

<b>Act Number</b>	<b>Session</b>	<b>Bill Number</b>	<b>Total Number of Committee Pages</b>	<b>Total Number of House Pages</b>	<b>Total Number of Senate Pages</b>
PA 71-763		6731	0	10	5
<u>Committee Pages:</u>				<u>House Pages:</u> <ul style="list-style-type: none"> <li>• 5018-5021</li> <li>• 5193-5198</li> </ul>	<u>Senate Pages:</u> <ul style="list-style-type: none"> <li>• 3401-3404</li> </ul>

**H-118**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

**VOL. 14  
PART 11  
4831-5162**

Saturday, June 5, 1971

with the call of the calendar.

CLERK:

Page 22, Calendar 1331, Substitute for House Bill 6731 -  
An Act Concerning Zoning and Planning Commissions and Selections  
and Removal of Members of Such Commissions.

MR. SPEAKER:

Representative Gudelski of 110th.

MR. GUDELSKI:

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

MR. SPEAKER:

Will you remark.

MR. GUDELSKI:

I am sure the Clerk has an amendment. I wish to yield to  
Representative Nevas of the 144th.

MR. SPEAKER:

Representative Nevas for the purpose of moving adoption of  
the amendment.

MR. NEVAS:

The Clerk has an amendment.

MR. SPEAKER:

Clerk will call the amendment and the gentleman will outline  
it.

CLERK:

The Clerk has an amendment offered by Mr. Byrne. You wish  
this amendment read first. Marked 1. House Amendment Schedule

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A, offered by Mr. Byrne of the 11th. In lines 98 and 99, delete the language "such ordinance shall include provision for removal of members for cause."

In line 193, delete the brackets around the word "and".

In line 194, delete the language "and procedure for removal for cause".

In line 195, to line 199, delete the language "such procedure for removal shall provide before removal (inaudible) shall be presented to member in writing, given reasonable opportunity to be heard in his own defense."

In lines 239 to 242, delete the language "the planning commission of each municipality shall file an annual report with the legislative body thereof".

MR. SPEAKER:

Representative Nevas.

MR. NEVAS:

These amendments, the amendments in lines 98 and 99 and then on, page 5, line 194, were offered because in the review of this file, it appeared that the new language providing for the removal of members of the board or commission were in effect providing for the removal of members of boards and commissions, who, by local ordinance could be elected. And it is my understanding in something like 50% of the zoning boards and planning commissions and zoning commissions in this state, members are in fact elected. And there is no statutory authority for the removal of an elected official, either in the Constitution of

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Connecticut or in the general statutes. And the only way you can provide for the removal of an elected official is through a recall provision in the local charter, and there are only 16 towns in Connecticut that have recall provisions in their charter and thus this amendment is offered to remove this language which would, without authority, provide for the removal of elected members.

The other amendment has to do with the provision at the end of Section 7 that requires planning commissions to file annual reports with the legislative body. It was felt that in the first instance in many communities, the planning commission is the legislative body. So that, in fact, you are requiring the planning commission to report to itself and in addition, in those communities where you have a separate planning commission from that of the legislative body, these planning commission members, rather, are volunteer people that are unpaid. In many areas they have heavy burdens, sometimes weekly, and to impose this additional burden on these unpaid volunteers of having to furnish annual reports to the legislative body in their community each year, was felt to be unwarranted. When, in fact, the records of any planning commission are open to members of the public, any member of the community wishes to come in and inspect those records, they are available and therefore, this amendment was proposed. I urge adoption of the amendments.

MR. SPEAKER:

Representative Gudelski.

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MR. GUDELSKI:

The conference preceding this particular bill reviewing the 2 objections that have been pointed out by Representative Nevas, was not in agreement between both sides of the aisle. There is no question about removal for cause, but the question about the annual report was to be deleted from the proposed amendment. I would request to have this temporarily passed so we can review this question again.

MR. SPEAKER:

Gentleman from the 144th.

MR. NEVAS:

If it is possible, I would withdraw that portion of the amendment that would delete lines 240 through 242 so the requirements of the filing of the annual report would remain.

MR. SPEAKER:

Gentleman from the 144th would like to strike 2 lines in Amendment Schedule A. Clerk indicates this has been programmed in the computer and the only way this can be done is to pass it temporarily, withdraw the amendment and have a new one prepared. This item will be passed temporarily.

CLERK:

Page 23, Calendar 1347, House Bill 8825 - An Act Creating A Fraudulent Claims Board.

MR. SPEAKER:

Representative Sullivan of the 130th.

MR. SULLIVAN:

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MR. AJELLO (118th):

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Maybe we should all run out in the hallway, sir, and see what happens then.

THE SPEAKER:

I didn't know it was air conditioned out there!

MR. GUDELSKI (110th):

He's in his seat now, Mr. Speaker.

MR. COLLINS (165th):

Mr. Speaker, I'll withdraw my motion.

THE SPEAKER:

For the fourth time, will the Clerk call Calendar No. 1331?

THE CLERK:

1331, substitute for H.B. No. 6731, An Act Concerning Zoning and Planning Commissions and Selection and Removal of Members of Such Commissions, File No. 1469.

MR. GUDELSKI (110th):

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

THE SPEAKER:

Will you remark?

MR. GUDELSKI (110th):

Mr. Speaker, for the purpose of an amendment, may I yield to the distinguished gentleman from Westport, Rep. Nevas?

MR. NEVAS (144th):

Mr. Speaker, these amendments were discussed the other day but for purposes of review--

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THE SPEAKER:

Would the Clerk call the amendment? Would the gentleman from the 144th indicate which he wishes to have called first?

MR. NEVAS (144th):

I think they're numbered in order. Mr. Gudelski, Rep. Gudelski put in another amendment. That should be called first.

THE CLERK:

The Clerk has an amendment from Mr. Burn of the 11th district. House Amendment Schedule "A".

In lines 98 and 99, delete the language "such ordinance shall include provision for removal of members for cause."

In line 193, delete the brackets around the word "and"

In line 194, delete the language "and procedure for removal for cause".

In lines 195 through 199, delete the following language "Such procedure for removal shall provide that before removal, charges shall be presented to the member in writing and he shall be given reasonable opportunity to be heard in his own defense." .

THE SPEAKER:

The question is on adoption of Amendment Schedule "A".

MR. NEVAS (144th):

Mr. Speaker, to review the remarks that I made the other day on these two amendments, this has to do with language that's been inserted in the bill that would provide for the removal of elected members of the Zoning Board of Appeals or the Planning and Zoning Commission and as I indicated, there's no authority either in the constitution or in the statutes for the

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removal of such elected members and thus, the amendments would delete this language.

THE SPEAKER:

Further remarks on amendment Schedule "A"? If not, all those in favor indicate by saying aye. Opposed? "A" is ADOPTED. The Clerk will call Amendment Schedule "B".

THE CLERK:

House Amendment Schedule "B" offered by Mr. Nevas of the 144th.

In line 141, delete the bracket before the word "he".

In line 143, delete the bracket after the word "designation".

In line 144, delete the brackets around the words "if he".

In line 145, delete the word "the".

In line 145, delete the brackets around the word "such".

In line 146, delete the words "of alternates,".

MR. NEVAS (144th):

Mr. Speaker, this amendment has to do with deleting the new language and the new manner of selection of alternates. Under existing statutes, if a member of the zoning board of appeals or planning and zoning commission is going to be absent or is disqualified in any fashion from appearing at a hearing, he now selects his alternate from the panel of alternates. We're now seeking to reinstate that language and deleting the amendment. The amendment would provide that the chairman in such instance select the alternate but makes no provision should the chairman himself be one of those disqualified, be the person that's disqualified or is absent and, therefore, it seems to me that the original language of the statute should continue so as to prevent the case of a chairman being disqualified or absent and thus not being able

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to select his alternate.

THE SPEAKER:

Further remarks on Amendment Schedule "B"? If not, all those in favor indicate by saying aye. Opposed? Amendment "B" is ADOPTED. The Clerk will call Amendment Schedule "C".

THE CLERK:

House Amendment Schedule "C" offered by Mr. Burn of the 11th district.

In line 148, after the period, add a new sentence as follows, "If the chairman is absent or is disqualified, the secretary or clerk of said board shall designate an alternate from the panel of alternates."

MR. NEVAS (144th):

That amendment is withdrawn in the light of the adoption of House Amendment Schedule "B".

THE SPEAKER:

That amendment will be withdrawn. Are there further amendments?

MR. NEVAS (144th):

Mr. Speaker, I move the adoption of the bill as amended by House Amendments Schedule "A" and Schedule "B".

THE SPEAKER:

Question is on acceptance and passage as amended by Amendments Schedule "A" and "B". Will you remark further?

MR. GUDELSKI (110th):

Mr. Speaker, with the amendments, this makes a good bill a better one. The intent of this particular bill is to make our statutes on planning and zoning uniform. I move passage of the bill, Mr. Speaker.

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THE SPEAKER:

Further remarks on the bill as amended?

MR. CRETELLA (99th):

Mr. Speaker, I concur with Amendments Schedule "A" and "B" that that language, that this now makes a good bill better, leaves me confused because I don't know what the bill does now that the amendments are out. I would like to direct a question to Rep. Nevas and he might tell me.

THE SPEAKER:

Please proceed.

MR. CRETELLA (99th):

Exactly what--

THE SPEAKER:

So that your precise inquiry might be heard, Rep. Cretella.

MR. CRETELLA (99th):

Thank you, Mr. Speaker, through you, I would like to inquire to exactly what this bill is now supposed to do.

THE SPEAKER:

Does the gentleman from Westport care to respond for the benefit of his fellow member?

MR. NEVAS (144th):

I can only respond that we've deleted a provision which would provide for the removal of elected officials for which there's no authority in the constitution or in the general statutes and we've also provided that the current method of selecting alternates for members of zoning boards or zoning and planning commissions remain the same. With respect to what the bill now does, I call Mr. Cretella's attention to various capitalized items in section 2 and 7 and so forth for the changes that were made.

THE SPEAKER:

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Further remarks on the bill as amended? If not, all those in favor indicate by saying aye. Opposed? The bill is PASSED.

MR. AJELLO (118th):

Page 15, Calendar No. 1427.

THE SPEAKER:

On page 15, Calendar No. 1427. SB 349

MR. TUDAN (42nd):

Mr. Speaker, I move for the acceptance of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

Will you remark?

MR. TUDAN (42nd):

Mr. Speaker, this bill is concerned with the preservation of the Connecticut portion of the Appalachian National Scenic Trail in its natural character. The Department of Agriculture and Natural Resources is authorized to carry out the provisions of this act. Now there is a feature or two that might be of importance. This bill provides for the acquisition of land, the maintenance, cooperation with federal agencies and the use of state and federal funds for the Appalachian Trail and one little problem that we've had in times past is all cleared up now, it also exempts parties who have granted the rights of ways for such trail for liability for injuries suffered on the right of way except in the case of wilful or wanton misconduct. It's a good bill. It should pass.

THE SPEAKER:

Further remarks on the bill?

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## THE SENATE AT 10:35 P.M., RECESSED

## AFTER RECESS

The Senate was called to order at 10:58 P.M., Senator DeNardis in the Chair.

## THE CHAIR:

If I may make this announcement, Senator Caldwell is about to list a long number of bills, by number. And it is extremely important that we have quiet in the Chamber, so there is no confusion as to the bills that he will list. I ask your cooperation.

## SENATOR CALDWELL:

Mr. President, I have a list of bills by numbers, to read. I move that we accept the joint committees favorable reports and acceptance of the bills, as follows: Cal. No. 1326, House Bill 7455, File 1256; File No. 1327, House Bill 7686, File 1349; Cal 1328, House Bill 7710, File 820; Cal 1329, House Bill 7744, File 1573, Cal. 1331, House Bill 7903, File 1284; C l. 1332, House Bill 7959, File 1292; Cal 1333, House Bill 7974, File 1382; Cal 1334, House Bill 8033, File 931; Cal 1335, House Bill 8182, File 979; C<sup>a</sup>l. 1336, House Bill 8228, File 1294; Cal. 1337, House Bill 8284, File 899; C l 1338, House Bill 8683, File 591; CAL. 1340, House Bill 8931 File 123; CAL. 1341, House Bill 8936, File 832; Cal. 1342, House Bill 8967, File 1072; Cal. 1343, House Bill 9025, File 953; Cal. 1345, House Bill 9229, File 1576; Cal. 1346, House Bill 9231, File 1451; CAL. 1347, House Bill 9327; File 704; Cal. 1348, House Bill 9251, File 1574, Cal. 1349, Senate Bill 825; C<sub>2</sub>l. 259, Senate Bill 989, File 291; Cal. 695, Senate Bill 1700, File 990; C l. 732, Senate Bill 458, File 1052; CAL. 139, House Bill 7447, File 104; CAL. 166, House Bill 6409, File 136; Cal. 1363, House Bill 9194, File 1634; C<sup>a</sup>l. 1364, House Bill 5231

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File 1608; Cal. 1365, House Bill 5578, File 1444; Cal. 1366, House Bill 5697  
File 666; Cal. 1367, House Bill 5824, File 775; Cal. 1369, House Bill 6180,  
File 1580; Cal. 1371, House Bill 6687, File 1290; Cal. 1372, House Bill 6731  
File 1469; Cal. 1373, House Bill 6842, File 1659; Cal. 1375, House Bill 7031  
File 588; Cal. 1376, House Bill 7237, File 1629; Cal. 1377, House Bill 7493  
File 1623; Cal. 1379, House Bill 7907, File 1446; Cal. 1380, House Bill 7960;  
File 1306; Cal. 1381, House Bill 8093, File 1663; Cal. 1383, House Bill 8170  
File 1621; Cal. 1386, House Bill 9220, File 1635; Cal. 1387, House Bill 9252,  
File 1672; Cal. 1389, House Bill 5154, File 913; Cal. 1390, House Bill 5286,  
File 1271; Cal. 1392, House Bill 5661, File 919; Cal. 1394, House Bill 6380  
File 1386; Cal. 1395, House Bill 6908, File 1442; Cal. 1396, House Bill 6914  
File 1388; Cal. 1397, House Bill 7438, File 890; Cal. 1398, House Bill 7450  
File 1198; Cal. 1399, House Bill 7889, File 1441; Cal. 1296, House Bill 5036  
File 746; Cal. 1297, House Bill 5147, File 1437; Cal. 1298, House Bill 5157  
File 1466; Cal. 1299, House Bill 5216; File 744; Cal. 1300, House Bill 5219  
File 949; Cal. 1301, House Bill 5247, File 1429; Cal. 1303, House Bill 5561  
File 1431; Cal. 1304, House Bill 5577, File 1289; Cal. 1306, House Bill 5754  
File 1554; Cal. 1308, House Bill 5918, File 937; Cal. 1309, House Bill 5953  
File 1445; Cal. 1310, House Bill 5957, File 1563; Cal. 1311, House Bill 5958  
File 1299; Cal. 1312, House Bill 6123, File 1468; Cal. 1313, House Bill 6292  
File 1456; Cal. 1314, House Bill 6376, File 833; Cal. 1315, House Bill 6423  
File 1458; Cal. 1316, House Bill 6470, File 923; Cal. 1317, House Bill 6512  
File 1428; Cal. 1318, House Bill 6525, File 1475; Cal. 1319, House Bill 6547  
File 1266; Cal. 1320, House Bill 6606, File 933; Cal. 1321, House Bill 6837  
File 1353; Cal. 1322, House Bill 6682, File 1352; Cal. 1323, House Bill 6885  
File 1348; Cal. 1324, House Bill 6939, File 1330; Cal. 1325, House Bill 6963

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File 1186; Cal. 643, House Bill 6904, File 1582; Cal. 1150, House Bill 7901  
File 1342; Cal. 1192, House Bill 7148, File 1334; Cal. 1204, House Bill 7256  
File 1393; Cal. 1214, House Bill 7014, File 1423; Cal. 1226, House Bill 8914  
File 1073; Cal. 1257, House Bill 7048, File 1464; Cal. 1262, House Bill 8271  
File 1474; Cal. 1267, House Bill 9020, File 1457; Cal. 1271, House Bill 5049  
File 1628; Cal. 1272, House Bill 5415, File 1632; Cal. 1273, House Bill 5627  
File 1616; Cal. 1274, House Bill 5709, File 1630; Cal. 1275, House Bill 5714  
File 1575; Cal. 1276, House Bill 5834, File 1569; Cal. 1277, House Bill 5938  
File 1585; Cal. 1278, House Bill 6210, File 1627; Cal. 1279, House Bill 6367  
File 1565; Cal. 1280, House Bill 6561, File 1555; Cal. 1281, House Bill 6674  
File 1586; Cal. 1285, House Bill 7077, File 1556; Cal. 1287, House Bill 8272  
File 1566; Cal. 1289, House Bill 8578, File 1579; Cal. 1290, House Bill 8799  
File 1640; Cal. 1293, House Bill 9246, File 1638; Cal. 1294, House Bill 9256  
File 1637; Cal. 1295, House Bill 9001, File 737; Cal. 629, House Bill 7642  
File 638; Cal. 721, House Bill 7802, File 1127; Cal. 755, House Bill 8761  
File 773; Cal. 802, House Bill 8658, File 906; Cal. 964, House Bill 6197  
File 1359; Cal. 975, House Bill 7609, File 876; Cal. 990, House Bill 8561  
File 1172; Cal. 1041, House Bill 9196, File 1232.

Mr. President, I move for the adoption of all those bills, I move for suspension of the rules, first of all, for consideration of those which were not single starred or were not double starred rather.

THE CHAIR:

All those in favor of suspension of the rules indicate by saying, "aye"  
All those opposed? Suspension is granted.

SENATOR CALDWELL:

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I now move adoption of all those bills.

THE CHAIR:

Question is on the motion. All those in favor indicate by saying, "aye". All those opposed? The bills are passed.

SENATOR CALDWELL:

An additional item, Mr. President, On our Calendar, on page 18, Cal. 1350, Senate Bill 1841, I move for suspension of the rules for immediate consideration.

THE CHAIR:

Question is on suspension of the rules, all those in favor indicate by saying, "aye". Those opposed, "nay". The rules are suspended.

SENATOR CALDWELL:

I now move for the adoption of the bill. It is self-explanatory. It concerns the transfer of certain property to the Town of Manchester.

THE CHAIR:

Question is on the motion, all those in favor indicate by saying, "aye". All those opposed? The bill is passed.

SENATOR CALDWELL:

I now move for suspension of the rules for immediate transmittal.

THE CHAIR:

Question is on suspension of the rules. All those in favor indicate by saying, "aye". Opposed? Suspension is ordered.

SENATOR CALDWELL:

Mr. President, on page 23, Cal. 1391, File 1450, House Bill 5567, I move for suspension of the rules for immediate consideration.

THE CHAIR