

Legislative History for Connecticut Act

HB 8393

PA 530

1975

Senate: P 3659-3661

(3)

House: P 5520-5543, 5635-5637

(27)

Judiciary⁰
(Technical Amendments)

LAW/LEGISLATIVE REFERENCE

30P

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

Connecticut State Library

Compiled 2015

S-111

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1975

VOL. 18
PART 7
3189-3690

1975 - GENERAL ASSEMBLY

SENATE

WEDNESDAY

JUNE 4, 1975

LFU
89

will please tally the vote.

TOTAL VOTING	33
NECESSARY FOR PASSAGE	17
YEA TOTAL	21
NAY TOTAL	12

The Bill is Recommitted.

THE CLERK:

Calendar No. 1137, File No. 1059, Favorable Report, Joint Standing Committee on Judiciary on Substitute for House Bill 8393, AN ACT CONCERNING TECHNICAL AMENDMENTS TO COURT ADMINISTRATION, as amended by House Amendment, Schedules A and C.

THE CHAIR:

Senator Barry.

SENATOR BARRY:

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

THE CHAIR:

Will you remark?

SENATOR BARRY:

Mr. President, this concerns some certain Amendments to four areas of Court Administration, namely, Court procedure, rules, personnel, two, dissolution of marriage procedures, three, disposition of seized property and four, public defender services. With respect to the

1975 -- GENERAL ASSEMBLY

SENATE

WEDNESDAY

JUNE 4, 1975

LEW
90

first one, Court Procedures, rules and personnel, the Bill clarifies that eviction appeals go to the Appellate Session of the Superior Court. It allows Judges of the Superior Court to establish rules of procedure for appeals, instead of just the Supreme Court Justices; makes Clerks of the Court of Common Pleas and Superior Court accountable for monies received by them in the same manner as other State Departments, agencies and Boards. It adds an entry fee of \$20.00 for appeals from the Court of Common Pleas to Superior Court and it clarifies other aspects of procedural part of it. It changes several dates concerning dissolution of marriage procedure. For example, rather than using the filing date, the Bill uses the return date of the complaint at the time, upon which a party can ask for reconciliation in which the Court can make child custody orders, appoint counsel for minor children and award alimony or support pending litigation.

IT ADDS A Domestic Relations Officer to the list of those who can be appointed by the Court as a conciliator. With respect to disposition of seized property, the Bill specifies where to file an inventory of seized property. It further allows the return of stolen property to the owner and the discretion of the law enforcement agency seizing such property after consultation with the Prosecutor or the Court. It also allows the Examiner of seized property to sell property at a public sale to the highest bidder or to decline the highest bid and re-offer the property for sale if he feels the bid was too low. It exempts the sale of such property from current provisions of the law requiring a license fee for auction. It also deletes the right of the

1975 - GENERAL ASSEMBLY

SENATE

WEDNESDAY

JUNE 4, 1975

LFU
91

Commissioner of State Police or other local police officials to sell stolen property that they've confiscated. And finally, the Bill clarifies that lawyers can be put on Public Defender lists to represent juveniles in delinquency matters. It also specifies that a Special Assistant Public Defender who has contracted for on a temporary basis, have his expenses paid from the Budget of the Public Defender's Services Commission. And it includes, in the definition of indigent defendant, all juveniles who have the right to Counsel.

It is an important Bill and if there is no objection, I would move it to the Consent Calendar.

THE CHAIR:

Hearing no objection, the matter is placed on the Consent Calendar.

THE CLERK:

Calendar No. 1149, File No. 1063, Substitute for House Bill 6339, AN ACT CONCERNING THE TAKING OF APPLICATIONS FOR ADMISSION AS ELECTORS IN ANY CONNECTICUT TOWN.

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 comment on it, Senator?

H-169

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1975

VOL. 18
PART 12
5520-6009

THE HOUSE

FRIDAY

MAY 30, 1975

101
LFU

THE SPEAKER:

Will the Clerk please recall the Calendar item.

THE CLERK:

Calendar 1216 on page three, Substitute for House Bill 8393, AN
ACT CONCERNING TECHNICAL AMENDMENTS TO COURT ADMINISTRATION.

THE SPEAKER:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

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

THE SPEAKER:

Question is on acceptance and passage. Will you remark?

REPRESENTATIVE HEALEY (72nd):

Yes Mr. Speaker. I beg the indulgence of the House and bearing with
me for a moment. The very sumptuous desks we have are not most conducive
to handling the files properly. Mr. Speaker, this Bill proposes a number
of technical Amendments to Court administration. In Section 1, we make
it clear that appeals from summary process actions are to the Appellate
Section of the Superior Court. There are two conflicting provisions of
the law. One in the summary process action which says this but another
in 52-542 which appears to say that they go to the Supreme Court. Also
the rules of the Appellate Section are to be made by the Superior Court
not the Supreme Court which is sensible because the Superior Court is a
Constitutional Court and the Appellate Section is a part of it. We also

THE HOUSE

FRIDAY

MAY 30, 1975

102
LFU

clarify in Section 1 that you cannot go to the Appellate Section in Zoning and Public Accommodations appeals. The reason for this is that you've already had two hearings; one before the appropriate commission and one in the Superior Court - I mean, I'm sorry, in the Court of Common Pleas. You've had two appeals and the proper procedure is to go to the Supreme Court by certiorari only. Section 2 has to do with the handling by Clerks of all Courts of all funds in their possession which belong to the General Fund. Presently there are different rules for the Court of Common Pleas and the Superior Court. This makes one set of rules applicable to all of them and requires that the funds be deposited in the General Fund promptly. Section 3 has to do with the publication of assignment of Judges. Present law indicates that the publication must be for the entire year. The clarification is that it may be made only for the period of time as to which assignments have been decided upon. Section 4 clarifies entry and record fees on appeal and provides that you will no longer get a free copy of a Judgment. Section 5 provides that all Courts will store records in the same manner. Section 6 clarifies titles; does not add any personnel. It requires that a committee of Judges make appointments rather than one Judge make appointments and it provides that any of the Court personnel may take oaths of witnesses rather than only a Clerk. Section 7, if we ever were to reinstitute annual increments the present language of the personnel transferred from the old Circuit Court to the Court of Common Pleas would mean they would be ineligible.

THE HOUSE

FRIDAY

MAY 30, 1975

103
LFU

This does not restore the increments. It merely makes them eligible for them in the event that we do adopt them. Mr. Speaker, again I beg your indulgence. I'm searching for another Amendment which has gotten lost in this - . The Clerk has an Amendment, LCO No. 9736. I ask that that be called.

THE SPEAKER:

Clerk please call LCO 9736, House Amendment, Schedule A.

THE CLERK:

House Amendment, Schedule A, offered by Mr. Healey of the 72nd District.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, may I summarize?

THE SPEAKER:

Is there objection to the gentleman from the 72nd summarizing in lieu of Clerk's reading? There being no objection, the gentleman from the 72nd to summarize.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, this is a series of Technical Amendments to the Technical Amendments. In Line 17, we pluralize the word "Judge" so it reads "Judges", obviously a typo. In Line 176, we insert a colon after the word appoint and then we bracket the small letter a which follows that colon and make it a capital letter A. And in Line 177, we insert a semicolon after the word "Court", obviously simply typos. We add a new Section 31 which has to do with the appointment by the Public Defender

THE HOUSE

FRIDAY

MAY 30, 1975

104
LFU

Services Commission of the Chief Public Defender. Under present law, they are required to make that appointment by April 1, 1975 which they failed to do. This extends the time to on or before June 15, 1975. If we do not pass that, there might be a question of the legality of the appointment. And we add new Section 32. Under present law, when you make an application for a pre-judgment remedy, you must pay the entry fee at the time of making the application. But in the event that you do not file the lawsuit you're entitled to a refund. It seems to me anomalous that a person can invoke the power of a Court and then get his money back. Furthermore, it will take a very real administrative burden off the Court personnel who required to process the various paperwork in giving that refund back. I move the Amendment.

THE SPEAKER:

The question is on adoption of House Amendment, Schedule A. Will you remark? If not, the question is on its adoption. All those in favor will indicate by saying aye. Opposed? House A is adopted.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, the Clerk has a second Amendment, LCO No. 9638. I ask that that be called.

THE CLERK:

House Amendment, Schedule B, offered by Mr. Healey of the 72nd.

THE HOUSE

FRIDAY

MAY 30, 1975

105
LFU

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, may I summarize?

THE SPEAKER:

Is there objection to the gentleman from the 72nd summarizing in lieu of reading? Hearing none, the gentleman from the 72nd for that purpose.

REPRESENTATIVE HEALEY (72nd):

Thank you sir. Mr. Speaker, when we passed the unmandating law Bill a couple days ago and the Senate passed it yesterday, one of the things we dealt with was the law libraries. We have found on further study that as we passed it, it mandates that all of the present existing law libraries continue in existence and that all of their personnel become State employees. I am informed that this would mean something like 69 people and there's an appropriation of only just over \$80,000.00. So each one of them could draw the magnificent salary of just over \$1,000.00 a year. What this Amendment does is it cuts back the number of law libraries to five which are State funded and we hope that the eighty some odd thousand dollars which is in the appropriation for law libraries may be sufficient to keep these five going. We know darned well it will not be able to keep all of them going. I move the Amendment.

THE SPEAKER:

Will you remark further on the Amendment? The question is on adoption of House Amendment, Schedule B. Will you remark further? Gentleman from the 39th.

THE HOUSE

FRIDAY

MAY 30, 1975

106
LFU

REPRESENTATIVE MARTIN (39th):

Mr. Speaker, through you, a question to the proponent of the Amendment. Could he list for us those areas in the counties that will be incorporated under this Bill?

THE SPEAKER:

The gentleman from the 72nd care to respond?

REPRESENTATIVE HEALEY (72nd):

Yes Mr. Speaker. Through you, Bridgeport, Hartford, Waterbury, New Haven and New Britain.

REPRESENTATIVE MARTIN (39th):

Thank you Mr. Speaker.

THE SPEAKER:

The gentleman from the 39th has the floor.

REPRESENTATIVE MARTIN (39th):

Mr. Speaker, I find I cannot support this Amendment. We have, in the New London County area, a great need for this type of service and under the Amendment, as I interpret it, we will be prohibited from participating, so I can't support the Amendment.

THE SPEAKER:

Further remarks on House B? Gentleman from the 63rd.

REPRESENTATIVE GROppo (63rd):

Mr. Speaker, I rise to support the Amendment. We tried to clear up a serious problem in the law libraries with the unmandating Bill and came to our attention that in drafting the unmandating legislation that we created

THE HOUSE

FRIDAY

MAY 30, 1975

107
LFU

a greater problem and this Amendment would clear that problem and I urge passage.

THE SPEAKER:

The lady from the 150th.

REPRESENTATIVE OSLER (150th):

Thank you. Through you Mr. Speaker, I'd like to ask again, a question on this Amendment. Did I understand the proponent to say that there were five State funded law libraries?

THE SPEAKER:

Does the gentleman care to respond?

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, the result of this Amendment will be that there will be only five. That is correct.

REPRESENTATIVE OSLER (150th):

Well, I was trying to write down the towns that you named and I only got four. Now I may have missed one that you named. I have Bridgeport, Hartford, New Haven, New Britain.

REPRESENTATIVE HEALEY (72nd):

And Waterbury.

REPRESENTATIVE OSLER (150th):

And Waterbury. All right. That eliminates then, Stamford, from the group. Thank you.

THE SPEAKER:

Will you remark further on House Amendment, Schedule B? If not, the question is on its adoption. All those in favor will indicate by saying aye.

THE HOUSE

FRIDAY

MAY 30, 1975

108
LFU

Opposed? The Chair will try your minds again. The gentleman from the 63rd.

REPRESENTATIVE GROppo (63rd):

Mr. Speaker, I move for a roll call.

THE SPEAKER:

Motion for a roll call. All those in favor of the vote being taken by roll, indicate by saying aye. Opposed? It is the opinion of the Chair that in excess of twenty percent of the Members in the room are in support of the Motion. An immediate roll call will be ordered. The gentleman from the 107th.

REPRESENTATIVE MANNION (107th):

Mr. Speaker, I rise in opposition to the Amendment. One of the reasons we took out the five law libraries in the unmandating act is because of the quality of justice in this State and it should be the same all over the State, not just five libraries within the State. To say that the County of New London, to say that the City of Stamford and to say that the Judges within those cities and within those towns cannot use the libraries, cannot receive funds for the libraries is not correct, is not valid and should not happen. I rise in opposition to the Amendment.

THE SPEAKER:

Will you remark further? Gentleman from the 96th.

REPRESENTATIVE VILLANO (96th):

A query to the proponent of the Amendment.

THE SPEAKER:

Please frame your question.

THE HOUSE

FRIDAY

MAY 30, 1975

109
LFU

REPRESENTATIVE VILLANO (96th):

Are the present five judicial libraries named in the Amendment or specified in the Amendment? Are they under the Judicial Department or are they under the State Library Department?

THE SPEAKER:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, under the Amendment as under the final version of the unmandating Act, they will be under the State Library.

REPRESENTATIVE VILLANO (96th):

Thank you.

THE SPEAKER:

Will you remark further on the Amendment? Gentleman from the 49th.

REPRESENTATIVE MAZZOLA (49th):

Mr. Speaker, one other question to the proponent of the Amendment.

THE SPEAKER:

Please frame your question.

REPRESENTATIVE MAZZOLA (49th):

Through you, sir, to Representative Healey. By the list of cities and towns that you mentioned, is it true that no law library would then exist in Windham or Tolland County?

THE SPEAKER:

Does the gentleman care to respond?

THE HOUSE

FRIDAY

MAY 30, 1975

110
LFU

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, a law library could exist there but it would not be State funded. This does not terminate the existence of the present library.

REPRESENTATIVE MAZZOLA (49th):

All right. Let me rephrase the question. Is it true that no law library in either Tolland and Windham Counties would be State funded?

THE SPEAKER:

The gentleman from the 72nd care to respond?

REPRESENTATIVE HEALEY (72nd):

Sir, the gentleman is correct.

REPRESENTATIVE MAZZOLA (49th):

Thank you sir.

THE SPEAKER:

Remark further on the Amendment? The gentleman from the 63rd.

REPRESENTATIVE GROPPA (63rd):

Mr. Speaker, speaking for the second time on the Amendment, I just want to make the Members aware that in the budget passed by this General Assembly it was funded some \$88,000.00 for law libraries. There are presently, nineteen law libraries. There's no way with the existing funding can we support the nineteen present law libraries. It was agreed that there would be five in the major cities and it came to our attention after the Appropriation Act was passed, that of the \$88,000.00 for law libraries, \$92,000.00 is needed just for Librarian's salaries. That was

THE HOUSE

FRIDAY

MAY 30, 1975

111
LFU

one reason why we unmandated the smaller law libraries. The State of Connecticut was not funding these libraries properly and without this Amendment you're going to cause a greater problem because the money is not there to fund these nineteen law libraries. Now this was one item that was discussed and we thought we had the problem resolved with the unmandating Bill but we found out that we were picking up some 60 present employees and making them State employees. So I urge you to vote for the Amendment and hopefully we can clear up this problem.

THE SPEAKER:

The gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

Yes, Mr. Speaker, if I may, I'd like to ask the Chairman of the Judiciary Committee a question.

THE SPEAKER:

Please proceed.

REPRESENTATIVE NEVAS (136th):

Yes, Mr. Speaker, I apologize to the gentleman and the Members of the House that I was distracted while the vote or while the discussion was taking place and I have only just now become aware of the importance of this Bill. And I think that it probably reflects the concern of the Speaker indicated earlier with respect to what's taking place on the floor. So with that apology, Mr. Speaker, I'd like to ask the gentleman a question.

THE HOUSE

FRIDAY

MAY 30, 1975

112
LFU

Would the gentleman please rename the five libraries that will continue to be funded?

THE SPEAKER:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Through you, Mr. Speaker, Bridgeport, Hartford, Waterbury, New Haven, New Britain.

THE SPEAKER:

The gentleman from the 136th has the floor.

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, could the gentleman please indicate to the Members what the criteria were for continuing the funding for those five communities and discontinuing it for other communities?

THE SPEAKER:

Does the gentleman care to respond?

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, essentially population, geographical areas, sir.

THE SPEAKER:

The gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

Well, if population was a factor, my understanding is that Stamford is - ranks among the first - is the fourth largest community in the State. Is that not correct?

THE HOUSE

FRIDAY

MAY 30, 1975

113
IFU

THE SPEAKER:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, I will not contest that. However, I would point out that Bridgeport is being funded and that that is not unreasonably distant from Stamford.

THE SPEAKER:

The gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

Well, through you Mr. Speaker, is Stamford any closer to Bridgeport than Waterbury is to New Haven?

THE SPEAKER:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, I will not contest the mileage. However the road map is not as appropriate for fast transit.

THE SPEAKER:

The gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, was the consideration of caseload, volume of business in the various Courts involved given consideration?

THE SPEAKER:

The gentleman from the 72nd.

THE HOUSE

FRIDAY

MAY 30, 1975

114
LEU

REPRESENTATIVE HEALEY (72nd):

Yes Mr. Speaker. I believe that the volume of business in Hartford, clearly justifies Hartford. The volume of business in Fairfield County fully justifies Bridgeport. The volume of business in New Haven and environs clearly justifies New Haven. The Waterbury Bar Library is the closest one available to not only the people in the Judicial District of Waterbury, but also throughout Litchfield County. And New Britain is also a very substantial population center.

REPRESENTATIVE NEVAS (136th):

How far is New Britain from Hartford?

THE SPEAKER:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, my best estimate would be about twelve miles. But that is simply an estimate.

THE SPEAKER:

The gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

(Tape #13)

Did the Committee consider the number of lawyers served in terms of those lawyers practicing in the various centers?

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, we did not have any definite statistics on that.

THE SPEAKER:

The gentleman from the 136th.

THE HOUSE

FRIDAY

MAY 30, 1975

115
LFU

REPRESENTATIVE NEVAS (136th):

Yes, Mr. Speaker. Through you, thank you Mr. Healey. Mr. Speaker, I think the concern that I now have with respect to this Bill is the result and results from an - and should indicate to this House the danger of taking up a Bill such as we took up - the nonmandating Bill with 19 separate sections and now this is the first area that we've become aware of - some of us have become aware of, that's going to be effected and I don't think anyone here can predict the number of other sensitive areas that are going to be effected by the consequences of our enacting that Legislation. And the next time it may not be the Stamford area that's affected, it may be your own area that's affected. And I submit, Mr. Speaker, that by all objective standards the elimination of the Stamford area from this Bill and the inclusion of the five communities named by the distinguished Chairman that there were no objective standards or criteria established. It was politics, pure and simple.

Now, with all due respect to the distinguished Chairman and I have the highest respect for him, it's clear that Waterbury was included because that's his community. It's clear that New Britain was included because an Assistant Majority Leader comes from New Britain. Hartford and New Haven were included for obvious reasons. They should be included; they're major population centers and they deserve support. And Bridgeport, I might add. But I think the exclusion of the Stamford Library which serves and which is in a community which is the fourth

THE HOUSE

FRIDAY

MAY 30, 1975

116
LFU

largest city in this State and serves one of the most densely populated and highly concentrated areas of this State with a high degree of litigation; some of it very complicated and involved commercial litigation because of the large number of corporate headquarters and other similar businesses located in the lower Fairfield County area I think is a disgrace. And the Committee and the Members of this House who support this Amendment should be ashamed of themselves. It's also been brought to my attention that for those persons who live in Eastern Connecticut, their Courthouses and their libraries get zero. There's nothing in Eastern Connecticut area. I urge the defeat of this Amendment, Mr. Speaker.

THE SPEAKER:

Will you remark further on the Amendment? The gentleman from the 37th.

REPRESENTATIVE TOBIN (37th):

Mr. Speaker, I rise in opposition to the Amendment but first I would like to say that I do not believe that politics entered into this decision. It's a decision which was made on a financial picture and a bleak financial picture. However, I believe that we should be consistent and that this Legislation is in fact, discriminatory. Hartford and New Haven have available Law School Libraries. New Haven has one of the finest libraries in the world at Yale Law School and Hartford has available both the State Library and the Law Library at the University of Connecticut Law School. I don't think that the quality of justice or the quality of a decision that a Judge renders to the individuals involved should be based upon where the individual lives. It's just as important to the people in the Norwich

THE HOUSE

FRIDAY

MAY 30, 1975

117
LFU

area or the New London area or the Stamford area that they get equal treatment. I recognize that we're in a tight financial picture but I think that the best solution is to allocate the money -- the money that we have available to the State Library Committee as was done in the Amendment to the unmandating act and let them make the hard decisions in terms of allocations of the limited resources that we have. I don't think that we should pass Legislation which is discriminatory on its face. I oppose the Amendment.

THE SPEAKER:

The gentleman from the 92nd.

REPRESENTATIVE WEBBER (92nd):

To correct the statement made by the previous speaker, Mr. Speaker, the Yale Law Library is not available to the Members of the Bar of the Greater New Haven area unless you are a Yale affiliate. I want to assure him. I tried to use it myself and of course, I'm not a lawyer, but they told me very clearly unless you're a Yale affiliate you cannot use the library or other facilities thereof.

THE SPEAKER:

The gentleman from the 39th.

REPRESENTATIVE MARTIN (39th):

Mr. Speaker, I think in my own mind, that the funds that are being appropriated are being appropriated in an area that maybe we should be spending money. The service that it provides will both benefit the attorneys of the State of Connecticut. I think there's an area of responsibility they should assume. We shouldn't be appropriating money in this

THE HOUSE

FRIDAY

MAY 30, 1975

118
LFU

area. But if we are going to appropriate money, then the money should be distributed throughout all of the counties to provide the service in total to all of the communities affected by it. In regards to some of the comments made and the reference to how the selections were made as to who would be funded, I would point out that the Chairman of the Appropriations Committee on the Senate side who comes from Tolland County - his particular area is not funded. So there's no consideration, as far as I'm concerned as to politics in this area. I think a Judgment was made and I think the original judgment as referred to by the Chairman of the Appropriations Committee, Mr. Groppo, is to correct something. This is what they intended to do but things happened down through the weeks that have passed and we haven't been able to accomplish this. I would like to see a pass retaining on this or a p.t. and come in with an Amendment, take out all the money and if the lawyers want the books, let the lawyers buy the books and don't let the State fund them. There are many areas and in the area of expertise that could be provided to some people we don't provide. So if the lawyers need the facilities, if they want the books, let's remove the money from the budget, let it fall into the General Fund and if they want them, let them go out and buy them.

THE SPEAKER:

The gentleman from the 151st.

REPRESENTATIVE MORANO (151st):

Mr. Speaker, I rise to oppose this Amendment and I do so not because it eliminated some of the law libraries in the State because it did not go far enough in eliminating all of them. I agree with the gentleman from the 39th. The law libraries are used principally by the lawyers and I think

THE HOUSE

FRIDAY

MAY 30, 1975

119
LFU

the lawyers can afford to buy their own books. Anyone in business in this House has to buy their own equipment; their own tools and I think if we're going to go, we ought to go all the way and eliminate all the libraries.

THE SPEAKER:

The gentleman from the 49th.

REPRESENTATIVE MAZZOLA:

Mr. Speaker, speaking for the 2nd time, when the gentlemen supporting the Amendment, the Chairman of the Judiciary, talked about how the decision was made, he addressed himself to population. Mr. Speaker, then I don't see how Eastern Connecticut could not have got any State funding under this Amendment. There are 535,000 in Eastern Connecticut and three separate counties. Now if we're going to fund all of the libraries and we're going to use the money, let's distribute it evenly. When we passed the unmandating Bill, we said there was no money and everybody's law library was going to have to bite the bullet. Now I think if we're going to distribute equal justice as Representative Mannion said, I think we should do it.

THE SPEAKER:

Gentleman from the 89th.

REPRESENTATIVE DICE (89th):

Mr. Speaker, I think that first we ought to get it clear about what these law libraries are supposed to be doing. If we do not fund some law libraries, then we're going to be in affect, transferring or we're going to have to recreate in the Judiciary Department, complete new law

THE HOUSE

FRIDAY

MAY 30, 1975

120
LFU

libraries because these law libraries and the purpose of the principle law libraries, particularly the ones - at least it's my understanding, that we're trying to save, are for the purpose of the judges. Because if we do not create law libraries such as this, then we're going to have to fund, in the Judiciary Department, some other ways for our judiciary to have the implements for making their decisions. Now, it was my understanding that we passed the original unmandating act that the funds, because the Judiciary Department did not want the responsibility for those law libraries and have to make the hard decisions involved in what's to be allocated - the funds were to be transferred where they originally were set up for over in the State Library Department. But it wasn't my understanding that those funds were to be used for the personnel to maintain the various law libraries. Now I don't know how the matter of the personnel got in the original Amendment, but if it had not been in there then we'd be in the position where the State Library would allocate out on the basis that they determined was fair for the Judiciary for that purpose.

It would seem to me that this matter cannot properly be resolved on here and I would think that possibly we ought to either p.t. the matter until we can sit down and draft an arrangement and it would seem to me the arrangements should be - and again, my feeling is that it should go back to the Judiciary where it belongs and the Judiciary is the one that

THE HOUSE

FRIDAY

MAY 30, 1975

121
LFU

needs the libraries for the purpose of the Judges and then in turn, fund that for that purpose and make them disburse it where their Judges are going to be able to use it. I think we're going at it backwards if we think these libraries are for lawyers. They are principally for Judges. And if we don't do it under this kind of an arrangement, we're going to have the Judiciary Department coming in here and asking for substantial amounts of money to recreate libraries for the purposes of the Judiciary functioning. Thank you. Mr. Speaker, before I conclude, I would ask that the matter be p.t.d and I'll make a Motion for it to be p.t.d until we can work out an arrangement that is fair and can be agreed upon with all the parties involved. So I so move.

THE SPEAKER:

The Motion is to pass the matter temporarily. The gentleman from the 63rd.

REPRESENTATIVE GROppo (63rd):

Mr. Speaker, may I have permission to speak for the third time?

THE SPEAKER:

We're now on a Motion to pass the matter temporarily so the gentleman would be speaking for the first time.

REPRESENTATIVE GROppo (63rd):

Mr. Speaker, thank you. Mr. Nevas made a remark that I think deserves clarification here. The distinguished Chairman of the Judiciary Committee had nothing to do with the designated numbers of State Law Libraries. I want the Members to understand that this was done by the

THE HOUSE

FRIDAY

MAY 30, 1975

122
LFU

Appropriations Committee with advice and consent of some of the distinguished Judges in this State. We in good faith, tried to do what we thought was right and I agree with Mr. Morano that we should have unmandated all these Law Libraries but it came to our attention that the larger cities needed these Law Libraries and that they felt that the numbers and the names that were indicated by the distinguished Chairman of the Judiciary Committee were the ones that should stay in existence. I just want the record to know that Mr. Healey had nothing to do and as far as politics, there's a Law Library in my town that's being unmandated. There was no politics considered in this decision. The decision was that we should unmandate all of them.

And then we were told that it should go to Judiciary. That's exactly what we did. The Judicial Department did not want the Law Libraries. That's why the Amendment was introduced to take the Law Libraries out of Judiciary and put them back into the State Libraries. That's the approach we took. Now we're in a dilemma that's a fact and when we passed that Amendment, we were picking up State employees that we did not want to pick up; that were not State employees but we were going to pick up some 60 some odd State employees - new State employees. And with the consent of Mr. Healey, this Amendment was introduced to clear up that problem. I have no objections of putting the issue before us Mr. Speaker.

THE SPEAKER:

Is there further comment? On the Motion from the gentleman of the 89th to pass the matter temporarily? Is there objection? (Tape #14)

REPRESENTATIVE VILLANO (96th):

I have no objection, but I want to make a statement before the vote

THE HOUSE

FRIDAY

MAY 30, 1975

123
LFU

is taken.

THE SPEAKER:

Is there objection on the part of any Member that the matter be passed temporarily?

REPRESENTATIVE VILLANO (96th):

I have no objection, Your Honor, but I will be permitted to speak on the Motion so that the matter can be considered when it's passed temporarily.

THE SPEAKER:

The gentleman from the 96th has the floor.

REPRESENTATIVE VILLANO (96th):

Thank you. I think and I feel that if this matter is passed temporarily and some consideration was given as to what was to be done with the Amendment, the persons who will consider the matter should take into consideration that the - for instance, the Law Library in New Haven has a budget of \$42,000.00 half of which is for salary and half of which is for books, if the present Amendment stands, the present appropriation stands, I understand we are to get about \$18,000 out of that and out of that money we have to do one of two things; we have to either fire the help in the Library which of course, would render the Library useless or we have to simply stop buying law books which would lend the Library useless. I think the Judges who advise this appropriation use very poor judgment for Judges and I think something ought to be done about raising the appropriation so that - it's a very small amount - so that the libraries would have some use - they can be put

THE HOUSE

FRIDAY

MAY 30, 1975

124
LFU

to some use in view of the investment that they have. I don't think it would serve any purpose if this Amendment and this appropriation is retained. Thank you Mr. Speaker.

MR. SPEAKER:

Is there any objection to the matter being passed temporarily? If not, the matter is passed temporarily.

THE CLERK:

Page four of the Calendar, Calendar 1220, Substitute for Senate Bill 1538, AN ACT CONCERNING THE FIRE PREVENTION AND CONTROL COMMISSION, as amended by Senate Amendment, Schedule A. Committee on Appropriations.

THE SPEAKER:

The gentleman from the 52nd.

REPRESENTATIVE JULIAN (52nd):

Mr. Speaker, I move that item be passed temporarily.

THE SPEAKER:

Would the gentleman yield to the Majority Leader?

REPRESENTATIVE JULIAN (52nd):

Yes sir.

THE SPEAKER:

The gentleman from the 34th.

REPRESENTATIVE O'NEILL (34th):

Mr. Speaker, for the same purpose that I think we are going to have to maintain decorum in the House and decorum in the House is for

THE HOUSE

FRIDAY

MAY 30, 1975

216
LFU

Those Voting Nay

0

Those Absent and Not Voting

18

THE SPEAKER:

The Bill as amended, is passed.

THE CLERK:

Page three of the Calendar, on page three, at the bottom of the page, Calendar 1216, Substitute for House Bill 8393, AN ACT CONCERNING TECHNICAL AMENDMENTS TO COURT ADMINISTRATION.

THE SPEAKER:

The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

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

THE SPEAKER:

The question's on acceptance of the Joint Committee's Favorable Report and passage of the Bill.

REPRESENTATIVE HEALEY (72nd):

MR. Speaker, may I at this time, withdraw House Amendment, Schedule B?

THE SPEAKER:

The Chair's notes indicate that at the time the matter was passed temporarily, LCO No. 9736, House Amendment, Schedule A had been adopted. The gentleman from the 72nd had offered House Amendment B, which was LCO 9638. The gentleman from the 63rd had requested - the gentleman from the 72nd had moved adoption of B. The gentleman from the 63rd had requested a roll call, The roll call had been ordered. May the Chair assume - the

THE HOUSE

FRIDAY

MAY 30, 1975

217
LFU

Chair will not assume anything. May the Chair inquire of the gentleman from the 63rd if he associates himself as the mover of a request for a roll call, withdraws his request for a roll call and associates himself with the thrust of the Motion to withdraw of the gentleman of the 72nd?

REPRESENTATIVE GROppo (63rd):

I'll withdraw the roll call, Mr. Speaker.

THE SPEAKER:

The gentleman from the 72nd has withdrawn his offer of House Amendment, Schedule B. Will you remark further on the Bill as amended?

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, the Clerk has an Amendment, LCO No. 9244.

THE SPEAKER:

Will the Clerk please call LCO No. 9244, House Amendment, Schedule C.

REPRESENTATIVE HEALEY (72nd):

May I have permission to summarize, sir?

THE SPEAKER:

Is there objection to the gentleman from the 72nd summarizing in lieu of the Clerk reading? Hearing none, the gentleman from the 72nd, to summarize.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, the substance of this Amendment is two-fold; three-fold actually. It definitely removes the employees of the Bar Library from the category of State employees which they would have become otherwise. It gives the appropriation for Bar Libraries to the State Library Committee, and it removes any reference whatsoever to any specific location of any Bar

THE HOUSE

FRIDAY

MAY 30, 1975

218
LFU

Library within the State. I believe that this takes into consideration the various objections which were earlier raised. I move the Amendment.

THE SPEAKER:

The question is on adoption of House Amendment, Schedule C. Will you remark? If not, the question is on its adoption. All those in favor of adoption of House Amendment, Schedule C will indicate by saying aye. All those opposed? The ayes clearly have it. House C is adopted. Will you remark further on the Bill as amended by House A and C? The gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, I believe it has been thoroughly explained and, therefore, I now move that it be passed.

THE SPEAKER:

Further remarks on the Bill as amended? 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 all the Members have voted and your vote is properly recorded, the machine will be closed and the Clerk will take a tally.

THE CLERK:

Total Number Voting	133
Necessary for Passage	67
Those Voting Yea	<u>133</u>
Those Voting Nay	0
Those Absent and Not Voting	18