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Rep. Carpenter, Haddam. H.B. 2378 (Mr. Banner, Smith, VonHagen, Carpenter) AN ACT CONCERNING THE PRESERVATION OF THE GOODSPEED OPERA HOUSE. This bill provides for the repair and maintainence of the Goodspeed Opera House for a sum of money not to exceed $10,000 and for its preservation for a period of 5 years. You will see that there is considerable local interest in this project. I wish to suggest that 3 years might be sufficient time to permit private parties to organize and take over the opera house and that should be done.

Rep. Nucci, Deep River. I would also like to go on record as being in favor of this bill.

Rep. Spallone, Deep River. I would also like to go on record as being in favor of this bill.

Rep. Tempkin, Torrington. I wish to go on record as being in favor of H.B. 2269 (Mr. Googel) AN ACT CREATING THE CONNECTICUT CIVIL WAR CENTENNIAL COMMISSION. I think this is a fine idea. I have only one point to make and I ask this in Southern accent if you like. I would ask that this committee consider changing the name of such a commission. I ask this in deference to all my southern relations who are not constituents of mine nor of yours but who are interested in maintaining amnicable relations with their northern or yankee neighbors. The members of the former confederate states of America would react unkindly I know to any title which includes the word "Civil War". I urge you not to give southern tourists and vacationers a reason to be annoyed with the State of Connecticut for a period of 4 years. Let's not agrivate which is still a very raw spot in some southern minds. I would ask that you give really serious consideration to changing the name of this commission to the Connecticut Centennial Commission on the War between the states.

Sen. Gladstone, 22nd District. I wish to register in opposition to S.B. 115 (Sen. Armentano) AN ACT CONCERNING THE AMENDMENT OF THE REDEVELOPMENT ACT, S.B. 857 (Sen. Marcus) AN ACT CONCERNING RELOCATION OR REMOVAL OF PUBLIC SERVICE FACILITIES FROM STREETS OR PUBLIC RIGHTS OF WAY TO BE CLOSED AS PART OF REDEVELOPMENT PROJECTS, H.B. 2379 (Mr. Gersten) AN ACT PERMITTING BUSINESSES DISPLACED BY REDEVELOPMENT TO RELOCATE IN THE SAME AREA. I wish to register the opposition as a Senator and as president of the Bridgeport Common Council and in the same capacity I wish to register in favor of S.B. 859 (Sen. Burns) AN ACT AMENDING CHAPTER 130 FOR REDEVELOPMENT AND URBAN RENEWAL FINANCIAL ASSISTANCE and S.B. 860 (Sen. Burns) AN ACT AMENDING CHAPTER 130 FOR REDEVELOPMENT AND URBAN RENEWAL.

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Sen. Burns We will now open the hearing on SB 857 (Sen Marcus) AN ACT CONCERNING RELOCATION OR REMOVAL OF PUBLIC SERVICE FACILITIES FROM STREETS OR PUBLIC RIGHTS OF WAY TO BE CLOSED AS PART OF REDEVELOPMENT PROJECTS. Does anyone wish to speak in favor of this bill?

John Lashnits. I'm from New Haven and I represent the Southern New England Telephone Co. I will not take up much of the Committee's time. I have a statment which I have in sufficient quanity for the members of the committee. I'd like merely to go on record to point out that redevelopment so desirable in the State of Conn. and at the beginning of a great surge as we heard this afternooncreates a number of problems and one of the problems affects Public Utilities and municipal sewer and underground facilities. We have found out already and we I think are the first private developer of redevelopment in the State of Conn. The Telephone Co. new 12 story building on Oak St. is a tribute to that. However, we have found that redevelopment has created numerous problems. A city will go in and route out a large area and with the streets and all the public utilities and municipal facilities of those streets. There is nothing in the law that clearly and expressly grants the utilities of the municipalities any reimbursement for the cost of relocating the plants that are involved. We have gone into serious expenditure and while we believe in redevelopment we also feel that the objective and the philosophy behind redevelopment does not require that one person pay for the benefits of another. The Telephone Co and there's all utilities have only one source of income and that's telephone customers and we're state wide organization and when we're required to spend a considerable amount of money for replacement and relocation a lot of underground conduits and cables. That cost will have to be paid by the Telephone subscribors who live in the other parts of the state. Benefits of redevelopment are great but they are to a large extent limited to the large cities and telephone subscribors in the rural areas and smaller cities are asked to the effect subsidize. some of these redevelopment costs. We feel that the present situation is inequitable and this bill which merely provides that the cost of relocating plant of this sort shall be equitably shared and equitably shared is defined as 50%. The 50% paid by the utilities and 50% by the redevelopment agency of which two thirds will come from the federal government. I have learned and I don't want to take anybody's steam away, the Metropolitan District has suggested an amendment to this bill which will take care of the special situation regarding the power of assessment of benefits and they suggest that this be added to the bill.

"The provisions of this act shall not be in derogation of any powers of assessment of benefits for installation of sewers or water pipes granted by Special Act to any municipal corporation."

We feel that that is a desirable amendment to the bill. We favor it and we respectfully request that this committee pass favorably on this bill.

Robert Hartigan. I'm here representing the Connecticut Water Works Association. The association asked me to appear here to present their views which I think may be of some value to you. The Connecticut Water Works Association is an association of a large number of practically all water companies in the state of Connecticut. A great many of these water companies are relatively small in size, some of them so small as to have gross annual income of $10,000. Relocation as we have seen from previous testimony concerning the City of Ansonia is not confined to the large metropolitan areas. It is reaching out to the smaller towns and in so doing it's going to affect the smaller water companies of this state. Now in terms of impact upon these companies I think you will readily appreciate that the relocation of large water mains, metropolitan areas will make a tremendous, have a tremendously disasterous effect upon the small water companies. I would assume that some of these relocations might take the entire gross income of a water company over a period of several years. Now someone has to pay these costs. The only question to be decided is who's going to pay them. Is it going to be the water consumer and is it going to be the equitably distributed among everyone who benefits by relocation. I think the answer is clear. These costs should be allocated among the beneficiaries of redevelopment and therefore we think that this bill is an excellent bill although in our opinion it doesn't go far enough. I don't know if it has been brought clearly to your attention by the previous speaker but you should bear in mind that there is nothing in this bill that results in a windfall to a utility. The bill is so carefully worded as you will note that the utility gains nothing. Any betterment, an increased capacity of facility is not paid for and only 50% of the cost to the utility is reimbursed by the redevelopment agency. We strongly recommend your favorable action on this bill.

Question Wouldn't you consider though that the result of the redevelopment that a utility as a rule would get more business around that particular area being redeveloped?

Mr. Hartigan It is not likely that the utilities, particularly the water utilities, are going to benefit by redevelopment. The heart of the metropolitan area may be improved considerably through the activities of the redevelopment agency and larger and newer buildings constructed thereof but the increase in water consumption would probably be nominal and that is a very good point that you make.

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Walter Getner, Chief Engineer of the Water Bureau of the Metropolitan District. I am here at the request of members of the legislative committee who wish to express the district's favor of this bill if it includes the amendment previously mentioned.

John Q. Tillson, New Haven, Council for the Aluminating Co. which as you know operates the Electric Utilities in Bridgeport and New Haven. I don't want to repeat what has been said before so I'll merely stress the fact that as Mr. Hartigan has said somebody has to pay for the relocation of electrical plants which are torn up as result of redevelopment and it seems to us that there is no reason for our Bridgeport subscribors to pay for New Haven's share or New Haven's subscribors to pay for Bridgeport's share. I would like to also point out that we are now talking about 50% of the net cost of relocation which has been previously explained is a lot less than the 50% gross cost and then of that 50% two thirds would be paid for by the federal government so we're talking about a one-sixth thing paid for out of state or local funds. One-third by the federal government and one-half by the utilities involved which seems to us a very fair compromise what is a very difficult situation.

Walter Torrence, Waterbury. I'm representing the Conn. Light & Power Company. In addition to the equitable reasons why this bill should be passed, there is one other point that I would like to raise. We have given some consideration to the stand point of utilities from a legal stand point. I'm not going to ----the legal argument simply to raise two uncontroverted points, I think to show what the difficulty is. I think that it is generally agreed among attorneys that when municipality acts sincerely in governmental capacity and as such requires the removal of facilities from the highway by utility and the utility has to bear that expense. On the contrary. When a municipality acts in a capacity in the sense that it's, proprietary capacity it's generally held that the city must bear the expense. Under the redevelopment act the city has the right to purchase land, acquire land by condemnation. There's nothing to prevent a city from acquisition property to developing this property. This city is enabled under the statutes afterwards to sell the land to a developer which of course is contemplated. If you're going to make a profit otherwise would not take down the development of the property. I think that sort of arrangement is certainly tinged with a proprietary interest and it seems to me it is a problem. Were it presented to a court it might very well be termed that the city is acting in a proprietary capacity under such an arrangement and as such utilities might be entitled to full reimbursement for the expense it had been put to.

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I think this would be a fair compromise of a difficult situation that I know has practically arisen between redevelopment agencies and the companies as to who should bear the expense and why they should bear the expense. I think this is a compromise that has been worked out after a great deal of consideration and study. For that reason and for the other reasons that have been advanced by other companies heartily endorse passage of the bill.

Sen. Burns Anyone else wish to speak in favor of this bill? Anyone wish to speak in opposition? I declare this hearing closed.

Sen. Burns We'll open the hearing on H.B. 2269 (Mr. Googel) AN ACT CREATING THE CONNECTICUT CIVIL WAR CENTENNIAL COMMISSION.

William J. Lowry, Secretary Treasurer of the Hartford Civil War Round Table. As an individual I want to support this bill and as secretary of the Round Table I wish to support this bill. We have 110 members, two-thirds of whom come from the greater Hartford area, one-third from the rest of the state. There are in the nation today more than 80 Civil War Round Tables, one-third of them below the Mason-Dixon Line and they call themselves Civil War Round Tables down there too. One of the most prominent in the nation is in Atlanta, Georgia. Last year the Richmond Civil War Round Table invited all other Round Tables to visit with them and they have an invitation out now for all of them to meet again in May of this year. We believe that the GAR were the greatest patriotic instructors the nation has ever seen and we want to bring that back. The state of Virginia has passed its bill and appropriated $25,000, the state of Wisconsin appropriated $300,000. It's getting late and we have many members here, I'd like to say more. We have lost some of our speakers due to the lateness of the hour, Prof. Robert C. Black, History Dept., Trinity College, Benedict Holden an attorney from Hartford and several others have left, there are others to come.

Atty. Robert L. Kotch, Hartford and New Britain. As a Connecticut member of the United States Civil War Centennial Commission, as a member of the Hartford Civil War Round Table, as a citizen of the state of Connecticut, as a veteran of World War 1 and 2 I wish to be registered in favor of this bill. The people of the state of Connecticut made a very large contribution to the successful prosecution of the Civil War both in regard to men in combat and in regards to men and women behind the men behind the guns. Then as now Connecticut was the arsenal of America and Colts produced fire arms, pistols principally Winchesters

Favorable report of the Committee on Judiciary and Governmental Functions.

SENATOR HEALEY:

Mr. President, may this be passed, retaining its place on the Calendar.

THE CHAIR:

No objections, it may be passed, retaining its place on the Calendar.

THE CLERK:

Calendar No. 101. File No. 116. Senate Bill No. 857. An Act concerning Relocation or Removal of Public Service Facilities from Streets or Public Rights of Way to be Closed as Part of Redevelopment Projects.

Favorable report of the Committee on State Development.

SENATOR MARCUS:

The Clerk has an amendment to this bill. Will he please read it?

THE CHAIR:

Clerk please read the amendment.

THE CLERK:

Amendment Schedule "A". File No. 116. Senate Bill No. 857. In Section one, line 54 add the following: "The provisions of this Act shall not be interrogation of any powers of assessment of benefits for installation of sewers or water pipes granted by special act to any municipal corporation."

THE CHAIR:

Senator from the 9th.

SENATOR MARCUS:

The amendment is of a technical nature and has been approved by the legislative commissioner. I move its passage.

THE CHAIR:

The question is on the adoption and passage of the bill as amended. Will you remark further?

SENATOR MARCUS:

The amendment as I previously noted is strictly a technical nature.

THE CHAIR:

The question is on the amendment. Will you remark further? If not, all those in favor will signify by saying "aye", those opposed "no". The "ayes" have it. Amendment is ordered passed.

SENATOR MARCUS:

I move for suspension of the rules for immediate consideration of the bill as amended.

THE CHAIR:

The question is on suspension of the rules for consideration of the bill as amended. Is there any objections? There appears to be none. The rules are suspended.

SENATOR MARCUS:

This bill concerns itself with the situation that exists in redevelopment areas relating to relocation and removal of public utilities. At the present time, there isn't any law or precedent which sets forth a formula as to who would pay for the relocation or removal of the utilities in question. This bill would take this problem out of the (indistinguishable) of conjecture and

would establish a formula of the redevelopment agency. Paying for fifty percent of the cost and the utility company paying the remaining fifty percent. All of the utility companies, to the best of my knowledge, are in favor of this bill, and none of the redevelopment agencies have opposed it. As a matter of fact, this bill is almost identical to the bill presently governing the situation; insofaras State Highway are concerned. I move its passage.

THE CHAIR:

The question is on the acceptance of the committee's favorable report and passage of the bill. Will you remark further? Senator from the 18th.

SENATOR MARIANI:

Mr. President, may I direct a question to the chairman of the committee that just reported on the bill? How is the property owner receiving services to be effective by this change or relocation of service utilities, etc., etc?

THE CHAIR:

Senator from the 9th. Do you care to answer him?

SENATOR MARCUS:

Chairman, Senator from the 30th.

SENATOR BURNS:

As I understand the question is how is the property owners to be affected? This bill, the provisions of this bill do not become operative until after any property owners have sold or (indistinguishable) to the city or to the proper redevelopment agency.

THE CHAIR:

Will you remark further? The question is on the acceptance of

the committee's favorable report and passage of the bill as amended. All those in faovr will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered passed as amended.

THE CLERK:

Calendar No. 122. File No. 134. Substitute for Senate Bill No. 860. An Act concerning Redevelopment and Urban Renewal.

Favorable report of the Committee on State Development.

SENATOR BURNS:

Mr. President.....

THE CHAIR:

Senator from the 30th.

SENATOR BURNS:

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

THE CHAIR:

The question is on the acceptance of the committee's favorable report and passage of the bill. Will you remark further?

SENATOR BURNS:

Mr. President, the bill adds certain technical clarifications to the existing redevelopment and urban renewal law. Principally the adding of the word "deteriorating" to the other words describing a proper redevelopment area . The purpose there is to bring in compliance with the federal law of the basic state redevelopment law is enabling legislation to enable the state to take advantage of the federal law, and the purpose of adding that word to bring to conformity with the federal legislation. There are several other changes in here to clarify the so-called "no man's

land" where the redevelopment agencies have been operating, principally with respect to the time element when the monies would be available for the property under condemnation. It adds the words "not more than ninety days" to the statute ninety days after service of publication with regards to condemnation which puts a cut-off time on the redevelopment agency for making the funds available. No other amendment in here would allow the redevelopment agency to insure and operate the property immediately upon taking possession. At the present time the law is not clear in that respect.

THE CHAIR:

The question is on the acceptance of the committee's favorable report and passage of the bill. Will you remark further? If not, all those in favor will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered passed.

THE CLERK:

Calendar No. 127. File No. 34. House Bill No. 5186. An Act validating action of a Special Town Meeting of the Town of Simsbury. Favorable report of the Committee on Judiciary and Governmental Functions.

SENATOR SCANLON:

Mr. President....

THE CHAIR:

Senator from the 6th.

SENATOR SCANLON:

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

THE CHAIR:

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Will you remark further? If not, the roll call will be taken in accordance with the constitution-provision on such action, and the question is to sustain the Governor's veto and reject the bill. The Chair will unlock the machine. Those voting 'yes' will vote to sustain the Governor's veto and reject the bill. Will you kindly direct your attention to the board to see if you have voted as you desire? Have all voted who claim the right to vote? If so, the Chair will now lock the machine. The Clerk will now announce the vote.

THE CLERK:

Those voting yea, 228; those voting nay, 11; those absent and not voting, 45.

THE SPEAKER:

The ayes have it and the Governor's veto is sustained and the bill rejected.

THE CLERK:

Departing from the usual order of business to page 11 of the Calendar, Calendar No. 231. File No. 116. Senate Bill No. 857. An Act concerning Relocation or Removal of Public Service Facilities from Streets or Public Rights of Way to be Closed as Part of Redevelopment Projects, as amended by Senate Amendment Schedule "A". Favorable report of the Committee on State Development.

THE SPEAKER:

If there is no objection, we will take this bill up out of order.

The Chair recognizes the gentleman from Guilford.

MR. ORCUTT OF GUILFORD:

Mr. Speaker, I move for the acceptance of the committee's favorable report and the passage of the bill. The Clerk has an amendment.

THE CLERK:

Senate Amendment Schedule "A", to a Substitute for Senate Bill No. 857, File No. 116.

In Section 1, line 54, add the following: The provisions of this act shall not be in derogation of any powers of assessment of benefits for installation of sewers or water pipes granted by special act to any municipal corporation.

THE SPEAKER:

The Chair recognizes the gentleman from Guilford.

MR. ORCUTT OF GUILFORD:

Mr. Speaker, I move for the acceptance of this Amendment in concurrence with the Senate.

THE SPEAKER:

Question is on the adoption of Senate Amendment Schedule "A". Will you remark?

MR. ORCUTT OF GUILFORD:

Mr. Speaker, this amendment was submitted at the suggestion of the Association of Water Companies that felt that it was, or would be possible that this bill might be in conflict with some provisions of existing special acts, and therefore it was included and it has been passed by the Senate. I move the adoption of the

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amendment.

THE SPEAKER:

Question is on the adoption of Senate Amendment Schedule "A". Will you remark further? If not, all those in favor please indicate by saying aye, opposed no. The ayes have it. The amendment is adopted.

MR. ORCUTT OF GUILFORD:

Mr. Speaker, I move for the acceptance of the committee's favorable report and the passage of the bill as amended.

THE SPEAKER:

The question now is on the acceptance of the committee's favorable report and passage of the bill as amended by Senate Amendment Schedule "A" in concurrence with the Senate. Will you remark? The gentleman from Guilford.

MR. ORCUTT OF GUILFORD:

Mr. Speaker, this bill provides that when a redevelopment agency requires a public service facility to be readjusted, relocated or removed from a public right of way that an equitable share of the cost of such readjustment, relocation or removal, including the cost of installing and constructing a facility of equal capacity in a new location, shall be borne by the redevelopment agency. An equitable share is defined in this statute as fifty per cent. It should be noted that the utilities will pay for fifty per cent and the remainder by the redevelopment agency. Under existing federal legislation, the federal government contributes two-thirds of the cost of redevelopment. Therefore, the

net effect of this bill will be on non-federal sources will be one-sixth. The state and local communities will have to pay one-sixth of the cost of this relocation. At the hearing there was no opposition to this bill. It was brought out at the hearing that cities will go in, as we all know, and rout out large areas, including streets and all public utilities in a redevelopment area.

There is nothing in the law that purely and expressly grants the utilities any reimbursement for the relocation of the facilities removed. With the committee's conclusion, this bill provides an equitable solution to the problem, and I urge its adoption.

THE SPEAKER:

Will you remark further? If not, the question is on the acceptance of the committee's favorable report and the passage of the bill as amended by Senate Amendment Schedule "A" in concurrence with the Senate. All those in favor please indicate by saying aye, opposed no. The ayes have it. The bill is passed.

THE CLERK:

House Resolution No. 65. Resolution concerning a Delegation of Members to Attend the Funeral of Julia A. Keeney.

THE SPEAKER:

The Chair recognizes the gentleman from Norwalk.

MR. PADULA OF NORWALK:

Mr. Speaker, in the absence of the lady from New Canaan I would move the adoption of the resolution.

THE SPEAKER:

The question is on the adoption of the resolution. Will