

Legislative History for Connecticut Act

SB1662

<PA 77-603>

1977

House: P. 5250-5254

Senate: P. 2513-2514, 4068-4069

Judiciary: P. 1391

LAW/LEGISLATIVE REFERENCE  
DO NOT REMOVE FROM LIBRARY

10 PAGES

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

Connecticut State Library

Compiled 2014

H-194

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1977

VOL. 20  
PART 13  
5235-5673

House of Representatives

Tuesday, May 31, 1977

16  
teg

MR. SPEAKER:

Will you remark further on the bill? If not, will the members please be seated? Staff and guests please come to the well of the House, 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. The Clerk will please announce the tally.

THE CLERK:

Total number voting .....	142
Necessary for Passage.....	72
Those voting Yea .....	142
Those voting Nay .....	0
Those absent and not voting .....	9

MR. SPEAKER:

The bill passes.

THE CLERK:

Page four of the Calendar, Cal. no. 1230, substitute for S.B. No. 1662, file 953, An Act To Make Appeals from Administrative Decisions Uniform, Favorable Report of the Committee on Judiciary.

MR. SPEAKER:

Gentleman from the 148th.

MR. ABATE (148th):

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

House of Representatives

Tuesday, May 31, 1977

17  
teg

MR. SPEAKER:

The question's on acceptance and passage in concurrence with the Senate and will you remark sir?

MR. ABATE (148th):

Yes, Mr. Speaker. The Clerk has an amendment, L.C.O. 8575, would the Clerk please call amendment and may I be allowed summarization in view of the length of the amendment?

MR. SPEAKER:

Will the Clerk please call L.C.O. 8575, House Amendment Schedule A?

THE CLERK:

House Amendment Schedule A, L.C.O. 8575, offered by Representative Abate of the 148th district.

MR. ABATE (148th):

Mr. Speaker, may I summarize?

MR. SPEAKER:

Is there any objection of the Gentleman from the 148th summarizing in lieu of Clerk's reading? Hearing no such objection the Gentleman from the 148th first to summarize.

MR. ABATE (148TH):

Mr. Speaker, Ladies and Gentleman, the amendment although lengthy, simply indicates that venue in a appeal from an administrative agency shall be brought in Hartford county. The purposal as initially submitted would have allowed the appeal to be brought in the county or judicial district of the appellant. In view of

House of Representatives

Tuesday, May 31, 1977

18  
teg

costs involved in requiring representatives from the Attorney's General Office to travel to the various counties and judicial districts throughout the state, it was felt that we ought to remove that provision allow for venue only in Hartford County. I move adoption of the amendment.

MR. SPEAKER:

The ques tion's on adoption of House A and will you remark further on House A? If not, all those in favor of House A will indicate by saying aye. Opposed? House A is adopted and ruled technical. Will you remark on the bill as amended? Gentleman from the 148th.

MR. ABATE (148th):

Yes, Mr. Speaker, this bill simply does what it's title indicates. It makes uniform appeal from the administrative decisions of various agencies. Right now, there are conflicting provisions in the statutes that allow for appeal through various channels and within various and conflicting periods of time. This bill simply indicates that appeals must be brought within 30 days and all appeals from administrative agencies must be brought in accordance with the provisions of this particular proposal. I move the passage of this bill.

MR. SPEAKER:

For further remarks, Gentleman from the 119th.

MR. STEVENS (119th):

Mr. Speaker, through you a question to the chairman of the Judiciary Committee.

House of Representatives

Tuesday, May 31, 1977

19  
teg

MR. SPEAKER:

Please frame your question sir.

MR. STEVENS (119th):

Mr. Speaker, are all appeals from all existing state agencies made uniform by passage of file 953?

MR. SPEAKER:

Does the Gentleman care to respond?

MR. ABATE (148th):

Mr. Speaker, through you, no, there are three exemptions. There are appeals from the Tax Commissioner, from the Unemployment Compensation Commissioner and Workman's Compensation appeals will all be in accordance with the existing procedures in the statutes.

MR. STEVENS (119th):

Through you, Mr. Speaker, could the chairman of the Judiciary Committee indicate the reason for the despairity in connections with appeals from the Tax Commissioner, the other two I could readily understand?

MR. SPEAKER:

Does the Gentleman care to respond?

MR. ABATE (148th):

Mr. Speaker, through you, yes, Mr. Speaker, just as with the others, appeals from the Tax Commissioner follow certain already established procedures in various prerequisites, various stages of appeals, for example there would be what one might consider informal hearing before a representative of the State

House of Representatives

Tuesday, May 31, 1977

20  
teg

Tax Department and because of the fact that procedures are already designed and because of the fact that the appeals from the decision of the Tax commissioner are somewhat unique, relative to others, because they fall under the same categories as appeal from a workmen's compensation commissioner or an unemployment compensation hearing examiner, it ought to be kept separate.

MR. STEVENS (119th):

Thank you, Mr. Speaker.

MR. SPEAKER:

Will you remark further on the bill as amended? If not, will the members please be seated? Staff and guests please come to the well of the House, 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. The Clerk will please announce the tally.

THE CLERK:

Total number voting .....	140
Necessary for Passage .....	71
Those voting Yea .....	140
Those voting Nay .....	0
Those absent and not voting .....	11

MR. SPEAKER:

The bill as amended is passed.

THE CLERK:

Cal. 1264, substitute for H.B. 7316, file 1115, An Act Concerning State Moderate Rental Housing, Rehabilitation, Favorable

S 126

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS

1970

VOL. 20

PART 1

1970

## SENATE

THURSDAY

MAY 19, 1977

23  
LFU

The Motion is on adoption. The machine is open. Please cast your vote. The machine is closed and locked.

TOTAL VOTING	35
NECESSARY FOR PASSAGE	18
YEAS	30
NAYS	5

The Bill has been passed.

THE CLERK:

Turning to page 12 of the Calendar, top item on the page, Calendar 860, File 953, Favorable Report of the Joint Standing Committee on Judiciary, Substitute for Senate Bill 1662, AN ACT TO MAKE APPEALS FROM ADMINISTRATIVE DECISIONS UNIFORM.

THE CHAIR:

Senator De Piano.

SENATOR DE PIANO:

What page is that?

THE CHAIR:

Top of 12, Sal, Calendar 850.

SENATOR DE PIANO:

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

THE CHAIR:

Will you remark, Senator?

SENATOR DE PIANO:

Yes. This Bill makes a 30 day appeal period uniform for all appeals from

## SENATE

THURSDAY

MAY 19, 1977

24  
LFU

administrative agencies. If there is no objection, I move it be placed on the Consent Calendar.

THE CHAIR:

Without objection, it is so ordered.

THE CLERK:

Please turn to page 16 of the Calendar, Calendar 887, File 985, Favorable Report of the Joint Standing Committee on Finance, Substitute for Senate Bill 454, Favorable Report of the Joint Standing Committee on Finance, Substitute for Senate Bill 454, AN ACT CONCERNING SPECIAL AUTHORIZATION FOR THE CENTER GROTON FIRE DISTRICT TO ISSUE BONDS FOR CONSTRUCTION OF A NEW FIRE HOUSE.

THE CHAIR:

Senator De Piano.

SENATOR MARTIN:

Mr. President, I move acceptance of the Committee's Favorable Report. Mr. President, this would authorize the Groton Center Fire House to issue bonds for a 30 year period rather than 20 years. It also includes a technicality to legalize what they have done in past years. I move that it be placed on the Consent Calendar.

THE CHAIR:

Without objection, it is so ordered.

THE CLERK:

Calendar 889, File 983, Favorable Report of the Joint Standing Committee on Finance, Substitute for Senate Bill 1693, AN ACT LIMITING INSPECTION OF FEDERAL TAX RETURNS MADE AVAILABLE FOR STATE TAX ADMINISTRATION.

THE CHAIR:

Senator Beck.

S-129

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1977  
SPEC. SESS.  
JULY

VOL. 20  
PART 10  
3868-4334

Tuesday, June 7, 1977

62

jgt

their lives and our lives and I would also like to introduce an advisor to that group, and his wife, Paul DePro and his wife, Jean. If the Senate would stand and pay tribute to this outstanding group. (Applause)..

THE CHAIR:

Stand up Gentlemen. Stand up so we know who you are. Matter will be placed on the Consent Calendar.

Senator Lieberman;

Mr. President, it's a tribute to Senator DeNardis' integrity that he's by his own words clarified what I thought would be a subject of some concern. This is such a great program and a great idea, so deserving, but there are some who might ask, how could this Republican Senator have guided this bill through Democratic Legislature. He's cut behind the curtains and shown us that there's really a Democrat behind this good program, and a New Britain Democrat, at that.

THE CHAIR:

Thank you, Senator.

THE CLERK:

Turning to page 6 of the Calendar, under the Heading Disagreeing Action, Calendar 850, File 953, Favorable Report of the Joint Standing Committee on Judiciary, Substitute for Senate Bill 1662, An Act To Make Appeals From Administrative Decisions Uniform. (As amended ty House Amendment Schedule "A").

Tuesday, June 7, 1977

63

Jgt

SENATOR LIEBERMAN:

Mr. President.

THE CHAIR:

Senator Lieberman.

SENATOR LIEBERMAN:

I move for acceptance of House Amendment Schedule A.

THE CHAIR:

You've heard the motion. Will you remark on it?

SENATOR LIEBERMAN:

I will not, Sir. I think it speaks for itself.

THE CHAIR:

All in favor, say aye, opposed nay, the ayes have it. House A is adopted.

SENATOR LIEBERMAN:

Mr. President, I would then move for adoption of the bill as amended by the House and if there's no objection, I would ask that it be placed on the Consent Calendar.

THE CHAIR:

Without objection, it is so ordered.

THE CLERK:

Calendar 1114, File 1240, Favorable Report of the Joint Standing Committee on Appropriations, Substitute for Senate Bill 227, An Act Concerning Child Abuse. (As amended by Senate Amendment Schedule "A" and House Amendment Schedule "A").

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 4  
999-1455

1977

bill cosponsored by the co-chairman of the committee. This bill I'd like to speak in favor of rather than against as I usually do -inaudible-co-chairmans bill, I'm afraid. The bill as I read it would require-- essentially would require that a landlord who takes cash receipts maintain a receipt book, rather who takes cash rental payments maintain a receipt book and it would create rebuttable presumptions. If the landlord has failed to maintain a consecutive series of numbered receipts and the tenant claims that the rent was paid, then there's a rebuttable presumption that the rent was paid. If the landlord does keep those records and the tenant has no receipt and the landlord claims the rent was not paid, there's a rebuttable presumption that the rent was not paid. Seems to me it's a very reasonable way of dealing with the problem that some landlords, especially in the most low income of buildings, often landlords who collect rent by the week rather than by the month, there have been a number of cases in which the landlord takes the cash, doesn't give a receipt and if you ever get into a dispute later on, it becomes a matter of credibility because there's no written documentation of any sort and this, in effect, would mandate the landlord who is in the best position to generate the written documentation to keep some kind of simple receipts with duplicates for his own records. The third bill I want to mention very briefly is 1662 which is a bill, an act to make appeals from administrative decisions uniform. It appears, as I read it, it's substantially a technical bill and I don't see any problems with it but I'd like to call your attention to one very small section which is lines 94 to 96 which I believe is new, perhaps I'm wrong, but I believe that is different from the present statute which says 'upon such appeals which are denied costs may be taxed in favor of the prevailing party at the discretion of the court but no costs shall be taxed against the state'. Now administrative appeals are ordinarily appeals against the state. What I read that to mean is that if the state prevails they can get the costs against the losing appellant. If the appellant prevails, they cannot get their costs against the state. Seems to me that's just not fair. It's designed structurally to discourage appeals because, in effect, it ups the cost of taking an appeal against the state since if you lose the appeal, the state's going to be able to stick you with the cost of the appeal. On the other hand, if you win you can't--you don't get that comparable reimbursement, so that I don't see the point of that section and I'm not a hundred percent certain but I do not think that there is a comparable provision in the present statute--so I would say that if you go with the bill you ought to just delete lines 94 through 96. The last bill I want to mention to you is Bill 1615-AN ACT CLARIFYING SUMMARY PROCESS PROCESS. This is a bill of some difficulty. Some dispute arose after the passage of the landlord-tenant act last year which deals with payments into court as to what the mechanism is for dealing with the situation which a payment has not arrived. The judicial department devised a reading of the statute which I believe is very much an incorrect reading which creates a great many problems of its own and this bill is essentially what I would call the judicial department's misinterpretation of the statute. The problem is, as the act works, there's a hearing on payments and the amount of payments into court. The tenant is then ordered to make payments. The court will order them to make payments by a fixed date. It could be--conceivably be the date of