

Legislative History for Connecticut Act

SB 1663	(PA 604)	1977
Hearing	- 0	
House	6681-6695, 6876-6877 6892-6897	23 p.
Senate	3824-3837, 4129-4149, 4241	35 p 36
		total 57 59

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

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H-197

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1977
SPEC. SESS.
JULY

VOL. 20
PART 16
6517-6977

THE SPEAKER:

The gentleman from the 93rd, Representative Irving Stolberg.

REP. STOLBERG:

Mr. Speaker, may the record note that the Representative from the 96th may have missed a few votes and is absent from the Chamber because of Legislative Business.

THE SPEAKER:

The Chair will so note.

THE CLERK:

Page 4 of the Calendar. Calendar 1509. Substitute for Senate Bill 1663. File No. 1145. AN ACT CONCERNING TECHNICAL AMENDMENTS TO THE GENERAL STATUTES as amended by Senate Amendments Schedules "A", "B", "D", "E" and "F". Favorable report of the Committee on Judiciary.

THE SPEAKER:

The gentleman from the 148th, Representative Ernest Abate.

REP. ABATE:

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

THE SPEAKER:

The question is acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, sir?

REP. ABATE:

Yes, Mr. Speaker. The Clerk has an amendment designated Senate Amendment Schedule "A", LCO 8587. Would the Clerk please call the amendment and may I be allowed summarization?

THE SPEAKER:

Will the Clerk please call LCO 8587, Senate Amendment Schedule

"A".

THE CLERK:

Senate Amendment Schedule "A", LCO 8587 offered by Senator DePiano, 23rd District.

THE SPEAKER:

You have the request of the gentleman from the 148th to summarize in lieu of Clerk's reading. Is there objection? Hearing none, the gentleman from the 148th to summarize Senate "A".

REP. ABATE:

Thank you, Mr. Speaker. Ladies and gentlemen, what we have before us today is an act concerning technical amendments to the General Statutes. It has been tradition for the Chairman of the Judiciary Committee in the past to stand before this Assembly and make representation that to the best of his knowledge, the matters contained in the technical amendments bill or the matters contained in amendments thereto are, in fact, technical. To go through an explanation of the technical amendments bill would be virtually to take every statute that's now on the books and to go through them individually pointing out where a comma has been removed or where a period has been inserted. There are provisions that upon an initial reading one may feel are substantive but what has happened in that instance is in the printing of the statutes, a provision in the Public Act was just dropped. You have no substantive modifications. Senate "A" is merely technical. If the bill before us had not been prepared until today, Senate Amendment "A" would have been a part thereof. It's strictly technical and I ask that it be adopted.

THE SPEAKER:

Will you remark further on Senate "A"? If not, the question

is on its adoption. All those in favor of Senate Amendment Schedule "A" will indicate by saying AYE. Opposed? The Ayes have it. Senate "A" is adopted. Will you remark further on the bill as amended? The gentleman from the 148th.

REP. ABATE:

Mr. Speaker, the Clerk has an amendment designated Senate Amendment Schedule "B", LCO 7781. Would the Clerk please call the amendment and may I be allowed summarization?

THE SPEAKER:

Will the Clerk please call LCO7781, Senate Amendment Schedule "B"?

THE CLERK:

Senate Amendment Schedule "B", LCO 7781 offered by Senator Dinielli, 31st District.

THE SPEAKER:

Is there objection to the gentleman from the 148th summarizing Senate "B" in lieu of Clerk's reading same? Hearing no such objection, the gentleman from the 148th for that purpose.

REP. ABATE:

Thank you, Mr. Speaker. Ladies and gentlemen, what Senate Amendment Schedule "B" does is it removes from the licensing statutes individuals, banks, corporations who deal in the purchase of secondary mortgages in the ordinary course of business. In other words, individuals who buy or corporations that buy a package of secondary mortgages and these things are negotiable. They're sold in bulk. The amendment would take those individuals out of the licensing requirements so if a corporation out of state wanted to buy mortgages from the State of Connecticut they would not have to be licensed. In my opinion, this is not a technical amendment.

I think it is substantive and as a result I will move for the rejection of Senate Amendment Schedule "B".

6684

THE SPEAKER:

The question is on rejection of Senate "B". Will you remark?
The gentleman from the 75th, Representative William Scully.

REP. SCULLY:

Mr. Speaker, I hate to disagree with the learned gentleman, the Chairman of Judiciary, Mr. Abate, but we feel this is definitely a technical amendment because it clarifies some action that we took some three or four weeks ago concerning second mortgage lenders where on the floor of this House we explained that people who were already in the banking business who bought second mortgage loans established here in the State of Connecticut would not come underneath this bill because they are already regulated by the Banking Department. The Commissioner received a call from attorneys who stated that the way the bill was written, technically it was wrong and we needed an immediate correction to it so that we could continue to sell these second mortgage loans. Without this amendment the bill would be incorrectly before us. I move that we reject Mr. Abate's motion for rejection of this particular amendment.

THE SPEAKER:

For further remarks on the motion to reject, Representative Gene Migliaro.

REP. MIGLIARO:

Mr. Speaker, a question through you to Representative Abate.

THE SPEAKER:

Please frame your question, sir.

REP. MIGLIARO:

In the original bill, correct me if I'm wrong, but I think

it stated that real estate agents, real estate brokers would be considered and have to be licensed as secondary mortgage businesses. Is that correct? ... and that the amendment takes them out of it.

REP. ABATE:

Mr. Speaker, through you, I don't believe that real estate brokers had to be licensed under the original provisions of the original bill. What Senate "B" does is, it just indicates that any person who becomes a subsequent holder of a mortgage or promissory note received in connection with a secondary mortgage loan in the normal course of business, that is people who normally buy these mortgages in bulk, do not have to be licensed in the State of Connecticut.

REP. MIGLIARO:

Another question, through you, Mr. Speaker. Did this particular bill come out of the General Law Committee, Mr. Abate?

REP. ABATE:

Mr. Speaker, through you, I believe it's a Banks Committee bill.

REP. MIGLIARO:

Through you again, Mr. Speaker to Mr. Abate. I believe we discussed this bill similar to this in General Law and if I remember correctly, in fact I spoke on that bill, that I could not see why a real estate broker should not be included being licensed as a secondary mortgage loan company because they do a tremendous amount. That's why I questioned whether or not this was in the original bill but you say it came out of the Banking Committee, so I'm wondering if there was any input from the General Law Committee on this particular bill.

REP. ABATE:

Mr. Speaker, through you, not that I am aware of.

REP. MIGLIARO:

Thank you. Mr. Speaker I have to concur with Mr. Abate. I am opposed to this particular amendment, mainly because it says that persons shall not be deemed to be in the secondary mortgage loan business if in the course of his business as a licensed real estate broker and let's not kid anybody. Your real estate brokers are big secondary lending institutions. They do a lot of wheeling and dealing in the second mortgage business and if anybody, because there are many in the field, particularly real estate brokers, should be scrutinized or should come under the jurisdiction of somebody or be licensed, they should be. In many cases many young people buying a home are zapped into the second mortgage field by an unscrupulous real estate broker. On that basis if they included real estate brokers I would concur with it but I have to concur this amendment is bad and I will not support it.

THE SPEAKER:

For further remarks, the gentleman from the 35th, Representative John De Merell.

REP. DE MERELL:

I'd like to urge rejection of Mr. Abate's motion because this really is a technical amendment and really what it does do is correct an oversight in the bill that we did adopt several weeks ago. We needed some regulation in the secondary mortgage market. We reached out and we got it. We were making no attempt to be punitive when we did do it and this bill would disturb the normal flow of the market because quite frankly with the way the bill is presently worded, without this amendment we will preclude banking

institutions who are not federally chartered or who are not chartered within this state and what this does it moves in and allows banks that are chartered and regulated in other states to purchase second mortgages made in this state. It is a technical amendment and it does solve an oversight in the bill and I urge rejection of Mr. Abaté's motion. 6687

THE SPEAKER:

For further remarks on Senate "B" the gentleman from 105th, Representative Paul Pawlak.

REP. PAWLAK:

I should like to excuse myself because of possible conflict of interest, Mr. Speaker.

THE SPEAKER:

The Journal will so note, sir. Will you remark further on the motion to reject. The gentleman from the 6th, Representative George Ritter.

REP. RITTER:

Thank you, Mr. Speaker. Mr. Speaker, I rise to support this amendment. I believe it is a technical amendment but quite apart from that this is a necessary amendment. To vote this down would be to adversely affect as has been stated, the flow of mortgage funds. What that means as far as I'm concerned is it would make it more difficult to have funds available here for investment in mortgages. I'm happy to report to the House that this was not a matter that came up before the General Law Committee and this is not a matter that affects the individual single family home operation. Rather, as has just been stated, this is a situation in which a bank, take Society for Savings or some other such institution, may lend out a total of millions of dollars in mortgages, generally in

terms of multiple family dwellings and then sell these off as a package to an out of state banking institution. The result of the ability to do that is to generate more funds for our local banks (END OF TAPE #28) to turn around and reinvest in making available additional mortgages to the people of our state whether they are developers, builders or individual borrowers so I support Senate Amendment "B" and am pleased to be able to report that this is not the kind of matter that Representative Migliaro has referred to and I again report that it did not come before the General Law Committee. There is no reason why it would have. Thank you.

THE SPEAKER:

The gentleman from the 43rd, Representative Rufus Allyn.

REP. ALLYN:

Mr. Speaker, I just rise because yesterday when I observed the four amendments that we have before us, we will be discussing three additional ones, I became concerned because I remember last year when we passed the technical amendments bill there was a substantive amendment added on to it in the Senate and we just sort of passed it because to do away with it would cause problems and it wasn't that substantive. Looking at all these amendments, it seems to be that they have been added on to and just the fact now that we are discussing the merits of whether or not Amendment "B" is a good amendment and Representative Ritter has gone into the merits of it which seems to point out the fact that it is a substantive amendment. It's going to make a substantive change to a law and if we really, those of us in the body here, have to rely upon the lawyers when they tell us that this is only a technical bill. I think it's very important that we keep this strictly a technical amendment. If we go on and add on these amendments

to it it no longer a technical amendment bill. I think at that point it loses some of its credibility. 6689

THE SPEAKER:

Will you remark further on the amendment? If not, the question is on the motion to reject Senate Amendment Schedule "B". The vote of course is in the converse. The Chair will try your minds. All those in favor of the motion to reject Senate "B" will indicate by saying AYE. All those opposed. The Chair will try your minds again. All those in favor of the motion to reject will indicate by saying AYE. Opposed? In the opinion of the Chair, the nays clearly have it. The motion to reject fails. The Chair will anticipate any parliamentary questions that may be lingering on the floor. The effect of the failure of the motion to reject is to adopt pursuant to Chair's response to earlier parliamentary inquiry to the precise same point. Will you remark further on the bill as amended? The gentleman from the 148th.

REP. ABATE:

The Clerk has an amendment designated Senate Amendment Schedule "D", LCO 7594. Would the Clerk please call the amendment and may I be allowed summarization?

THE SPEAKER:

Will the Clerk please call LCO 7594, Senate Amendment Schedule "D"?

THE CLERK:

Senate Amendment Schedule "D", LCO 7594 offered by Senator Gunther, 21st District.

THE SPEAKER:

Is there objection to the gentleman from the 148th summarizing Senate "D" in lieu of Clerk's reading thereof? Hearing no such

objection, the gentleman from the 148th to summarize.

6690

REP. ABATE:

Thank you, Mr. Speaker. Ladies and gentlemen, Senate Amendment Schedule "D" establishes procedures for the adoption of regulations by the Regulations Review Committee. It indicates that a copy of any emergency regulation must be submitted to the Standing Legislative Regulation Review Committee not later than five days prior to the proposed effective date of the regulation. The Committee may approve or reject such regulation within such five day period at a regular meeting if none is scheduled or may call upon the call of either chairman or any five or more members to hold a special meeting for purposes of approving or rejecting the regulation. Ladies and gentlemen, in my opinion, Senate Amendment Schedule "D" is also a substantive amendment and because we're talking about technical amendments, I move that we reject Senate Amendment Schedule "D". I would like to say, in support of my motion for rejection, that I am not taking any position today with reference to the merits of these amendments. I may happen to feel that based upon the merits of the proposal that we ought to enact the amendment. My objection today with all of these amendments upon which I am asking for rejection is that this is a technical amendments bill and to be adding substantive amendments thereto is a violation. Thank you very much.

THE SPEAKER:

Will you remark further on the motion to reject Senate "D"? If not, the question is on the motion to reject Senate "D". All those in favor of the motion will indicate by saying AYE. Opposed? The Ayes clearly have it. The motion to reject carries, and the

amendment is rejected. Will you remark further on the bill as amended by Senate "A" and Senate "B"?

6691

REP. ABATE:

Yes. Mr. Speaker, the Clerk has an amendment designated Senate Amendment Schedule "E", LCO 8655. Will the Clerk please call the amendment and may I be allowed summarization?

THE SPEAKER:

Will the Clerk please call LCO 8655, Senate Amendment Schedule "E"?

THE CLERK:

Senate Amendment Schedule "E", LCO 8655 offered by Senator Owens, 22nd District.

THE SPEAKER:

Is there objection to the gentleman's request for leave to summarize? Hearing no such objection, the gentleman from the 148th to summarize.

REP. ABATE:

Thank you, Mr. Speaker. Mr. Speaker, Senate Amendment Schedule "E" indicates that a judge who resigns or otherwise is removed from judicial office prior to becoming eligible for retirement benefits shall be entitled to a refund of all contributions made under this section. You will recall that we had this issue before us. We have passed this issue in this House and as a result I would move for the rejection of Senate Amendment Schedule "E", not only because of that but because it is substantive and doesn't belong in this bill.

THE SPEAKER:

Will you remark further on the motion to reject Senate Amendment Schedule "E"? If not, the Chair will try your minds. All those in

favor of the motion to reject Senate E will indicate by saying AYE. Opposed? The Ayes have it. Senate "E" is rejected. Will you remark further on the bill as amended by Senate "A" and "B"?

REP. ABATE:

Yes, Mr. Speaker. The Clerk has an amendment designated Senate Amendment Schedule "F", LCO 7779. Would the Clerk please call the amendment and may I be allowed summarization?

THE SPEAKER:

Will the Clerk please call LCO 7779, Senate Amendment Schedule "F".

THE CLERK:

Senate Amendment Schedule "F", LCO 7779, offered by Senator Johnson, 6th District.

THE SPEAKER:

Is there objection to the request of the gentleman from the 148th to summarize in lieu of Clerk's reading? Hearing not such objection, the gentleman from the 148th.

REP. ABATE:

Thank you, Mr. Speaker. Ladies and gentlemen, Senate Amendment Schedule "F" indicates that the Commissioner of the Department of Environmental Protection may execute or accept documents holding the Stanley Works harmless from any claims or damages to persons or property arising out of the use of equipment of a fishway and facilities appurtenant thereto owned or held by easement by the State at Rainbow Dam on the Farmington River in the Town of Windsor. I move for the rejection of Senate Amendment Schedule "F" based simply upon the fact that this is clearly a substantive amendment. It is not technical and doesn't belong in this bill.

THE SPEAKER:

6693

You have the motion of the gentleman from the 148th for rejection of Senate "F". Will you speak to the motion? Will you remark? If not, the Chair will try your minds. All those in favor of the motion to reject Senate "F" will indicate by saying AYE. Opposed? The Ayes clearly have it. Senate "F" is rejected. Will you remark further on the bill as amended by Senate "A" and "B"? The gentleman from the 148th.

REP. ABATE:

Mr. Speaker, the Clerk has an amendment, LCO 9494. Would the Clerk please call and read the amendment?

THE SPEAKER:

Will the Clerk please call and read LCO 9494, House Amendment Schedule "A".

THE CLERK:

House Amendment Schedule "A", LCO 9494, offered by Representative Abate, 148th District. After line 1578 add a new section 61 and renumber the remaining section accordingly: "Section 61, Public Act 77-330 shall take effect from its passage."

THE SPEAKER:

You have the amendment. What is your pleasure, sir?

REP. ABATE:

I move adoption of the amendment.

THE SPEAKER:

The question is on adoption of House "A". Will you remark, sir?

REP. ABATE:

Yes. Mr. Speaker, House Amendment Schedule "A" simply indicates that provisions of Public Act 77-330 which was signed into law by

the Governor on June 3rd shall be effective upon passage rather than on the Statutory effective date of October 1, 1977. The reason for this is that this Public Act has to do with the establishment of a voter registration schedule. It indicates that there shall be a session from seven o'clock P.M. to nine o'clock P.M. for the admission of electors on the 14th day before the date set for a primary for a state, district and municipal office under Section 9-423. That would be in late August of this year prior to the effective date of the Act which would have been October 1, 1977. If you would read further, through the provisions of 77-330, you would see that there is another provision that indicates that there shall be at least one evening session -- one Saturday session from at least nine o'clock A.M. to one o'clock on a date that is scheduled to occur prior to October 1. It is the obvious intent of the Public Act to cover these voter registration sessions right at the very outset and this was an oversight and is technical and I move that it be adopted.

THE SPEAKER:

Will you remark further on the adoption of House "A"? If not, the question is its adoption. All those in favor of the adoption of House Amendment Schedule "A" will indicate by saying AYE. Opposed? The Ayes clearly have it. House "A" is adopted. Will you remark further on the bill as amended by Senate "A" and "B" and House "A"? If not, will the members please be seated, the staff and guest come to the well. The machine will be opened. Have all the members voted and is your vote properly recorded? (END OF TAPE #29) If so, the machine will be locked and the Clerk will take a tally. Will the Clerk please announce the tally?

THE CLERK:

Total Number Voting.....	144
Necessary for Passage.....	73
Those Voting Yea.....	141
Those Voting Nay.....	3
Absent and Not Voting.....	7

THE SPEAKER:

The bill as amended is PASSED. The gentleman from the 34th.

REP. O'NEILL:

Mr. Speaker, I move for suspension of the rules for the immediate transmittal to the Senate of all items acted favorably upon by this Chamber that needs further action by the Senate Chamber.

THE SPEAKER:

You have the motion of the gentleman from the 34th. Is there objection? Hearing none, all matters susceptible to movement pursuant to his motion shall be transmitted forthwith under suspension.

THE CLERK:

Page 2 of the Calendar. Calendar 1400. Substitute for House Bill 6419, File 1236, AN ACT CONCERNING A CODE OF ETHICS FOR LOBBYISTS. Favorable report of the Committee on Appropriations.

THE SPEAKER: (Deputy Speaker Vicino)

Representative Hendel.

REP. HENDEL:

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

THE SPEAKER:

The question is acceptance of the Joint Committee' favorable report and passage of the bill. Would you remark?

REP. HENDEL:

Yes, Mr. Speaker, I will. I'll try to be brief although I

consideration of the Resolutions as read by the Clerk.

THE SPEAKER:

Question is on suspension of the rules for the immediate consideration of the Resolutions of congratulations and commendation as read by the Clerk. Is there objection? Hearing none, the rules are suspended for that purpose. The gentleman from the 10th has the floor.

MR. MOYNIHAN (10th):

Mr. Speaker, I move for adoption and passage of the Resolutions Nos. 408, 409, 410, 411 and 412, House Resolutions.

THE SPEAKER:

Question is on adoption of the resolutions of congratulations and commendations, 408, 409, 410, 411, 412. All those in favor of the motion of the gentleman from the 10th will indicate by saying aye. Opposed? The ayes have it. The Resolutions are ADOPTED.

Further business on the Clerk's desk?

THE CLERK:

The Clerk has received a Conference Committee report from the Senate on S.B. No. 1663, An Act Concerning Technical Amendmnts to the General Statutes, as amended by Senate Amendments "A" and "B" and House Amendment Schedule "A". The House rejected Senate "D", "E" and "F" on June 7, 1977. Senate "A", "B", "D" and "F" re re-adopted by the Senate today, June 8th and the Senate adopted House Amendment Schedule "A". The Senate appointed to the Committee on Conference Senators Johnson, Barry, DiPiano, Strada, Gunther and Owens.

THE SPEAKER:

Pursuant to the operation of Joint Rule 22, the Committee on Conference, page 75 of the pocket manual, the Chair is obliged to respond with

the same number of House side appointees to the Committee of Conference and further to insure that at least one member thereof is the non-prevailing side. So the Chair at this time appoints as the six House members of the joint Committee on Conference Rep. Abate, the gentleman from the 148th, Rep. Tulisano, the gentleman from the 29th, the gentleman from the 28th, Rep. Gilligan, the gentleman from the 43rd, Rep. Allyn, the gentleman from the 19th, Rep. Berman, the gentleman from the 122nd, Rep. Jaekle.

The Chair would urge the six House conferees to meet at their earliest opportunity with the Senate conferees.

The House, or what's left of it, will come to order. The Chair has been advised the Clerk has in his possession sub-H.B. 6419, An Act Concerning a Code of Ethics for Lobbyists, a matter which was addressed by the chamber yesterday and appears on page 2 of yesterday's Calendar, Calendar for Tuesday, June 7th, page 2, Calendar No. 1400, in Files as File 1236. The Clerk has the matter in his possession. The Clerk please call the matter.

THE CLERK:

Favorable report of the joint standing committee on Appropriations, substitute H.B. No. 6419, An Act Concerning a Code of Ethics for Lobbyists.

THE SPEAKER:

The Clerk further advise in his reading of the matter to the chamber the present status of the matter.

THE CLERK:

Substitute H.B. No. 6419 is amended by House Amendments Schedules "A", "C", "D", "E", "F", "J", "K", "L" and "M". The Senate on this date rejected House Amendment Schedules "B" and "H".

MRS. HENDEL (40th):

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

House of Representatives

Wednesday, June 8, 1977

81
djh

Resolved by this assembly: that the Comptroller and the joint committee on Legislative Management be authorized to continue on the legislative payroll such employees and temporary employees as shall be necessary to meet the needs of legislative departments as determined by the joint committee on legislative management and as such needs relate to the processing of legislation passed in the 1977 session including the payment of transportation where permitted during the regular session of the 1977 session.

MR. MOYNIHAN (10th):

Mr. Speaker, I move for suspension of the rules for the immediate consideration of S.J.R. No. 135.

THE SPEAKER:

Question is on suspension for immediate consideration of S.J.R. No. 135. Is there objection? Is there objection? Hearing none, the rules are suspended for that purpose. The gentleman from the 10th has the floor.

MR. MOYNIHAN (10th):

Mr. Speaker, I move for adoption and passage of S.J.R. No. 135.

THE SPEAKER:

Question is on adoption of S.J.R. No. 135. Will you remark? If not, the question is on adoption of the resolution. All those in favor of the resolution will indicate by saying aye. Opposed? The ayes have it. the Resolution is ADOPTED.

The Chair has been informed that the Committee of Conference as respects substitute for S.B. No. 1663, passed in this chamber, Calendar No. 1509, June the 7th, in files as File No. 1145 is in the possession of the

House of Representatives

Wednesday, June 8, 1977

82
djh

Clerk. Is the Committee of Conference prepared to report?

MR. ABATE (148th):

Mr. Speaker, I move acceptance of the report of the Committee on Conference.

THE SPEAKER:

The Clerk please read in its entirety, the Report of the Committee on Conference on substitute for S.B. No. 1484--correction. The Chair corrects itself. The Clerk please read the report of the Committee on Conference on substitute S.B. No. 1663.

THE CLERK:

Report of the Committee on Conference, Committee Judiciary, substitute S.B. No. 1663, An Act Concerning Technical Amendments to the General Statutes as amended by Senate Amendments "A" and "B" and House "A". The House rejected Senate "D", "E" and "F" on June 7, 1977. Senate "A", "B" "D" and "F" were re-adopted by the Senate and also House "A" was adopted by the Senate. The Senate rejected Senate "E" on June 8th.

Appointed to the Committee on Conference the following Senate members: Senators Johnson, Barry, DePiano, Strada, Gunther and Owners. House members appointed: Representatives Abate, Tulisano, Gilligan, Allyn and Berman.

The Senate and House Committee on Conference has met and agreed to reject Senate Amendment Schedule "F" and adopted Senate Amendment Schedule "D". The report was accepted by the following Senate members: Senators DePiano, Strada, Gunther and Owners and rejected by Senators Barry and Johnson. The report was accepted by House members: Representatives Abate, Tulisano, Gilligan, Berman and Jaekle and rejected by Rep. Allyn.

THE SPEAKER:

You have the report of the Committee. What is your pleasure, sir?

MR. ABATE (148th):

Mr. Speaker, I move acceptance of the committee's report.

THE SPEAKER:

Question is on acceptance of the Committee of Conference's report and adoption of the bill and the Chair would remind the chamber that the committee report is susceptible neither of amendment nor division and the vote on the motion of the gentleman from the 148th constitutes final action on the proposition in possession of the chamber.

The gentleman from the 148th has the floor.

MR. ABATE (148th):

Thank you Mr. Speaker. Ladies and gentlemen, by way of summarization and to clarify what was represented by our Clerk, what we are acting on here today are the acceptance of Senate Amendment Schedule "D" and the rejection of Senate Amendment Schedule "F". Now those amendments are not relevant at all by reference to alphabet. Let me explain them. You may recall that when I presented these amendments to this chamber initially, I moved for their rejection simply because they were not, in my estimation, technical amendments. They amounted to substantive changes in the law. You supported my motion for rejection. We sent it to the Senate in that way. The Senate disagreed and placed us in a position or posture of disagreement. The Committee felt that Senate Amendment "D" which simply requires that before a regulation can be adopted on an emergency basis that five days' notice be given to the Regulations Review Committee so that they can either act on the regulation or not and if they act, they must act within five days. That is very simply the substance of the Senate Amendment Schedule "D". It was felt by the Committee on Conference that although this is a substantive amendment

House of Representatives

Wednesday, June 8, 1977

84
djh

that it is needed, that it has statewide application and as a result in order to resolve the differences, it ought to be accepted even though we recognize that it's a substantive amendment and we caution against amending the technical amendments bill with substantive amendments. It places in a posture of disagreement. In order to get through this thing, we have to compromise.

The compromise I'm recommending is the acceptance of Senate Amendment Schedule "D".

As to Senate Amendment Schedule "F", the committee's report that we reject Senate Amendment Schedule "F". It simply would have allowed the State of Connecticut to hold the Stanley Works Company harmless and to indemnify the Stanley Works Company from any liability it might incur or damages it might sustain as the result of injury sustained by individuals in using a certain fishway which is constructed on the property of The Stanley Works Company. This, it was felt, had very narrow application. It's a substantive amendment. It did not have statewide application and as a result, should be rejected.

I heartily recommend that you accept the report of the Committee on Conference, accept Senate Amendment "D" and reject Senate Amendment "F" in concurrence with the Committee's report. Thankyou very much.

THE SPEAKER:

Will you remark further on the motion for acceptance of the Committee of Conference's report and passage of the bill?

MR. ALLYN (43rd):

Mr. Speaker, I urge this House to reject Senate "B". I think we (record 17) have heard that Senate "D" is substantive. There was no argument to that fact. The only argument was that we have to pass it in order to get this bill through.

We have until midnight and I think we still have time. I think there's a principle involved here. Last year, we passed this technical amendment with one substantive amendment that was part of it. Many of us did not realize that when we voted for it because we just assumed it was a technical amendment. This year when the technical amendment came to the House, I went over it. It turns what I consider four substantive amendments to it. I discussed this with the Chairman of the Judiciary Committee. He agreed that there was some problems and that they were indeed substantive and that's why we, in this chamber, rejected them. I think we should continue to reject them.

If this is to be a truly technical amendments bill, then how can we accept what everybody acknowledges to be substantive amendments?

Thank you.

THE SPEAKER:

Will you remark further on the motion of the gentleman of the 148th? Will you remark? If not, will the members please be seated, the Chair with some degree of reluctance however must request most respectfully that our guests refrain from the members' area which is from the Senatorial bench to the rear of the room, our guests from the media and our other guests will please come to the well because a roll call is about to be announced. Will the members please be seated? Will the members please be seated? The Chair will announce an immediate roll call.

Will you remark further on the motion to accept? If not, the machine will be open. Have all of the members voted? Is your vote properly recorded? Have all the members voted? If so, the machine will be locked and the Clerk will take a tally.

The Clerk please announce the tally.

THE CLERK:

Total Number Voting.....141
 Necessary for Passage..... 71
 Those Voting Yea.....115
 Those Voting Nay..... 26
 Those Absent and Not Voting.....10

THE SPEAKER:

The report is accepted, the motion carries and the bill is PASSED.

The Chair would inquire--our guests are free to return to the members' area. Thank you for your cooperation.

Will the chamber please come to order. The Chair has been requested by the Minority Leader to inquire at this time whether there are any points of personal privilege.

MR. BENVENUTO (151st):

Mr. Speaker, the vintage year of 1931 was a great year and the month of June was a great month. I wish everyone in the hall here would join me in wishing the Speaker of the House a Happy Birthday!

THE SPEAKER:

Will the House come to order. The Chair would report in January as a matter of viological fact, the Chair was 45. The Chair is convinced that this evening theChair is 57! Now, if there are no further points of personal privilege.

The Chair recognizes the gentleman from the 34th to call for adoption of H.J.R. --or H.R. No. 399.

MR. O'NEILL (34th):

That's correct, Mr. Speaker. Would the Clerk please read the Resolution. I move for its adoption.

THE SPEAKER:

The Clerk please call and read H.R. No. 399.

S-128

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1977

VOL. 20
PART 9
3414-3867

Friday, June 3, 1977

150.

roc

that all of us should have, the very least among the three million people in Connecticut should have and that is the kind of protection that only a criminal statute can give. And so for those reasons, Mr. President, I would request that this matter be Pass Retained until Monday.

THE PRESIDENT:

Without objection, the matter will be P.R'd until Monday.

THE CLERK:

Page five of the Calendar, Cal. 1068, File 1145. Favorable report of the joint standing Committee on Judiciary, Substitute for Senate Bill 1663. AN ACT CONCERNING TECHNICAL AMENDMENTS TO THE GENERAL STATUTES.

THE PRESIDENT:

Senator Owens.

SENATOR OWENS: (22nd)

Mr. President, there are many technical amendments to the technical amendments bill so that I wonder maybe we should take those and I would ask the Clerk to call them one by one and by LCO numbers, so we can take them and understand what we are doing on each one.

THE PRESIDENT:

Will you move the bill please, Senator.

SENATOR OWENS:

I move acceptance of the joint committee's favorable report and passage of the bill.

Friday, June 3, 1977

151.

roc

THE PRESIDENT:

The Clerk has amendments?

THE CLERK:

The Clerk has Senate Amendment Schedule A, Substitute Senate Bill 1663. LCO 8587, that's a big one. 8587.

SENATOR OWENS:

Mr. President, this is the so-called major technical amendment and I haven't had an opportunity to review it and I wonder if I could ask, through you, Senator Lieberman does this include the change in 2-28? I can't seem to find that and I want to make sure that we are not

SENATOR LIEBERMAN:

Mr. President, is the LCO 8587?

THE PRESIDENT:

Yes, 8587.

SENATOR LIEBERMAN:

The answer to Senator Owens' question is No. This technical amendment is given to us by the legislative commissioners office and it contains several technical amendments to bills that we have adopted in this session.

SENATOR OWENS:

That is correct. This is purely technical in nature changing minute errors or problems and I would ask that we adopt this amendment, Mr. President, if I may.

THE PRESIDENT:

Any further comments? Senate Amendment Schedule A. not, all in favor please say Aye. Those who are opposed

Friday, June 3, 1977

151.

roc

will say Nay. The ayes have it, in the judgment of the Chair.

AMENDMENT A IS ADOPTED.

THE CLERK:

The Clerk has Senate Amendment Schedule B, Substitute Senate Bill 1663. LCO 7781 offered by Senator Dinielli. 7781.

SENATOR DINIELLI: (31st)

Mr. President, I move adoption of the amendment.

THE PRESIDENT:

Will you remark?

SENATOR DINIELLI:

Mr. President, members of this circle, this amendment corrects an error in Public Act 77-228 which regulated the second mortgage lenders. It was the intention of the committee and the commissioner in drafting the legislation to exclude banks who are under other jurisdictions other than the commissioner of the state of connecticut. Inadvertently, we included language which would not allow an out-of-state bank to purchase a second mortgage from a second mortgage lender licensed under this particular act. It was not our intention to allow that to go uncorrected. It would create a hardship on the second mortgage lenders many of whom cooperated to a great extent in the drafting of the legislation. It has the approval of the Bank Commissioner and I ask approval of this amendment.

THE PRESIDENT:

The question is on the adoption of Senate Amendment Schedule B. If there are no further remarks, all those in

Friday, June 3, 1977

152.

roc

favor say Aye. Opposed Nay. The ayes have it. AMENDMENT

B IS ADOPTED.

THE CLERK:

The Clerk has Senate Amendment Schedule C, Substitute Senate Bill 1663. LCO 9603 offered by Senator Ciarlone. 9603.

THE PRESIDENT:

Senator Ciarlone.

SENATOR CIARLONE: (11th)

Mr. President, Madame Clerk, I would like to withdraw that amendment, 9603.

THE PRESIDENT:

The amendment is withdrawn.

THE CLERK:

The Clerk has Senate Amendment Schedule D, Substitute Senate Bill 1663. LCO 7594 offered by Senator Gunther. LCO 7594.

THE PRESIDENT;

Senator Gunther.

SENATOR GUNTHER: (21st)

Mr. President, I waive the reading. I'll explain the amendment and move adoption of the amendment.

THE PRESIDENT:

Very well. Go ahead and explain, Senator.

SENATOR GUNTHER:

This is an amendment which will set up a process whereby emergency regulations that were promulgated by various

Friday, June 3, 1977

153.

roc

agencies in the state shall submit them to the standing legislative regulation review committee and within a five-day period, either during a regular meeting or a special-called meeting of at least five members of that committee, the regulation review can decide whether or not it is an emergency regulation and in that way accept it or reject it. If there is no action by the committee within five days, it will be deemed that it is acceptable to the committee. The reason we need this, Mr. President, is the fact that many of the agencies have been promulgating emergency regulations without any knowledge to the regulation review that it is being done and in order to take and sort of keep a handle on these and make sure they are emergency regulations, we believe that this process is necessary. I move adoption.

THE PRESIDENT:

Senator Strada.

SENATOR STRADA: (27th)

Mr. President, I rise to strongly support this amendment. Sometimes what is determined to be an emergency is similar to what is determined to be in the national interest. Quite often it's subjective. And all this amendment says is that if, indeed, it is an emergency, then it should go before the joint standing legislative body that has jurisdiction to give that committee the opportunity to review it.

THE PRESIDENT:

The question then is on the adoption of Senate Amendment

Friday, June 3, 1977

154.

roc

Schedule D. All in favor please say Aye. Opposed Nay.

The ayes have it. AMENDMENT D IS ADOPTED.

THE CLERK:

The Clerk has Senate Amendment Schedule E, Substitute Senate Bill 1663. LCO 8655 offered by Senator Owens and Senator DePiano.

THE PRESIDENT:

Senator Owens.

SENATOR OWENS: (22nd)

Mr. President, I move adoption of the amendment. The amendment would allow any judge or commissioner who resigns or is otherwise removed from judicial office or from the office of compensation commissioner prior to becoming eligible for retirement benefits may be entitled to a refund of his contributions made under this section without interest. I should point out that this bill was in the omnibus bill that we passed last week. The bill relating to pay raises for legislators and judges, however, the effective date of it was 1978 and the only thing that this would do is change the effective date of that from 1978 until 1977, and that's the sole purpose of the amendment, Mr. President.

THE PRESIDENT:

Senator Gunther.

SENATOR GUNTHER: (21st)

Mr. President, I would like to rise to oppose this.

Friday, June 3, 1977

155.

roc

This is quite a simple amendment but read it. It says any judge or commissioner who resigns or who is otherwise removed from judicial office or from the office of the compensation commissioner prior to becoming eligible. Mind you, that means for any reason that a commissioner or a judge is removed whether it be by court, by discipline or whatever we might be talking about, they get a refund. you know, it is rather interesting, I am very happy to hear that Senator Owens has picked up and brought to light the fact that it isn't contained within the House Bill 8169, File 1210, the one-tier court bill and it is almost identical in language there but not quite as succinct as this. There is a strange coincidence. A bill in the House with the identical language to this bill, House Bill 5326 passed on the Consent Calendar under the House this afternoon. Now we have three vehicles, all headed in the same direction, and I'll tell you, all those directions I think are absolutely wrong. I don't think that we should put this into the law that anybody that is removed for any reason from either being a compensation commissioner or a judge, should have the refund of benefits that he has paid in there. I think that whatever they have taken and put into this account has been damn little in comparison to the benefits they get out of it, and if we have a particular instance, and right now we have a judge that has been sitting around for two years, not sitting on the bench, and if the final determination of that appeals case finds him guilty, under this bill, he will

Friday, June 3, 1977

156.

roc

then get the return of the benefits he has paid in and I don't think that that should be done by us. I don't think that this is a good amendment. I think it should be opposed and I think we should reject it. And I would like to have this by roll call, Mr. President. I think it is important enough to be that.

SENATOR OWENS:

Mr. President, if I may be heard further with respect to this amendment. I should point out that this bill, in effect, or this amendment is An Act Concerning Technical Amendments to the General Statutes. The same language was in the Omnibus Bill and that passed and Senator Gunther did not say anything about it at that time when he had ample time, weeks and weeks to read it. He had plenty of time and there was no objection made. The effective date in that bill was 1978. All we are doing with respect to this is changing the effective date to July 1, 1977, which would be the effective date of our so-called technical amendments bill. The bill is clearly, it does not go to the substance of the, ah, it doesn't change anything. It is purely technical in nature. It is an amendment that is necessary and I really feel that those who have put their money into a fund and for some reason want to resign, they should be able to get their money back. This is their money that's in there and there is no reason why it should be held up. It is only fair and just that

Friday, June 3, 1977

157.

roc

those who have had their money taken from them are allowed when they leave the bench to take their money back with them, that they have put in the pension fund. And it does apply to judges. It applies to any judge or a commissioner who resigns. It is technical in nature. Now Senator Gunther points out that there was another bill that went on the Consent Calendar downstairs today that does the same thing. My purpose is to make sure that it gets through and I want to make certain that when it gets up here that it doesn't get lost in the shuffle. This is the purpose of this technical amendment, to put this technical amendment on at this time to assure that justice is truly done. Thank you, Mr. President.

THE PRESIDENT:

Senator Bozzuto.

SENATOR BOZZUTO: (32nd)

Mr. President, through you a question of Senator Owens. Senator Owens, what we are talking about here is simply a refund of that individual's deposits, no interest, no additional benefits, no actuarial pension benefits from those funds, nothing more than the dollars he has deposited out of his salary.

SENATOR OWENS:

Senator Bozzuto has stated the issue clearly and concisely and precisely. Thank you.

Friday, June 3, 1977

158.

roc

SENATOR BOZZUTO:

Mr. President, on the basis that, in spite of the reason the individual leaves the office whether it be with cause or of his own volition, every man is entitled to his money. If he were charged with a crime and had money in the bank, we would not take that money away from him simply because he was sent to jail. I think they are entitled to their refund.

THE PRESIDENT:

Senator Gunther.

SENATOR GUNTHER:

Very quickly because of the hour, Mr. President, somebody said something about justice being done. This says if they were removed otherwise. I would say that if they quit, if they resigned or if they did something on a very legitimate basis, but I think anybody who is actually dismissed or suspended or discharged from a particular office, I think a little extra penalty wouldn't hurt a damn bit. And especially when we are talking about a benefit that they reap such huge benefits at the end of a term. Remember ten years at five percent participation, then the first year two-thirds of their pay back and you are talking about justice. I say if a man is dismissed from a position of that nature, then by God it is justice if the man's contribution is retained. So if you look at that whole thing, it is not as sweet and lovely as it looks. And we might have only one case that's

Friday, June 3, 1977

159.

roc

pending on the books of a judge who is presently been found guilty but suspended and discharged from the Bar and is drawing a thirty-four thousand dollar a year salary and, by God, under this he gets his pension benefits back that he paid into it. And as far as I am concerned, I think that's one of the main purposes of this bill. So if you want and take to restrict this to the people who are, ah, who choose to take and quit a job or who are leaving with just cause, fine; but, I'll tell you to do it on the basis of a dismissal for a cause and that type of thing, I think it is wrong.

THE PRESIDENT:

I would say that the issue has been joined. A request has been made for a roll call vote, so the Clerk will announce an immediate roll call in the Senate.

THE CLERK:

An immediate roll call has been ordered in the Senate. Would all senators please take their seats. An immediate roll call has been ordered in the Senate. Would all senators please be seated.

THE PRESIDENT:

Now the machine is open. Please cast your vote, on Senate E. The machine is closed and locked.

Total Number Voting	33
Necessary for Passage	18
Voting Yea	32
Voting Nay	1
Absent and Not Voting	3

SENATE AMENDMENT SCHEDULE E HAS BEEN ADOPTED.

Friday, June 3, 1977

160.

roc

THE CLERK:

The Clerk has Senate Amendment Schedule F, Substitute Senate Bill 1663. LCO 7779 offered by Senator Johnson.

THE PRESIDENT:

Senator Johnson.

SENATOR JOHNSON: (6th)

Mr. President, this amendment merely clarifies that the commissioner of environmental protection may execute or accept documents holding The Stanley Works harmless from any claims or damages to persons or property arising out of the use, operation, maintenance or occupancy of structures or equipment of a fishway and facilities appurtenant thereto owned or held by easement by the state at Rainbow Dam on the Farmington River in the Town of Windsor. This has been negotiated by the Attorney General's Office, James Grady and Ted Brampton and the commissioner of the environmental protection agency, Stanley Pac and Stanley Works and they need this to be able to clarify those documents that are a part of the transfer of the fish ladder to the State of Connecticut.

THE PRESIDENT:

Did they name Stanley Works after Stanley Pac, do you know?

SENATOR JOHNSON:

No, but it is marvelous, isn't it?

THE PRESIDENT:

Friday, June 3, 1977

161.

roc

THE PRESIDENT:

O.K. We have Senate F before us. Senator Houley.

SENATOR HOULEY: (35th)

Mr. President, through you, sir, a brief question to the proposer of Senate Amendment F. Is there a fiscal impact potential on the bill.

THE PRESIDENT:

Senator Johnson.

SENATOR JOHNSON:

No, none at all. This is perfectly in line with the state statutes already, in place; however, Stanley Works wanted a specific agreement directly aimed at them in order to negotiate a specific agreement. The Attorney General felt that he needed specific authority and this is the specific authority. Thank you.

THE PRESIDENT:

The question is on the adoption of Senate F. All in favor please say Aye. Opposed Nay. The ayes have it. SENATE F IS ADOPTED.

THE CLERK:

The Clerk has Senate Amendment Schedule G, Substitute Senate Bill 1663. LCD 5894 offered by Senators Fauliso, Lieberman and Rome. LCO 5894.

SENATOR LIEBERMAN:

Mr. President, may that amendment be withdrawn.

Friday, June 3, 1977

162.

roc

THE PRESIDENT:

The amendment is withdrawn. The Clerk has no further amendments?

THE CLERK:

No further amendments.

THE PRESIDENT:

ALL RIGHT. Let's vote on the bill. Nobody has moved it to consent. The Chair invites. Yes, Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, accepting your gracious invitation, I would move that this matter be placed on the Consent Calendar.

THE PRESIDENT:

The matter has been moved to Consent, as amended. Without objection, it is so ordered.

Senator DeNardis.

SENATOR DENARDIS:

Mr. President, I simply wanted to make an inquiry with respect to the Technical Amendments Bill and to find out which one of the amendments, which Schedule was the one that would repeal Section 2-28 of the General Statutes?

SENATOR LIEBERMAN:

Mr. President, the answer was that none of them were because it was decided not to go forward with that amendment and, ah, but to save it for an early act of the 1978 session.

THE CLERK:

Page thirteen, top item on the page under the heading

S-129

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1977
SPEC. SESS.
JULY

VOL. 20
PART 10
3868-4334

Wednesday, June 8, 1977

25.

roc

Freedom of Information Commission which I think has done an outstanding job.

THE PRESIDENT:

All right. This is under Disagreeing Actions. The question is on the adoption of House Amendment Schedule A. All in favor please say Aye. I'll try that again. All in favor please say Aye. Those who are opposed say Nay. The Ayes have it. HOUSE A IS ADOPTED. Senator Baker.

SENATOR BAKER:

Mr. President, I move adoption of the bill. It has been discussed enough here and it's a good bill. I would hope that it would go on the Consent Calendar.

THE PRESIDENT:

Is there objection? Hearing none, the matter will be placed on Consent.

THE CLERK:

Continuing on the Agenda, Favorable report of the joint standing Committee on Judiciary. Substitute Senate Bill 1663. AN ACT CONCERNING TECHNICAL AMENDMENTS TO THE GENERAL STATUTES, as amended By Senate A and B and House A. House rejected Senate D, E and F.

SEMATPR DEPIANO: (23rd)

I move for passage of the bill in concurrence with the House action.

THE PRESIDENT:

Wednesday, June 8, 1977

26.

roc

All right. This is Disagreeing. Let's see. We have a House Amendment to vote on. Do you care to tell us about that amendment, Senator? House A.

SENATOR DEPIANO:

It's strictly a technical amendment that was put on.

THE PRESIDENT:

All right. We'll vote on House A, a technical amendment. Are there further discussions on it? Senator Rome.

SENATOR ROME: (8th)

Mr. President, if you will hold in place, may I find that in the House Journal so that we can inform the Senate as to what that amendment was.

THE PRESIDENT:

Senator Dinielli.

SENATOR DINIELLI: (31st)

Mr. President, House A adds Section 61 and allows that Public Act 77-330 shall take effect from its passage.

THE PRESIDENT:

You have heard the explanation of House A. Will you remark further? If not, all in favor please say Aye. Opposed Nay. The ayes have it. HOUSE A IS ADOPTED.

SENATOR DEPIANO:

I now move for passage of the bill as amended by the House.

THE PRESIDENT:

Senator Johnson.

Wednesday, June 8, 1977

27.

roc

SENATOR JOHNSON: (6th)

Mr. President, I would like to object to the deletion of Amendment F, but is this the appropriate time to do that?

THE PRESIDENT:

Well, it's as good a time as any.

SENATOR JOHNSON:

I mean I don't want the bill passed as it is because the amendment that I put on consider a technical amendment. It is very much needed and I would ask the Senate to uphold that amendment and send it back to the House, for agreement.

SENATOR GUIDERA:

Mr. President, point of order.

THE PRESIDENT:

Senator Guidera.

SENATOR GUIDERA: (26th)

Mr. President, shouldn't there be a motion by someone here to recede from D, E and F as we passed it and then the matter would be before us as I understand it. I think D, E and F should be explained and I would like to have those reviewed again.

THE PRESIDENT:

Yes, I think that you are right Senator Guidera. You are absolutely right. Somebody is going to have to tell us the impact of rejecting Senate D, E and F.

SENATOR DEPIANO:

Mr. President, in rejecting D, E and F, they were not considered to be technical amendments, and not really germane,

Wednesday, June 8, 1977

28.

roc

although that ruling was not made by the House. They were just tacked onto the bill as a vehicle for those particular amendments. For example, I believe Senate Amendment F, which we just heard about, was an amendment which would hold harmless a particular company from any liability from people using their dock or some kind of a loading platform. So I am saying the three amendments were not considered technical amendments and therefore should be rejected.

THE PRESIDENT:

All right. We now have an issue. Senator Rome.

SENATOR ROME:

Mr. President, a point of order. I believe that the proper motion and I would hope that you would so find to allow us to vote on these individually is one, a motion to recede from Senate D and successive amendments, not all in one. It gives us an opportunity to consider each one separately as we did in the original.

THE PRESIDENT:

I intend to do that, but the issue has been raised originally, initially as to F, and I believe that's why Senator DePiano indicated what F was. That was the Stanley Works hold harmless amendment, if I am not mistaken, which was introduced and supported by Senator Johnson. Now we can take them one at a time, and I suspect that is what we should do. We will do F, E and D, which is more or less in keeping with the way we have been doing thing lately anyway.

Wednesday, June 8, 1977

29.

roc

SENATOR FAULISO: (1st)

Mr. President, the only challenge that has been made is that of F and I think your statement is a correct one. I think it would be anticipatory to deal with the other two until we have dealt with "F".

THE PRESIDENT:

All right. Let's deal with F. Now the question is on whether or not the Senate should recede from Amendment F. And would you care to be heard briefly on this, Senator Johnson.

SENATOR JOHNSON:

Please, I would, Mr. President. I would just like to remind the circle that amendment E had to do with judges being able to retrieve their money put into pension funds if they left. Just to illustrate that that was a substantive matter. Amendment F was merely a rather technical amendment in the sense that it elucidates and gives permission for the Attorney General to write a specific agreement with the Stanley Works in regard to hold harmless for accidents on the property adjacent to the fish ladder which Stanley Works gave to the State of Connecticut. The Attorney General has the power. The statutes are in place that give this kind of coverage, both to the state and Stanley Works. But in this particular instance, they want to write a specific agreement in regard to this one company and this one project concerning the fish ladder, and therefore the Attorney General wants

Wednesday, June 8, 1977

30.

roc

very specific empowerment. In that sense, it is only a particular instance for the General Statute. The statutory authority already being in place. It is unfortunately a bill that was brought to me the day after the committee deadline. It has been awaiting emergency certification and that was not granted as to everything on a blanket basis. I do think it was misunderstood yesterday in the House and the people in the House who had felt that it was a perfectly innocuous technical kind of thing were not aware that that was the amendment, at least that's my impression. It was a mixup. It is a small thing. It is a merely technical thing, but it is important to the fish ladder and that whole project and the public safety in that project.

THE PRESIDENT:

Senator Rome.

SENATOR ROME:

I rise to support the position of Senator Johnson. I think that clearly the technical amendments act is saved for the last days of the session so that something like this which is a technical, as we know in the Senate, and a completely nonobjectional matter may be taken. I think it would be a mistake for us to recede from this amendment. I would hope that we would stand our ground and send it back to the House where they have plenty opportunity to take this matter as I look at some of their other matters on their calendar, some which they determine are nongermane and others which

Wednesday, June 8, 1977

31.

roc

clearly are nongermane that they determine are germane, I think it is time that we sent this back. It belongs back with them and for them to act on good legislation in this particular bill.

THE PRESIDENT:

Senator DePiano.

SENATOR DEPIANO:

Mr. President, I rise to oppose the proposed amendment, although I think the amendment has some materiality and has some value, but I don't think this is the vehicle that should be used for it at this time because we don't want to jeopardize the technical amendments act at this late hour. Therefore I urge a rejection of the amendment.

THE PRESIDENT:

Further remarks? Senator Rome.

SENATOR ROME:

Just very briefly, the logic of that escapes me. If, in fact, it's a good bill, this is the only vehicle that we are assured that the House will have to take. It's a technical amendments act and if, in fact, the bill is a good bill let's put it on this vehicle. It is a technical amendment and let it be on this vehicle. I can assure you that the House will take this kind of a vehicle.

THE PRESIDENT:

Just one moment, please, Senator DePiano. If there are any lobbyists on the floor of the Senate, I ask that you remove yourselves forthwith. And I would also ask the

Wednesday, June 8, 1977

32.

roc

doorkeepers to assure the senators, while the Senate is in session, that there are no lobbyists on this floor. It's contrary to our rules. Excuse me, Senator, go ahead.

SENATOR DEPIANO:

Mr. President, I want to again repeat that I don't believe that this could really be construed as a technical change in the statute and therefore I am asking that a roll call vote be had and that you explain the vote so that we all know what a yes and no vote means.

THE PRESIDENT:

Further remarks? We will roll call this motion to recede, and it would be my understanding that if you vote to recede from Senate Amendment Schedule F, you will be supporting the rejection action of the House. Is there any question on that? The Clerk announce an immediate roll call please in the Senate.

THE CLERK:

An immediate roll call has been ordered in the Senate. Would all senators please take their seats. An immediate roll call in the Senate. Would all senators please take their seats.

THE PRESIDENT:

A yes vote, ladies and gentlemen, supports the action of the House in rejecting. A nay vote, of course, is contrary. The machine is open. Please cast your vote. The machine

Wednesday, June 8, 1977

33.

roc

is closed and locked. The Clerk will tally the vote.

Total Number Voting	35
Necessary for Passage	18
Voting Yea	16
Voting Nay	19
Absent and Not Voting	1

THE SENATE HAS REJECTED THE ACTION OF THE HOUSE
RELATIVE TO SENATE AMENDMENT SCHEDULE F.

THE PRESIDENT:

Senator Hannon:

SENATOR HANNON: (3rd)

Mr. President, would you repeat the result of that vote again, sir.

THE PRESIDENT:

The result of the vote is: Thirty-five senators voted. Sixteen (16) voted to recede. Nineteen (19) voted not to recede from Senate F. Consequently, we have in a sense repassed F.

SENATOR HANNON:

Thank you.

THE PRESIDENT:

Senator DePiano.

SENATOR DEPIANO:

Mr. President, I move to recede Senate Amendment Schedule E. at this time.

THE PRESIDENT:

You have heard the motion

Wednesday, June 8, 1977

34.

roc

SENATOR HANNON:

Mr. President, point of order, sir.

THE PRESIDENT:

Yes, Senator Hannon.

SENATOR HANNON:

Mr. President, I think the gentleman's motion is out of order. We just created a Committee on Conference by failing to recede from the first amendment. It would be superfluous to take any others for no matter how they turn out, it would be a Committee on Conference to study the entire matter and bring it to the circle and to the chamber.

SENATOR DEPIANO:

Mr. President, I disagree with that interpretation since the Committee on Conference would, therefore, have their work limited to whatever we acted upon in this chamber. The mere fact that one of these amendments has not been rejected does not mean that the others will not be rejected.

SENATOR HANNON:

Point of order again, sir. Mr. President, the limitations on the Committee on Conference are clearly spelled out by Masons. They need not be limited to the sphere of the bill but any compromise reached in accordance with the Committee on Conference can be brought to the chamber.

THE PRESIDENT:

We have what we call a free Committee on Conference rule which means that the Committee on Conference can

Wednesday, June 8, 1977

35.

roc

reconsider the bill and can itself come up with the proper amendments and reconsiderations. It is not necessary that they do so but they are empowered to do so. Now if you feel, Senator DePiano, that you would like to specifically instruct I will go along with your request.

SENATOR DEPIANO:

Thank you. I thought that if we moved to reject the Senate Amendment E and also Senate Amendment D.

THE PRESIDENT:

You are moving to reject E? That's your motion?

SENATOR DEPIANO:

Yes, E, that's my motion.

THE PRESIDENT:

All right. I believe that we will go ahead on that. Has there been a roll call requested?

SENATOR DEPIANO:

Not in regard to that.

THE PRESIDENT:

Senator Gunther.

SENATOR GUNTHER: (21st)

Mr. President, would you identify E, then?

SENATOR DEPIANO:

E is the amendment which deals with the fact that any judge or commissioner who resigns or otherwise is removed from judicial office can receive his, ah, whatever contribution he made to the pension plan. That's been covered

Wednesday, June 8, 1977

36.

roc

by two other bills, I might add.

THE PRESIDENT:

Senator Hannon.

SENATOR HANNON: (3rd)

Mr. President, do I understand that the motion to recede from the other two amendments that the Chair has ruled that we will proceed to recede from those amendments?

THE PRESIDENT:

That's correct.

SENATOR HANNON:

In order to narrow the Committee on Conference.

THE PRESIDENT:

Yes, that's correct. Now, I want to be clear, Senator DePiano that you have made a motion to reject or a motion to recede, so that it makes a difference as to how the yeas and the nays go. We just voted a motion to recede. I think we are conversant with that.

SENATOR DEPIANO:

Right. This would be in the same vein, Mr. President.

THE PRESIDENT:

All right.

SENATOR DEPIANO:

In other words, a yes vote here would be that the chamber would be in accordance with the proposal that I made. That is that we knock off Amendment E.

Wednesday, June 8, 1977

37.

roc

THE PRESIDENT:

That's correct. We have the issue then, ladies and gentlemen, we can vote, voice vote, unless you would rather have a roll call. Yes, Senator Reimers.

SENATOR REIMERS: (12th)

A roll call please.

THE PRESIDENT:

Announce a roll call and then we will review what we are going to do.

THE CLERK:

An immediate roll call in the Senate. Would all senators please be seated. An immediate roll call has been ordered in the Senate. Would all senators please take their seats.

THE PRESIDENT:

Now we are voting recession on Senate Amendment Schedule E. If you vote yea, you will be voting to support the House's rejection, of Senate E. Are there any questions on that. The machine is open. Please cast your vote. The machine is closed and locked. The Clerk please tally the vote.

Total Number Voting	35
Necessary for Passage	18
Voting Yea	32
Voting Nay	3
Absent and Not Voting	1

THE MOTION TO RECEDE HAS BEEN CARRIED.

Wednesday, June 8, 1977

38.

roc

SENATOR DEPIANO:

Mr. President, I would now move for rejection of Senate Amendment D. Recede, excuse me.

THE PRESIDENT:

You move for the Senate to recede from Senate D.

SENATOR GUNTHER: (21st)

Mr. President, I rise to resist receding on Amendment D. This is the amendment which is a void that we have in the administrative policy act where emergency regulations are passed by the departments. We have no mechanism by which they notify the Regulation Review Committee. This sets up the policy whereby emergency regulations would be submitted to the committee, allowing them five days in which to consider whether or not it was an emergency regulation, and if it was not acted upon it automatically becomes one and would be acceptable. I think it is an important piece of legislation. It is one of those technicalities we missed in the original administrative policy act and I think we should reject this attempt to recede.

THE PRESIDENT:

Very well. Senator Strada.

SENATOR STRADA: (27th)

Mr. President, I rise to associate myself with the remarks of Senator Gunther and to oppose receding. We debated this the other day and we went through the history of having a committee that was established by the General

Wednesday, June 8, 1977

39.

roc

Assembly and if you are going to let agencies in this state adopt regulations without going to the Regulation Review Committee then we should abolish the committee. We are talking about something that is very important and it is a very subjective on their part as to what is or is not an emergency and all this says that they should at least provide the committee within five days of the effective date the opportunity to review it and to either approve it or not since either by statute that bipartisan committee has that jurisdiction with respect to every agency and commission in this state. And I very strongly urge you if you at all value your bipartisan Regulation Review Committee to oppose receding this amendment.

SENATOR MORANO: (36th)

Mr. President, members of the circle, it has been my pleasure to serve on the REgulation REview Committee in the past and I would like to give you a little history of it. In the old days, when the commissions or agencies had a bill before us while we were in session and we did not pass their bill, as soon as we went home a regulation was introduced and they ran their own ship without any regard to the legislators until we came back into session again. And it was for that reason that we found the Regulation Review Committee. It has functioned very well, cooperatively and certainly acted as a deterrent to circumventing the legislature while we were not in session. And it is for that reason, I will

Wednesday, June 8, 1977

40.

roc

support Senator Gunther and Senator Strada.

SENATOR GUIDERA: (26th)

Mr. President, all of what Senator Morano and Senator Strada and Senator Gunther have said, all that Senator Johnson has said, all that everyone else has said on each one of these amendments to the effect that they are good amendments and they should stay on the bill is true, but that is not the issue involved with these three amendments. I had the pleasure in 1973 and 1974 to serve as the Chairman on Judiciary and it is commonly the Judiciary Committee's job and the Chairman of that committee to bring out the technical amendments act. It usually runs some sixty sections as it does today. And it has been always the tradition, the required tradition in this circle and in the House of Representatives to make sure that the technical amendments bill does not contain anything of a substantive nature. The bill runs some fifteen, twenty, twenty-five, thirty pages long, many, many sections and it would be tedious and onerous to look at each and every section by each and every member of this circle. For that reason, the Senate Chairman of Judiciary has always been able to stand up in this circle and say that each and every section is technical in nature, that the suggestions for these amendments come from -the commissioner on legislative, ah, the legislative commissioners office and that they effect nothing of a substantive matter but are technical in nature. If you allow

Wednesday, June 8, 1977

41.

any of these amendments to stay onto the bill, you will never ever be able to give any credibility to the Senate Chairman of Judiciary to stand up and say that the amendments or that the sections of the bill are technical in nature. And so what you have done today, by allowing F to stay on it, what you will do by allowing D to stand on it is to raise in the minds of every senator from this point forward a question as to whether or not the Senate Chairman of Judiciary is telling the truth when he says that the amendments, the some sixty sections, are technical in nature or whether they contain anything which could be substantive, because if you tack on something substantive then a future Senate Chairman of Judiciary can slip a substantive amendment in middle of a sixty-section bill and put one over on you and pull the wool over your eyes. And that's exactly what's going to happen in the future. So you had better be prepared to read this bill from stem to stern in the future, if you allow any substantive amendments to go on. I supported D. I supported E and I supported F and we tacked them on and the House raised the point they were substantive. Had they not, they would have gone through and everybody would have been happy, but they raised the point, they did it correctly. They said they were substantive. I don't blame the House of Representatives for doing what it wanted and if the sponsors of these three amendments can't find a better vehicle, then this bill which is supposed to be pure in nature, purely technical in nature, and it is just too bad.

Wednesday, June 8, 1977

42.

roc

we have had some twelve hundred pieces of legislation come before this circle in the past year and certainly there was some vehicle, somewhere along the line that anyone of these three amendments could have been tacked on. So while it breaks my heart to have to vote to recede and to support the Senate Chairman of Judiciary, Senator DePiano is one hundred percent correct. The point at issue is whether or not you are going to make the Senate Chairman of Judiciary subject to being called a liar in the future and that's the issue and you should recede from these amendments.

THE PRESIDENT:

Senator Strada.

SENATOR STRADA:

Mr. President, I have the utmost respect for the Senate Chairman of Judiciary and I haven't heard him rise to his feet to oppose what we are saying on merits. This has nothing to do with his veracity. I am sure he understands that. And we have no control over what the House does or what the House rules. And it is quarter after three and there are no other vehicles. So let's not be concerned with what the House did. The Senate Chairman is here and he can speak for himself. We are giving you the merits of why this is important.

THE PRESIDENT:

Senator Dinielli.

SENATOR DINIELLI: (31st)

Mr. President, in response to the remarks of the former

Wednesday, June 8, 1977

43

roc

chairman of the Judiciary, Senator Guidera; he is entirely correct in that it is necessary that this bill (next words unintelligible as record malfunctioned at end of record), but no one is sneaking anything in the middle of this in the thirtieth or thirty-first section. Everything we are talking about here has been openly and fully discussed on both floors of both chambers so that to my mind it makes a great deal of difference whether the bill comes to us in file form from the judiciary committee or whether it is openly discussed here and the amendment is tacked on, because it is really the perfect vehicle. This bill here deals with eighty to ninety different issues. We have added three different ones. I think it is very important that we understand that nothing that has been added by the Senate has been sneaked in. Everything has been fully discussed on the floor and it is quite different than the point raised by Senator Guidera.

THE PRESIDENT:

Are there further remarks to be made? Senator DePiano.

SENATOR DEPIANO:

Mr. President, the only remark I do wish to make is that I concur with the statement made by Senator Guidera in that this should be purely a technical amendment bill and if we start doing this we are starting a precedent wherein every time we come to the end of a session, we are going to have a technical amendments bill which is going to include every piece

Wednesday, June 8, 1977 44.

roc

of legislation that has not seen the light of day for one reason or another.

THE PRESIDENT:

All right. Are we prepared to vote then on the motion to recede on Senate Amendment D? The Clerk please announce an immediate roll call.

THE CLERK:

An immediate roll call in the Senate. Would all senators please be seated. An immediate roll call in the Senate. Would all senators please take their seats.

THE PRESIDENT:

This is similar to the last motions. A yea vote will be to recede and to support the House's rejection. A nay vote, of course, would do the opposite. The machine is open. Please cast your vote. The machine is closed and locked.

Total Voting	36
Necessary for Passage	19
Voting Yea	12
Voting Nay	24
Absent and Not Voting	0

THE MOTION TO RECEDE HAS BEEN DEFEATED.

THE PRESIDENT:

It is now necessary to appoint a Committee on Conference, two from the prevailing side, two from the losing side. Senators Johnson, Barry and DePiano will be the Committee on Conference. Yes, Senator Hannon.

SENATOR HANNON: (3rd)

Wednesday, June 8, 1977

45.

roc

Mr. President, prior to the Chair appointing the Committee on Conference, there was another amendment that is before the chamber that I should like to submit to the chamber. Senate Amendment G.

THE PRESIDENT:

G. George, I can't find it.

SENATOR HANNON:

It is not on the Agenda, sir, it is a matter properly before the Senate and since the Chair did entertain further motions to recede, I feel it is only fair that the Chair should entertain a motion to introduce a new amendment before the chamber.

THE PRESIDENT:

Inasmuch as G does not seem to be before us, and I don't see it on the Agenda or on the Calendar or any other place

SENATOR HANNON:

Most respectfully, Mr. President, I would submit to you that the matter came to this chamber as a Disagreeing Action from the House. It is properly before us as a Disagreeing Action and I believe it is my right to submit an amendment to make it a further disagreeing action and send it back to the House as it must go back to a Committee on Conference.

THE PRESIDENT:

The Chair will rule contrary. I don't believe that we have G before us and that is my ruling. Senator Fauliso.

WEDNESDAY, JUNE 8, 1977

137.

roc

items on the Calendar, matters that have come to us from the House, Substitute Senate Bill 1250 and Substitute Senate Bill 266.

THE PRESIDENT:

Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, SB-1663 I am informed that the Committee on Conference is prepared to report and we might add that matter to the Consent Calendar, if we will give Senator DePiano the time to get to his microphone.

THE PRESIDENT:

All right. We will hear Senator DePiano's report on the Committee on Conference. Will you please give Senator DePiano your attention. Senator DePiano.

SENATOR DEPIANO: (23rd)

Mr. President, the Conference Committee's report is as follows: Amendment F was rejected by the Conference Committee and that Amendment D was passed upon by the Conference Committee. I move to accept the committee's report and passage of the bill.

THE PRESIDENT:

We have before us now the report of the Committee on Conference for approval. All in favor please say Aye. Opposed please say Nay. The Ayes have it. THE CONFERENCE COMMITTEE'S REPORT HAS BEEN ADOPTED BY THE SENATE.

SENATOR CUTILLO: (15th)