

Environment Committee Testimony H.B 5030  
Public Hearing Feb 4, 2015

Co-Chair: Senator Kennedy  
Co-Chair: Representative Albis  
Members of the Committee

My name is Bruce Tolhurst. I live in Marlborough, CT. I am writing to you to express my thoughts on Proposed House Bill No. 5030 **AN ACT CONCERNING HANDCAP ACCESSIBILITY AT STATE-OWNED FISHING AREAS.**

Who wouldn't want to support legislation seeking more access for handicapped individuals. I surely do. However, this legislation is not proper as it is proposed.

As written this bill is in reality an "Unfunded Mandate" for the DEEP. This bill modifies the general statutes by adding the following sentence at the end of Section 1. Section 26-16. It reads: "**Any area of such lands that are open to the public for the purpose of fishing shall be accessible to persons with physical disabilities whenever it is possible to engineer such access.**" It is always possible. It's just a matter of how much it costs. This is clearly an unfunded mandate.

I am not in favor of and strongly OPPOSE unfunded mandates, whether these are to individuals, municipalities or state agencies. There are five bills proposed to help curb unfunded mandates. There are six resolutions. In a year with lots of legislative concern for 'unfunded mandate', I trust you will take this to heart and reject this proposed bill **as written**. The DEEP has long been underfunded by the general fund, relying heavily on the generation of revenue from its own programs, licenses & fees, and Federal grants and revenue sharing, such as Pitman Robinson Act. For the DEEP to find funds within its budget, to meet the demands of this legislative mandate is unlikely.

And what happens if DEEP cannot meet the expectations of this legislation, simply because there is no money to comply? I fear that will set the stage for punitive legislation against DEEP. We currently have such a bill. SB 368 was submitted on 01/22/2015 and referred to the Joint Committee on Environment. It reads: **An Act Establishing a Cause of Action against the DEEP for Failure to Designate Lands for Use By Operators of Recreational Vehicles.** (it includes a proposed fine do \$100 /day) Boy, I hope you recognize this right away and let SP 368 'die a quick and natural death'. It pains me to think bills such as this are actually submitted.

But back to HB 5030 . . . There are already many handicap points of access to lakes, rivers and streams in CT. It would be great if there were more. However the proper way to "legislate" this is to add an amount to fund the request . . . and send this off to the Appropriations Committee. If this is important, funds will be made available. If there are not funds available currently, then this 'action' should wait until funds become available.

I sincerely hope you will give my thoughts serious consideration as you debate proposed HB 5030.

Thank you.

Bruce A. Tolhurst  
16 Virginia Rail Dr.  
Marlborough, CT 06447  
860-295-0327