

Legislative History for Connecticut Act

HB 5613	(PA 78-346)	<u>1978</u>
General law	305-309, 352-353, 413, 424-425	10
House	1184-1191, 3979-3988, 4281-4285, 4317-4326	27
Senate	1840-1842, 1935-1936	5

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JOINT
STANDING
COMMITTEE
HEARINGS

GENERAL LAW
PART 1
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GENERAL LAW

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JUDY AINLEY: Yes, I have.

REP. MIGLIARO: What are your chances? Maybe it's a personal question, I shouldn't ask that because your attorney probably wouldn't want that. But I was wondering what the chances of recovery which I would think would be nil if they have filed bankruptcy, but that's neither here nor there. Thank you very much.

REP. GRANDE: Any other questions? Thank you very much.

I'm going to deviate a little bit from the list because we have some people from the State Department who have to -- different departments -- who have to testify at other meetings, so I'm going to call on Robert Langer at this time, Department of Consumer Protection.

ROBERT M. LANGER: My name is Robert M. Langer, I'm Assistant Attorney General in charge of the Consumer Protection Unit of that office, and I'm here speaking in favor of 5613 on behalf of the Department of Consumer Protection. Legal counsel to the Department was unable to attend today.

It's an act concerning the coverage of the Connecticut Unfair Trade Practices Act and the reason why it has been submitted on behalf of the department is to clarify the definition of trade or commerce under the Connecticut Unfair Trade Practices Act which is a State counterpart to the Federal Trade Commission Act. The reason for the clarification is to make clear that the act covers leasing and rental of personal and real property, not merely sales. My office was recently involved in a case in which one Superior Court judge did construe the statute very narrowly to exclude leasing. While we think that decision is not correct, it is in fact the decision of a Superior Court judge, and in order to make clear that this act should be read consistently with the Federal Trade Commission Act from which it comes, which does cover leasing and rental of real and personal property, the Department of Consumer Protection's position is that 5613 will solve this particular problem.

It should be noted that the amendment to the definition of trade or commerce would be identical or substantially identical to that in Massachusetts and Pennsylvania which have had favorable constructions of that statute.

In addition, the change of definition would include the

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ROBERT LANGER (Continued): ability to define trade or commerce wherever property would be located, not merely within the State. Some questions have been raised as to why that is necessary.

While I think it's unlikely, we would like to be absolutely clear that in the case of mail order frauds, after which we have gone on a number of occasions, we would not wish to be excluded if the entire actions of mail order companies were outside of the State of Connecticut, damaging consumers within the State of Connecticut, we would not wish to have interposed a defense by defendant's counsel that we could not go after that type of problem, and I think that another case involving the Attorney General of Wisconsin which I have used as a means of drafting this particular legislation would clarify that problem. And I'm hopeful that both with respect to mail order fraud and renting and leasing of real and personal property 5613 will take care of that particular problem that we see.

REP. GRANDE: Any questions from the Committee?

REP. FRANKL: Representative Frankl, 121st. First question, the Superior Court case you mentioned, is that matter under appeal?

ROBERT LANGER: Unfortunately, we entered that case as a friend of the court. As an Amicus Cureae, and the plaintiffs did not have sufficient funds in which to appeal it to the Supreme Court. So consequently we're left with a lower court decision with which we can do nothing. As an Amicus as opposed to an intervener we do not have authority to appeal on our own.

REP. FRANKL: Then it has not been appealed.

ROBERT LANGER: That's correct.

REP. FRANKL: Secondly, the change in language on line 35 and 37 it modifies the entire prior lines in sub-section 4. I'm wondering how you view the area of advertising now that it is not necessarily limited strictly to the State lines themselves. How do you view the effect of that and what do you view the involvement of the agency in advertising through the media such as television?

ROBERT LANGER: I think that the amendment to the definition of trade or commerce with respect to property outside of the State of Connecticut would merely give to the State

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ROBERT LANGER (Continued): its full Constitutional authority to remedy problems. Obviously, if, in fact, as I mentioned, mail ordering is particular problem that I see which causes the need for this particular amendment to the definition. Without it, we may be successful, we may not be successful, but I can't imagine anyone would want to put us into a position of losing a case just because it's a mail order firm located in St. Louis that deals solely by media advertising which happens to find its way into the State of Connecticut, defrauds Connecticut consumers, and we have to plead with the Missouri Attorney General's office to help us rather than be able to do it on our own.

REP. GRANDE: Any other questions?

REP. BENNETT: I have one. I'm just concerned with how much of a problem is this at the moment? Is it a large problem, an extensive problem, or is it a minor problem?

ROBERT LANGER: Which particular issue?

REP. BENNETT: With respect of leasing and renting.

ROBERT LANGER: The reason for the proposed amendment is that I would expect there could be a great deal of litigation in the State under the Connecticut Unfair Trade Practices Act which is now not being brought because of the hesitancy of plaintiff's counsel because they think that leasing and rental was not included. The question of whether it's a problem, I think there is a great number of rights of consumers in the State of Connecticut that could be vindicated, which cannot be vindicated now because the act has been read very, very narrowly. I would like to see the act read as expansively as the Federal Trade Commission Act is itself. The answer, as best I can, the problem, I'm not sure how much of a problem it is because in the area of developing litigation in new statutes, I don't know how much action would take place under the statute until after the act was amended.

REP. BENNETT: Would you give me a quick example where this would be applicable?

ROBERT LANGER: Certainly. In the case of a landlord misrepresenting quality of the premises or any types of overt misrepresentations by landlords would possibly trigger an action under the Unfair Trade Practices Act which may do damage to tenants. It would also include though the renting, let's suppose there

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ROBERT LANGER (Continued): was a leasing agreement between one business and another business, or a leasing agreement between a business and a consumer for any type of goods. Let's say the leasing of a car. It's arguable that under the present definition that would not also be included. I think that would be clearly a mistake and inconsistent with the Federal Trade Commission Act.

REP. BENNETT: Thank you.

REP. GRANDE: Thank you very much. Any other questions?

REP. WILLARD: Are you saying that the definition in sub-section 4 now to include leasing of real or personal property is a definition that is in the federal act?

ROBERT LANGER: It is the definition which is in Massachusetts and in Pennsylvania and what I'm saying is that the Federal Trade Commission Act definition of trade or commerce does include leasing.

REP. WILLARD: Leasing of real property?

ROBERT LANGER: Yes.

REP. WILLARD: I see. Just a general question, do you see any conflict if you include this provision, do you see any conflict under the landlord tenants bills that we've passed where we tried to get the correlation between the landlord and tenant, the rights and obligations vice versa. If we interject the Department of Consumer Protection, do you see any problem in the dual approach to the problem?

ROBERT LANGER: There are a great number of statutes which I personally involved in administering or assisting the Department of Consumer Protection administering which grants concurrent jurisdiction to more than one state agency, and I think that the function of our courts is to make clear that there are certain areas which one agency can act on and others can act on in other circumstances. I don't foresee any problems with concurrent jurisdiction between the Department of Consumer Protection and private litigation which could result under that in landlord tenant bill. I think they are directed in precisely the same way and would express the same concerns of the Legislature.

REP. WILLARD: So, if they are precisely the same and concurrent you feel that it's necessary, I understand you're the one

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REP. WILLARD (Continued): that's supporting the bill, the Department. You feel that the landlord tenant legislation that we have passed in an attempt to get a sense of equilibrium between the problem is not sufficient, or do you need additional enforcement in the Department?

ROBERT LANGER: Well, I think that one thing is clear from the landlord tenant bill is that the Attorney General's office at the request of the Commissioner cannot now institute litigation. And it seems to me there are certain circumstances in which it would be the Attorney General's office through the resources they could do a better job. Just because we have developed expertise in the unfair and deceptive trade practice area, I would think that as an alternative remedy perhaps the Legislature ought to consider at least allowing us the option of litigation in certain circumstances that other people can't tend to.

REP. FERRARI: Mr. Chairman. A question for clarification. It's also true that this would have far greater scope than simply landlord tenant problems. In other words, when we're talking about lease or rent, we're also talking about commercial property, we're talking about protecting small business people and things of that nature. That really has nothing to do with the landlord tenant act.

ROBERT LANGER: That's absolutely correct. And I foresee for our office and the Department of Consumer Protection far greater emphasis upon the leasing provision in terms of the leasing of automobiles, for instance, the types of deceptions which can take place in that particular area, more than the landlord tenant area which could probably in most cases, but not all cases be handled by private litigation.

REP. FERRARI: Thank you.

ROBERT LANGER: Thank you.

REP. GRANDE: Thank you very much. S. F. Riepma, if he's qualified.

S. F. RIEPMAN: I hope I am.

REP. GRANDE: We understand that you went downstairs to become a qualified lobbyist.

S. F. RIEPMAN: Yes, I'm now qualified and I paid \$20.

JOSEPH CONAHUE (Continued): part it is our understanding they pay no attention to it, it is a waste of time in mailing them but also in the preparation of them. So we ask that this Committee gives this bill a joint federal report and move towards adoption.

On 5612 revising the reform as to the repair of consumer goods by jewelers, etc., I think the jewelers and Max Rabin have done a very good job in presenting a case that we in the Connecticut Retail Merchants Association would wholeheartedly endorse. The statements which were made by Mr. Rabin. If the Committee in its wisdom sees fit not to accept the recommendation of Mr. Rabin, we would go back to our position of a year ago on this same legislation. The purpose, our intent, could be fulfilled very well if you would take line 19 of this proposal and just use the language public act 77532 is repealed. This would be, we think, the proper solution to all the problems created by this which otherwise might be amended in line 21 to make it all work done by a major plant repairs. The bill initially was, as I understand it, an off-shoot of the automobile repair bill. And it was intended to apply to major appliances, and on that basis we would then have no objection, but the way the bill became a Christmas tree bill last year, we were opposed to it then and we still think it is a bad bill.

On 5613, concerning the coverage of the Connecticut Unfair Trade Practices Act, we have no objection that would support the proposal of to include rent, leases and that sort of thing, but we wonder and we suggest very strongly that the broad language contained in lines 35 and 36 are unnecessary. This we would suggest that in this, the brackets being taken from around in this state, and make the bill applicable certainly to all business being done in this state. We wonder how could this apply to a firm which isn't even doing business in this state. And the broad interpretation of line 35 and 36 might suggest that we would be taking action or looking to take action against companies which are not even in business in this state. Thank you very much.

REP. WILLARD: You hear what he testified on that bill. He used the case of the mail order, of which I don't know if people consider that doing business would use the national advertising program originating out of the state, but Connecticut residents being injured by participation. The man has a fact.

JOSEPH DONAHUE: Aren't they in fact doing business in the state if they are a mail order operation?

JOSEPH DONAHUE (Continued): seeking and obtaining contracts and orders in this state?

REP. WILLARD: I would like to remark to what he -- to the observation he made consumer, he just said that would be the area that he thought it might be that particular section.

JOSEPH DONAHUE: It might open up some problems by making the language entirely too broad and encompassing as I see it does companies which are not even doing business in this state.

REP. WILLARD: I just point out that that was his observation.

JOSEPH DONAHUE: I think it is a good bill...

REP. WILLARD: Representative Frankel.

REP. FRANKEL: Representative Frankel, 121st, on 5795, regarding interest charges, the present law requires that two pieces of information be supplied as I understand it, both the interest charges and the aggregate amount.

JOSEPH DONAHUE: Right.

REP. FRANKEL: Now, is it my understanding from your testimony that you would supply both these pieces of information or would be willing to supply both these pieces of information but solely upon request.

JOSEPH DONAHUE: Either or both would be available. Again, the problem related to it is that it takes the time and the equipment and the personnel to seek out and put these figures together. There is no objection to doing this as long as the information is going to be used.

REP. FRANKEL: I understand what the reason is behind the bill, but what I was driving at was the way this may or may not be interpreted and what the industry feels about its willingness to accommodate the public. As it stands right now the public, if this were enacted, would have to make a request and I gather from what you are saying that if they made a request for both the interest charges and the aggregate amount, both pieces of information would be supplied.

JOSEPH DONAHUE: That is correct.

REP. FRANKEL: And that is your understanding of what this bill is intended to do.

JOSEPH DONAHUE: The bill is intended, I would hope to remove the

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REP. GRANDE: Podolsky.

SEN. PUTNAM: Mr. Podolsky.

MR. PODOLSKY: My name is Raphael Podolsky, I'm an attorney with the Legal Services Legislative Office.

I would briefly like to comment on three bills which I now seem to have misplaced.

I'm sorry. The first bill is 5613, an Act concerning the coverage of the Connecticut Unfair Trade Practices Act.

I just want to suggest to the Committee that I think this is a bill that it's important you move on this year. What the Connecticut Unfair Trade Practices Act in its definitional section -- people had presumed that that Act covered both sales and leasing of goods and of -- and what happened was that this year there was a court case that took an ambiguity in the Act, really an inconsistency between two different sections of the Act and interpreted the Act to say it covered sales but not leases. And what this does is that it restores what people had thought was the Act as it existed before. It really -- it makes it consistent with a number of other states, including Massachusetts, California, Pennsylvania, North Carolina and Florida where there have been specific court decisions on the matter. So it is necessary to deal with that bill this session so as to get the Act back to where we thought it was before.

The second bill on which I'd like to say something brief is 5801, an Act concerning proprietary vocational contracts. I would like to simply put on record that I am in support of the bill. By accident it turned out that I ended up with two copies of the FTC Staff Report on Vocational Schools. I asked for one and they sent me two for reasons that I don't understand. In any event, it seemed to me appropriate that I should provide the committee for its permanent record with the copies since I happen to have an extra. It is entitled Proprietary Vocational and Home Study Schools. It is really a monumental report and what the nature of the problem is and why the staff has recommended the proposal that is recommended. So, I give this to the Committee and would request that you save that for the Committee's permanent records as gifts, both whether a bill goes through this year or not, I think the Committee will find that a valuable resource.

Perhaps you may even want to transfer it to the Office of Legislative Research if you think that's a better way to

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THE LEGISLATIVE ADVOCACY OFFICE OF THE LEGAL SERVICES PROGRAMS IN CONNECTICUT

RAPHAEL L. PODOLSKY, Attorney-at-Law
JOHN E. PYATAK, Legislative Liaison
JOANNE MINER, Attorney-at-Law

March 13, 1978

STATEMENT OF RAPHAEL L. PODOLSKY

Bill No.:

5613

Title:

An Act Concerning the Coverage of the Connecticut Unfair Trade Practices Act.

Purpose:

To amend the Connecticut Unfair Trade Practices Act so as to clarify the definition of "trade" or "commerce" to make clear that the act covers the leasing and rental of real or personal property, in addition to contracts of sale.

Explanation:

The Unfair Trade Practices Act, which was adopted in 1973, prohibits unfair and deceptive trade practices by sellers and lessors of property of every sort. C.G.S. §42-110g specifically refers to lessors as being subject to the act. In addition, the unfair trade practices acts of other states apply to both selling and leasing. There are specific court decisions to this effect in our neighboring state of Massachusetts and in Pennsylvania, California, North Carolina, and Florida. Nevertheless, a Connecticut court recently rejected the position of the state Department of Consumer Protection and held that, because of inconsistencies within the Connecticut act, unfair and deceptive leasing practices were not covered by our law.

Danbury Tenants v. How
3 CLR 36
p. 18

This bill would amend the definitional section of the act both to conform the law to what most had thought it meant prior to the 1977 court case and to make it consistent with the laws of other states.

Position:

In favor of adoption.

This bill parallels the FTC's proposed regulations by providing potential enrollees in proprietary vocational schools with several important rights, including:

- (1) Mandatory disclosure of the school's drop-out rate and, if it has made job placement or earnings claims, of its success at placing students in jobs. This information allows a potential student to assess his chances of success in deciding whether to sign up for the course.
- (2) Mandatory affirmation of the enrollment contract, after it has been signed, thereby not binding the student to the contract until after a cooling-off period has passed and he has actually begun the course. This reduces the impact of high pressure sales by allowing time for reflection.
- (3) Limitation of the liability of those who drop out to the period of their attendance, plus a \$25 administration fee. This reduces the financial incentives for proprietary schools to engage in misleading advertising, high pressure selling, inadequate teaching, and other such practices and reduces the liability of the dissatisfied student to a reasonable dollar amount.

The degree of regulation of proprietary vocational school contracts varies widely from state to state. The FTC reports that ten states have refund standards "that go beyond the minimum protection offered by the voluntary and associational standards set by the industry. These refund policies generally track the type of strict pro rata refund policy recommended by the Bureau [FTC] in this Report," FTC Staff Report, p. 186. The ten are Massachusetts, Wisconsin, Indiana, Alabama, Hawaii, New Mexico, South Dakota, Minnesota, Nebraska, and the District of Columbia. Massachusetts appears to have the strongest (and also the simplest) act, guaranteeing each student the right to cancel at any time and to receive a pro-rata refund, plus an administration fee of no more than 5% of the contract price (but no more than \$50).

Connecticut licenses vocational schools but does not provide students with the rights of disclosure, affirmation, and cancellation which this bill would grant. Hairdressing and cosmetology schools are regulated by the Department of Health under C.G.S. §20-251 and §20-262, but the Department does not investigate complaints of deceptive practices, referring them instead to the Department of Consumer Protection. Other proprietary vocational schools are regulated by the Department of Education under C.G.S. §10-8. Section 10-8-14 of its regulations does prohibit certain deceptive practices, enforceable by revocation of the school's license, but it contains no remedy for the student. The only such remedy is the Proprietary School Default Assurance Fund, created last year by P.A. 77-440, to provide refunds to students if the school becomes "insolvent." It provides no protection, however, against solvent schools which go out of business or against schools which engage in deceptive practices. In addition, because of the misdrafting of that act, the Department of Education considers the fund unworkable at the present time.

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THE CLERK:

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Calendar 460, Substitute for H.B. 5800, File 307, an Act concerning a model mobile home ordinance. Favorable report of the Committee on General Law.

ROBERT J. CARRAGHER:

Mr. Speaker, may this bill be passed retaining its place.

MR. SPEAKER:

You've heard the motion to pass this bill retaining its place on the Calendar. Any objections to the motion? So ordered.

THE CLERK:

Calendar 461, Substitute for H.B. 5613, File 305, an Act concerning the coverage of the Connecticut Unfair Trade Practices Act. Favorable report of the Committee on General Law.

ROBERT F. FRANKEL:

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

MR. SPEAKER:

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

ROBERT F. FRANKEL:

Yes, Mr. Speaker. There's an amendment, L.C.O. No. 2361. Would the Clerk please call, and may I be permitted to summarize?

MR. SPEAKER:

The Clerk has in his possession L.C.O. 2361, which shall be designated as House Amendment Schedule "A". Would the

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Clerk please call the amendment. efr

THE CLERK:

House Amendment Schedule "A", L.C.O. 2361.

MR. SPEAKER:

Are there any objections to Representative Frankel's summary of this amendment? Please proceed, sir.

ROBERT F. FRANKEL:

Thank you, Mr. Speaker. In order to explain the amendment, I have to explain one provision of the actual proposed bill. Some time after the promulgation of the Unfair Trade Practices Act a Superior Court decision came down, and the thrust of the Superior Court decision, which has not been appealed, is that the Unfair Trade Practices Act did not cover situations involving leases of property, although it was the understanding of the Commissioner, and I think the expectations of many of us in the intention of the original bill. It was the feeling of the Committee to include, within the definition of trade and commerce, the words "rent or lease", so that the original intent of the bill would be carried out. The amendment addresses another section of the Unfair Trade Practices Act, and also includes the words "rents or leases property", so that causes of action under that section could be brought, and the amendment would harmonize the intention of the original proposal in the first portion of the bill. I would move adoption of the amendment.

MR. SPEAKER:

Would you remark further on the amendment...House

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Amendment Schedule "A"? If not, would all those in favor please efr indicate by saying "aye". Those opposed. House Amendment "A" is adopted and ruled technical. Would you remark further on the bill as amended?

ROBERT F. FRANKEL:

Yes. Thank you, Mr. Speaker. In explaining the amendment, I explained the change that was needed in the Act referring to the definition of trade and commerce. It includes the words "rent or lease" to take care of the Superior Court decision. It also expands the provisions of the Unfair Trade Practices Act to cover situations which would permit the Commissioner to address situations involving such things as out-of-state...excuse me... would also allow the Commissioner to address items such as mail order catalogs and items that are dealt with through the mails. I believe the bill is very worthwhile, and I would urge the members to adopt it.

MR. SPEAKER:

Remark further?

RICHARD D. TULISANO:

Mr. Speaker. Just a question to the proponent, Mr. Speaker.

MR. SPEAKER:

Please proceed, sir.

RICHARD D. TULISANO:

Would this...would the adoption of this Act, Mr. Frankel, mean that it might be an unfair practice to have, as part of a lease, a restriction on leases. As an example, should

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a shopping center limit, say, one major tenant to be a grocery store, and that the lease has provided a provision that there will only be one grocery store, say, of 2,000 square feet, and is that an unenforceable provision of the lease now that you would include leases in the Unfair Trade Practices Act?

ROBERT F. FRANKEL:

If I understand you correctly, through you, Mr. Speaker, the best answer I can give would be to look to the Federal Trade Commission. If they had promulgated a regulation in accordance with your hypothetical, or if they had ruled in a situation involving a hypothetical such as yours, we would have to take our direction from their regulations, or from their rulings.

RICHARD D. TULISANO:

Through you, Mr. Speaker, I'm not...I don't know the field that well. I'm just...would the Federal government have been involved in leases of real property within states?

ROBERT F. FRANKEL:

Through you, Mr. Speaker, thank you. I'd have to point you to a section of the Unfair Trade Practices statute in which the rulings, regulations of the Federal Trade Commission are incorporated by reference. I don't have the specific citation, but I can give it to you later. Excuse me. That would be 42a 110b of the subsection b. If you will, I'll point out to you that it says, "It is the intent of legislation construing subsection a that the Commission or Courts of the state shall be guided by interpretations given by the Federal Trade Commission and the Federal Courts to section 5a1 of the Federal Trade

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Commission Act", and it refers to a section of USC as from time efr
to time as amended.

RICHARD D. TULISANO:

Thank you, Mr. Speaker.

MR. SPEAKER:

Remark further?

RICHARD E. VARIS:

Mr. Speaker, I have a question for Representative Frankel that I'd like to pose through you.

MR. SPEAKER:

Frame your question, sir.

RICHARD E. VARIS:

In section 4, it refers to offering for sale. Would you interpret that as placing the responsibility with a real estate or other agent acting in good faith for an owner property?

ROBERT F. FRANKEL:

Through you, Mr. Speaker.

MR. SPEAKER:

The chamber please direct your attention to the debate. It's so difficult for the participants to hear, and the Chair is having difficulty. I would ask that Representative Frankel hold off for a second, please, so that we can get some order in the chamber. We would like to proceed with the debate. May we have your attention, please.

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ROBERT F. FRANKEL:

Thank you, Mr. Speaker. Because of the noise, I wasn't able to hear the entire question. Would the (inaudible) again?

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MR. SPEAKER:

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It's quite understandable, sir. Would the gentleman please frame his question again.

RICHARD E. VARIS:

Yes. Under 4 in "Definitions", it refers to offering for sale, rent or lease, and I was wondering that if some agent acting in good faith on the representation of a seller might be liable for any misrepresentation, because it's in many occasions impossible for an agent to know all the factors, and it would appear to me on the surface that an agent might be responsible.

ROBERT F. FRANKEL:

Through you, Mr. Speaker, I don't believe the bill... or the bill we have before us...deals with that. I think you're asking a question of the original bill itself, but I will point you in the direction of 42-110c, which exempts certain kinds of transactions, and it points out in subsection 2 that acts by a publisher, owner or an agent of a newspaper, periodical, etc., and the publication or dissemination of an ad aware of the party who's doing it did not have knowledge of a false or misleading and unfair, deceptive character, is going to be exempt from that. So, I think that would probably answer your question.

RICHARD E. VARIS:

Thank you. My understanding of what you said referred basically to the periodical and not a selling agent for another. Did you intend to have it cover a selling agent for another person?

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Through the Chair, sir. efr

RICHARD E. VARIS:

Through you, Mr. Speaker.

ROBERT F. FRANKEL:

I'm not certain of your question. Would you pose it again, or rephrase it.

MR. SPEAKER:

Representative Frankel, through the Chair, please.

ROBERT F. FRANKEL:

Excuse me, Mr. Speaker. Through you, Mr. Speaker, could the question be rephrased?

RICHARD E. VARIS:

Yes. Through you, Mr. Speaker, my understanding of your earlier reply was that the sections you referred to were in reference to a publisher but not through a selling agent specifically. Does your reply cover a selling agent specifically, such as a real estate broker or real estate salesman?

ROBERT F. FRANKEL:

Through you, Mr. Speaker, it is my understanding that the thrust of the entire Unfair Trade Practices Act is to those persons who engage in unfair, deceptive acts or practices in the conduct of trade or commerce, and where an individual is, in effect, repeating information that he believes is in good faith to be accurate and true, he would not come under the perview of the Act.

RICHARD E. VARIS:

Thank you.

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MR. SPEAKER:

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Would you remark further on the bill as amended?

Remark further? All members please take their seats. Would the staff and guests come to the well of the House. The machine will be opened. Have all the members voted? Is your vote properly recorded? Will all the members check the board. All members present must vote. Would all members please check the board. Have all members voted? If so, the machine will be locked. The Clerk please take a tally. The Clerk please announce the tally.

The following is the result of the vote:

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

The bill as amended is passed.

THE CLERK:

Calendar 462, Substitute for H.B. 5904, File 308, an Act concerning clear language in consumer contracts. Favorable report of the Committee on General Law.

ROBERT J. CARRAGHER:

Mr. Speaker, I move this bill be passed retaining its place.

MR. SPEAKER:

You've heard the motion. Any objection to the motion?

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Friday, April 28, 1978 10.

Calendar 461, Substitute for H.B. 5613, Files 305 and efr 463, an Act concerning the coverage of the Connecticut Unfair Trade Practices Act. The information that follows is incorrect. The bill is amended by House Amendment Schedule "A" and is amended by Senate Amendment Schedule "B". Your Calendar indicates Senate Amendment Schedule "A". It should be Senate Amendment Schedule "B".

MR. SPEAKER:

Thank you, sir. The matter has been called.

ROBERT F. FRANKEL:

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

MR. SPEAKER:

The question is on acceptance and passage in concurrence. Will you remark, sir?

ROBERT F. FRANKEL:

Mr. Speaker, the Clerk has an amendment, L.C.O. No. 2398. I believe that is Senate Amendment "B", which was mentioned previously. I would ask the Clerk to please call and read.

MR. SPEAKER:

Will the Clerk be good enough to call and read L.C.O. 2398, Senate "B".

THE CLERK:

Senate Amendment Schedule "B", L.C.O. 2398, offered by Senator Cutillo, 15th District. In lines 16 through 30 in their

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entirety and substitute the following in lieu thereof: "(4) efr
"Trade" and "commerce" means the advertising, THE SALE OR RENT OR
LEASE, THE offering for sale (,) OR RENT OR LEASE, (sale,) or
THE distribution of any services and any property, tangible or
intangible, real, personal or mixed, and any other article,
commodity, or thing of value in this state."

MR. SPEAKER:

You have the amendment. What is your pleasure?

ROBERT F. FRANKEL:

I move adoption of the amendment.

MR. SPEAKER:

The question is on adoption of Senate "B". Will you
remark?

ROBERT F. FRANKEL:

Yes. Thank you, Mr. Speaker.

MR. SPEAKER:

You have the floor, sir.

ROBERT F. FRANKEL:

The bill as passed by the House had originally addressed
two areas of concern in the Unfair Trade Practices Act. The
first problem, which was rectified in the bill, made it clear
that coverage under the Unfair Trade Practices Act extended to
leases of real property. The need for clarification resulted
from a Superior Court decision which held that tenants could not
utilize the remedies under the Unfair Trade Practices Act against
landlords for unfair trade practices. The second area of the
House Bill, as amended by House "A", addressed and extended

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coverage of the Unfair Trade Practices Act to unfair practices which originated outside of the State of Connecticut, such as mail order frauds. The Senate, in its wisdom, has by this amendment rejected the second area and extended coverage of the Unfair Trade Practices Act solely to the area involving leases. I would reluctantly urge the members' support of this amendment in order to preserve the more urgent problem; namely, the need for coverage under the Unfair Trade Practices Act in respect of leases which will still be preserved if we adopt the Senate Amendment. I urge adoption.

GERALD F. STEVENS:

Mr. Speaker, through you a question to the gentleman reporting out the bill.

MR. SPEAKER:

Please frame your question, sir.

GERALD F. STEVENS:

Through you, Mr. Speaker, could you give us the rationale for the Senate limiting the scope of coverage of the Act and most especially, as you indicated, why they chose not to cover mail order houses, which I would think might form a rather large area of abuse in this area?

ROBERT F. FRANKEL:

Through you, Mr. Speaker.

MR. SPEAKER:

The gentleman of the 121st to respond.

ROBERT F. FRANKEL:

The Senator, in reporting this matter out in the Senate,

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has, in my opinion, misunderstood what our House Amendment Schedule "A" in fact attempted to do. I don't believe a rational explanation was given in the Senate for the deletion of this particular aspect of the bill. I believe there was confusion. House Amendment Schedule "A" was a purely technical one to extend the concept of leases to another section of the statutes, so that it would be harmonious. However, in the presentation in the Senate there was some indication that House Amendment Schedule "A" was, in fact, something in addition to what was reported out by the Committee, and the language which is sought to be excluded by the Senate, which has been excluded by Senate Amendment "B" is, in fact, the language that we refer to, and I think there was a misunderstanding. Nevertheless, the most urgent problem that the General Law Committee had before it was the concern over that particular Superior Court decision I referred to, and there is some question from some of the notes in the file as to whether the Department of Consumer Protection actually, in fact, desires to have the coverage extended in the areas that the House had extended it. The Senator in his remarks in the Senate indicated that the Consumer Protection Department did not wish that additional power.

GERALD F. STEVENS:

Through you, Mr. Speaker, if the...

MR. SPEAKER:

You have the floor, sir.

GERALD F. STEVENS:

...Senate objections were based on a misunderstanding,

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why not reject Senate "A" and then have the opportunity to clear up the misunderstanding and pass the bill as originally intended? efr

MR. SPEAKER:

Excuse me, sir. I think the Calendar has a tendency to mislead the chamber. There's a printer's error. It's Senate "B", although it's printed as Senate "A", sir. I think we all are aware of the fact that ^{we're on} / Senate "B".

GERALD F. STEVENS:

Excuse me. My question makes reference then, through you, Mr. Speaker, to Senate "B".

MR. SPEAKER:

Sure. Yes, sir.

ROBERT F. FRANKEL:

Through you, Mr. Speaker, I cannot speak for the Senate's intentions. The only indication that I have are from the notes in the file from the remarks, I believe, were made by Senator Cutillo in the Senate. In fact, I'm not even certain he made those remarks, but his notes are in the file as to his presentation. So, I'm not positive that that was a misunderstanding, but I think there's good reason to believe there was. Nevertheless, the most urgent problem was the need to extend coverage to leases, and this being a Friday with just a few days left, and the whole purpose for the bill as it originally came to the General Law was to correct that problem in respect of leases, and this other problem was an afterthought. There was no hue and cry, although it seemed like a good idea. It seems to me that we would be better off at this point in time going with the Senate Amendment,

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and we can address the problem, which does not appear to be a pressing problem from the indications we had regarding the so-called mail order frauds and out-of-state transactions. efr

GERALD F. STEVENS:

Thank you. Mr. Speaker, I would suggest that the House might be better served by rejecting Senate "B" and attempting to repass the bill in the Senate. I would think that out-of-state mail order houses might be at the crux of problems that this bill would reach otherwise. I'm also not one who ascribes to the theory that because it is toward the end of the session we must accept all changes that are made by the Senate. We have until midnight on Wednesday next in which to do the business of the State. If the House feels that the version originally passed was the correct one, and I think from the gentleman's explanation that it clearly was, I think we ought to reaffirm our original action and convince the Senate of the wisdom most especially of covering out-of-state mail order houses.

MR. SPEAKER:

Further remarks on Senate "B"?

ROBERT F. FRANKEL:

Mr. Speaker, I agree in great part with what the Minority Leader says. However, the problem with mail order frauds has not, at least to my knowledge through the presentation that has come before the General Law Committee, appeared to be one of pressing need. There is a question as to whether the Department of Consumer Protection, what with the additional authorities we have extended to it, can actually address this matter in the

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immediate future. It is being spread very thinly. The chief concern of the General Law Committee had been the correction of the leasing problem, and this other area was an afterthought... a good one, I might add, but an afterthought. I think we would be well-advised to support Senate Amendment "B" and allow the General Law Committee to address this problem more fully with respect to out-of-state sales during the next session. So, I would urge adoption of Senate Amendment "B", and, Mr. Speaker, I would ask for a roll call vote at the time the vote is taken.

MR. SPEAKER:

A request that when appropriate the roll...the vote on Senate "B"...adoption of Senate "B" be taken by roll, and all those supportive of the request of the gentleman of the 121st will indicate by saying "aye". In the opinion of the Chair, there is not a sufficient number supportive of the request, and a roll call will not be ordered. Will you remark further on Senate "B", or are you prepared to vote on Senate "B"? Will you remark further on Senate "B"?

GEORGE J. RITTER:

Mr. Speaker, I rise to support the previous speaker and to say that as desirable as it would be to have had both that the main thrust of the legislative testimony before our committee had to do with the lease question, and it's the lease question that is still in this bill, and I hope we will support this. Thank you.

MR. SPEAKER:

Will you remark further on the amendment?

RALPH E. VANNORSTRAND:

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Mr. Speaker, very briefly.

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MR. SPEAKER:

For further remarks.

RALPH E. VAN NORSTRAND:

Mr. Speaker, very briefly, I understand what really Representative Frankel and Representative Ritter have said are probably tactical comments, and they may be right, but in failing to reject Senate "B", understand why you don't get a hue and cry, and I do believe as individuals you have heard from people who have been ripped off by the mail order houses and the like. There's not a hue and cry because it's one guy for a small item. Sometimes it's just young people. If ever there was a group that needs the force of the State of Connecticut to help them out collectively, it is that group, because each little one if often not enough, and they throw up their hands in frustration. If you're really talking about something about helping the little people, and I find it hard to believe the Senate cannot see the wisdom in that, and I certainly would urge you to reject Senate Amendment "B".

MR. SPEAKER:

Further remarks?

RAYMOND C. FERRARI:

Mr. Speaker. Thank you, Mr. Speaker. I rise for the purpose of clarifying the discussion that we're currently engaged in concerning the section of the Deceptive Trade Practices Act. I've had a number of discussions with individuals from the Department of Consumer Protection relating to this, and I believe

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that the need for the amendment arises out of an inaccuracy in the original statute. The definition as in the original file copy, it's my understanding that that definition would limit the Commissioner of Consumer Protection in enforcement under the Act, because it would require the actual sale of an item as opposed to simply allow the enforcement under an advertisement of, so that my understanding of the reason for Senate Amendment was to take out that section, because it limited the Commissioner in the Department's ability to enforce under the Act. Thank you, Mr. Speaker.

MR. SPEAKER:

Further remarks?

GERALD F. STEVENS:

Mr. Speaker and members of the House, it's my opinion that the most recent remarks are just totally inaccurate. If you will read line 23 of the file copy you'll see clearly that it indicates regardless of whether advertising, offering for sale, rent or lease, originated or took place within or without the State. It clearly, as in the file copy, expands the power, covers advertising, offering for sale, rent or lease, and what the Senate has done has totally taken away any authority to the Commissioner except for those acts which occur in their totality within the State of Connecticut. So, that argument put forth for Senate "B" is just inaccurate.

MR. SPEAKER:

Are you prepared to vote? Remark further? If not, the question is on adoption of Senate Amendment Schedule "B".

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All those in favor of Senate "B" will indicate by saying "aye". efr
 All those opposed. In the opinion of the Chair, the "nays" clearly have it. There is absolutely no doubt whatsoever in the Speaker's mind. The "nays" have it, and "B" fails. Will you remark further on the bill as previously amended in the House by House "A" and confirmed in the Senate when they adopted House "A"? If not, will the members please be seated, and the staff and guests come to the well. The machine will be opened. Have all the members voted, and is your vote properly recorded? If so, the machine will be locked. The Clerk will take a tally. The Clerk announce the tally.

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The following is the result of the vote:

Total number voting	136
Necessary for passage	69
Those voting Yea.	136
Those voting Nay.	0
Those absent and not voting	15

The bill as amended is repassed.

THE CLERK:

Calendar 498, Substitute for S.B. 99, Files 92 and 660, and Act concerning litter control and recycling. As amended by Senate Amendment Schedule "B" and House Amendment Schedules "A" and "B". Favorable report of the Committee on Finance.

WILLIAM J. LAWLESS, JR.:

Mr. Speaker, may this item be passed temporarily.

be opened. First, the machine will be cleared and then it'll be opened. Have all the members voted and is your vote properly recorded? If so, the machine will be locked and the Clerk will take a tally. Clerk, please announce the tally.

THE CLERK:

Total Number Voting.....	132
Necessary for Passage.....	67
Those voting Yea.....	87
Those voting Nay.....	45
Those absent and not Voting.....	19

THE SPEAKER:

The bill is PASSED.

THE CLERK:

Cal. 1158, S. B. 369, File 227

THE SPEAKER:

For what purpose does the gentleman of the 121st rise?

REP. FRANKEL (121st):

To move for reconsideration of an item.

THE SPEAKER:

The Chair has been advised that there would be a motion for reconsideration. The Chair will therefore request the Clerk to call. On yesterday's calendar, calendar for Friday, the 28th of April, 1978, page 13, Cal. 461, Sub. H.B. 6313, correction - Sub. H. B. No. 5613 in file originally as file 305, with the file reprint as file 463. Our action yesterday being acceptance of the Joint Committee's favorable report and passage of the bill with H. Amendment, Schedule A, which had previously been adopted in this Chamber and concurrently adopted in the Senate,

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and with rejection of Senate Amendment, Schedule B, notwithstanding the fact that LCO 2398 had been printed in printer's error as Senate Amendment, Schedule A, but more properly, the substance of the matter being Senate B, which amendment obviously has been adopted by the Senate, that is to say, Senate B and which was rejected in this Chamber yesterday, namely, Senate B and notwithstanding the motion of the gentleman of the 34th for suspension of the rules for transmittal to the possession of the Clerk of the Senate, of matters entertained favorably in this Chamber and acceptable of such a motion, the distinguished Majority Leader accepted from his motion the very matter which is the subject of a motion which the Chair is anticipating from the gentleman of the 121st. Will the Clerk please call that item?

THE CLERK:

Calendar, Friday, April 28, 1978, page 13, Cal. 461, Sub. for H.B. 5613, File 305 and 463, An Act Concerning the Coverage of the Connecticut Unfair Trade Practices Act.

THE SPEAKER:

We have the matter of the gentleman of the 121st for a motion.

REP. FRANKEL (121st):

Mr. Speaker, as a member of the prevailing side on the bill, I would move reconsideration of that item.

THE SPEAKER:

The gentleman indicates the prevailing side on the bill and a motion to accept and passage and he moves reconsideration. Will you speak to your motion, sir?

(record
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REP. FRANKEL (121st):

Thank you, yes, Mr. Speaker. Briefly, yesterday, the House rejected Senate B and subsequently passed the bill. I believe insufficient and inaccurate information regarding Senate B was proffered regarding the merits of Senate B and if the Assembly would grant my request for reconsideration, we would be able to present the correct facts regarding Senate B for the Assembly's further deliberation. Further, if the Assembly would first grant reconsideration of the bill itself, it would be my intention to thereafter yield to the distinguished Minority Leader so that he may as a member of the prevailing side, could move reconsideration of our rejection of Senate Amendment B. Finally, if the Assembly would grant reconsideration of both items, it would be our intention to pass retaining the matter in view of the late hour. So we'd ask for a consideration of my motion to reconsider the item called by the Clerk.

THE SPEAKER:

I think, sir, with your last remark, you've won the hearts of the Chamber. So the first question on reconsideration, the main motion which was acceptance and passage as amended and rejected, considering potential disagreeing action. Will you remark further on the motion of reconsideration of the main motion? If there are no further remarks. The question is on the motion of reconsideration. All those in favor of the gentleman's motion will indicate by saying Aye. Opposed. The Ayes clearly have it. The motion for reconsideration is carried. The gentleman of the 121st has the floor.

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REP. FRANKEL (121st):

As I indicated, Mr. Speaker, I should like at this time to yield to the Minority Leader, Rep. Stevens.

THE SPEAKER:

The gentleman of the 119th, accept the yield of the gentleman of the 121st.

REP. STEVENS (119th):

Mr. Speaker, I would move reconsideration of the House action in rejecting Senate Amendment, Schedule B which is incorrectly printed as Senate Amendment, Schedule A on yesterday's calendar. I was on the prevailing side.

THE SPEAKER:

Thank you, sir. Restate your motion.

REP. STEVENS (119th):

Mr. Speaker, after rejection of Senate amendment, Schedule B, representatives of the Attorney General's Office and the Commissioner of the Consumer Protection came to the Chamber and spoke with myself and Rep. Van Norstrand and indicated problems in enforcement by the various departments with the rejection of Senate amendment, schedule B. Their information was not provided to the House during the debate on the pros and cons of Senate amendment, schedule B and it is my opinion, that the House should have the benefit of their positions in reconsidering action on Senate amendment, schedule B, and I therefore ask for reconsideration of our action in rejecting it.

THE SPEAKER:

Will you remark further on the motion for reconsidera-

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tion of our action vis-a-vis Senate B, namely, the rejection thereof? If not, the question is on the gentleman's motion, the motion of the gentleman of the 119th for reconsideration of our rejection of Senat B and all those in favor of the gentleman's motion, will indicate by saying Aye. Opposed. The Ayes have it. Our action on Senate B is reconsidered and the matter is before us, adieu, and abonitio. The gentleman of the 34th.

REP. O'NEILL (34th):

Mr. Speaker, I move the item be passed retaining its place on the calendar.

THE SPEAKER:

Is there objection to the motion of the gentleman of the 34th? Hearing none, the matter is retained.

The gentleman of the 10th; for what purpose do you rise?

REP. MOYNIHAN (10th):

Mr. Speaker, at this time I rise to move the consent items placed earlier and as I previously announced. I move for adoption and passage of the items placed earlier today on today's regular consent calendar, namely, Calendar No. 1143 on page 4, Cal. No. 1159 on page 7; and Cal. 1164, also on page 7.

THE SPEAKER:

You have the motion of the gentleman of the 10th. Before trying your minds on the main motion, the Chair will once again ask whether there is any individual member who has any objection to any of the three of the matters within the scope of the motion of the gentleman of the 10th? Is there

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The Clerk please announce the tally.

THE CLERK:

Total Number Voting.....	137
Necessary for Passage.....	69
Those Voting Yea.....	98
Those Voting Nay.....	39
Those Absent and Not Voting.....	14

THE SPEAKER:

The bill as amended is PASSED.

THE CLERK:

Page 11 of the Calendar. Reconsideration. Matter Returned to the Calendar. Calendar No. 461. Substitute for H.B. No. 5613. File Nos. 305 and 463. AN ACT CONCERNING THE COVERAGE OF THE CONNECTICUT UNFAIR TRADE PRACTICES ACT. As amended by House Amendment Schedule "A" and Senate Amendment Schedule "B".

Favorable report of the Committee on General Law.

MR. FRANKEL (121st):

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

THE SPEAKER:

The question is on acceptance and passage in concurrence.

Will you remark, sir?

MR. FRANKEL (121st):

Mr. Speaker, the Clerk has an amendment, designated LCO No. 2398. I believe that being Senate Amendment Schedule "B". I would ask the Clerk to please call and read.

THE SPEAKER:

The Clerk please call and read LCO No. 2398, previously designated in the Senate as Senate "B".

THE CLERK:

Senate Amendment Schedule "B", LCO No. 2398, offered by Senator Cutillo, 15th District.

Delete lines 16 through 30 in their entirety and substitute the following in lieu thereof: "4. Trade in commerce means the advertising, the sale or rent or lease, the offering for sale or rent or lease or the distribution of any services and any property tangible or intangible, real, personal or mixed and any other article, commodity or thing of value on this date."

THE SPEAKER:

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

MR. FRANKEL (121st):

I move adoption of the amendment.

THE SPEAKER:

The question is on adoption of Senate "B". Will you remark, sir?

MR. FRANKEL (121st):

Yes. Thank you, Mr. Speaker. The amendment actually takes into consideration the entire thrust of the bill and briefly to remind the House what this matter deals with, the original thrust of the bill was to allow the coverage of the Unfair Trade Practices Act to cover the renting and leasing of property which was previously ruled as not within the scope of the Act by a Superior Court decision.

Senate Amendment "A" -- or rather, Senate Amendment "B" which is before us now seeks to modify our file copy. I believe, as I had indicated yesterday -- rather on Saturday, there was some misinformation about the purposes and the reasons for Senate Amendment "B". The file copy that we originally had attempted to clarify rather than extend -- to clarify the situation as it applies to out of State transactions. It is the belief of the Commissioner of the Department of Consumer Protection as well as the Assistant Attorney General for that Department and myself that the present scope of the Unfair Trade Practices Act does in fact cover out of State transactions. The language in our file copy sought to clarify that. However in doing so, in the attempt to clarify, it inadvertently brought about some unfortunate difficulties, specifically with the enforcement of the Act and it would appear that without the Amendment we would actually be rolling back some of the coverage of the Unfair Trade Practices Act wherein we would be requiring a sale of advertised products before the Commissioner could become involved in this as an Unfair Trade Practice.

I therefore would suggest that we adopt LCO No. 2398 which would clarify the proper rent or lease and would not delimit the scope of the Unfair Trade Practices Act in the area of out of State transactions.

THE SPEAKER:

Will you remark further on Senate "B". If not, the question is on its adoption. All those in favor of Senate Amendment Schedule "B" will indicate by saying "Aye". Opposed? The "Ayes" clearly have it.

Senate "B" is ADOPTED.

Will you remark further on the bill as amended by House "A" and Senate "B"?

MR. FRANKEL (121st):

Mr. Speaker, I believe in explaining the amendment I've explained the bill. I would urge passage.

THE SPEAKER:

Will you remark further on the bill as amended? If not, will all the members please take your seats. Staff and guests come to the well. The machine will be open. The machine is still open. If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk 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

THE SPEAKER:

The bill as amended is PASSED.

(record #4)

THE DEPUTY SPEAKER IN THE CHAIR

THE CLERK:

Page 11 of the Calendar. Calendar No. 590. Substitute for House Joint Resolution No. 7, File No. 403. RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION WITH RESPECT TO A JUDICIAL SELECTION COMMISSION,

Favorable report of the Committee on Government Administration and Policy.

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like to have you do it on the basis of these specifics and I think that the pass temporarily is a good suggestion so that we may make some relationship between five, three and four that will satisfy you.

THE PRESIDENT:

If there is no objection, this will be passed temporarily. Next order of business.

THE CLERK:

Continuing on page five of the Calendar, we are going to pass temporarily Cal. 508 and move to page five of the Calendar, Cal. 537, Files 305 and 463. Favorable report of the joint standing Committee on General Law. Substitute for House Bill 5613. AN ACT CONCERNING THE COVERAGE OF THE CONNECTICUT UNFAIR TRADE PRACTICES ACT, as amended by House amendment Schedule A.

THE PRESIDENT:

Senator Cutillo.

SENATOR CUTILLO: (15th)

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill as amended by House A. And I believe we have a couple of amendments. I would like to ask the Clerk, do you have 2763.

THE CLERK:

Yes, I have LCO 2763, Schedule A that we started yesterday.

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SENATOR CUTILLO:

I would like to withdraw 2763. Do you have 2398?

THE CLERK:

The Clerk has Senate Amendment Schedule B, File 463, Substitute House Bill 5613. LCO 2398 offered by Senator Cutillo. 2398.

SENATOR CUTILLO:

I move acceptance of the amendment and would waive the reading and try to explain it.

THE PRESIDENT:

Will you remark.

SENATOR CUTILLO:

Yes, Mr. President. In essence what we are doing with the amendment because there was an error in the House in the whole process of amendment and trying to get the clear intent of the bill. What this amendment does then, through its deletions and additions, it becomes the bill in essence. So I will be speaking in my remarks towards the amendment and the bill also because they are one and the same. The purpose of the bill, first of all, is to clarify the Unfair Trade Practices Act by making it clear that coverage under this act extends to leasees of real property. The need for this bill results from a Superior Court decision which found the tenants could not utilize the Unfair Trade Practices Act against their landlord to seek redress for alleged unfair practices. Mr. President, the thrust of the amendment again

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brings into full focus what the intent of the bill was originally aside from all the other amendments and I would move the amendment and the bill. I move the amendment first.

THE PRESIDENT:

Further remarks on the amendment? If not all those in favor signify by saying Aye. Opposed No. THE AMENDMENT IS ADOPTED.

SENATOR CUTILLO:

Mr. President, my remarks for the bill have previously been expressed on the amendment. I would move the bill to the Consent Calendar.

THE PRESIDENT:

With no objection, it will be moved to the Consent Calendar.

THE CLERK:

The Clerk has completed the Calendar that was marked go because the Judiciary items have been passed temporarily. We are going to turn to page eight of the Calendar on one-starred items and take them one at a time, is that, ah, page eight top item on the page, Cal. 656, File 556. Favorable report of the joint standing Committee on Appropriations. Substitute for Senate Bill 239. AN ACT CONCERNING MATERNAL AND INFANT CARE.

THE PRESIDENT:

Senator Strada.

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SENATOR DINIELLI:

I ask that we have a roll call vote on this in light of Senator Madden's abstension.

THE PRESIDENT:

A roll call in the Senate please.

THE CLERK:

An immediate roll call in the Senate. Would all senators please return to the chamber. A roll call in the Senate. Would all senators please return to the chamber.

THE PRESIDENT:

The machine is open. Please cast your votes. I want to say to you ladies and gentlemen of the circle that we are going to go right ahead immediately with the Consent Calendar so please stay in attendance. I am going to have a quick trigger. The machine is closed and locked.

Total Voting	32
Necessary for Passage	17
Voting Yea	32
Voting Nay	0

THE BILL AS AMENDED HAS BEEN ADOPTED.

THE CLERK:

The Clerk is ready to go over the Consent Calendar for today.

Page two - we had one item, House Bill 6012 which was placed on Consent which was on the Agenda; ^{SB 22} Cal. 32.

Page three - ^{SB 229, SB 357} Cal. 380, 403. Page four - ^{SB 473} Cal. 508. Page five - ^{HB 5613} Cal. 537. Page seven - ^{HB 5864} Cal. 610. Page eight -

(See p. 1936 for vote)

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[Cal. 665-SB 231] SB 239, SB 394, SB 396, SB 417, SB 461, SB 526
 all items on the page, 656, 657, 658, 659, 660, 661.
SB 110, SB 465, SB 620. SB 268
 Page nine - Cal. 665, 667, 669. Page ten - Cal. 672.
HB 5575 SB 480, SB 370, SB 638,
 Page eleven - Cal. 678. Page twelve - Cal. 699, 700, 701,
SB 284 SB 633 SB 66
 703. Page thirteen - Cal. 716. Page nineteen - Cal. 347.

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And that's the end of Consent Calendar.

THE PRESIDENT:

Senator Reimers.

SENATOR REIMERS:

Mr. President, through you, sir, a question to the Clerk, what is the status of Cal. 522.

THE CLERK:

We had a roll call on 522.

SENATOR REIMERS:

Thank you.

THE PRESIDENT:

The question now is on the adoption of the Consent Calendar. The machine is open. Please cast your votes. The machine is closed and locked.

Total Voting	33
Necessary for Passage . . .	17
Voting Yea	33
Voting Nay	0

THE CONSENT CALENDAR IS ADOPTED. (See pp 1935-1936 (top))

SENATOR STRADA:

Mr. President, I would not move for suspension of the rules for immediate transmittal of all the items to the appropriate place.