

Legislative History for Connecticut Act

SB 964	PA 371 (FAX)	1985
House	7691, 7896	(2)
Senate	1650, 1724-1726	(4)
Planning + Dev.	557-560	(4)
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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1985

VOL. 28
PART 21
7490-7905

kbm

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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 SB 964 House Consent Calendar printed on Page 1 of your SB 701 Calendar of this date. Is there objection? Seeing HB 5331 none, the Consent Calendar is adopted.

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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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1985

VOL. 28
PART 5
1400-1770

Regular Session
Tuesday, April 30, 1985

1650 8
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SENATOR SMITH:

Mr. President, if I might, I'd like to do, as has previously been agreed, the consent calendar. We'll move on that, and then we can move directly to the order of the day, if that's in order.

THE CHAIR:

Very well, you may proceed.

SENATOR SMITH:

Mr. President, I have the consent calendar as agreed to between, in conference with the Minority Leader and the Majority Leader, and I will announce that at this point I move adoption of those items.

THE CHAIR:

Has everyone had an opportunity to review the consent calendar?

SENATOR SMITH:

Should I read them in, Sir?

THE CHAIR:

I think that it's advisable, yes, for the record.

SENATOR SMITH:

O.K. Mr. President, I have Cal. No. 334, Senate Bill No. 7; Cal. No. 345, Senate Bill No. 237; Cal. 346, Senate Bill No. 669; Cal. 349, Senate Bill 441; Cal. 350, Senate Bill 448; Cal. 351, Senate Bill 964; Cal. 353, Senate Bill 149;

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SENATOR SMITH:

I want to delete it right now, I have a question.

THE CHAIR:

Any other deletions?

THE CLERK:

I'll reread it just to double check. Page 8, Cal. 345 ^{SB 237}
SB 669 SB 441, SB 448, SB 964, SB 149
and 346. Page 9, Cal. 349, 350, 351, and 353. Page 10, Cal.
SB 720 SB 443, SB 825, SB 898, SB 902
No. 357. Page 11, Cal. 361, 363, 365, and 366. Page 13,
HB 5904, HB 6001, HB 7433 HB 6299
Cal. 374, 375, and 376. Page 14, Cal. 378. Page 15, Cal.
HB 6794 HB 5738, HB 6592, HB 7442 HB 7375
388. Page 16, Cal. 392, 393, and 394. Page 17, Cal. 398,
HB 5478, HB 7612 HB 7786, HB 7787, HB 6117
399, and 400. Page 18, Cal. 403, 404, and 405.

THE CHAIR:

Any corrections? Senator Kevin Johnston.

SENATOR KEVIN JOHNSTON:

Mr. President, I would ask on page 17, Cal. 398. Can I
ask that that be withdrawn from the consent calendar?

THE CHAIR:

It's withdrawn. Any other deletions? Senator John
Matthews.

SENATOR MATTHEWS:

Mr. President, I may have not heard the Senate Clerk,
but I understood Senator O'Leary wished to have 374, H.B.
5904 removed, and I believe the Senate Clerk read that in.

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THE CHAIR:

You wish that to be removed?

SENATOR O'LEARY:

Mr. President, I meant to say 334, it may have come out 374. I think I asked Cal. No. 334.

THE CHAIR:

334.

SENATOR O'LEARY:

Thank you. I have no objection to the other one.

THE CHAIR:

That's the first item. All right. We're ready to vote on the consent calendar. Clerk please make an announcement.

THE CLERK:

An immediate roll call on the consent calendar, will all
Senators please return to the Chamber. An immediate roll
call on the consent calendar, will all Senators please return
to the Chamber.

THE CHAIR:

The machine is open, please record your vote. Excuse
me, will you strike that out, a correction has to be made.
Wipe out the board please. All right. Will everyone please
record your votes? Senator Schoolcraft. Has everyone voted?
The machine is closed, Clerk please tally the vote.

Result of the vote: 36 yea, 0 nay. The consent calendar

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is adopted. Senator Smith.

SENATOR SMITH:

Yes, Mr. President, could we recess for ten minutes?
It's now 4:25... about until 4:35?

THE CHAIR:

The Senate will stand at recess.

The Senate recessed at 4:25 P.M., and reconvened at
5:00 P.M., the President in the Chair.

THE CHAIR:

Senator Smith, we have an agenda, Agenda No.2. Senator
Smith?

SENATOR SMITH:

Yes, Mr. President, I would move that all items on the
Senate Agenda No. 2, dated April 30, 1985, be acted upon as
indicated, and the Agenda be incorporated by reference into
the Senate Journal and the Senate Transcript.

THE CHAIR:

Without objection, so ordered.

THE FOLLOWING IS SENATE AGENDA NO. 2, DATED APRIL 30, 1985:

SENATE BILLS FAVORABLY REPORTED - to be tabled for the calendar
and printing.

Education

S.B. 814. An Act Concerning Certificates for Employment

JOINT
STANDING
COMMITTEE
HEARINGS

PLANNING &
DEVELOPMENT
PART 2
335-610

1985

MS. BELL: (continued)

In effect, it has to apply to apply. This requirement is simply an administrative nuisance. This bill would eliminate it and would increase consistency among the state's elderly housing programs.

The other change which I would like to mention is the bill's clarification of the fact that the Department of Housing has primary responsibility for the Congregate Housing Program with the Department of Aging playing an advising and supporting role. Frankly, I cannot understand why, when the present statute was written, it seems to give the Department on Aging primary responsibility for the program while giving all the funding to the Department of Housing. In fact, the Department of Housing has always taken primary responsibility for the program, as it must, since responsibility inevitably goes with control of funding. This bill would reduce confusion by making the statute internally consistent and bring it into line with practice. Thank you.

REP. MEYER: Thank you very much. Are there any questions? I had just one. When you said that now if a non-profit, unless they're a community housing development corporation, would have to apply to the commissioner, you meant to the Commissioner of Housing?

MS. BELL: That's correct. No, to the Commissioner of Aging.

REP. MEYER: Of Aging.

MS. BELL: In order to apply to the Commissioner on Housing. In other words, it was an extra step they had to go to. Under this bill they would still apply to the Commissioner of Housing, but would skip a step which would give you less work.

REP. MEYER: Thank you. The next speaker from OPM, Fred Chmura.

MR. FRED CHMURA: Members of the Committee, my name is Frederick Chmura, the Office of Policy and Management. I'd like to speak on Raised Committee Bill 964, An Act Concerning the Time Period for Auditing of Certain Municipal Claims by the State.

I'd like to speak for passage of this bill. This bill, in

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MR. CHMURA: (continued)

essense, would allow the Office of Policy and Management to audit grants and reimbursement claims from municipalities for a period of one year after the town has submitted a claim to OPM.

The grants and reimbursement programs would be affected by this are the state owned property, payment in lieu of taxes, the college and hospital payment in lieu of taxes, the disabled persons assessment exemption reimbursement, the elderly tax freeze program, the elderly circuit breaker tax relief program and the distressed municipalities reimbursement. The bill would not affect the present date of payment by the State of Connecticut to the municipalities. Presently, if using an example of the state owned property pilot grant, the local assessors file a claim with the Office of Policy and Management on January 1 of each year. The state treasurer, after certification by OPM makes payment the following September 1. Thus OPM is required by the present statute to certify and audit all the claims by July 1 of each year giving us six months to do all the auditing.

Raised Committee Bill 964 would still require the local assessor to make claim on January 1 and the state treasurer would still make payment on September 1 to all the municipalities. However, the bill would allow OPM to continue doing audits for the next six months, that is from between July and the next January 1 and if there's any adjustments to these audits to the municipality, whether they be an increase in the grant or a decrease in the grant, they would be made on the next following payment by the state to the municipality.

The reason we're requesting this extension in the audit period, it has become necessary due to the fact that the grants have become quite large, the assessment amounts are very large and due to an increase in inaccurate reporting by the municipalities. For example, in the last year in the college and hospital grant, the pilot grant for as the reimbursement for privately owned colleges and general hospitals located within a municipality, one of the largest in the state increased their claim by seven times over the prior year. After an audit consisting of three staff persons from OPM for about two months in that municipality, on a full-time basis, we were able to reduce the claim to

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MR. CHMURA: (continued)

one-half the original amount which we felt was a more accurate claim for that municipality. In that claim were assessments for buildings that did not exist, highly inflated assessments for buildings that did exist. We were in essence doing some of the work that the local officials should have done before the claim was originally submitted.

Due to the large and inordinate amount of time taken in this one municipality, we were able to only do a cursory review of all the other claims. So if this bill would pass, this would allow us that one year of time. It would not affect the cash flow to the municipality and would enable us to better utilize existing staff in a more efficient manner, utilizing them on a year round basis. So I would like the committee to look favorably upon this bill.

REP. MEYER: Thank you very much. Are there any questions? I believe our staff had brought to my attention a technical question on the way in which it was dated. Jan, would you be able to tell us where in the bill you had --?

MS. JAN LATHAM: Well, I think it's a problem that may affect every section, but if we look at the first section --. Do you want to do this now, Rep. Meyer?

REP. MEYER: Yes.

MS. LATHAM: If we look at the first section, we can use it as an example, the town makes it claims not later than January 1, that makes it sound as though, the town, for example, could submit its claim on December 5, but then OPM has to have it validated by on/or before January 1, next following, which in that case would only be three weeks later. I know you're looking for a year. I'm not sure that as this is drafted now, it gives you a whole year. So this might need a little repair.

REP. MEYER: I would ask that you look at this, talk to your Department about it and see if it is really stating what you wish to accomplish and if it is not, if you would get in touch with our representative from the Legislative Commissioner's Office, Ed Maily. This might expedite things rather than trying to get it to the Floor when it might be flawed somewhat.

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MR. CHMURA: That would be no problem. We can do that.

REP. MEYER: Thank you very much. Stu Mahler from OPM.

MR. STU MAHLER: Good morning, Rep. Meyer and Sen. Consoli. I'd like to introduce you to Tony Sullivan who's a planner, too, on my staff.

I'm here today to testify on Committee Bill 7481, An Act Concerning Municipal Powers to Regulate Planned Unit Developments. This legislation will allow municipal Planning & Zoning Commissions to develop planned unit development provisions in their zoning regulations. Under a law passed last year, Public Act 84395, towns that have planned unit developments or planned residential development provisions in their zoning regulations now have to be guided by a whole new set of requirements that involve the legislative body of the municipality. And this may be especially burdensome for smaller communities that do not have a special act type charters that allow for a legislative body to be involved in zoning provisions.

Finally the proposed bill will repeal Chapter 124a of the General Statutes which was adopted in 1969 as a Public Act 764 which was never, to my knowledge, used by any municipality. There are many issues we can discuss today including the reasons for the legislation that was adopted in the waning moments of 1984. You will probably hear testimony that will go into some of these issues. What is clear is that there is a need for enabling legislation that gives municipal Planning & Zoning Commissions the expressed power to have planned unit developments or planned residential developments under Section 8-2 of the Connecticut General Statutes.

Most communities today who have these provisions call them planned residential developments. And as you probably know, these communities thought that they could adopt planned residential development provisions under 8-2. The legislature would also have to give Planning & Zoning Commissions the authorization to prepare a regulation allowing various types of land uses which can be developed as a single entity while at the same time providing open space for recreation and visual amenities. There is wide support for this kind of legislation and may I add that we have spoken to the American Planning Association and a number of