



Senate

General Assembly

File No. 440

February Session, 2022

Substitute Senate Bill No. 241

Senate, April 13, 2022

The Committee on Environment reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING BOATING SAFETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 15-136 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2022*):

4 (a) Any town, by ordinance, may make local regulations respecting
5 the operation of vessels on any body of water within its territorial limits.
6 Upon adoption, each such ordinance shall be submitted to the
7 commissioner and, if not disapproved by [him within sixty days
8 thereafter] the commissioner not later than sixty days after such
9 submission, shall take effect as provided in subsection (c) of this section.
10 The commissioner may disapprove any ordinance or part thereof
11 [which he] that the commissioner finds to be arbitrary, unreasonable,
12 unnecessarily restrictive, inimical to uniformity, duplicative of any state
13 law or regulation or inconsistent with the policy of this part.

14 Sec. 2. Subsections (d) and (e) of section 15-154 of the general statutes

15 are repealed and the following is substituted in lieu thereof (*Effective*
16 *October 1, 2022*):

17 (d) Upon the immediate approach of a law enforcement vessel using
18 an audible signal device [and] or flashing blue lights, or a fire rescue
19 vessel using an audible signal device [and] or flashing red or yellow
20 lights, any person operating a vessel shall immediately slow to a speed
21 sufficient to maintain steerage only, shall alter course, within its ability,
22 so as not to inhibit or interfere with the operation of the law enforcement
23 vessel or fire rescue vessel, and shall proceed, unless otherwise directed
24 by an officer in the law enforcement vessel or fire rescue vessel, at a
25 reduced speed until beyond the area of operation of the law
26 enforcement vessel or fire rescue vessel. Any person operating a vessel
27 who wilfully or negligently obstructs or retards any law enforcement or
28 fire rescue vessel answering an emergency call or in pursuit of fleeing
29 law violators shall be fined not more than two hundred fifty dollars.

30 (e) Any person operating a vessel passing within two hundred feet of
31 a stationary law enforcement vessel using an audible signal device [and]
32 or flashing blue lights, or a stationary fire rescue vessel using flashing
33 red or yellow lights shall reduce speed to a speed of slow-no-wake until
34 there is a distance of more than two hundred feet between such person's
35 vessel and the law enforcement vessel or fire rescue vessel. Any person
36 operating a vessel passing within two hundred feet of a commercial
37 vessel responding to or towing a vessel in distress when such
38 commercial vessel is displaying flashing red or yellow lights shall
39 reduce speed to a speed of slow-no-wake. For purposes of this
40 subsection, "slow-no-wake" means operation of a vessel at a speed that
41 does not produce more than a minimum wake and is not greater than
42 six miles per hour over ground, unless a higher minimum speed is
43 necessary to maintain steerage when traveling with a strong current.

44 Sec. 3. (NEW) (*Effective July 1, 2022*) The Commissioner of Energy and
45 Environmental Protection shall establish a schedule of retention fees for
46 lake authorities that provides for the amount of any fine issued by such
47 authority, to any person who violates the boating laws of the state upon

48 such lake, that such authority may retain.

49 Sec. 4. (Effective July 1, 2022) The sum of five million dollars is
50 appropriated to the Department of Energy and Environmental
51 Protection from the General Fund, for the fiscal year ending June 30,
52 2023, for the purposes of increasing environmental conservation police
53 officer staffing levels in order to provide enhanced and sustained
54 enforcement of the boating laws of the state on the lakes, rivers and
55 other waters of the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	15-136(a)
Sec. 2	October 1, 2022	15-154(d) and (e)
Sec. 3	July 1, 2022	New section
Sec. 4	July 1, 202	New section

ENV Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: See Below

Municipal Impact:

Municipalities	Effect	FY 23 \$	FY 24 \$
Various Municipalities	Revenue Gain	Potential Minimal	Potential Minimal

Explanation

The bill appropriates \$5 million to the Department of Energy and Environmental Protection (DEEP) for FY 23 to hire more environmental conservation (EnCon) officers to enforce boating laws on state waters. sHB 5037, the Appropriations Committee Budget for FY 23, includes funding of \$340,265 to hire five EnCon Officers.

The bill also requires DEEP to establish a schedule of fees that lake authorities may keep for issuing fines to those who violate boating laws. This could result in a minimal revenue gain to municipalities to the extent lake authorities establish a schedule of fines for boating violations and violations occur.

The bill makes other changes that are not anticipated to have a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and violations.

OLR Bill Analysis**sSB 241*****AN ACT CONCERNING BOATING SAFETY.*****SUMMARY**

This bill appropriates \$5 million to the Department of Energy and Environmental Protection (DEEP) from the General Fund for FY 23 to hire more environmental conservation (EnCon) police officers to enforce boating laws on state waters.

The bill also requires the DEEP commissioner to establish a schedule of retention fees that lake authorities may keep for issuing fines to people who violate state boating laws. By law, any two or more towns that have a body of state water within their territorial limits may establish a lake authority by ordinance. The lake authority must cooperate with the DEEP commissioner to enforce boating laws on the water (CGS § 7-151a).

Additionally, the bill does the following:

1. allows law enforcement or fire rescue vessels to use either an audible signal device or flashing lights, rather than both, to indicate that nearby vessels (e.g., boats) must slow or alter course;
2. requires a person operating a vessel within 200 feet of a commercial vessel that is responding to or towing a vessel in distress and using its flashing lights to slow to a slow-no-wake speed (e.g., produce a minimum wake and generally go no more than six miles an hour); and
3. allows the DEEP commissioner to disapprove local boating ordinances that are duplicative of state law or regulation.

By law, towns may adopt local boating ordinances but must submit

them to DEEP. If the commissioner does not disapprove them within 60 days, they may take effect. The law already allows the commissioner to disapprove local boating ordinances for other reasons (e.g., if they are unreasonable or unnecessarily restrictive).

EFFECTIVE DATE: October 1, 2022, except the provisions appropriating funds for EnCon police officers and establishing lake authority retention fees are effective July 1, 2022.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 31 Nay 0 (03/29/2022)