

SB 1700

PA 804

1971

General Law 0

Senate 2216-2217, 3401 3

House 3959-3968 10

13

S-80
CONNECTICUT
GENERAL ASSEMBLY

SENATE

PROCEEDINGS
1971

VOL.14
PART 5
1921-2435

May 20, 1971

Page 20

Cal. No. 695. Favorable report of the joint committee on General Law. Substitute Senate Bill 1700. An Act Concerning the Unlawful Destruction or Disturbance of Surveyor's Markers. Clerk has an amendment.

SENATOR STRADA:

Mr. President, I move for acceptance of the joint committee's favorable report and passage of the bill. Will the Clerk please read the amendment?

THE CLERK:

SENATE AMENDMENT A offered by Senator Strada:

In line 1, after the word "person" insert, other than the owner of such land"

In line 2, strike out "marker" and insert "permanent monument"

SENATOR STRADA:

Mr. President, the word marker is deleted and permanent monument is inserted in lieu thereof. This is the terminology in the trade. The second part of the amendment just exempts the home owner. I move adoption.

THE CHAIR:

Question is on the adoption of the amendment, will you remark further? If not, all those in favor of adoption of the amendment, signify by saying, "aye". Opposed, "nay". The ayes have it; the amendment is carried, ruled technical. You may proceed on the bill, as amended.

SENATOR STRADA:

I now move passage of the bill, Mr. President. This bill provides that any person who knowingly injures or destroys, disturbs or removes a permanent monument, placed on any tract of land, by surveyors shall be subject to a \$50.00 fine.

THE CHAIR:

May 20, 1971

Page 21

Question is on passage of the bill, as amended, will you remark further? If not, all those in favor signify by saying, "aye". Opposed, nay". The ayes have it. The bill is passed.

THE CLERK:

CAL. NO. 710. Favorable report of the committee on Transportation. House Bill No. 5245. An Act Repealing the Requirement that Motorcyclists and Their Passengers Wear Headgear.

SENATOR MONDANI:

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

I think that many of us here, are familiar with the issues involves the compulsory helmet law, section 14-289e. The committee reported this bill out favorably. We have reason to believe that the requirement to wear this headgear does have an effect on the vision. It does impair the hearing of the wearer. Some of these helmets weight up to 3 pounds, which had great pressure on the head and neck when the vehicle stops. And we seem to be legislating, that one must protect himself. It is my understanding that, the Commissioner of State Police, not the Commissioner but the police are not making the arrests of individuals driving without the helmets. Some of the courts are throwing these cases out. The issue has always been, we'll lose Federal Highway Funds, if we don't comply. And Connecticut has passed about two-thirds of the uniform safety law recommendations and others coming along.

One State, the State of Illinois, has repealed the act and no funds have been withdrawn. I urge acceptance of the report and repeal of this act.

SENATOR IVES:

Mr. President, I rise to oppose the bill. And I know all of the argu-

S-82
CONNECTICUT
GENERAL ASSEMBLY

SENATE

PROCEEDINGS
1971

VOL. 14
PART 7
2874-3413

June 9, 1971

Page 72

THE SENATE AT 10:35 P.M., RECESSED

AFTER RECESS

The Senate was called to order at 10:58 P.M., Senator DeNardis in the Chair.

THE CHAIR:

If I may make this announcement, Senator Caldwell is about to list a long number of bills, by number. And it is extremely important that we have quiet in the Chamber, so there is no confusion as to the bills that he will list. I ask your cooperation.

SENATOR CALDWELL:

Mr. President, I have a list of bills by numbers, to read. I move that we accept the joint committees favorable reports and acceptance of the bills, as follows: Cal. No. 1326, House Bill 7455, File 1256; File No. 1327, House Bill 7686, File 1349; Cal 1328, House Bill 7710, File 820; Cal 1329, House Bill 7744, File 1573, Cal. 1331, House Bill 7903, File 1284; C l. 1332, House Bill 7959, File 1292; Cal 1333, House Bill 7974, File 1382; Cal 1334, House Bill 8033, File 931; Cal 1335, House Bill 8182, File 979; C^al. 1336, House Bill 8228, File 1294; Cal. 1337, House Bill 8284, File 899; C l 1338, House Bill 8683, File 591; CAL. 1340, House Bill 8931 File 123; CAL. 1341, House Bill 8936, File 832; Cal. 1342, House Bill 8967, File 1072; Cal. 1343, House Bill 9025, File 953; Cal. 1345, House Bill 9229, File 1576; Cal. 1346, House Bill 9231, File 1451; CAL. 1347, House Bill 9327; File 704; Cal. 1348, House Bill 9251, File 1574, Cal. 1349, Senate Bill 825; C₂l. 259, Senate Bill 989, File 291; Cal. 695, Senate Bill 1700, File 990; C l. 732, Senate Bill 458, File 1052; CAL. 139, House Bill 7447, File 104; CAL. 166, House Bill 6409, File 136; Cal. 1363, House Bill 9194, File 1634; C^al. 1364, House Bill 5231

H-116

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 9
3878-4343**

Thursday, May 27, 1971

82

MR. SPEAKER:

Will you remark further on the motion to recommit.

Representative Ajello.

REPRESENTATIVE AJELLO:

I quite agree with the decision of the committee to reconsider this matter.

MR. SPEAKER:

Further remarks on recommittal. Is there objection. Hearing none, the bill is recommitted.

CLERK:

Calendar 1145, Substitute for Senate Bill 1700 - An Act Concerning the Unlawful Destruction or Disturbance of Surveyor's Markers (as amended by Senate Amendment Schedule A)

MR. SPEAKER:

Representative Liskov.

REPRESENTATIVE LISKOV:

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

MR. SPEAKER:

Would you remark.

REPRESENTATIVE LISKOV:

The Clerk has an amendment.

MR. SPEAKER:

Clerk will call amendment A.

CLERK:

Senate Amendment Schedule A. In line 1, after the word

ad

Thursday, May 27, 1971 83

"person" insert, "other than the owner of such land".

ad

In line 2, strike out "marker" and insert "permanent monument".

REPRESENTATIVE LISKOV:

The amendment merely makes definite the marker by making it permanent.

MR. SPEAKER:

Question is on Senate Amendment Schedule A. Will you remark further. Representative Edwards.

REPRESENTATIVE EDWARDS:

A question through you, the amendment seems to indicate that the owner of the land could remove the marker. Is that correct.

MR. SPEAKER:

Gentleman from the 135th care to respond.

REPRESENTATIVE LISKOV:

Through you, the bill states that any person who knowingly removes the marker. It might include the owner as such, but it would seem that the owner is chargeable with (inaudible). On the amendment it eliminates that, yes. In other words, the owner of a piece of property removes the marker.

REPRESENTATIVE EDWARDS:

How does this effect then a marker that distinguishes a point between 2 owned properties, if the owner of one removes it. What about the owner of the other property's rights. How is that effected.

MR. SPEAKER:

Thursday, May 27, 1971

84

Gentleman from the 135th care to respond.

REPRESENTATIVE LISKOV:

It would seem that the adjoining property owner would know whether or not the marker was made permanent.

REPRESENTATIVE EDWARDS:

How could it be permanent if the owner removes it.

MR. SPEAKER:

Gentleman care to respond.

REPRESENTATIVE LISKOV:

I am not sure I follow the gentleman's question.

REPRESENTATIVE EDWARDS:

You described the marker as a permanent marker. If it may be removed by the owner.

MR. SPEAKER:

Further remarks. Gentleman from the 75th.

REPRESENTATIVE GILLIES:

We know that there is nothing permanent in life and I suppose if a person did in fact pick up a concrete marker it could be done. But the amendment does provide for a property owner to utilize his property as he sees fit and if he sees fit to pick up something that is on his land, although that might cause some problems later with the abutting property owner, that is not the purport of this bill. It simply does provide penalties and does provide that we, other persons, shall not remove the markers.

MR. SPEAKER:

ad

Thursday, May 27, 1971

85

Representative Lyons.

ad

REPRESENTATIVE LYONS:

I suggest that if the 2 property owners got together and pulled, it would solve the problem.

MR. SPEAKER:

Representative Sarasin.

REPRESENTATIVE SARASIN:

Through you, a question to the proponent of the bill. As I understand the amendment which changes marker from permanent monument, it seems to me that we already have a statute on the books that refers to interfering with permanent monuments installed by a surveyor.

MR. SPEAKER:

Gentleman care to respond.

REPRESENTATIVE LISKOV:

I believe that the amendment then stating that it is properly there is in order.

MR. SPEAKER:

Will you remark further.

REPRESENTATIVE SARASIN:

Another question, the word "knowingly" in line 1. IT would seem to me and perhaps not a question, just a statement. The word "knowingly" could lead to problems. I wonder if this should not be the word "intentionally". I would submit that the language doesn't really lend itself to the problem it is trying to solve.

Thursday, May 27, 1971

86

MR. SPEAKER:

Gentleman from the 22nd.

REPRESENTATIVE KABLIK:

Through you, a question. If the amendment is adopted, would stakes a surveyor puts in to mark construction of a house or for the installation of a road, be exempted.

MR. SPEAKER:

Gentleman care to respond.

REPRESENTATIVE LISKOV:

Through you, I think that if they knowingly take away the marker, knowing that this does disturb or remove the marker in any way, they are in a position to correct that and to replace it if it is a question of where it has been done in that kind of a concept.

MR. SPEAKER:

Gentleman from the 22nd.

REPRESENTATIVE KABLIK:

Another question through you, is the meaning of permanent monument exclude such indication for, or a stake a surveyor puts in to plot a house or a proposed roadway. As I understand, it would exclude them and I would like to have that cleared up.

MR. SPEAKER:

Gentleman from the 114th care to respond.

REPRESENTATIVE PRETE:

The problem is that the amendment does not say permanent, it says properly marked, not permanent marker. So, in answer to your

ad

Thursday, May 27, 1971 87

ad

question, yes. This act would apply to any stake which is properly placed by a surveyor on a property marking out a building or a road or anything else.

MR. SPEAKER:

Gentleman from the 110th.

REPRESENTATIVE GUDELSKI:

I deal with this almost every day and I am extremely confused here at this point, because the amendment states instead of marker, it says monument. Monument is a permanent marker, the marker would be a rod, pipe or stake. I really feel that this particular amendment dangers the entire intent of this bill and because of that I have to object and vote against it.

MR. SPEAKER:

Gentleman from the 114th.

REPRESENTATIVE PRETE:

We are not talking about permanent markers at all. Perhaps we can have the Clerk reread the amendment, this is the source of our problem at this time.

MR. SPEAKER:

I suggest Representative Prete reread the copy, the Clerk's copy of the amendment.

REPRESENTATIVE PRETE:

There evidently is an amendment other than the one that was transmitted to me a short time ago.

REPRESENTATIVE GILLIES:

That is correct, another amendment was shown to Mr. Prete.

Thursday, May 27, 1971

88

MR. SPEAKER:

Will the gentleman of the 114th please reread amendment a which is pending now. The Clerk will reread Amendment A.

CLERK:

Senate Amendment Schedule A. In line 1, after the word "person" insert "other than the owner of such land". In line 2, strike out the word "marker" and insert "permanent monument".

MR. SPEAKER:

Gentleman from the 75th.

REPRESENTATIVE GILLIES:

In view of the problems which apparently attend this bill, I would move at this time that the matter be recommitted.

MR. SPEAKER:

Motion is to recommit. Will you remark further on recommittal. Gentleman from the 22nd.

REPRESENTATIVE KABLIK:

As a member of the committee that brought this out, the bill had no problem prior to the amendment. The intent of this bill was so that surveyors would not have days and weeks of work go down the drain as individuals, pick up stakes and destroy hours of work.

MR. SPEAKER:

The gentleman care to withdraw.

REPRESENTATIVE GILLIES:

I will withdraw my motion.

MR. SPEAKER:

Representative Gudelski

ad

Thursday, May 27, 1971

89

REPRESENTATIVE GUELSKI:

I can only repeat what I stated, the fact that you are changing that word from marker to permanent monument destroys the entire intent of the bill.

MR. SPEAKER:

Gentleman from the 5th.

REPRESENTATIVE YEDZINIAK:

I rise in opposition to the amendment, because it goes against the intention of the bill. The intention is to protect markers after they have been placed. By requiring these to be permanent markers does not apply to the whole problem, so I urge the defeat of the amendment and the passage of the bill.

MR. SPEAKER:

Further remarks on Senate Amendment Schedule A. If not, all those in favor indicate by saying Aye. Opposed. Senate Amendment A is defeated. Would you remark on the bill. Representative Stevens.

REPRESENTATIVE STEVENS:

The Clerk has House Amendment Schedule A, which is a simple one, which I think will solve these problems.

MR. SPEAKER:

The Clerk call House Amendment Schedule A.

CLERK:

With reference to file 990. In line 2, after the word "marker" insert the word "properly".

REPRESENTATIVE STEVENS:

ad

Thursday, May 27, 1971

90

ad

I would move adoption of House Amendment Schedule A.

MR. SPEAKER:

Would you remark on House Amendment Schedule A.

REPRESENTATIVE STEVENS:

Insertion of the word "properly" I think makes the bill a good one. It simply states that this prohibition will apply providing the marker has been properly placed there.

MR. SPEAKER:

Gentleman from the 100th.

REPRESENTATIVE ORCUTT:

Through you a question. Is it the intent of the proponent that the word "properly" refers only to markers that have been placed on property with the permission of the owner.

MR. SPEAKER:

Gentleman care to respond.

REPRESENTATIVE STEVENS:

That is correct, that is the intent.

MR. SPEAKER:

Further remarks on House Amendment Schedule A. All those in favor indicate by saying Aye. Opposed. A is adopted and ruled technical. Will you remark on the bill as amended. Representative Liskov.

REPRESENTATIVE LISKOV:

I move for the passage of the bill as amended.

MR. SPEAKER:

Will you remark further on the bill as amended by House

Thursday, May 27, 1971

91

Amendment Schedule A. If not, all those in favor indicate by saying Aye. Opposed. The bill is passed.

CLERK:

Calendar 1146, Senate Bill 1795 - An Act Concerning Allocation of Funds of the Constituent Units of the State System of Higher Education.

MR. SPEAKER:

Representative Clynes.

REPRESENTATIVE CLYNES:

I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

MR. SPEAKER:

Would you remark.

REPRESENTATIVE CLYNES:

At the present time the governing boards of each unit of the State Board of Higher Education are allowed to transfer funds eternally with no controls. Under this bill, those funds transferred between units would have to first have prior approval by the Finance Advisory Committee. I move acceptance of the bill.

MR. SPEAKER:

The Clerk indicates there is an error on the calendar and in fact there is a Senate Amendment Schedule A. Suggest this item be passed temporarily.

CLERK:

Page 21, Disagreeing Action, Calendar 234, Substitute for

ad