

**Act Number:** 09-140

**Bill Number:** 832

**Senate Pages:** 1603, 1657, 1659

**3**

**House Pages:** 8266-8271

**6**

**Committee:** Environment: 2349, 2351-  
2353, 2419, 2420, 2479-2482

**10**

**Page Total:**

**19**

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 5  
1351 - 1666**

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Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 514, PR.

Calendar 515, Senate Bill Number 832, Mr.

President, I move to place this item on the Consent  
Calendar.

THE CHAIR:

Motion is on the floor for consent. Seeing no  
objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 516, Senate  
Bill 838, I move to refer this item to the  
Appropriations Committee.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 517, Senate  
Bill Number 844, likewise, I move to refer this item  
to the Appropriations Committee.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 518, Senate  
Bill 1026, I move to refer this item to the Committee

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Calendar page 6, Calendar 245, Substitute for House Bill 6266.

Calendar page 7, Calendar 272, Substitute for Senate Bill 1040.

Calendar Page 8, Calendar 359, Senate Bill 1082.

Calendar page 10, Calendar 389, Substitute for House Bill 6327; Calendar 391, Substitute for House Bill 5930.

Calendar page 11, Calendar 395, Substitute for House Bill 5297; Calendar 403, House Bill 6462.

Calendar page 12, Calendar 414, Senate Bill 905.

Calendar page 13, Calendar 416, Senate Bill 998;  
Calendar 432, Substitute for Senate Bill 1020.

Calendar page 15, Calendar 457, Substitute for House Bill 6356.

Calendar page 16, Calendar 460, Substitute for House Bill 6301; Calendar 465, Senate Bill 963.

Calendar page 18, Calendar 487, Senate Bill 707;  
Calendar 489, Substitute for Senate Bill 810.

Calendar page 21, Calendar Number 506, Senate Bill 1136; Calendar 507, Senate Bill 1141.

Calendar page 22, Calendar 515, Substitute for Senate Bill 832.

Calendar page 23, Calendar 524, Substitute for

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Have all Senators voted?

If all Senators have voted, please check the machine. The machine will be locked, the Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1. Total number voting, 36; those voting yea, 36; those voting nay, 0; those absent/not voting, 0.

THE CHAIR:

Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would move that all items referred to various committees from the chamber today be transmitted to those committees immediately.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, also, would announce that we will be convening tomorrow about -- at 11:30 a.m., it's our intention to pick up with bills that had previously been marked "go" today. So I would move that all items previously marked go

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
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8158 – 8495**

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HOUSE OF REPRESENTATIVES

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DEPUTY SPEAKER GODFREY:

Have all the Members voted? Have all the Members voted? If so, the machine will be locked. The Clerk will take a tally, and the Clerk will announce the tally.

THE CLERK:

House Bill Number 5819 as amended by House "A".

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	144
Those voting Nay	3
Those absent and not voting	4

DEPUTY SPEAKER GODFREY:

The Bill as amended is passed.

Mr. Clerk, please call Calendar Number 577.

THE CLERK:

On Page 17, Calendar Number 577, Substitute for  
Senate Bill Number 832 AN ACT CONCERNING BOATING  
SAFETY. Favorable Report of the Committee on  
Judiciary.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Environment  
Committee, Representative Roy.

REP. ROY (119th):

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

DEPUTY SPEAKER GODFREY:

The question is on acceptance and passage. Would you explain the Bill please, sir.

REP. ROY (119th):

Thank you. Last year, Mr. Speaker, a driver, an operator of a boat who was under the influence of alcohol or drugs, hit another craft and killed a person.

What this does, what this Bill does, is increase the penalties for manslaughter. They simply mirror the laws that we use for motor vehicle accidents in which someone is killed. I move passage.

DEPUTY SPEAKER GODFREY:

Thank you, sir. The distinguished Ranking Member of the Environment Committee, Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. I also rise in support of the Bill. I believe the Environment Committee has seen this a number of years, successive years in a row.



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What this Bill does, as the Chairman indicated, is to bring parity between some of the boating and motor vehicle laws, and I urge passage.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir. Representative Wood.

REP. WOOD (141st):

Thank you. I also rise in support of this Bill, having served on the Environment Committee. It's just common sense and I do hope everyone supports this Bill.

Thank you very much, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Thank you. One question, through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. GIBBONS (150th):

Thank you. Would this cover vessels solely under sail as well as power? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Roy, do you care to respond?

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REP. ROY (119th):

Mr. Speaker, I think this would cover both crafts. If you can't operate it safely, you shouldn't be out there.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

I thank you. I would agree, and I would urge adoption. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. The gentleman from Stratford, Representative Miller.

REP. MILLER (122nd):

Thank you, Mr. Speaker, I also rise in support of it. It's getting to be a bigger problem. The incident that they referred to was Candlewood Lake, but I'm sure if you looked down the, if you checked the Housatonic River, the Connecticut River, Long Island Sound, you're going to find boaters who are drinking a little more than they should, and putting a lot of people in harm's way should they lose control of their boat or make a bad decision.

So I support the Bill and urge the Assembly to do the same. Thank you.

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DEPUTY SPEAKER GODFREY:

Thank you, Sir. Are you ready for the question?  
If so, staff and guests please come to the Well of the  
House. Members take your seats. The machine will be  
opened.

THE CLERK:

The House of Representatives is voting by Roll  
Call. Members to the Chamber.

The House is voting by Roll Call. Members to the  
Chamber, please.

DEPUTY SPEAKER GODFREY:

Have all the Members voted? Have all the Members  
voted? If all the Members have voted, the machine  
will be locked. The Clerk will take a tally.

And the Clerk will announce the tally.

THE CLERK:

Senate Bill Number 832 in concurrence with the  
Senate.

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	148
Those voting Nay	0
Those absent and not voting	3

DEPUTY SPEAKER GODFREY:

The Bill is passed in concurrence.

Mr. Clerk, 321 please.

THE CLERK:

On Page 40, Calendar Number 321, Substitute for  
House Bill Number 5474 AN ACT CONCERNING PRIVATE  
MUNICIPAL AND STATE RECYCLING BENEFICIAL USE PERMITS  
AND ZONING ORDINANCES. Favorable Report of the  
Committee on Planning and Development.

DEPUTY SPEAKER GODFREY:

The gentle woman from West Hartford,  
Representative Bye.

REP. BYE (19th):

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

DEPUTY SPEAKER GODFREY:

The question is on acceptance and passage. Will  
you explain the Bill, please, madam.

REP. BYE (19th):

Thank you, Mr. Speaker. The Clerk is in  
possession of LCO Number 8690. I ask that he call the  
Amendment and that I be given leave of the Chamber to  
summarize.

DEPUTY SPEAKER GODFREY:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENVIRONMENT  
PART 8  
2326 – 2671**

**2009**

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cm ENVIRONMENT COMMITTEE

March 4, 2009  
10:00 A.M.

REP. ROY: Thank you.

Deputy Commissioner of the DEP, Susan  
Frechette.

SUSAN FRECHETTE: Good morning Senator Meyer,  
Representatives Roy, Representative Chairmen,  
and members of the Environment Committee. My  
name is Susan Frechette, and I'm deputy  
commissioner of the Department of  
Environmental Protection.

The Department has submitted testimony on a  
number of bills before you today, and I am  
here to testify on two of them in particular.  
The first is the bill submitted by the  
governor, Senate Bill 832, An Act Concerning  
Boating Safety. This is a bill that the  
governor introduced last year. It's a bill  
that passed this committee unanimously, as  
well as the Judiciary Committee, and it is a  
bill we hope, with your support, to make a  
reality this year.

It's a bill that increases penalties for  
causing the death of another while boating  
under the influence of alcohol. The current  
penalties imposed for causing the death of  
another while operating under the influence  
are two years imprisonment and a fine of up to  
\$5,000, and we are seeking to increase  
penalties for jail imprisonment up to ten  
years and fines of up to \$10,000, which the  
governor and we believe is a more appropriate  
response to the loss of life caused in these  
circumstances, and given the committee's  
unanimous support for this bill last year, we  
hope that you will be able to support the bill  
again this year.

The next bill that I would like to speak to is  
the agency bill, Senate 824, which is An Act

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cm ENVIRONMENT COMMITTEE

March 4, 2009  
10:00 A.M.

REP. ROY: Thank you. Senator Meyer.

SENATOR MEYER: Good morning, Commissioner.

SUSAN FRECHETTE: Morning.

SENATOR MEYER: I just wanted to ask you a couple of questions about the wording of the boating safety bill.

SUSAN FRECHETTE: Yes.

SENATOR MEYER: Senate Bill 832.

SUSAN FRECHETTE: Okay.

SENATOR MEYER: It creates a crime of manslaughter in the second degree for person under the influence of alcohol, causes the death of another person. And -- but it goes on to add some words there that could be very difficult for a court to implement. It says -- the first section says, "You are guilty of manslaughter in the second degree when under the influence of liquor or any drug. You caused the death of another person," then it goes on, "as a consequence of the effect of such liquor or drug" -- and so the emphasis is not being under the influence, the emphasis is on -- the court is going to have to be shown beyond a reasonable doubt that the death was caused because of the effect of the drug, and I point that out to you, and I speak as a lawyer, that that evidence, that proof could be very difficult, and I just want you to think about whether or not you really want those words, the words "as a consequence of the effect of such liquor or drug."

Secondly, in Section 1(b), there is a remarkable little penalty here. If, in effect, you kill somebody because of the

influence of liquor, your license is taken away -- your boating certificate is taken away for just one year.

SUSAN FRECHETE: Uh-huh.

SENATOR MEYER: Why just one year?

SUSAN FRECHETTE: I cannot speak to the years, sir. And, certainly, if the committee feels that there should be a stronger penalty in that regard, we would be happy to work with you on that.

I think to the extent that the law would allow someone to be imprisoned for up to ten years, chances are pretty good they are not going to be out on the water any time soon, but, certainly, we can talk to you further about how long that suspension should be if a year is not sufficient in your eyes.

SENATOR MEYER: Well, I'm really asking you, why do you believe that a one-year suspension after a conviction of manslaughter is sufficient?

SUSAN FRECHETTE: I'm going to have to check with staff on that question. This is a bill that was drafted before I arrived at the DEP, so I wasn't party to the thinking on that. I'm going to have Tom Morrissey respond to that.

SENATOR MEYER: Okay. Mr. Morrissey?

TOM MORRISSEY: Good morning. Last year when we suggested this bill (inaudible).

SENATOR MEYER: And, certainly, I concur with the deputy commissioner, if someone goes to jail for ten years, they are not going to be on the water for that ten-year period. Perhaps we could look at making the suspension for as



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cm ENVIRONMENT COMMITTEE

10:00 A.M.

long as the jail term is, or even looking on longer suspension of the boating certificate.

SUSAN FRECHETTE: Thank you, Mr. Chairman.

REP. ROY: That finishes our officials list, so we go right to the public. And our first speaker is Paul Hoar, followed by Charles Rothenberger.

PAUL HOAR: Good morning, Mr. Chairman, my name is Paul Hoar. I am executive vice president of AgriFuels, a biodiesel consulting company in Glastonbury. I consult for the National Biodiesel Board in providing education and outreach to the 50 state Weights and Measures Organizations to assist them in establishing quality enforcement programs to ensure that biodiesel meets the ASTM 6751 standard in the marketplace.

I am here today to testify as secretary of the Connecticut Biodiesel Bio-Heat Association in favor of Senate Bill 1019.

The president, Guss Kellogg, was not able to be here today, so couple of us are speaking on his behalf.

The points I want to emphasis are that, three reasons, and there are many more, why we would want to support this bill: Energy independence and market creation, by mandating the 2 percent biodiesel to be included in all of the petroleum sold in Connecticut. We meet the goals of the, energy independence goals of the Connecticut Advisory Board and the governor. The mandate will displace 26 million gallons per year of petroleum and create a similar distribution market for biodiesel.

And, Bart, you boats are a classroom for the kids?

BART MANZI: Definitely are.

REP. ROY: Any other questions or comments? Seeing none, Bart, thank you very much.

BART MANZI: Thank you very much. Thank you for your support.

REP. ROY: Grant Westerson, followed by David Sutherland.

GRANT WESTERSON: Good afternoon, Mr. Chairman, SB832 HB6346 Senator Meyer and members of the committee, thank you for the opportunity to speak.

Grant Westerson, I'm with the Connecticut Green Trade Association. I left four pages of testimony for you to peruse. Just to follow on the previous speaker, we certainly support the notch program. It has done a marvelous job, and for the cost of the program, it certainly needs to be revisited again for another year. I also have a seat on the Long Island Sound Assembly, and we have spoken about this program a number of times. I wholeheartedly do support that, so please move that issue forward. That was Bill 848.

Bill 824 is a DEP department bill. It extends the use of dealer numbers, special dealer numbers to bring surveyors and to yacht brokers. I've been in the industry for 40-some-odd years and have had many, many numbers. They are a business tool, much as dealer plates are for auto dealership. They are well regulated. Us in the industry are the first people to turn somebody in for misuse. So it is a business tool and it certainly needs to be extended to the others.

The department has spent a lot of time looking at this and developing credentials and mandating how they should be used, and we certainly support that bill as well.

Bill 832 is another department bill. It is a governor's bill on boating safety. This bill changes the penalties for reckless boating when liquor is involved and someone loses their life, and I think it certainly is fair to say that it arose because of the fatality that we had on the Connecticut River not that long ago. Our industry 100 percent supports this change. I think it's something that should be moved forward promptly. Whatever we can do to minimize accidents on the river, we do. But this addresses the penalties and the fines for the people that misuse the waterways, and we certainly support that.

The last bill, 6346, I urge you to not support. This is a bill that's popped up periodically over and over again. As a matter of fact, this year the exact same bill has three different bill numbers on it floating around up here it will be. There is no demonstrated need for it. I have given you my bullet points within my testimony, and if I can answer any questions on this, or any of the other three, thank you very much.

REP. ROY: Thank you, sir.

Any questions or comments for Grant?

Senator Meyer?

SENATOR MEYER: Yeah, House Bill 6346 you are opposing, and it relates to marine structure. Can we just get your position on that, why you oppose that bill?



STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing - March 4, 2009  
Environment Committee

Testimony Submitted by Commissioner Gina McCarthy  
Department of Environmental Protection

**GOVERNOR'S BILL No. 832, AN ACT CONCERNING BOATING SAFETY**

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Thank you for the opportunity to present testimony regarding Governor's Bill No. 832 – AN ACT CONCERNING BOATING SAFETY. The Department of Environmental Protection supported this legislation when it was introduced last year as House Bill Number 5032. As steward of the boating law this bill seeks to change, we continue to support this bill.

Governor's Bill Number 832 seeks to increase penalties and jail time for that person who causes the death of another while operating a vessel when intoxicated. It does so by adding the crime of "manslaughter in the 2<sup>nd</sup> degree with a vessel" to the boating statutes as a class C felony. Persons convicted of this crime could face imprisonment for up to ten years and a fine of up to \$10,000. Currently, the maximum penalty available to the State under the boating statutes for the same action is a fine of not more than \$5,000 and jail time of not more than two years.

Governor's Bill Number 832 is a measured and appropriate response to the loss of a life to an intoxicated boater, where the maximum punishment available to the State fails to provide satisfaction when weighed against the loss experienced by the victim, the family of the victim, and the State as a whole. Passage of this bill will affirm the value of a human life by increasing penalties and jail time for that person who takes the life of another while operating a vessel when intoxicated.

Attached to our written testimony please find a letter from John M. Johnson, Executive Director, National Association of State Boating Law Administrators in support of the Governor's Bill No. 832

Thank you for the opportunity to present testimony on this bill. If you should require any additional information from the Department of Environmental Protection regarding this bill, please contact the Department's legislative liaison, Robert LaFrance, at 424-3401.



NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS

March 2, 2009

Testimony Submitted by John M. Johnson  
 Executive Director, National Association of State Boating Law Administrators (NASBLA)  
 Public Hearing - March 4, 2009  
 Environment Committee

**GOVERNOR'S BILL No. 832, AN ACT CONCERNING BOATING SAFETY**

Dear Senator Meyer and Representative Roy.

On behalf of the National Association of State Boating Law Administrators (NASBLA), I am writing to urge your support for Governor's Bill 832, an Act Concerning Boating Safety.

The National Association of State Boating Law Administrators is a national nonprofit organization that works to develop public policy for recreational boating safety. NASBLA represents the recreational boating authorities of all 50 states and the U.S. territories. NASBLA's mission is to strengthen the ability of the state and territorial boating authorities to reduce death, injury and property damage associated with recreational boating and ensure a safe, secure and enjoyable boating environment.

In keeping with our mission of reducing recreational boating deaths nationwide, we urge you to support this important piece of legislation. GB 832 would increase penalties and jail time for that person who causes the death of another while operating a vessel when intoxicated. Unfortunately, boating under the influence is a national problem and results in many fatalities every year. Statistics from the U.S. Coast Guard show that the percentage of boating accidents, injuries and fatalities caused by alcohol -- those in which alcohol was reported as a contributing factor -- has steadily risen over the past several years.

Along with promoting greater awareness of the dangers of "drinking and boating," NASBLA believes that the best way to reduce boating under the influence is to strengthen law enforcement capabilities on the water. With that in mind, GB 832 would go a long way in strengthening the laws in Connecticut, giving law enforcement officers more tools as they seek to make the state's waterways a safer environment.

Thank you for your consideration of this important legislation and I sincerely hope you will lend your support towards its passage. Should you require any additional information, please do not hesitate to contact me directly.

Sincerely,

John M. Johnson  
 Executive Director, NASBLA

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**State of Connecticut**  
**DIVISION OF CRIMINAL JUSTICE**

**Testimony of the Division of Criminal Justice**  
**Joint Committee on Environment – March 4, 2009**

**In support of:**

- **S.B. No. 832 An Act Concerning Boating Safety**

The Division of Criminal Justice supports this bill and would respectfully recommend the Committee's Joint Favorable Report. The bill would increase the penalty for causing the death of another individual as the result of operating a vessel while under the influence of alcohol or drugs. The offending conduct would have to be the result of the individual's intoxication. Such conduct is currently considered Reckless Operation of a Vessel in the First Degree and is an unclassified felony punishable by not more than two years in prison and a fine of not less than \$2,500 nor more than \$5,000 or both the prison term and fine.

The bill would create a new crime of Manslaughter in the Second Degree with a Vessel. This new crime would be a class C felony, which is punishable by not less than one or more than 10 years incarceration and/or a fine not to exceed \$10,000. The bill would mirror the Manslaughter with a Motor Vehicle statute found in section 53a-56b both in terms of its wording and the applicable penalty. The Division believes it is a logical extension of the law in that it would essentially apply the same rules of the road to the waterways of this state.

We would note that the effective date of this bill would be July 1, 2009. While new criminal statutes are ordinarily effective on October 1, the Division believes the earlier effective date is appropriate in that the summer months represent the height of the boating season.

In conclusion, we recommend the Committee's Joint Favorable Report for S.B. No. 832 and thank the Committee for affording the opportunity to comment on this matter.

# CONNECTICUT MARINE TRADES ASSOCIATION

20 Plains Road  
Essex, CT 06475-1501

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March 4, 2009

Environment Committee  
Legislative Office Building  
Hartford, CT 06106

Re: **Governor's Bill No. 832 AAC Boating Safety**

Chairmen Meyer and Roy;

Distinguished members of the Environment Committee, the Connecticut Marine Trades Association (CMTA) urges you to support **Governor's Bill No. 832 AAC Boating Safety**. The Recreational Marine Industry has over 450 businesses employing 10,000 hard working people concerned with their recreation and their livelihood. They recognize that recreating outdoors and in many different areas of the state under many different criteria, weather, and environmental constraints, requires a certain standard of care and safety. This bill is designed to increase the penalties for a person who causes the death of another while operating a vessel while under the influence of drugs or alcohol.

This bill would address changes to Section 15-140l of the general statutes regarding reckless operation of a vessel in the first degree while under the influence of intoxicating liquor or any drug, or both in such a manner to result in the death of another person. This offense would be raised to a class C felony, manslaughter in the second degree, a more befitting charge in relation to the act and its results.

The original charge of reckless operation in the first degree where there is serious injury or property damage in excess of \$2,000 would have a significant increase in the penalties imposed. They would go up from \$100-1000 and/or six months imprisoned to \$2,500-5,000 and/or two years imprisoned. These changes were prompted by an incident on the Connecticut River where there was significant vessel damage, serious injury to two persons and unfortunately the death of an additional person, all presumably due to the misuse of a power vessel with alcohol. As bad as that incident was, it could have been significantly worse. These penalty increases will hopefully be an active deterrent to the misuse of a vessel while under the influences of alcohol or drugs as have infrequently happened in our state over the years.

We urge you to support **Raised Bill No. 6346 AAC the Regulation of Marine Structures**. These are fitting changes to the statutes and reflect the current outlook on those offenses. Thank you for the opportunity to comment on these issues and please know that we are available to discuss them at any time.

Sincerely,

John S. Johnson  
Legislative Chair

Grant W. Westerson  
Executive Director

Linda A. Kowalski  
The Kowalski Group