

## CBA LPRC POSITION REQUEST FORM

The CBA Planning & Zoning Section **position request** is as follows:

1) Proposed legislative or regulatory concept:

Currently, provisions of the General Statutes require that municipalities post legal notice in newspapers. Examples include publication of legal notice for public hearings before land use agencies under § 8-7d and decisions of such agencies. Section 1-2 of the General Statutes currently says that if another statute requires publication in a daily paper, then publication instead in a weekly paper is allowed. **RSB-698** would revise § 1-2 by providing municipalities with an alternative means of publishing legal notice. Under RSB-698, municipalities may post legal notice on the Internet website of the town, city or borough (in lieu of the newspaper).

2) Explanation and rationale for advancing this position:

The practice of online publication of legal notice is already being employed by municipalities under Governor Lamont's executive orders. The online publication of legal notice has largely been effective during the pandemic, perhaps with one caveat: it is sometimes difficult to find the legal notice posted to the municipal website. Please see the Section's recommendation under #3.

The Section has an additional recommendation regarding the draft language of RSB-698 to avoid possible confusion regarding the applicability of this statute.

3) Is draft regulation, legislation or proposed bill included?

Yes, the text of RSB-698 is attached at the end of this form. The Section has 2 recommendations:

First, the Section recommends that RSB-698 address an issue that some in our Section have encountered with respect to difficulty in finding where on the municipal website legal notice has been posted. A uniform "page" on a municipal website could help address this issue. RSB-698 does not include language which specifies where on a municipal website the legal notice must be posted.

Second, § 1-2 does not actually require anything. It just states that says if another statute requires publication in a daily paper, then they can publish instead in a weekly paper. Section 8-7d of the General Statutes, which sets out the hearing, notice, and decision process for local land use hearings, does not specify publication in a daily newspaper; it just says publish in a newspaper. Arguably, this statute might not be triggered as a result. In order to avoid any confusion, the Section recommends revising the draft language to permit such advertisement in a "daily or weekly" newspaper or on-line. Revised draft language is on the final page of this form.

- 4) What is the date of any legislative hearing, if known?

A hearing was held on February 3, but we understand that testimony is still being received by the Planning & Development Committee.

- 5) Was this position previously approved by the CBA? If so, when does/did it expire?

No.

- 6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position?

No.

- 7) Potential or actual CBA opposition from another CBA section or committee?

Not aware of any.

- 8) Strength of section position (including process and results of section vote taken on issue):

The Planning & Zoning Section polled its Executive Committee, which consists of 51 members, including ex-officio members. The Section received 28 responses from its Executive Committee. All responses were generally in agreement to support of RSB-698.

- 9) Fiscal impact (on the state):

None.

- 10) Are you seeking “fast-track” approval?<sup>1</sup>

Yes.

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<sup>1</sup> A “fast track” recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation.

Substitute Language Recommended by the Planning & Zoning Section -- RSB-698:

***An Act Concerning the Online Publication of Legal Notice by Municipalities***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 1-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

Each provision of the general statutes, the special acts or the charter of any town, city or borough which requires the insertion of an advertisement of a legal notice in a [daily] newspaper shall be construed to permit such advertisement to be inserted in a daily or weekly newspaper or, if such provision applies to a town, city or borough, posted on the Internet web site of the town, city or borough; but this section shall not be construed to reduce or otherwise affect the time required by law for giving such notice. Whenever notice of any action or other proceeding is required to be given by publication in a newspaper, either by statute or order of court, the newspaper selected for that purpose, unless otherwise expressly prescribed, shall be one having a substantial circulation in the town in which at least one of the parties, for whose benefit such notice is given, resides.



General Assembly

January Session, 2021

***Raised Bill No. 698***

LCO No. 1960



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

***AN ACT CONCERNING THE ONLINE PUBLICATION OF LEGAL NOTICES BY MUNICIPALITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-2 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 Each provision of the general statutes, the special acts or the charter  
4 of any town, city or borough which requires the insertion of an  
5 advertisement of a legal notice in a daily newspaper shall be construed  
6 to permit such advertisement to be inserted in a weekly newspaper or,  
7 if such provision applies to a town, city or borough, posted on the  
8 Internet web site of the town, city or borough; but this section shall not  
9 be construed to reduce or otherwise affect the time required by law for  
10 giving such notice. Whenever notice of any action or other proceeding  
11 is required to be given by publication in a newspaper, either by statute  
12 or order of court, the newspaper selected for that purpose, unless  
13 otherwise expressly prescribed, shall be one having a substantial  
14 circulation in the town in which at least one of the parties, for whose  
15 benefit such notice is given, resides.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2021</i>	1-2
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***Statement of Purpose:***

To permit the posting of advertisements of legal notices on municipal Internet web sites.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*