

RIVERS ALLIANCE OF CONNECTICUT
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TO: Sen. Musto, Representative Jutila, Chairmen,
and Members of the Committee on Government Administration & Elections

RE: Public Hearing, March 3, 2014

Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship. Thank you for the opportunity to testify.

SB 271, AAC The State's Authority to Purchase and to Receive Donations of Real Property. We recommend slight modification of the provisions relating to the state's acquisition of real property through donation or purchase. Under PA 12-152, DEEP is required to review state-owned lands to identify properties or parts thereof that have high conservation value. It will save time and stress if SB 271 requires that a proposed acquisition be reviewed for its conservation (and recreational) value if any. There have been a number of controversial cases in the past eight years or so involving the disposition and uses of state-owned lands, especially when these have outstanding ecological, agricultural, or economic features. Once these slip from appropriate public-trust stewardship, it is costly and sometimes impossible to retrieve what has been lost. The best time to analyze the assets of a property is when it is being acquired. The best time to protect those assets is when they are being acquired.

We appreciate the requirement that the state provide written acknowledgment to a donor of real property, but believe that a simple receipt is not adequate. Such acknowledgement should make explicit any agreement between the state and the donor concerning the uses of the land; and, if there is a charitable intent, this should be clear in the conveyance documents and/or deed and be enforceable by the Attorney General.

Finally, the University of Connecticut's land practices have been criticized frequently with respect to financial and environmental considerations, the latter, especially within the recharge areas of its water sources. The university has been striving with notable success to turn a new leaf, but nevertheless, we recommend deleting this exemption. Some of the exemptions applying to UConn appear to have done more harm than good.

HB 5358, AAC Authorizing the Regulation Review Committee the Authority to Recommend the Repeal of Obsolete or Burdensome Regulations appears to be one of the bills responding to the governor's Executive Order 37. It extends somewhat the power of the Regulation Review Committee. This power, established by amendment to the state Constitution, verges on violating separation of powers, and possibly should be curbed but not extended.

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We see that nothing in the bill requires action by either the committee or the agencies; this is good. However, the committee could effectively stop work at an under-resourced agency by continuously challenging various regulations. There should be some limit on these challenges.

Also, the bill should define "obsolete" and "burdensome" or "too onerous." We encounter many obsolete regulations, which, for the sake of public health and safety ought to be made more stringent. As for being "burdensome," all regulations are burdensome. The text of the bill changes "burdensome," which is in the title, to "too onerous." According to Merriam Webster, "onerous" and burdensome have the same meaning generally; but the legal definition of "onerous" given by Merriam Webster is: "involving a legal obligation that meets or exceeds the benefits."

This bill, therefore, opens the door to requiring agencies to engage in a cost-benefit analysis of many or all their regulations. The problem here is that good cost-benefit analyses are few and far between, and even when a cost-benefit calculation is well-established, such as the monetary value of a person's life, it can be an affront to conscience. The state has much important work ahead and limited resources. Getting rid of useless laws and regulations is always helpful. But if the effort involves the potential for repeated, protracted fights on emotional issues, it will be expensive and counter-productive.

We recommend not passing this legislation.

Thanks for your good work on government issues, especially transparency.

Sincerely,

Margaret Miner,
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