

PA12-027

HB5315

House	754-759	6
Planning & Development	545-546, 553, 554, 595-596	6
<u>Senate</u>	<u>2231, 2234-2235</u>	<u>3</u>
		15

H – 1125

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 3
695 – 1045**

THE CLERK:

On today's consent calendar.

Total number voting	139
Necessary for adoption	70
Those voting Yea	139
Those voting Nay	0
Those absent and not voting	12

DEPUTY SPEAKER KIRKLEY-BEY:

The consent calendar has been adopted. Thank you.

Will the Clerk please call Calendar Number 96?

THE CLERK:

On page 11, Calendar 96, House Bill Number 5315,
AN ACT AUTHORIZING PLANNING COMMISSIONS TO NOTIFY
REGIONAL PLANNING AGENCIES OF SUBDIVISION APPLICATIONS
BY ELECTRONIC MAIL, favorable report by the Committee
on Planning and Development.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile, you have the floor,
ma'am.

REP. GENTILE (104th):

Thank you, Madam Speaker. Good morning.

DEPUTY SPEAKER KIRKLEY-BEY:

Good morning.

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REP. GENTILE (104th):

Madam Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

]

DEPUTY SPEAKER KIRKLEY-BEY:

The motion before us is acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark further, ma'am?

REP. GENTILE (104th):

Thank you. Yes, ma'am.

This bill allows municipal planning commissions to notify regional planning agencies, known as RPAs, about proposed subdivisions by e-mail instead of certified mail.

Under current law municipal planning commissions mostly notify RPAs about proposed subdivisions that abut or include land in two or more towns. And the notice must be sent at least 30 days before the required public hearing by certified mail, return receipt requested. This just allows them to do so by e-mail, thereby saving them the postage.

I move passage of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is passage of the bill.

Will you remark?

Representative Aman, you have the floor, sir.

REP. AMAN (14th):

Thank you and good morning, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Good morning.

REP. AMAN (14th):

For purpose of legislative intent, I do have some questions for the proponent of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Prepare yourself, Representative Gentile.

Please frame your question.

REP. AMAN (14th):

Yes. Just for purpose of legislative intent, nowhere in this bill, it's my understanding, that it will allow notification of anyone other than a regional agency to be notified this way, especially for individual property owners, the law does not change. They still must be notified by certified mail. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Thank you.

Through you, Madam Speaker, that is absolutely correct.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes. The only other thing that I do have on this bill, because we are entering a new era of communication, is that it says a message back from the regional planning agency. It's my understanding that this is not equivalent to an out-of-office reply or any other automatically generated computer response, that it has to be a real message from the agency saying that they received the information that was being sent.

Again, through you, Madam Speaker, is that correct?]

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Madam Speaker.

That is absolutely correct, and it also provides one further safety provision, and that is, if the receipt is not sent, then the agency must send it by

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certified mail.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

REP. AMAN (14th):

I thank the chairman for her answers.

It is trying to get us to enter into this century as far as communication. It was very clear at the public hearings that this has been going on over the last several years, whether the law allowed it or not, and I think it should be passed and I urge my colleagues to vote for it.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Will you remark? Will you remark further on the bill that is before us? Will you remark further on the bill that is before us? If not, staff and guests please come to the well. Members, take your seats. The machine will be locked.

THE CLERK:

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

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted?

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Have all members voted? Please check the board to see that your vote has been properly cast. The machine will be locked, and the Clerk will prepare the tally. The Clerk will announce the tally.

THE CLERK:

House Bill 5315.

Total number voting	140
Necessary for adoption	71
Those voting Yea	140
Those voting Nay	0
Those absent and not voting	11

DEPUTY SPEAKER KIRKLEY-BEY:

The bill is passed.

Will the Clerk please call Calendar Number 47?

THE CLERK:

On page 6, Calendar 47, Substitute for House Bill Number 5030, AN ACT CONCERNING THE DEVELOPMENT OF A GENERAL EDUCATION CORE OF COURSES TO ALLOW FOR THE SEAMLESS TRANSFER AMONG PUBLIC INSTITUTIONS OF HIGHER EDUCATION, favorable report by the Higher Education Department.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Willis, you have the floor, ma'am.

REP. WILLIS (64th):

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
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342 -679**

2012

The language simply requires the tax collector to provide written notice to the chief of elected officials, the taxpayer. This notice should also contain a detailed explanation supporting the tax collector's reason of exercising jeopardy.

I again encourage you to support this bill. In the future it will help protect those small businesses that have threatened unfair in the past.

Thank you for your consideration.

SENATOR CASSANO: (Inaudible). Speaker William Donlin is the first on Bill 5314, and then Carl Stephanie on 5315.

Welcome.

WILLIAM DONLIN: (Inaudible).

SENATOR CASSANO: Questions? (Inaudible).

Seeing none, thank you very much for testifying.

Carl, and then Ron Thomas. This is 5315. Ron Thomas on 5316.

CARL STEPHANIE: I'll be very brief. I'm here just to speak in favor of this bill.

As you probably all know, there are three types of land use changes that cities and towns have to refer to their regional planning agencies: Changes in their plans of conservation and development, changes in their zoning, and certain subdivisions. As it stands now, the only changes that have to be sent to the regional planning agencies by

certified mail is -- are subdivision changes or proposed subdivisions. So, this bill would simply change it so that all three of those could be sent by E-mail, which is the common practice now anyway.

So, I'm just here to answer questions if there are any. Otherwise, I appreciate your support of this bill.

SENATOR CASSANO: Questions?

Seeing none, thank you, Carl.

CARL STEPHANIE: Thank you.

SENATOR CASSANO: Bill 5315 has been (inaudible). 5316, Ron Thomas, CCM. There you are. I knew you were here somewhere. I knew you wouldn't miss the opportunity.

RON THOMAS: Of course. Good morning, Senator Cassano, Representative Gentile, and members of the P and D Committee. My name is Ron Thomas, director of public policy and advocacy for CCM. Happy to be here to talk with you about a few bills that concern the towns and cities. I'll try to get through as much as I can in my three minutes.

HB 5317

First I'd like to talk about 5316, requiring a Two-thirds Vote of the General Assembly to Enlarge Municipal Mandates and Authorizing a Review of Certain Municipal Budgets. We're very pleased that the Committee has raised Section 1 of the bill, at least. We think it's an extremely important issue. It's a priority of CCM's. Again, this proposal wouldn't necessarily tie the hands of the Legislature if the Legislature, through the use of a notwithstanding clause, may avoid a

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.



Making Great Communities Happen
**Connecticut Chapter of the
 American Planning Association
 Government Relation 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 5315 – An Act Authorizing Planning Commissions to Notify Regional Planning Agencies of Subdivision Applications by Electronic Mail

CCAPA POSITION

CCAPA supports HB – 5315.

OVERVIEW

HB 5315 would amend Connecticut General Statutes Section 8-26b to allow planning commissions to provide the required notice of subdivision applications, where such proposed subdivision abuts or crosses a municipal boundary, to regional planning agencies by electronic mail

ANALYSIS

This bill recognizes the availability of communications tools that can reduce costs and expedite administrative procedures.

FISCAL IMPACT

This bill could reduce municipal or applicant costs for meeting the notifications requirements of CGS Section 8-26b. The bill would have no State fiscal impacts.



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. 5315, "An Act Authorizing Planning Commissions to Notify Regional Planning Agencies of Subdivision Applications By Electronic Mail"

CCM supports this bill.

H.B. 5315 is a common sense proposal that takes advantage of modern technology without sacrificing public accountability. Regional planning organizations and municipal planners support this proposal.

CCM urges the committee to favorably report this bill.

★ ★ ★ ★ ★

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

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**CONNECTICUT
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(? in the chair.)

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

And Mr. President, also that bill and the other bills noted earlier in our motions to refer, would move that all of those items be -- be transferred to the committees to which they've been referred without being held.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, we do have some items to place on a Consent Calendar. I want to thank -- thank the members, the Minority Leaders in -- in particular for cooperation on -- on this.

First, Mr. President, Calendar Page 6, Calendar 241, House Bill -- House Bill 5315; Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, also Calendar Page 12, Calendar 366, House Bill 5124, move to place the item on the Consent Calendar.

THE CHAIR:

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THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, would now ask the Clerk to read the items on the Consent Calendar and then if we might move to an immediate vote on that Consent Calendar.

THE CHAIR:

Would the Clerk please identify those items placed on our Consent Calendar?

THE CLERK:

On page 6, Calendar 241, House Bill 5315; page 12, Calendar 366, House Bill Number 5124; page 13, Calendar 367, House Bill Number 5150. Also on page 13, Calendar 368, House Bill Number 5182; on page 13, Calendar 371, House Bill Number 5314; on page 14, Calendar 372, House Bill Number 5329; and, on page 15, Calendar 379, House Bill Number 5364.

THE CHAIR:

Those items, having been identified as our Consent Calendar, the machine will be open, and Senator -- Senators may cast their vote.

Clerk, please make the announcement.

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 Senators voted? Have all Senators voted?
Please check the board to make certain that your vote

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is properly recorded. If all Senators have voted, the machine will be locked.

Mr. Clerk, please take a tally.

THE CLERK:

On today's Consent Calendar.

Total number Voting	34
Necessary for Passage	18
Those voting Yea	34
Those voting Nay	0
Absent, not voting	2

THE CHAIR:

Consent Calendar is passed.

Are there any announcements or points of personal privilege? Are there any announcements or points of personal privilege?

Senator Gerratana.

SENATOR GERRATANA:

Thank you, Mr. President.

Mr. President, tomorrow there will be a Public Health Committee meeting outside the hall of the House at 10:30 a.m.; that's tomorrow, Wednesday, May 2nd.

Thank you, Mr. President.

THE CHAIR:

Thank you, madam.

Are there further announcements or points of personal privilege? Are there further announcements or points of personal privilege?