# Legislative History for Connecticut Act

2003

**Act Number:** 256

**Bill Number:** 5589

**Senate Pages:** 4175-4180, 4182-4186 — 11

**House Pages:** 3974-3997, 4058-4066, 7033-7039 — 40

**Committee:** No Hearings — 0

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

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CONNECTICUT
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PROCEEDINGS
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4131-4421

Calendar.

THE CLERK:

Calendar Page 5, Calendar 518, File 379 and 767, Substitute for H.B. 5589 An Act Concerning The Authority Of Special Districts And Termination Of Local Boards By Ordinance, as amended by House Amendment Schedules "A" and "B". Favorable Report of the Committee on Planning and Development.

THE CHAIR:

Senator Fonfara.

SEN. FONFARA:

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

THE CHAIR:

The question before the Chamber is acceptance and passage. Will you remark further?

SEN. FONFARA:

Yes, Mr. President. Mr. President, the underlying bill allows for changes in how certain districts established by special act operate, including increasing the number of commissioners and allowing for voting by voting machines and additional changes.

Mr. President, the Clerk has an amendment, LCO7460. May he please call and I be permitted to summarize.

THE CHAIR:

Mr. Clerk, would you please call LCO7460.

THE CLERK:

LCO7460 which shall be designated Senate Amendment Schedule "A". It is offered by Senator Fonfara of the 1st District et al.

THE CHAIR:

Senator Fonfara.

SEN. FONFARA:

Yes, I move for adoption, Mr. President.

THE CHAIR:

The question is adoption of the amendment. Will you remark further?

SEN. FONFARA:

Yes, Mr. President. Mr. President, this amendment narrowly drawn would allow, would enable two, actually three communities to make changes within their charter that, to address certain areas of their charter, including parking authorities and health districts and fire districts and would limit those changes to those particular communities only.

I move for, I urge passage of the amendment, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further on

Senate "A"? Will you remark further? If not, the Chair will try your minds.

All in favor of Senate "A" please say "aye".

ASSEMBLY:

Aye.

THE CHAIR:

All opposed say "nay". The ayes have it. Senate "A" is adopted.

Will you remark further on the bill as amended? Senator Fonfara.

SEN. FONFARA:

Mr. President, at this time I would yield to Senator Roraback for the purposes of an amendment.

THE CHAIR:

Senator Roraback, will you accept the yield?

SEN. RORABACK:

Thank you, Mr. President. I do and thank Senator Fonfara.

Mr. President, the Clerk has an amendment which is LCO7437. Would the Clerk please call the amendment and might I be allowed to summarize.

THE CHAIR:

Would the Clerk please call LCO7437.

THE CLERK:

LCO7437 which will be designated Senate Amendment

Schedule "B". It is offered by Senator Roraback of the 30th District.

THE CHAIR:

The gentleman has requested leave to summarize. Without objection, please proceed, Senator Roraback.

SEN. RORABACK:

Thank you, Mr. President. I move adoption.

THE CHAIR:

The question before the Chamber is adoption of Senate "B". Will you remark further?

SEN. RORABACK:

Thank you, Mr. President. This amendment is a validating amendment which validates the action of the assessor and board of assessment appeals for the two little towns of Warren and Hartland for the year 2002 and I urge my colleagues to join me in adopting the amendment.

THE CHAIR:

Thank you, Senator. Will you remark further on Senate "B"? Will you remark further? If not, the Chair will try your minds on Senate "B".

All in favor please say "aye".

ASSEMBLY:

Aye.

THE CHAIR:

All opposed say "nay". Ayes have it. Senate "B" is adopted.

Senator Guglielmo.

SEN. GUGLIELMO:

Thank you, Mr. President. I would ask the Clerk to call LCO7222.

THE CHAIR:

Sorry, Sir, repeat the LCO number?

SEN. GUGLIELMO:

Yes, 7222, Mr. President. Oh, I'm sorry, I'm sorry, I'm calling the wrong one. Where am I here? Yep, that's right, 7222.

THE CLERK:

LCO7222 which will be designated Senate Amendment Schedule "C". It is offered by Senator Guglielmo of the 35th District.

SEN. GUGLIELMO:

Mr. President, I move adoption and seek leave to summarize.

THE CHAIR:

The issue before the Chamber is adoption of Senate "C". The gentleman has requested leave to summarize. Is there objection? Seeing none, please proceed, Senator Guglielmo.

SEN. GUGLIELMO:

Thank you, Mr. President. This is a lake association in the Town of Ashford, Connecticut, a small town in eastern Connecticut. It's a separate taxing district and they are requesting the ability to raise the tax from a range where it is now to a range of $25 to $125.

I would also like to thank Senator Fonfara for helping us with this amendment.

I would urge my colleagues to adopt the amendment.

THE CHAIR:

Thank you, Senator. Senator Looney.

SEN. LOONEY:

Thank you, Mr. President. If this bill might be briefly PTd.

THE CHAIR:

The motion is to pass temporarily. Without objection, so ordered.

Senator Sullivan.

SEN. SULLIVAN:

Mr. President, I wonder if I could raise an objection to the placing of Calendar 503 as amended, on HB6546 the Consent Calendar and ask that we take a roll call vote on it at this time.

THE CHAIR:

The gentlemen is requesting the removal of Calendar

SEN. LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SEN. LOONEY:

Yes, thank you. Mr. President, before returning to Calendar Page 5, Calendar 518, would move to immediately transmit the item just voted upon.

THE CHAIR:

The motion is suspension of the rules for immediate transmittal. Is there objection? Seeing none, so ordered.

Mr. Clerk.

THE CLERK:

Turning to Calendar Page 5, Calendar 518, Files 379 and 767, Substitute for H.B. 5589 An Act Concerning The Authority Of Special Districts And Termination Of Local Boards By Ordinance, 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.

When the matter was last before us, LCO7222 was called and designated Senate Amendment Schedule "C"./

THE CHAIR:

Senator Fonfara.

SEN. FONFARA:

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

THE CHAIR:

The question is acceptance and passage. Would you remark further?

SEN. FONFARA:

Yes, Mr. President, I would yield to Senator Guglielmo at this time for the purposes of an amendment.

THE CHAIR:

Senator Guglielmo, do you accept the yield?

SEN. GUGLIELMO:

Yes, Mr. President, thank you.

THE CHAIR:

Please proceed, Sir.

SEN. GUGLIELMO:

I would like to re-offer if I could, LCO7222.

THE CLERK:

LCO7222 which will be designated, which has already been designated Senate Amendment Schedule "C". It is offered by Senator Guglielmo of the 35th District.

THE CHAIR:

Senator Guglielmo, the floor is yours.

SEN. GUGLIELMO:

Okay. I have already moved adoption, I believe, Mr. President, and if there are no questions, I would urge the Chamber to adopt this amendment. I explained it previously.

THE CHAIR:

Thank you, Sir. Will you remark further on Senate "C"? Will you remark further? If not, all in favor of Senate "C" please indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

All opposed say "nay". Ayes have it. Senate "C" is adopted.

Will you remark further on the bill as amended? Will you remark further? Senator Kissel.

SEN. KISSEL:

Thank you very much, Mr. President. I only rise to extend my deepest thanks and gratitude to Senator Fonfara. The underlying bill has gone through several permutations and there is a specific provision that's very important to the folks I represent in the Town of Enfield and Representative Tallarita and myself have been trying to accommodate some concerns that have been raised all along the way and we just couldn't have bridged that gap without the cooperation of Senator

Fonfara and I just wanted to make it very clear that he has my great thanks and gratitude and gain, I'm happy to be supportive of this legislation as well.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further on the bill as amended? Will you remark further on the bill as amended? Senator Fonfara.

SEN. FONFARA:

Thank you, Mr. President. Unless there's objection, I would move that this bill be placed on the Consent Calendar.

THE CHAIR:

Is there objection to placing this on the Consent Calendar? The Chair recognizes Senator Genuario is expressing an objection.

Will you remark further on the bill as amended? If not, I'd ask the Clerk to announce that a roll call vote is in progress.

THE CLERK:

The Senate is now voting by roll call. Will all Senators please return to the Chamber.

The Senate is now voting by roll call. Will all Senators please return to the Chamber.

THE CHAIR:

The machine is opened.

Have all members voted? If all members have voted and your vote is properly recorded, the machine will be locked. The Clerk please take a tally.

THE CLERK:

Motion is on passage of Substitute H.B. 5589 as amended.

Total number voting, 35. Necessary for passage, 18. Those voting yea, 33; those voting nay, 23. Those absent and not voting, 1.

THE CHAIR:

The bill as amended is passed.

SEN. LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SEN. LOONEY:

Thank you, Mr. President. I would move for immediate transmittal of this item just acted upon to the House of Representatives.

THE CHAIR:

The motion is for suspension for immediate transmittal. Is there objection? Is there objection? Seeing none, so ordered.

Mr. Clerk.

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| | |
|---|---|
| Necessary for Passage | 74 |
| Those voting Yea | 147 |
| Those voting Nay | 0 |
| Those absent and not Voting | 3 |

SPEAKER LYONS:

The bill, as amended passes.

Will the Clerk please call Calendar 235.

CLERK:

On page 3, Calendar 235, Substitute for H.B. 5589, AN ACT CONCERNING THE AUTHORITY OF SPECIAL DISTRICTS AND TERMINATION OF LOCAL BOARDS BY ORDINANCE. Favorable Report of the Committee on Planning and Development.

SPEAKER LYONS:

Representative Joan Lewis, you have the floor, Madam.

REP. LEWIS: (8TH)

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

SPEAKER LYONS:

The question before the Chamber is on acceptance and passage. Will you remark?

REP. LEWIS: (8TH)

This bill allows certain municipalities to terminate boards created by special act and allows

special taxing districts to take certain actions by majority vote at their annual or special meeting.

Madam Speaker, the Clerk has an amendment. It's LCO number 5949. Would you please ask the Clerk to call and I be allowed to summarize.

SPEAKER LYONS:

The Clerk is in possession of LCO 5949, which will be designated House "A". Will the Clerk please call, the lady has asked leave to summarize.

CLERK:

LCO number 5949, House "A" offered by Representative Wallace.

SPEAKER LYONS:

Representative Lewis, you have the floor, Madam.

REP. LEWIS: (8TH)

This amendment simply clarifies that financial boards are accepted.

I move the adoption of the amendment.

SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark? Will you remark on the amendment before us? If not, let me try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER LYONS:

Those opposed, nay. The ayes have it, the amendment's adopted.

Will you remark further on the bill, as amended? Will you remark further on the bill, as amended?

If not, staff and guests to the Well. Members, take your seats. That was just within the nick of time, Representative Beamon.

REP. BEAMON: (72ND)

Thank you, Madam Speaker. For some reason, my button here is --

SPEAKER LYONS:

That happens to us all the time.

REP. BEAMON: (72ND)

I would like to ask a few questions, through you to the proponent, please.

SPEAKER LYONS:

Please frame your question.

REP. BEAMON: (72ND)

Thank you, Madam Speaker. Representative Lewis, according to our bill analysis, this bill will allow legislative bodies of certain municipalities operating under a home rule charter or special act to terminate a board. The amendment that we adopted basically was dealing with financial oversight board, I would guess,

in a city of over 100,000 individuals.

Through you, Madam Speaker, would the Representative let me know if there are any home rule charter provisions that this bill would apply to?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lewis.

REP. LEWIS: (8TH)

Through you, Madam Speaker. Would he please clarify the question?

SPEAKER LYONS:

Representative Beamon, if you could perhaps reframe your question.

REP. BEAMON: (72ND)

I apologize, Madam Speaker. According to this, there seems to be two distinct areas. One would be the special acts which House "A" clarified to make sure that this underlying file would not apply to that. However, what circumstances would a home rule charter play in this legislation if we pass it?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lewis.

REP. LEWIS: (8TH)

Through the Speaker. That is existing language.

SPEAKER LYONS:

Representative Beamon.

REP. BEAMON: (72ND)

I thank the gentle lady for her answer and that's, there again, a problem that I have with this, a big problem, but I wonder, if this, in any way, would limit the ability of citizens, through their charter revisions, to take up a board that they don't want anymore or an entity for which they would not anymore. So in some way, I see this as minimizing the ability of charter revision commissions within those municipalities in order to fast track the will of a board of aldermen to take another action.

For example, there could be some other instances which this would apply not only for the board that intended to replace within that city, but there maybe some other areas within a charter that a board of aldermen would want to eliminate or chief executive officer would want to eliminate and the citizens of that community would not have an opportunity to have a public hearing or to deal with it in some way. That is the concern.

Through you, Madam Speaker to Representative Lewis. Are there any other special acts for which this bill would apply?

Through you, Madam Speaker, for that municipality.

SPEAKER LYONS:

Representative Lewis.

REP. LEWIS: (8TH)

Through you, Madam Speaker. This would be applicable to any special act.

SPEAKER LYONS:

Representative Beamon, you have the chair.

REP. BEAMON: (72ND)

Again, I thank Representative Lewis for her answer and I really don't want to put her on the spot because I just think that -- I know why this bill is needed. I know the intent of this bill, but I do think that in some way we're treading on some dangerous waters and that is we allow chief executive officers and boards of alderman and/or city councils, whatever you want to call them, to, in some way, circumvent the process of civil service.

According to what I've read, current law already allows a city to do the exact same thing as what this bill is saying we need to have done. But the way they perform that is by doing what our charters say. They have a charter revision commission. That charter revision commission gets a charge from the chief executive officer or others on the board of aldermen or

the ruling party of the city and they have public hearings. The public is allowed to come in and discuss these issues and then a charter revision commission will vote it up or they'll vote it down and then it goes, if it's voted up, obviously, to all the voters within the city to decide.

This, in some way, fast tracks this process. I'm not sure if citizens should be upset about this in any way, I'm not sure. I'm not sure what can come back because the answer I have and it's not Representative Lewis' fault or anyone else's fault, but it's unclear because in here it says "or". "Or" to me means, either or. So if you have something in your charter, or a special act, that's what it says, charter or special act.

The amendment that was adopted only dealt with special acts, but what about the charter? Do we diminish our charters by allowing a circumvention of the rules in order to allow a chief executive officer and a board, come and make a decision without citizen participation?

That is a little troubling to me because we represent citizens, citizens' participation is what we have to have. And when you don't have your charter commissions working, citizens are left out. Again, I know why this bill is here. And I understand the actions

for what we'll do and what that will mean specifically for special acts. It is unclear to me what this may mean again for home rule in our charters. It's not spelled out.

So today it maybe one department in this municipality. Tomorrow, it might be something else that our citizens will not have an opportunity to deal with that will be taken away from a charter revision commission or the charge of a charter revision commission.

Let me also say, the reference in "A" that we adopted so there will be notwithstanding any financial review board. Well, there maybe some other special acts that apply to these municipalities that a board of aldermen, a city council can walk right in with direction of a mayor without any oversight by the citizens through the regular charter revision process and they just wipe it out. So one day, it maybe one controlling party, maybe the folks to my right will control the party and they control a city and they won't like something that another administration did, so they will just walk in and say let's get rid of this. Not only by special act, but also in terms of charters. That is troubling to me, quite troubling because the citizens are taken out of this process.

That's why we have references in our charters for charter revision just like we have all of our statutes here. Our statutes here are based upon the work that we do collectively as a Legislature. And they're cumulative. So if there's a rule or a law that we don't like or should be upgraded, what do we do? We have committee meetings, we have public hearings, and we report a bill out, we debate it here. Everyone has an opportunity to address either the committee, the committee chair, our caucuses and then we have a bill we vote up or we vote down. It's just not the Governor saying I want this gone and all you legislators just do it.

There are some controls. And that's the danger of what we're doing today. This sets, again, a very dangerous precedent and tells, in that municipality and other municipalities that we have the right to circumvent our charter because of a special act.

Now, many municipalities come to this Chamber and ask for special acts. And usually it's for each one of us individually. We get together with our caucuses and our people and say well, the City of Bridgeport might need something or the City of Waterbury or the Town of Wolcott or wherever, they may need a special act. So we do a special act. And for those areas of population

which is more than 100,000 which would be only five cities, what we're saying here is that we'll pass a special act for you and if you don't like it, you don't have to go to your charter revision, you don't have to go anywhere. All you have to do is come to the Legislature, slap an amendment on some bill and guess what, we can eliminate everything. Fast tracking that denies citizen participation should not be what we're doing. It should not be that way.

We have charter revision just like we have statute revision and program revision and other safeguards. So our citizenry will be informed, be ready, and will have an opportunity to comment.

Now, the other way, we can argue that those representatives on that board of aldermen, in this municipality, they represent the people. Well, maybe they do, but if we remember back a few sessions, even in that municipality, in order to have representative government, we had to have a referendum in our town for aldermen by district because if we had aldermen by district, the in someway the citizens would be represented and better represented, which would also assist them in bringing charter review.

I understand, again the purpose of this is to streamline government, to merge departments and have

better government efficiencies. Even though that's our goal, which it should be, we should also look to include the citizenry in making these decisions because I would hate to think that anybody could come together, two or three people and say this is important and that's not important, there's no review, we snatch it away, nine or fifteen people vote on it and it's over.

It's over. That's not right when we're trying to involve our citizenry in government, not right at all.

I still don't know the difference between what this act will do for our charter. I understand now there's a special act that was passed on behalf of a municipality, but I really don't understand what it will do to those provisions in our charter which call for charter revision. Don't understand it.

And I wonder, I wonder if we really do understand it because doing the work on this, there's a conflict of law. Some individuals of the legal profession, which I'm not, feel that what we have already is adequate. If you want to eliminate department, if you want to get rid of a board, all you would have to do is do it. And go to the citizens through the charter revision commission, they vote it up or vote it down, put in on the ballot, vote it up, vote it down, then it's the law.

It's the law. If there's a provision in our charter

that we don't like, we would like to amend, we would like to upgrade, that's why we have charter revision. But this is saying here is that those people on the board of aldermen or the city council can just come together and just eliminate something. We just do it because we want to do it. I don't think that's the best way, the most efficient way, nor the way of involving the public in what we do.

Let me also note that since no one can tell me and again, it's not the Representative's fault whose bringing the bill out because this is one of those legal anomalies, they call them, I guess, where no one really has the answer as to whether it has to go by our bill today or what we have already is already existing which is fine.

I wonder. Excuse me, Madam Speaker. I thank the esteemed Majority Leader for his words of wisdom. But I'm not buying them -- no, I'm only kidding.

Seriously though, no really, I do have a little problem with this one because it could be a little sticky, it could be a little, little sticky here that in some way we can, again, circumvent that process. People fought like crazy to go on charter revision commissions. Do you know how hard it is to get anybody involved? You know from your own campaigns and back home that it's

hard to get people involved on planning commissions and zoning commissions and fire commissions and every instrument of government. It's very hard to get people involved with that. Now you're saying well, we don't need your involvement, through no fault of the citizens, none at all, in terms of citizens' participation.

No fault of theirs. We just can say we don't like it, we want to do a few things, let's get it out of the hands of the public, give it to the elected officials and they know what's best. Forget about charter revision. So we can do this for special acts and according to this, we probably can do it for every other aspect of our charter. Why do we have a charter? Don't understand it.

How do we amend what we have? Do we do it just by a board of aldermen and a chief executive officer? They just come together in a back room and they come out and whoever has the most votes, they win and charter revision is just put aside? Can this bill here, if we adopt it, eliminate the aspects of charter revision commissions that we need? No one can answer that question. And it's a legitimate question as we try to involve individuals in this process we call governing. It's a legitimate question.

How do we involve those citizens to make their

government better? How do we do that? Well, I guess, according to this, what we all should do in those municipalities is just get up and run for the board of aldermen or run for mayor because whose ever elected as mayor and board of aldermen, they know best, they know best.

And in that same vein, we should not even try, don't even try to amend the charter. The laws we have are the best laws. Our city code is alright. We don't need anyone looking over it and that's not right, not at all.

This is a good bill because it helps an agenda of streamlining and consolidating government. It's a good bill. But as we try so hard to fast track this bill, we have to step back and have some reservations because it says "or" - O-R, "or". Charter, home rule, "or" special act. Or special act.

So whenever there's a special act for these municipalities, guess what happens, they can turn around and say goodbye charter revision, we don't need it, shouldn't have it, we can do this ourselves.

We're taking people out of the process and that's not right.

For the purposes of legislative intent, I do have one more question for the proponent of the bill.

Through you, Madam Speaker.

SPEAKER LYONS:

You would like to ask another question?

REP. BEAMON: (72ND)

Yes, through you, Madam Speaker to the proponent of the bill.

SPEAKER LYONS:

If we could wrap it up.

REP. BEAMON: (72ND)

Thank you, Madam Speaker. I will do my best to be brief.

SPEAKER LYONS:

We would all appreciate that.

REP. BEAMON: (72ND)

It is the dinner hour and I notice that people are partaking. I want them to make sure they digest their food, Madam Speaker.

Thank you, Madam Speaker. Through you to the proponent, Representative Lewis. Are there any other special acts like special act for water districts or taxing districts or many of the other special acts that we do here for municipalities that would be under this, that this would apply to?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lewis.

REP. LEWIS: (8TH)

Through you, Madam Speaker. I believe the bill is narrowly crafted to address this specific matter.

SPEAKER LYONS:

Representative Beamon.

REP. BEAMON: (72ND)

Thank you so much. Through you, Madam Speaker, I really thank the gentle lady for her kindness and her honesty that this bill has been crafted quite narrowly, quite narrowly only to accommodate a certain specific request. That's what we do here, but we have to look at the global implications of this request. Globally, the implication of this request, again, "or". So the crafting of this should have only been for a special act and it should not have included the home rule, not at all because that creates a whole new question. And that new question, as I mentioned earlier, is, which one applies? Is it only for special acts or do we join them together? Special acts and existing charters of municipalities, especially the 100,000 resident provision in here, as well.

It's quite fascinating as we do these things. It's quite fascinating to me how we hone in on one or two specific areas for so many different municipalities and

individuals because they need it, but it's unclear in the law of whether what they have already, based on how this bill was crafted, is already okay.

But in order to -- well, I shouldn't say this, step on an ant, but anyway. But in order to step on an ant, we're using a stealth bomber here because it seems to me that this is something that may creep up on another municipality that interprets this, maybe my interpretation is wrong, but interprets this as we can take our charter revision and turn that aside.

I would not want to hold up the Chamber, but for the purposes of legislative intent, I would hope that we understand what we're doing here. Yes, it maybe narrowly crafted. Yes, it maybe for one specific municipality. But I do think there are some other applications and implications by what's going on here in this piece.

If municipalities may already do this by amending their charters, why is it here? The implications of repeal of a special act that would supercede the other act, is making everyone kind of woozy because I don't think we understand where we're doing with this, I really don't.

It's a little troubling. I might even vote for it because it's for my town. I might even vote for it, but I wanted to put that on the record, that we're quick to

judge and we're quick to help and sometimes we really don't know the long term implications of what we're proposing to do.

I probably would have no problems at all if it was only for a special act. Just special act, okay. Because I know legislators come here, like I do, and ask for special consideration for our communities. We ask for that and usually, if the Legislature and its collective wisdom agrees, we vote for it. And that's great. But when the other aspect of a home rule, that bothers me.

So I probably will vote for this, but again, for the purposes of legislative intent, I wanted to put this on the record that there are some reservations.

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you. Now, are we done? I guess we're not. Representative Miner.

REP. MINER: (66TH)

Thank you, Madam Speaker and I will be brief. We did have a conversation about home rule during the discussion of this bill, as we did about a couple of other bills that had to do with municipalities that were covered by charters and I, too, am troubled by this process where people within their own municipality, where they could handle this situation, are not allowed

to by virtue of the fact that one of us, in an effort to do what they think the municipality wants, are up here in Hartford trying to get a bill passed.

I too have reservations about why we don't leave this right in the city that is not named or in the town that is not named and it's done in a way to get around, as I understand it, the constitutionality of what we're doing. If we were to name them specifically and they had the ability to do it, which they have, this bill would not be before us if their name was in it.

So I would, I guess, kind of follow the lead at this time of those who represent the city that is not named and in the future would hope that we don't do this.

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir.

Representative Ward.

REP. WARD: (86TH)

Thank you, Madam Speaker. A lot of this debate is focused on Section 2 of the bill and it's given me the opportunity to read and re-read and re-read Section 1 and I'm a bit puzzled by the language.

It seems clear to me that it's to allow special districts, probably taxing districts, to provide, in a

manner that they can't now provide for certain things. One is an increase in the number of commissioners from three to five. I understand that pretty well.

The second section says to provide a thirty day notice period to electors by persons intending to run for commissioner. And for any issue to be placed on the ballot at the annual meeting.

It sounds to me like you can require that somebody that wanted to run for commissioner of a taxing district, that they have to mail a letter to every elector in the district. That seems odd in our election process. And they have to do it thirty days before the election. I can think of no other system where you're required to notify the electors of the district that you want to seek the office. There are procedures to be nominated and there are procedures to be on the ballot, but I've never seen what might be in their interest to mail everybody in the district, that you'd like your vote, but a thirty day notice requirement, how does any candidate, in fact, demonstrate proof that they mailed all the electors in the district a thirty day notice requirement and especially if we fold into it, we may now have some same day registration voting. I don't know if that fits in here, but if they weren't registered, I guess you didn't have to tell them.

Perhaps to clarify this, Madam Speaker, through you, if I may, ponder a question or two to the proponent of the bill.

SPEAKER LYONS:

Please frame your question, sir.

REP. WARD: (86TH)

Through you, Madam Speaker. If the proponent could indicate to me what is intended by subsection 2 of Section 1 of the bill.

SPEAKER LYONS:

Representative Lewis.

REP. LEWIS: (8TH)

Through you --

SPEAKER LYONS:

If you would -- I don't think the mic was that clear. If you wouldn't mind just starting from the beginning, thank you.

REP. LEWIS: (8TH)

Through you, Madam Speaker. I believe it is the intention of the bill that notice would be published by the Town Clerk.

SPEAKER LYONS:

Representative Ward.

REP. WARD: (86TH)

Thank you, Madam Speaker. Through you, can you tell

me where it says anything remotely close to the Town Clerk publishing some notice thirty days before the election?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lewis.

REP. LEWIS: (8TH)

Through you, Madam Speaker. It is the intent of the legislation.

SPEAKER LYONS:

Representative Ward.

REP. WARD: (86TH)

Thank you, Madam Speaker. I think it's actually usually a pretty good practice when we draft bills and vote on them before we put them into law, that we actually write language to reflect our intent. This bill says we would authorize them, we will not authorize them for the Town Clerk to send a notice. It says, in plain English, a thirty day notice period to electors by persons intending to run. That means the person intending to run has to give the notice.

I know what the intent is. This doesn't say what the intent is. If the intent is that everybody know at least thirty days before the taxing district has a vote on something, who the potential candidates are, it

sounds like a good idea to me. This doesn't say that.

It then goes on to say that you can vote on it by machine in the third subsection, but you can have the vote end at 6:00 o'clock, p.m. at night. Now, I'm not aware of any of other election processes where we close the voting at 6:00 o'clock, p.m., at night. I understand people may want to go home a little earlier that are manning the voting machines, if you elect to do it by the machine. I don't think it's a very good idea that the voting end by 6:00 o'clock, p.m.

We have had primaries where we start at noon for the sense that there was very little early morning turnout. I'm not even sure I think that's a good idea if you're trying to encourage broad turnout. I think it's a bad idea, whatever it is, that people have to get home by 6:00 o'clock at night to be able to cast a ballot and that's what we'd be authorizing here. That sort of takes some working folks that may have to be in real early and can't get there and can't get out by 8:00 o'clock. I don't know, maybe an absentee ballot works in a taxing district, maybe it doesn't, I'm not quite sure how that works.

I don't think that's a particularly good idea, but I would urge members, frankly urge the Majority to consider PT'ing the bill to redraft, at least Section 1,

to say what's intended because it's going to, I think, go upstairs to the Senate and they're going to rewrite it, if they're passing close attention. Again, I didn't catch it the first time I read it. It was the lengthy debate on Section 2 that had me read it and re-read it. I won't make the motion, but I would hope the proponent might think an amendment ought to be drafted to this.

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir.

Will you remark further on the legislation that is before us?

The House will just stand at ease for a moment.

(Chamber at ease)

SPEAKER LYONS:

Representative Jim Amann.

REP. AMANN: (118TH)

Thank you, Madam Speaker. I move that this bill be PT'd.

SPEAKER LYONS:

Hearing no objection, that motion carries.

DEPUTY SPEAKER HYSLOP:

The Chamber will come back to order.

Would the Clerk please call Calendar 202.

CLERK:

(Chamber at ease.)

SPEAKER LYONS:

Would the House please come to order. Would the Clerk please call Calendar 235.

CLERK:

On page 3, Calendar 235, Substitute for H.B. 5589, AN ACT CONCERNING THE AUTHORITY OF SPECIAL DISTRICTS AND TERMINATION OF LOCAL BOARDS OF ORDINANCE. Favorable Report of the Committee on Planning and Development.

SPEAKER LYONS:

Just for the information of the Chamber, we had already debated this bill. Senate "A" or House "A" has been adopted. We PT'd the bill, pending an amendment. That amendment is now before us and with that, I would call on Representative Lewis for an acknowledgement of acceptance and passage.

REP. LEWIS: (8TH)

Thank you, Madam Speaker. I move the acceptance of the Committee's Favorable Report and passage of the bill, as amended by House "A".

Further, the Clerk has an amendment --

SPEAKER LYONS:

Wait, wait. The question before the Chamber is on acceptance and passage. Will you remark?

REP. LEWIS: (8TH)

Yes, Madam Speaker. The Clerk has an amendment. It is LCO 6500. Would you please ask the Clerk to call and I be allowed to summarize?

SPEAKER LYONS:

The Clerk has in his possession LCO 6500, designated House "B". Would the Clerk please call, the lady has asked leave to summarize.

CLERK:

LCO number 6500, House "B" offered by Representatives Wallace and Tallarita.

SPEAKER LYONS:

Representative Lewis.

REP. LEWIS: (8TH)

The amendment specifies that candidates shall notify the Town Clerk thirty days before the annual meeting. The Town Clerk will publish notice fifteen days prior to meeting in the newspaper and the polls will remain open during the day of the annual meeting from 6:00 o'clock, a.m. to 8:00 o'clock, p.m.

Through you, Madam Speaker.

SPEAKER LYONS:

And what is your pleasure, Madam? Would you like to move adoption?

REP. LEWIS: (8TH)

I move adoption of the amendment.

SPEAKER LYONS:

Thank you. The question before the Chamber is on adoption. Will you remark? Will you remark on the amendment that is before us?

Representative Ward.

REP. WARD: (86TH)

Thank you, Madam Speaker. Madam Speaker, I believe that this amendment does make clear and, in fact, put in exact language what was intended by the sponsor when we first took the bill up and I think there was some ambiguity in the earlier language that this clears up.

So I do support the amendment. At least it puts the language, I think, with what the proponent wanted.

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir.

Will you remark on the amendment that is before us? If not, let me try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER LYONS:

Those opposed, nay. The ayes have it. The amendment's adopted.

Will you remark further on the bill, as amended?

Representative Beamon.

REP. BEAMON: (72ND)

Thank you, Madam Speaker. I wholeheartedly concur with Representative Ward's observation that this amendment does clarify that section of the bill.

Again, for the purposes of legislative intent, as I noted before, this is treading on a field that we have not been done before here, especially since we adopted House "A". House "A" noted that these provisions will not apply, will not apply to the special board that was created by Special Act 01-01. Special Act 01-01, for the purposes of legislative intent, is the Waterbury Oversight Board.

The City of Waterbury was in dire financial straits and this legislature allowed Special Act 01-01 in order to straighten out the mess in Waterbury.

However, with the adoption of House "A", what this basically says is that the Board of Aldermen or no other entity within our city will ever have an opportunity to repeal the provisions of setting up a financial oversight board within the city.

Any other special act, with the exception of the Financial Review Board in the City of Waterbury, it's alright, but because of the nature of the takeover bill and now overlapping that, these special provisions here

to extract other special acts away, is quite dangerous.

If the citizens of the City of Waterbury, after we find time, that our finances are in order, that we have a stable tax rate, that collections are coming in, that our spending and revenue equal, may have the opportunity to eliminate this financial oversight board, but according to this, the members of the Board of Aldermen, along with the Chief Executive Officer in our city, could not come forward and vote to eliminate the Financial Oversight Board.

There are some other special acts that are of particular interest to our city and any of those can be eliminated, it seems here, at any time by only the Board of Aldermen and the Mayor together.

Now, this isn't for this Mayor, who we love or maybe for his successor mayor down the road. But as I mentioned as this bill was before us before earlier in the day, that this may, in some way, diminish the ability of the Charter Revision Commission to come back and have a charge and you wonder sometimes why we do what we do.

It's a fast tracking mechanism. I mentioned it earlier that it would not -- I probably would vote for this, but for the purposes of legislative intent, it's important that we know that we're taking rights away.

We're taking rights away from our city or any other city that would come under this to implement aspects of our charter, in particular, regarding charter revision. That's what we're doing here. Let's make no mistake about it, we're saying that only under the special acts, we can extract the provisions of charter revision and according to the file, that can be done anyway. Don't know why, but it's here.

So, for the purposes of legislative intent, Special Act 01-01, which is excluded by the adoption of House "A" says that in our city, the City of Waterbury, that the Board of Aldermen cannot, at any time, repeal the aspects of the Financial Oversight Board.

As I mentioned, there are provisions in there in order for the Financial Oversight Board to got of business, which we pray they do one day, that everything is equal in our city, but right now it isn't.

This right here says okay, do your work, conduct your due diligence, do whatever you have to do, merge boards, eliminate positions, all kinds of intrusions, as some citizens may say, in terms of the ability to govern.

It's really unfortunate that we don't see the larger picture here. The larger picture is what may happen down the line. I understand why this is here.

It's here to codify, in our statutes, an action needed to merge departments within our city. But to dance around this and to say that it has no far reaching effects in the long run, is something that we really have to think about and I have thought about it. I wouldn't stand here this evening if I did not think about it because I would like to know why we have charter revision because this is only, I feel, the beginning. There will be some more times when we'll have to do this. I understand it. Don't like it. But I understand that there will be some more times when individuals will come and seek this special consideration for their cities or for their towns, as a second part of the file notes, a town under 12,000.

Different conditions for that town versus a town of 100,000. Different. Narrowly crafted, narrowly crafted in order to accommodate a request.

Now that's not bad, that's basically what we do. And we do it quite well. I still have a problem with the circumvention of power to charter revision. Charter revision should be a revered process. Something that we put in the statutes, the local statutes in our local charters. And we should not look at that lightly because it invokes and demands great citizen participation.

So Madam Speaker and members of the House, I am not

going to step off this train that's moving so quickly on this bill. But what I will say is there's a process. This process was done by the amended bill. There's nothing wrong with amendments, but it was done by an amended bill. There was no public hearing for this, none at all. And I don't think that is right either because I think if we had a public hearing, many of the observations that were brought out today in the debate would come up and that is, what are we going to do to the charter revision process?

And is it an equal playing field for those charter revisionists versus a board of aldermen and an executive action?

So again, Special Act 01-01, and I have to say it for the third time, shows that we will never ever take by vote of our board of aldermen, our legislative body in the City of Waterbury, we will never have an opportunity to vote it up or vote it down whether we feel they should do this or stay in our city. I think that's very, very sad.

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir.

Will you remark further on the legislation that is before us? If not, staff and guests to the Well.

Members, take your seats. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

SPEAKER LYONS:

Have all the members voted? Have all the members voted? Would the members please check the board to make sure that your vote is accurately recorded. If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

H.B. 5589, as amended by House Amendment Schedules "A" and "B"

| | |
|---|---|
| Total Number Voting | 143 |
| Necessary for Passage | 72 |
| Those voting Yea | 143 |
| Those voting Nay | 0 |
| Those absent and not Voting | 7 |

SPEAKER LYONS:

The bill, as amended passes.

Are there any announcements or points of personal privilege?

Representative O'Rourke.

H-906

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2003

VOL. 46
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6775-7120

Necessary for passage, 73;

Those voting Yea, 141;

Those voting Nay, 3;

Absent, not voting, 6.

SPEAKER LYONS:

The bill as amended passed.

Will the Clerk please call Calendar 235?

THE CLERK:

On Page 26, Calendar 235, Substitute for HB No. 5589, An Act concerning the authority of special districts and termination of local boards by ordinance. As amended by House Amendment Schedules "A" and "B". Favorable report of the Committee on Planning and Development.

SPEAKER LYONS:

Representative Lew Wallace, you have the floor, sir.

REP. WALLACE: (109th)

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

SPEAKER LYONS:

The question before the Chamber is on acceptance and passage.

Will you remark?

REP. WALLACE: (109th)

Thank you, Madam Speaker. Madam Speaker, this bill passed the Chamber overwhelmingly. It allowed municipalities that met the criteria to terminate certain boards established by Special Act and update voting procedures for fire districts.

The other body saw fit to amend our good work. Madam Speaker, the Clerk has an amendment, Senate Schedule "A". It is LCO No. 7460. Would you please ask the Clerk to call and I be allowed to summarize?

SPEAKER LYONS:

The Clerk has in his possession LCO 7460, designated Senate "A". Would the Clerk please call? The gentleman has asked leave to summarize.

THE CLERK:

LCO No. 7460, Senate "A", offered by Senators Fonfara, Kissel and Representative Tallarita.

SPEAKER LYONS:

Representative Wallace.

REP. WALLACE: (109th)

Thank you, Madam Speaker. Madam Speaker, this amendment narrows the Special Act boards that can be terminated by this bill to a Parking Authority and a Board of Health.

I move adoption of the amendment.

SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark? Will you remark? If not, let me try your minds.

All those in favor please signify by saying Aye?

VOICES:

Aye.

SPEAKER LYONS:

All those opposed, Nay?

The Ayes have it. The amendment is adopted.

Will you remark further on the legislation?

REP. WALLACE: (109th)

Madam Speaker?

SPEAKER LYONS:

Representative Wallace.

REP. WALLACE: (109th)

The Clerk has an amendment, Senate Schedule "B". It is LCO No. 7437. Would you please ask the Clerk to call and I be allowed to summarize?

SPEAKER LYONS:

The Clerk has in his possession LCO 7437, designated Senate "B". Would the Clerk please call? The gentleman wants to summarize.

THE CLERK:

LCO No. 7437, Senate "B", offered by Senator

Roraback and Representatives Miner and Wilber.

SPEAKER LYONS:

Representative Lew Wallace, you have the floor.

REP. WALLACE: (109th)

Thank you, Madam Speaker. Madam Speaker, this amendment makes valid the assessment lists and abstracts for the assessment years 2001 and 2002 in the towns of Warren and Hartland.

I move adoption of the amendment.

SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark? Will you remark? If not, let me try your minds.

All those in favor please signify by saying Aye?

VOICES:

Aye.

SPEAKER LYONS:

Those opposed, Nay?

The Ayes have it. The amendment is adopted.

Will you remark further on the legislation before us? If not, staff and guests come --

REP. WALLACE: (109th)

Madam Speaker?

SPEAKER LYONS:

Representative Wallace.

REP. WALLACE: (109th)

Thank you, Madam Speaker. Madam Speaker, the Clerk has an amendment, Senate Schedule "C", and finally. It is LCO No. 7222. Would you please ask the Clerk to call and I be allowed to summarize?

SPEAKER LYONS:

The Clerk has in his possession LCO No. 7222, Senate "C". Please call. And the gentleman asked leave to summarize.

THE CLERK:

LCO No. 7222, Senate "C", offered by Senator Guglielmo.

SPEAKER LYONS:

Representative Wallace, what's your pleasure?

REP. WALLACE: (109th)

Thank you, Madam Speaker. I'd like to summarize. This amendment increases the maximum tax the Lake Chapey Improvement Association can impose on its members, up to $125.00.

I move adoption of the amendment.

SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark on the amendment that's before us? We are on the amendment. If not, let me try your minds.

All those in favor please signify by saying Aye?

VOICES:

Aye.

SPEAKER LYONS:

Those opposed, Nay?

The Ayes have it. The amendment is adopted.

Will you remark further on the legislation?

Representative Wallace.

REP. WALLACE: (109TH)

Thank you, Madam Speaker. Madam Speaker, I move acceptance of the committee's favorable report and passage of the bill as amended by Senate Schedule "A", "B" and "C".

SPEAKER LYONS:

Once again, sir, that's fine.

Representative Beamon.

REP. BEAMON: (72nd)

Thank you, Madam Speaker. With the adoption of Senate "A", the language has clarified the role of a municipality that wants to terminate a Parking Authority and it's specific.

And I move adoption of the bill.

SPEAKER LYONS:

If you care to remark further? Since you don't, staff and guests come to the well. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber.

SPEAKER LYONS:

Have all the members voted? Have all the members voted? Members, check the board to see that your vote is accurately recorded. If all the members have voted, the machine will be locked. The Clerk will take a tally.

Clerk, please announce the tally.

THE CLERK:

HB 5589, as amended by House "A" and "B" and Senate Schedules "A", "B", "C", in concurrence with the Senate,

Total number voting, 143;

Necessary for passage, 72;

Those voting Yea, 143;

Those voting Nay, 0;

Absent, not voting, 7.

SPEAKER LYONS:

The bill as amended passes.

Would the Clerk please call Calendar 592? And having said that, we are not leaving the machine open. If you care to vote on the bill, I suggest it important that you stay in the Chamber.