

PA12-100

SB0351

House	7803-7806, 7852-7854	7
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
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HOUSE OF REPRESENTATIVES

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MAY 8, 2012

The ayes have it.

The amendment is adopted.

Will you remark further? Will you remark
further?

Representative Tong.

REP. TONG (147th):

Yes, Mr. Speaker, I move that this be added to
the consent calendar.

DEPUTY SPEAKER ARESIMOWICZ:

The motion before us is placing this item on the
consent calendar.

Is there objection? Is there objection?

Hearing none, this item is placed on the consent
calendar.

Will the Clerk please call Calendar 467?

THE CLERK:

On page 24, Calendar 467, Senate Bill Number 351,
AN ACT CONCERNING CERTAIN CEMETERY EROSION MITIGATION
EFFORTS WITHIN THE COASTAL BOUNDARY, favorable report
of the Committee on Planning and Development.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Roy of the 119th, you have the
floor, sir.

REP. ROY (119th):

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Thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the joint committees' favorable report and passage of the bill.

DEPUTY SPEAKER ARESIMOWICZ:

The question is on acceptance of the joint committees' favorable report and passage of the bill in concurrence with the Senate.

Will you remark, sir?

REP. ROY (119th):

Yes, thank you.

Mr. Speaker, the Clerk has an amendment, LCO 3817. I ask that it be called, and I be allowed to summarize.

DEPUTY SPEAKER ARESIMOWICZ:

Will the Clerk please call LCO 3817, which will be designated Senate Amendment Schedule "A."

THE CLERK:

LCO 317, Senate "A" offered by Senator Meyer.

DEPUTY SPEAKER ARESIMOWICZ:

Representative seeks leave of the Chamber to summarize the amendment.

Is there objection to summarization? Is there objection to summarization?

Hearing none, please proceed, Representative.

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REP. ROY (119th):

Thank you, Mr. Speaker.

Mr. Speaker, erosion is a natural process that threatens structures along the shore. This bill would add cemetery or burial grounds to the lists of grounds that are so threatened by the effects of erosion.

I move adoption.

DEPUTY SPEAKER ARESIMOWICZ:

The question before the Chamber is on adoption of Senate Amendment Schedule "A."

Will you remark? Will you remark?

If not, let me try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ARESIMOWICZ:

Those opposed, nay.

The ayes have it.

The amendment adopted.

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

Representative Roy, you have the floor, sir.

REP. ROY (119th):

Thank you, Mr. Speaker.

I move that the item be moved to the consent calendar.

DEPUTY SPEAKER ARESIMOWICZ:

The motion before us is to place the item on the consent calendar.

Is there objection? Is there objection?

Hearing none, this item is placed on the consent calendar.

Will the Clerk please call Calendar 470?

THE CLERK:

On page 25, Calendar 470, Substitute for Senate Bill 27, AN ACT TRANSITIONING THE REGULATIONS OF CONNECTICUT STATE AGENCIES TO AN ONLINE FORMAT, favorable report by the Committee on Judiciary.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Morin of the 28th, you have the floor, sir.

REP. MORIN (28th):

Mr. Speaker, I move for acceptance of the joint committees' favorable report and passage of the bill in concurrence of the Senate.

DEPUTY SPEAKER ARESIMOWICZ:

The question before the Chamber is on acceptance

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On page 7, Calendar 219, House Bill Number 5148,
AN ACT CONCERNING AN ACT CONCERNING COMMUNICATIONS TO
VICTIMS OF THE CURRENT OPERATION OF A MOTOR VEHICLE
THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY.
DEPUTY SPEAKER ARESIMOWICZ:

The distinguished Majority Leader, Representative
Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Good to see you up there.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you, sir.

REP. SHARKEY (88th):

Mr. Speaker, this represents the consent calendar
and for everyone's edification, I will be listing off
the calendar numbers in numerical order so that
everyone can follow. I'll try keep it -- and make
sure that I do it in numerical order. Thank you.

These will be: Calendar Number 90, Number 155,
Number 219, Number 223, Number 290, Number 320, Number
338, Number 345, Number 389, Number 430, Number 444,
Number 455, Number 467, Number 470, Number 475, Number
481, Number 485, Number 488, Number 489, Number 494,

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Number 496, Number 497, Number 505, Number 510, Number 513, Number 525, and Number 531.

I move adoption, I move adoption.

And with that, Mr. Speaker, I move adoption of the consent calendar. I move the consent calendar.

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

The question before us is on passage of the bills on today's consent calendar.

Will you remark?

If not, staff and guests please come to the well the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting today's consent calendar by roll call. Members to the chamber please.

SPEAKER DONOVAN:

Have all members voted? Have all members voted?

Please check the roll call board to make sure your vote has been properly cast.

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If all members have voted, the machine will be locked, and the Clerk will take a tally.

The Clerk please announce the tally.

THE CLERK:

On today's consent calendar

Total number voting	144
Necessary for passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

SPEAKER DONOVAN:

The consent calendar passes.

Any announcements or introductions? Any announcements or introductions?

Is there any business on the Clerk's desk?

THE CLERK:

A list of Senate bills, Mr. Speaker.

SPEAKER DONOVAN:

Representative Brendan Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

I move that we waive -- waive the reading of the bills and have these items placed immediately on the House calendar.

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GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2012**

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1633 - 1960**

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SENATE

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I move acceptance of the Committee's Joint and favorable report --

THE CHAIR:

Sorry -- Mr. -- Mr. Clerk you do have to call the -- the bill, sorry.

THE CLERK:

On page 33, Calendar 220, Senate Bill Number 351, AN ACT CONCERNING CERTAIN CEMETERY EROSION MITIGATION EFFORTS WITHIN THE COASTAL BOUNDARY, favorable report of the Committee on Planning and Development.

THE CHAIR:

Now, good afternoon, Senator Meyer, sorry.

SENATOR MEYER:

Sorry, I've been here long enough to remember.

THE CHAIR:

It was my fault, sir.

SENATOR MEYER:

Early Alzheimer's.

THE CHAIR:

God forbid.

SENATOR MEYER:

Madam President, I do move acceptance of the Committee's Joint and favorable report and move passage of the bill and request the opportunity to briefly summarize.

THE CHAIR:

The -- the motion is on adoption. Please remark sir.

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SENATOR MEYER:

Thank you.

Colleagues this bill is in two parts. The second part of the bill is an amendment. The Clerk has LCO 3817 and I'll ask please if he will call that amendment.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 3817, Senate A, offered by Senator Meyer.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, Madam President, I move adoption and seek leave to summarize.

THE CHAIR:

The motion is on adoption.

Please proceed, sir.

SENATOR MEYER:

Colleagues this amendment was requested by the Connecticut Bar Association. Right now when there is a -- a permit has been requested under our Water Pollution Act, there's a determination made by the Commissioner of the Department of Energy and Environmental Protection and the Bar Association pointed out to the Environment Committee that -- that that permit does not require a hearing. The applicant is not entitled to a hearing and furthermore the appeal from the determination of the Commissioner is limited to the applicant and not to all aggrieved parties.

Consequently what this small amendment does is it adds

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the right to -- in a permit application it -- it grants to the application -- applicant the right to a hearing and then it -- it grants to any aggrieved person the right to appeal.

So that's -- that's the amendment and I do move it.

THE CHAIR:

Will you remark? Will you remark?
Seeing none, all in favor of the amendment please say,
aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? The amendment passes.

Senator Meyer.

SENATOR MEYER:

Thank you, Madam President.

The -- the remainder of the bill deals with a problem in -- in Stonington. Under current Connecticut law, within the coastal boundary, you actually have to have a statutory right to construct within the coastal boundary and cemeteries within the coastal boundary are not -- the protection of cemeteries are not included.

So what this bill simply does is it adds cemeteries and burial grounds to the list of land uses that can be protected by structural solutions within the coastline. It's -- it's that simple and I urge its passage.

THE CHAIR:

Will you remark? Will you remark?

Senator Maynard.

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SENATOR MAYNARD:

Yes, thank you, Madam President.

In support of the bill I thank the Chairman of the Environment Committee, Senator Meyer, for bringing this forward. It has been an issue in my district but I know that a great many of our cemeteries along the coastline are equally subject to deterioration by natural phenomena.

In our case it's a cove in Stonington that has significant sheeting action and on an annual basis when we've had colder winters than the last year that sheeting action has significantly impacted the embankment and it has placed at peril some cemetery plots that are adjacent to the shoreline and before we have, you know, exposure of those plots we were eager to have this additional protection offered.

It simply adds cemeteries to the list of already approved infrastructure elements like public roads and -- and the like as a protected area and so I urge passage of the bill and thank the Senator for bringing it forward.

THE CHAIR:

Thank you.

Will you remark? Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

If I may, just a question to the proponent of the bill.

THE CHAIR:

Senator Meyer, prepare yourself.

Please proceed, sir.

SENATOR WITKOS:

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Thank you, Madam President.

Through you, what is the current procedure now if erosion didn't just happen this year? So if some -- if a cemetery or a burial ground is located within a coastal boundary, were we just kind of skirting the law previously to maintain it so it remains its structurabililty and then now we want to do it the right way so we're passing this law? Why is this before us I guess?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you -- through you, Madam President to Senator Witkos, yeah remarkably the -- the Coastal Management Act refers to very specific things that -- that can be done within the coastline and if you're not on that list you -- you can't do it, you're prohibited, so that's what this bill is for because of the appearance of this cemetery erosion in -- in Stonington we're add -- we're adding cemeteries and burial grounds to it.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

I -- I understand the intent of it. Did -- in the past have we been maintaining it and somebody filed a complaint saying you're not allowed to do that? Is that why this is here?

Through you, Madam President.

THE CHAIR:

Senator -- Senator Meyer.

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SENATOR MEYER:

It's my understanding from the public hearing and reading of the law that -- that you just are prohibited from building on the coastline unless you're within the definition of a -- of a protection and -- and cemeteries were not within that definition.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

That raises another question. Is this building a cemetery or maintaining a cemetery?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President, the bill would actually -- relates to ma -- maintaining or restoring a cemetery as Senator Maynard described, that's what the purpose of the bill is.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

So this wouldn't be giving authorization to some -- somebody to buy a -- a plot of land and now create a cemetery or burial ground. This would be for existing structures that are there and we just want to maintain and give it its -- its proper due.

Through you, Madam President.

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THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Right it does not give a license to build a new cemetery on the coastline. What it does is gives a license to have a structural protection or restoration of an existing cemetery or burial ground.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

I thank the gentleman for his answers.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Meyer.

SENATOR MEYER:

Madam President, if there's no objection I'd appreciate this going on the Consent Calendar.

THE CHAIR:

Are there any objections? Seeing no objections, so ordered.

Mr. Clerk.

THE CLERK:

On page 30, Calendar 134, Senate Bill Number 289, AN ACT CONCERNING THE ESTABLISHMENT OF TOLLS FOR THE EXTENSION OF ROUTE 11, favorable report of the

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Bill 5096; on page 9, Calendar 3 -- 312, Senate Bill Number 114; page 11, Calendar 327, Senate Bill Number 378; page 13, Calendar 344, Senate Bill Number 143. Also on page 13, Calendar 343, Senate Bill 116; page 14, Calendar 350, Senate Bill Number 198; page 26, Calendar 74, Senate Bill Number 196. On page 27, Calendar 83, Senate Bill Number 263. On page 31, Calendar 184, Senate Bill Number 94; page 31, 1 -- Calendar 166, Senate Bill Number 62. Also on page 31, Calendar 167, Senate Bill 64; page 32, Calendar 185, Senate Bill 190; page 33, Calendar 220, Senate Bill 351.

THE CHAIR:

Are those all the bills on the -- oh, Agenda 3, sir. The last one on Agenda 3. I think it --

Senator Looney.

SENATOR LOONEY:

Just wanted to -- just to reconfirm that the item from Senate Agenda Number 3 --

THE CHAIR:

Was not called.

SENATOR LOONEY:

-- is on the Consent Calendar that we had taken up under suspension, substitute House Bill Number 5445.

THE CLERK:

Yes, sir.

THE CHAIR:

Thank you.

Are there any questions?

If not, Mr. Clerk, I will call for a roll call vote. Will you call for a roll call vote and I'll open the machine for the Consent Calendar.

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THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber.

Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted? Have all members voted. The machine will be closed. And, Mr. Clerk, will you call the tally on the Consent Calendar, please.

THE CLERK:

On today's Consent Calendar,

Total number voting	35
Necessary for Passage	19
Those Voting Yea	35
Those Voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, would move for a suspension for immediate transmittal to the Governor of Substitute House Bill Number 5445, AN ACT CONCERNING SUPPLEMENTAL PAYMENTS UNDER THE CONNECTICUT ENERGY ASSISTANCE PROGRAM, which was just adopted as part of our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.