

Legislative History for Connecticut Act

HB 5147	PA 233 ^{SCJAW}	1975
Senate: P. 1561a - 1564, 1634		(5)
House: P. 1684 - 1691, 1835 - 1838, 3511 - 3513		(15)
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1973

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SB388, AN ACT REQUIRING MORE FREQUENT PURGING OF REGISTRY LISTS.

THE CHAIR:

Senator Schwartz.

SENATOR SCHWARTZ:

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

THE CHAIR:

Will you remark?

SENATOR SCHWARTZ:

Yes, Mr. President, the present law requires that Registry Lists be purged of voters no longer eligible to vote in that District on any regular registration session. These occur only once or twice a year, Mr. President, and there is an undue hardship on Registrars of Voters in the various towns to remove many names at these sessions alone. This Bill would allow for the removal sixty days after notice is sent to the voter that he is no longer eligible to vote on the list if no contradicting receipt of knowledge is received from that person and Mr. President, if there is no objection, I move this be placed on the Consent Calendar.

THE CHAIR:

Any further comments? If not, the matter is placed on the Consent Calendar.

THE CLERK:

The Clerk had temporarily passed on page one, an item from the Judiciary Committee. We will return at this point. Calendar No. 464, File Nos 250 and 456, Favorable Report, Joint Standing Committee on the Judiciary on Substitute for House Bill 5147, AN ACT CONCERNING THE STATUS OF CHILDREN

May 7, 1975

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CONCEIVED THROUGH ARTIFICIAL INSEMINATION.

THE CHAIR:

Senator Neiditz.

SENATOR NEIDITZ:

Mr. President, I move adoption of the Committee's Joint Favorable Report and passage of the Bill in concurrence with the House. Mr. President, the Clerk has an Amendment from Senator Julianelle.

THE CLERK:

The Clerk has Senate Amendment A as offered by Senator Julianelle. The Amendment is on the Senators' desks.

SENATOR JULIANELLE:

Will the Clerk read the Amendment please?

THE CLERK:

After Line 81, insert in paragraph the following: A. The words child, children, issue, descendants, descendant, heirs, heir, unlawful heirs, grandchild and grandchildren when used in a singular or a plural in any Will or Trust instrument shall, unless such document clearly indicates a contrary intention be deemed to include children born as a result of AID. The provisions of this section shall apply to Wills and Trusts instruments whether or not executed before, on or after the effective date of this Act unless the instrument indicates an intent to the contrary. In Line 82, insert before the word "if", the following "(b)".

THE CHAIR:

Senator Julianelle.

SENATOR JULIANELLE:

Mr. President, this Amendment eliminates the necessity of a testator

to set forth in his Will that he has a child which is the product of artificial insemination. It prevents the Will from automatically being revoked unless such identification is made and will include a child that is such a product as defined here, as any other child either born or adopted would be unless there is specifically an intent to the contrary. I move adoption of the Amendment.

THE CHAIR:

Are there any other comments on the Amendment? The question is on the passage of the Amendment. All those in favor please signify by saying aye. Those opposed? The Amendment is adopted.

SENATOR NEIDITZ:

Mr. President.

THE CHAIR:

Senator Neiditz.

SENATOR NEIDITZ:

Mr. President, I now move adoption of the Bill as amended by Senate A. This Bill, Mr. President, deals and is directed at the status of a child born, conceived through artificial insemination. The problem that we're trying to take care of here is the status of the child for custody purposes, the status of the child for support purposes and the status of the child for inheritance purposes. I move adoption of the Bill. To the Consent Calendar.

THE CHAIR:

Without objection, it is so ordered. Senator Flynn.

SENATOR FLYNN:

For the record, I wanted to note my objection because I was standing. I don't believe you saw me or recognized me on this Bill.

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THE CHAIR:

All right, Senator. You may proceed.

SENATOR FLYNN:

Mr. President, for the record, I want to state my objection to this Legislation. No one can quarrel with the clatter of good purposes that were so aptly pointed out by Senator Neiditz with respect to legitimizing children once born, but what this Bill does is place authority for this type of a procedure into the general statutes in Section 2 where none now exists. That is not an action to which I can subscribe. Because I don't believe that the General Assembly should give color of law to this type of procedure and therefore, I would like to speak against the Bill and note my opposition to it.

THE CHAIR:

Thank you, Senator Flynn. You may proceed, Mr. Clerk.

THE CLERK:

Page three please, top of the page, second item from the top, Calendar No. 491, File No. 494, Favorable Report, Joint Standing Committee on General Law on Substitute Senate Bill 35, AN ACT CONCERNING PROHIBITING WAIVER OF RIGHTS UNDER THE FAIRNESS AND FRANCHISING ACT.

THE CHAIR:

Senator Ciccarello.

SENATOR CICCARELLO:

Mr. President, there is an Amendment. I move its adoption.

THE CHAIR:

Move the Bill, Senator, please.

SENATOR CICCARELLO:

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ARTIFICIAL INSEMINATION. It's House Bill 5147 which was asked for a separate vote.

An immediate roll call will be held in the Senate. Would all Senators please return and remain in the Chamber for the next two or three roll calls.

THE CHAIR:

The machine is unlocked, will you cast your vote. Has Senator Rome voted? The machine is closed and locked.

TOTAL VOTING	35
NECESSARY FOR PASSAGE	18
YEA TOTAL	29
NAY TOTAL	6

The Bill is adopted.

THE CLERK:

The Clerk has marked for a separate roll call on page thirteen, Calendar No. 451, File No. 300, Favorable Report Joint Standing Committee on Banks, Substitute for House Bill 5784, AN ACT CONCERNING THE ESTABLISHMENT AND MAINTENANCE OF MUTUAL FUNDS BY STATE BANKS AND TRUST COMPANIES.

SENATOR HANSEN:

Mr. President.

THE CHAIR:

Senator Hansen.

SENATOR HANSEN:

May I make just one other point about that particular Bill?

THE CHAIR:

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MORRIS N. COHEN:

efr

Mr. Speaker, I just wanted the House to know that I'm not always against banks. I introduced this bill.

MR. SPEAKER:

Will you remark further on the bill? If not, will the Members please be seated, and the staff come to the well. The machine will be opened. Have all the Members voted, and is your vote properly recorded? The machine is still open. Have all the Members voted? If so, the machine will be closed. The Clerk will take a tally. The Clerk announce the tally.

The following is the result of the vote:

Total number voting	133
Necessary for passage	67
Those voting yea.	133
Those voting nay.	0
Those absent and not voting	18

The bill, as amended, is passed.

THE CLERK:

Calendar 481, Substitute for H.B. 5147, an Act concerning the status of children conceived through artificial insemination:

RICHARD D. TULISANO:

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

MR. SPEAKER:

The question's on acceptance and passage, and will you remark?

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RICHARD D. TULISANO:

efr

Mr. Speaker, I believe there is an amendment.

MR. SPEAKER:

The Clerk please read House "A".

THE CLERK:

House Amendment Schedule "A", offered by Mr. Camp.

RICHARD D. TULISANO:

Mr. Speaker, I believe there's an amendment offered by Mr. Camp, Mr. Speaker.

MR. SPEAKER:

Is the gentleman yielding to the gentleman of the 111th?

RICHARD D. TULISANO:

I am. Thank you.

HERBERT V. CAMP, JR.:

Mr. Speaker, the Clerk has an amendment.

MR. SPEAKER:

Would the gentleman care to summarize, or would the gentleman care to have the Clerk read?

HERBERT V. CAMP, JR.:

I would summarize the amendment, please.

MR. SPEAKER:

Is there objection to the gentleman from the 111th summarizing? Hearing none, the gentleman from the 111th, for the purpose of summarization.

HERBERT V. CAMP, JR.:

Mr. Speaker, this is a rather complicated bill. It attempts to do some things with respect to the children born of

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artificial insemination. I have some questions...a great many questions...about the bill. It is an extremely complicated conceptual concept, particularly because there's not much prior law to go on, but at any rate, as the bill is written in your file, there is a question as to whether or not we are attempting to change the law, or whether we are attempting to qualify a law that presumably already exists. The theory that it already exists may be a little bit artificial...no pun intended...but in any event, I think it should be clear from the amendment that what we're intending to do is to provide that the present law will continue and that we're not changing the law. So the first section includes a declaration of policy, and the second section makes technical changes as to when a will would be...when this provision would relate...when this provision...when the provision of the bill would come into effect with respect to a will which is executed before the passage of the Act, or in which the person dies after the passage of the Act. I move adoption of the amendment.

TAPE
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MR. SPEAKER:

Will you remark further on adoption of House "A"?

RICHARD D. TULISANO:

Mr. Speaker, I believe that Representative Camp's amendment goes a long way and personifies the thoughts of the author of the bill. I urge its passage.

MR. SPEAKER:

Will you remark further on adoption of House "A".

ALAN H. NEVAS:

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Mr. Speaker, I have a question for either Mr. Tulisano or Mr. Camp.

MR. SPEAKER:

Please state your question, sir.

ALAN H. NEVAS:

My question, Mr. Speaker, is does the adoption of this amendment prohibit a single woman...an unmarried woman...from availing herself of the benefits of this statute?

MR. SPEAKER:

Does either gentleman care to respond?

HERBERT V. CAMP, JR.:

I don't think that the amendment would have anything to do with the provision of a single woman under the Act. As a matter of fact, I think the statute, as it's proposed, perhaps might be explained in that connection, because I'm not quite sure of that, but this amendment does not change that provision.

MR. SPEAKER:

The gentleman of the 136th care to retain the floor?

ALAN H. NEVAS:

Mr. Speaker, through you, sir, a question to Mr. Camp. Wouldn't the language in Section 1 of your amendment, by which you make reference to children born to a married woman, buttress the argument that this Act would not be for the benefit, or could not be taken advantage of, by single women?

MR. SPEAKER:

The gentleman of the 111th care to respond?

HERBERT V. CAMP, JR.:

No, that was not the intent. The intent was to try to

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find a basis upon which we could determine what the common law was at the present time, and inasmuch as there's a presumption against bastardy, that presumption was carried on to effect for the purpose of determining the common law as it exists today. I said that while our assumptions were a bit artificial, because this law... or the provisions of this kind of a law have been in effect for such a short time...this type of action has occurred such a short time that there really is not a "common law". The best we can do is to draw conclusions from some other field, and for that reason we drew them from the field of bastardy in which it appears to be the law of the State of Connecticut that there's a presumption to some extent that a child born of a married woman is a legitimate heir of that married woman.

ALAN H. NEVAS:

Mr. Speaker, then one more question, Mr. Speaker, through you, sir, to Representative Tulisano. With or without this amendment, is it the intention of this statute, or...I'd rephrase the question, Mr. Speaker...with or without this statute, would a single, unmarried woman be able to avail herself of this statute?

RICHARD D. TULISANO:

Through you, Mr. Speaker, without this statute it is entirely possible that a single woman could, and has, probably, availed herself of artificial insemination. With this statute there is a presumption that it must be a married woman. In the language of the proposed Act...the language is that a woman with an artificial insemination may be performed...or shall be performed ...by a licensed physician upon a married woman with the consent

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of her husband. We would then deduct from that that it shall not efr
be performed in any other...it is the intention this that it should
not be performed in any other fashion...or in any other status.

MR. SPEAKER:

The gentleman of the 136th has the floor.

ALAN H. NEVAS:

Yes. Thank you, Mr. Speaker. I'll reserve my remarks
after the action on the amendment. Thank you.

MR. SPEAKER:

Will you remark further on House "A"?

ALAN J. MAZZOLA:

Mr. Speaker, yes, sir, a question, through you, to
either Mr. Camp, if his amendment covers it, because we can't
see his amendment. We have no idea what it is. Or to Mr.
Tulisano. Section 8, in the file copy of the bill, discusses
in line 52, "He shall not inherit the estate from his natural
father, or his relatives." Now, my question is this. It's been
brought to my attention that sometimes two people who are married
do go into artificial insemination, and the donor is, in fact,
the natural father. Now, would this statute, the way it's writ-
ten, if the two people later on were to be divorced, would this
say that the child could not inherit the estate from the donor,
which is, in fact, the natural father in this case?

MR. SPEAKER:

Gentleman care to respond?

RICHARD D. TULISANO:

Through you, a point of order. I would prefer that we

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vote on the amendment, and then go to the merits of the bill and efr
answer that question afterwards. I have no objection to answering
it, but I think it's improper at this point.

MR. SPEAKER:

Well, the gentleman's pleasure is whether he cares to
respond to an inquiry or not. The Chair cannot give direction to
that situation. The gentleman from the 49th has the floor.

ALAN J. MAZZOLA:

Okay, then...all right then. Since we can't...a ques-
tion, through you, sir, to Mr. Camp, since we can't see his amend-
ment. Does your amendment cover this situation?

HERBERT V. CAMP, JR.:

Mr. Speaker, the amendment has nothing to do with that
type of situation. It applies only to in what cases the whole
statute will apply, and not to the specific reference to the
situation you request.

ALAN J. MAZZOLA:

Thank you. Then I'll wait for the question when Mr.
Tulisano discusses the bill.

MR. SPEAKER:

Will you remark further on the amendment?

JOHN J. TIFFANY, II:

Mr. Speaker, parliamentary inquiry, sir. Do you intend
to rule this substantive or technical?

MR. SPEAKER:

In response to the gentleman's parliamentary inquiry, it
if
would be the intention of the Chair/the Chamber is to entertain

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House "A" favorably to rule it is technical. Will you remark further on adoption of House "A"?

JOHN J. TIFFANY, II:

Mr. Speaker, I would requestfully ask that this matter be passed temporarily till some more people have a change to look at the amendment.

MR. SPEAKER:

Is there objection to the matter being passed temporarily for the purpose indicated by the gentleman from the 36th? Is there objection? Hearing none, the matter will be passed temporarily. The Clerk return to the Calendar.

THE CLERK:

Calendar 484, Substitute for H.B. 7344, an Act concerning fire protection at places of public assembly.

WILLIAM A. O'NEILL:

Mr. Speaker, may that item be passed retaining its place on the Calendar?

MR. SPEAKER:

Is there objection? Hearing none, the matter's retained.

THE CLERK:

Calendar 487, Substitute for H.B. 6869, an Act concerning the inclusion of disciplinary proceedings for policemen and firemen in collective bargaining agreements.

JOSEPH S. COATSWORTH:

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

HB-5147

STATUS OF CHILDREN CONCEIVED THROUGH ARTIFICIAL INSEMINATION.

REP. TULISANO (29th):

Mr. Speaker, I move, once again, for acceptance of the joint committee's favorable report and passage of the Bill.

THE SPEAKER:

The question is on acceptance and passage, will you remark?

REP. TULISANO (29th):

I believe there's House Amendment "A", which has already been read.

REP. CAMP (111th):

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

THE SPEAKER:

For the benefit of the members, would the gentleman be kind enough to ask the Chamber's pleasure in the context of summarizing again House "A".

REP. CAMP (111th):

Yes, may I? Mr. Speaker, very briefly what I stated yesterday, the attempt of House "A" is to make it clear that we are not trying to change the law in the Bill that is before you but what we are trying to do is to continue with what we think is the law at the present time. This is a little bit artificial obviously because there isn't, to my knowledge, any law in Connecticut on the question of artificial insemination. Nevertheless, there is law in the field of bastardy and we are, in effect, trying to carry out that common law into our determinations here rather than making a new provision or allowing or suggesting to a court that they should not interpret this law as though it was different from the law that was before. I would move adoption of the amendment.

THE SPEAKER:

You have the amendment, will you remark further on House "A". If not, the question is on its adoption, all those in favor will indicate by saying "AYE". Opposed? House "A" is adopted, the Chair rules it technical. Will you remark further on the Bill as amended by House "A".

REP. TULISANO (29th):

Mr. Speaker, the Bill before us today is one of new legislation for Connecticut. Relatively few states, but there are some, do have legislation in this field. What it effectively does, is insure that children who are conceived and born as a result of artificial insemination are legitimized. It also insures that they have rights of inheritance through their parents. That is, their natural mother and her consenting spouse. It insures that the donor involved in this medical technique has no interest or rights of inheritance from the child so conceived. It is an attempt, ladies and gentlemen of this House, to protect rights, to make sure that in this State nothing occurs similar to that which has happened in some Canadian jurisdictions and in one Illinois jurisdiction in which it was decided that the technique of artificial insemination was 1) assumed at one point to be adultery and 2) a consenting spouse in an Illinois jurisdiction, ladies and gentlemen, was declared not to have the duties of support. So it seems to me, this is good public policy. It is the kind of thing which will put Connecticut in advance of the other states in this nation. It will also do something else. We are anticipating that in today's day and age, because of the improvements in contraception, great numbers of people will be going to this technique. At the present time it is thought that over 250,000 people are now living who were conceived as a result of artificial insemination and that there are 10,000 children born annually as a result of this technique.

I expect that this number will grow. We are anticipating a problem before it occurs. I urge passage of the Bill.

THE SPEAKER:

Will you remark further on the Bill? The gentleman from the 36th.

REP. TIFFANY (36th):

Mr. Speaker, Section 1 requires that artificial insemination be performed only by a person who is certified to practice medicine in this State. The following sections are very clear that we're dealing only with humans. In Connecticut a large percentage of domestic animals are inseminated artificially and for purposes of legislative intent, I'd like to make clear that Section 1 deals specifically with human beings. Through you sir, I'd like to ask that of the proponent.

REP. TULISANO (29th):

Through you Mr. Speaker, there is no doubt in my mind that Section 1 should be read in context with the total Bill that it applies solely to humans, in addition to which for purposes of clarification the term heterologists artificial insemination is a medical, technical term and deals solely with human beings. Thank you Mr. Speaker;

THE SPEAKER:

Will you remark further on the Bill. If not, will the members please be seated and the Staff come to the Well. The machine will be opened. Have all the members voted and is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally. Will the Clerk announce the tally.

THE CLERK:

Total Number Voting:.....136
Necessary for Passage.....69

Those Voting Yea.....135
 Those Voting Nay.....1
 Those absent and not Voting.....15

THE SPEAKER:

The Bill is passed. Will the Clerk please recall Calendar 0422.

THE CLERK:

Calendar 0422, Substitute for HB 6038, AN ACT TO CLARIFY THE
 USE OF PER CENT OF ASSET LIMITATIONS BY SAVINGS AND LOAN
 ASSOCIATIONS.

REP. LYDDY (126th):

Mr. Speaker, I ask the acceptance of the joint committee's favorable
 report and passage of the Bill.

THE SPEAKER:

The question is on acceptance and passage and will you remark sir?

REP. LYDDY (126th):

Yes Mr. Speaker, HB 6038 is a Bill which adds to the definitions
 section of the Savings and Loan Statute. A definition of per cent of asset
 limitation and this definition states that the per cent of asset limitation as
 used in this chapter shall mean the fund for contingent losses and undivided
 profits or the per cent specified in the chapter, whichever is greater.
 Possibly, more simply stated, this would allow stronger savings and loan
 associations to invest funds in certain investment categories previously
 authorized by the Legislature up to an amount equal to their net worth. By
 way of example: A savings and loan association may currently invest up to
 two per cent of its assets in urban renewal areas. If the association's net
 worth position was five per cent of its assets, this Bill would enable to invest
 up to five per cent in urban renewal areas. As another example: Savings and

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No, Mr. Speaker, I think it is self-explanatory.

THE DEPUTY SPEAKER:

Will you remark further? Will you remark further? If not, will the members please take their seats, would the staff please come to the well. The machinewill be open. The machine is still open. Has every member voted and is your vote recorded in the manner in which you wish it to be recorded? The machine will be closed. Has every member voted? The machine will be closed. The Clerk please take a tally.

MR. DORAN (30th):

Mr. Speaker, thank you. In the affirmative.

THE DEPUTY SPEAKER:

The Clerk please note, Rep. Doran of the 30th in the affirmative.

The Clerk please announce the tally.

THE ASSISTANT CLERK:

Total number Voting.....	141
Necessary for Passage.....	71
Those Voting Yea.....	141
Those Voting Nay.....	0
Those Absent and Not Voting.....	10

THE DEPUTY SPEAKER:

The bill is PASSED as amended by Senate Amendment "B" and House Amendment "A".

THE ASSISTANT CLERK:

Page 11 of the Calendar, Calendar No. 481, substitute for H.B. No.

5147, An Act Concerning the Status of Children Conceived Through Artificial Insemination, as amended by House Amendment Schedule "A" and Senate Amendment Schedule "A", File Nos. 250, 456.

MR. TULISANO (29th):

Mr. Speaker, I move for acceptance of the joint committee's favorable

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report and passage of the bill.

THE DEPUTY SPEAKER:

Question is on acceptance and passage. Will you remark?

MR. TULISANO (29th):

Mr. Speaker, the Clerk has Senate Amendment "A".

THE DEPUTY SPEAKER:

The Clerk please call Senate Amendment Schedule "A".

THE ASSISTANT CLERK:

Senate Amendment Schedule "A"

After line 81, insert a paragraph--

MR. TULISANO (29th):

Mr. Speaker, may I summarize?

THE DEPUTY SPEAKER:

Is there objection? Hearing none, please summarize.

MR. TULISANO (29th):

Mr. Speaker, this amendment is a technical amendment. It inserts in the statute concerning wills a definition which would include in the definition of child, children and other words that a child who was born as a result of AID. It is exactly the same language which is used in section 10 of this act and which act we previously passed in this House.

I move for acceptance of the amendment.

THE DEPUTY SPEAKER:

Will you remark further? Will you remark further on Senate "A"? If not, all those in favor of Senate "A" signify by saying aye. Those that are opposed? Senate "A" is ADOPTED. The Chair rules it technical.

MR. TULISANO (29th):

Mr. Speaker, with Senate Amendment "A", I believe this bill is right for

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assage and I move passage of the bill.

THE DEPUTY SPEAKER:

Question is adoption of the bill as amended by Senate "A" and House "A". Will you remark? If not, will the members please take their seats, will the staff please come to the well. The machine will be open. Has every member voted? The machine is still open. Has every member voted? The machine will be closed, the Clerk please take a tally.

MR. FERRARI (15th):

In the affirmative please, sir.

THE DEPUTY SPEAKER:

The Clerk please note Rep. Ferrari of the 15th in the affirmative.

The Clerk please announce the tally.

THE ASSISTANT CLERK:

Total number Voting.....	140
Necessary for Passage.....	71
Those Voting Yea.....	135
Those Voting Nay.....	5
Those Absent and Not Voting.....	11

THE DEPUTY SPEAKER:

The bill is PASSED as amended by Senate "A" and House "A".

THE ASSISTANT CLERK:

Page 11, Calendar No. 562, substitute for H.B. No. 6577, An Act Concerning Absence of Students Due to Religious Beliefs, as amended by Senate Amendment Schedule "A", File No. 329.

MR. VICINO (78th):

Mr. Speaker, may that item be passed retaining its place on the Calendar?

THE DEPUTY SPEAKER:

Is there objection? Is there objection? Hearing none, the item is retained.