

<b>Act Number</b>	<b>Session</b>	<b>Bill Number</b>	<b>Total Number of Committee Pages</b>	<b>Total Number of House Pages</b>	<b>Total Number of Senate Pages</b>
PA 71-63		795	3	1	1
<u>Committee Pages:</u> <ul style="list-style-type: none"> <li>• <i>Environment</i> 337</li> <li>• <i>Environment</i> 327 <i>Environment</i> 568</li> </ul>				<u>House Pages:</u> <ul style="list-style-type: none"> <li>• 1193</li> </ul>	<u>Senate Pages:</u> <ul style="list-style-type: none"> <li>• 665</li> </ul>

**H-110**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

**VOL. 14  
PART 3  
974-1450**

Tuesday, April 6, 1971

9.

Cal. 235, Sub. for S.B. 0795, AN ACT CONCERNING THE OPEN SPACE GRANT-IN-AID PROGRAM TO ASSIST MUNICIPALITIES IN THE ACQUISITION OF CONSERVATION AND RECREATION LAND. File 110.

At this time, Mr. Speaker, I move for the acceptance of the Joint Committee's favorable reports on these bills and passage of the respective bills.

THE SPEAKER:

Is there objection to any of these items now being taken up for favorable action. If not, the question is on acceptance of the Joint Committee's favorable report and passage of the bills. All those in favor indicate by saying AYE. Those opposed. The bills are PASSED.

Representative Mahaney.

MR. MAHANEY: (92nd)

Mr. Speaker, at this time, pursuant to Joint Rule 48, I'd like to move that the following listed items on the Calendar be placed on the Consent List:

Cal. 0242, Sub. for H.B. 6026, AN ACT CONCERNING THE AUTHORITY OF PANELS OF THE BOARD OF PAROLE. File 192.

Cal. 0243, H.B. 5590, AN ACT CONCERNING THE REGULATION OF BICYCLES AND TRICYCLES. File 193.

Cal. 0247, Sub. for S.B. 0668, AN ACT CONCERNING MUNICIPAL ACQUISITION OF ENVIRONMENTALLY DESIRABLE EASEMENTS. File 123.

Cal. 0248, S.B. 1131, AN ACT CONCERNING DISCRETIONARY REFUSAL OF PERMITS BY LIQUOR CONTROL COMMISSION. File 111.

roc.

**S-77**

**CONNECTICUT  
GENERAL ASSEMBLY**

**SENATE**

**PROCEEDINGS**

**1971**

**VOL. 14**

**PART 2**

**474-956**

March 25, 1971

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THE CLERK:

CAL. NO. 92. FILE NO. 110 Favorable report of the Joint Standing Committee on the Environment. Substitute for Senate Bill No. 795. An Act Concerning the Open Space Grant-in-Aid Program to Assist Municipalities in the Acquisition of Conservation and Recreation Land.

SENATOR PAC:

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

THE CHAIR:

Will you remark?

SENATOR PAC:

Currently the Council of Agriculture and Natural Resources must use contract appraisers in determining the fair market value of open space land, that has to be acquired. This bill would permit them to use staff appraisers as well. It gives them more flexibility and we could possibly save some money. I think it is important to note that, the bureau of our resources and the Department of the Interior permit a staff appraisels. I think it is a good bill and I move its passage.

THE CHAIR:

QUESTION IS ON PASSAGE OF THE BILL. WILL YOU REMARK FURTHER? If not, all those in favor signify by saying, "aye." Opposed, "nay". The ayes have it and the bill is passed.

The Chair will take a brief point of personal privilege because some of you may be interested. You may not have heard that Lt. Cleveland Fuessenach of the Litchfield Barracks has been appointed State Police Commissioner.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENVIRONMENT**

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WEDNESDAY  
10:00 A.M.

THE ENVIRONMENT

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up such a system without providing for some public participation and comment prior to the execution of such long term lease agreements. I recognize that H.B.6353 was proposed by the Conservation Commission of the Conservation Committee of the Bar Association. However, there are other bills I have commented on before which accomplish many of the same purposes as presented in this bill. Specifically, H.B.5218 and H.B.5699 would allow wetlands to be considered as open-space under the provision of the present law. We'd like to defer any comment on H.B.6700 until a final drafting of the bill would appear. Historically we have not favored consolidation of agencies, we do support the creation of a council on environmental quality and we would like to look specifically at any proposal that would be contained in H.B. 6700 when it is completed. I would hope the Committee would hold a hearing on it. H.B.6707 would allow planning and zoning commissions to require that lands be dedicated for schools and recreation purposes in their zoning ordinances. I think this is a desirable thing, and it has been done in some towns, but if we accomplish this by allowing it legislatively it may clear up some questions. There have been some law-suits on these dedication of land requirements. One in Danbury required four per cent of the land to be dedicated and I think it was upheld in the court, then another one in a town which required 10% was upheld in the court. H.B.7080 would allow funds for open-space received from the Federal Government and appropriated by the legislature in a bonding authorization to be used for both acquisition and development. I think this is desirable to consider this at this point in time. Several towns have acquired about all of the open-space that they intend to acquire and they are seeking funds for development. I think the legislature was wise in the beginning to specify that the funds could only be used for acquisition. But I do think some of them could be made available for development. H.B.7095 modifies the present land-owner liability law which still is difficult to administer. If the Committee is not in favor of adopting the model act as has been suggested previously, these two changes might be appropriate and necessary in the existing law. We don't take any position on H.B.7221 allowing the Park and Forest Commission to sell certain buildings in the American Legion State Forest. However, we do feel that the funds received from the sale of these buildings, if there eventually sold and this legislation doesn't direct the sale, it would just allow it. We feel these funds should be used for future acquisition. These two forests were American Legion, and the adjacent People's Forest were acquired almost a 100% by private money so we would see no need to put any receipts from sale of buildings back into the general fund. The People's Forest was acquired through the efforts of our association in getting public subscriptions, back in the 30's. The American Legion also raised money through the various posts and acquired the American Legion Forest as a memorial to World War I Veterans. I'd like to go on to just a couple Senate Bills. I think S.B.795 would provide for the appraisals on open-space acquisition to be paid for by the state. This may be desirable. I have some concern about the S.B.818 as I interpret it. This would go contrary to the 69 legislation which

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Carl N. Otte: I'm the open-space coordinator on the Dept. of Agriculture and Natural Resources. With your permission I'd like to comment briefly on four bills before you today. On H.B.7078, the department favors the development of recreation facilities but this bill does not take into consideration the fact that federal monies for development are/or may be available to the municipalities. Passage of this bill in its present form would allow an applicant to receive from 110% to 140% of the development costs. H.B.7080. The department endorses this bill and believes that there is a definite need for assistance grants for development. The statewide outdoor recreation plan has pointed out a serious lack of development of municipal recreational areas throughout the state. Many of the municipalities are desirous of improving the recreational potential of these lands but because of financial problems, could not undertake this without grant assistance. This bill would allow the department to allocate bureau of outdoor recreation funds to the various municipalities for development grants. H.B.7082. The department favors the expansion and improvement of recreation facilities and opportunities. However, we suggest that under Section 2, the criteria for eligibility for grants be actual expenditures for development, expansion and improvement of recreational areas rather than budget provision. We would call attention to the fact that under Section 3, every municipality would be eligible for a 50¢ per capita grant which would require over 1 1/2 million dollars based on latest census. S.B.795. The Department of Agriculture and natural Resources endorses this amendment. It allows the council of Agriculture and Natural Resources to use staff appraisers as well as contractual appraisers in determining the fair market value of open-space lands. The bureau of Outdoor Recreation, U.S. Department of the Interior will accept staff appraisals as justification of fair market value for grants from the Land and Water Conservation fund. At present, The Department of Housing and Urban Development require fee appraisals. Passage of this bill would give the department the flexibility needed to save considerable money in obtaining the required appraisals. Thank you.

Roswell Hart: Mr. Chairman and members of the Committee. I'm Chairman of the Housatonic Audubon Society, Sharon, Connecticut. I apologize for misinformation as to which bills are being considered on which day. I want to make some remarks concerning the H.B.5807 which was considered last week. An act to protect against use of wetlands until map of inventory of wetlands is completed. Our society took a very strong stand back in 1969 when the original wetlands bill was passed. The strength of that stand was largely based on the fact that we have such a small percentage of our original wetlands remaining. H.B.5807 seems to hit right at the heart of this matter. In that it's purpose is to protect further inroads on the wetlands until the complete inventory is completed. We are very much in favor of this, and if you'll bear with me a little more, I would like to speak on a kindred matter which is not in form of a bill.

Rep. Ciampi: Excuse me sir; you have five minutes on all testimony.

R. Hart: Alright, have I ran over sir?

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENVIRONMENT**

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339-691**

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WEDNESDAY

THE ENVIRONMENT

MARCH 24, 1971

on public roads, and you couldn't prohibit motorized vehicles there, but this is something the committee may deal with, and I do note that all of these snowmobile bills are before Transportation on Friday. This bill that you have before you is drafted following Massachusetts legislation, which was recently passed, and for all intents and purposes, I think it adequately deals with the subject. The Connecticut Chapter of the A.M.C. and Seymour Smith have been maintaining this trail over the years, and have done an excellent job to that end, and I think that any implementation on the part of the state to bring the trail under state protection certainly should be done in the spirit of cooperation and working with private landowners.

Now, I have two memorandums which I'd like to leave with you. One of them concerns S.B. 660 which deals with this problem of state funds for land acquisition and some other things, and I do have some comments that some students of mine at the University of Connecticut wrote relative to the work of the Environmental Policy Committee, and I don't believe that your committee has received much comment from students relative to the recommendations of the Committee. And I think these two memorandums will be of interest to you.

I would also like to comment on H.B. 7533 which is the landowner liability law, proposal which follows the model act, I think for all intents and purposes. I think the desirability of such legislation has been brought out before previous hearings of this committee, and I would hope the committee would give a favorable report to one of the several bills which deals with this subject of landowner liability. And I do note that there is another bill on this same subject scheduled for Friday.

I think it's appropriate for me to call to the attention of the committee that there was quite a little testimony on H.B. 7749, AN ACT CONCERNING THE USE OF INTERNAL COMBUSTION ENGINES IN PARKS, and I think that's very similar to S.B. 795 to which the committee has already given a favorable report; and if there are any changes, they could be taken care of in amendments to S.B. 795.

I think we are in favor, certainly, of the principle of the establishment of this lineal park along Route 7, and I think the committee has had an excellent presentation on that. Also H.B. 5936 deserves some favorable consideration. As you know, you have many bills dealing with improvements to state parks and forests, and I would hope that the committee would, as it has in the past, try and make some appropriate action to provide some funds for these improvements. I question whether or not the shelter with flush toilets could, in fact, be built at Quaddick State Park for \$40,000. One of the problems in this area, certainly, is the requirement that makes Public Works get into the act on all of these things, and the cost does go up considerably; but even if that were not a consideration, I would have some serious doubts whether \$40,000 would be adequate. If the committee has any questions, I'd be more than willing to answer them.

Rep Newman: Thank you, Mr. Chairman. I'd like to say a word on S.B. 349, the act concerning the Appalachian National Scenic Trail. I co-sponsored that bill, I think it's an excellent and much needed bill, and anything we can do to save our valuable heritage, such as these trails, and improve them, is much needed. May I also say a word on H.B. 798 concerning the establishment of