

HB 7041

PA 857

1971

House 4439-4442, 6047-6048 (6)

Senate 3091 (1)

Transportation 401, 406-408, 410 (5)

H-117

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 10
4344-4830**

THE SPEAKER:

djh

Will the Clerk please make a note that the gentleman was present and in the Chamber, that the light is not working, the gentleman cares to be recorded in the negative.

Will the Clerk please recompute the tally?

THE CLERK:

Total Number Voting	164
Necessary for Passage	83
Those voting Yea	86
Those voting Nay	78
Absent and Not Voting	13

THE SPEAKER:

The bill is PASSED.

THE CLERK :

Page 14, Calendar No. 1248, substitute for H.B. No. 7041, An Act Concerning the Use and Operation of Snowmobiles.

MR. RYAN (84th):

Mr. Speaker, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark?

MR. RYAN (84th):

Yes, Mr. Speaker. This bill provides in relation to snowmobiles that the front cowl assembly be marked with reflective lettering indicating the registration number in order to make them more easily identifiable from a distance and at night. It also requires written permission for operation on fenced agricultural land or state owned land or state leased land and prohibits the use on railroad rights of way. It also extends jurisdiction

to enforce such laws as pertain to snowmobiles to constables, state park policemen, state forest policemen, forest rangers, in addition to those already having jurisdiction. It also places the responsibility for damages to crops and other property on the operators of such snowmobiles. I understand the Clerk has an amendment.

THE SPEAKER:

The Clerk has an amendment. Would the gentleman care to have the Clerk read or would the gentleman care to have an opportunity to summarize?

MR. RYAN (84th):

At this point, I would defer to Rep. Hannon. In that case, Rep. Tiffany.

THE CLERK:

House Amendment Schedule "A".

THE SPEAKER:

Rep. Tiffany for the purpose of addressing himself to the amendment. Would the gentleman care to have the amendment read or would the gentleman care to have it summarized?

MR. TIFFANY (70th):

Please read the amendment. It's a short amendment.

THE SPEAKER:

Would the Clerk please read House Amendment "A"?

THE CLERK:

In line 111, after the word "snowmobile" insert "(1)".

In line 112, after the word "water" insert a comma and the following: "Provided, any municipality may by ordinance regulate the hours of operation of snowmobiles on public waters within such municipality;".

In line 112, after the word "or" insert "(2)".

djh

MR. TIFFANY (70th):

I move adoption of the amendment.

THE SPEAKER:

Question is on adoption of House "A". Will you remark?

MR. TIFFANY (70th):

Mr. Speaker, the purpose of this amendment is to allow towns to establish the hours of operation by ordinance of snowmobiles on frozen lakes. It's a good amendment and I urge its passage.

THE SPEAKER:

Will you remark further on House Amendment Schedule "A"? If not, all those in favor will indicate by saying aye. Opposed? The amendment is ADOPTED. The Chair rules it is technical. Will you remark further on the bill as amended?

MR. RYAN (84th):

Mr. Speaker, the Clerk has another amendment, House Amendment Schedule "B".

THE SPEAKER:

Is the Clerk in possession of House Amendment "B"?

THE CLERK:

House Amendment Schedule "B".

THE SPEAKER:

Does the gentleman from the 84th care to have the Clerk read or would he like an opportunity to summarize?

MR. RYAN (84th):

I'll summarize it, if I may.

THE SPEAKER:

Unless there's objection, without objection, the gentleman from the 84th for the purpose of summarization of House "B".

MR. RYAN (84th):

Mr. Speaker, this amendment only allows that the agent of an owner may give written permission as well as the owner of land and it also clarifies for the sake of any lawyers that may be involved in any suits I'm sure, in line 27, it includes, excuse me, it deletes the words "or where consequential damage has" in order to make it clear or clearer to all those finding use for this law, and I would move that it's a good amendment and urge its passage.

THE SPEAKER:

Question is on adoption of House "B". Will you remark further on the amendment? Will you remark further? If not, all those in favor of adoption of House Amendment Schedule "B" will indicate by saying aye. Opposed? House "B" is ADOPTED. The Chair rules that it's technical. Will you remark further on the bill as amended?

MR. RYAN (84th):

Mr. Speaker, I would now move the passage of the bill as amended by House Amendments Schedule "A" and "B".

THE SPEAKER:

Will you remark further? Will you remark further on the bill as amended? If not, the question is on acceptance of the Joint Committee's favorable report and passage of the bill as amended by House Amendment Schedule "A" and "B". All those in favor will indicate by saying aye. Opposed? The bill is PASSED.

THE CLERK:

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**CONNECTICUT
GENERAL ASSEMBLY
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**VOL. 14
PART 13
5555-6226**

Tuesday, June 8, 1971

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MBS

Will the members please be seated. We are still on page 6, Calendar No. 635 on which a roll call has been ordered.

Will the members please be seated. If you gentlemen will take your seat we can proceed with the vote. Will the staff please come to the well of the House so we can proceed with the vote. Commissioner Miscikoski, are we ready to vote today? He's been out celebrating. If the gentlemen will please join us, we'll proceed with the vote. The machine will be opened. Has every member voted? Will you check the board to be sure your vote is recorded in the fashion you wish. The machine will be locked and the Clerk will take a tally.

THE CLERK:

Total number voting		147
Necessary for passage		74
Those voting Yea	78	
Those voting Nay	69	
Absent and not voting	30	

MR. SPEAKER:

The bill is passed.

THE CLERK:

Page 8 of the calendar. On page 8, Calendar No. 1230, Substitute for House Bill No. 5043, An Act Concerning the Proportional Costs of Water Main Assessments.

CARL AJELLO, 118th District:

Mr. Speaker, we will have to pass this temporarily, we don't have the gentleman, here, to report it.

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we'd like to continue our business on the Calendar...

MR. SPEAKER:

The matter will be passed temporarily.

BRUCE L. MORRIS:

Mr. Speaker, I draw the Clerk's attention to Page 18...

Page 18, a Disagreeing Action, Calendar No. 1248.

MR. SPEAKER:

The Chair recognizes the gentleman from the 84th, Representative Ryan, after the Clerk calls the Calendar item.

THE CLERK:

Page 18, Calendar No. 1248, Substitute for H.B. No. 7041, an Act concerning the use and operation of snowmobiles. As amended by House Amendment "A" and Senate Amendment "A".

WILLIAM F. RYAN:

Mr. Speaker, I would first of all move the adoption of Senate Amendment Schedule "A".

MR. SPEAKER:

The Clerk will call Senate "A".

WILLIAM F. RYAN:

May I ask that the reading be waived.

MR. SPEAKER:

The gentleman will outline Amendment "A".

WILLIAM F. RYAN:

Mr. Speaker, Senate Amendment Schedule "A" is purely a technical Amendment that corrects a small error which has deleted the \$50 fine if the operator refused to stop at the request of an law enforcement officer. This is a house-cleaning Amendment that

EFH

39A.

39A.

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was caught in the Senate, and I would urge its adoption.

EFH

MR. SPEAKER:

Further remarks on the Amendment. If not, the question's on adoption of Senate "A". All those in favor indicate by saying "aye". Opposed. Senate Amendment "A" is adopted.

WILLIAM F. RYAN:

Mr. Speaker, I would then move for passage of the Bill in concurrence with the Senate.

MR. SPEAKER:

Question's on acceptance and passage as amended by House Amendments "A" and "B" and Senate Amendment Schedule "A". Will you remark further. If not, all those in favor indicate by saying "aye". Opposed. The Bill is passed.

BRUCE L. MORRIS:

Mr. Speaker, I draw the Clerk's attention to Page 9, Calendar No. 1586.

THE CLERK:

Before the Clerk calls Page 9, would you correct your Calendar on Page 18. On Calendar No. 1248, the matter which we just passed, the title should read, "As amended by House Amendment Schedule "A", House Amendment Schedule "B" and Senate Amendment Schedule "A". Now on Page 9, at the bottom of the page, Calendar No. 1586, Substitute for S.B. No. 1308, an Act concerning the powers of the Commissioner of Transportation, File No. 1509.

FRANK M. REINHOLD, SR.:

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the Bill.

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SENATE

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Cal. 1191 File 1374 Substitute for H.B. 7041 An Act Concerning the Use and Operation of Snowmobiles.

Cal. 1193, File 1387, Substitute for H.B. 7483 An Act Concerning the Husband And Wife Retirement Income Option Under the Probate Court Retirement System.

Cal. 1194, File 1378 Substitute for H.B. 8330 An Act Concerning the Expansion of the Wequetequock Fire District in the Town of Stonington.

Cal. 1195, File 1293 Substitute for H.B. 8541 An Act Providing a Bonus for Veterans Who Were Eligible But Did Not Receive a Bonus for Service in World War II or the Korean War.

Page 10, Cal. 1206 File 1389 H.B. 7484 An Act Concerning Disability Retirement for a Judge of Probate.

Cal. 1207, File 1383 Substitute H.B. 7490 An Act Concerning the Definition of Average Final Compensation for a Judge of Probate

Page 11, Cal. 1209, File 1236, Substitute for H.B. 5574 An Act Concerning the Benefits Paid to the Spouse of a Teacher Who Dies Before Retirement.

Page 12, Cal. 1219, File 1187 H.B. 8712 An Act Concerning the Establishment of a Drug Dependency Unit at Veterans' Home and Hospital.

Cal. 1222, File 1422 Substitute for H.B. 8343 An Act Concerning Mandatory Refusal of Liquor Permits.

Cal. 1223, File 983, Substitute for H.B. 8359 An Act Concerning the Creation of a Commission on Compensation for Elected State Officials.

Page 13, Cal. 1225, File 1435 Substitute for H.B. 8798 An Act Concerning Public Hearings on Proposed Layout of State Highways.

Cal. 1229, S.B. 1830 An Act Concerning Participation of Hospitals in the Health And Educational Facilities Authority Act.

Page 14, H.B. 5491, File 916 An Act Granting Payment of the World War II Veterans' Bonus to Edward david Wellins.

Cal. 1233, File 777 H.B. 5672 An Act Granting Payment of the Korean War Veterans' Bonus to John P. Belansky, Jr.

**JOINT
STANDING
COMMITTEE
HEARINGS**

TRANSPORTATION

**PART 2
338-674**

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Senator Mondani: It is a predictability so that anyone can operate safely.

Judge Gwiazda: And we likewise have, for instance - you have been reading of the most recent tragedies - that in such eventualities we have made provision in here for reporting that. Because the present bill does not have it. It is a motor vehicle thing; we don't know where to turn to report this, and it is clearly spelled out in the bill what to do. And, we placed snowmobilers; not only under the direct control of police officers, but Game Wardens and any recognized policing authority; whether it is state, municipal or otherwise. Such as Rangers in our State Forests. So, that we tried to cover "the waterfront", as best it could be covered, sir.

Chairman O'Dea: Any other questions? Thank you, sir. Anyone else in favor of any of these bills?

Mr. George Simpson: Mr. Chairman and Members of the Committee; I am Executive Secretary of The Connecticut Farm Bureau Association. Mr. Chairman, I do not have any objection to S. B. 1151. The only thing we might have difficulty with is relative whether this section of the General Assembly can withstand the expense of the administration of an act of this nature. But I know, in regard to our Association, we have felt for some time that the best way of handling this would be in the same matter that we handle the boating matters in this State, through a Commission. 1151 does include a number of the provisions that we have suggested in the form of H. B. 7041. and I might just review that for a moment; in this particular case we recognize that there is an enforcement problem. And, we wanted to make sure that it was extended to all of our law enforcement agencies possible, so we did in bill 7041. include constables. We also felt that it was quite essential that land owners have an opportunity and at least be recognized in the statute, that they have the right to require a snowmobile operator to stop, if he is operating on his property. I think that we can recognize that agriculture owns and operates about 750,000 acres of Connecticut's open space, and, therefore, probably has a tremendous number of snowmobiles traveling over their land during the winter months. And, this has increased at a tremendous pace. I know that I have my own particular experiences with this matter. We also find it to their liking, to drive down the road - park their car and trailer, unload their snowmobile - and go on your property without any request or permission. We, therefore, had suggested in bill 7041, that you cannot operate on any land without the written permission of the owner. And, I think that if the snowmobile operators are responsible, that certainly would not be an unreasonable request. We have included in 7041, also, the suggestion that the requirements of crops and fences being added to the matters of trees and shrubs, and, also consequential damages.

One of our most productive hay crops in Connecticut, happens to a crop known as alfalfa. And, if the snow covering is less than one foot, and snowmobiles travel on it, the amount of icing that

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Mr. Simpson(continued): begins to form as snow begins to melt and freeze, as it comes in the spring of the year, will destroy the crop completely. We have no idea what the damage will be this year, but it is going exceed anything in the past. And I know that there are fields, at least on our farm, where the use has been (during the night time) that is going to result in no alfalfa this speing. In other words, this partucular hay crop will not come up and it is one of the highest productive and highest protein crops that we grow. And probably one of the most expensive to replant. So, we have four things in mind; and the is extending the enforcement authority; requiring written permission; including additonal damages; and including consequential damages. Now,I might add with regard to the liability question; the current statutes on the books, relative to land owner liabilit are rather cumberson and they are expensive. A land owner must make application to the State Forester to have his land examined, before it can even be registered for any limitation of liability towards anyone using his property for recreational purposes.

There are a number of bills introduced in this section of the General Assembly, which would provide more "blanket liability", and eliminate this cumberson and expensive manner of attempting to inspect and register property of this nature. If, in the Committee's wisdom, it feels that it cannot adopt a bill such as 1151. at this time; then we would suggest and favor the Committee's favorable action on H. B. 7041. Also, H. B. 7913, providing for the letters being placed on the side of the snowmobile in the manner prescribed in that particular bill. There is also another bill, before another Committee; H. B. 7888, it would alleviate all liability on the part of land owners, towards anyone using their property for snowmobile use.

If the Committee felt that it was going to report 1151, favorable, we would suggest that the provisons in 7041, 7888 (which is not before the Committee) and H. B. 7913, would included in the provisions of S. B. 1151. Thank you, Mr. Chairman.

Chairman O'Dea: Any questions? Thank you, Mr. Simpson. Yes, sir?

Lt. Michael Griffin: Mr. Chairman, members of the Committee; I am from the Traffic Division of the State Police Dept. I would like to address myself to three bills - two pros and on con - if I may. H. B. 7041, concerning amending the provisions of Chapter 255 concerning snowmobiles. The State Police Department would like to go on record as being in favor of the proposed Legislation.This legislation authorizes constables to enforce the provisions of this chapter. This is a new portion of the statute; and it further places the responsibility for damage on the owner or operater of the snowmobile. However, there is one area which might cause problems for enforcing personnel. This is the new line of page 2 of the printed bill; which permits snowmobiles to be operated on any abandoned railroad right of way, we feel that this phraseology is alittle bit too broad.

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Lt. Griffin(continued): It would be extremely difficult to enforce this portion since it might present a problem finding out whether or not the railroad right of way is, in fact, abandoned. Also, if the right of way has been abandoned, and transferred to a town, or other government subdivision or to a private organization, would it still be permissible for snowmobiles to be operated on it? It is recommended that this portion pertaining to abandoned railroad right of ways be deleted. I am referring specifically, Gentlemen, to that spur down through Saybrook and Essex, which has been bought up by a historical organization for running steam locomotives. Not that I belong to that organization, but I have that in mind. I am in favor, or rather the State Police Dept. would like to go on record as being in favor of Section 7360, rather H. B. 7360, an act prohibiting the use of snowmobiles on sidewalks. We feel that snowmobile are used during that period of time when there is snow and ice on the ground; including the sidewalks, and the snow and ice alone make for hazardous walking. And walking around parked snowmobiles and dodging moving snowmobiles, we feel would add greatly to the hazard.

And, my final bill, as pertains to snowmobiles; The State Police Dept., would like to go on record as being opposed to S. B. 1151, concerning snowmobiles which provides for the setting up of a Commission to handle the passing of regulations concerning the operation and licensing and equipment of snowmobiles. We feel that there are mechanisms set up at this time for handling these things. The existing state agencies can and do handle them at the present time, and feel that this new Commission would create an additional expense. With your permission, I would like to leave with your secretary, position papers on these bills I have spoken on.

Senator Mondani: Lt. Griffin, if such a Commission were set up, would the State Police be willing to participate in aiding them in developing the program?

Lt. Griffin: Yes.

Chairman O'Dea: Are there any other questions? Thank you, Lieutenant. Anyone else in favor of any of these bills? Anyone opposed?

Mr. Edward Carroll: Representing the Dept. of Motor Vehicles, we oppose 1151 on the basis that we feel that another Commission is not necessary. That there are existing state agencies that can take care of the problems and are in continuous existence, rather than in session a minimum of three times a year. Also, we are opposed to 1151 on the basis that under some circumstances it would allow the operation of snowmobiles on certain streets, highways and over bridges.

Now, if I may, I would like to comment briefly, on one other bill, 7917; which calls for reflective identifications to be affixed to snowmobiles. I would like to say that we assume a

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Mr. Carroll(continued): are being used and to see how these vehicles are being operated. We are told they are out there. But there are very few police departments that are able to get out to investigate a complaint.

Senator Mondani: Of course, in many cases there may not be a complaint because there is nothing that is being violated. In order to have enforcement - you have to have something to enforce.

Mr. Carroll: Well, there is a law on the books, and I think that in many respects it is very adequate. It provides that you can't operate a snowmobile without a muffler or that makes unusual or unnecessary noise. It prohibits the operation of a snowmobile while under the influence. It prohibits chasing animals, if I recall correctly. But I think that attention has to be given to the problem of enforcement.

Rep. Cretella: Right now, if you do not have the type of violation that you are talking about; if they comply with everything you have. Is he in violation if he operates a snowmobile that is not registered?

Mr. Carroll: On property not owned or leased by the operator of a snowmobile - he would be in violation. He can operate an unregistered motor vehicle on his own property or on property that he leased.

Chairman O'Dea: Are there any other questions?

Rep. Ryan: Yes. Would you be more inclined to revise the present statutes, such as in 7041, and with other additions. Than you would be in favor of a Commission? Is that what we are really getting at?

Mr. Carroll: I am not too familiar with 7041, Rep. Ryan. Perhaps I shouldn't speak on behalf of the Department. But our objection was to the creation of the Commission, that, if memory serves me, had to meet a minimum of three times a year. We do feel what ever agency has it, ought to be a continuing agency. Now, two years ago, in this very same room; it was brought out that the reason for the Dept. of Motor Vehicle to have this responsibility for registering snowmobiles was the fact that we have a communications system. We are able to furnish information regarding the snowmobile if we can identify it. I would agree, I think, with Judge Gwiazda's statement, that the plate will not remain visible under the present law for a very long period of time, before it becomes obscured by snow.

Rep. Cretella: Question to Mr. Carroll inaudible.

Mr. Carroll: I couldn't touch that because it is for the Boating Safety Commissioner or for the Commissioner of the Dept. of Agriculture to answer that. As far as I know they do not have the communications system for rapid identification, which was