

Legislative History for Connecticut Act

SB745	PA43	Scanned	1961
Hous	969-970		(2)
Senate	614-615		(2)
House, Judges	123-124		(2)
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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Joint Standing Committee hearings, Roads & Bridges. 1961: pt.1
Proceedings / Connecticut General Assembly, House. 1961: v.9:pt.2
Proceedings / Connecticut General Assembly, Senate. 1961 v.9:pt.2

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THE SPEAKER:

The question is on acceptance of the committee's favorable report and passage of the bill. Will you remark further? If not, all those in favor of the bill say aye. Opposed, no. The ayes have it and the bill is passed.

THE CLERK:

Calendar No. 232, File No. 122. Senate Bill No. 742. An Act concerning Trees along State Highways. Favorable report of the Joint Committee on Roads and Bridges.

MR. FRATE OF DARIEN:

Mr. Speaker, may this bill be passed retaining?

THE SPEAKER:

The bill will be passed retaining.

THE CLERK:

Calendar No. 233, File No. 121. Senate Bill No. 745. An Act concerning Railings and Fences on Highways and Bridges. Favorable report, Joint Committee on Roads and Bridges.

MR. HOLDRIDGE OF LEDYARD:

Mr. Speaker, I move the joint committee's favorable report and passage of this bill in concurrence with the Senate.

THE SPEAKER:

The question is on acceptance of the committee's favorable report and the passage of the bill in concurrence. Will you remark?

MR. HOLDRIDGE:

Mr. Speaker, this bill which has to do with rails and fences on highways will allow the highways to operate by regulation rather than by statute. The reason, there are new types of materials coming out each day that are used in rails and fences. It takes two years to regulate statutes and only two months

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change the regulations. This is a good bill and I move its passage.

THE SPEAKER:

The question is on acceptance of the committee's favorable report and passage of the bill in concurrence. Will you remark further? If not, all those in favor say aye. Opposed, no. The ayes have it and the bill is passed.

THE CLERK:

Calendar No. 234, File No. 151. Senate Bill No. 439. An Act concerning Definitions Relating to Aeronautics. Favorable report, Joint Committee on Transportation.

MR. SAGLIO OF KILLINGWORTH:

Mr. Speaker, I move for the acceptance of the committee's favorable report and the passage of the bill in concurrence with the Senate.

THE SPEAKER:

The question is on acceptance of the committee's favorable report and passage of the bill in concurrence. Will you remark?

MR. SAGLIO OF KILLINGWORTH:

Mr. Speaker, this bill is self-explanatory so I move its passage.

THE SPEAKER:

Will you remark further? If not, all those in favor of Senate Bill No. 439 indicate by saying aye. Opposed, no. The ayes have it and the bill is passed.

THE CLERK:

Please turn to page 6 of the Calendar. This is a matter returned from the Legislative Commissioner. This is Calendar No. 238. It was in your files as 91. It's a reprint, File No. 231. Substitute for House Bill No. 3236. An Act concerning Eligibility to Vote at Primaries (As amended by House

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SENATOR DOOCY: This bill has two parts to it, the first part would indicate the wording, so far as is reasonably necessary for the preservation, protection and - of traffic thereon, should be inserted in the bill. The State Highway Department tells us that they already are doing this in this fashion, in this manner, however, it is definitely indicated that we wish to have the wording in the bill.

The meat of the bill, however, is in the deletion of the sentence and phrase concerning the measure of damage, which was raised by one of our former Chief Justices as to the constitutional aspects of this phrase. Both our Federal and State Constitutions require that a person be paid just compensation for private property taken for public use, and therefore it was felt that the phrases in there in two parts should be deleted from the bill.

It might be noted that Sections 13-117 regarding confirmation of easements is a part that has been very little used. However, the question was raised, and it seems reasonable that this bill should be passed.

THE CHAIR: Are there further remarks? No further remarks, the question is on the acceptance of the committee's favorable report and passage of the bill. Those in favor will signify by saying "Aye", opposed, the bill is passed.

THE CLERK: Cal. No. 85, file No. 121, SB No. 745. An Act concerning railings and fences on highways and bridges. Favorable report of the JSC on Roads & Bridges.

THE CHAIR: Senator Doocy of the 4th District.

SENATOR DOOCY: Mr. President, and members of the circle, this

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bill was introduced by the Highway Department and in the wisdom of the Roads & Bridges Committee we ask your acceptance of this bill. The Highway Department, as when a new substance, new material, that is for the benefit of the state in construction of fences, once it comes to the Legislature, if this is to be changed in any material way. Over the years new materials have been brought forth, that is of superior workmanship, and offer greater safety measures as far as highway fences are concerned, it is necessary of course to take some considerable time for the passage under the present circumstances. We estimate now, that if it were to be done by regulation, that it would take approximately two months. This cannot be done in the sole judgment of the Highway Department, they must of course go before the insurance people that take care of protecting the rights of the state of Connecticut, and if it passes their decision, then it can be taken care of by regulation, or we would ask that it be taken care of by regulation. Of course, it will be necessary to bring these regulations before us each time we meet or each time the Legislature meets in session.

We urge the passage of this bill.

THE CHAIR: Are there further remarks? No further remarks, the question is on the acceptance of the committee's favorable report and passage of the bill. Those in favor will signify by saying "Aye", opposed, the bill is passed.

THE CLERK: Cal. No. 86, file No. 116, SB. No. 1141. An Act concerning retirement status of Charles W. Pritchard. Favorable report of the JSC on Public Personnel.

THE CHAIR: ~~Senator Urbaniti of the 19th District.~~

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correction if he wants to make a correction in the bill. That would just mean more paper work, that's all, but we actually do. If you know of any cases, please let us know. We'll take care of them.

Mr. Garafalo: Well, I think there ought to be something in the statutes that would require the state to give notice. I don't think it should be a matter of whether the State Highway Dept. wants to do it or not. I think it's a legal right.

S.B. 745[✓] (Sen. Doocy) RAILINGS AND FENCES

Adam Knurek, State Highway Department: As stated in the purpose, this bill was written to provide that the engineering standards for sufficient railings or fences be established by regulation rather than by statute. The proposed regulations which would be promulgated as prescribed by statute if this bill passes are attached hereto, well, I won't actually leave them with the Committee, but I'll show them to the Committee, if they don't mind. The standards set forth in the proposed regulations are substantially the same as the standards set forth in Sections 13-76 and 13-77. The main advantage in establishing engineering standards by regulation rather than by statute is that it takes approximately two months to change a regulation in contrast to two years to change a statute. Many times a new material, a new substance or a new method could be used to the state's economic advantage and would increase the safety factor many months in advance if the regulations were changed.

This proposed change in the statute has been checked out with our insurers and they have indicated to me verbally that they have no objection to this legislation. We therefore respectfully request a favorable report. The regulations I will leave with the Committee, but I would like to have them returned, if I may. They would have to be printed of course in a law journal any anyone would have the same opportunity to question them as they do now.

Sen. Doocy: Would these be offered to us at a later date, as we have in the past?

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Mr. Knurek: Yes, as a matter of fact, all regulations are approved every two years by the General Assembly so it's the same idea.

Sen. Doocy: The Conn. Roadbuilders Association for the record also wishes to appear in favor of this bill.

Rep. Smith, Eastford: I want to ask if these regulations would have the same force in law as the statutes?

Mr. Knurek: Yes.

S.B. 746[✓] (Sen. Doocy) PURCHASE OF ADDITIONAL LAND ADJACENT TO STATE HIGHWAYS FOR PARK AND FOREST PURPOSES.

Adam Knurek, State Highway Department: As I indicated to Sen. Doocy a short time ago, this is one of the bills that perhaps might be referred to the General Law of the Judiciary Committee. The stated purpose in this bill is to prevent reduction of state scenic and recreation areas.

We would like to submit a substitute bill which would add the words at the end of this last sentence which would make it effective just for future acquisitions, not for past acquisitions. Somebody pointed out that the way it's written now, you might want to go back and pick up land for all park and forest that you've taken in the past.

In the past four years there have been 72.5 acres of land taken for highway purposes. The four largest tracts were 25.7, 18.6, 7.3 and 6.3 acres respectively, and the rest were under 2 acres each. While the future state and park land acquisitions do not appear to be excessive, we feel it would be in the best interests of the state to be able to replace any state park and forest lands needed for state highway purposes.

We would like to point out that HB4100[✓] AN ACT CONCERNING THE USE OF PUBLIC PARK AND FOREST PROPERTY FOR STATE HIGHWAYS, to be heard before the State Development Committee would