

PA12-182

HB5320

House	8227-8230, 8288-8290	7
Planning & Development	548-554, 555-565, 616- 622A, 623-623A, 624-624A	28
<u>Senate</u>	<u>4486, 4496-4499</u>	<u>5</u>
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H – 1147

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 25
8215 - 8555**

The ayes have it. The amendment is adopted.

Remark further on the bill as amended? Remark
further on the bill as amended?

Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

I move this item to the consent calendar.

SPEAKER DONOVAN:

The motion is to move this bill item on the consent.
calendar.

Is there any objection?

Hearing none, the item is put on the consent calendar.

Will the Clerk please call Calendar 275.

THE CLERK:

On page 10, Calendar 275, Substitute for House Bill
Number 5320, AN ACT CONCERNING BONDS AND OTHER SURETY FOR
APPROVED SITE PLANS AND SUBDIVISIONS, favorable report by
the Committee on Planning and Development.

SPEAKER DONOVAN:

Representative Linda Gentile.

REP. GENTILE (104th):

Good evening, Mr. Speaker.

SPEAKER DONOVAN:

Good evening, madam.

REP. GENTILE (104th):

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

SPEAKER DONOVAN:

The question is on acceptance and passage.

Will you remark?

REP. GENTILE (104th):

Yes, Mr. Speaker. Thank you.

The Clerk has an amendment, LCO Number 4055. I would ask that the Clerk please call the amendment and I be granted leave to summarize.

SPEAKER DONOVAN:

The Clerk please call LCO 4055, designated House "A."

THE CLERK:

LCO 4055, House "A," offered by Representative Gentile, et al.

SPEAKER DONOVAN:

Any objection to summarization?

Hearing none, Representative, you may proceed.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

This is an important fix-all bill that clarifies language from Public Act 11-79, which unintended consequences were created. And this will improve the

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process for providing financial guarantees to land use boards for approved site work.

And I urge adoption.

SPEAKER DONOVAN:

Motion is on adoption.

Remark? Remark further?

If not, let me try your minds.

All those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Opposed, nay.

The ayes have it. The amendment is adopted.

Will you remark further? Remark further on the bill?

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

I move for this item to be placed on the consent calendar.

SPEAKER DONOVAN:

The motion is to place this item on the consent calendar.

Any objection? Any objection?

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

Will the Clerk please call Calendar Number 287.

THE CLERK:

On page 34, Calendar 287, Substitute for House Bill Number 5539, AN ACT CONCERNING RECORDING FEES, favorable report by the Committee on the Judiciary.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

I move for acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance and passage.

Will you remark?

REP. GENTILE (104th):

Thank you, Mr. Speaker.

The Clerk has an amendment, LCO Number 5384. I would ask that the Clerk please call the amendment and that I be granted leave to summarize.

SPEAKER DONOVAN:

The Clerk please call LCO 5384, designated House "A."

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calendar.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker..

Mr. Speaker, I'm about to call the items again that are on the consent calendar, but I would like to alert the Clerk to two bills that we will be taking off the consent calendar. They are Calendars 380, and Calendars 431. Those are Calendars 380 and Calendar 431.

HB5333
SB130

SPEAKER DONOVAN:

Will the Clerk please call Calendar 204.

THE CLERK:

On page 6, Calendar 204, Substitute for House Bill Number 530, AN ACT CONCERNING THE BOARD IN CONTROL OF THE CONNECTICUT AGRICULTURAL EXPERIMENT STATION, favorable report by the Committee on Government Administration and Elections.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

With that, let me -- I was looking to just list the calendar numbers again that we are planning to put on the consent calendar before I move them. I'll be doing this

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in numerical order by calendar number.

They are Calendar Number 71, Calendar 204, Calendar 205, Calendar 287, Calendar 292, Calendar 330, Calendar 402, Calendar 407, Calendar 412, Calendar 417, Calendar 425, Calendar 426, Calendar 442, Calendar 458, Calendar 460.

Calendar 463, Calendar 492, Calendar 495, Calendar 499, Calendar 500, Calendar 501, Calendar 506, Calendar 507, Calendar 508, Calendar 512, Calendar 515, Calendar 516, Calendar 530, Calendar 538 and Calendar 545.

And I'd also like to add to that -- I'm sorry. I omitted one which is Calendar 275.

SPEAKER DONOVAN:

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

Will you remark? Will you remark?

If not, staff and guests please come to the well of 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 the consent calendar by roll call. Members to the Chamber, please.

HB5025
HB5368
HB5326
HB5539
HB5146
SB328
HB5534
HB5555
SB157
SB232
SB339
SB340
SB41
SB98
SB116
SB196
SB97
SB188
SB234
SB237
SB299
SB347
SB371
SB391
SB345
SB383
SB384
SB29
SB354
HB5320
SB254

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SPEAKER DONOVAN:

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

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

If all the members have voted the machine will be locked. The Clerk will please take a tally.

The Clerk please announce the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	150
Necessary for Adoption	76
Those Voting Yea	150
Those Voting Nay	0
Those Absent and Not Voting	1

SPEAKER DONOVAN:

The consent calendar passes.

Will the Clerk please call Calendar 443.

THE CLERK:

On page 20, Calendar 443, Senate Bill Number 60, AN ACT PROHIBITING PRICE GOUGING DURING SEVERE WEATHER EVENTS, favorable report by the Committee on the Judiciary.

SPEAKER DONOVAN:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
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2012

times. And although this bill is voluntary in appearance, it is a de facto mandate and that as a practical matter, the city or town will be required to reduce the interest rate. This could mean a \$14.5 million hole in municipal budgets.

We want to reduce property taxes which, in turn, reduces the likelihood of taxpayer delinquency. We think the better approach is to enact meaningful property tax reform. Looking at funding streams like pilot reimbursement, the state mandated revenue losses on state property and for private colleges and hospital -- hospitals, education aid, school transportation, Pequot and Mohegan grants.

So, I got through two, so, I guess I'll stop there. Thank you.

SENATOR CASSANO: Questions for Mr. Thomas?

Seeing none, thank you, Ron.

RON THOMAS: Thank you.

SENATOR CASSANO: Bill 5320, Mark Branse, County Attorney for Old Saybrook, and then Bill Eithier.

MARK BRANSE: Co-Chairmen and members of the Committee, my name is Mark Branson. And contrary to your sign-up sheet, I'm not Town Attorney of Old Saybrook. I'm Land Use Counsel of Old Saybrook. I represent land use agencies or other agencies in more than 20 municipalities. I also represent developers and community groups. And I tell my lawyer friends I used to have an honest job as a Town Planner. I'm the former Town Planner of

Glastonbury.

I've been involved in one capacity or another in land use in Connecticut for over 40 years, and I think that I can see the different -- the interests that are competing here. I've provide you with written testimony, but I will merely summarize it here.

5320 is intended to fix defects in Public Act 1179 adopted last year. This act was adopted following no public hearing on the text. The text itself was never reviewed in public hearing. Something, by the way, municipalities are not permitted to do. We have to publish the full text before we hold a public hearing. And the result was bad legislation. It actually harmed the very developers that it was intended to help. Many municipalities simply eliminated bonding of subdivision and site plans altogether and said, "Build it. When it's completely built, we will issue COs or allow you to sell lots."

I think that the bill before you is, is a good approach to repairing that problem. It makes surety bonds optional, as they should be. Surety bonds are, unfortunately, worthless and allows municipalities to accept or actually compels them to accept other forms of surety that are useful, such as letters of creditor passbooks or cash. So, I, I support that portion of the bill. I believe that the, the fix itself, however, needs fixing. One of them is bad policy, one bad drafting.

The bad policy is that the bonding on-site plans is restricted only to those items that are being conveyed to the municipality itself or erosion control. Those are, are need to be bonded, but they're frankly not the biggest

problems that we face. The biggest problem with bonding tends to be the amenities and also the environmental protection measures, such as detention ponds, storm sceptor drainage structures, and things like that. And then the items like landscaping, walkways, lawn furniture, things of that sort, the developer leaves till last because you don't need them to get the rents or to sell -- to sell the units or whatever it is.

So, I have provided you with text here that would simply add to the list of allowable items. The landscaping and other site amenities, and also environmental protection and drainage structures.

May I continue, Madam Chairman?

SENATOR CASSANO: (Inaudible), finish up.

MARK BRANSE: Thank you. The other item has to do with the, the Section 3 of the act which addresses issuance of building permits for, for lots and unexcepted streets. This, this is a good provision. The only thing is, as drafted, it doesn't recognize that both subdivision and site plan approvals expire. That's by statute. They expire. So, I provide you with language that simply clarifies that. I think that is merely a clarification. I don't think it alters the substance or intent of the act at all.

I would encourage you whenever these sorts of bills come in, try, to the extent you can pressure all of us to do it, to get the stakeholders to talk about the beforehand, save you time and save us time. I thank you very much for your patience and I'm open to questions from the Committee.

SENATOR CASSANO: I would just comment that the stakeholders, in fact, that you list here all were a part of that process last year, so.

Questions or comments?

Thanks very much.

MARK BRANSE: Thank you very much.

SENATOR CASSANO: Bill Eithier, then Jacob Vincent and David Minnick.

BILL EITHIER: Thank you, Senator Cassano, Representative Gentile, members of the Planning-Development Committee. Just for the record, my name is Bill Eithier. I'm the CEO of the Home Builders Association of Connecticut. We have about a thousand businesses that -- in residential new construction and home remodeling. Our members build between 70 and 80 percent of all the new housing in the state.

As Attorney Branse stated, this is 5320, it's affixed to Public Act 1179. Last year that was one of our top priorities because we saw we're experiencing a number of abuses by municipalities in the site improvement bonding process. Just to back up a little bit, whenever you have a site plan or any kind of economic development, housing development, you file a site plan or a subdivision with a Planning and Zoning Commission. There are certain site improvements that are approved with that process and the town may require that the developer provide to the town a financial guarantee that those site improvements will be completed. That's perfectly fine. But we saw some abuses that

led to the public act.

It was a hearing on it. I remember sitting in this chair debating with this Committee the language on -- it did get amended as the process went on and the final bill that did pass the full Legislature was based on an amendment that was offered. And that's the normal course of business. You know, we do think this bill is a good fix to some of that language. After the bill was adopted, signed into law, it was effective October 1st. And last summer we had a, a very large meeting. It was about 20, I think maybe even a little over 20 Representatives. We had four or five, maybe six municipal planners, a number of municipal attorneys, four or five developers. It was convened by Shipman and Goodwin. We had basically a summit meeting

We had basically a summit meeting to discuss the language of the public act that was passed. And we agreed there, there was some confusion over the, the act that was passed. So, we're certainly willing to fix the confusing language, which I think 5320 does, but we don't want to step back from the reforms that we obtained in that bill.

So, I outlined in my written testimony some of the major fixes that the act -- this bill would adopt. I encourage you to do that. Also on Section 3 that Attorney Branse mentioned, that was not in the public act last year, but it came to light after the act was passed, but 8-27 with Section 3 addresses -- does conflict with Public Act 1179. That only came to light after the law was passed.

I have not seen the language that Attorney Branse offered, but I did talk to him prior to

the meeting. And what he described to me seems like it would be a good amendment to what he had before you. Obviously I'd want to see the language, but I encourage you strongly to adopt this bill. It would solve a lot of the issues that are out there and greatly improve that -- the process for all parties in municipalities and developers for this, the financial guarantees that we have to provide.

So, with that, I'd be happy to answer any questions.

SENATOR CASSANO: Questions, Committee members?

Seeing none, thank you.

MARK BRANSE: Thank you very much.

SENATOR CASSANO: Jacob Vincent.

JASON VINCENT: Good morning, members of the Commission. I appreciate the time this morning. My name is Jason Vincent. I'm the President of Connecticut Chapter of the American Planning Association. The majority of our members are municipal planners. I'm here to speak briefly about House Bill 5320. I want to talk a little bit about Senate Bill 263 and House Bill 5315 if that's okay.

Well, what bonding about is risk allocation. And development community is -- those are small businesses. And what has happened is, is that some communities have created bonding that's maybe a little too difficult. This bill tried to correct that. I think it went a little bit too far in doing so, and this is a good opportunity to look back and say, how can we improve upon that process?

You know, if you think about a pendulum, the pendulum for risk management in the past was solely on the developers. We required them to take on all risks. I think this bill moved it a little bit too far towards the municipality, but there's got to be a good balance that's out there. And some of that's through cash bonding or other mechanisms, but not necessarily forcing a specific mechanism on the development community.

Our position statement has been submitted. I think that talks about some of the key points.

On Senate Bill 26 -- 263, excuse me, regarding zoning enforcement, I believe it's critical to remove the treble damages provision. There's no other enforcement agent that works for a municipality that has that same albatross around their neck. And having been a zoning enforcement officer, I can tell you that it dissuades you from taking certain zoning enforcement actions. And would you rather have a police officer be dissuaded from taking an enforcement action or to take the enforcement action? When a zoning enforcement officer is doing work, they're working as a public official. They're working as a law enforcement agent. Hopefully they're sworn in and take an oath to do that job. As long as there is good standard operating procedures in place, that should be enough for that.

And then in terms of the last bill, the number here, Senate Bill -- House Bill 5315, I just want to lend support to any type of electronic filing. I think that makes sense to reduce the paper trail.

So, thank you.

SENATOR CASSANO: Questions, anyone?

David? David Minnick? Carolyn Nadeau is next.

DAVID MINNICK: Thank you very much. My name is David Minnick. I'm the Chairman of the Planning and Zoning Commission. And I first want to thank the Co-Chairs and also Senator Fasano, last year, for meeting with me and also with others on, on the topic of, of this particular bill. And I think it went a long way to making some improvements that needed to be made in terms of fairness. I do, however, want to make some comments on it, and some of them are just -- are language issues.

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SB 263

On the area of the fact that, as was mentioned before by a former or a speaker that spoke before, it, it -- in Section 8-31, it talks about that the timely and adequate completion of any site improvement that will be conveyed to or controlled by the municipality, that language of being -- the municipality controlled or owned is new language. And as has been mentioned before, and I just want to also state that we encourage the, for example, the, the retention basins and other kinds of, of environmental and other issues to be, to be constructed by the developer -- it's on their property -- and then to be maintained by them.

What this language is being so limiting, just for the municipality now if it's going to own it, means that we cannot bond it. So, therefore, we cannot make sure that it's done and our only mechanism, then, is to go to court, and that's not what this is all about. So, we support the issue of not having the language of, of the municipality, but keeping the way that it was before, public

improvement.

I thank you for taking away the requirement or, or, or forcing us to use sure advertise, if that's what's being offered, because that process doesn't work. It's a very cumbersome process. And I do, however, want to comment that when you -- in the Section 8-31g-1 and also 8-25-1d-1, you mentioned that the financial security -- and you mentioned about the form of the financial security. I would hope that that would also include the -- in adding the words "type of and form of security."

Here's my issue. If someone wants to pledge their other real estate property, be it here in this state or elsewhere, that may not be a type of security that we would find as a Commission a good security because of issues that have to do with real estate. Therefore, we would like to ask that you include the word "type of" so that it would be clear that we could not -- we would have the option of not having real estate and other kinds of forms of security that we would find objectionable.

I want to comment on the issue of the maintenance of, of, of roads and of the maintenance guarantee. You have put in here one year. I certainly thank you for that. I would only suggest if, while revisiting this, just to think about the, the practicality of the one year and suggesting that it be 18 months or two years. The reason for that is that if somebody constructs something in the spring, you want to get through the whole growing season, but you're not going to know because the end of the period in that time would be the winter. You won't know that it survived the winter. So, my suggestion, now

that you're thinking about the one year, that you consider it being 18 months or a year so we can indeed see that it goes through an entire growing season.

My last comment on, on this particular bill has to do with 8-27 and which is the last part of it. And I would hope that you would not support this. The reason for this is we recently as a town were confronted with, with a, a homeowner who built their home -- that was an improved subdivision -- who built their home and wasn't able to get financing released from the bank because there was no road. We tried to work with the developer. It didn't work very well and we ended up with some problems.

So, we ended up passing an ordinance under 8-27. As you're well aware, that ordinance was -- or that authority was established back in 1949 by this Legislature. It's been around a long time. And we -- and was one at the time that was optional whether the communities would want to have that or not as the Town Council's. Our Town Council recently this past year approved that ordinance. And what you have -- what is being placed in here is an additional exception to the farm exception, which has been there for a while. And that is, anything under 8-3 and 8-25 is excluded from those ordinances as we read that. That's the very thing to which we were trying to protect.

And I know, I know my time is up, but I just want to take just, just 30 more seconds. The public purpose of this whole 8-27 is that if someone build a home and there is no road, there then is no access, good access for fire, for other kind of emergency vehicles that may

come there. That's the, that's the public purpose behind all of this. And, so, now if you're saying -- so, I'll leave it at that, but we would hope that you would not approve this Section 8-27. It, it, it in essence defeats the whole purpose of the ordinances or the ordinance that we just passed.

I didn't sign up for it, but I just want to support, because I heard from other colleagues today on the, on the section -- on the very last section on your Agenda, which is 263. We certainly support that and, and suggest that all of 8-12a(c) be removed in its entirety.

As an anecdotal comment to that, we were as a town looking to, to enact an ordinance on blight. And one of the discussions was, well, let's give part of this to the zoning enforcement officer. We as a Planning and Zoning Commission said to the subcommittee of our Town Council, please don't do that. Because of this very ordinance, blight almost always is a problem and almost always is heightened neighborhood kind of discussions. And the actions that would be taken against her would be almost certain. So, we -- they decided that they weren't going to pass a blight ordinance in part because of that.

Those are my comments.

SENATOR CASSANO: Good, thank you.

Questions? Senator Fasano.

SENATOR FASANO: Can you -- I get a little confused, and I apologize, under the 8-27. Can you just explain your position again, if I may ask you to do that?

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DAVID MINNICK: If I understand, and I do want to ask, ask -- I do want to make this, this statement. My understanding that it says no ordinance shall be -- shall prevent the issuance of a zoning permit for the construction of farm and, and, and buildings, that's been there for a while. But now it is that no ordinance shall be prevented for any building or site plan approved under Section 8-3 and 8-25. And as you folks are all well aware, that's almost all of what Planning and Zoning does. So, therefore, that makes an ordinance that has to do with, with home building, for example, pretty much you can't now pass an ordinance that would prevent a building permit for when there is a non-improved road.

SENATOR FASANO: But doesn't that tie in with the fact that there's a bonding for that non-improved road that -- when Planning and Zoning approves the site plan, let's say, or -- let me back up, get the right language -- or subdivision, that there is a process for which Planning and Zoning bonds for the improvement of the road.

DAVID MINNICK: Right.

SENATOR FASANO: And some ordinance -- in fact, in my own town, Canton -- says that you have to bond for the road, but you can't build a structure till the road is completed. But if you're bonding from the road and you put the money up for the road in accordance with what the town believes is the value to put the improvement in, then isn't the town protected even if they build the structure in that a road is going to get built? And if they don't, the town has got the money to build the road?

DAVID MINNICK: Part of this issue is -- deals -- in my answer deals with the timing of this. I ask you to look at it from the perspective of, of the home builder on that property. He now has built his home. The road is not in. The five years has not yet expired. The developer who we gave the approval for as a Planning and Zoning Commission, has that statutory time to complete the work. A building permit obviously has been issued. He now goes to try to get release or funding or, I should say, the release of the money from the bank. The bank won't give it because there's another section of the statutes that requires a certificate of occupancy. So, the building permit or the building inspector can issue a, a certificate -- a certificate of occupancy. The bank then can't release the money and the bank also is further -- has a problem because the insurance -- he can't get the proper insurance on the home because there is no road access and the insurance company was concerned about the fire protection.

So, by this -- so, does that answer your question?

Yes, there is -- this really is not a Planning and Zoning issue, quite frankly. It really is an issue of the building inspector and the, and the homeowner. It also involves what -- how the town gets involved is that we have a bond and these folks that are the homeowner that the -- that the developer hasn't lived up to his contract to build the road in time, they then come back to the people that have the money, the people that have the bond, the Town, and bring us involved in a lawsuit or threaten to bring us involved in a lawsuit because we have the money.

SENATOR FASANO: Let's go step-by-step.

DAVID MINNICK: Okay.

SENATOR FASANO: Builder is going to go build a house. Some of the local ordinances say even if you bond for the road, you can't get a building permit pulled unless you put in the road. And if you're going to tell the guy he can't get a building permit till he puts in the road, why are you having him to bond the road? Because now you're making him sort of securitize that position twice. See what I'm saying? Town says, "I'm going to approve your subdivision, but you have to bond for the road improvement. And once you bond for the road improvement, you get your -- you should be able to build because you've already put up the money that says you're going to do this improvement."

Now, I agree with you, you probably can't get the CO because if you have a dirt road and there's no, at least, binder course down, you shouldn't get a CO because a truck can't get -- emergency trucks can't get to the unit, God forbid there's a fire. That makes sense to me in a CO aspect of it. There has to be some sort of binder course down, which I think could be easily done by the Town keeping that portion. But what this is saying is that you can't prohibit a building permit, as I understand it, being issued -- not a CO, but a building permit being issued. You can't prohibit it if the person's bonded for the resident approved subdivision, which basically means they bonded for the road. That's how I understand it. So, I think the Town is protected.

Now, as far as the developer not finishing the road, yes, because if you've got the money, the Town is protected. And the rare occasions that that happens, the Town is made whole because it has the money for which it can draw down on. What am I missing?

DAVID MINNICK: The very last point, which is the practical experience, is that he, he, the developer that's building the road has five years or the statutory time to complete that road.

SENATOR FASANO: Correct.

DAVID MINNICK: The homeowner has built his home the first year.

SENATOR FASANO: Okay. Now, let me just back you up. When you say "homeowner," you're saying that I'm buying a lot from the developer --

DAVID MINNICK: Correct. The homeowner has, has bought the lot from, from the property owner.

SENATOR FASANO: And under your scenario, is that road dirt at that time, or is that road pavement?

DAVID MINNICK: It is, it is unimproved, is not paved. It doesn't even have binder course down.

SENATOR FASANO: Okay.

DAVID MINNICK: Therefore, there is that period of time -- and he can't obviously get what he needs to get from the bank for his home because he can't get a CO. And, so, that's why we have passed the ordinance to prohibit that. In terms --

SENATOR FASANO: You say shouldn't you -- if you put that in effect, why would you have him bond for the road? If you're telling -- in other words, you're telling him, you've got to put up money for the both -- for the road -- real life. Developers bond the money for the road. Then when they have contracts to build on the house, they take that money and from that sale, partial sale, if you would, and it helps their development of their project. That's just real life what happens.

Homeowner is protected because there's a bond for the road. If you say you can't pull a building permit till you put in a road, then you shouldn't bond for the road because he's got to put it in before he can start building so no one's at risk. But it seems to me having it both ways is -- sure, it's safe, but it seems disingenuous to what you're really trying to protect. It makes it more difficult at a time that it's already difficult to build in this state.

DAVID MINNICK: Like the practical experience that we have had that has generated my comments is that there is contracts that, that the developer has with the lot owners in terms of the amenities the developer will have in place, the road, for example, by a certain period of time. The contractor has not lived up to his obligation. So, that becomes the problem. There isn't -- it's a private matter between the homeowner, the lot owner, and the developer who haven't lived up to their obligations. So, we bonded only because the developer said that he was going to build the road. He chooses the time when he wants to bond. We don't, we don't require bonding in our community -- and I don't know what the

statute says, but we don't require bonding in our community until such time as they begin the work.

So, therefore, the, the, the developer has the option of when he wants to build the road. However, he has a private contract with a lot owner that he's going to have it done in such a time and he doesn't live up to that obligation, the lot owner now can't -- after he build the home, can't get the CO and that's the dilemma that, that, that we have been faced with. And that's why we, we adopted an ordinance to, to not allow building permits issued --

SENATOR FASANO: You are inserting yourself in that dilemma, and I don't want to be labor the point, but you're -- because that is a contract issue between the homeowner and the builder.

DAVID MINNICK: Correct.

SENATOR FASANO: And after five years you can called the bond, but not before the five years.

DAVID MINNICK: Correct.

SENATOR FASANO: You know --

DAVID MINNICK: Correct.

SENATOR FASANO: Life's not perfect. Life's not always the way we like it to be and things happen. But there's a remedy for which that individual has, which is to bring an action against the builder, claiming, "Hey, listen, you're not doing the road, I can't get a CO," and so forth. So, there's a remedy.

Certainly a lawyer representing the buyer of the lot would have the obligation to inform his client or her client that, listen, they could build, but you can't get a CO until there's a binder course down. But there's a remedy. I mean, we can't -- protecting all of the ills that exist out there and all the things that could go wrong.

What I'm suggesting, though, is if you feel strongly in that position -- and I'm not saying your position is inadequate. You feel strongly in that position, then in that case don't have them bond for the road. Because if you're saying you can't pull the building permit till the road is in, why are you having them bond for the road? I just don't understand that. And that's okay if you're going to say the other way, that's fine. But then don't have them put money up for the road. Because now you're double protecting and I don't understand the purpose, you know.

Maybe you say you put in a binder and you're able to pull a building permit and you bond for the difference between the binder and the final coat, whatever that nominal amount of money is. But then do the whole road knowing they can't even bill the permit till they get, till they get the house up, you know. That's the only thing I'm saying. It looks like it's, it's, it's layering too much protection. If you're afraid of the purse, then I respect that, then you shouldn't bond for the road. It's just a comment. Thank you.

Thank you, Madam Chair.

SENATOR CASSANO: Other comments, questions?

Seeing none, thank you very much for your

Planning and Development Committee
 Testimony of Mark K. Branse Regarding

Raised Bill No. 5320

I am an attorney representing municipalities, private developers, and community groups and have been involved in land use as a town planner, a municipal commission member, or an attorney for the past 41 years. I currently represent one or more municipal agencies in more than 20 towns, and I wish to share my experience with this Committee concerning Raised Bill No. 5320.

This Bill would correct some of the worst errors of Public Act 11-79—an Act which stands as a testament to poorly crafted legislation. PA 11-79 ended up harming the very developers it was intended to help, while damaging a municipality's ability to protect the public interest. I commend you for facing this grievous error and trying to fix it. Let's do it *right* this time. There are two flaws in this Bill, one the result of bad policy and the other the result of bad drafting

Bad policy: The Bill would restrict bonding in site plan approvals to only "erosion and sedimentation controls" and "site improvements that will be conveyed to or controlled by the municipality." In fact, legitimate bonding should cover more than that. Many improvements are required to be conveyed to a community association or land trust, not the municipality. Besides erosion and sedimentation controls, most site plans include water quality measures, such as detention ponds, dry wells, rain gardens, centrifugal catch basins, and bio-filters. Bonding should also cover the amenities that developers promise but aren't essential to occupancy, such as landscaping, pedestrian walkways, recreation facilities, and benches. The text should read:

... to ensure (A) the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality or any community association or other entity required by the approval, and (B) the implementation of any erosion and sediment controls required during construction activities, and any permanent water quality or environmental protection measures depicted on the approved site plan or otherwise required by the site plan approval, and (C) landscaping, street furniture, recreation facilities, and other amenities depicted on the site plan or otherwise required by the site plan approval.

Bad drafting: Section 3 requires the issuance of building permits for "any building or structure on a site plan approved pursuant to subsection (g) of section 8-3, as amended by this act, or in a subdivision approved pursuant to section 8-25, as amended by this act." This language ignores the fact that both site plans and subdivisions *expire by operation of law*. The effect of Section 3 is to create an irreconcilable conflict in the statutes, and to extend, in perpetuity, the life of site plans and subdivisions when the statutes mandate a "sunset" by which such approvals become void. The language should read

... any building or structure on a site plan approved pursuant to subsection (g) of section 8-3, as amended by this act, provided such site plan shall not have expired in accordance with subsection (i) of section 8-; or in a subdivision approved pursuant to section 8-25, as amended by this act, provided such subdivision shall not have expired in accordance with section 8-26c "

This Committee would save time for both itself and the stakeholders in land use if it refused to consider any bills that had not been at least reviewed (if not agreed to) by the Connecticut Homebuilders Association, the Connecticut Association of Zoning Enforcement Officials, the Connecticut Conference of Municipalities, and the Connecticut Chapter of the American Planning Association. Together, we can provide you with much better legislation than any of us can create in isolation. There is no reason to believe that public and private interests are always going to be at odds. A little dialogue would demonstrate that, if you demanded it.



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.
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*Your Home
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March 2, 2012

To. Senator Steve Cassano, Co-Chairman
 Representative Linda M. Gentile, Co-Chairman
 Members of the Planning and Development Committee

From Bill Ethier, Chief Executive Officer

Re. House Bill 5320, AAC Bonds and Other Surety for Approved Site Plans and Subdivisions

The HBA of Connecticut is a professional trade association with almost 1,000 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year.

We strongly support HB 5320 to address concerns raised by municipal planners and attorneys about what has turned out to be confusing language in PA 11-79.

Background: PA 11-79 was one of our top priorities in 2011 and was adopted by the legislature to address inconsistencies and abuses of the performance bond process related to subdivision and site plan approvals. The performance bond process provides a financial guaranty to municipalities that approved site improvements (e.g., roads, sidewalks, soil and erosion controls) will be completed to the municipality's standards. **We urge the legislature to "fix" the misunderstandings about the language and intent of PA 11-79 but we also urge the legislature to not go backwards on the reforms obtained.**

Section 1 of HB 5320 deals with site plan approvals (sec 8-3) and section 2 deals with subdivision approvals (sec. 8-25) - both sections of the statutes were amended last year with similar language to reform the performance bond process applicable to site plans and subdivisions. Two major "fixes" of PA 11-79 that are in HB 5320, about which municipal planners and attorneys complained and we agreed need clarification, are

1) **Change the mandatory "shall" to "may" regarding posting a surety bond** (see lines 64 and 263). PA 11-79 was intended to allow developers to offer alternative forms of financial guarantees; it was never intended to mandate the posting of surety bonds, which are particularly expensive and difficult to obtain. Both developers and municipalities do not favor this form of financial guaranty so the mandate specific to surety bonds should be removed, and

2) **Clarify that municipalities may require developers to maintain site improvements for one year** (see lines 82-89 and 282-289). The reforms to site improvement maintenance requirements in PA 11-79 was intended to address abuses of some

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Proposed changes to HB 5320 by HBA of CT Line #s below match line #s of raised bill (LCO No. 1025). HBA's changes are noted in **bold, red type** (see lines 51-52, 84-89, and 284-289).

{comment. we do not want to limit the scope of site improvements for which commissions may grant an extension of time to complete; so, delete the limitation at lines 51-52}

50 exceed ten per cent of such costs. At any time, the commission may
 51 grant an extension of time to complete any site improvements [that will
 52 be conveyed to or controlled by the municipality] The commission

....

{comment: for site plans (lines 84-89) and subdivisions (lines 284-289), address the additional abuse that has arisen since the passage of PA 11-79, where one town is proposing to require developers to establish a homeowners association to take over the long-term or lifetime maintenance of what will be *public* facilities }

82 phase was approved as a separate site plan. Notwithstanding the
 83 provisions of any special act, municipal charter or ordinance, no
 84 commission shall **(A)** require a [bond or other surety to securitize]
 85 financial guarantee or payment to finance the maintenance of roads,
 86 streets, **retention or detention basins** or other improvements [associated] **approved**
 with such site plan for
 87 [maintenance occurring] more than one year after the date on which
 88 such improvements have been completed to the reasonable satisfaction
 89 of the commission or its agent or accepted by the municipality, **or (B) require the**
establishment of a homeowners association, deed restriction, easement or similar
instrument for the maintenance of approved site improvements, except for such
instruments necessary to grant the municipality access to approved site
improvements.

....

282 phase was approved as a separate subdivision. Notwithstanding the
 283 provisions of any special act, municipal charter or ordinance, no
 284 commission shall require **(A)** a [bond or surety to securitize] financial
 285 guarantee or payment to finance the maintenance of roads, streets, **retention or**
detention basins or
 286 other improvements [associated] **approved** with such subdivision for
 287 [maintenance occurring] more than one year after the date on which
 288 such improvements have been completed to the reasonable satisfaction
 289 of the commission or its agent or accepted by the municipality, **or (B) require the**
establishment of a homeowners association, deed restriction, easement or similar
instrument for the maintenance of approved site improvements, except for such
instruments necessary to grant the municipality access to approved site
improvements.



Making Great Communities Happen
**Connecticut Chapter of the
 American Planning Association
 Government Relations Committee**

Chair Christopher S. Wood, AICP Phone 203 558-0654 govrel@ccapa.org www.ccapa.org

**POSITION STATEMENT
 PLANNING AND DEVELOPMENT COMMITTEE – MARCH 2, 2012**

BILL: HB 5320 – Act Concerning Bonds and Other Surety for Approved Site Plans and Subdivisions

OVERVIEW

This bill has been raised in response to concerns that the revisions to bonding authority and procedures, instituted by PA 11-79, have created uncertainty for land use regulators and developers seeking local site plan or subdivision approvals. CCAPA supports efforts to clarify the bonding provisions that apply to site plan and subdivision approval, so long as such clarifications retain the protections that the statutes have historically provided to towns and property purchasers. Specifically, CCAPA believes that the provisions in PA 11-79 allowing a developer or subdivider to determine when or if to file a performance bond to provide financial assurance to a town for the completion of required public improvements must be removed.

As CCAPA commented during the legislature's consideration of SB 860 in the 2011 session, "changes to accepted and effective growth management practices must be evaluated deliberately and with direct input from the municipal officials and professionals who are responsible for economic development, land use and municipal planning, and municipal finances." In our view, this principle was not applied to SB 860 in 2011 and as a result the legislation did not achieve its apparent goal of improving the land use approval process.

We appreciate the opportunity to assist the Committee with its consideration of this matter, and we are available to provide any further assistance necessary.

CCAPA POSITION

- CCAPA recommends that the Committee accept the changes in HB 5320 that a) clarify terminology, b) remove the mandatory acceptance of surety bonds as a form of financial security for site improvements, and c) allow a maintenance bond for a period of up to one year following acceptance of site improvements
- CCAPA strongly recommends that the bonding authorization statutes specify that bond amount calculations may include an inflation factor in addition to a "contingency" factor.
- CCAPA strongly recommends that this bill be revised to remove the provisions in PA 11-79 that prohibit towns from requiring a bond ("financial security") for site improvements that are to be accepted by the town as a condition of approval for site plans and subdivisions

- CCAPA does not support the proposed revision to §8-27 without further analysis of the issue to identify exactly what problem the change would address, what the actual impact of the change would be, and what alternatives may be available.
- The effective date of this bill should be as soon as possible or even retroactive to the effective date of PA 11-79.

ANALYSIS

As the Committee may be aware, considerable attention has been given to the uncertainty created by PA 11-79, in the form of workshops and discussions involving all affected interests. It appears that the proposed revisions in HB 5320 are intended to reflect, in part, those discussions.

The proposed language in HB 5320, applying to both site plan and subdivision approvals, includes revised terminology that removes confusion over the terms "bond", "surety", "site plan", and "improvements". These are useful and effective changes.

The proposed language retains the provision in PA 11-79 that a "contingency amount" as part of a financial guarantee calculation cannot exceed ten percent. However, neither the PA 11-79 language nor the proposed revisions clarify whether this "contingency" includes an inflation factor. This omission should be addressed.

The proposed revisions in HB 5320 remove the requirement in PA 11-79 that towns must accept surety bonds if proposed as a form of financial guarantee. The revisions also provide that towns may require a one year maintenance bond to ensure satisfactory installation and performance and interim maintenance subsequent to acceptance of public improvements by the town, which was prohibited by the provisions of PA 11-79. These are appropriate changes.

The proposed revision includes an unrelated amendment to §8-27 that would prohibit towns from denying a building permit for construction on unaccepted streets if part of an approved site plan or subdivision. Such a change requires further analysis to avoid creating the same problems that arose due to the incomplete consideration of the original language in PA 11-79.

The proposed revisions in HB 5320 do not change the provisions in PA 11-79 that prevent towns from requiring the filing of a bond ("financial guarantee") to secure the development of "site improvements" prior to the issuance of a Certificate of Occupancy or the sale of a building lot (site plan and subdivision, respectively). This restriction creates significant financial and physical risk for Connecticut municipalities and must be addressed.

Based on replies to a request to our membership, many towns have experienced abandonment or failure to complete approved projects (29 out of 47 replies to date), often leaving the town with construction and maintenance responsibilities. While some of these projects were, in fact, bonded, such situations are not uncommon and bonding protections may not be available under the discretionary bonding provisions of PA 11-79. Construction of buildings on uncompleted and unaccepted roads aggravates the degree of risk to municipalities when projects are not completed by developers.

In response to the uncertainty and risks created by PA 11-79, many towns have revised or are revising land use regulations, in some cases to allow only conditional approvals.

We will provide updated results of our survey to the Committee as they become available

Finally, we note that many municipalities are considering regulations changes to address PA 11-79 and it is likely that many developers are delaying decisions on projects pending the resolution of the uncertainty created by PA 11-79. For these reasons, the effective date of this bill should be as soon as possible or even retroactive to the effective date of PA 11-79.

FISCAL IMPACT

The provisions of this bill should not be expected to have any fiscal impact on municipalities. However, the failure of this bill, and its predecessor bill PA 11-79, to recognize the fiscal exposure of towns to the costs of repairing, removing, or maintaining uncompleted public improvements associated with site plan and subdivision approvals could result in significant fiscal impacts.

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 OF COUNSEL

March 1, 2012

Senator Stephen Cassano
 Representative Linda Gentile
 Planning and Development Committee
 Legislative Office Building, Room 2100
 300 Capitol Avenue
 Hartford, Connecticut 06106

Re HB 5320

Dear Senator Cassano and Representative Gentile:

I was asked to contact you on behalf of the Town of North Haven regarding HB 5320 to share their concerns with the proposed amendment to C.G.S. 8-27.

Pursuant to C.G.S. 8-27, the Town of North Haven has an Ordinance, Section 88-2 entitled "Conditions for building permit" which states the following: "In accordance with the provisions of Section 8-27 of the Connecticut General Statutes, no building permit for the erection of residential dwellings on lots abutting unaccepted highways in the Town of North Haven shall be granted before said unaccepted highway has been substantially completed and approved by the Board of Selectmen or a majority thereof." For decades, the Building Department of the Town has required that the binder course of pavement be laid prior to issuance of any building permits for an approved development. The reasons for this are obvious -- public safety, to maintain neighboring roads and properties, for benefit of purchasers, etc.

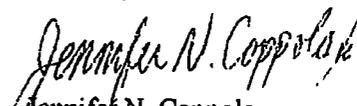
The Town of North Haven strongly believes that the Planning and Development Committee needs to thoroughly consider the implications that the proposed amendment will have upon the municipalities. Specifically, when a road is left uncompleted by a developer, residents will look to the municipality to rectify the problem. North Haven has dealt with this situation firsthand and has on more than one occasion been subjected to litigation. While the Town understands the Legislature's desire to improve the State's real estate market, it cannot accept and

Senator Stephen Cassano
Representative Linda Gentile
Planning and Development Committee
March 1, 2012
Page 2

must protest doing so at the cost of exposing the municipalities to additional unnecessary expense and more importantly, removing control over road construction from the municipalities. As you are well aware, municipalities in Connecticut are already facing many fiscal challenges and taxpayers are continuing to battle the effects of the multi-year economic malaise. Exposing taxpayers to additional costs as a result of legal fees and the potential liability that HB 5320 would present is not acceptable to the Town of North Haven.

On behalf of the Town and our firm, thank you in advance for presenting the above to the Planning and Development Committee.

Sincerely,


Jennifer N. Coppola

JNC/vd



Town of Salem

Town Hall 270 Hartford Road Salem, CT 06420-3809

Tel. (860) 859-3873 Fax (860) 859-1184 www.salemct.gov

March 1, 2012

Connecticut General Assembly
 Planning and Development Committee
 Room 2100, Legislative Office Building
 Hartford, CT 06106

SUBJ: RHB 5320 – An Act Concerning Bonds and Other Surety for
 Approved Site Plans and Subdivisions – Public Hearing Testimony

Members:

Though the subject Bill is an attempt to rectify the tenable bonding restrictions and procedures resulting from PA 11-79, passed last year, the Bill does not go far enough. It still leaves the decision of whether to file a bond, or if a bond will be filed, up to the developer/subdivider

Salem's Planning and Zoning Commission, in response to PA 11-79, has (a) placed a moratorium on site plans and subdivisions until April 1, 2012, and (b) scheduled a public hearing for March 27, 2012 to amend its zoning and subdivision regulations to eliminate the possibility of bonding

The subject Bill does clarify that site plans, not just modified site plans, may be bonded, and it eliminates the requirement that the Commission must, and makes it optional that the Commission may, accept surety bonds. It also reinstates the municipality's ability to require maintenance bonding, though limits that bonding to a period of one year following completion of improvements.

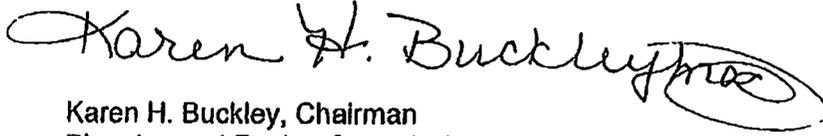
Of critical importance, however, is that the Bill does not remove the decision of whether, or when, to post a bond up to the developer/subdivider. Those decisions must be returned to municipal commissions. The potential adverse financial impacts to municipalities could prove substantial should a developer/subdivider not have posted a bond, proceeded with construction, and subsequently abandoned the project without having completed approved public improvements. The town would then be placed in the position of completing those improvements, at the town's expense. The Bill also does not remove the 10% cost-plus restriction, which could prove financially detrimental to municipalities. Further, it does not return to municipalities the discretion to require bonding of site plans/subdivisions without public improvements.

The Bill also does not address the requirement that, upon submission of a bond release/reduction, the commission must, within 65 days, either approve the

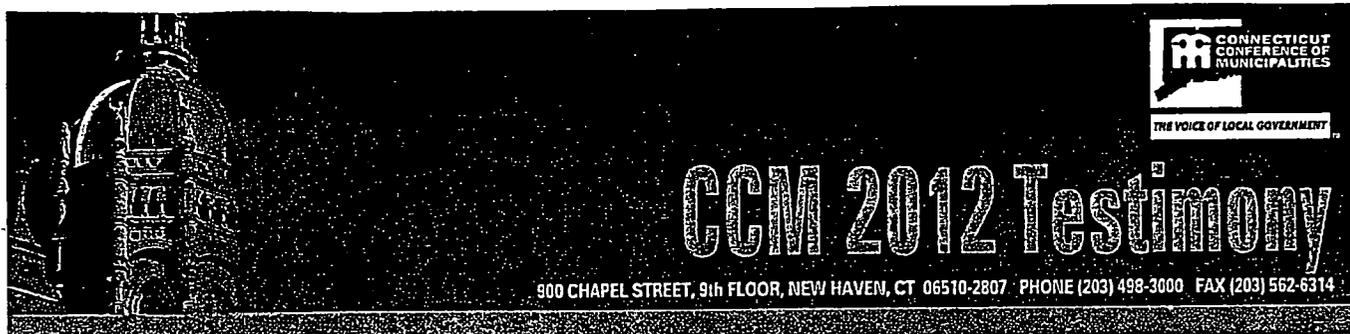
release/reduction, or provide written comments re work remaining to be done before the bond can be released. This requirement is extremely unreasonable for those towns without adequate staff to ensure the timeframe is not exceeded.

I support adoption of HB 5320 with the following changes: (a) the municipality decides, if bonding is required as part of the application approval, when that bond shall be posted, (b) remove the 10% maximum cost contingency, (c) remove the limitation that bonding may only be applied to public improvements, and (d) remove the requirement that bond reductions/requests must be acted on within 65 days of receipt.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karen H. Buckley". The signature is written in black ink and includes a large, stylized flourish at the end.

Karen H. Buckley, Chairman
Planning and Zoning Commission



PLANNING AND DEVELOPMENT COMMITTEE

March 2, 2012

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 90% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

H.B. 5320, "An Act Concerning Bonds and Other Surety for Approved Site Plans and Subdivisions"

CCM supports Section 1 & 2 and urges the Committee to amend this section to ensure that municipalities may require bonds for site improvements prior to the issuance of certificates of occupancy (CoOs).

We oppose Sections 3 of the bill.

Sections 1 and 2

These sections attempt to tighten the language in Public Act 11-79. It is important, however, that any revisions maintain protections that statutes have historically provided to towns and cities.

Mark Branse of the Connecticut Association of Municipal Attorneys (CAMA) and Jason Vincent of the Connecticut Chapter of the American Planning Association will discuss municipal concerns in detail.

Section 3

CCM opposes Section 3.

This proposal unnecessarily ties the hands of municipalities. The proposal does not consider the public safety and other rationale for zoning regulations.

Public 11-79 is a big change the General Assembly made less than a year ago. The Act is not without controversy.

-Over-

The Town of Middlebury characterized Public Act 11-79 in the following manner:

This Act puts an enormous burden on the municipalities. Developers can start projects and then walk away leaving the Town holding the bag.

This has recently happened in Middlebury and fortunately we are holding a bond in the form of a letter of credit.

The Act also permits "surety bonds" which is not as effective as say a letter of credit or other instruments.

I can understand the legislation would assist developers in these difficult times, however, it is at the expense of protecting our communities.

Section 3 needs to be studied thoroughly before removing even more authority from towns and cities.

We urge the Committee to delete Section 3 of HB 5320.

★ ★ ★ ★ ★

If you have any questions, please contact Ron Thomas at rthomas@ccm-ct.org or (203) 498-3000.

S - 649

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2012**

**VOL. 55
PART 14
4223 - 4505**

rgd/tmj/gdm/gbr
SENATE

307
May 9, 2012

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

And Substitute House Bill 5539, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Substitute House Bill Number 5320, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

An additional item from Senate Agenda Number 1, bottom of the first page of that agenda, Substitute House Bill 5462, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

And also, checking another item to see whether -- I'm not sure whether it had been previously marked from this copy. On the second page of -- of Calendar -- of Senate Agenda Number 1, Substitute House Bill 5394, the last item on that second page.

That's already on.

rgd/tmj/gdm/gbr
SENATE

317
May 9, 2012

SENATOR LOONEY:

Yes.

THE CHAIR:

The Calendar Number 444 --

SENATOR LOONEY:

Yes.

THE CHAIR:

-- House Bill 5037 has just been added.

Senator Looney.

SENATOR LOONEY:

That's right, Madam President.

And -- and also, Madam President, calendar page -- excuse me, it's -- rather I don't have the calendar page but it's Substitute -- it is Calendar 507, Substitute for House Bill 5467, Madam President, move to place that item on the consent calendar.

THE CHAIR:

Got it. Thank you, sir.

SENATOR LOONEY:

Now, Madam President, if the Clerk would now proceed to call the consent calendar.

THE CHAIR:

Mr. Clerk, you may call the consent calendar now.

THE CLERK:

House Bill 5358; House Bill 5148; House Bill 5394; House Bill 5326; House Bill 5025; House Bill 5534; House Bill 5539; House Bill 5320; House Bill 5462; House Bill 5394; House Bill 5511.

rgd/tmj/gdm/gbr
SENATE

318
May 9, 2012

(HB 5283)

On page 3, Calendar 240, House Bill 3283; page 3, Calendar 299, House Bill 5437; page 5, Calendar 349, Senate Bill 374; page 6, Calendar 375, House Bill 5440; page 6, 362, House Bill 5011.

On page 7, Calendar 376, House Bill 5279; on page 7, 387, House Bill 5290; on page 8, 394, House Bill 5032; on page 8, 396, House Bill 5230.

Also on page 8, Calendar 398, House Bill 5241; on page 8, Calendar 393, House Bill 5307; on page 9, Calendar 403, House Bill 5087; on page 9, Calendar 406, House Bill 5276; on page 9, 407, House Bill 5484; on page 11, Calendar 424, House Bill 5495; on page 12, Calendar 435, House Bill 5232; on page 13, Calendar 5 -- excuse me Calendar 450, House Bill 5447; on page 14, Calendar 455, House Bill 3 -- I'm sorry -- House Bill 5353.

On page 14, Calendar 453, House Bill 5543; on page 14, Calendar 459, House Bill 5271; on page 15, Calendar 464, House Bill 5344; on page 15, Calendar 465, House Bill 5034; on page 16, Calendar 469, House Bill 5038; on page 17, Calendar 475, House Bill 5550; on page 17, Calendar 474, House Bill 5233; on page 17, Calendar 477, House Bill 5421.

Page 18, 480, House Bill 5258; on page 18, Calendar 479, House Bill 5500; page 18, Calendar 482, House Bill 5106; on page 18, Calendar 483, House Bill 5355; on page 19, Calendar 489, House Bill 5248; on page 19, Calendar 488, House Bill 5321; on page 20, Calendar 496, House Bill 5412.

On page 21, Calendar 504, House Bill 5319; page 21, Calendar 505, House Bill 5328; on page 22, Calendar 508, House Bill 5365; on page 22, Calendar 510, House Bill 5170; on page 23, Calendar 514, House Bill 5540; on page 23, Calendar 517, House Bill 5521.

Page 24, Calendar 521, House Bill 5343; page 24, Calendar 518, House Bill 5298; page 24, Calendar 523, House Bill 5504; page 29, Calendar 355, Senate Bill 418; on page 13, Calendar 444, 5037; and Calendar 507, House Bill 5467.

THE CHAIR:

Senator -- Senator Suzio.

SENATOR SUZIO:



State of Connecticut

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STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591
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CLERK OF THE SENATE
ERNEST J. COTNOIR
ASSISTANT SENATE CLERK

TIMOTHY B. KEHOE
PERMANENT ASSISTANT
CLERK OF THE SENATE

Bills placed on the Consent Calendar on May 9, 2012

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CLERK OF THE SENATE

Bills from Senate Agenda Number 3 from the May 9th Senate Session that were placed on the Consent Calendar

HB5304
HB 5342

rgd/tmj/gdm/gbr
SENATE

319
May 9, 2012

Good evening, Madam President.

I just want to clarify. I thought I heard the Clerk call House Bill 5034? Is that on the consent calendar?

THE CHAIR:

Do you know what page that is, sir?

SENATOR SUZIO:

No I -- he was reading so fast, Madam, I couldn't get it.

THE CHAIR:

It's -- yes it's 53 -- I don't know.

SENATOR SUZIO:

5034.

THE CHAIR:

5034, yes sir.

SENATOR SUZIO:

I object to that being put on the consent calendar, Madam President.

THE CHAIR:

Okay, that will be removed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, just seeing that -- ask to remove that item from the consent calendar.

THE CHAIR:

So ordered.

rgd/tmj/gdm/gbr
SENATE

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At this time we'll call a roll call vote on the consent calendar.

Mr. Clerk.

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:

Senator Coleman, we need your vote, sir.

Senator Kissel, Senator Kissel. Senator Kissel, will you vote on the consent calendar please?

All members have voted?

If all members have voted, the machine will be closed.

Mr. Clerk, will you call the amendment -- I meant the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and Not Voting	0

THE CHAIR:

The consent calendar has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I believe the Clerk is in possession of Senate Agenda Number 6 for today's session.