



Legislative & Rules Committee – Board of Representatives

Eileen Heaphy, Chair

Arthur Layton, Vice Chair

Committee Report

Date: Monday, May 17, 2010
Time: 7:00 p.m.
Place: Democratic Caucus Room, 4th Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee met as indicated above. Present were Chair Heaphy, Vice Chair Layton, and Committee Member Reps. Day, Martin, Merritt and Zelinsky. Absent or excused were Committee Member Reps. Mitchell, Rauh and Uva. Also present were Clerk of the Board Summerville; Jon Gottlieb, Charter Oak; Sybil Richards, Deputy Corporation Counsel; Harry Carey, AT&T; Amy Healy; Yellow Pages Association; and Icey and Johnny McClain, residents.

Chair Heaphy called the meeting to order at 7:10 p.m.

Item No.	Description	Committee Action
1. LR28.013	PROPOSED ORDINANCE; <u>for public hearing & final adoption</u> ; amending Ordinance No. 1111, Tax Abatement for Palmer Square, to amend the total number of units.	Approved 5-0-0

Chair Heaphy opened the public hearing. In response to inquiries from members of the public and committee members, Mr. Gottlieb explained that the entity leasing the land and seeking the tax abatement has been changed to a Limited Liability Corporation in order to benefit from changes in the tax credits under the federal stimulus bill. The ordinance and underlying agreement have not changed in any other way. Chair Heaphy closed the public hearing. Sybil Richards had previously told Chair Heaphy that she did not believe that republication of the modified proposed ordinance and an additional public hearing are required because the change to the ordinance is not substantive. A motion to approve the ordinance was made, seconded and approved by a vote of 5-0-0 (Representatives Heaphy, Layton, Day, Martin and Merritt in favor.)

2. LR28.002	PROPOSED ORDINANCE; <u>for republication</u> ; proposed ordinance prohibiting the unsolicited distribution of bulky printed materials.	Approved, as amended 5-0-1
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Representative Day introduced Ms. Healy, who represents a national trade organization of yellow book directories and Mr. Carey, who represent AT&T, who had been invited to speak to the committee. Mr. Carey noted that no member of the public had appeared at the public hearing to support this ordinance. Chair Heaphy responded that this did not necessarily mean that there is no support by the public for this ordinance. She had discussed this proposed ordinance with a

number of voters who were strongly in favor of the proposed ordinance. Ms. Healy and Mr. Carey described the current voluntary industry program to permit individuals to opt out of delivery of telephone books, under which 92-93% of the current Yellow Books contain an opt-out provision. Because of this voluntary program, they do not feel that the ordinance is necessary. They stated that this ordinance unfairly targets telephone books because it does not limit unsolicited direct mailings or non-bulky publications. Ms. Healy noted that the ordinance needs to permit publishers a 90 day grace period after the notification because the telephone books may be at the distributors at the point when the publisher receives the notice, and it would be too late to stop the distribution. She also noted that the current ordinance permits a non-resident owner to opt-out, and suggested that the term "owner" be stricken. She stated that based upon industry research regarding people relocating, the opt-out period should last for 3 years rather than 5.

Representative Day stated that since the industry is already providing a voluntary opt-out, there should be no objection to the ordinance. He also noted that the ordinance is not meant to apply to unsolicited mail, because that does not create the same litter or safety issues, since mail that is not picked up is not publicly viewable. He stated that he would like to retain the distinction for bulky publications in order to prevent delivery of other unsolicited bulky publications, such as promotional or free Sunday newspapers.

After discussion among the committee, Rep. Day suggested that the proposed ordinance be amended to add the term unsolicited, to remove references to owner, to allow people to opt-out via website address, and to include a 90 day grace period. A motion to amend the ordinance was made, seconded and approved by a vote of 6-0-0 (Representatives Heaphy, Layton, Day, Martin, Merritt and Zelinsky in favor.) A motion to amend the ordinance to change the duration of the opt-out period from 5 to 3 years was made, seconded and approved by a vote of 6-0-0 (Representatives Heaphy, Layton, Day, Martin, Merritt and Zelinsky in favor.) A motion to approve the ordinance for republication, as amended, was made, seconded and approved by a vote of 5-0-1 (Representatives Heaphy, Layton, Day, Martin and Merritt in favor. Representative Zelinsky abstained.)

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Eileen Heaphy, Chair