

Legislative History for Connecticut Act

HB 5188

PA82-213

House - 1611-1621, 4718-4722

Senate - 1470-1477

Planning - 581, 597-599, 629-630

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1982

VOL. 25
PART 5
1349-1776

House of Representatives

Tuesday, April 13, 1982

CLERK:

Calendar page 6, Calendar No. 155, Substitute for House Bill 5788, AN ACT CONCERNING SPECIAL MEETINGS AND REFERENDA OF SPECIAL DISTRICTS. Favorable Report of the Committee on Planning and Development.

REP. GARAVEL: (110th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Paul Garavel.

REP. GARAVEL: (110th)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER ABATE:

The question is on acceptance of the Joint Committee's Favorable Report and passage of the bill.

Will you remark, sir?

REP. GARAVEL: (110th)

Yes, thank you, Mr. Speaker. Existing law contains no provisions regarding district voters' ability to call for special meetings and referenda. This will would allow 10% of the district's voters to make application for a special meeting, prescribe the manner in which such meetings would be called, permit voters to petition items

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for referenda votes and specify the conditions under which a referendum would be held.

Mr. Speaker, at this time I'd like to yield to Rep. Andrew Carey for the purpose of an amendment which I support.

SPEAKER ABATE:

Rep. Carey, will you accept the yield, sir?
Proceed please.

REP. CAREY: (49th)

Thank you very much, Mr. Speaker. This is an open government bill. The Clerk has in his possession LCO 1467. Would he please call and I be permitted to summarize?

SPEAKER ABATE:

The Clerk has in his possession an amendment, LCO No. 1467, designated House Amendment Schedule "A". Would the Clerk please call the amendment?

CLERK:

LCO No. 1467, House Amendment Schedule "A" entitled AN ACT CONCERNING SPECIAL MEETINGS AND REFERENDA OF SPECIAL DISTRICTS. Offered by Rep. Carey of the 49th District.

SPEAKER ABATE:

The gentleman has requested leave of this Chamber

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to summarize this amendment. Is there objection?

Hearing none you may proceed to do so, Rep. Carey.

REP. CAREY: (49th)

Thank you, Mr. Speaker. I would move adoption of the amendment. There are three sections. Section One deals with the petition process which is consistent with that for town meetings. The request for -- by 20 voters. There is an added proviso for 10% of the voters whichever is last which would accommodate small districts.

Section two deals with the requirements for petitions to be properly filed. This is consistent with the language for petitions to call for town meetings.

Section three deals with termination of a district by a simple majority of the voters.

SPEAKER ABATE:

Will you remark on the adoption of House Amendment Schedule "A". Will you remark further on the adoption of House "A"? If not all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed nay. The ayes have. It is

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ruled technical.

House Amendment Schedule "A".

In line 1, before the word "Subsection", insert "Section 1."

In line 18, after the word "THE", strike the word "VOTERS" and insert in lieu thereof "TOTAL NUMBER OF PERSONS QUALIFIED TO VOTE IN THE MEETING OF A DISTRICT OR TWENTY OF THE VOTERS OF SUCH DISTRICT, WHICHEVER IS LESS,"

In line 31, after the first comma, insert "WHICHEVER IS LESS,"

After line 74, insert the following:

"Sec. 2. (NEW) In any case in which an action for a vote by the voters of a district is to be initiated by the petition of such voters, in addition to such other requirements as the general statutes or any special act may impose, such petition shall be on a form prescribed or approved by the clerk of such district, and each page of such petition shall contain a statement, signed under penalties of false statement, by the person who circulated the same, setting forth such circulator's name and address, and stating that each person whose name appears on said page signed the same in persons in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified himself to the circulator and that all the signatures on said page were obtained not earlier than six months prior to the filing of said petition. Any page of a petition which does not contain such a statement by the circulator shall be invalid. Any circulator who makes a false statement in the statement hereinbefore provided shall be subject to the penalty provided for false statement. No petition shall be valid for any action for a vote by the voters at any regular or special district meeting unless such petition shall be circulated by a person resident or eligible to vote in such district.

Sec. 3. Section 7-329 of the general statutes is repealed and the following is substituted in lieu thereof:

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Whenever the officers of such district vote to terminate its corporate existence AND WHENEVER A PETITION SIGNED BY TEN PER CENT OF THE TOTAL NUMBER OF PERSONS QUALIFIED TO VOTE IN THE MEETING OF SUCH DISTRICT OR TWENTY OF THE VOTERS OF SUCH DISTRICT, WHICHEVER IS LESS, APPLYING FOR A SPECIAL MEETING TO VOTE ON THE TERMINATION OF THE DISTRICT IS RECEIVED BY THE CLERK, the clerk shall call a special meeting of the voters residing within such district by posting a written notice of the purpose of the meeting, signed by the officers thereof, and advertising the same in the same manner as is provided in section 7-325. If, at such meeting, (two-thirds) A MAJORITY of the voters present vote to (confirm the vote of the officers) TERMINATE THE CORPORATE EXISTENCE OF THE DISTRICT, the officers shall proceed to terminate the affairs of such district, pay all outstanding indebtedness and turn over the balance of the assets of such district to the town in which the district is located, if the legislative body of the town authorizes such action. On completion of the duties of the officers of such district, the clerk shall cause a certificate of the vote of such meeting to be recorded in the land records of the town in which the district is located."

SPEAKER ABATE:

Will you remark further on this bill as amended.

REP. MURDOCK: (17th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Beatrice Murdock.

REP. MURDOCK: (17th)

Thank you, Mr. Speaker. The Clerk has an amendment LCO 2859, would he please call and I be allowed to summarize.

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SPEAKER ABATE:

The Clerk has in his possession an amendment LCO No. 2859 designated House Amendment Schedule "B". Would the Clerk please call the amendment.

CLERK:

LCO No. 2859 scheduled House Amendment "B" offered by Rep. Murdock of 17th District entitled, AN ACT CONCERNING SPECIAL MEETINGS AND REFERENDA OF SPECIAL DISTRICTS.

SPEAKER ABATE:

The lady has requested the leave of the Chamber to summarize this amendment. Is there objection? Hearing none you may proceed to do so, Rep. Murdock.

REP. MURDOCK: (17th)

Thank you. The special district statute addresses additions to such special districts, but there's no language in the statute which facilitates making these additions. This amendment would provide such enabling language and I move its adoption, sir.

SPEAKER ABATE:

The question now is on adoption of House "B". Will you remark on its adoption? Will you remark further on the adoption of House "B". Rep. Murdock.

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adopted and ruled technical.

House Amendment Schedule "B".

Before line 1, insert the following:

"Section 1. Section 7-325 of the general statutes is repealed and the following is substitute in lieu thereof:

(a) Upon the petition of twenty or more voters, as defined by section 7-6, of any town, not residing within the territorial limits of any city or borough in such town, specifying the limits of a proposed district for any or all of the purposes set forth in section 7-326, and not including within such limits any part of any city or borough in such town, the selectmen of such town shall call a meeting of the voters residing within such specified limits to act upon such petition, which meeting shall be held at such place within such town and such hour as the selectmen designate, within thirty days after such petition has been received by such selectmen. Such meeting shall be called by posting a written notice of the same, signed by the selectmen, upon some public signpost within such town and also in some prominent place within such proposed district, at least fourteen days before the time fixed for such meeting, and by advertising such notice in two successive issues of some newspaper published or circulated in such town. Upon approval of such petition by such meeting, the voters may name the district and choose necessary officers therefor to hold office until the first annual meeting thereof; and the district shall thereupon be a body corporate and politic and have the powers, not inconsistent with the general statutes, in relation to the objects for which it was established, that are necessary for the accomplishment of such objects, including the power to lay and collect taxes. The clerk of such district shall cause its name and a description of its territorial limits and of any additions that may be made thereto to be recorded in the land records of the town in which such district is located.

(b) ANY DISTRICT MAY ENLARGE ITS TERRITORIAL LIMITS IF THE DISTRICT COMMITTEE APPROVES A RESOLUTION PROPOSING SUCH AN ENLARGEMENT AND STATING THE PROPOSED BOUNDARIES

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THEREOF, PROVIDED: (1) THE DISTRICT COMMITTEE SHALL CALL A MEETING OF VOTERS OF THE AREA PROPOSED TO BE ADDED, WHICH MEETING SHALL BE HELD WITHIN THIRTY DAYS OF THE DISTRICT COMMITTEE'S APPROVAL OF SUCH RESOLUTION AND SHALL BE CALLED BY POSTING A WRITTEN NOTICE OF THE SAME, SIGNED BY THE MEMBERS OF THE DISTRICT COMMITTEE, UPON SOME PUBLIC SIGNPOST WITHIN SUCH TOWN AND ALSO IN SOME PROMINENT PLACE WITHIN SUCH PROPOSED AREA TO BE ADDED, AT LEAST FOURTEEN DAYS BEFORE THE TIME FIXED FOR SUCH MEETING, AND BY ADVERTISING SUCH NOTICE IN TWO SUCCESSIVE ISSUES OF SOME NEWSPAPER PUBLISHED OR CIRCULATED IN SUCH TOWN; (2) A MAJORITY OF THE VOTERS OF THE AREA PROPOSED TO BE ADDED IN ATTENDANCE AT SUCH MEETING VOTE IN FAVOR OF JOINING SUCH DISTRICT; AND (3) THAT ANY AREA TO BE ADDED IS CONTIGUOUS WITH SOME PORTION OF THE EXISTING DISTRICT."

In line 1, before the word "Subsection" insert the following: "Sec. 2."

SPEAKER ABATE:

Will you remark further on this bill as amended by House Amendments Schedules "A" and "B".

REP. MEYER: (135th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Alice Meyer.

REP. MEYER: (135th)

I rise to support this bill. I think it is necessary. It gives the people in these special districts the right that all people that ban together to form government should have and that is the right to petition for special meetings at which they can express

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their ideas or to hold referendums. I heartily support it and urge your support, too.

SPEAKER ABATE:

Will you remark further on this bill as amended. Will your remark further on this bill as amended by House Amendments Schedules "A" and "B".

If not, would all the members please be seated. Staff and guests please come to the well of the House.

All staff, all staff and guests so that there are no staff members specifically authorized please come to the well of the House. The machine will be opened.

The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately.

The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately.

Have all the members voted? Have all the members voted.

Would the members please check the roll call machine. Would all the members please check the roll call machine to determine if their vote is properly recorded. The machine will be locked. The Clerk will

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take the tally.

REP. PARKER: (31st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Nina Parker.

REP. PARKER: (31st)

Sorry, in the affirmative. Thank you.

SPEAKER ABATE:

The Journal will so note Rep. Parker has cast her vote in the affirmative.

Clerk, please announce the tally.

CLERK:

House Bill 5788 as amended by Schedules "A" and "B".

Total Number Voting	148
Necessary for Passage	75
Those Voting Yea	148
Those Voting Nay	0
Those absent and Not Voting	3

SPEAKER ABATE:

The bill as amended passes.

CLERK:

Page 6, Calendar 158, House Bill 5646, AN ACT

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House of Representatives Tuesday, April 27, 1982

CLERK:

Calendar 155, Substitute for House Bill 5788,
AN ACT CONCERNING SPECIAL MEETINGS AND REFERENDA OF
SPECIAL DISTRICTS, as amended by House Amendment Schedules
"A" and "B" and Senate Amendment Schedules "A" and "B".
Favorable Report of the Committee on Planning and
Development.

REP. CAREY: (49th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Andy Carey.

REP. CAREY: (49th)

Thank you, Mr. Speaker. I move acceptance of the
Joint Committee's Favorable Report and passage in
concurrence with the Senate.

SPEAKER ABATE:

The question is on acceptance and passage in
concurrence. Will you remark, sir?

REP. CAREY: (49th)

Yes, thank you, sir. This is a bill that we
passed unanimously two weeks ago which the Senate in
their everlasting wisdom amended. At this time I would
like to ask the Clerk to call and I be permitted to

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summarize LCO 3047, commonly known as Senate "A".

SPEAKER ABATE:

The Clerk has in his possession an amendment. The LCO number on the amendment is 3047, previously designated Senate Amendment Schedule "A". Would the Clerk please call the amendment.

CLERK:

LCO No. 3047, previously designated Senate "A", offered by Sen. Smith of the 2nd District.

SPEAKER ABATE:

The gentleman is seeking leave of the Chamber to summarize this amendment. Is there objection to summarization? Hearing none, you may proceed to do so, Rep. Carey.

REP. CAREY: (49th)

Thank you, sir. This is a technical amendment which, it's a simple language change. It changes district committee to board of directors, and I move adoption.

SPEAKER ABATE:

The question now is on adoption of Senate "A". Will you remark further on the adoption of this amendment? Will you remark further on the adoption of Senate "A"?

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CLERK: If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

SPEAKER: Aye.

SPEAKER ABATE:

All those opposed, nay.

REPRESENTATIVES: The ayes have it. It is adopted and ruled technical.

Will you remark further on this bill as amended by Senate "A"?

REP. CAREY: (49th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Carey.

REP. CAREY: (49th)

There is a second amendment, LCO 3048. Could the Clerk please call and I be permitted to summarize?

SPEAKER ABATE:

The Clerk has in his possession an amendment. The LCO number on this amendment is 3048. It was previously designated Senate Amendment Schedule "B". Would the Clerk please call the amendment.

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CLERK:

LCO no. 3048, previously designated Senate "B".
Offered by Sen. Smith of the 10th District.

SPEAKER ABATE:

The gentleman has requested leave of the Chamber to summarize this amendment. Is there objection? Hearing none, you may proceed to do so, Rep. Carey.

REP. CAREY: (49th)

Thank you very much, Mr. Speaker. This simply changes the language to allow for both an enlargement and a reduction of a taxing district. This applies to a case in Southeastern Connecticut where there are two contiguous fire districts who want to move their district lines. It would mean the expansion of one district and the reduction of another. I move adoption of the amendment.

SPEAKER ABATE:

Will you remark further on the adoption of Senate "B"?

All those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

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SPEAKER ABATE:

All those opposed, nay.

The ayes have it. The amendment is adopted and ruled technical.

Would all the members please be seated. Would the members please be seated. Staff and guests please come to the well of the House. The machine will be opened.

The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately.

Have all the members voted? Have all the members voted? Would the members please check the roll call machine. The machine will be locked. The Clerk will take the tally.

Would the Clerk please announce the tally.

CLERK:

House Bill 5788, as amended by Senate "A" and "B".

Total number voting	143
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Necessary for passage	72
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Those voting yea	143
------------------	-----

Those voting nay	0
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Those absent and not voting	8
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SPEAKER ABATE:

The bill as amended passes.

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dential facility for the mentally retarded if the person on whose behalf the application is made is suitable for admission. Instead the bill would require that the Commissioner may approve such application if space is available in a residential unit of a training school, in a regional center or in any other residential facility for the mentally retarded. If there is no objection. Madam President, I move that this be placed on the consent calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Moving to page 21 of the calendar, calendar No. 363, File 217, 584, Substitute for House Bill No. 5788. An Act Concerning Special Meetings and Referenda of Special Districts. (As amended by House Amendment Schedules "A" and "B"). with a Favorable Report of the Committee on Planning and Development, and the Clerk has some Senate Amendments.

THE CHAIR:

Senator Wilber Smith.

SENATOR SMITH:

Madam President, I move acceptance of the joint committee's favorable report and passage of the bill as amended by House Amendments Schedule "A" and "B".

THE CHAIR:

Clerk will call the first amendment.

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THE CLERK:

We'll proceed with passing the House Amendments first and then we'll take up the Senate Amendments.

THE CHAIR:

All in favor of passing House Amendments Schedule "A" signify by saying aye. Opposed? House Amendment "A" is adopted.

SENATOR SMITH:

Madam President, I move acceptance and passage of House Amendment Schedule "B".

THE CHAIR:

All in favor of House Amendment Schedule "B" signify by saying aye. Opposed? House Amendment "B" is adopted.

THE CLERK:

The Clerk has Senate Amendment Schedule "A", LCO No. 3047 offered by Senator Smith. Copies have been distributed. That's Senate Amendment Schedule "A", LCO 3047.

SENATOR SMITH:

Madam President, I move the adoption of Senate Amendment Schedule "A".

SENATOR GUNTHER:

Madam President. Madam President, These have not been circulated. I don't know who else doesn't have the amendment, but I don't have one.

SENATOR SMITH:

Oh, I'm sorry, Madam President, but the amendment was supposed to have been passed out an hour or so ago.

THE CHAIR:

The Senate will stand at ease just a moment.

SENATOR SMITH:

Madam President.

THE CHAIR:

Proceed.

SENATOR SMITH:

My understanding is that the amendments were passed out. If there's no further objection, Madam President, I'll just simply waive, ask, request that the reading of the amendment be waived and a simple explanation?

THE CHAIR:

Proceed.

SENATOR SMITH:

It's the amendment, Senate Amendment Schedule "A" is simply some technical corrections in the bill making reference to the word, "The Board of Directors" as opposed to "Commission" and it had to be taken out of four separate lines, five separate lines in the bill, rather. If there is no - well, I can't ask - this is an amendment. Sorry about that. I move adoption of the amendment. There.

THE CHAIR:

All right. All in favor of Senate Amendment, LCO 3047, signify

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by saying aye. Opposed? The amendment is adopted. Clerk will read the next amendment please.

THE CLERK:

The Clerk has Senate Amendment Schedule "B", LCO No. 3048, offered by Senator Martin. Copies have been distributed. They are on the Senator's desks. LCO 3048.

THE CHAIR:

Senator Martin.

SENATOR MARTIN:

Madam President, I move adoption of Senate Amendment "B".

May I explain?

THE CHAIR:

Yes, please.

SENATOR MARTIN:

This will allow to reduce the area of the districts. With this amendment two contiguous districts will be able to modify their boundary. If there's no - I move the adoption of the amendment.

THE CHAIR:

All in favor of LCO 3048 signify by saying aye. Opposed?

The amendment is adopted.

THE CLERK:

Clerk has no further amendments.

THE CHAIR:

Senator Smith.

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SENATOR SMITH:

Madam President, I move the acceptance and passage of the bill as amended by House Amendments Schedule "A" and "B" and Senate Amendments Schedule "A" and "B", and if there is no objection, Madam President, I would move the bill to consent.

THE CHAIR:

Senator Zinsser.

SENATOR ZINSSER:

Thank you very much, Madam President. If I could, Madam President, through you, a question for Senator Smith. I'm curious, Senator Smith, where this bill originated from - I don't mean the committee, but the reasons behind the bill and the purpose it's trying to achieve.

THE CHAIR:

Senator Smith, do you wish to respond?

SENATOR SMITH:

Madam President, through you to Senator Zinsser, these are amendments, Senator, to existing laws to assist the special tax districts. This did not just originate.

SENATOR ZINSSER:

Well, the thing that concerns me, and I'm sure that Senator Smith can probably know what I'm talking about, where in the Town of Manchester, we have a special district which has been the cause of some discussion over the years and I'm concerned that this legislation is not going to make that situation worse than it now is. This is what concerns

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me. For example, I notice in one of the House Amendment that now for dissolving of the district instead of the directors being able to do that you can now do that through a petition signed by as few as twenty people. I think it says ten percent of the people in the district or twenty, whichever was less and I'm talking now of a district made up of some eighteen or twenty thousand people and I would hate to think that twenty people can get a petition up that's going to call a special election for twenty thousand people. Now, through you Madam President to Senator Smith, am I reading that amendment correctly and would that apply?

THE CHAIR:

Do you wish to respond?

SENATOR SMITH:

Through you Madam President to Senator Zinsser, Senator, you are reading it incorrectly, It's for town meetings and if your town has a town meeting it has a counsel, I understand town counsel.

SENATOR ZINSSER:

Well, I believe if I can read from the House Amendment, "whenever the officers of such district vote to terminate its corporate existence and whenever a petition signed by ten percent of the total number of persons qualified to vote in the meeting of such district or twenty of the voters of such district, whichever is less, applying for a special meeting, to vote on the termination of the district and received by the clerk, the clerk shall call such a meeting."

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THE CHAIR:

Senator Smith.

SENATOR SMITH:

Yes, Madam President. Through you, to Senator Zinsser, it says of the district not the entire town.

SENATOR ZINSSER:

I realize that, but that's going back to my original question that and that relates to the district itself within the town that they, that twenty people can then petition for a meeting to dissolve the district.

SENATOR SMITH:

Within - through you, Madam President to Senator Zinsser, within the district. You used the population figure, I think, of twenty thousand. Well, at least that was my understanding that you used the term twenty thousand, that twenty people could call a special election or referendum for twenty thousand.

SENATOR ZINSSER:

Yes, that's correct.

THE CHAIR:

Any further questions, Senator Zinsser?

SENATOR ZINSSER:

No, but I will object and ask for a roll call vote.

THE CHAIR:

Very well. Clerk will call for a roll call vote please.

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THE CLERK:

An immediate roll call has been called for in the Senate. Will all Senators please take their seats. An immediate roll call has been called for in the Senate. Will all Senators please be seated.

THE CHAIR:

The matter before the Chamber is Calendar No. 363, Substitute for House Bill 5788, An Act Concerning Special Meetings and Referenda of Special Districts as amended by House Schedules "A" and "B" and Senate Schedules "A" and "B". The machine is open.

THE CLERK:

Roll call is in progress in the Senate. Roll call is in progress in the Senate. Senator DiBella.

THE CHAIR:

28 yea, 6 nay. The bill is passed.

THE CLERK:

Moving along to page 28, page 28 of today's calendar under the heading of Disagreeing Actions, Calendar No. 63, File 30,66, Substitute for House Bill No. 5038. An Act Concerning Access to Juvenile and Youthful Offender Records by Victims. (As amended by House Amendment Schedule "B"), with a Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Owens.

THE CLERK:

Now, the Senate rejected House Amendment Schedule "A" on

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SENATOR SMITH: (Continued)

Alright the Chair will call Senator Mustone, Senator Mustone? Alright, Representative Andy Carey?

REP. CAREY: Thank you very much Senator Smith. It's a pleasure to be here before the Chairmen of the Planning and Development Committee and Members of the Committee. My name is Representative Andy Carey. I represent the 49th District and I'm here to testify on House Bill 5788, an Act Concerning Special Meetings In Referenda of Special Districts. Ah, I'll start off with a little history on the reason for this bill, ah approximately a year ago there was a Special Taxing District formed in the Town of Windham. Ah, quite possibly because to negate the potential affects of a consolidation commission which is in process now.

It is a multi-purpose taxing district, if covers fire, police, lights, libraries and recreation. Shortly after the formation of this district, residents circulated a petition. They attempted to present this request -- they attempted to present this request for action to the Board of Directors who on the advice of their attorney refused to accept this petition. The reason being that there is no provision for petitions in special districts under Connecticut Law, hence this bill.

This lack of access into a form of local government has denied voters, residents and taxpayers a basic right we enjoy at other levels of local government. Ah, I would like to recommend some changes in the bill, ah, one on Line 30, I would ask that the 10% requirement be reduced to 20 voters or 3%, whichever is least, the 20 voters would be consistent with the petition process in non-chartered towns. I would also recommend that Title 7 Section 329, concerning the termination of a district be changed from a two-thirds majority to a simple majority. It does not make much sense to form a district by a majority vote, yet require a two-thirds vote for termination. We do live in a democracy, I think this bill will provide access for people into special taxing districts.

I thank the Committee for allowing me to testify and if there are any questions, I will attempt to answer them.

MS. HOLLY: (Continued)

had not been on the job, the outcome could have been disastrous. Criticism may arise that pets can become a nuisance by relieving themselves on undesignated areas. This problem need not exist. During the whole time that I have lived here, I have never allowed by dog to run loose. She is always on her lease when I walk her. I carry a scooper and disinfected bag to clean up her waste. I'm sure all pet owners will agree that this chore is a small price to pay for the joy of owning a pet. Cats are usually not walked, but their needs can be taken care of through the use of kitter litter. I have been more specific about dogs in my remarks because I've owned dogs all my life. However, there are benefits to the elderly for all pets, any pet can provide the aged with companionship and a sense of feeling needed once more. For this reason, and others that I have cited, I feel that this bill should be passed. Thank you.

SEN. SMITH: Thank you. Any questions. Ah, Ms. Holly, ah -- according to my watch, you went over your two minutes by about five seconds. Only about five seconds. Commissioner Shealy, you need a speech writer now, don't you? I think you ought to give that to the Hartford Courant reporter. (inaudible) and they did a nasty story about her. Wait until she gets to be about six months old, and I'm going to bring her back. Yeah, he says I'm not elderly -- it's based on account of age. Alright the next speaker is Judith Stein Hulin followed by Scott Russotto. Scott Russotto come up front here please.

MS. STEIN HULIN: Good morning Mr. Chairman. My name is Judith Stein Hulin. I live in Windham Connecticut and I'm here on behalf of the Alliance of Concerned Taxpayers. We've asked Representative Carey to raise the bill -- we've taken the form of 5788. I have asked and you're being passed around some amendments and we would request that 5788. The bill was raised by Representative Carey at our request because of abuses which have occurred in tax districts in Windham. We feel, however, that our experience is not unlike what would happen in the rest of the state and the Home Rule Act must be amended to take countenance of the fact that taxing districts in Windham and in other places in the state can be used to

MS. STEIN HULIN: (Continued)

run governments. In that case, citizens may lose due process rights which they have as town citizens when a majority of those in a single meeting vote to have a taxing district. The Alliance of Concerned Citizens and Taxpayers was organized by people who cared about the activities and direction of the Windham First Taxing District and about being governed by an informal group of individuals. A taxing district is not an objective, professionally run government, but rather a statutorily recognized geographic entity, formed to provide specific services, usually a beach club, a condominium, other independent little services.

Our taxing district is not merely providing Windham specific services nor is it simply a taxing or billing entity. The Windham First taxing district is attempting to govern Windham and to do so with the advice, assistance and fulltime professionals and without being interested in (inaudible) statutorial mandated rights.

(inaudible) is a potentially dangerous one which has been seen in the Windham. They are given authority over essential services and (inaudible) limited citizens rights and control. Although a district is born from citizen action (inaudible) then take the life of its' own. It can be created by a petition of 20 for the town and at the town meeting a majority of only those attending create it. However, (inaudible) accepted by a board of directors those who are -- have taken the power.

The Windham First Taxing District is (inaudible) expressing views different from the board (inaudible) rights, or merely requesting information has received responses ranging from the rude to threatening.

SEN. SMITH: You are over your two minutes.

MS. STEIN HULIN: I'm sorry, as a result we requested that the (inaudible) as we have suggested so that petitions rights parallel those in the town so that citizens who find themselves in a taxing district will not lose the right that they had as town citizens and -- a majority of those (inaudible) thank you very much.

SEN. SMITH: You are over your two minutes. Ah, no we don't have any questions. O.k. I'll allow the question -- but

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SEN. SMITH: (Continued)

let me say this, briefly. The chair is trying to be liberal and as lenient as it possibly can, and we would appreciate it if the persons who are testifying do not abuse the rules. If you'd like to talk over the two minutes, the chair said that you could wait around until after everyone else is finished, and then the chair would allow you to speak again. Now the next speaker, the chair, again I don't want, one of the rules, I seem to be rude, I'm not going to intend to be rude. Please don't do that again.

REP. RYBAK: That's O.K., Senator (inaudible).

SEN. SMITH: All right. The chair would explain again that we are on deadline, we're in the short session and we have a lot of bills and our committee deadline is today at 5:00. We have to report our bills out, now those persons who are abusing the time, your bill may miss that deadline. Not intentionally, but because of lack of time. All right, now the next speaker will be Mr. Scott Russotto. You have two minutes, sir.

HR 5788

SCOTT RUSSOTTO: Good morning, Mr. Chairman. In order to expedite the session I'll simply say that I'm here, I'm from South Windham and I'm here as a representative for the Alliance of Concerned Taxpayers as well, and I'd simply like to reiterate what Ms. Hulin has said just a few minutes ago. Our primary concern is one of due process which is apparently lost statutorily once its a tax (inaudible) reform and the lack of continuity in the formation and ultimate desolution of tax (inaudible).

SEN. SMITH: Thank you very much, any questions? All right, there being none, thank you very much.

All right, what's your name sir? Is it Scott Russotto, R-U-S-S-O-T-T-O? Representing the Alliance of Concerned Taxpayers. From where sir?

MR. RUSSOTTO: From Windham.

SEN. SMITH: From Windham. Thank you. The next speaker will be Freida Pratt. Ms. Freida Pratt, followed by George Ann Muller.

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MR. MAHLER: (Continued)

was adopted last year, Public Act 81-219. I noticed at the end of the bill on Page 11 and 12 that there are additions to the legislation. I'd just like to point out, one technical change, on Line 72 "providing for the bonding of municipal officials" that is also provided on Line 69 of the Raised Committee Bill 5876, and Undersecretary Curtin specifically wanted me to point out that the Commission on Local Government wanted to hold off any action dealing with Town Clerks or Assistant Town Clerks.

If you take a look at Line 378, on Page 10, you will notice that the, it repeals 7-19 and 7-38 of the Connecticut General Statutes. We have had a number of concerns raised with us on who appoints the Assistant Town Clerk, who is the Assistant Town Clerk responsible to, so I would hope that that would come up when the Commission, you know, later on, when the Commission on Local Government is extended, hopefully extended. But I don't believe that 7-19 and 7-38 were considered to be repealed, so your attorney might want to look that up.

Lastly, I'd like to say that there's a bill in here, 5788, that the Commission on Local Government worked on. We think it's a good bill, and that establishes a minimum number of people to call a meeting of the district. Presently, there's no minimum number of people that the bill, I think it's a very, very good bill and out of all the bills dealing with special districts I think that this is probably the one that should be passed or sent to the floor. That is all the comment that I have to say.

SEN. SMITH: All right, questions from committee members?
Rep. Rybak?

REP. RYBAK: Thank you, Senator. Just one question, Mr. Mahler. I take it from your comments that this bill on municipal budget process should not go forward because it's incomplete and needs more work?

MR. MAHLER: Well, it still needs more work. It still doesn't solve the problem, if it went forward in this manner, it wouldn't cause any problems, any damages, it might

MR. MAHLER: (Continued)

help putting the towns on notice that, hey, you have to have a budget within 90 days, and it would help a lot of people, but it doesn't go far enough.

REP. RYBAK: O.K. Could I just ask you one question? I know I'm (inaudible), I'm not on the Commission and I'm sure you debated this thoroughly, but what right does the State of Connecticut have to hold a gun to a town's head and say you have to adopt a budget if the majority of taxpayers in that town have rejected that budget in referendum or town meeting? Isn't that their choice, and you do short-term borrowing to cover the period?

MR. MAHLER: Well, they can use short-term borrowing, yes. The, it was an attempt to clarify that at least the town should have a budget. They can't really go into the continuously holding hearings. One of the biggest problems that we found, and this is not OPM's position because we discussed it today, and we couldn't really agree on a position, but it's the hearing, the continuously going back sometimes go back after a budget's been defeated by a referendum and start the process all over again, and each time the Board of Finance has to hold a public hearing, and, certain towns do it this way and other towns say, no, you're only required to hold one public hearing.

So we wanted to try to get some uniformity, I think it would help the people in the town if they knew what their budget was. It may be best for them, and sort of, we're developing a consensus as we go along with this process but it still needs more work.

REP. RYBAK: Where I come from we seldom adopt a budget in less than three referendums.

MR. MAHLER: Oh, and also I'd like to add one other thing. I'd like to see the Commission on Local Government extended. Thank you.

SEN. SMITH: Thank you very much. According to this list, there are no more speakers. Now is there anyone left in the audience who would like to testify on any bills pending before this committee? Yes, sir? And yes, ma'am.