

Act Number: PA 06-76

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Bill Number: 285

Senate Pages: Senate: 1620-1624, 2325-2341 **22**

House Pages: House: 4669-4679 **11**

Committee: Environment: 670, 672-673, 833-835 **6**

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1310-1637F

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001620

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Seeing no objection, the bill is placed on the
Consent Calendar.

SEN. CRISCO:

Thank you, Sir.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar Page 20, Calendar 207, File 265,
Substitute for Senate Bill 285 An Act Concerning
Personal Watercraft And Children. Favorable Report of
the Committee on Environment and Judiciary. The Clerk
is in possession of an amendment.

THE CHAIR:

Senator Finch.

SEN. FINCH:

Thank you, Mr. President. I would move the Joint
Committee's Favorable Report and passage of the bill.

THE CHAIR:

The question is on acceptance of the Joint
Committee's Favorable Report and passage of the bill.
Will you remark, Sir?

SEN. FINCH:

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Thank you, Mr. President. The Clerk is in possession of an amendment, LCO 4174. I would appreciate it if he would call it at this time.

THE CLERK:

LCO 4174, which will be designated Senate Amendment Schedule "A". It is offered by Senator Finch of the 22nd District.

THE CHAIR:

Senator Finch.

SEN. FINCH:

Thank you, Mr. President. Thank you, Mr. Clerk. This is a technical revisions bill brought to us through the Commissioner of the DEP. It has several provisions. I'll try to summarize them as briefly as I possibly can.

THE CHAIR:

If you would just move adoption, Sir, first.

SEN. FINCH:

Move for adoption.

THE CHAIR:

Thank you very much. The question is on adoption. Will you remark?

SEN. FINCH:

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Thank you, Mr. President. The numbers of the sections, if you're following the bill, are not going to jive because they're actually pushed up a section because the personal watercraft section moves them.

But Section 501 streamlines the process for filing environmental compliance orders on land records.

Section 502 deals with dam safety allowing the Commissioner to not have to apply to herself for her own permits on state-owned dams, which we felt was sort of a little duplicative of her work.

Sections 503 through 510 and Section 530 reveal certain provisions of the Northeast Interstate Low-Level Radioactive Waste Management Compact, because they rely, they refer to the now-defunct Hazardous Waste Management Service.

Section 511 through 515 refer to the Property Transfer Act. And here we find an important change in the law that will allow for brown fields development by allowing signoffs on portions of a polluted partial that can be subdivided, thereby allowing development on part of--

[GAP IN TESTIMONY]

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--all that may be cleaned up. Section 515 refers to certain provisions regarding licensed environmental professionals.

Sections 511 and 514 also refer to the Transfer Act. Section 516 also refers to technical revisions with the licensed environmental professionals.

Sections 517 through 521 also make an important improvement on the demolition of redevelopment of older industrial sites, which may have had florescent lighting or batteries stored in them.

Unfortunately, the way the universal waste is defined now, it triggers the Transfer Act and, of course, that wouldn't be wise, in many of these cases, just because they had florescent light bulbs to trigger the Transfer Act.

So it doesn't weaken our efforts to clean these sites up or weaken the laws regarding that. It merely exempts it from the Transfer Act, which we in the Environment Committee strongly recommend.

It streamlines marine and terminal port permit process in Section 522. In Section 523, it creates consistency between the state and federal reporting dates for toxic release information so that they can

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be the same dates rather than having two separate dates.

Sections 524 through 525, the revisions to the permitting provisions of the Solid Waste Management Act to clarify the process for people applying, and several other minor and technical changes to the, to that section of the statutes.

527 through 529, An Act Concerning Mercury Education and Reduction, bring the act into compliance with certain improvements that the DEP has already made. And we thought that those were in order, and we recommend to you all of these as an amendment, and I would move the amendment.

THE CHAIR:

Thank you, Senator Finch. The question on adoption is Senate Amendment "A", LCO 4174. Will you remark further? If not, I'll try your minds. All those in favor of the amendment, please signify by saying "aye".

SENATE ASSEMBLY:

Aye.

THE CHAIR:

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Will you remark further? I believe, Senator Finch, did you wish to renew the motion to place it on Consent?

SEN. FINCH:

I would like this placed on the Consent Calendar if there are no objections.

THE CHAIR:

If there are no objections, the item will be placed on the Consent Calendar. Mr. Clerk.

THE CLERK:

Calendar Page 17, Calendar 207, File 265,
Substitute for Senate Bill 285, An Act Concerning Personal Watercraft and Children, as amended by Senate Amendment Schedule "A", Favorable Report of the Committees on Environment, Judiciary, and Appropriations. Clerk is in possession of amendments.

THE CHAIR:

Senator Finch.

SEN. FINCH:

Thank you, Mr. President. I would move the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

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On acceptance and passage, will you remark?

Senator Finch.

SEN. FINCH:

Mr. President, this Circle will remember that recently we debated this bill and passed this on to the Appropriations Committee. It's now back from the Appropriations Committee, and I would like to amend it slightly by calling LCO 4721. If the Clerk would call that at this time, I would appreciate it.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 4721, which will be designated as Senate Amendment Schedule "B". It is offered by Senator Finch of the 22nd District.

THE CHAIR:

Senator Finch.

SEN. FINCH:

Thank you, Mr. President. This strikes Section 502. It has come to our attention that this may perhaps be something that's going to require more study.

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It's a provision regarding dams at the DEP and regarding the touchy nature of the language therein, I'll offer no further comment.

THE CHAIR:

Beyond moving the amendment?

SEN. FINCH:

I would move the amendment.

THE CHAIR:

Thank you, Senator. Will you remark further on the amendment? If not, I'll try your minds. All those in favor, please say "aye".

SENATE ASSEMBLY:

Aye.

THE CHAIR:

Any opposed, "nay". The ayes have it. Senator Finch.

SEN. FINCH:

Mr. President, that's the only amendment I'd like to call, and I'd like it to be on the Consent Calendar if there are no objections.

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

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Thank you, Mr. President. I don't have any objection to the item being placed on the Consent Calendar. I do have an amendment which I wish to call if I might. I believe the Clerk is in possession of LCO 4669. If the Clerk could please call the amendment and if I might be permitted to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 4669, which will be designated as Senate Amendment Schedule "C". It is offered by Senator Roraback of the 30th District.

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

Thank you, Mr. President. The House recently passed a bill which will allow lake patrol officers to carry guns. Mr. President, this amendment makes clear that lake patrol officers will only be carrying guns when the legislative body of the town where the lake is located approves of this conduct.

I think, Mr. President, if you were part of the legislative body of a municipality, and there were a

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lake within your borders, I think it's only appropriate that you would want to give your okay to lake patrol officers carrying weapons. I hope this is viewed as a friendly amendment, and I move adoption.

Thank you.

THE CHAIR:

On the amendment, will you remark further? If not, we'll try your minds. All those in favor, please say "aye".

SENATE ASSEMBLY:

Aye.

THE CHAIR:

Any opposed, "nay". The ayes have it. The amendment is adopted. Will you remark further on the bill? Senator Roraback.

SEN. RORABACK:

Thank you, Mr. President. At the risk of appearing greedy, the Clerk has one other amendment, which is LCO 4816. If the Clerk would please call the amendment and if I might be permitted to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

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LCO 4816, which will be designated as Senate
Amendment Schedule "D". It is offered by Senator
Roraback of the 30th District, et al.

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

Thank you, Mr. President. I move adoption. This amendment does have one virtue, which the prior amendment lacked, Mr. President, in that it bears the name of the distinguished Chairman of the Environment Committee, my colleague and friend, Senator Bill Finch.

Mr. President, what this amendment does is makes it clear, there's a variety of engine that people use when they're fishing, which, in my neck of the woods, we affectionately refer to as an eggbeater.

Mr. President, it's an electric engine that's run off of a battery, little teeny thing that you wouldn't want to use to cool your bedroom, but it can propel you at about half a mile an hour across a lake or pond.

What this amendment does is say to those people that use these little electric engines that they don't

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need to be certified by the DEP the same way those individuals that drive cabin cruisers have to in order to enjoy their boats. I move adoption.

THE CHAIR:

On the amendment, will you remark further?

Senator Finch.

SEN. FINCH:

Mr. President, I rise to respectfully ask the Circle, and I'd like when the vote be taken, it be taken by roll call. The first amendment, we sort of let that slide. The second amendment I, personally, don't think that it's necessary to overdo a good thing here.

I would point out that, while my name is on the bill, our caucus was unable to caucus the bill, and as the bills have moved rather rapidly, we did not recaucus this amendment, and I would appreciate it if the Members of the Circle would vote this amendment down.

The one thing that's occurred to me about this amendment, if you need food for thought on this, is the boating safety course that's required when you're

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on the water has very little to do with the size of the engine.

At first glance, I did think this was a pretty good idea, and I have changed my mind. The water safety course you take really doesn't have to do with the size of the engine. It has to do with the fact that you're on water, and you need to be safe, and you need to take this course.

So I stand corrected, and admit that I probably shouldn't have been on that amendment, and ask the Circle to vote it down. I would move it at this time.

THE CHAIR:

Roll call having been requested, a roll call will be taken on the amendment when the vote is called.

Senator Roraback.

SEN. RORABACK:

Thank you, Mr. President. With the indulgence of the Chamber, I'd like to ask that the amendment be withdrawn.

THE CHAIR:

Without objection, Senator Finch.

SEN. FINCH:

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Mr. President, I would like that the bill be placed on the Consent--

THE CHAIR:

Without objection, the amendment will be withdrawn. Senator McKinney.

SEN. MCKINNEY:

Thank you, Mr. President. Are we on the underlying bill?

THE CHAIR:

I thought you were rising to object to having it withdrawn.

SEN. MCKINNEY:

Oh, I thought he moved to put it on the Consent Calendar.

THE CHAIR:

He did, but he was premature too.

SEN. MCKINNEY:

Okay. Just making sure that you knew he was premature. Thank you, Mr. President.

THE CHAIR:

Without objection, the amendment will be deemed to be withdrawn. Senator Finch.

SEN. FINCH:

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Mr. President, today we've done a lot of environmental bills. It's very appropriate if we could place this on the Consent Calendar and maybe honor Frederick Law Olmsted that this is the first Frederick Law Olmsted Day in the State of Connecticut.

And I'm happy to report that, in addition to passing a slew of environmental bills, we had the Frederick Law Olmsted Day Conference, sponsored by the Connecticut Society of Landscape Architects at our wonderful Mark Twain home today.

If we place that on the Calendar, I promise I won't say anything about Frederick Law Olmsted until next year.

THE CHAIR:

Will you remark further on the bill? Senator DeLuca.

SEN. DELUCA:

Thank you, Mr. President. I don't object to going on the Consent Calendar, but I could let slide the comment on the previous amendments.

I respect Senator Finch's objection to the second amendment, but I believe the first amendment passed,

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not because somebody let it slide, but because it had merit. Thank you, Mr. President.

THE CHAIR:

Will you remark further on the bill that is before us as amended? Senator McKinney.

SEN. MCKINNEY:

Thank you, Mr. President. I was actually out of the Chamber when we voted on the first amendment and had a question, so since it's now part of the underlying bill, if I could, through you, ask the proponent of the bill a question.

THE CHAIR:

I believe there is a question with respect to amendment "D". Please proceed.

SEN. MCKINNEY:

Thank you, Mr. President. Through you, the amendment which passes, which would require the legislative bodies of towns to vote on whether or not lake patrolmen may carry weapons, through you, does that apply to lake patrolmen who may have already gone through all the necessary police training and certification courses and may be allowed, under law, to carry weapons anyway, through you, Mr. President?

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THE CHAIR:

Senator Finch.

SEN. FINCH:

Mr. President, through you, I'm not aware that it does that, through you, Mr. President.

THE CHAIR:

Senator McKinney.

SEN. MCKINNEY:

Mr. President, perhaps, thank you. Senator Finch, could I redirect the question to the maker of the amendment that passed, through you, Mr. President?

THE CHAIR:

Please proceed, Senator.

SEN. MCKINNEY:

Thank you. Through you, Mr. President, Senator Roraback, do you remember the question?

THE CHAIR:

Senator Roraback, is your memory good enough at this time to recall?

SEN. RORABACK:

Through you, Mr. President, sometimes it's the source of the question that is determinative of whether or not I commit it to memory.

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THE CHAIR:

In that case, maybe he better refresh the question.

SEN. RORABACK:

In fact, when one of my leaders ask a question, Mr. President, I always commit it to memory.

THE CHAIR:

Senator, please proceed.

SEN. RORABACK:

Mr. President, there was a bill which passed the House yesterday or the day before, which is going to enable the DEP Commissioner to deputize lake patrolmen to carry weapons. Mr. President, that is clearly a desirable thing in some communities, but it clearly would be a less desirable thing in other communities.

What this amendment is intended to do is to ensure that if people on lakes are going to be carrying weapons, they'll be doing so with the blessing of the legislative body of the municipality.

I'm not sure if that statement is responsive to Senator McKinney's question, but it is the gravamen of the amendment that passed.

THE CHAIR:

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Senator McKinney, is that responsive to your question?

SEN. MCKINNEY:

Well, perhaps, Mr. President, if I could further inquire. Through you, Mr. President, would the law allowing the DEP Commissioner to deputize lake patrolmen, who would then be allowed to carry weapons on lakes, does the Commissioner of DEP have the power to deputize lake patrolmen to carry weapons if those lake patrolmen have no proper training, police training, and other certification to carry weapons, through you, Mr. President?

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

Through you, Mr. President, my instincts and intuition tell me that the DEP would never deputize anyone who hadn't been properly trained. Through you, Mr. President, I hope that's responsive to Senator McKinney's question.

THE CHAIR:

Senator McKinney.

SEN. MCKINNEY:

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Thank you, Mr. President. Thank you, Senator Roraback. Mr. President, I'm sorry that I missed the discussion on that amendment. I do have some troubles with the bill as amended.

I have no doubt that the issue of lake patrolmen carrying firearms is a sensitive one, and I have further no doubt that some communities may be more welcoming of that than others. But I don't know that we should be allowing communities to have say over this matter.

Some communities may not like State Police Officers carrying weapons, but we don't let them approve of that. If lake patrolmen have gone through the proper training and are properly trained and certified to carry weapons, then I think we should have left that decision up to the DEP.

I am now troubled by the language of the underlying bill, and perhaps we should have a roll call rather than putting it on the Consent Calendar. Thank you, Mr. President.

THE CHAIR:

Senator Prague.

SEN. PRAGUE:

Thank you, Mr. President. I just briefly want to comment on Senator Roraback's amendment. I really totally appreciate your amendment. As somebody who lives on the lake, I would not want the lake patrol people carrying guns.

You know, the kids are out there swimming at night and having a good time, and who knows what would prompt a lake patrolman to pull a gun. I'm thankful that you actually brought that amendment forward.

THE CHAIR:

Is there anyone else who wishes to comment at this time? If not, a roll call will be ordered. The machine is open.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

If all Members have voted, fortunately, on a roll

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call vote, the machine will be closed. Clerk will please announce the close tally.

THE CLERK:

Motion is on passage of Senate Bill 285 as amended.

Total number voting, 36; necessary for passage, 19. Those voting "yea", 36; those voting "nay", 0. Those absent and not voting, 0.

THE CHAIR:

The bill is passed unanimously, and I misspoke.
Is there yet another matter, Mr. Clerk?

THE CLERK:

Calendar Page 19, Calendar 256, File 331,
Substitute for Senate Bill 311, An Act Establishing
Maximum Out-of-Pocket Expenses for Radiology Services
and Designating the Month of November as Lung Cancer
Awareness Month, Favorable Report of the Committees on
Public Health, Government Administration and
Elections, and Insurance.

THE CHAIR:

Senator Murphy.

SEN. MURPHY:

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wishes from us all. Any further introductions?

Representative Noujaim.

REP. NOUJAIM: (74th)

Good afternoon, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good afternoon, Sir.

REP. NOUJAIM: (74th)

Purpose of introduction.

DEPUTY SPEAKER GODFREY:

Please proceed, Sir.

REP. NOUJAIM: (74th)

I would like to welcome Caroline Fleischmann, down sitting in the Well. Caroline was my constituent before she married Representative Fleischmann, so I lost her, unfortunately. My loss, his gain. So welcome, Caroline.

DEPUTY SPEAKER GODFREY:

Thank you, Representative Noujaim. And let us return to the Call of the Calendar. Will the Clerk please call Calendar Number 465.

CLERK:

On Page 14, Calendar Number 465, Substitute for
Senate Bill Number 285, AN ACT CONCERNING PERSONAL

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WATERCRAFT AND CHILDREN, Favorable Report by the
Committee on Appropriations.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Environment
Committee, Representative Roy.

REP. ROY: (119th)

Thank you, Mr. Speaker. Mr. Speaker, I move
acceptance of the Joint Committee's Favorable Response
and passage of the Bill.

DEPUTY SPEAKER GODFREY:

Question is on acceptance and passage. Will you
explain the Bill, please, Sir.

REP. ROY: (119th)

What we do with this Bill, Mr. Speaker, is in a
new section saying no passenger will be permitted to
ride in front of the operator of personal watercraft,
which essentially is the water ski.

And no passenger shall be permitted to ride upon
a personal watercraft unless the passenger is able to
securely hold onto the person in front of them, or to
the hand holds on the personal watercraft, and is able
to keep both feet on the deck for safety purposes. I
move passage.

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DEPUTY SPEAKER GODFREY:

Thank you, Sir. Representative Roy.

REP. ROY: (119th)

With that, Mr. Speaker, in concurrence with the Senate, we have an amendment, LCO Number 4174. I ask that it be called and I be allowed to summarize.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of LCO Number 4174, previously designated as Senate Amendment Schedule "A". Will the Clerk please call?

CLERK:

LCO Number 4174, Senate Amendment Schedule "A",
offered by Senator Finch and Representative Roy.

DEPUTY SPEAKER GODFREY:

Gentleman has asked the leave of the Chamber to summarize. Is there any objection? Hearing none, please proceed, Sir.

REP. ROY: (119th)

Thank you, Mr. Speaker. Mr. Speaker, this Amendment is essentially the omnibus environment bill from the Department of Environmental Protection.

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Section 1 was ask that the land records, that a certified copy of notice be filed in the town where the subject property is.

Section 2, to rebuild subjugates and repair dams without having to do a permit to themselves. Section 3, Connecticut Development Authority and move, working with them, a major state plan means of master transportation plan.

This is mostly technical, Sir. Perhaps what I should do is move adoption, and if there's questions, we'll try to answer them directly. I move adoption.

DEPUTY SPEAKER GODFREY:

The question is on adoption. Will you remark on Senate Amendment Schedule "A"? Will you remark on Senate Amendment Schedule "A"? The distinguished Ranking Member of the Environment Committee, Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. I also rise in support of Senate Amendment "A". It is, as the Chairman said, it's the annual revisions bill. It did have a hearing, it did pass Committee, I think unanimously, and I urge my colleagues to support it. Thank you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Thank you, Sir. Will you remark further on Senate Amendment Schedule "A"? Will you remark further on Senate Amendment Schedule "A"? If not, let me try your minds. All those in favor, signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, Nay. The Ayes have it. The Amendment is adopted. Representative Roy.

REP. ROY: (119th)

Thank you, Mr. Speaker. The Clerk has an amendment, LCO Number 4721. I ask that it be called and I be allowed to summarize.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of LCO Number 4721, previously designated Senate Amendment Schedule "B". Will the Clerk please call?

CLERK:

LCO Number 4721, Senate "B", offered by Senator Finch and Representative Roy.

DEPUTY SPEAKER GODFREY:

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The gentleman has asked leave of the Chamber to summarize. Is there any objection? Hearing none, please proceed, Sir.

REP. ROY: (119th)

Thank you, Mr. Speaker. This Amendment strikes Section 502 in its entirety. The remaining sections, essentially this was where the DP did not want to issue permits to itself.

There is some opposition to that at this point, and we feel that the Bill is too important to hold it up for this one issue. I move adoption.

DEPUTY SPEAKER GODFREY:

The question is on adoption. Will you remark further on Senate Amendment Schedule "B"?
Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. Again, I rise to support Senate Amendment "B". There was some discussion before the Appropriations Committee, I believe by Senator Handley, who had expressed some concerns about this portion of the Bill. I assume that's why it was struck in the Senate.

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But I'm also in agreement that to change that now could possibly jeopardize the entire Bill, and I urge my colleagues to support this as well.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Will you remark further on Senate Amendment Schedule "B"? Will you remark further on Senate Amendment Schedule "B". If not, let me try your minds. All those in favor, signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, Nay. The Ayes have it. The Amendment is adopted. Representative Roy.

REP. ROY: (119th)

Thank you, Mr. Speaker. One more time, the Clerk has an amendment, LCO Number 4669. I ask that it be called and I be allowed to summarize.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of LCO Number 4669, previously designated Senate Amendment Schedule "C". Will the Clerk please call.

CLERK:

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LCO Number 4669, Senate Amendment Schedule "C",
offered by Senator Roraback and Representative Miner.

DEPUTY SPEAKER GODFREY:

Gentleman has asked leave of the Chamber to summarize. Is there objection? Hearing none, please proceed, Sir.

REP. ROY: (119th)

Thank you, Mr. Speaker. The Amendment clarifies provisions and makes technical changes with regard to the employment of special conservation officers and lake patrolmen, and does not have a fiscal impact to the Department of Environmental Protection.

The Amendment could result in a potential minimal cost to the police officer standard and training councils associated with the requirement to train lake patrolmen in enforcement of boating laws. I move adoption.

DEPUTY SPEAKER GODFREY:

The question is on adoption. Will you remark on Senate Amendment Schedule "C"? Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Mr. Speaker. Once again, I rise to support Senate Amendment "C". This was in response to

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a concern raised on a bill that we heard previously in this Chamber.

I believe this is a good fix for that, and I would encourage my colleagues to support it. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, Sir. Will you remark further on Senate Amendment Schedule "C"? If not, let me try your minds. All those in favor, signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, Nay. The Ayes have it. The Amendment is adopted. Will you remark further on the Bill as amended? Will you remark further on the Bill as amended? Representative Hovey.

REP. HOVEY: (112th)

Thank you, Mr. Speaker. I wanted to thank the Chairs and Ranking Members of the Environment Committee and all the other Committees that this Bill has gone through.

This originally started with an incident that occurred on my lake, which I was involved in, that was

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a small child being what I call ponied on a personal watercraft, which is a very dangerous thing to be doing.

And that remains in this Bill, along with a lot of other things, but I want to thank them very much for being so thoughtful in this legislation, and I encourage everyone to support this legislation.

DEPUTY SPEAKER GODFREY:

Thank the gentlewoman from Monroe. Will you remark further on this Bill as amended? Will you remark further on this Bill as amended? If not, staff and guests please come to the Well of the House. Members take their seats. The machine will be opened.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER GODFREY:

Have all the Members voted? Representative Dillon? Thank you. Have all the Members voted? If so, the machine will be locked, and Clerk will take a tally. And if the Clerk would announce the tally, please.

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CLERK:

Senate Bill Number 285, as amended by Senate
Amendment Schedules "A", "B" and "C", in
concurrence with the Senate.

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

DEPUTY SPEAKER GODFREY:

The Bill as amended is passed in concurrence.

Mr. Clerk, if we could please go to Calendar Number
470.

CLERK:

On Page 15, Calendar Number 470, Senate Bill
Number 493, AN ACT CONCERNING SUBCONTRACTOR CLAIMS,
Favorable Report by the Committee on the Judiciary.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the General Law
Committee, Representative Chris Stone.

REP. STONE: (9th)

Thank you, Mr. Speaker. Good afternoon.

DEPUTY SPEAKER GODFREY:

**JOINT
STANDING
COMMITTEE
HEARINGS**

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REP. HOVEY: Good morning Mr. Chairman and colleagues. Thank you for allowing me to testify on House Bill 5449, AN ACT CONCERNING OPEN SPACE AND HORSES. And then I'll also testify on Senate Bill 285, AN ACT CONCERNING PERSONAL WATERCRAFT AND CHILDREN.

As a citizen of Connecticut who is gravely concerned that we're fast losing the quality of life that we all moved here for and have enjoyed over the years, I respectfully request the Committee give serious consideration to taking action that would preserve Connecticut's long-standing history of being a state that is equestrian-friendly.

In fact, the state has such a longstanding tradition of equestrianism. We have two official mounted militias, the Connecticut Governors Horse Guard One and Two.

Equestrians are losing their ability to enjoy an alternate means of non-motorized transportation and recreations due to the assault on their traditional use of trails and greenways. Trails and greenways that have historically been used by equestrians are now being paved and restricted to foot and bicycle use.

Connecticut leads the nation in the number of horses per capita, and has a positive economic impact on our communities of more than \$500 million annually. Equestrians contribute and generate more money than other trail user

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all over the state. It's really a problem. Do you want me to go on to my second one? Or would you rather ask questions?

REP. ROY: Very briefly.

REP. HOVEY: All right. The second one is Senate Bill 285, AN ACT CONCERNING PERSONAL WATERCRAFT AND CHILDREN. And I have given you written testimony which you are able to read. But let me just say that this bill is important to me because several years ago, we were in an accident on a lake with a gentleman who was riding his under-six year old on the tank of his jet ski.

He tried to come between two boats, and when the wake of the boats threw him off and he got scared, he, of course, pulled his safety. When you pull a safety on a jet ski, you no longer are able to control it, you are no longer able to steer it.

When he did that, he and his little child, came around under the bow of our boat. The child's leg was pinned under the bow of our boat. So it's my contention that even though the outcome of this story was positive and the father was very apologetic for his stupidity, the fact of the matter is, is that a child under the age of six does not have the body weight to withstand the impact like the one the little girl did, nor do they have the experience and the cognitive problem-solving skills to know what to in the case of an emergency.

And I constantly see parents riding their children on their jet skis in front of them, instead of in the two seats that are behind them. So even though we have talked about some legislation saying that there had to be a seat for every passenger, this really has to do with the size of the child that's being, we call it ponied, on the jet ski, and their ability to deal with an emergency situation and their being at risk. Thank you.

REP. ROY: Thank you, any questions? Representative Chapin.

REP. CHAPIN: Thank you, Mr. Chairman. DEP had submitted testimony talking about the difficulties in determining the age of a passenger. Would you object to making the criteria related to, I think their suggestion was, whether the person's legs are actually long enough to be touching the foot--

REP. HOVEY: The foot guides?

REP. CHAPIN: Right. Would you object to us moving away from an age, to something that's more--

REP. HOVEY: Right, a height or a body weight, or some sort of way of measuring. And probably the concept of having the child being able to sit with feet the running boards is appropriate. No, I have no problem with that at all.

REP. CHAPIN: Thank you very much.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – February 27, 2006
 Environment Committee

Testimony Submitted by Commissioner Gina McCarthy
 Department of Environmental Protection

Raised Bill 285

An Act Concerning Personal Watercraft and Children

Thank you for the opportunity to present testimony regarding Raised Bill 285, to amend section 15-140j of the boating safety laws to include a new provision prohibiting the operation of a personal watercraft with a child under the age of six as a passenger. While the DEP appreciates any attempt to increase the safety of children with respect to personal watercraft operation, it respectfully opposes Raised Bill 285 as written.

The bill as proposed is cumbersome for law enforcement since children do not carry identification and determining the age of children is difficult.

Additionally, rather than focusing on the age of a child to determine whether a child may ride on a personal watercraft, the law would greatly benefit Connecticut boaters by providing safety requirements for personal watercraft operators and parents to follow to determine whether a child is capable of safely riding on a personal watercraft. Accidents result when a child is permitted to ride on a personal watercraft when the child is not capable of safely doing so. Small children, when riding in the front of an operator on a personal watercraft, can become missiles or be crushed into the handlebars of the personal watercraft during a collision or when encountering a large wave. In addition, when riding on the back of a personal watercraft, small children can easily lose their grip on the person in front of them or the handholds, especially if their feet are not long enough to be firmly planted on the deck of the personal watercraft. According to U.S. Coast Guard statistics, in 2003, 112 children ages 12 and under were reported injured in personal watercraft accidents.

Therefore, to prevent accidents and for ease of enforcement, the DEP recommends that all passengers be prohibited from riding in front of the operator, and only passengers able to keep both feet on the deck while maintaining a secure hold onto the person in front of them or to the handholds so as to maintain balance during operation, should be permitted to ride on a personal watercraft. Accordingly, the DEP proposes the following language, which language is part of the National Association of State Boating Law Administrators Model Act for Personal Watercraft, in place of the language proposed in Raised Bill 285:

“No passengers shall be permitted to ride in front of the operator. No passenger shall be permitted to ride aboard a personal watercraft unless the passenger is able to securely hold onto the person in front of them or to the handholds, and is able to keep both feet on the deck so as to maintain balance during operation.”

Thank you for the opportunity to present the DEP's views on this proposal. If you should require any additional information, please contact Tom Tyler, the DEP legislative liaison, at 424-3099.