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HOUSE

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7490-7905

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House of Representatives

Wednesday, May 22, 1985

CLERK:

Page 7, Calendar No. 543, Substitute for Senate Bill 964, File No. 496, AN ACT CONCERNING THE TIME PERIOD FOR AUDITING OF CERTAIN MUNICIPAL CLAIMS BY THE STATE. Favorable Report of the Committee on Finance, Revenue and Bonding.

REP. ESPOSITO: (137th)

Mr. Speaker?

SPEAKER VAN NORSTRAND:

Rep. Frank Esposito.

REP. ESPOSITO: (137th)

Mr. Speaker, at this time I would like to place on the Consent Calendar the following items for final action at our next regular session day. On page 7, Calendar No. 543, Bill No. 964, File No. 496. Page 8, Calendar No. 616, Bill No. 5331, File No. 752. And finally on Page 10, Calendar No. 682, Bill No. 701, File No. 470. Thank you.

SPEAKER VAN NORSTRAND:

The gentleman has moved that the items enumerated be placed on tomorrow's Consent Calendar. Is there objection? Seeing none, they are moved to the Consent Calendar for action at tomorrow's session.

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House of Representatives

Thursday, May 23, 1985

the Call of the Calendar.

REP. ESPOSITO: (137th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Frank Esposito.

REP. ESPOSITO: (137th)

Mr. Speaker, I'd like to move that we adopt the Consent Calendar as printed in the Calendar for the House for today, May 23, 1985.

SPEAKER VAN NORSTRAND:

The motion by Rep. Esposito is to adopt the House Consent Calendar printed on Page 1 of your Calendar of this date. Is there objection? Seeing none, the Consent Calendar is adopted.

SB 964

SB 701

HB 5331

CLERK:

Page 2, Calendar No. 272, Substitute for House Bill No. 7430, File No. 950, AN ACT CONCERNING THE RESPONSIBILITY OF MUNICIPAL AGENTS FOR THE ELDERLY. Favorable Report of the Committee on Appropriations.

REP. ESPOSITO: (137th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Frank Esposito.

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THE CHAIR:

Senator McLaughlin.

SENATOR McLAUGHLIN:

Through you, Mr. President, Senator O'Leary is quite correct in picking up that error as I so noted it this morning. That is a mistake. It should indicate just the disabled. It only applies to subdivision 55 and does not apply to the blind. Indeed, there is a separate vehicle for that Senator O'Leary.

THE CHAIR:

Further remarks? Motion's been made to place on the consent calendar. Hearing no objection, so ordered.

THE CLERK:

Page 5, calendar No. 347, Substitute for Senate Bill No. 701, File No. 470. An Act Concerning Review By Municipal Planning Commissions Of Municipal Improvement Projects.

Favorable Report of the Committee on Planning and Development.

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

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

THE CHAIR:

Would you remark?

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SENATOR CONSOLI:

Yes. Mr. President, a municipality currently cannot begin certain development projects unless it has given the planning commission an opportunity to comment. The bill would extend this requirement to include projects substantially improving municipal property, projects locating or extending public utilities and terminals and, 3. projects extending public housing developments, redevelopments or urban renewal projects. The bill, however, would exclude from Planning Commission Review projects for maintenance and repair of existing property, and, Mr. President, if there's no objection, I'll move it to the consent calendar.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Thank you, Mr. President. The fiscal note indicates that passage of the bill would have no municipal impact, yet further down in the same note, in the last sentence, it says that the bill would mandate an increased number of reviews for certain municipal planning commissions and therefore it constitutes a state mandate. We're imposing another state mandate on the communities. The note says there's no cost. I don't understand how we can mandate an increased number of reviews and

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indicate that that will not cost. I wonder if the chairman could tell me how many reviews we would be requiring?

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

Through you, Mr. President to Senator O'Leary, it is my understanding that we are not increasing reviews. Actually what we're doing is we're removing the necessity to go to the planning commission every time one wants to do a repair or do some maintenance. It's permissive in that work can be done without going to the planning commission, so it should reduce the effort on the part of the planning commission in meetings, etc.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Thank you, Mr. President. I think I'm beginning to see the light on it. The sentence though in the fiscal note is very strong. It says clearly, "This bill would mandate an increased number of reviews for certain municipal planning commissions and therefore constitutes a state mandate." I thought we were generally following the principle, 1) of not increasing local paper work and state mandates, and 2) of

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adequately financing increased state mandates. The note seems awfully clear that we're increasing the number of reviews for these planning commissions. Wherein lies the saving?

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

Mr. President, through you to Senator O'Leary, if you have read the bill, Senator O'Leary, I assume you have, clearly the attempt here is to remove from the planning commission the necessity of reviewing every extension, every piece of maintenance, every repair that is done on the building and hence, it reduces not causes more meetings and higher cost factor. I do not understand the fiscal note. As I read the bill and as we discussed the bill in committee, that does not seem to be the case.

THE CHAIR:

Does Senator O'Leary - I think that we can go back and forth on this thing. Senator Consoli's contending and contesting the accuracy of the explanatory note that you have and refers you now to the bill and the language of the bill I assume he's talking about lines 46 through 49. Am I correct, Senator Consoli?

SENATOR CONSOLI:

That is correct, Mr. President. Lines 46 through 49 does

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state the provisions of this section shall not apply to maintenance or repair of existing property, public-ways or building. We're trying to save the municipality these problems not create more.

SENATOR O'LEARY:

Mr. President, I can see that the language indicates that some sections of the bill will not apply. What is the indication in that sentence, through you, Mr. President, what indication exists in that sentence that there will be fewer reviews by the planning commission?

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

I'm sorry. I don't understand the question, Mr. President.

THE CHAIR:

Please reframe your question, Senator O'Leary.

SENATOR O'LEARY:

On the face of it, Mr. President, the new language says "the provisions of this section shall not apply to maintenance, repair of existing property, public-ways and buildings," but there's abundant new language in the bill as well in direct contrast to a fiscal note that states clearly and unequivocally as you can that there is an increased burden. I don't see in

lines 47 through 49 any indication that a durden is going to be reduced.

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

The excess verbiage, through you, Mr. President, I'm sorry, Senator O'Leary, through the excess verbiage you refer to and in all probability starting with line 21 and going through to line 25 and then further on picking up again lines 34 and 35, what this language does is simply permit a municipality to make appropriations prior to final approval by the commission and what it does is it offers safeguards, having done so, that the people in the municipality can counteract a misdirected appropriation. That is cleaning up language. It does not cost or cause any more problems.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I'm going to offer a suggestion. The Senator is sure of his position and it's in direct contrast with the note. This has been on the calendar for a while. I think it would be a lot safer and a lot wiser to simply ask the Office of Fiscal Analysis to do a new fiscal note so that

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we can all rest assured that we are, in fact, not imposing an additional mandate on the towns.

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

Through you, Mr. President, I am satisfied in my ability to read and I am satisfied in the ability of the people in this circle to read, and if, indeed, there is a misconception on the part of the fiscal note and it is upsetting certain members of this circle, I would have no objection to getting a requote.

THE CHAIR:

Pass retaining? Do you wish to mark it pass retaining under the circumstances?

SENATOR CONSOLI:

I'll be pass retain.

THE CHAIR:

Without objection, so marked.

THE CLERK:

Page 5, calendar 367, Senate Bill No. 933, File No. 515.
An Act Concerning Construction of Service Buildings ...

THE CHAIR:

362 you missed.

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THE CLERK:

Page 3, Cal. No. 347, Substitute for Senate Bill No. 701,
File No. 470. An Act Concerning Review By Municipal Planning
Commissions of Municipal Improvement Projects. Favorable
Report of the Committee on Planning and Development.

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

Mr. President, I move acceptance of the Committee's
Favorable Report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR CONSOLI:

Mr. President, we spent some time on this bill yesterday,
and I would spare the Circle going through that again. And
perhaps just address the principle cause of concern, which
was the fiscal note attached, which appeared to be in error.
I would ask, if Senator O'Leary still objects to the content
of the bill, based on the fiscal note?

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Thank you Mr. President. The author of the fiscal note,
at least the note I read, it's an addendum, I think it was

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passed around, seems to have waffled in his position somewhat. And he looks like an individual hesitant to back off 100 percent. But I think that he took the fangs out of this fiscal note, and I think it makes Senator Consoli's bill seem much more reasonable.

THE CHAIR:

Senator Consoli.

SENATOR CONSOLI:

Thank you, Mr. President, and thank you Senator O'Leary. With that note of approval, I'll move to put it on the consent calendar.

THE CHAIR:

Without objection, so ordered. You're a very good advocate, apparently you did some good... you exercised some good powers of persuasion.

SENATOR CONSOLI:

Thank you, Sir.

THE CLERK:

Page 3, Cal. No. 352, Substitute for Senate Bill No. 965, File No. 499. An Act Concerning the Membership of the Board of Trustees of the Connecticut Trust For Historic Preservation. Favorable Report of the Committee on Government Administration and Elections. Senate Referred the bill to G.A.E. on 5/1.

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which the legislative appointees begin their two year term of office. Instead of July 1st, they would go to start on January 15th, which would coincide more closely with their appointing authority term of the office, and their legislative term. If there's no further objection, I would move it to consent, as amended.

THE CHAIR:

Without objection, so ordered. We're now going to do a consent... the consent calendar up to this point. And the Clerk will make an announcement for immediate roll call.

THE CLERK:

Immediate roll call has been ordered on the consent calendar in the Senate, will all Senators please return to the Chamber. An immediate roll call on the consent calendar has been ordered in the Senate, will all Senators please return to the Chamber.

THE CHAIR:

Please give your attention to the Clerk, who will read the items that have been referred to the consent calendar, and there after I will ask for any omissions or changes before we vote. Mr. Clerk.

THE CLERK:

SB 801 SB 811, SB 817
Page 1, Cal. No. 152. Page 2, Cal. No. 168, No. 216,
SB 936 SB 209, SB 823, SB 701, SB 965
and 259. Page 3, Cal. Nos. 339, 343, 347, 352. On page 4,

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HB 7529 HB 6120 SB 254 SB 858 SB 145
Cal. Nos. 389, 406, and 415. On page 5, Cal. Nos. 420, 422,
SB 458, SB 522
424, and 433.

THE CHAIR:

Any omissions? Any changes? Senator Giulietti.

SENATOR GIULIETTI:

Yes, I'd like to take Cal. No. 422, Senate Bill 145,
off the consent calendar, and have a roll call.

THE CHAIR:

All right. That may be removed from the consent calendar.

SENATOR GIULIETTI:

I feel that the bill could...

THE CLERK:

Cal. No. 422 has been removed.

THE CHAIR:

We'll take the consent first. All right. Any changes
or omissions? The machine is open, please record your vote.
Senator DiBella, Senator Larson, Senator Daniels. Senator
Daniels is not here?

SENATOR MUSTONE:

And neither is Senator Larson, Avallone, and Daniels.

THE CHAIR:

Thank you. Senator Upson.

SENATOR UPSON:

Mr. President, Senator Markley is away on legislative

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business.

THE CHAIR:

Thank you. The record will so note. Senator Matthews is not here? All right. Has everyone voted? The machine is closed, Clerk please tally the vote.

Result of the vote: 31 yea, 0 nay. The consent calendar is adopted. Now, there was an item that was removed from the consent calendar, which will require separate roll call.

THE CLERK:

Page 5, Cal. No. 422, Senate Bill No. 145, File No. 634. An Act Granting Immunity From Personal Liability To Municipal Officers and Employees. (As amended by Senate "A" and "C".) I'm sorry, just Senate "A".

THE CHAIR:

Senator Giulietti.

SENATOR GIULIETTI:

I just think this bill might be a little bit too broad, and just eliminate a citizen's right to go after an individual, specifically, a municipal employee, if he does make an error. I think individuals are fallible, and even though it is not wanton or reckless, as listed in the bill, I can still see where, in some circumstances, it could create problems. Also in the bill, it is not clear if, in a case of an individual who did perform some damaging decisions, and since he is no

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