

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-862		6723	3	4	1
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>General Law</i> 483-485 				<u>House Pages:</u> <ul style="list-style-type: none"> • 4910-4913 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 3356

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

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

Friday, June 4, 1971 80.

gentleman who is going to bring the Bill out is here.

THE SPEAKER:

In the case of 1341 though, it would appear collectively that the item was retained earlier.

GEORGE W. HANNON, JR.:

It was perhaps retained earlier, according to my Calendar.

MR. SPEAKER:

Would the Clerk return to Page 18, Calendar No. 1330, second item from the top. Call that page again following this.

THE CLERK:

On Page 18, Calendar No. 1330, Substitute for H.B. No. 6723, an Act concerning technical Amendments to the Planning and Zoning Statutes with respect to hearings.

THOMAS M. KABLIK:

Mr. Speaker, I move adoption of the Committee's joint favorable report and passage of the Bill.

MR. SPEAKER:

Question's on acceptance and passage. Will you remark.

THOMAS M. KABLIK:

Mr. Speaker, the Clerk has a couple of Amendments.

MR. SPEAKER:

Will the Clerk call Amendment Schedule "A".

THE CLERK:

House "A", offered by Mr. Kablick, of the 22nd. In Line 502...

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Please read the Amendment.

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THE CLERK:

In Line 502 strike out the word "ten" and insert in lieu thereof the word "two". In Line 508...Line 508, after the word "within" insert the following: "Sixty-five days after the public hearing thereon or, if no public hearing is held, within". In Line 509 delete the brackets before the word "submission" and after the word "thereof" and strike out the words "hearing thereon".

MR. SPEAKER:

The question's on adoption of Amendment Schedule "A".

Would you remark.

THOMAS M. KABLIK:

Mr. Speaker, these two changes, the first from "ten" to "two", is purely a, unfortunately, typographical error between the Commissioner's office and the printing, and so forth. The second Amendment is because of the...this is a Zoning Board of Appeals which may or may not have on approval of sub-division applications, may or may not have a hearing. It's not required. The...on the prior page, it indicates on 491 the Commission may hold a public hearing regarding any sub-division proposal. The feeling was that it created some question on Line 509...if this meant public hearing or just a hearing versus public hearing. Therefore, what was suggested by actually the heads of the Interim Zoning Committee was that it be retained as it is in the file...basically sixty-five days after the hearing...indicating that sixty-five days after the public hearing, and then it's obviously if none is held, then it has been retained as the current law.

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MR. SPEAKER:

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Question's on adoption of Amendment Schedule "A". Will you remark further. If not, all those in favor indicate by saying "aye". Opposed. Amendment "A" is adopted. The Clerk will call Amendment Schedule "B".

THE CLERK:

Offered by Mr. Byrne, of the 11th. In Lines 425 and 426 delete the language "by the person so authorized in the by-laws of the Commission" and insert in lieu thereof the following language: "by the Chairman or Secretary of the Commission". In Line 619, before the word "regularly" insert the word "next". In Lines 619 and 631 delete the word "monthly". In Line 630, before the word "regularly", insert the word "next".

THOMAS M. KABLIK:

Mr. Speaker, these Amendments are basically Amendments cleaning up the language in terms of the next meeting and so forth. The only change, if you wish, was in reference to the "from the person so authorized in the by-laws of the Commission assigning the maps" to "the Chairman or the Secretary of the Commission", the reason being that it does create a problem in searching and so forth, and the Committee thought this was a better way of handling it.

MR. SPEAKER:

Question's on adoption of Amendment Schedule "B". Will you remark further. If not, all those in favor indicate by saying "aye". Opposed. Amendment "B" is adopted. Question's on acceptance and passage as amended by House Amendments Schedules "A" and

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"B". Will you remark further.

THOMAS M. KABLIK:

Mr. Speaker, this basically is the work of the Interim Committee and obviously not the Speaker's...my work...reporting it out on behalf of the Committee. Basically the aim is to unify and make more operable the provisions and terms of hearing and notice and so forth. I can only say that from all representations to me there is not a controversial line in the Bill.

MR. SPEAKER:

Will you remark further. If not, all those in favor indicate by saying "aye". Opposed. Bill is passed. The Clerk will continue on Page 18.

THE CLERK:

Calendar No. 1332, H.B. No. 6982, an Act exempting the State and its political subdivisions from the Fair Trade Act.

RICHARD C. WILLARD:

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

MR. SPEAKER:

Would you remark.

RICHARD C. WILLARD:

Mr. Speaker, this Bill deals with the Fair Trade Act, and it merely provides an exemption to State and its political subdivisions from the provisions of the Act. At the hearing and in discussions in Committee it was brought to our attention that this can be a great benefit to the State and to the towns, and I urge adoption of the Bill.

EFH

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CONNECTICUT
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SENATE

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2874-3413

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House Bill 5168. An Act Concerning the Power of Lending of Future Advancement of Money and to Complete the Work Progress in the Event of Default.

Cal. 1255, File 1470, Sub House Bill 6723, An Act Concerning Technical Amendments to the Planning and Zoning Statutes with Respect to Hearing.

Cal. 1258, File 1490, House Bill 7321, An Act Concerning Payment for Preparation of Preliminary School Building Plans.

Cal. 1265, File 1472, House Bill 8612, An Act Permitting Constables in Small Towns to Make Arrests outside their jurisdiction and fresh pursuit cases.

Page 7, Cal. That is all I have for now.

Mr. President, at this time, I'd like to suggest that we proceed with the following two Calendars: Cal. 1358, commonly known as the Gambling Bill, File 1362, known as the Environmental Bill.

THE CHAIR:

Senator, do you not want to make to move on the Consent Motion?

Question is on the bill enumerated by the Majority Leader, is there any objection to their passage? Hearing none, said bills are declared passed.

SENATOR CALDWELL:

Mr. President, if any of them did not have double stars, I move that the rules be suspended.

THE CHAIR:

Motion has been made for suspension of the rules where necessary, concerning double or single starred items. Hearing no objection, suspension of the rules is ordered.

THE CLERK:

CAL. NO. 1358, File No. 1560. Favorable report of the joint committee on Appropriations. Substitute House Bill 7238. An Act Concerning A Commission

**JOINT
STANDING
COMMITTEE
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if they are out sick or if they are out of town.

Rep. Willard: Excuse me, are you.....I think your comments are good regarding how other sections might be changed for the purpose of a hearing, and I'm wondering whether or not you might take the time to reduce it to writing and submit it to us.....

Doris McLellan: This is what I was trying to do, but I just haven't had time to put all this together.

Rep. Willard: Well, you wouldn't have to do that right now before we consider, but if you're going to talk about a specific bill, then I would like you to refer to the bill so that the Committee can find what you're talking to, but if you're going to talk about something that is not scheduled for the public hearing.....

Doris McLellan: No, its all contained within these bills from 6718 up to 6740.

Rep. Gudelski: May I ask you a question? Inasmuch as there is a preponderance of sections which are exceptions to these various.....inaudible.....rather than submit a bill in generalizing the various areas, these bills were submitted so they would pinpoint exactly what section of the statute and what area, and the 65 day, to answer your question, the purpose of that was to allow the planning and zoning commission or the planning board of appeals... inaudible.....so that this action could be taken, but 60 days only allowed one.

Doris McLellan: I see the reason for the 65, but if you're going to put it 65 in one section, I think that all the sections should be standardized.

Rep. Gudelski: That is the objective.

Doris McLellan: Right, but they are all done in different bills, thats why its difficult to speak on any one particular bill, but I would be happy to put this in writing though. I have a lot of thoughts on quite a few things here.

Rep. Willard: I do not mean that you should not proceed with your presentation here today, but I would think that it would be beneficial to the Committee if your ideas were put down where you think these bills would not accomplish what they are intended to.

Doris McLellan: I think they all accomplish it, but it is done in too many bills. I have gone through and picked out every one of these bills I am speaking on and what section it does apply to, if its 81B or 85A or 82, or 83, or 87, so I could tell you where each one of them is effective in

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that respect, but these are just basic questions on all of these combined bills that I have. Under another of the bills, what is the date of the receipt of the petition?

Rep. Willard: Go ahead. You're not asking us the question...I just thought that should go in the record.

Doris McLellan: No.

Elmer Lowden: What bill number is that?

Doris McLellan: That's one of them that says....yes, but is thenis this when the commission actually sees the petition, or is it when I receive it in my office?

Rep. Gudelski: The official date becomes the date of the meeting of the commission....regardless of when it is submitted.... the date after the commission or the town clerk or who ever receives it. The official date would be the date on which you meet.

Mr. Lowden:or 35 days, whichever is.....

Doris McLellan: Normally, the date that I receive a petition is the date it is entered into my office, and at the moment most of the statutes say you have 90 days to assign a hearing

Rep. Gudelski: It would be that date or.....(almost completely inaudible)

Doris McLellan: O.K., well, I don't want to belabor that point. The one thing in standardizing these dates, I have tried numerous times in the past two sessions to get you to put in "not counting terminal dates" which would be the date of the first publication and the date of the public hearing, because most people in interpreting don't count... or would count the day it was published and they would count the day of the public hearing. You end up---it says not more than 15 days---you end up with 13, and then if they don't publish it on the 13th day....I'm speaking from experience on this because the town of Stratford, through an error of mine, lost a whole zoning regulation by nine days and I thought I had eleven, and I would like to see it put in to help other people who are working with this legislation. I will speak specifically on #6730 at this point. This one is regarding a sign on property. It says there should be a sign posted on the door if there is a building on the property. Otherwise on vacant property, you have to put a sign 6 ft. by 4 ft. Who's going to supply the sign? It just says the type of zone change and

the owner of property would be noted on it. Shouldn't you have the date of the public hearing and the place of the public hearing. If anybody sees the sign, its not going to tell them anything if they just see the type of zone change requested and the name of the property owner. This way they at least know when the hearing is going to be. It also says that this sign has to be posted the day following the filing. Why not put something in "15 days before the public hearing is required in the notice". The Commission has 65 days, if this were adopted, to hold a public hearing, but you're having a petitioner put a sign up the day after he files it, the commission takes 60 days to act on it, the sign is sitting out there for two months. One more point that I have. Under #6718, this one to me is a sleeper. Under Section 1, its affecting section 8-23 which is AN ACT CONCERNING NOTICE OF HEARING PRIOR TO THE ADOPTION OF A MUNICIPAL PLAN OF DEVELOPMENT. The only thing that is changed in the first section is the advertising date. That's fine, but when you read section 2...I just have to show you this....everything that's underlined under section 2 is a brand new section altogether. It reads the same when you start out, but when you get to section 2, all this is put in, and then when you get of it, section 3 says "Section 1 of this act shall take effect October 1, 1971 and until October 1, 1972." In other words, section 1 stays in for one year, and Section 2 of this act shall take effect October 1, 1972, but section 2 isn't underlined. It's not showing any deletions and if this goes into effect as of October 1, 1972, there's about 15 lines that are put in there that are not in 8-23 right now.

Mr. Lowden: They are not capitalized or underscored? Could you identify them for us?

Doris McLellan: I would say it was from my 91 to 107. The firstbill looks like.....and the statement of purpose just says "to provide uniform publication dates for the hearings" but it takes in a lot more than that if the second section is adopted.

Rep. Gudelski: Are you speaking in favor of these changes?

Doris McLellan: Well, I think I'm....on 6718, I'm not saying I'm opposed to it because I haven't really figured out everything they're trying to put in there, I know they're trying to get more things in a plan of development, but I just say it is not informing the people that are going to be involved with this if all of a sudden if it was adopted on October 1, 1972, you've got a brand new section in there that they're not aware of.