

<b>Act Number</b>	<b>Session</b>	<b>Bill Number</b>	<b>Total Number of Committee Pages</b>	<b>Total Number of House Pages</b>	<b>Total Number of Senate Pages</b>
PA 71-50		7143	2	8	5
<u>Committee Pages:</u> <ul style="list-style-type: none"> <li>Judiciary 414-415</li> </ul>				<u>House Pages:</u> <ul style="list-style-type: none"> <li>530-532</li> <li>1055-1059</li> </ul>	<u>Senate Pages:</u> <ul style="list-style-type: none"> <li>555-557</li> <li>774-775</li> </ul>

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

**VOL. 14  
PART 2  
449-973**

MR. BINGHAM (157th):

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

THE DEPUTY SPEAKER:

The question is on acceptance of the committee's favorable report and passage. Will you remark?

MR. BINGHAM (157th):

Mr. Speaker, the section of the General Statutes 52-180 presently permits the introduction into evidence of business entries certain writings, records without testimony of the person who made such entries provided certain criteria are met. The existing law also permits the introduction of copies if the original is destroyed in the regular course of business. The existing legislation, however, specifically excludes those originals held in a custodial and fiduciary capacity from the provisions set forth in the second sentence. This bill would permit originals held in a custodial and fiduciary capacity to be recorded or copied, then destroyed and the report or copy still introduced into evidence under the business entry rule.

THE DEPUTY SPEAKER:

Will you remark further? If not the question is on acceptance of the Joint Committee's favorable and passage of the bill. All those in favor will indicate by saying aye. All those opposed? The bill is PASSED.

THE CLERK:

Calendar No. 46, House Bill No. 7143, An Act Concerning Visitation Rights Concerning Children, File No. 26.

THE DEPUTY SPEAKER:

Would the Acting Majority Leader care to have this matter passed pertaining--

MR. PRETE (114th):

Mr. Speaker, in the absence of the gentleman, here he comes.

THE DEPUTY SPEAKER:

The Chair welcomes and recognizes the gentleman from the 81st for purposes of reporting out the bill.

MR. CARROZZELLA (81st):

I must excuse myself, Mr. Speaker, because I went on an errand for the Speaker.

THE SPEAKER:

The Chair would wish to notify the gentleman from the 81st that he is not yet on the air fortunately.

MR. CARROZZELLA (81st):

I move suspension of the rules for immediate consideration of the bill.

THE DEPUTY SPEAKER:

Suspension is not necessary, sir, since suspension has already been obtained. The question would be on acceptance and passage.

MR. CARROZZELLA (81st):

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

THE DEPUTY SPEAKER:

The question is on acceptance and passage. Will you remark?

MR. CARROZZELLA (81st):

Mr. Speaker, what the bill before us does is two things. On the one hand, it puts into statutory language the fact that a judge shall order rights of reasonable visitation to the parent in a divorce case who does not

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get custody of the child. It does another thing which I think is more important. It allows the court, in its discretion, to award visitation rights to anyone interested in the welfare of the child. Now this could be, for instance, a grandmother, grandfather, someone who has a considerable interest in the child should be given visitation rights. I think its a good bill. I hope it passes.

THE DEPUTY SPEAKER:

Will you remark further? If not, the question is on acceptance of the Joint Committee's favorable and passage of the bill. All those in favor will indicate by saying aye. All those opposed? The bill is PASSED.

THE CLERK:

Business from the Senate. Senate Joint Resolution No. 21, Favorable report of the Joint Standing Committee on Elections, Resolution Memorializing the United States Congress to Amend the Federal Constitution to Lower the Voting Age to Eighteen.

MR. MAIOCCO (133rd):

Mr. Speaker, I move suspension of the rules for immediate consideration of the resolution.

THE DEPUTY SPEAKER:

The question is on suspension of the rules for immediate consideration of the resolution. Is there objection? Hearing none, the rules are suspended.

MR. MAIOCCO (133rd):

Mr. Speaker, will the Clerk please read the resolution?

THE CLERK:

Resolved by this Assembly:

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THE CLERK:

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On Page 5 Journal. The Clerk has a disagreeing action from the Senate. In reference to H.B. No. 7143, favorable report of the Committee on Judiciary was accepted. The Bill was passed on March 3, 1971, and transmitted to the Senate. The Senate, on March 17, 1971, accepted the Committee's favorable report but amended the Bill...Senate Amendment Schedule "A". The Bill appears before us as a disagreeing action, as amended by Senate Amendment Schedule "A".

JOHN A. CARROZZELLA:

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the Bill now as amended by Senate Amendment Schedule "A".

MR. SPEAKER:

Question is on acceptance and passage as amended by Senate Amendment Schedule "A". Does the gentleman care to have Senate Amendment Schedule "A" read?

JOHN A. CARROZZELLA:

Will the Clerk please read Senate Amendment Schedule "A".

THE CLERK:

The Senate Amendment Schedule "A". In Line 7, strike out the comma and the words "PROVIDED REASONABLE VISITATION RIGHTS". Strike out Lines 8, 9 and 10 and strike out the words "INTEREST OF THE CHILD" in Line 11.

MR. SPEAKER:

Has the Clerk completed his reading?

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THE CLERK:

Yes.

MR. SPEAKER:

Question is on acceptance and passage as amended by Senate Amendment Schedule "A". Will you remark on the Amendment?

JOHN A. CARROZZELLA:

I now move for adoption of Senate Amendment Schedule "A".

THE SPEAKER:

The question is before you. Will you remark?

JOHN A. CARROZZELLA:

Mr. Speaker, when we passed this Bill we put into the statutes the fact that a Judge, in granting a divorce, shall award reasonable visitation rights to the other spouse. This is not part of a statutory law at the present time. The question was raised upstairs, what happens in the case where a husband, for instance, is not making the support payments in which case, of course, he wouldn't be entitled to visitation rights, but if the statute passed as we originally passed it, the Court would, nonetheless, have to award those visitation rights. We felt that this was bad and, therefore, the Senate passed Senate Amendment Schedule "A", which deletes that language only insofar as making it mandatory to award reasonable visitation rights to the other spouse. It's a good Amendment. I hope it passes.

MR. SPEAKER:

Will you remark further on Senate Amendment Schedule "A"? If not, question is on adoption of the Senate Amendment

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Schedule "A". All those in favor will indicate by saying "aye". EFH  
All those opposed. The Amendment passes.

JOHN A. CARROZZELLA:

Now, Mr. Speaker, the Clerk has House Amendment Schedule  
"A".

MR. SPEAKER:

Would the Clerk please read House Amendment Schedule "A".

THE CLERK:

House Amendment Schedule "A", offered by Mr. Carrozzella,  
of the 81st. In Line 13, strike out the word "OTHER".

JOHN A. CARROZZELLA:

Mr. Speaker, I move for adoption of House Amendment  
Schedule "A".

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "A".  
Will you remark?

JOHN A. CARROZZELLA:

In its wisdom and haste, the Senate, in making the Amend-  
ment, forgot to delete the word "other", because if you read that  
sentence that begins on Line 9...I'm sorry, that begins on Line 11,  
it refers to the previous sentence by the use of the word "other".  
But since the Amendment did away with that previous sentence,  
there's nothing to refer to. Therefore, in order to make it un-  
derstandable, we must delete the word "other" to make the Amend-  
ment really effective. I move for adoption of House Amendment  
Schedule "A".

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MR. SPEAKER:

Will you remark further? If not, the question's on a-  
doption of House Amendment Schedule "A". All those in favor will  
indicate by saying "aye". All those opposed. The Amendment's  
adopted.

JOHN A. CARROZZELLA:

Has the Speaker ruled that that is technical?

MR. SPEAKER:

The Chair rules that House Amendment Schedule "A" is  
technical.

JOHN A. CARROZZELLA:

I would now move that for acceptance of the Joint Com-  
mittee's favorable report and passage of the Bill as amended by  
Senate Amendment Schedule "A" and House Amendment Schedule "A".

MR. SPEAKER:

Question is on acceptance of the Joint Committee's fa-  
vorable report and passage of the Bill as amended by Senate Amend-  
ment Schedule "A" and House Amendment Schedule "A". Will you re-  
mark?

JOHN A. CARROZZELLA:

The Bill now before us still accomplishes its original  
purpose, which was to give the Court, in its disgression, the  
right to award reasonable visitation rights to a person who has an  
interest in the child, even though that person may not be the  
spouse...such as the grandfather, grandmother. It is now a good  
Bill. I trust that it will pass.

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MR. SPEAKER:

Will you remark further? If not, the question is on acceptance and passage as amended by House Amendment, Senate Amendment Schedule "A" respectively. All those in favor will indicate by saying "aye". All those opposed. The Bill is passed as amended. Is there further business on the Clerk's desk?

MICHAEL L. MORANO:

Mr. Speaker, I would like to announce a change in room numbers. The Republican caucus will be held in Room 418 immediately...418. Thank you.

MR. SPEAKER:

Are there further announcements or any points of personal privilege at this time? I believe there is one further Resolution to be placed on the Consent Calendar.

RONALD A. SARASIN:

Mr. Speaker, I assume that's why the Resolution was handed to me. Mr. Speaker, I move suspension of the rules for consideration of this Resolution...its placement on the Consent Calendar.

MR. SPEAKER:

Question is on suspension for purpose of placing an additional Resolution on Consent. Is there objection? Hearing none, the gentleman from the 95th.

RONALD A. SARASIN:

Mr. Speaker, pursuant to Rule 48, I would place Senate Joint Resolution No. 67 expressing sympathy on the death of

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is required before the crime of reckless driving is achieved. To the operator of such motor vehicle, so that any passenger in the motor vehicle driven by the operator whose life is in danger would involve the crime of reckless driving. I think it does speak for itself. And I urge passage of the bill.

THE CHAIR:

The question is on the passage of the bill, Substitute S.B.1102 will you remark further? Hearing no further remarks then all in favor of the passage of this bill will indicate by saying aye. AYE. Those opposed nay. The vote is in the affirmative, the bill is passed.

THE CLERK:

Page 2 of the Calendar please, top of the page. Calendar No. 58, File no 26. Favorable Report Joint Standing Committee on Judiciary on H.B. 7143 An Act Concerning Visitation Rights Concerning Children.

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

Mr. President, I move acceptance of the Joint Committees Favorable Report and passage of the bill.

THE CHAIR:

The question is on the Joint Report of the Committee and passage of the bill.

THE CLERK:

The Clerk has an Amendment. Offered by Senator Jackson of the 5th. In line 7, strike out the comma and the words "Provided Reasonable Visitation Rights". Strike out lines 8, 9, and 10 and strike out the words "Interest

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of the child in line 11.

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

Mr. President, I think the Amendment is self-explanatory. It deletes the first part of the proposed revision of Section 46-23 so that the only change will be the last sentence. So I urge passage of the Amendment.

THE CHAIR:

The question is on the passage of the Amendment. Will you remark further?

Hearing no further remarks then, all those in favor of the Amendment to H.B. 7143 signify by saying aye. AYE. Those opposed nay. The vote is in the affirmative. The Amendment is passed.

Will you remark on the bill?

SENATOR JACKSON:

Mr. President, will you make a ruling as to whether this is a technical amendment?

THE CHAIR:

I would so rule that it is a technical amendment.

SENATOR JACKSON:

Thank you, Mr. President. Mr. President the bill as amended will give the discretion to the Judge to grant Reasonable Visitation Rights to any person who has a legitimate interest in the welfare of any child. Basically what it does is to give the Judge the permission or the right at the present time to give visitation rights to lets say grandparents or others

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who have an interest in the child. At the present time the law does not spell out that they have this right. I believe that its a humane bill and I urge its passage.

THE CHAIR:

The question is on the passage of the H.B. 7143 as amended. Will you remark further? Senator Rome.

SENATOR ROME:

Mr. President, I think if we catagorize, I think that this is a children's bill. The courts have been very concerned about the welfare of the child and this is the criteria which they generally use. We recognize that the welfare of the child sometimes lies in visititation or Custody rights being with other than the parents. And I think that the bill is an exceptionally good bill in that direction. I urge passage.

THE CHAIR:

The question is on passage of the H.B. 7143 as amended. Will you remark further? Hearing no further remarks, all those in favor of the passage of this bill as amended, signify by saying aye. AYE. Opposed nay. The vote in the affirmative. The bill is passed.

THE CLERK:

Middle of the page please, Calendar No. 61, File No. 76. Favorable Report Joint Standing Committee on Finance, Substitute S. B. 942 An Act Concerning State Grants and Loans for School Building Projects.

SENATOR CHIARLONE:

Mr. President, I move for acceptance of the bill for immediate consideration and passage of the bill.

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THE CHAIR:

Any remarks?

SENATOR MONDANI:

Mr. President, this just clarifies the statute. It doesn't really make any changes. It removes old language and applies to private and secondary school which is obviously a high school.

THE CHAIR:

Any further remarks? The question is on passage of the bill. Those in favor signify by saying aye. AYE. Opposed? The ayes have it. The bill is passed.

THE CLERK:

Please turn to page 9 on your Calendar under the Title Disagreeing Action. Calendar No. 58, File No. 26. Favorable report Joint Standing Committee on Judiciary on H.B. 7143 An Act concerning Visitation Rights Concerning Children as Amended by Senate Amendment Sch. A. It has now been returned to the Senate/ with House Amendment Sch. A in addition.

THE CHAIR:

Senator Caldwell.

SENATOR CALDWELL:

Mr. President, will the Clerk please read the House Amendment Sch.A?

THE CLERK:

House Amendment Schedule A. offered by Rep. Carrozella in line 13 strike out the word "other."

THE CHAIR:

Senator Caldwell.



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SENATOR CALDWELL:

Mr. President, I move the adoption of House Amendment Sch. A.

THE CHAIR:

Any remarks?

SENATOR CALDWELL:

Apparently it merely takes out an unnecessary word to make for better grammar. I urge its adoption.

THE CHAIR:

Any further remarks. The question is on the adoption of House Amendment Sch. A. All those in favor indicate by saying aye. AYE. Opposed? The ayes have it. The Amendment is adopted. Technical amendment. Proceed with the bill as amended.

SENATOR CALDWELL:

I now move for the acceptance of the Committee's Favorable Report and passage of the bill as amended as Senate Amendment Sch. A., House Amendment Sch. A.

THE CHAIR:

Any further remarks? If not the question is on the passage of the bill as amended by Senate Amend. Sch. and House Amend Sch. A. All those in favor indicate by saying aye. AYE. Opposed? The ayes have it. The bill is passed as amended, as amended by House Amend. Sch., Senate Amend. Sch. A.

THE CLERK:

No further business on the Clerk's desk.

THE CHAIR:

Senator Caldwell.

**JOINT  
STANDING  
COMMITTEE  
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THURSDAY

JUDICIARY COMMITTEE

FEBRUARY 25, 1971

Back in the 1969 Session, I believe there was some 40 to 50 Bills submitted concerning Security Deposits. There were several problems concerning Security Deposits. These Bills tried to cover various aspects and various problems of Security Deposits but there were no Bills that actually resolved or tries to attempt to resolve all the problems and I think that this is what this Committee should attempt to do and I think if they can do it, they are going to do a great service to the State of Connecticut.

There are Bills on Security Deposits and the Human Rights and Opportunity's Committee, there are Bills on Security Deposits in the Judiciary Committee, in the General Law and the Banking Committee and they all go in different directions. The banking Committee is concerned with interest and other aspects. The people that are victimized or have problems with Security Deposits come to the Connecticut Real Estate Commission and unfortunately we have no jurisdiction over the public or do we want it. We have proper jurisdiction over our licensee's but the problems do not concern the licensee's, they concern landlords who take monies into their possession that should be held in trust that are used for other purposes.

The main concern of Security Deposits should be that they are properly maintained and that there are various provisions concerning how they should be rendered in return. The main problem concerning Security Deposits is not who is entitled to the interest. I think there is a great number of problems that will come about because of interest or who is entitled to interest on the Security Deposits. So, I make myself available, Gentlemen, to this Committee to try to come up with an overall solution as to the Security Deposit problems. Thank you.

Rep. Carrozzella: Thank you. Mr. Schoomaker - oh, I am sorry, Representative Iwanicki.

Rep. Iwanicki: Mr. Chairman, Members of the Committee, I am State Representative Iwanicki from the 79th District. I would like to speak in favor of Bill #7143.

H.B. #7143 - AN ACT CONCERNING VISITATION RIGHTS CONCERNING CHILDREN.

I know that this is a small Bill but at the present time our Connecticut Statutes do not allow - I should say, the court does not allow certain persons to go visit these children, such as grandparents. I have right now, two cases before me that one part of the parent will not allow to see the child at all and if they go next to the child or go visit them at their home, they said that they would have them arrested.

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BC  
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JUDICIARY COMMITTEE

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So I would like to know if we could change that Statute to require visiting rights to be awarded to a parent of divorce case to be shown to allow the awarding visitation rights to persons other than parents in the discretion of the court so I would like to have a favorable report on this Bill, Mr. Chairman.

Rep. Carrozzella: Thank you. Mr. Schoonmaker.

Mr. Schoonmaker: Mr. Chairman, Members of the Committee, my name is Samuel Schoonmaker and I am Vice Chairman of the Family Law Committee of the Connecticut Bar Association and I am here today to speak in favor of H.B.#6502 and I want to direct my particular attention to the aspects of that Bill that deal with the revision of the Connecticut Statutes relative to financial aspects of divorce.

H.B. #6502 - AN ACT CONCERNING DISSOLUTION OF MARRIAGE.

The proposal for revision substantially restates and codifies existing statutory and decisional law except that consideration of the causes of the marriage breakdown is eliminated under the Bill from consideration in that the deciding matters of finance. There is one feature of the Bill which is different than existing Connecticut Law in that the proposed statute introduces the concept of alimony awards with a fixed and limited duration. The thought behind that is that alimony should have a rehabilitative as well as the support of function. It should not necessarily represent a lifetime annuity. The alimony award should stimulate rather than inhibit individual initiative and productivity and those people who have the potential and the capacity for productivity and who are not precluded from gainful employment by other responsibilities, should be encouraged to support themselves in whole or in part.

There will, of course, be a large number of cases where, for various reasons, one spouse must continue to support the other long after the termination of the marriage. I think that we all recognize that that will indeed be the overwhelming number of cases. However, each case must be decided on its own merits and the amount and duration of all alimony awards left to the sound discretion of the judiciary. Are there any questions, Mr. Chairman?

Rep. Guidera: I have one question. I am Representative Guidera from Weston. I notice under the Bill #6502 there is a provision for annulments. Presently there is no residency requirement with regards to annulment if you read some of the cases with the existing Statutes. Does this Bill in any way provide for a residency requirement in cases of annulment.

Mr. Schoonmaker: No, Sir. The statutory provisions, with respect to annulment remain unchanged. Mr. Chairman, I have written statement I would like to submit.