

HB 9025

PA 626

1971

Rules 60

House 5065

Senate 2601-2605

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**JOINT
STANDING
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WEDNESDAY

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APRIL 14, 1971

Did you say there was a weakness?

Mrs. Deitrick: It says that a member.....that if a member doen't want to be included as a co-sponsor he can have his name dropped as such. I know this is a very sensitive matter where legislators are concerned and in their districts they naturally want you know....to attach their name to legislation but, if this is not made mandatory that you have to co-sponsor then whats the use of the bill? It may help a little bit but, it says that unless a member in requesting such indicates his desire not to be so included.....

Sen. Hammer: I wonder if this bill means that everybody that.... co-sponsor every bill.

Mrs. Deitrick: No, I don't think so. I think...to me at least that it says whetherwhere there are like bills the legislature commissioners office could automatically put every bodys name on the bill...you know where they sponsored a like bill. But I think the legislature commissioners office or we feel that the legislature commissioners office automatically did this without any recourse to be without any such thing as letting a member drop his name if he wanted to. Being so inflexible obviously has its problems but your in just such a bind that you have to be inflexiable for awhile about some of these things.

Chairman Dzialo: Thank you Mrs. Deitrick. Anybody else who wishes to be heard on HB 9101? If not we will go on to HB 9025 AN ACT CONCERNING THE POSITION OF HNOR GUARD AND FOOTSTONES AND FLAGS AT THE GRAVE OF CERTAIN STATE OFFICIALS. We will go on to HB 9006 CREATING A LEGISLATIVE COMMISSIONER TO STUDY STATE EXPENDITURES.

Rep. Pearson-128th Dist.: Speaking in behalf of 9006 I think that we must review our expenditureside of our budget with an eye toward cutting our state expenses. I think that we have to do everything that we possible can to stop any excess spending that the state may have and to show a little restraint. I think that we should always ask ourselfs the questions do we need it, do we want it and can we afford it type of thing. I think that this type of a bill would be good I realize that we have a committee studying a similar type of problem right now but I think that if we could adopt legislation similar to this and really set a commission to specifically do this particular type of studying of expenditures it would be a great help toward saving the taxpayers and saving the state money.

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Calendar 761, substitute for House Bill 5001, file 737.

Calendar 784, House Bill 7710, file 820.

Calendar 809, Senate Bill 444, file 1390.

Page 11, Calendar 810, Senate Bill 1438, file 614.

Calendar 815, Substitute for House Bill 6376, file 833.

Calendar 816, substitute for House Bill 8936, file 832.

Calendar 867, substitute for House Bill 8284, file 899.

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937.

Calendar 888, substitute for House Bill 6606, file 933.

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Page 13, Calendar 909, Substitute for House Bill 6380, file
1386.

Calendar 938, substitute for House Bill 8182, file 979.

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SENATE

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PART 6
2436-2873**

May 28, 1971

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THE CHAIR:

The question is on passage of the bill as amended. Will you remark further? Senator Hammer.

SENATOR HAMMER:

Mr. President, I like this bill well enough. I am not rising to oppose it. But I would like to ask a question, of Senator Alfano. I've had quite a bitter complaint from one of my constituents. Which I think I ought to bring up. On the four year aspect. My constituent has written me and said what if a person dies? What if a person moves out of state after a year or two years. Do we get our money back? So I just wondered if the Committee addressed itself to this problem at all?

THE CHAIR:

Senator Alfano.

SENATOR ALFANO:

There is no provision in the bill for refunding any money in case a person leaves the state or dies. I assume that they pay for the motor vehicle license and they will lose whatever they have in it if they don't use it.

The four year aspect is really necessary because I am sure every driver does not want to be inconvenienced and go to a regional motor vehicle branch office and have the photograph taken every two years. I think the four year aspect was necessary. Results in increased costs, if a person doesn't use it for four the year period. But there was no other alternative.

THE CHAIR:

Will you remark further on the bill as amended? If not all those in favor of passage of the bill as amended signify by saying aye. AYE. Opposed nay? The ayes have it. The bill is passed.

THE CLERK:

Page 2, Cal. 364, File 907, Favorable report of the joint standing committee on Judiciary on H.B. 9023 An Act Providing the Right to Witnesses to Have Counsel in Grand Jury Appearances.

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The Clerk has an amendment.

THE CHAIR:

Senator Macauley.

SENATOR MACAULEY:

I move acceptance of the joint committee's favorable report and passage of the bill. Will the Clerk read the amendment.

THE CLERK:

Strike out everything after the enacting clause and substitute in lieu thereof the following: Sub. Section C. Sec. 54-47 of the 1969 Supplement to the General Statutes is repealed. The following is substituted in lieu thereof: Such inquiries shall be conducted in public or private as set forth or Chief Court Administrator orders. The attendance of witnesses and production of documents at inquiries may be compelled by subpoena, signed by any officials authorized to issue such process. Any witness properly summoned failed to appear or to produce any document including such subpoena, or if he fails to answer any proper question the Judge or Referee conducting such inquiry may report the matter to the State's Attorney for the County wherein the investigation is being conducted. Such State's Attorney may file a complaint setting forth the fact at any criminal session of the Superior Court in such County. The court shall thereupon issue a citation to such witness to appear before said court and show cause why he should not be punished as for a contempt, and if, after hearing, the Court finds that he failed to appear without due cause or failed to produce any document properly to be presented to the Judge or State Referee conducting the investigation or failed to answer a proper question in the course of such investigation, it may punish him as it might a witness failing to appear to produce a document properly to be considered. Or to answer a proper question before the Court. Witnesses may be examined by the Judge or State Referee conducting an inquiry. Or the State's Attorney or the Prosecuting Attorney or by any other

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attorney or attorney's appointed by the Court for such purpose. The official stenographer of Superior or Circuit Court or his assistant shall record any testimony so taken. At any such hearing a witness shall have the right to counsel and shall be informed of such right by the official conducting the inquiry. The conclusion of such inquiry the Judge or Referee conducting the same shall file with the Court a report. The Court shall direct to what extent such report shall be made available to the public or interested parties. Any transcript of testimony taken at such inquiry shall likewise be filed with the Court and it shall have the same powers with reference to it as it has with reference to the report: provided any person accused of crime as a result of such inquiry shall have access at all reasonable times to the transcript of his own testimony given by him in such inquiry.

THE CHAIR:

Senator Macauley.

SENATOR MACAULEY:

Mr. President, members of the circle, this amendment I think was necessary because there was some confusion in Grand Jury understanding, in understanding the nature of the Grand Jury in Connecticut. There are two types of Grand Juries. One under Sec. 54-47 which is a Grand Jury to investigate crime, for instance we have one going in Fairfield County, which is investigating gambling and so forth. And this type of grand jury, the judge calls in witnesses, subpoenas witnesses and these are potential defenders. This type of Grand Jury, the witness usually had his attorney waiting for him right outside the door. When a question is propoerted to him, he goes outside the door and asks the attorney whether or not he can answer it. Then he comes back in and answers in accordance with what his attorney tells him. In this type of grand jury procedure, it would seem fair and just to have the attorney right in with the witnesses. The other type of Grand Jury which is 54-45, which was the way the Statute was

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, the bill here was originally drawn. Is a Grand Jury which is called in cases involving Capital and, or Life Imprisonment Term. This type of Grand Jury merely hears the evidence, its charged by the Court. It then is in a room alone, without the State's Attorney, without the sheriffs, without judge. The defendant is allowed in there but he is not permitted to be questioned. He is not allowed to give statements. He can ask the witnesses who are called in. He can ask them proper questions. The State's Attorney merely gives the Grand Jury a list of witnesses of people to be called in. In this type of situation, the accused or the defendant has no need of an attorney since he cannot ask questions and cannot make statements. The end result of the action of a Grand Jury in this type of case is a true bill which is no different as our Courts have stated, than an information issued by a State's Attorney if crimes involving lesser offenses. It can't be argued that defense attorney can sit in when the State's attorney draws an information in crimes of lesser cases. And the second type of Grand Jury, there really is no need for an attorney. Consequently the Amendment simply takes the language of the amendment that was appended to in the original bill in Sec. 4-5445 and puts it on to Sec. 54-47, which is the Statute relating to the Grand Jury which I first described, which makes investigations. Its a good bill. I think it ought to pass.

THE CHAIR:

The question is on passage of the amendment. Will you remark further? Senator Crafts.

SENATOR CRAFTS:

Mr. President, I don't believe any motion has been presented to adopt this amendment.

THE CHAIR:

Senator Macauley.

SENATOR MACAULEY:

I move the adoption of the amendment.

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THE CHAIR:

Will you remark further? If not all those in favor of passage of the amendment, signify by saying aye. AYE. Opposed nay? The ayes have it. The amendment is passed.

Although it is lengthy most of the languages of an existing Statute, in the effect of the amendment is to add the language of the bill in your file to another Section. Two numbers up in the enumeration. Otherwise identical. The Chair will rule that the amendment is technical. You may proceed on the bill as amended. Senator Macauley.

SENATOR MACAULEY:

I move passage of the bill. Mr. President, members of the circle. I move passage of the bill. I believe my previous remarks apply to the bill. And the amendment is the bill.

THE CHAIR:

Will you remark further? If not all those in favor of passage of the bill as amended signify by saying aye. Opposed Nay? The ayes have it. The bill is passed.

THE CLERK:

Page 6, Cal. 828, File 1194 Favorable report of the joint standing committee on Insurance and Real Estate. H.B. ⁸⁴⁶~~864~~ An Act Concerning the Advertising, Sale, Exchange or Other Disposition of Certain Real Estate Being Offered as part of a Common Promotional Plan Within or Without the State. The Clerk has an amendment.

THE CHAIR:

Senator Dinielli.

SENATOR DINIELLI:

Mr. President, I move for acceptance of the joint committee's favorable report and passage of the bill as amended by House Amendment Sch. A. Will the Clerk please read the amendment.