

Legislative History for Connecticut Act

HB 8231 PA 470 San 1977

House 2806, 5132-5135 5

Senate 2800-2802 3

hrg - 0

8p.

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
and House of Representatives Proceedings

Connecticut State Library  
Compiled 2015

H-1888

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1977

VOL. 20  
PART 7  
2539-2978

Friday, May 6, 1977 42.

Calendar, Calendar 736; H.B. 7771, File 619: efr

TIMOTHY J. MOYNIHAN: HB-7771, HB-8060, HB-5965, HB-8080, HB-7463, HB-6159, HB-7840,  
HB-5617, HB-8231, HB-7749, HB-6774, HB-8090, HB-6640, SB-753,  
SB-1513, SB-1541, SB-37, SB-1489, SB-602, SB-1516, SB-1637, SB-1093, SB-1604, SB-1566, SB-299.

Mr. Speaker, I move that the items on the Consent Calendar

dar...Calendar No. 736, 782, 791, 794, 796, 798, 803, 815, 837,  
 846, 847, 849, 851, 853, 860, 864, 866, 870, 871, 878, 881, 883,  
 886, 888, and 891 be passed on today's Consent Calendar.

MR. SPEAKER:

You have the motion of the gentleman of the 10th. Is there objection to any of the matters within the purview of his motion being considered at this time? Is there any such objection by the of any individual Member of the Chamber? Hearing no such question, the Chair will try your minds on the main motion ...acceptance and passage of all the double-starred bills as appear on today's Consent Calendar as enumerated by the gentleman from the 10th in his motion, and all those in favor will indicate by saying "aye". Opposed. The "ayes" have it. The bills are

passed. HR-205, HR-207, HR-208, HR-209, HR-210, HR-211, HR-222, HR-213, HR-214, HR-215,  
HJR-190, HJR-191, HJR-192, HJR-193 and HJR-196.

THE CLERK:

Page 5 of the Calendar, Calendar 1009, H.R. No. 205.

TIMOTHY J. MOYNIHAN:

Mr. Speaker, I move for suspension of the rules for the immediate consideration of the honorary items on today's Consent Calendar.

MR. SPEAKER:

Is there objection to the motion of the gentleman from the 10th? Hearing none, the rules are suspended for the immediate consideration of the Resolutions...congratulations and/or

H-193

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1977

VOL. 20  
PART 12  
4785-5234

Friday, May 27, 1977 62.

the Members voted? If so, the machine will be locked. The Clerk efr  
please take a tally.

PETER A. ROSSO:

Mr. Speaker, my machine is malfunctioning...but I'd like  
to be recorded in the affirmative, please.

MR. SPEAKER:

The Clerk please note Representative Rosso in the af-  
firmative. The Clerk please announce the tally.

The following is the result of the vote:

Total number voting . . . . .	143
Necessary for passage . . . . .	72
Those voting Yea. . . . .	143
Those voting Nay. . . . .	0
Those absent and not voting . . . . .	8

The bill as amended is passed.

THE CLERK:

Page 14 of the Calendar, Calendar 860, Substitute for  
H.B. 8231, Files 760, 1142, an Act concerning landowners who may  
appeal a zoning decision. As amended by Senate Amendment Schedule  
"A". Favorable report of the Committee on Judiciary.

ELMER W. LOWDEN:

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

• MR. SPEAKER:

Friday, May 27, 1977 63.

The question is on acceptance of the Committee's favorable report...the question is on acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate. Would you remark, sir?

ELMER W. LOWDEN:

Mr. Speaker, the Clerk has Senate Amendment Schedule "A", L.C.O. 8234, which I would ask that he call and read.

MR. SPEAKER:

The Clerk please call Senate Amendment Schedule "A"... call and read.

THE CLERK:

Senate Amendment Schedule "A", L.C.O. 8234, offered by Senator Santaniello, 25th District; Senator Guidera, 26th District.

ELMER W. LOWDEN:

Will the Clerk please read the amendment.

THE CLERK:

In line 6, delete the words "across a". In line 7, delete the words "street or highway". In line 8, after the word "of", insert "any portion of".

ELMER W. LOWDEN:

Mr. Speaker, I move adoption of Senate Amendment Schedule "A".

MR. SPEAKER:

The question's on adoption of Senate Amendment Schedule "A". Would you remark, sir?

• ELMER W. LOWDEN:

Friday, May 27, 1977 64.

Mr. Speaker, H.B. 8231 was passed this House on the Consent Calendar some days ago. It provided that a person who lives across the street within a radius of 100 feet of another piece of property which was a subject of a decision by a Zoning Board of Appeals would, per se, be considered an aggrieved person for the purpose of taking an appeal to the Courts. The Senate Amendment changes that slightly to provide that the owner of any land within a radius of 100 feet of any portion of the land involved in the decision of such board would be considered, per se, an aggrieved person. I urge adoption of Senate "A".

DAVID K. DODES:

Mr. Speaker. Through you, Mr. Speaker, a question.

MR. SPEAKER:

Please frame your question, sir.

DAVID K. DODES:

Representative Lowden, is it only for decisions by Boards of Appeals, or Zoning Boards also? Zoning Commissions, rather?

ELMER W. LOWDEN:

Solely Boards of Appeals.

DAVID K. DODES:

Thank you.

MR. SPEAKER:

Would you remark further on Senate Amendment Schedule "A"? If not, all Members in favor of Senate Amendment Schedule "A" indicate by saying "aye". Those opposed. Senate "A" is adopted and ruled technical by the Chair. Would you remark further on the bill as amended?

Friday, May 27, 1977 65.

ELMER W. LOWDEN:

efr

Mr. Speaker, I move passage of the bill as amended.

MR. SPEAKER:

The question's on passage of the bill as amended. Would you remark, sir? Would you remark further on the bill as amended? If not, will the Members please take their seats. Will the staff please come to the well of the House. The machine will be opened. The machine is still open. Have all the Members voted? Have all the Members voted? If so, the machine will be locked. The Clerk please take a tally. The Clerk please announce the tally.

The following is the result of the vote:

Total number voting . . . . .	139
Necessary for passage . . . . .	70
Those voting Yea. . . . .	139
Those voting Nay. . . . .	0
Those absent and not voting . . . . .	12

The bill as amended is passed.

THE CLERK:

Calendar 870, H.B. 8090, Files 781, 1141, an Act concerning the number of jurors in criminal cases punishable by life imprisonment. As amended by Senate Amendment Schedule "A".

Favorable report of the Committee on Judiciary.

JOHN A. BERMAN:

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

S 126

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS

1917

VOL. 20

PART 1

1917-1918

Tuesday, May 24, 1977

112.

roc

THE PRESIDENT:

Will you comment further, Senator?

SENATOR DEPIANO:

I believe that I commented on it as far as the bill is concerned when I spoke about the amendment. But what the bill basically does is it says that anybody who is charged or is involved with a charge that deals with, ah, which could result in punishment by death or life imprisonment and it entitled to a twelve-man jury.

THE PRESIDENT:

Hearing no objection, it will be placed on the Consent Calendar.

THE CLERK:

Turning to page fourteen of the Calendar, Cal. 879, File 760. Favorable report of the joint standing Committee on Judiciary. Substitute for House Bill 8231. AN ACT CONCERNING LANDOWNERS WHO MAY APPEAL A ZONING DECISION.

THE PRESIDENT:

Senator Guidera.

SENATOR GUIDERA: (26th)

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

THE PRESIDENT:

Will you comment, Senator?

SENATOR GUIDERA:

Mr. President, I think the Clerk has an amendment.

Tuesday, May 24, 1977

113.

roc

THE CLERK:

Yes. The Clerk has Senate Amendment Schedule A, File 760. Substitute House Bill 8231. LCO 8234 offered by Senator Guidera, copies are on the desks.

SENATOR GUIDERA:

Mr. President, I would move the amendment and I would like to explain, please. Mr. President, it's not easy to explain the amendment without also explaining the bill. What the bill attempts to do is under the definition of who may be aggrieved from a zoning decision, that is an aggrieved person as we all know is one who can bring an appeal to the Court of Common Pleas, can take it from the local zoning authority up to the court system. You must be an aggrieved person. Today, an aggrieved person if this bill were to pass as it is in the file would be anyone who is an abutting landowner or anyone who lives across the highway within one hundred feet. What my amendment attempts to do is to say that the definition of an aggrieved person is broaden to include any person who is within one hundred feet of the land on which there is some sort of zoning change and not simply a person within a hundred feet and across the road. This seems to be very fair because persons who are within a hundred feet and who feel that the decision of the local zoning authority is wrong should have a right of appeal and so we expand by this amendment the definition of an aggrieved person. I would hope the amendment passes because I think it is fair. You shouldn't

Tuesday, May 24, 1977

114.

roc

also have to be across the street and within a hundred feet.

It should be any person who is within a hundred feet.

THE PRESIDENT:

Any further comments? The question is on the amendment. All in favor of the amendment say Aye. All opposed? The Ayes have it. THE AMENDMENT IS ADOPTED.

SENATOR GUIDERA:

Mr. President, I would then move the bill as amended. The amendment is the whole bill so that should conclude the discussion. If there is no objection, I would like to place this on the Consent Calendar.

THE PRESIDENT:

Hearing no objection, it is so ordered.

THE CLERK:

Cal. 880, File 619. Favorable report of the joint standing Committee on State and Urban Development. House Bill 7771. AN ACT AMENDING THE CHARTER OF THE METROPOLITAN DISTRICT.

THE PRESIDENT:

Senator Putnam.

SENATOR PUTNAM: (5th)

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

THE PRESIDENT:

Will you comment, senator?