

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-208		891	1	2	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> <i>Judiciary 706</i> 				<u>House Pages:</u> <ul style="list-style-type: none"> 2252-2253 	<u>Senate Pages:</u> <ul style="list-style-type: none"> 1337-1338

H-112

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 5
1968-2502**

Thursday, May 6, 1971

88.

MBS

Mr. Speaker, this is an amendment to Section 52-59B of the General Statutes which was amended in the last session of the General Assembly. Unfortunately, the process or method of service was not spelled out and this bill does, in fact, provide for the method of service under the Statute. It should be adopted.

MR. SPEAKER:

Will you remark further on the bill? If not, the question is on acceptance of the joint committee's favorable report and passage of the bill in concurrence, all those in favor indicate by saying aye, those opposed? The bill is passed.

THE CLERK:

Calendar No. 671, Senate Bill No. 0891, An Act Requiring A Condemning Authority to Obtain a Zoning Variance for the Portion of Property Not Taken or to Take the Entire Unit. File 427.

THOMAS H. DOOLEY, 47th District:

Mr. Speaker, I move for the acceptance for the joint committee's favorable report and passage of the bill in concurrence with the Senate.

MR. SPEAKER:

Question is on acceptance and passage in concurrence, will you remark?

THOMAS H. DOOLEY, 47th District:

Mr. Speaker, it is the purpose of this bill to clarify

Thursday, May 6, 1971

89.

MBS

the meaning, the condemnation statutes, that the condemning authority shall apply for a zoning variance if necessary prior to a... eminent domain proceedings. Under the present statute if the variance is not granted, it is necessary for the condemning authority to again commence proceedings against the remaining parcel. The change made by this bill would require the zoning matter to be resolved initially before the condemnation is commenced. It is a good bill and I would urge its passage.

MR. SPEAKER:

Will you remark further on the bill? If not, the question is on acceptance of the joint committee's favorable report and passage of the bill in concurrence. All those in favor will indicate by saying aye, those opposed? The bill is passed.

THE CLERK:

Calendar No. 679, House Bill No. 5110, An Act Concerning Superintendents of Public and Private Mental Health Facilities. File No. 634.

NICHOLAS M. MOTTO, 3rd District:

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

MR. SPEAKER:

Question is on acceptance and passage, will you remark?

NICHOLAS M. MOTTO, 3rd District:

**S-78
CONNECTICUT
GENERAL ASSEMBLY**

SENATE

**PROCEEDINGS
1971**

**VOL. 14
PART 3
957-1456**

April 28, 1971

79.

of State in any action where a foreign corporation transacts business in this State and, also, in any foreclosure or any action involving real property located in the State, where a foreign corporation which does not transact business in the State, owns or claims an interest in said land.

THE CHAIR:

Further remarks? Questions on the acceptance of the Committee's Favorable Report., and passage of the Bill. Those in favor indicate by saying aye. Opposed nay. Ayes have it. The Bill is passed.

THE CLERK:

Calendar No. 319, File No. 427, Favorable Report, Joint Standing Committee on Judiciary, Senate Bill 891, An Act requiring a condemning authority to obtain a zoning variance for the portion of property not taken or to take the entire unit.

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill. Mr. President, this would require that a condemning authority, that they acquire less than the entire amount of property, shall obtain a zoning variance for the remaining land, before condemning any portion of the property. It clarifies the meaning of the existing statute as to when they shall apply for a zoning variance if they do not, or cannot get a zoning variance, then they would be required to take the entire parcel.

THE CHAIR:

April 28, 1971

71.

Further remarks? Questions on passage of the Bill. Those in favor indicate by saying aye. Opposed, nay. Ayes have it. The Bill is passed.

THE CLERK:

Calendar No. 322, File No. 438, Favorable Report of the Joint Standing Committee on Banks and Regulated Activities, Senate Bill 783, An Act concerning the duties of the Public Utilities Commission to make reports and records on the causes, facts and circumstances of each accident.

THE CHAIR:

Senator Buckley.

SENATOR BUCKLEY:

I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE CHAIR:

Will you remark.

SENATOR BUCKLEY:

Mr. President, the Bill would give the Public Utilities Commission three months instead of the Conn. statutory period of one month to make reports of fatal accidents. It's in line with Federal requirements and corresponds to the procedures of the Federal Government.

THE CHAIR:

Further remarks? Questions on passage of the Bill. Those in favor indicate by saying aye. Opposed, nay. Ayes have it. The Bill is passed.

THE CLERK:

Page 4 please, Calendar No. 323, File No. 436, Favorable Report, Joint Standing Committee on General Law, Senate Bill 870, An Act concerning

**JOINT
STANDING
COMMITTEE
HEARINGS**

JUDICIARY

**PART 3
689-1000**

1971

be given to the property owner in the course of the layout of the highway and we feel that with all of the notice that goes before and having to wait for 8 months after the town has inspected the layout, it puts an unusual burden on the town in terms of financing and bonding. It fouls up the bidding because the prices are just changing so fast and we also think that it would real favor the property owner himself because the way the act stands now, his 8 months period does not prevent the highway from being commenced - that is construction of commencing and we think it is unlikely that the Committee, after there has been a substantial expenditure of funds and construction would be as favorably disposed toward his claims if nothing had been done up to that point.

Finally the Bill provides that the Committee which is a very old provision of this Bill, would be replaced by the Court of Common Pleas. We think that a Judge sitting on the Court of Common Pleas with the expertees that he would have in zoning, appeals and planning appeals and things of this nature would be by far a more adequate and a more qualified person to consider it.

Sen. Jackson: Do you also feel that six months is too long for the State to - with theis that too long or isn't it.

Mr. Conklin: Well, I realize that the State has the six months appeal period. We are concerned with somewhat more narrow situation, I think and a situation where the construction itself is off times not as planned for such a long period nor does it take into consideration such a wide variety in the number of property owners. In 13a-61, the selectmen have to give written notice to the property owners about the layout of the highway. Then there is the filing of the layout in the Town Clerk's Office - that is followed by acceptance by the town so a considerable period of time has elapsed with notice to the property owners before this 8 month period starts to run and we just think it is unreasonable under all of the other situations. Thank you very much.

Sen. Jackson: Mr. Yasensky to be followed by Adam Knurek.

Mr. Yasensky: I don't see Mr. Knurek here so perhaps I can give this statement also. My name is Tommy Yasensky, I am director of Rights and Ways representing the Connecticut Department of Transportation. I would like to make some brief comments on several Bills.

S.B. #891 - AN ACT CONCERNING CONDEMNING AUTHORITY TO OBTAIN ZONING VARIANCE FOR PORTION OF PROPERTY NOT TAKEN OR TAKE ENTIRE UNIT.

S.B. #891 which provides for zoning variance to be gotten before eminent domain proceedings begin. The Department of Transportation requests a favorable report on this proposed change in Section 48-24 of the 1969 Supplement to the General Statutes.

We would also like to bring to the attention of the Committee that there are several other Bills relating to this same Statute. Notably H.B. #5844, H.B. #5833 and H.B. #6567.