

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-362		8158	5	2	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>General Law</i> 633 • <i>General Law</i> 640-641 • <i>General Law</i> 651-652 				<u>House Pages:</u> <ul style="list-style-type: none"> • 2625 23 • 2627 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 2308- 2309

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 6
2503-3010**

Thursday, May 13, 1971

7.

MBS

6082, An Act Concerning Limited Access Highways, file number 835.

MR. SPEAKER:

So ordered.

RONALD A. SARASIN, 95th District:

I'm not sure, Mr. Speaker, whether on the top of page 3, Calendar No. 840 was to come off consent and perhaps one of the gentlemen from the other side could help me?

JOHN D. PRETE, 114th District:

Through you, Mr. Speaker, it's my understanding that bill will remain on consent.

RONALD A. SARASIN, 95th District:

Thank you, Mr. Speaker. Then, Mr. Speaker, I would move adoption of the joint committee's favorable reports and passage of the bills on today's consent calendar which are:

Commencing on page 2,

Calendar No. 819, Substitute for House Bill No. 6857, An Act Concerning Eligibility for a License as a Moving Picture Projectionist, file 843.

Calendar No. 820, Substitute for House Bill No. 7399, An Act to Clarify the Lens and Frame Requirements for Eye-glasses and Sunglasses, file number 841.

Calendar No. 821, House Bill No. 8158, An Act Concerning the Status of Regulations on Adoption of a Combined Planning and Zoning Commission, file 839.

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An Act Concerning Written Agreements Regarding Nonsupport Cases, file number 643.

Calendar No. 847, Senate Bill No. 1569, An Act Concerning Meritorious Service Awards for State Employees, file number 650.

Mr. Speaker, I move the adoption of these items.

MR. SPEAKER:

You've heard the motion of the gentleman from the 95th, are there any further objections to any of these items being adopted on the Consent Calendar? If not, the question is on acceptance of the joing committee's favorable report and passage of the bill. All those in favor indicate by saying aye, those opposed? The bills are passed.

RONALD A. SARASIN, 95th District:

Mr. Speaker, I move for suspension of the rules for the adoption of the resolutions on the Consent Calendar and skipping Calendar No. 955 and referring to:

Calendar No. 956, House Joint Resolution No. 200, Resolution Honoring Dr. Walter N. Nelson, I would ask that that item be passed on the Consent Calendar.

MR. SPEAKER:

Is there objection to suspension of the rules? Hearing none, so ordered. Is there objection to considering this resolution? Hearing no objection from anyone except those operating electronic equipment, all those in favor of adopting

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frames for lenses meet the requirements of the section.

THE CHAIR:

Will you remark further. Questions on passage. If not, all those in favor, signify by saying Aye. The Ayes have it, the bill is passed.

THE CLERK:

Page 10, please, second item. Claendar 780, file #839. Favortite report Joint Senate Committee on General Law on H.B. 8158. An Act Concerning the Status of Regulations on Adoption of a Combined planning and Zoning Commission.

SENATOR STRADA:

Move for acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Any remarks.

SENATOR STRADA:

Yes, this bill provides that whenever a municipality establishes a combined planning and zoning commission, all planning and zoning regulations that are in effect, prior to the establishment thereof, shall remain in full force and effect until modified, repealed or suspended by action of the combined Commission. The bill is really designed to make it clear that existing zoning and planning regulations are not abrogation by establishment of the combined commission.

THE CHAIR:

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85.

Question of passage. Will you remark further. If not, all those in favor of passabe, signify by saying Aye. The ayes have it, the bill is passed.

THE CLERK:

Calendar #781, fiel #1128. Favorable report Joint Senate Committee on Insurance and Real Estate, H.B. 8460. An Act Authorizing the Real Estate Commission to Publish a Periodic Bulletin of Information and Material.

SENATOR CRAFTS:

Mr. President, members of the circle I move for acceptance of the Joint Committee's report and passage of the bill.

THE CHAIR:

Will you remark.

SEANTOR CRAFTS:

This bill will require that the Real Estate Commission print and circulate regulations concerning the real estate activities. It will better inform the public of the regulations concerning real estate licensees. I think it is a good bill and ask your support.

THE CHAIR:

Question on passage, will you remark further. If not, all those in favor of passage, signify by saying Aye. The Ayes have it, this bill is passed.

THE CLERK:

**JOINT
STANDING
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Rep. Argazzi: It would, for many of these.....there are some of the groups, don't get me wrong, that do have halls large enough, but they're very few. Most of them have very small halls and they cannot accommodate a very large crowd, they're probably almost close to the maximum now. So, they would, in effect, be put out of existence and lose this very valuable revenue which in many cases has helped them build buildings or been devoted to their charitable purpose. I think another point is that when you get up to the \$1,000. level, you're getting into a form of gambling and you're getting into a form of professionalism. You're going to have a professional group running a very large Bingo game, you're going to open it up to all kinds of abuses, and you may get some kind of racketeering in on this. I personally am here at the request of a veteran's organization in my town, at the request of our local Knights of Columbus, at the request of our local fire department, all of whom run the typical average small family Bingo game, and all of whom are very fearful of the loss of revenue that will be incurred by these bills. Thank you very much.

Rep. Eloise Green, 93rd District: Mr. Chairman, members of the Committee, I wish to speak in favor of H.B. 8158. AN ACT CONCERNING THE STATUS OF REGULATIONS ON ADOPTION OF A COMBINED PLANNING AND ZONING COMMISSION. This is a very simple bill, it just clarifies the fact that on the combination of a planning commission, the prior effective regulations of each commission continue in effect until altered by the combined commission, and Attorney Greene, no relative I am sorry to say, is here and he will speak to this later. Thank you.

Rep. Locke, 49th District: Mr. Chairman and members of the General Law Committee, I would like to speak to Bill #6361, statement of purpose: To encourage land owners not in a recreation business for profit to make their property available to the public for recreational purposes by limiting their liability to the user of the land. I have been approached, Mr. Chairman and members of the Committee, by many farmers who would make their land available in the smaller towns to 4-H groups, horse clubs, Boy Scouts, anything you might want to do on their land, if a bill such as this did go through limiting their liability. I think many of the No Trespassing signs would also come down.

Rep. Webber: We had a similar bill two years ago and four years ago. We ran into a problem on the validity of whether or not this can in fact be done.

Rep. Locke: Well, I understand, it probably is some....but its

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power that it should not be extended to non-profit agencies like hospitals. If we were to extend this privilege to hospitals, it would open the door to other institutions such as universities, colleges, libraries, zoos, art galleries, churches, or any other non-profit organization. This condemnation privilege for hospitals is unconstitutional as it is an infringement of one of our basic rights, and the hospitals are private enterprises. No one should be allowed to take unfair advantage of the property owner's life savings. Thus, I am opposed to this bill and I urge your support.

Senator Strada: Thank you. Are there any other legislators?
If not, Mr. Greene?

Mr. Kenyon Greene: Attorney in the firm of Upson, Secour, Greene, and Cassidy of Waterbury, and our firm represents the town of Southbury. I am here speaking on behalf of Bill #8158 (H.B.). This bill is intended to provide that when a town which has presently got zoning or planning or both establishes a joint planning and zoning commission, the regulations previously in existence will survive the creation of a new commission. Now the situation which gives rise to the request for this bill is this: Southbury at the present time has both a planning and zoning commission, and the public officials there are contemplating the establishment of a joint commission. However, the Central Naugatuck Regional Planning Agency of which Southbury is a member, issued a bulletin some time ago indicating that under the present provisions of Section 8-4a, it was possible that a presently existing regulation would terminate upon the establishment of a joint commission. I think the reason for the situation lies in the history of the...of Section 8-4a. You will recall that previously to the adoption of that Section, the zoning law provided that the zoning commission could be designated as a planning and zoning commission, and would henceforth have planning powers. The planning law provided that a planning commission could be designated as a planning and zoning commission and would henceforth having zoning powers. The implication was that in a town that had both that the commission that was not so designated would terminate, and therefore its regulations would also terminate. Now the present bill, or the present law says as follows: Any town may by vote of its legislative body designate a (its) zoning commission or its planning commission as the planning and zoning commission for such town, and such commission shall thereupon have all the powers and duties of a planning commission and a zoning commission and shall supercede any previous planning commission or zoning commission. There is nothing there, however, which repudiates this possibility that in so doing you may terminate your planning regulations or your existing zoning regulations. Now of course, its perfectly true that

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the newly established commission could readopt these regulations but in so doing, it would have to hold a hearing, have to publish them, and there would be an inevitable gap to the three weeks at the very least. In a fast developing town such as Southbury, a hiatus of zoning or planning for two or three weeks can create enormous difficulties. They did in fact have such a hiatus a few years ago and the result was several law suits, one of which went to the Supreme Court. While the request for this bill has arisen from Southbury, I think that it would be of value to any town that is in a similar position, and I urge your favorable consideration of this bill. Thank you.

HB 6723
Mr. Sol Sargis: I am an employee of Stanley Works, and last night I was asked by a group at Kensington, the K. of C. and the Volunteer Fire Department and the Legion to come here to talk to you on behalf of Bingo. We are opposed to any increase in the prize money. Now a little background is... why I was asked to come here because I was the originator of the original bill. I was the one that conceived the idea of this \$250. prizes and that bill which was given to our legislator in town who presented a bill which was passed. At that time I contacted Major Shaw of the State Police and he went along with the idea that as long as it didn't exceed this \$250., he would support it, which he did at the hearing when the bill was first introduced. Now, why \$250.? Well, to give you a little background... as the Treasurer of the K. of C., if you have 100 people playing Bingo, the average take is between \$375. to \$450. Now, of course, you have admittance fee which we are charging .50¢ normal, the going rate to come in to play. Now, your prizes of course...all don't play the prizes, the special that you have, so the take is between \$350. when you have 100 people, \$350. to \$450. Now, if you're going to pay out \$250., you've got a little profit. Now, if you have a hall that can only accommodate 50, 75, or 100, an increase of this substantial amount which you're talking, \$1,000., even the \$350. or \$500. is definitely going to hurt the small group, and the purpose of this original bill that was passed was to help small clubs, Your K. of C.'s....not so much K. of C. because their halls are primarily big, but your volunteer fire departments who hold the Bingo's on their premises, your Legion and V.F.W., and if you'll go back and check, before this, before we had cash prizes, we had prizes, merchandise, and you'll find that very few small groups were in existence. The big houses were flourishing. They even bus you, for example, from New Britain you could get a free ride to play Bingo in New Haven who had substantially greater prizes to offer. Now this deterred the small communities that had small halls from

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municipality's lien for the boat taxes to take effect like any other lien would provide the town in which the boat is berthed with an adequate means of collecting that tax, and that these towns do not need to have their liens take priority over all encumbrances on the real estate.

Rep. Webber: Why did this Committee have to get saddled with this or these very complicated and complex types of legislative bills.

Rep. Holdsworth: When a boat is registered, is the point of registry the point of taxation?

Rep. Webber: That is the question I raised, but apparently there is a disagreement there.

Rep. Holdsworth: I think if you ask the owner of a boat.....
.....inaudible.....

Rep. Webber: Well, this gentleman is not addressing himself to that point.

Mr. Schwartz: No, we are not concerned with that. Our concern is with.....

Rep. Webber: He just wants to make sure that their lien is first!

Mr. Schwartz: Yes, Sir.

Rep. Webber: Alright, Sir. Are there any more questions on this? We'll continue. Harry Eberhart?

Mr. Harry Eberhart: I am City Planner in Meriden and a professional Planner. I would like to speak as the Professional Planner and not the municipal official if I may, on a couple of bills. I haven't had the opportunity to check them out with the powers that be in the City so that's why my position is such. On Bill #8157, I think that the inspection fee is necessary. I think it is particularly more helpful to the smaller towns than it would be to the larger cities because it would then give them the funds to employ consultant engineers to check the improvements. I dislike the impression that the home builders give that the planners and engineers are not checking the subdivisions. It is not because they don't want to, it is a matter of staff and funds. You may wish to establish a separate fund within a planning commission in order to assure that the inspection fees are actually spent for inspections. #8158, I must simply support, but I would like to recommend that you review the complete planning and zoning statutes particularly based on the ASPO Studies. Now I have rewritten the planning statutes the

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way I think they should be written, but I really don't know where to put it in, so I would like to give you some copies addressed sort of towards this bill. They deal with such things as official map and combined planning zoning agencies and a separate planning agency. Bill #8159, I object to a requirement for a public hearing on all subdivisions, principally because it is not necessary to require the extensive data or hold a hearing when a subdivision is a simple division of land on an existing street. I think that that may be one of the hand-ups that the home builders have. Presently, the law now commits planning commissions the discretion of a public hearing but it is principally at the discretion of the Commission. I think the point that was made about requiring sufficient data in the beginning is more related to regulations than a hearing requirement. In today's day and age, we really don't get many people at public hearings to be quite blunt, unless its a tax hearing, or a change of zone, or adevelopment. Bill #8178, this is presently what happens if a zoning board of appeals fails to act. You have an approval if the zoning board of appeals fails to act in a period of 60 days, that's by case law and not by legislative law though. So, I just wonder whether or not you really need the bill. S.B. 799, I object to the tone of the bill and there are two of them with the same implication, which imply dishonesty on the part of zoning commissions and zoning boards of appeals. 799, it's a Senate Bill. And if you note the statement of purpose, it says "to restrict behind the scenes operations," and then it deals with some extensive requirements. You may wish to do something like that but....do you want to read it, it's almost as good as the comics. S.B. 800, I would support the time provision but object to the inquisition court procedure and it's on the same basis that the court would hold a completely new zoning board of appeals hearing. S.B. 910, I have to also object to extensive legal notice requirements, because adding or doubling the notice requirements as they presently exist is not really going to help because legal ads in a typical newspaper are buried behind the comics and the want ad sections anyhow and they're very seldom read. However, the word seems to get around town via the write-ups on agendas, etc., that there is something happening when it is important for people to be concerned. This bill is only going to add to the income of newspapers and not really help the procedure. There is another S.B. 935 and I have to object to the tone of that too, because that's an affidavit requirement I believe. I don't really have any hang-up with the concept of trying to make zoning boards of appeals and planning commissions and zoning commissions more honest and more capable, but I don't think that any of the bills that are presently in are going to help, I think they're going to deter a lot of good citizens from serving on zoning boards