: (74th)

Thank you, Mr. Speaker. Visiting with us here today is one of my favorite constituents and in a little bit of show of bipartisanship, Debbie Lewis is also Congressman Franks' main assistant in Waterbury and she's very much involved in minority issues and woman issues.

I wish the House would give Debbie Lewis, who's right in the Well of the House, a warm welcome. Debbie.

SPEAKER RITTER:

Clerk, please continue with Calendar 509.

CLERK:

On Page 9, Calendar 509, Senate Bill 311, AN ACT REVISING TITLE 16 OF THE GENERAL STATUTES. As amended by Senate Amendment Schedules "A", "B" and "C".

Favorable Report of the Committee on Energy and Public Utilities.

SPEAKER RITTER:

The Honorable Representative from Hartford,

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Representative John Fonfara.

REP. FONFARA: (6th)

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

SPEAKER RITTER:

The motion is on acceptance and passage, in concurrence with the Senate. Please proceed, sir.

REP. FONFARA: (6th)

Thank you, Mr. Speaker. Mr. Speaker, this bill makes technical revisions to Title 16 of the General Statutes. I move adoption.

SPEAKER RITTER:

The motion is on acceptance and passage. Please proceed, sir.

REP. FONFARA: (6th)

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO952. May he please call and may I be allowed to summarize?

SPEAKER RITTER:

Before we do that, could you yield to Representative Courtney for a second please?

REP. FONFARA: (6th)

I will yield to Representative Courtney.

SPEAKER RITTER:

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Representative Courtney.

REP. COURTNEY: (56th)

Mr. Speaker, for the possibility of a conflict of interest, I want to excuse myself from the Chamber.

SPEAKER RITTER:

With the envy of the Chamber. The Clerk has LC0952. If he may call, Representative Fonfara would like to summarize.

CLERK:

LC0952, previously designated Senate "A", offered by Senator Peters.

SPEAKER RITTER:

Representative Fonfara.

REP. FONFARA: (6th)

Thank you, Mr. Speaker. Mr. Speaker, this amendment would allow a municipality which maintains one or more plants for manufacture or distribution of gas or electricity to acquire the capital stock, assets and liabilities of the Bozrah Light and Power Company.

I move adoption, Mr. Speaker.

SPEAKER RITTER:

The question's on adoption. Will you remark further on Senate "A"? Will you remark further? Representative Winkler.

REP. WINKLER: (41st)

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Thank you, Mr. Speaker. I rise in support of the amendment. As Representative Fonfara said, this will allow a municipality that is in the utility business, upon successfully negotiating a contract, to acquire the facility.

I urge the Chamber's adoption.

SPEAKER RITTER:

Thank you, Representative Winkler. Will you remark further on Senate "A"?

REP. FLAHERTY: (8th)

Mr. Speaker. Mr. Speaker.

SPEAKER RITTER:

I'm sorry. Representative Flaherty.

REP. FLAHERTY: (8th)

Thank you, Mr. Speaker. Mr. Speaker, I too rise in support of this amendment. I did have a number of misgivings, and of course, if this does pass, it is in the nature of a special act and it would allow a municipality to do that, although, of course, other agencies or utilities might be interested in making this purchase and certainly would not in any way want to prejudice any ongoing negotiations, however, I do feel it's important to put into the record that the City of Groton has made some representations to me

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regarding their intentions should they be successful in making this purchase.

In particular, they would be willing to allow the towns that would be serviced by this to be part of the board that actually sets the rates and they also have said that they would be willing to continue to make payment in lieu of the property taxes that Bosrah Light & Power currently makes to the municipalities.

Therefore, I urge adoption.

SPEAKER RITTER:

Thank you, sir. Representative Nancy DeMarinis, from the 40th District, you have the floor, madam.

REP. DEMARINIS: (40th)

I too rise in favor of the amendment. This amendment gives Groton utilities that ability to save and create jobs if the suggested sale and acquisition is completed.

With its three major customers in transition, the purchase enables Groton to expand to fill the gap while continuing to provide good customer service and excellent rates. It really is a defensive diversification and jobs amendment and I urge its adoption.

SPEAKER RITTER:

Thank you, madam. Will you remark further on the

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adoption of Senate "A"? If not, let's try your minds.

All in favor signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed no.

Senate "A" is adopted.

Will you remark further on this bill?

Representative Fonfara.

REP. FONFARA: (6th)

Mr. Speaker, the Clerk has an amendment, LCO No. 4728. May he please call and I be allowed to summarize.

SPEAKER RITTER:

The Clerk has an amendment, LCO4728. If he may call, Senate "B".

CLERK:

LCO No. 4728, designated Senate "B", offered by Senator Peters.

SPEAKER RITTER:

Representative Fonfara.

REP. FONFARA: (6th)

Thank you, Mr. Speaker. Mr. Speaker, last year the legislature adopted a bill which encourages the shared use of telecommunications towers. This amendment

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allows an entity that agrees to share its tower to file a request for approval with the Connecticut Siting Council, which has jurisdictional over towers. If the council finds that the agreement meets the criteria contained in the existing law, it must issue an order approving the sharing.

I move adoption, Mr. Speaker.

SPEAKER RITTER:

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

REP. LOCKTON: (149th)

Thank you, Mr. Speaker. I was across the room on the finance package asking questions, but if I caught what I thought I heard I caught, we're talking about towers now and if additional suppliers want to come and put something on the tower and the build a little hut to reinforce what's on the tower. Is that correct, through you, Mr. Speaker?

SPEAKER RITTER:

Representative Fonfara.

REP. FONFARA: (6th)

To the extent that I heard the question, through you, Mr. Speaker, I'll answer it this way. What we are addressing are instances where private tower owners who would not have been covered under the bill that was

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passed last year wanted to voluntarily enter into an agreement with an entity, they could so and after filing the necessary information with the -- the application with the Siting Council, that the Siting Council would approve the agreement and approve the sharing.

SPEAKER RITTER:

Representative Lockton.

REP. LOCKTON: (149th)

Mr. Speaker, through you, does this mean that if someone were to come on and share a tower with somebody else, that they would not have to go through the local Planning and Zoning Department in order to build any auxiliary buildings around the base of that tower, through you, Mr. Speaker?

SPEAKER RITTER:

Representative Fonfara.

REP. FONFARA: (6th)

Through you, Mr. Speaker, to the extent that the Siting Council would have jurisdiction over that facility, then that would not be necessary, but to the extent that it would not have jurisdiction, that it would have to go to the local zoning authority.

SPEAKER RITTER:

Representative Lockton.

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REP. LOCKTON: (149th)

Thank you, Mr. Speaker. That does give me some concerns that the local Planning and Zoning Department will no longer be in control of the land surrounding these towers and I therefore would vote against this amendment. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, madam. Will you remark further on Senate "B"? Will you remark further on Senate "B"? If not, I'll try your minds. All in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed no.

REPRESENTATIVES:

No.

SPEAKER RITTER:

Senate "B" is adopted.

Will you remark further on this bill? Will you remark further? Representative Fonfara.

REP. FONFARA: (6th)

Mr. Speaker.

SPEAKER RITTER:

You have the floor.

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REP. FONFARA: (6th)

Mr. Speaker, the Clerk has an amendment, LCO6269. May he please call and I be allowed to summarize.

SPEAKER RITTER:

The Clerk has an amendment, LCO6269, previously designated Senate "C". Representative Fonfara would like to have it called and summarize.

CLERK:

LCO No. 6269, previously designated Senate "C",
offered by Senator Przybysz.

SPEAKER RITTER:

Representative Fonfara.

REP. FONFARA: (6th)

Thank you, Mr. Speaker. Mr. Speaker, this amendment would give jurisdiction to any town, city, borough or person owning cattle to have standing before the Department of Public Utility Control at which time the cattle is suffering from conditions effected by electrolysis or by reason of escape of electricity.

I move adoption, Mr. Speaker.

SPEAKER RITTER:

The question is on adoption of Senate "C". Will you remark further on this bill? Representative Ward.

REP. WARD: (86th)

Mr. Speaker, we have before us a statute that dealt

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with owning pipes, conductors or other structures in or above the ground, streets or highway, and then we added cattle, and through you, to the proponent of the amendment, how does cattle fit within the framework of this statute?

SPEAKER RITTER:

Representative Fonfara.

REP. FONFARA: (6th)

Through you, Mr. Speaker, to the extent that you have other -- to the extent that cattle would be affected by any of the factors that electricity of electrolysis, then that would be the nexus. Clearly before we would be adding cattle, these are the other conditions under the roadways, highways, that we would be putting electric pipe or other conductors and cattle, as I understand it, there are conditions that have made this to be a similar situation where there is a conduction of electricity affecting the cattle, through you.

SPEAKER RITTER:

Representative Ward.

REP. WARD: (86th)

Through you, Mr. Speaker, my kids have a couple of pet goats. Why is this restricted to cattle and not to other animals like my kids' pet goats?

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SPEAKER RITTER:

Representative --.

REP. FONFARA: (6th)

Mr. Speaker.

REP. WARD: (86th)

Mr. Speaker, I'll yield to Representative Mordasky.

SPEAKER RITTER:

Representative Ward, do you mind if Representative Mordasky answers the question?

REP. WARD: (86th)

Mr. Speaker, why don't I just yield to Representative Mordasky, if he has an explanation?

SPEAKER RITTER:

Okay, thank you. Representative Mordasky, do you accept the yield, sir?

REP. MORDASKY: (52nd)

Thank you, Mr. Speaker, I accept the yield. Representative Ward, there is a dairy farmer by the name of Larry Scanlon in Lebanon, Connecticut who is having problems with his cows being shocked with the result that they're not making very much milk because they're uncomfortable cows.

He has petition to the utility company trying to find out what the reason why they're getting the shock and they don't seem to be taking heed of his

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objections. The result is putting cattle under this -- in this amendment would give him an out to right and have the DPUC kind of force the utilities to take him into consideration.

SPEAKER RITTER:

Representative Ward.

REP. WARD: (86th)

Thank you, Mr. Speaker. I guess that I understand that a particular person has a particular concern, but if this statute is really for the protection of -- I'm just wondering why it wouldn't be for other animals. It seems to me -- let me ask this, Mr. Speaker, through you.

SPEAKER RITTER:

One second, Representative Ward. The Chamber please come to order. You have the floor, sir.

REP. WARD: (86th)

Mr. Speaker, I'm sorry.

SPEAKER RITTER:

You have the floor, sir.

REP. WARD: (86th)

Thank you, Mr. Speaker. Representative Mordasky, I'm not trying to be funny about it. I really was -- I was initially joking, but in fact in all seriousness, is it really based on one complaint? I'm just

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concerned will this open up a lot of other complaints. There's an issue that's out there with regard to other animals. I know there are -- is it an isolated incident that you think needs to be addressed or is this a significant problem, through you, Mr. Speaker?

SPEAKER RITTER:

Representative Mordasky.

REP. MORDASKY: (52nd)

Through you, Mr. Speaker, Representative Ward, I think this is an isolated instance, but in the same taken, any animal would be affected. If there was horses that would come in contact or goats or pigs or whatever animal, they would certainly show a reaction to it. It just happens to be an isolate case where these cows are being affected and their milk production is way down.

SPEAKER RITTER:

Representative Ward.

REP. WARD: (86th)

I thank the gentleman for his answer. It seems to me that if we were going to say that owners of animals ought to be able to make these claims, it would have been better to write it that way, but I leave it to those who are better experts at this than I am, Mr. Speaker.

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SPEAKER RITTER:

Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker. A question to Representative Fonfara, I think.

SPEAKER RITTER:

Please proceed.

REP. KRAWIECKI: (78th)

Representative Fonfara, let's assume someone who owns cattle has one of these problems and brings a complaint. What remedy is being sought when they bring these complaints? Is it the complaints in the procedures that are laid out in, for example 16-10a where the franchise can be revoked or what happens here, through you, Mr. Speaker?

SPEAKER RITTER:

Representative Fonfara.

REP. FONFARA: (6th)

Through you, Mr. Speaker, the rest of the amendment, existing law is fairly self-explanatory and that the department may order what may be necessary to prevent such injury or destruction as it would be related to the leakage of the electricity.

REP. KRAWIECKI: (78th)

And through you, Mr. Speaker, I'm not sure I

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understood, how are these cattle getting electrocuted at this time? I mean as I understood it, on many farms, they have these electric fences around the outside -- I mean what are these cattle doing that they're getting electrocuted?

REP. FONFARA: (6th)

Through you, Mr. Speaker, my understanding is that they're finding inordinate levels of --. There is an adverse impact, as I understand it, being recognized in the cattle because of the excess electricity or voltage being transferred in one manner or another.

REP. KRAWIECKI: (78th)

And through you, Mr. Speaker, if I can ask this question, who was there first, the farm or the electric company, through you, Mr. Speaker? In other words, were the cattle there first or was the electric company there first?

SPEAKER RITTER:

Representative Fonfara.

REP. FONFARA: (6th)

Through you, Mr. Speaker, the bill is a generic -- the amendment is a generic amendment. It's not addressing a specific case.

REP. KRAWIECKI: (78th)

Well, through you, Mr. Speaker, the example that

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was given that this is an isolated case, so I know we're writing the statute to try to fix a problem and I'm concerned that we're creating more of a problem in the future and while I'm very sympathetic to whoever this person, I forgot their name, their concern, but in this case, who was there first?

SPEAKER RITTER:

Representative Fonfara.

REP. FONFARA: (6th)

Through you, Mr. Speaker, as I understand it, the farm.

REP. KRAWIECKI: (78th)

The farm was there first?

SPEAKER RITTER:

Representative Fonfara.

REP. KRAWIECKI: (78th)

Thank you.

REP. FLAHERTY: (8th)

Mr. Speaker.

SPEAKER RITTER:

Representative Flaherty.

REP. FLAHERTY: (8th)

Thank you, Mr. Speaker. Mr. Speaker, in favor of the amendment, I would like to assure the Chamber that stray voltage in dairy farms has a very extensive body

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of scientific research to show the negative impact of stray voltage on cattle, particularly on dairy cows. The State of Wisconsin has a very progressive program trying to address this problem and I would like to assure the Chamber this is not necessarily an isolated case, but in fact is a real problem and I think that this amendment does seek to give fair readdress to the impacted parties.

I urge adoption. Thank you, Mr. Speaker.

SPEAKER RITTER:

Will you remark further on this great Senate Amendment "C"? If not, all those in favor signify by --. I'm sorry. Representative Ferrari.

REP. FERRARI: (62nd)

Thank you, Mr. Speaker. Just a question to the proponent. Representative Fonfara, through you, Mr. Speaker.

SPEAKER RITTER:

Please proceed.

REP. FERRARI: (62nd)

Has the power company investigated the complaint? Have they been told of it?

SPEAKER RITTER:

Representative Fonfara.

REP. FONFARA: (6th)

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Through you, Mr. Speaker, to the best of my knowledge, they have.

REP. FERRARI: (62nd)

They have not?

REP. FONFARA: (6th)

They have.

REP. FERRARI: (62nd)

They have? Is there any reason to believe the further input by the DPUC is going to cause any different results than they've already found?

REP. FONFARA: (6th)

Through you, Mr. Speaker, it's my understanding that the problem has not been resolved through the normal course of action in working with the electric company and that the cattle farmer is seeking jurisdiction before the DPUC.

DEPUTY SPEAKER LYONS:

Representative Ferrari.

REP. FERRARI: (62nd)

Madam Speaker, you changed.

DEPUTY SPEAKER LYONS:

Quickly.

REP. FERRARI: (62nd)

May I ask another question? Through you, Madam Speaker, what do you think might be the results of an

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investigation? What do you think might occur if they find that the power lines are causing the problem?

REP. FONFARA: (6th)

Through you, Madam Speaker, I'm not a member of the commission. I'm not on the staff of the DPUC, but they have the power to order whatever would be necessary to prevent the injury or the condition from continuing further.

DEPUTY SPEAKER LYONS:

Representative Ferrari.

REP. FERRARI: (62nd)

Thank you, Madam Speaker. Thank you, Representative Fonfara. Frankly, I see it as another charge that our ratepayers are going to have to pay. The people that pay the utility bills, and Connecticut having some of the highest rates in the country, this might be a very good definition of a frivolous complaint that we were talking about earlier and I don't think that there is concrete scientific proof that cows are affected by these electrolysis.

So I would oppose the amendment and urge its rejection. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further?
Representative Mordasky.

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REP. MORDASKY: (52nd)

Madam Speaker, I speak in favor of the amendment. There's got to be leaking voltage somewhere for these cows to react. I understand when the farmer is trying to milk the cows, he attaches the milkers, there's a surge of power, they start kicking and if they're not comfortable, they're not going to give milk. It's a simple deal. Electricity is leaking somewhere and until they find the leakage and ground it out, it's going to keep happening and it's a matter of finding where it is leaking and finding the source of a bare wire or whatever it is and remedy the situation. I don't think it's frivolous and if I was milking those cows, I would be very upset.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the amendment that is before us? Representative Holbrook.

REP. HOLBROOK: (35th)

Thank you, Madam Speaker. Now I hate to speak against my good friend, Representative Mordasky, because I usually like to vote with him and listen intently to his debate on issues that are related to farmers. However, ladies and gentlemen, I'm going to have a hard time going back to my little district and telling the people in my district that their electric

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rates went up because a cow might get exposed to some electromagnetic field and I think the Speaker and I at one time had run a subcommittee on this in the Environment Committee in my freshman and I don't think that there's any definite information out there that can create -- I think I'll pass at this point. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the amendment that is before us? Representative Ryan.

REP. RYAN: (139th)

Yes, Madam Speaker. I speak in favor of this amendment because of the fact that when I go back to my district, I do have to tell the people that I did take care of their concerns since I come from a largely rural area with a lot of cattle farms.

Most of the farms do date back to the 1800s. When the modernized and connected this modern milking equipment, it ran perfectly well for a number of years. With recent changes in the gridwork and supply electricity to the area, people -- farmers began to realize that their milk production was for some reason lacking. They were able to trace it to the milking equipment and thus brought this bill because the power company would not cooperate with them in trying to

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investigate what changes brought about the changes in the milk production.

So that's why we ask you to support this, so that the farmers can continue to produce the milk in the way and manner they have been for years. Thank you.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the amendment?

REP. NYSTROM: (46th)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. In support of the amendment. Everybody is somewhat concentrated on the cattle and I would just simply try to recognize this as another business, looking for a little cooperation and assistance and we ought to support the amendment.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the amendment that is before us? If not, let me try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

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Mooooo.

DEPUTY SPEAKER LYONS:

All those opposed nay.

REPRESENTATIVES:

The ayes have it.

The amendment is adopted.

APPLAUSE AND LAUGHTER

Will you remark further on the bill as adopted?
Will you remark further on the bill as amended? If
not, staff and guests please come to the well. Members
take your seat. The machine will be opened.

CLERK:

The House of Representatives is voting by roll
call. Members to the Chamber. The House is voting by
roll call. Members -- moooooo.

DEPUTY SPEAKER LYONS:

Have all the members voted and would the members
please check the board to make sure that your vote is
properly recorded? If all the members have voted, the
machine will be locked and the Clerk will take a tally.

Representative Amann.

REP. AMANN: (118th)

Madam Speaker, in the affirmative.

DEPUTY SPEAKER LYONS:

Representative Amann in the affirmative.

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Representative Diamantis.

REP. DIAMANTIS: (79th)

In the affirmative, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Diamantis in the affirmative.

The Clerk will please announce the tally.

CLERK:

Senate Bill 311, as amended by Senate Amendment Schedules "A", "B" and "C", in concurrence with the Senate.

Total Number Voting	149
Necessary for Passage	75
Those voting Yea	149
Those voting Nay	0
Those absent and not Voting	2

DEPUTY SPEAKER LYONS:

The bill as amended passes.

Will the Clerk please return to the Call of the Calendar, Calendar 185.

CLERK:

On Page 19, at the top, Calendar 185, Substitute for House Bill No. 5804, AN ACT CONCERNING AN ADVISORY BOARD FOR LONG LANE SCHOOL, as amended by House Amendment Schedule "A" and Senate Amendment Schedule "A".