

Legislative History for Connecticut Act

<u>SB 1049</u>	<u>PA 184</u>	<u>1963</u>
House p 2551-52 (pass retained) p 2656-2660, 2665-66,		9
Senate p. 1109-11, 1393-95		6
Judiciary 437, 896-899		5
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
1963

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Wednesday, May 15, 1963

224.

MR. SPEAKER:

Question is on acceptance and passage. Will you remark?

MRS. FLANAGAN (WINDSOR LOCKS):

Mr. Speaker, this bill reduces the time in contesting elections for municipal offices from sixty to ten days after the date of the election. It also clarifies the power of the judge to order a recount if sufficient reason thereon is shown. There are other bills which will come before you to increase from three to ten days the period for contesting national, state elections. Thus these bill when passed, if passed will have the uniform period of ten days. The committee feels this is a good bill Mr. Speaker and I hope it passes.

MR. SPEAKER:

Will you remark further? Question is on the passage of the bill. All in favor say Aye. Opposed Nay. The bill is passed.

THE CLERK:

Modified Senate Bill No. 1049. An Act concerning Petitions for Referendum on Recommendation of Home Rule Charter or Ordinance Commissions. (As amended by Senate Amendment Schedule "A"). Favorable report of the Joint Committee on Judiciary and Governmental Functions.

MR. BOYD (WESTPORT):

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

EJN

Wednesday, May 15, 1963

225.

MR. SPEAKER:

EJN

I am sorry sir, the question is first on Senate Amendment Schedule "A", I think/ Would you like the Clerk to read the amendment?

MR. BOYD (WESTPORT):

I am sorry Mr. Speaker, I was not aware of the amendment and I would ask that this be passed retaining. I would like to read it.

MR. SPEAKER:

Very well.

THE CLERK:

Matters Returned from the Legislative Commissioner
Calendar no. 285, file no. 347 and 625. Substitute
for House Bill No. 3388. An Act concerning Town Shell-Fish
Commissions. (As amended by House Amendment Schedule "A").
Favorable report of the Joint Committee on Fish and Game.

MR. MANWARING (EAST LYME):

Mr. Speaker, I move for acceptance and passage.

MR. SPEAKER:

Question is on acceptance and passage as Amended by
House Amendment Schedule "A". Will you remark?

MR. MANWARING (EAST LYME):

This allows the various towns in the State to set up
Shell Fish Commissions to regulate shell fishing in their
towns without having to come to the legislature for special
acts to be passed. Its a good bill and I hope it passes.

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GENERAL ASSEMBLY

HOUSE

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given just to set the Legislative record straight. Thank you.

THE SPEAKER:

Are there any further remarks. If not, the question is on the passage of the bill. All those in favor. All those opposed. The "Ayes" have it. The bill is passed.

THE CLERK:

Calendar No. 547. File No. 318. Substitute for Senate Bill No. 467. An act concerning election contest for national offices. Favorable Report. Joint Committee. Elections.

MRS. LESTER:

May this be passed retaining.

THE SPEAKER:

It will be passed retaining.

THE CLERK:

Calendar No. 549. File No. 251 and 344. Modified Senate Bill No. 1049. An act concerning petitions for referendum on recommendation of Home Rule Charter or Ordinance Commissions. As amended by Senate Amendment, Schedule A. Favorable Report. Joint Committee. Judiciary and Governmental Functions.

THE SPEAKER:

The Gentleman from West Hartford.

MR. LENGE:

Mr. Speaker. The Clerk has an amendment.

THE SPEAKER:

The Clerk will read the amendment.

THE CLERK:

Senate Amendment, Schedule A, offered by Senator Hull of the

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24th District. This is Senate Bill No. 1049. In file No. 251. The amendment is as follows: In Line 4 after "hearing" insert the following: On the proposed Charter amendment or amendments Home Rule ordinance or amendments or Home Rule Ordinance proposed to be repealed". End of amendment.

THE SPEAKER:

The Gentleman from West Hartford.

MR. LENGE:

I move for the adoption of the amendment.

THE SPEAKER:

The question is on the adoption of Senate Amendment, Schedule A. Will you remark.

MR. LENGE:

Mr. Speaker. This amendment is a clarifying amendment. This relates to Section 7191, having to do with the Home Rule laws. As it now reads, this section provides that there shall be at least one public hearing to be held by the Charter Commission. It does not, however, state what the purpose of that one hearing shall be. The amendment is virtually self-explanatory and states the purpose of the hearing to be held.

THE SPEAKER:

Will you remark further on the amendment. If not, all in favor of this adoption will please say "Aye", opposed "Nay". The amendment is adopted. The Gentleman from West Hartford.

MR. LENGE:

I move for acceptance of the joint committee's favorable

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report and passage of the bill as amended by Senate Amendment, Schedule A.

THE SPEAKER:

The question is on acceptance and passage as amended by Senate Amendment, Schedule A. Will you remark.

MR. LENGE:

The bill proposes to amend Section 7-191, and to provide for a referendum. Very briefly the Home Rule procedure is as follows: It provides, under the present law, that there shall be a report of a Charter Commission, and that there shall be a hearing on that report by the appointing authority. Then the appointing authority may make further recommendations, and it may accept or reject, or it may make recommendations to the Charter Commission. Thereafter the Charter Commission may accept or reject the recommendations. Thereafter the Charter Commission makes a final report. It is at this point that the proposed bill and the amendment has its importance. At this point, the appointing authority either approves or rejects the final report of the Charter Commission. If it rejects the report of the Charter Commission, then no further action may be taken with reference to the subject matter for which the commission was established for a period of one year. It is at this point that the referendum provision is provided. It provides that if, on petition of 15 per cent of the electors of the town, if it is presented to the appointing authority, then it will have the net effect of having been approved by the appointing authority and will be submitted

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to the voters, to the electorate, as is further provided under the Home Rule Section 7-191. This is a good amendment, It strengthens Home Rule Law, and I urge its passage.

THE SPEAKER:

Will you remark further. The Gentleman from Rocky Hill.

MR. SAUNDERS:

I rise to support the bill. In the particular town which I represent, we have had two charter commissions within the last three years. The first charter commission, after a stormy one year of existence, had their recommendations rejected by the Selectmen. I concurred with the opinion of the Selectmen at the time. However, It was inferred, improperly, at least in my mind, that the Selectmen had not acted properly on this matter and had in effect gagged the voice of the people. Although I disagreed like I said, I feel that this, in effect, would serve to allow the Selectmen or appointing authority to exercise their responsibilities under the Home Rule, and then finding if the people disagreed with their action, it would leave the ultimate decision up to the people of the town. For that reason I support the bill and hope that it passes.

THE SPEAKER:

The Gentleman from Newington.

MR. SATTI:

I think that this is a very fine amendment. I heartedly support it. I have only one suggestion now that I re-read it again. I regret that it doesn't indicate that the appointing

authority shall make known his vote of rejection in order for the petition to be obtained within the 45 day period. I just wish that that provision had been put in because, otherwise, the appointing authority can reject the matter and the 45 day period will begin to run upon the vote of rejection rather than upon notice having been given to the town. I certainly support the idea, and if the weakness I see in the bill turns out to be a serious one, I assume that it can be amended at the next session of this Legislature.

THE SPEAKER:

The question is on the passage of the bill as amended by Senate Amendment, Schedule A. Will you remark further. If not, all in favor ---- The Gentleman from Berlin.

MR. DORAN:

I would ask that the bill be passed retaining, as I have an amendment that I would like very much to include, if this would be acceptable.

THE SPEAKER:

Is there objection.

MR. SHEA: (Meriden - not recognized)

Mr. Speaker. I would suggest that we could pass it temporarily for a few minutes, but after all the bill has been here before us and it is under debate.

THE SPEAKER:

Will that be agreeable, Sir. Is your amendment prepared. We will pass the bill temporarily and return to it.

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the plurality of the winning candidate is either less than one-half of one per cent of all the votes cast for the office, but not more than 2,000 votes, or where it is less than twenty votes. Where the margin of victory is small, it is necessary, not only from the viewpoint of the candidate, but from the electorate, to insure that these counts which are made are accurate. I urge its passage.

THE SPEAKER:

Will you remark further. The question is on the passage of the bill. Will all in favor say "Aye", opposed "Nay". The bill is passed.

THE CLERK:

Please return to page 5 of the Calendar.

THE SPEAKER:

The Gentleman from Berlin.

MR. DORAN:

I appreciate your courtesy in the request for putting an amendment on File No. 344. I withdraw that, Sir, if I may.

THE SPEAKER:

You do not wish to offer an amendment. Then we will return to that, and I will ask the Clerk to call it once more and we will proceed to a vote.

THE CLERK:

Calendar No. 549. File No. 251, and 344. Modified Senate Bill No. 1049. An act concerning petitions for referendum on recommendation of Home Rule Charter or Ordinance Commissions as amended by Senate Amendment, Schedule A. Senate

Amendment, Schedule A, had been adopted and the question was on acceptance and passage of the committee's favorable report.

THE SPEAKER:

Are there any further remarks. If not, will those who are in favor of the passage of the bill as amended please say "Aye", opposed "Nay". The bill is passed.

THE CLERK:

Calendar No. 556. This is Page 6 of the Calendar. The fourth item from the top. Calendar No. 556. File No. 387. Substitute for Senate Bill No. 861. An act authorizing Miriam Chomsky to bring an action against the City of Hartford. Favorable Report. Joint Committee. General Law.

MR. SPIEGEL: (Trumbull)

May that bill be passed retaining, Mr. Speaker.

THE SPEAKER:

The bill will be passed retaining.

THE CLERK:

Please turn to Page 12 of the Calendar. Entitled Disagreeing actions. This is House Bill No. 3668. An act validating a notice of injury incurred by David Lee given to the Town of Bethel. This bill was passed by the House on April 30, 1963. It went to the Senate on March 2, 1963. The Senate amended it with Senate Amendment, Schedule A. It now returns to the House under Disagreeing Action.

THE SPEAKER:

The Gentleman from Trumbull.

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SENATE

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April 26, 1963

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THE CLERK:

Business on the Calendar. Page 1. Calendar No. 124. File No. 158. Substitute for House Bill No. 3414. An act validating two easements from the State of Connecticut, acting by the Connecticut Aeronautics Commission, to the Connecticut Light and Power Company.

Favorable report of the Joint Committee on General Law.

SENATOR GLADSTONE:

Mr. President....

THE CHAIR:

Senator Gladstone of the 22nd district.

SENATOR GLADSTONE:

On page one of the Calendar, Calendar No. 124 and 224 stand over and retain their places on the Calendar.

THE CHAIR:

Calendar No. 124 and 224 will stand over retaining their places on the Calendar.

THE CLERK:

Calendar No. 240. File No. 251. Modified Senate Bill No. 1049. An act concerning petitions for a referendum on re-commendation of Home Rule Charter or Ordinance Commissions.

Favorable report of the Joint Committee on Judiciary and Governmental Functions.

SENATOR HULL:

Mr. President....

THE CHAIR:

Senator Hull of the 24th.

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SENATOR HULL:

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

THE CHAIR:

Remarks?

SENATOR HULL:

Mr. President, the bill itself provides a means by which the voters can petition out for a vote by the electorate a proposed charter Home Rule amendment or other change in the basic structure of government. If fifteen percent of the people wish to have it voted on. The Clerk has an amendment which I would like to have read at this time, Mr. President.

THE CLERK:

Senate Amendment Schedule "A". In line four, after the word "hearing" insert the following "on the proposed charter amendment or amendments Home Rule Ordinance or amendments or Home Rule Ordinance proposed to be repealed".

SENATOR HULL:

Mr. President....

THE CHAIR:

Senator Hull of the 24th.

SENATOR HULL:

I move the passage of the amendment.

THE CHAIR:

Do you wish to remark on the amendment?

SENATOR HULL:

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Mr. President, Senator Finney has suggested and I think it is a very good suggestion that the public hearings which a charter commission is required to hold be a public hearing on the proposed charter itself. As Section 7-197 now reads, the Charter Commission and other types of commissions mentioned therein must hold at least one public hearing; but the law does not require that that public hearing relate to the final package that is going to be reported back to the appointed authorities. In Senator Finney's opinion with which I concur, the law would be a better law if the Charter Commission were required to hold its public hearings on the package, on the proposed charter.

THE CHAIR:

Further remarks on the amendment. The question is on the adoption of the amendment. All in favor say "aye", "bposed". The amendment is adopted.

SENATOR HULL:

Mr. President, I consider this a subject that should be referred to the Legislative's office.

THE CHAIR:

The bill will be referred back to the Legislative's office for redrafting and printing.

THE CLERK:

Calendar No. 242. File No. 253. Substitute for Senate Bill No. 1232. An act concerning membership on Zoning Boards of Appeals and Zoning Commissions.

Favorable report of the Joint Committee on General Law.

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Mr. President, this bill as it names implies incorporates the Masonic Temple Corporation of Cornwall; the purpose of which corporation is to hold title to real and personal property for the benefit of Blaxing Star Lodge No. 74 A.F. and A.M. The corporation is a non-profit corporation. I urge passage of the bill.

THE CHAIR:

Further remarks? The question is on the acceptance of the committee's favorable report and passage of the bill. All those in favor say "aye", "opposed". The bill is passed.

THE CLERK:

Calendar No. 386. File No. 274. Modified House Bill No. 2582. An act exempting voluntary ambulance associations from the insurance laws.

Favorable report of the Joint Committee on Insurance.

SENATOR GLADSTONE:

Mr. President, may Calendar No. 387 and 388 stand over and retain their places on the Calendar.

THE CHAIR:

Calendar Nos. 387 and 388 will stand over and retain their place on the Calendar.

THE CLERK:

Page 11 of the Calendar. Matters returned from the Legislative Commissioner. Calendar No. 240. File No. 251 and 344. Modified Senate Bill No. 1049. Petitions for referendum on recommendation of Home Rule Charter or Ordinance Commissions.

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(As amended by Senate Amendment Schedule "A".)

Favorable report of the Joint Committee on Judiciary and Governmental Functions.

SENATOR HULL:

Mr. President....

THE CHAIR:

Senator Hull of the 24th.

SENATOR HULL:

I move for passage of the bill as amended.

THE CHAIR:

Wish to remark?

SENATOR HULL:

Mr. President, this bill makes two changes in Section 7-191 of the Home Rule Act. One minor and one rather important. The minor change is that the public hearing that is required to be held by the Charter Commission before giving the proposed charter amendment and so forth to the appointed authority shall be a public hearing on the proposed charter. The present law only requires that the Charter Commission have a public hearing and some of them just call a hearing when they aren't very well along in their work, but they never do have a public hearing on the proposed charter before reporting it up to the appointed authority. The second change would allow 15% of the voters to petition out for action at a referendum, any proposed charter or amendment even though it had been rejected by the appointing authorities. This would be done within forty-five days. It is

May 8, 1963

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a good bill and should pass.

THE CHAIR:

Further remarks on the bill. The question is on the acceptance of the committee's favorable report and passage of the bill as amended. All those in favor say "aye", "opposed". It is passed.

THE CLERK:

Page 12 of the Calendar. Calendar No. 245. File No. 256 and 383. Senate Bill No. 186. An act concerning tests for determining intoxication of motor vehicle operators. (As amended by Senate Amendment Schedule "A".)

Favorable report of the Senate Committee on Judiciary and Governmental Functions.

SENATOR GLADSTONE:

Mr. President, I move for acceptance of the favorable report of the Senate Committee as amended by Senate Schedule "A".

THE CHAIR:

Wish to remark?

SENATOR GLADSTONE:

Mr. President, I believe that anything that has to be said on this bill, Mr. President, has been said previously. I don't think it would serve any useful purpose to make any further comment.

THE CHAIR:

Further remarks?

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Sen. Hull: Or whose ox is gored? Isn't that right?

It is also a question in these other places what you want to do. Whether you want to clean the highway

Sen. Hull: How about the building where you work sir? Are the sidewalks cleaned in front of it?

They are cleaned in front.

Sen. Hull: So that's no problem.

There wouldn't be any problem for me anyhow, I drive to work, but I mean it actually isn't a problem for the state employees who work in that building. What's clean there, is actually a benefit to the town. To other pedestrians rather than the employees. Any other questions?

Chr. Falsey: Is there any one else to speak in opposition to this bill? S. B. 60 any one to speak in favor of that bill? Any one to speak in opposition? 331 any one to speak in favor of that bill? Any one in opposition? I think we have heard 342, 344 and 345 anyone to speak in favor of that bill?

Sen. Hull: May I go back just a minute to 342, I had to be in the Senate when that was brought up? It's my bill and I don't know if for the record I have to make a statement. I want to say Major Williams of the State Police was ill

He was here No, I could not get him on the phone this morning, and I was told that he was ill.

Well Lt. Wilson spoke.

Sen. Hull: Well if they took a position on this I would like to know what they took, I might have to make a few remarks on it. Did they favor or oppose it? O K I won't make any remarks then, Thank you.

Chr. Falsey: 345 any one to speak in favor of that? Any one in opposition? 657 any one to speak in favor of that particular bill and 3762 similar subject matter.

Sen. Hull: Is that one of these home rules bills, Mr. Falsey?

Chr. Falsey: Yes

Sen. Hull: Yes, I've asked that they hold over for two weeks Mr. Stone and you and I and Mr. Dion from Putnam will get together on all these bills.

Chr. Falsey: 719 any one to speak in favor of that bill? Any one in opposition? 781 any one to speak in favor of that bill? anyone in opposition? 1049 any one to speak in favor of that bill? Any one in opposition? 1208

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than the Governor of the State of Connecticut, and I would point out that the State of Connecticut is the second largest employer in the State of Connecticut.

Rep. Satter: Your point is, I guess though, and I suppose you agree with the principle that the Governor should probably get more than any other governmental official in our state.

Sen. Hull: I think the Governor's pay should substantially top any other official. I did not want to bore you with the provisions of my bill. I put in \$30,000 and I've been accused of being a plutocrat from Fairfield County, so I thought I'd play that down a little, but I think that's a fair salary for the Governor of this State. Are there any other questions?

Rep. Barringer: Are there any further legislators to appear on this bill? We'll now take up Senate Bill No. 332. Those in favor?

S.B. No. 332 (Sen. Hull) AN ACT CONCERNING CONSOLIDATION OF LOCAL UNITS OF GOVERNMENT UNDER THE HOME RULE ACT

Mr. Hubert Stone: Mr. Chairman, members of the Committee, my name is Hubert Stone. I'M on the staff of the Connecticut Public Expenditure Council. With your permission, I'd like to address myself to Senate Bill 332, Senate Bill 657, Senate Bill 1049, House Bill 3762, and House Bill 3625. For many years, the Connecticut Public Expenditure Council has had the opportunity to....

Sen. Hull: Excuse me a minute, Mr. Stone. Representative Barringer has allowed me to make a suggestion. I'd like to lump all these Home Rule bills together and before you proceed, let me read into the record the bills that we will now consider. They all relate to Home Rule. Also, we only heard the proponents on the governor's salaries and there may very well be some opponents in the hall. Is there anyone who wishes to be heard against the proposals to increase the salaries of the state officials? We'll now consider all together bills relating to Home Rule as follows:

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- S.B. No. 332 (Sen. Hull) AN ACT CONCERNING CONSOLIDATION OF LOCAL UNITS OF GOVERNMENT UNDER THE HOME RULE ACT
- S.B. No. 657 (Sen. Hull) AN ACT CONCERNING CONSOLIDATION OF LOCAL GOVERNMENTS UNDER THE HOME RULE LAW
- S.B. No. 1049 (Sen. Hull) AN ACT CONCERNING PETITIONS FOR A REFERENDUM ON RECOMMENDATIONS OF HOME RULE CHARTER OR ORDINANCE COMMISSIONS
- H.B. No. 2776 (Rep. Badolato) AN ACT PERMITTING AMENDMENT BY APPOINTING AUTHORITIES OF HOME RULE COMMISSION RECOMMENDATIONS
- H.B. No. 2779 (Rep. Badolato) AN ACT CONCERNING ACTION AT SPECIAL MEETINGS OF APPOINTING AUTHORITIES ON HOME RULE COMMISSION REPORTS
- H.B. No. 2973 (Rep. Orcutt) HOME RULE ACTION BY PETITION
- H.B. No. 3470 (Rep. Eddy) HOME RULE CHARTER REFERENDA WHERE CHARTER ACTION INITIATED BY PETITION
- H.B. No. 3625 (Rep. Lowell) AN ACT CONCERNING PETITIONS FOR A REFERENDUM ON RECOMMENDATIONS OF HOME RULE CHARTER OR ORDINANCE COMMISSION
- H.B. No. 3762 (Rep. Dion) AN ACT CONCERNING CONSOLIDATION OF LOCAL GOVERNMENTS UNDER THE HOME RULE LAW

Sen. Hull: Would you proceed now, please, Mr. Stone.
Thank you.

Mr. Stone: For many years, the Connecticut Public Expenditure Council has had the opportunity to work closely with many local charter commissions and charter revision commissions as they have made use of the Home Rule Law. On the whole, the law has worked well. Difficulties have been encountered, however, by towns and their political subdivisions as they have attempted

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to conform with the Law's requirements with respect to consolidation. Senate Bill 332 represents a workable proposal for overcoming some of these difficulties. The simplification of consolidation procedures is sought by Senate Bill 657 introduced by Senator Hull of Danbury, and a similar bill introduced by Representative Dion of Putnam. Even further simplification of the present complicated consolidation provisions is proposed in Senate Bill 332 introduced by Senator Hull. A careful analysis of Senate Bill 332 shows that it provides a workable method for accomplishing consolidation, and largely because of this simplicity, Senate Bill 332 is superior to Senate Bill 657 and House Bill 3762. We do suggest one amendment, however, which could be added to Section 1 of Senate Bill 332, thus correcting an inadvertent omission. This amendment might read as follows: "Said consolidation commission shall hold at least one public hearing and may hold such other public hearings as it deems necessary." In an earlier memorandum to this Committee, we expressed our favorable views, based on experience, on the intent of H.B. 2973 and H.B. 3470. These bills would limit the veto power of the appointing authority by providing that, in those cases where a charter commission, a charter revision commission, or a home rule ordinance commission has been appointed as a result of a petition, their proposals must be submitted to a vote of the electors with or without the approval of the appointing authority. The provisions of S.B. 1049 and its duplicate, H.B. 3625, are broader than those in H.B. 2973 and H.B. 3470 and would go even further in this desirable direction. A.B. 1049 and H.B. 3625 would permit the proposals of any of the three types of commissions, whether appointed on the initiative of the appointing authority or appointed as the result of a petition, to be transmitted to the voters for final decision at a referendum if "within 30 days after a vote of the appointing authority to reject the same or separate provisions thereof, a petition for a referendum thereon, signed, filed and certified in accordance with the provisions of section 7-188 which provides a 10 per cent petition should be presented to the appointing authority." This would give the voters even greater participation in the final decision

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making process which, on the basis of our experience and observation, could be granted without fear of hasty, ill-advised, or irresponsible action. Thank you very much.

Rep. Barringer: Anybody else wish to speak in favor of these Home Rule Bills? Anybody opposed to these Home Rule Bills as a group? All right, then we'll move on to Senate Bill 520. Anybody in favor?

S.B. No. 520 (Sen. DiLoreto) AN ACT CONCERNING A STATE LIBRARY SYSTEM

Mr. Donald B. Engley: Mr. Chairman, members of the Committee, my name is Donald B. Engley, Librarian of Trinity College, a former member of the State Library Committee, now serving as Chairman of the Governor's Committee on Libraries. In late 1961, Governor Dempsey appointed a Governor's Committee on Libraries consisting of some 58 people, a good cross section of the state, made up of library trustees, public spirited laymen, librarians, educators, who served all through 1962 making a study of library services in Connecticut. The Governor asked this Committee to take a hard look at existing services, the needs of today and the next decade, to make findings and recommendations and to publish a report. This report has just been published by the state, has been sent to each member of the General Assembly and to members of this Committee. I believe it is in your hands. It would be redundant and indeed impertinent of me to stand here this morning and to dictate into this microphone the report which has already been published. I shall file with this Committee two copies of the report for the record. It would be less than candid of me if I did not point out that in addition to a majority report by a large majority of the Committee there was a minority report submitted by a small minority who have the feeling that an advisory committee was the way to solve the problems of more concentrated library thinking at the state level. The large majority felt just the opposite, that a bold step had to be taken in 1963 to create an organ for imaginative planning for the years ahead. The result has been the suggestion resulting in this legislation, Senate Bill 520, an identical bill, House Bill 3246, calling for the creation