Legislative History for Connecticut Act

HB 7955 (PA 631) 1979

Hearing

Senate 5554-5559, 5703-5708, 5870 /13

House 11257 - 11310, 12846-12852 /61

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S-153

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Joint Standing Committee Finance, Revenue and Bonding. Substitute for House Bill 7488. An Act Concerning Monthly Proration Of Property Tax On Motor Vehicles Registered After October 1st In An Assessment Year. (As amended by House Amendment Schedule "A").

THE CHAIR: (The President Pro Tempore in the Chair).

THE Senator Beck.

THE CLERK:

Excuse me, that's going to be passed temporarily.

THE CHAIR:

No objection, so ordered. The Senate will stand at ease.

THE CLERK:

Please turn to page 4 of the calendar, Calendar 1285, File 840, Favorable Report of the Joint Standing Committee on Judiciary. Substitute for House Bill 7955, An Act Concerning The Revisor's Corrections To The General Statutes. (As amended by House Amendment Schedules "A", "B", "C" and "D").

THE CHAIR:

Senator Beck.

SENATOR BECK:

Mr. President, I move acceptance of House Amendment Schedule "A". I move acceptance of the bill, the committee's favorable report and acceptance of House Amendment Schedule "A".

THE CHAIR:

Motion is to ...

SENATOR BECK:

To accept House Amendment Schedule "A", "B", "C" and "D".

THE CHAIR:

All right. Will you remark?

SENATOR BECK:

Mr. President, these are technical in nature, will make the bill more perfected and they are not controversial in nature. They are technical. I move voice vote on this.

THE CLERK:

I just think we have some Senate Amendments.

SENATOR BECK:

Yes.

THE CLERK:

Clerk has Senate Amendment Schedule "A", File 840, Substitute House Bill 7955 offered by Senator Baker. LCO 9327.

SENATOR BAKER:

Mr. President,...

THE CHAIR:

Senator Baker.

SENATOR BAKER:

I would move adoption of the amendment. I would ask the waiving of the reading of the amendment.

THE CHAIR:

You may proceed.

SENATOR BAKER:

Mr. President, the purpose of this amendment is simply to make it clear that with reference to the bonds issued by a municipal housing authority that they be, deal only with capital improvements and not with current expenses and I would move adoption of the amendment.

THE CHAIR:

Will you remark further? All those in favor of adopting the amendment signify by saying aye. Those opposed, nay. The ayes have it. The amendment is adopted.

THE CLERK:

Clerk has Senate Amendment Schedule "B", File 840, Substitute House Bill 7955 offered by Senator Morano. LCO 9174.

THE CHAIR:

Senator Morano.

SENATOR MORANO:

Mr. President, I move the adoption of the amendment. If I'm able to summarize?

THE CHAIR:

You may proceed.

SENATOR MORANO:

Mr. President, the amendment I have before me clarifies some of the language in the condominium laws relating to an association that owns a condominium complex and has added two

or three units subsequently to umbrella these additional condominiums under one, into one association. The law is ambiguous now and I understand from the Chairman of the Judiciary Committee that you can and cannot do it and this will clarify it so that it's understandable and you'll be able to proceed without any complications. I move adoption of the amendment.

THE CHAIR:

Will you remark further? Senator Beck.

SENATOR BECK:

Mr. President, may I just ask through you whether this has the agreement of the Judiciary Committee that it is purely technical in nature because we wouldn't want to adopt anything that has any questions.

THE CHAIR:

Senator Morano.

SENATOR MORANO:

Mr. President, I discussed the amendment with the Chairman of Judiciary, Senator DePiano as well as Rep. Tulisano and they said it was a very good amendment, that they wished they hadn't misplaced it when it was in their possession prior to the deadline date.

SENATOR BECK:

Thank you.

THE CHAIR:

Would you remark further? If not all those in favor of the

amendment signify by saying aye. Those opposed nay. The ayes have it. The amendment is adopted.

SENATOR BECK:

Mr. President, I move a roll call vote on the bill as amended.

THE CHAIR:

Thank you. Roll call has been requested. The Clerk please make an announcement for roll call.

THE ASST. CLERK:

Immediate roll call has been called for in the Senate. Will all Senators please come to the Chamber. An immediate roll call has benn called for in the Senate. Will all Senators please take their seats.

THE CHAIR:

Senator Beck.

SENATOR BECK:

Mr. President, to clarify, this is purely to move the technical amendments bill which we will ask for suspension of the rules immediately to the House. It is not controversial.

THE CHAIR:

The machine may be open. Please record your vote.

THE CLERK:

Roll call in process in the Senate. Would all Senators please return to the Chamber. Roll call in process in the Senate. Would all Senators please take their seats.

THE CHAIR:

Senator Skowronski. Machine may be closed. The Clerk please tally the vote. Result of the vote. 34 yeas, zero nay. The bill is adopted. Senator Beck.

SENATOR BECK:

Mr. President, I move for suspension, no, move that there be immediate suspension of the rules for immediate transmittal to the House.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Clerk, I guess, will go back to page 3, Calendar 1204, File 1086 and 1183, Favorable Report of the Joint Standing Committee on Finance, Revenue and Bonding. Substitute for House Bill 7488, An Act Concerning Monthly Proration Of Property Tax On Motor Vehicles Registered After October First In An Assessment Year. (As amended by House Amendment Schedule "A").

SENATOR BECK:

Mr. President.

THE CHAIR:

Senator Beck.

SENATOR BECK:

Mr. President, I move acceptance of the committee's favorable

S-154

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1979

VOL. 22
PART 17
5562-5931

read by the Clerk with the rejection of Senate A.

THE PRESIDENT:

The question is on acceptance of the bill as it appears on the Agenda of today. The House rejected Senate Amendment A. Are you in concurrence with the House's rejection of Senate A, Senator DePiano?

SENATOR DEPIANO:

Yes, Mr. President.

THE PRESIDENT:

The question is adoption and the rejection of Senate A in concurrence with the House. Will you remark, Senator DePiano.

SENATOR DEPIANO:

I believe that this bill was before us just a day or two ago so that it is self-explanatory and if there is no objection, I move that it be placed on the Consent Calendar.

THE PRESIDENT:

Further discussion on the bill. Objection to the motion to place this on Consent. Hearing neither, it is so ordered.

THE CLERK:

Favorable report of the joint standing Committee on Judiciary. Substitute House Bill 7955. AN ACT CONCERNING THE REVISORS' CORRECTIONS TO THE GENERAL STATUTES, as amended by House A, B, C and D. House rejected Senate A and B on June 4.

THE PRESIDENT:

Senator DePiano.

SENATOR DEPIANO: (23rd)

Mr. President, I move for acceptance of the bill as amended, Mr. President.

THE PRESIDENT:

The question is on acceptance and passage as amended by House A, B, C and D and the House rejected Senate A and B, and you are moving to concur with the House.

SENATOR DEPIANO:

Yes, in concurrence, Mr. President.

THE PRESIDENT:

Thank you, Senator. Will you remark.

SENATOR DEPIANO:

I believe that this is a technical amendment bill and if there is no objection, I move it be placed on the Consent Calendar.

THE PRESIDENT:

Senator Ruggiero.

SENATOR RUGGIERO: (30th)

Mr. President, may I ask which amendment with the A and B dealt with condominums and which dealt with the other?

THE PRESIDENT:

I cannot hear you Senator. Will you repeat.

SENATOR RUGGIERO:

Which amendment, Mr. President, dealt with the condominium

conversion and which amendment dealt with the subjectmatter of bonding by municipalities?

THE PRESIDENT:

Are you referring to the two House Amendments, excuse me, Senate Amendments A and B?

THE CLERK:

Senate B was for the condomium, Senate A was the other.

SENATOR RUGGIERO:

Mr. President, I would object to Senate A being placed on the Consent Calendar. I would ask that a separate vote be taken for Senate A and I would like to remark at the appropriate time.

THE PRESIDENT:

You want to remark to readopt Senate A. Is that correct, Senator Ruggiero?

SENATOR RUGGIERO:

Yes, Mr. President.

THE PRESIDENT:

That is your privilege to do so. Senator DePiano, will you at this time give up the floor to Senator Ruggiero. He wants to move for the readoption of Senate A. Senator Ruggiero, you have the floor.

SENATOR RUGGIERO:

Mr. President, thank you. Mr. President, yesterday we passed a bill, the municipal finance authority bill that came out of the Finance Committee which I served vice chairman

of. The vote at the Finance Committee was on this particular bill in the file form that it was. We had two votes on this bill, Mr. President. The first vote was, in effect, overturned by the second vote. The question that was asked was whether this bill in the present file form allowed a municipality to bond for current expenses of the Housing Authority. The answer to that was given as yes, but that was not the intent. The second vote was to ask the legislative commissioners' office to insert the word capital so as the bonding would only be for capital expenses and not ordinary and necessary expenses. The bill passed yesterday without the amendment because it happens to be an important bill and there was some question as to whether the House would take up the bill as amended. In my opinion, Mr. President, this is a technical amendment to the statute. It clarifies the legislative intent. I believe that this amendment should pass. The fact that the House of Representatives wants to look like they finished their business two days ahead of the Senate or in an ord-erly fashion, I don't think it should affect legislation when that legislation is improper. I would ask, Mr. President, that when the vote be taken it be taken by roll call.

THE PRESIDENT:

Senator Ruggiero is requesting a roll call for the re-adoption of Senate Amendment A that had been rejected by the House. Announce an immediate roll call please.

THE CLERK:

An immediate roll call has been ordered to the Senate. Would all senators please return to the chamber. A roll call in the Senate. Would all sentors please take their seats.

THE PRESIDENT:

The machine is open.

SENATOR DEPIANO:

Mr. President, can we have a clarification of this vote?

THE PRESIDENT:

I will clarify the vote, Senator. Senator Ruggiero ah Senator DePiano moved for acceptance and passage, under today's Disagreeing Actions, on page two of the Senate Agenda, Substitute House Bill 7955, as amended by House A, B, C and D. The House rejected Senate A and B. Senator Ruggiero has requested the readoption of Senate A which, in fact, will cause this bill to create a Committee on Conference. Senator Ruggiero's motion is to readopt Senate A. Senator DePiano is in opposition to that position. The machine is open. If you wish to readopt Senate A, vote Yes. Senator Beck.

SENATOR BECK: (29th)

Mr. President, I just want to indicate that I think Senator Ruggiero is absolutely right in his position, but it is too late to do anything about it.

THE PRESIDENT:

A vote is being taken, Senator Beck. Have all senators

The machine is closed. The Clerk will take a tally.

The vote is 12 Yea - 22 Nay. THE READOPTION OF SENATE A FAILS.

The bill is before us as it was originally presented. Senator DePiano, you have the floor.

SENATOR DEPIANO:

I move for acceptance of the bill and if there is no objection, I move it to the Consent Calendar.

THE PRESIDENT:

Is there objection to now placing the item on the Consent Calendar, in concurrence with the House's action. Hearing no objection, it is so ordered. The item is placed on the Consent Calendar.'

THE CLERK:

The third item under Disagreeing Actions on today's Agenda - Favorable report of the joint standing Committee on Public Health. Substitute Senate Bill 1343. AN ACT CONCERNING THE BLUE HILLS HOSPITAL, as amended by Senate A. The House ruled Senate A not germane.

THE PRESIDENT:

Senator Ciarlone.

SENATOR CIARLONE: (11th)

Thank you, sir. I again move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the House.

stand by.

The vote on the Consent Calendar is 36 Yea - 0 Nay.

THE CONSENT CALENDAR IS ADOPTED. HB 5273, HB 7868, HB 7984, HB 5347, SB 187, SB 1442, SB 864, HB 6368, HB 7597, HB 5927, HB 7955, SB 1343

SENATOR LIEBERMAN:

Mr. President, I move for suspension of the rules to allow for immediate transmittal to the House of those few matters that should go to the House.

THE PRESIDENT:

The question is on suspension of the rules to allow for transmittal to the House that need further House action. Is there objection. Hearing none, it is so ordered.

THE CLERK:

I have to make an addition on the Consent Calendar for those people who are keeping track, you also voted on House Bill 6173, House Bill 7955 and Senate Bill 1343. These were on the Senate Agenda that we passed out previously and were disagreeing actions.

SENATOR LIEBERMAN:

Those were all great bills as I remember now.

THE CLERK:

The Clerk has four resolutions to be read in and I believe could be taken up and adopted tonight.

S.R. 210. RESOLUTION HONORING MR. WILLIAM CAMPBELL FOR FIFTY YEARS AS AN ACTIVE MEMBER OF THE ORDER OF DE MOLAY.

THE PRESIDENT:

Senator Gunther, we are reading in resolutions at this

H-241

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1979

VOL. 22
PART 32
11034-11383

But what we didn't fairly estimate was the fact that in that same interim there is a dire need for some expertise to be developed. The people that have been with us for the last five months and others, there is a dire need for someone to provide the continuity that as part-timers, we simply can't.

And what this amendment offers is an opportunity to guarantee us parity with the executive and judicial branches of government, by guaranteeing us some personnel that will provide us with that continuity that hasn't existed in the history of this state. This is an excellent amendment, and I urge its passage.

REP. GROPPO: (63rd)

Mr. Speaker.

DEPUTY SPEAKER COATSWORTH:

Rep. John Groppo.

REP. GROPPO: (63rd)

Mr. Speaker, I notice there is a defect in one of the amendments, and I ask that this be passed temporarily, please so we can straighten it out.

DEPUTY SPEAKER COATSWORTH:

Is there objection? Hearing none, the matter is passed temporarily.

CLERK:

Calendar Page 2, Calendar No. 990, File No. 840, Substitute for House Bill No.7955, AN ACT CONCERNING THE REVISORS'

CORRECTIONS TO THE GENERAL STATUTES. Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER COATSWORTH:

Rep. Tulisano.

REP. TULISANO: (29th)

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

DEPUTY SPEAKER COATSWORTH:

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

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, the bill before us is a bill that comes before us annually and it is one in which, one of the two or three in which the chairman of the Judiciary stands up and says that this is purely technical in nature. The information therein has been developed by the staff to clarify language in existing statutes. Congress is required to merge together and correct bills that we have already passed in this session which may or may not require clarification.

In addition, after that bill is initially drafted there are a number of other clarifications that are developed, which are proposed by amendment, and at this time, Mr. Speaker, I would

ask the Clerk to call LCO No. 8687, and ask permission to summarize.

DEPUTY SPEAKER COATSWORTH:

The Clerk will please call LCO No. 8687, hereby designated House Amendment Schedule "A".

CLERK:

LCO No. 8687, offered by Rep. Tulisano of the 29th District.

DEPUTY SPEAKER COATSWORTH:

The gentleman seeks leave of the chamber to summarize in lieu of reading. Is there objection? Hearing none, Rep. Tulisano to summarize the amendment.

REP. TULISANO: (29th)

Yes, Mr. Speaker. Again, it is just as I indicated, the bill was, these are additional corrections that were found and I move its adoption.

DEPUTY SPEAKER COATSWORTH:

The question is on adoption of House Amendment Schedule "A". Will you remark? Rep. Neal Hanlon.

REP. HANLON: (70th)

Mr. Speaker, very quickly, through you, a question to the gentleman reporting out the amendment.

Through you, Mr. Speaker, Rep. Tulisano, there is some new language in the amendment relating to emancipation of minors and I was wondering if this was pursuant to a bill that we already

have on the books, this session, or it does appear to me to be new language and I would appreciate an explanation.

REP. TULISANO: (29th)

Through you, Mr. Speaker...

DEPUTY SPEAKER COATSWORTH:

Rep. Tulisano.

REP. TULISANO: (29th)

Would the poser of the question please point out the -- in which one of the three amendments is the specific language he is talking about. Four amendments.

REP. HANLON: (70th)

Mr. Speaker. Through you, it's LCO No. 8687, which I believe is the amendment before us. And I would refer you to Section 64, line 433, which is designated new language and it appears to address itself to emancipation of minors. I -- my question is, is this a clarification of something we have done this session, and if it is not, it would appear to me not to be a matter of a technical nature.

DEPUTY SPEAKER COATSWORTH:

Rep. Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, that language which is indicated new, is a recent recitation generally of the language we passed in the bill two weeks ago, I believe, in which we indicated what

the rights and duties of the emancipated minors between 16 and 18 years old were. Thank you, Mr. Speaker.

DEPUTY SPEAKER COATSWORTH:

Will you remark further on the adoption of House Amendment Schedule "A"?

REP. SHAYS: (147th)

Mr. Speaker.

DEPUTY SPEAKER COATSWORTH:

Rep. Christopher Shays.

REP. SHAYS: (147th)

Mr. Speaker, I've listened to most of the gentleman's comments to be brought out the bill. I missed some of them. I just would like to ask him two questions.

DEPUTY SPEAKER COATSWORTH:

State your question, sir.

REP. SHAYS: (147th)

Is there anything in this bill that deals with the retirement benefits of public defenders?

DEPUTY SPEAKER COATSWORTH:

Rep. Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, whether or not there is, it is not substantive in nature. It would only be clarification in nature and as I have indicated when bringing the bill out, I do

it only on the basis of the assurances to me that any changing is technical and not substantive in nature. With regard to the amendments to the bill, if there are any things that may verge on the purpose of possibly being substantive I will point them out to the body and you can each make your own decisions on that.

REP. SHAYS: (147th)

Thank you.

DEPUTY SPEAKER COATSWORTH:

Will you remark further on the adoption of House Amendment Schedule "A"? If not, all those in favor of the amendment, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COATSWORTH:

Opposed, no. The ayes have it. The amendment is adopted and ruled technical.

******

House Amendment Schedule "A".

In line 113, insert brackets before and after "10-324" and insert "10-323e" after the closing bracket. After line 1252, insert the following and renumber the remaining sections accordingly:

"Sec. 51. Subsection (b) of section 45-61c of the general statutes, as amended by public act 79-223 is repealed and the following is substituted in lieu thereof:

(b) A petition under this section shall be filed in the court of probate for the district within which the petitioner or the child resides or, in the case of a minor under the guardianship of any child CARE or child-placing agency for the district wherein the main office or any local office of such

agency is located. Where such petition is filed with respect to a child born out of wedlock, such petition shall state whether there is a putative rather to whom notice shall be given under subdivision (2) of section 45-61d.

Sec. 52. Section 36-178a of the general statutes, as amended by section 1 of public act 79-97, is repealed and the following is substituted in lieu thereof:

(a) No savings and loan association shall at any time hve more than ten per cent of its assets invested in home improvement loans made pursuant to (subsection (j) of section 36-178) SECTION 36-178e OR SECTION 36-178f, or more than ten per cent of its assets invested in personal loans made pursuant to subsection (aa) of (said) section 36-178 or more than ten per cent of its assets invested in educational loans, excluding the guaranteed portion thereof, made pursuant to section 36-179a. Such loans may be unsecured or upon such security as the association may deed appropriate.

(b) Notwithstanding the provisions of subsection (a) of this section, the aggregate amount of home improvement loans, personal loans and educational loans, excluding the guaranteed portion of such educational loans, shall not at any time exceed twenty per cent of the assets of the savings and loan association.

Sec. 53. Section 51-51 of the general statutes is repealed and the following is substituted in lieu thereof:

Each surviving spouse of a deceased judge of the supreme court or of the superior court or of a compensation commissioner, who died while holding judicial office or the office of compensation commissioner or after such judge or commissioner had retired shall receive, monthly, for the rest of his or her natural life, an allowance equal to one-third of the salary for the level of judicial office held by such deceased judge at the time of his or her retirement or death as such salary may change from time to time, or one-third of the salary of a compensation commissioner, as the case may be, provided the spouse of any such superior court judge who died prior to the date he or she was eligible for the maximum salary payable to a superior court judge shall receive, monthly, an allowance equal to one-third of the salary payable to a superior court judge at the step level attained by such judge at the time of his or her death, as such salary may change from time to time. Each spouse of a decease chief judge of the superior court shall receive an allowance equal to one-third of the salary fixed for the office of chief judge prior to

July 1, 1978, until such time as the salary of such chief judge has been exceeded by the salary for the sixth year of service of a superior court judge. Thereafter such spouse shall receive an allowance equal to one-third of the salary for the sixth year of service, as such level may change from time to time. Each surviving spouse of a deceased chief judge of the court of common pleas or juvenile court who died while holding such judicial office or after such judge had retired from such judicial office, shall receive an allowance equal to one-third of the salary for the fifth year of service as judge on the superior court as such salary may change from time to time. (Each surviving spouse of a deceased chief judge of the court of common please or juvenile court who died while holding such judicial office or after such judge had retired from such judicial office, shall receive an allowance equal to one-third of the salary for the fifth year of service as judge on the superior court as such salary may change from time to time.) Each surviving spouse of a deceased judge of the court of common please, of the circuit court or of the juvenile court, who died while holding judicial office or after such judge has retired shall receive monthly, an allowance equal to one-third of the first step of the salary of a superior court judge, as such salary may change from time to time. If such judge or compensation commissioner leaves no surviving spouse, or if such spouse dies before the youngest child of such judge or compensation commissioner reaches the age of eighteen, such pension shall be payable, until such child reaches the age of eighteen, to his guardian, for the support of such child and any other children of such judge or compensation commissioner under the age of eighteen. The provisions of this section shall not apply to any such surviving spouse who is receiving a pension under the provisions of any special act.

Sec. 54. Section 14-62 of the general statutes as amended by public act 79-307, is repealed and the following is substituted in lieu thereof:

(a) Each sale shall be evidenced by an order properly signed by both the buyer and seller, a copy of which shall be furnished to the buyer when executed, and an invoice upon delivery of the motor vehicle, both of which shall contain the following information: (1) Make of vehicle; (2) year of model, whether sold as new or used, and on invoice the identification number; (3) deposit; (4) cash selling price; (5) finance charges, and (a) if these charge do not include insurance, the words "No Insurance" shall appear at this point, and (b) if these charges include insurance, a statement shall appear at this point giving

the exact type of coverage; (6) allowance on motor vehicle traded in, if any, and description of the same; (7) stamped or printed in a size equal to at least ten-point hold type on the face of both order and invoice one of the following forms: (A) "This motor vehicle not guaranteed," or (b) "This motor vehicle is guaranteed," followed by a statement as to the terms of such guarantee, which statement shall not apply to household furnishings of any trailer; (8) if the motor vehicle is new but has been subject to use by the seller or use in connection with his business as a dealer, the word "demonstrator" shall be clearly displayed on the face of both order and invoice.

(b) No dealer shall include in the selling price a dealer preparation charge (which includes) FOR any item or service for which he is reimbursed by the manufacturer of any item or service not specifically order by the buyer and itemized on the invoice.

Sec. 55 Section 8-208b of the general statutes, as amended by section 1 of public act 79-299, is repealed and the following is substituted in lieu thereof:

(a) A neighborhood housing services program fund, to be held in trust by the state treasurer, is hereby created. There shall be deposited in said fund all monies received by or appropriated to the department of economic development from time to time therefor. Amounts in said fund shall be used for the purpose of making grants-in-aid to any duly organized neighborhood housing services corporation in the state, pursuant to sub-section (b).

(b) In order to stimulate development of partnerships of the public and private sectors of the urban community committed to stemming neighborhood decline, the state, acting by and in the discretion of the commissioner of economic development, may enter into a contract with any duly organized neighborhood housing services corporation in the state. Such contract shall provide for state financial assistance in the form of a state grant-in-aid equal to twice the amount of the federal grant-in-aid received by such corporation but not to exceed one hundred thousand dollars.

(c) "Neighborhood housing services program" means a program developed by the (Urban) NEIGHBORHOOD Reinvestment Corporation of the United States government to stimulate reinvestment in the urban neighborhood. "Neighborhood housing services corporation" means a private, nonprofit, community based corporation

organized pursuant to the establishment of a neighborhood housing services program. The significant features of a neighborhood housing services corporation include: (1) Government by a local board of directors composed of neighborhood residents and financial industry representatives; (2) use of a revolving loan fund to make loans to residents of the neighborhood who cannot meet normal commercial credit requirements for the purpose of bringing homes in the neighborhood up to code standards; (3) contributions to the loand fund by, among others, foundations, local business and industry, local government and the (Urban) NEIGHBORHOOD Reinvestment Corporation; and (4) operation of a systematic housing inspection and code compliance program for homeowners which includes rehabilitation counseling, construction monitoring and financial counseling.

Sec. 56. Subsection (b) of section 31-377 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) If the commissioner has reason to believe that an employer or owner has failed to correct a violation for which a citiation has been issued within the period permitted for such correction, the commissioner shall notify the employer or owner by certified mail of such failure and of the penalty proposed to be assessed pursuant to section 31-382 by reason of such failure, provided, in the case of a review proceeding initiated by the employer or owner under this section in good faith and not solely for delay or the avoidance (or) OF penalties, the period permitted for correction of the violation shall not begin to run until the entry of a final order by the review commission. Such notification by the commissioner shall inform the employer or owner that he has fifteen working days from the receipt of such notice within to notify the commissioner that he wishes to contest the notification or the proposed assessment of penalty. If, within fifteen days from receipt of notification under this section, the employer or owner fails to notify the commissioner that he intends to contest the notification or proposed assessment of penalty, the notification and assessment as proposed shall be deemed a final order of the commission and not subject to review by any court.

Sec. 57. Subsection (a) of section 31-225a of the general statutes is repealed and the following is substituted in lieu thereof.: (a) (1) On or before June 30, 1973, the administrator shall establish and thereafter maintain for each employer, except employers liable for payments in lieu of contributions under section 31-225, an experience account in accordance with the

provisions of this section. (2) As used in this section, "experience year" means the twelve consecutive months ending on June thirtieth and "experience period" means the thirty-six consecutive months ending on June thirtieth; "benefit charges" means the amount of benefit payments charged to an employer's experience account under this section; "computation date" means June thirtieth of the year preceding the tax year for which the contribution rates are computed; and "tax year" is the calendar year immediately following the computation date. (3) With respect to the experience years ending June 30, 1971, June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975, each employer's experience account shall be charged in accordance with the compensable separations systems as provided in section 31-225b. (4) Benefits paid with respect to initiating claims filed on or after July 1, 1973, and on or before June 30, 1975, shall be charged in accordance with the compensable separations merit system as provided in section 31-225b. With respect to initiating claims filed on or after July 1, 1975, and on or before June 30, 1978, the employer's account shall be charged for benefits paid during the period of unemployment following the filing of the initial claim if the claimant had been employed by such employer during at least four differnce calendar weeks in the fifty-six day period and during at least one of such weeks in the twenty-eight day period immediately preceding the filing of the claim and provided further, the provisions of this subdivision shall not be construed to allow the charging of any benefits paid which are pooled in accordancee with the provisions of this chapter. If more than one employer shall have employed the claimant during a least four differenct calendar weeks in the fifty-six day period and during at least one of such weeks in the twenty-eight day period immediately preceding the filing of the claim, the administrator shall prescribe by regulation the manner in which benefits shall be charged. Any week for which the employer has compensated the claimant in the form of wages in lieu of notice, dismissal payments or any payment by way of compensation for loss of wages shall be considered a week of employment for the purpose of determining employer chargeability. With respect to each benefit year commencing on or after July 1, 1978, regular and additional benefits paid to an individual shall be allocated and charged to the accounts of the employers who paid him wages in his base period in accordance with the following provisions: (A) The initial determination establishing a claimant's weekly benefit rate and maximum total benefits for his benefit year shall include, with respect to such claimant and such benefit year, a determination of the maximum liability for such benefits of each employer who paid wages to the claimant in his base period.

(B) An employer's maximum total liability for such benefits with respect to a claimant's benefit year shall bear the same ratio to the maximum total benefits payable to the claimant as the total wages paid by the employer to the claimant within his base period bears to the total wages paid by all employers to the claimant within his base period. This ratio shall also be applied to each benefit payment. The amount thus determined, rounded to the nearest dollar with fractions of a dollar of exactly fifty cents rounded upward, shall be charged to the employer's account. (C) Benefits paid to a claimant for his benefit year shall exclude, with respect to employers who make contributions, any dependent's allowance. No benefits shall be charged to any employer who paid wages of three hundred dollars or less to the claimant in his base period. (5) Fifty per cent of benefits paid to a claimant under the federal-state extended duration unemployment benefits program established by the Federal Employment Security Act shall be charged to the experience accounts of the claiment's base period employers in the same manner as the regular benefits paid for such benefit year. ((5) Fifty per cent of benefits paid to a claimant under the federal-state extended duration unemployment benefits program established by the Federal Employment Security Act shall be charged to the experience accounts of the claimant's base period employers in the same manner as the regular benefits paid for such benefit year.)

Sec. 58. Section 7-455 of the general statutes is repealed and the following is substituted in lieu thereof:

(1) With respect to the employees of any muncipality, the governor shall authorize a referendum upon request of the legislative body of such municipality and shall designate the commission to supervise the conduct of such referendum, in accordance with the requirements of section 218 (d) (3) of the Social Security Act, on the question of whether service in positions covered by a retirement system established by the state or by a municipality should be excluded from or included under an agreement under sections 7-452 to 7-455, inclusive; but no such referendum shall be held with respect to services the exclusion of which is required by subdivision (2) of section 7-454. Pursuant to section 218 (d) (6) of the Social Security Act, each retirement system covering positions of employees of more than one municipality shall, for the purposes of sections 7-452 to 7-455, inclusive, to be deemed to constitute a separate retirement system with respect to each municipality having positions covered thereby. (2) The legislative body of any municipality which has a retirement system, whether the system was established

by special act or otherwise, may subdivide the system into two parts, each of which parts shall be deemed to constitute a separate retirement system; one part, which shall be known as Part A, shall be composed of positions of members of such system who have not expressed a desire for social security coverage, and the positions covered by such system of individuals who are ineligible to become members of such system; the second part, which shall be known as Part B, shall be composed of the positions of members of such system who have expressed their desire for social security coverage, and the positions of all individuals becoming members of such system after the date social security coverage is extended. Whenever the legislative body of a municipality has authorized the subdivision of its retirement system in this manner, the governor shall authorize a vote among the members of such system on the question of whether they wish to be covered under an agreement under sections 7-452 to 7-455, inclusive. The governor shall designate the commission to supervise the conduct of such vote in accordance with the requirements of section 218 (d) (7) of the Social Security Act. For purposes of such vote, an individual in a position to which an agreement under sections 7-452 to 7-455, inclusive, already applies or in a position excluded pursuant to section 218 (d) (5) of the Social Security Act shall not be considered a member of the retirement system with respect to which the vote is being conducted. For the purposes of such vote and of coverage under the system, an individual who is in a position covered by such retirement system and who is not a member thereof, but who is eligible to be such a member, shall be considered to be such a member, and such coverage shall be obtained for any such individual to the extent permitted by section 218 (d) (6) (E) of the Social Security Act. The position of any member of Part A may be transferred to Part B in the manner and to the extent permitted by section 218 of the Social Security Act. Nothing in this part shall be construed as permitting a referendum among the members of the teachers' retirement association in accordance with section 218 (d) (3) of the Social Security Act, or vote of said members in accorandance with section 218 (d) (7) of said act. (3) The notice of referendum or vote required by section 218 (d) (3) (c) or section 218 (d) (7) of the Social Security Act, as the case may be, to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the commission deems necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they shall be subject, if their services are included under an agreement under sections 7-452 to 7-455, inclusive. Upon receiving evidence satisfactory

to him that the conditions of section 218 (d) (3) of the Social Security Act have been set with respect to a referendum or the conditions of section (219 (d) (7)) 218(d)(1) have been met with respect to a vote, the governor shall so certify to the secretary.

Sec. 59 Subsection (a) of section 5-166 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Except as provided in section 5-163a, a member who leaves state service before he is eligible for retirement but after completing at (lease) LEAST ten years of state service, of which at least five years shall have immediately preceded the date of his leaving state service, shall continue to be a member, and shall be eligible for a retirement income as provided in section 5-162, but on a reduced actuarial basis, as determined by the retirement commission upon reaching his fifty-fifth birthday. Such vested retirement income shall not be subject to divestiture by subsequent employment unless the member withdraws his retirement contribution.

Sec. 60. Section 10-263a of the general statutes is repealed and the following is substituted in lieu thereof:

The final (one-third) ONE-HALF of the amounts due towns under the provisions of (sections 10-26- to 10-263, inclusive,) SECTION 10-2626c, AS AMENDED BY SECTION 2 OF PUBLIC ACT 79-128, shall be paid in March rather than April to any town which has not yet adopted the uniform fiscal year and which would not otherwise receive such final payment within the fiscal year of such town.

Sec. 61. Section 35 of public act 79-128 is repealed and the following is substituted in lieu thereof:

Sections 10-23, 10-262 (, 10-263a) and 10-263b of the general statutes are repealed.

Section 62. Section 47a-1 of the general statutes is repealed and the following is substituted in lieu thereof:

As used in this chapter and sections 47a-21, 47a-23, (47a-26,) 47a-35, 52-462 and 52-465:

(a) "Action" includes recoupment, counterclaim, setoff, cause of action and any other proceeding in which rights are determined, including an action for possession.

(b) "Building and housing codes" include any law, ordinance or governmental regulation concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit.

(c) "Dwelling unit" menas any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is occupied as a home or residence of one or more persons.

(d) "Landlord" means the owner, lessor or sublessor of the dwelling unit or the building of which it is a part.

(e) "Owner" means one or more person, jointly or severally, in whom is vested (1) all or part of the legal title to property or (2) all or part of the beneficial ownership and a right to present use and enjoyment of the premises and includes a mortgagee in possession.

(f) "Person" means an individual, corporation, the state or any political subdivision thereof, or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

(g) "Premises" means a dwelling unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of tenants gneerally or whose use is promised to the tenant.

(h) "Rent" means all periodic payments to be made to the landlord under the rental agreement.

(i) "Rental agreement" means all agreements, written or oral, and valid rules and regulations adopted under 47a-9 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

(j) "Roomer" means a person occupying a dwelling unit, which unit does not include a refrigerator, stove, kitchen sink, toilet and shower or bathtub and one or more of these facilities are used in common by other occupants in the structure.

(k) "Single family residence" means a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit or has a common parking facility, it is a single family residence if it has direct access to a street or thoroughfare and does not share heating facilities, hot water equipment or any other essential facility or service with any other dwelling unit.

(1) "Tenant" means the lessee, sublessee or person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others or as is otherwise defined by law.

Sec. 63. Section 36-9m of the general statutes, as amended by public act 79-107, is repealed and the following is substituted in lieu thereof:

No provision of sections 36-9j to 36-9n, inclusive, shall be construed to prohibit: (a) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a financial institution having custody of such records or the examination of such records by a certified public accountant engaged by the financial institution to perform an independent audit; (b) the examination of any financial records by, or the furnishing of financial records by a financial institution to any official, employee or agent of a supervisory agency solely for use in the exercise of his duties as an official, employee or agent of such agency; (c) the publication of data furnished from financial records relating to customers where such date does not contain information identifying any particular customer or account; (d) the making of reports or returns required under the "Internal Revenue Code of 1954", as amended; (e) disclosing information permitted under the Uniform Commercial Code concerning the dishonor of any negotiable instrument; (f) the exchange, in the regular course of business, of credit information between a financial institution and other financial institutions or commercial enterprises, directly or through a consumer reporting agency; (g) notification to appropriate officials of federal, state or local governments of suspected violations of the criminal law; (h) disclosing to the payee or any holder of a draft, whether or not such draft has been accepted by such payee or holder as payment, or to any financial institution involved in the collection process of a draft whether such draft would be paid if presented at the time of such disclosure.

Sec. 64. (NEW) An order that a minor is emancipated shall have the following effects: (a) The minor may consent to medical, dental or psychiatric care, without parental consent, knowledge or liability; (b) the minor may enter into a binding contract; (c) the minor may sue and be sued in his own name; (d) the minor shall be entitled to his own earnings and shall be free of control by his parents or guardian; (e) the minor may establish his own residence; (f) the minor may buy and sell real and personal property; (g) the minor may not thereafter be the subject of a petition under section 46b-120 of the general statutes as an abused, dependent, neglected or uncared for child or youth; (h) the minor may enroll in any school or college, without parental consent; (i) the minor shall

be deemed to be over eighteen years of age for purposes of securing an operator's license under subsection (a) of section 14-36 of the general statutes without parental consent; (j) the parents of the minor shall no longer be the guardians of the minor under section 45-43 of the general statutes; (k) the parents of a minor shall be relieved of any obligations respecting his school attendance under section 10-184 of the general statutes; (l) the parents shall be relieved of all obligation to support the minor; (m) the minor shall be emancipated for the purposes of parental liability for his acts under section 52-572 of the general statutes; and (n) the minor may execute releases in his own name under section 14-118 of the general statutes."

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DEPUTY SPEAKER COATSWORTH:

Will you remark further on the bill as amended?

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER COATSWORTH:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has another amendment, LCO No. 9121. The Clerk please read, call.

DEPUTY SPEAKER COATSWORTH:

The Clerk will please call LCO No. 9121, hereby designated House Amendment Schedule "B".

CLERK:

LCO No. 9121, offered by Rep. Coatsworth of the 32nd District, Rep. Tulisano of the 29th District.

DEPUTY SPEAKER COATSWORTH:

The gentleman seeks leave of the chamber to summarize, in lieu of reading. Is there objection?

Hearing none, Rep. Tulisano to summarize the amendment.

REP. TULISANO: (29th)

Mr. Speaker, this amendment clarifies changes from the Commission on Human Resources, Children and Youth Services, all the statutes dealing with children in our state. I understand that when re-organization was put together, that this should properly have been Children and Youth Services, however I put this before the body so they understand clearly what we are doing. Thank you. I move for adoption.

DEPUTY SPEAKER COATSWORTH:

The question is on adoption of House Amendment Schdule "B".

Will you remark? Will you remark further on the adoption of House Amendment Schdule "B"?

If not, all those in favor of the amendment please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COATSWORTH:

Opposed, no.

The ayes have it.

The amendment is adopted and ruled technical.

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House Amendment Schedule "B"

After line 1252, insert the following and renumber the remaining sections accordingly:

"Sec. 51. Section 17-32 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The Commissioner of (Human Resources) CHILDREN AND YOUTH SERVICES shall have general supervision over the welfare of children who require the care and protection of the state.

(b) He shall furnish protective services or provide and pay, wholly or in part, for the care and protection of children other than those committed by the superior court whom he finds in need of such are and protection from the state, and such payments shall be made in accordance with the provisions of subsection (e) or section 46b-129 provided the commissioner of (human resources) CHILDREN AND YOUTH SERVICES shall determine that portion of cost which the legally responsible parent shall pay in accordance with standards established by said commissioner. The department of administrative services shall be responsible for billing and collecting such sums as are determined by the commissioner of human resources to be owing and due from the parent of the noncommitted child.

(c) He shall issue such regulations as he may find necessary and proper to assure the adequate care, health and safety of children under his care and general supervision.

(d) He may provide temporary emergency care for any child whom he deems to be in need thereof.

(e) He may provide care for children in his guardianship through the resources of appropriate voluntary agencies.

(f) Whenever requested to do so by the superior court, he shall provide protective supervision to children.

(g) He may make reciprocal agreements with other states and with agencies outside the state in matters relating to the supervision of the welfare of children.

Sec. 52. Section 17-32b of the general statutes is repealed and the following is substituted in lieu thereof:

The commissioner of (human resources) CHILDREN AND YOUTH SERVICES shall report, on February fifteenth annually, to the governor and to the joint standing committee on human services, judiciary and human rights and opportunities with respect to the status, as of the January first preceding, of all children committed to his custody, including in such report the date of commitment with respect to each child.

Sec. 53. Section 17-32d of the general statutes is repealed and the following is substituted in lieu thereof:

As used in section 17-51 and this part,

(a) "Child" means any person under eighteen years of age, except as otherwise specified, or any person under twenty-one years of age who is in full-time attendance in a secondary school, a technical school, a college or a state accredited job training program;

(b) "Parent" means natural or adoptive parent;

(c) "Adoption" means the establishment by court order of the legal relationship of parent and child;

(d) "GuardianshiP" means guardianship, unless otherwise specified, of the person of a minor and refers to the obligation of care and control, the right to custody and the duty and authority to make major decisions affecting such minor's welfare, marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment;

(e) "Termination of parental rights" means the complete severance by court order of the legal relationship, with all its rights and responsibilities, between the child and his parent or parents so that the child is free for adoption except it shall not affect the right of inheritance of such child or the religious affiliation of such child;

(f) "Statutory parent" means the commissioner of (human resources) CHILDREN AND YOUTH SERVICES or that child-placing agency appointed by the court for the purpose of giving a minor child or minor children in adoption;

(g) "Child-placing agency" means any agency within or without the state of Connecticut licensed or approved by the commisioner of (human resources) CHILDREN AND YOUTH SERVICES in accordance with sections 17-49a and 17-50, and in accordance with such standards which shall be established by regulations of the department of (human resources) CHILDREN AND YOUTH SERVICES;

(h) "Child care agency" means any agency licensed or approved in accordance with the provisions of sections 17-48 and 17-50, and in accordance with such standards which shall be established by regulations of the department of (human resources) CHILDREN AND YOUTH SERVICES;

(i) "Protective supervision" means a status created by court order following adjudication of neglect whereby a child's place of abode is not changed but assistance directed at correcting the neglect is provided at the request of the court through the department of (human resources) CHILDREN AND YOUTH SERVICES of such other social agency as the court may specify;

(j) "Receiving home" means a facility operated by the department of (human resources) CHILDREN AND YOUTH SERVICES to receive and temporarily care for children in the guardianship or care of the commissioner;

(k) "Protective services" means public welfare services provided after complains of abuse, neglect or abandonment, but in in the absence of an adjudication or assumption of jurisdiction by a court.

Sec. 54. Section 17-34 of the general statutes is repealed and the following is substituted in lieu thereof:

The commissioner may establish, maintain and operate, throughout the state, at such locations as he finds suitable, receiving homes for children in his guardianship or care. For such purposes he may purchase, lease, hold, sell or convey real and personal property, subject to the provisions of section 4-26, and contract for the operation and maintenance of such receiving homes with any nonprofit group or organization. Said contract may include administrative, managerial and custodial services. The expense of obtaining and maintaining the same shall be paid out of the appropriation for the department of (human resources) CHILDREN AND YOUR SERVICES, The commissioner may, subject to the provisions of chapter 67, appoint such supervisory and other personnel as he

finds necessary for the management of such homes. The maximum charge to be made for care of children in such homes shall be the sames as the charge for care of patients in state humane institutions.

Sec. 55. Section 17-35 of the general statutes is repealed and the following is substituted in lieu thereof:

Equal privileges shall be granted to clergymen of all religious denominations to impart religious instruction to the children residing in receiving homes maintained and operated by the commissioner of (human resources) CHILDREN AND YOUTH SERVICES, and every reasonable opportunity shall be allowed such clergymen to give religious and moral instruction to such children as belong to their respective faiths. The commissioner of (human resources) CHILDREN AND YOUTH SERVICES shall prescribe reasonable times and places when and where such instruction may be given.

Sec. 56. Section 17-36a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) (1) The commissioner of (human resources) CHILDREN AND YOUTH SERVICES is directed to initiate and administer, for a period of two years, a pilot project for the recruitment and training of no more than twenty foster parent families in the state. (2) The commissioner shall recruit such families, arrange for their orientation and on-going traning in child development and in problems of working with troubled children. The commissioner shall offer such families regular experienced supervision and shall pay such families a fee for service for such care not to exceed fifty dollars per week. (3) The commissioner shall place in the homes of such families troubled children in need of special care, who have had no more than one previous placement away from their own homes, who are no more than twelve years of age at the time of this placement and who cannot be adequately cared for in the average foster home. No more than two children shall be placed in any one family.

(b) At the end of the two-year period, the commissioner shall cause an evaluation of the project to be made and shall report the findings of such evaluation to the general assembly.

(c) The sum of fifty thousand dollars is appropriated to carry out the provisions of this section.

Sec.57. Section 17-37 of the general statutes is repealed and the following is substituted in lieu thereof:

The commissioner of (human resources) CHILDREN AND YOUTH SERVICES, or any agent appointed by him, shall exercise careful supervision of each child under his guardianship or care and shall maintain such contact withthe child and his foster parents as is necessary to promote the child's safety and his physical, education, moral and emotional development. He shall maintain such records and accounts as may be necessary for the proper supervision of all children under his guardianship or care.

Sec. 58. Section 17-37a of the general statutes is repealed and the following is substituted in lieu thereof:

The (state commissioner of human resources or the) commissioner of children and youth services may delegate to his deputy commissioner his authority as guardian of children committed to him by the superior court, or whose guardianship is transferred to him by a court of probate, and the signature of either official on any document pertaining to any such guardianship shall be valid.

Sec. 59. Section 17-38 of the general statutes is repealed and the following is substituted in lieu thereof:

Whenever it is found that any child is not properly treated in any such family home or that any such home is not a suitable one and is of such character as to jeopardize the welfare of any child so placed therein, the commissioner of (human resources) CHILDREN AND YOUTH SERVICES, upon being satisfied of the ill treatment of the child or the unsuitableness of the home, shall remove the child from such home and take such further action as is necessary to secure the welfare of the child.

Sec. 60. Section 17-38a of the general statutes is repealed and the folliwng is substituted in lieu thereof:

(a) The public plicy of this state is: To protect children whose health and welfare may be adversely affected through injury and neglect; to strengthen the family and to make the home safe for children by enhancing the parental capacity for good child care; to provide a temporary or permanent nurturing and safe environment for children when necessary; and for these purposes to require the reporting of suspected child abuse, investigation of such reports by a social agency, and provision of services, where needed, to such child and family.

(b) Any physician or surgeon registered under the provisions of chapter 370 and 371, any resident physician or intern in any hospital in this state, whether or not so registered, and any registered nurse, licensed practical nurse, medical examiner, dentist, psychologist, school teacher, school principal, school guidance counselor, social worker, police officer, clergyman, coroner, osteopath, optometrist, chiropractor, podiatrist, any person paid for caring for children in a day care center or mental health professional who has reasonable cuase to suspect or believe that any child under the age of eighteen has had physical injury or injuries inflicted upon him by a person responsible for such child's or youth's health, welfare or care, or by a person given access to such child by such responsible perosn, other than by accidental means or has injuries which are at variance with the history given of them, or is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment, or cruel punishment, or has been neglected as defined by section 46b-120 shall report or cause a report to be made in accordance with the provisions of subsection (c). When the attendance of the person who has such reasonable cause to suspect abuse with respect to such child is pursuant to the performance of services as a member of the staff of a hospital, school, social welfare agency or any other institution, such person shall notify the person in charge of such institution, or his designated agent, that such report has been made. Any person required to report under the provisions of this section who fails to make such report shall be fined not more than five hundred dollars.

(c) An oral report shall be made immediately by telephone or otherwise, to the state commissioner of human resources or his representative, or the local police department or the state police to be followed within seventy-two hours by a written report to the commission of (human resources) CHILDREN AND YOUTH SERVICES or his representative. Such report shall contain the names and addresses of the child and his parents or other other person responsible for his care, if known, the age of the child, the nature and extent of his injuries, together with any evidence of previous injury or maltreatment to the child or his siblings, and any other information which the reporter believes might be helpful in establishing the cause of the injury or injuries and protecting the child.

(d) Any physician examining a child with respect to whom abuse is suspect shall, after reasonable attempts to advise the parents, guardian or other perosn having responsibility for the care of the child that he suspects the child has been abused, have the right to keep such child in the custory of a hospital for no longer than ninety-six hours, with or without the consent of his

parents, guardian or other person having responsibility for his care, pending the study of the family and home by the welfare agency concerned or the filing of a petition to the superior court. The expenses for such temporary care shall be paid by the parents or guardian of such child or, if they are unable to pay, by the commissioner of (human resources) CHILDREN AND YOUTH SERVICES.

(e) Agencies or institutions receiving reports of child abuse as provided in this section shall, within twenty-four hours, transfer such information to the commissioner of (human resources) CHILDREN AND YOUTH SERVICES or his agent, who shall cuase the report to be investigated immediately. If the investigation produces evidence that the child has been abused in the manner described in subsection (b), he shall take such measures as he deems necessary to protect the child, and any other children similaryly situated, including but not limited to the removal of the child or children from his home with the consent of his or their parents or guardian or by order of the superior court. If the commissioner of (human resources) CHILDREN AND YOUTH SERVICES or his designee, (or, if a contract pursuant to section 17-31c so provides, the commissioner of children and youth services, or his designee) after such investigation, has probable cause to believe that the child is suffering from serious physical illness or serious physical injury or is in immediate physical danger from his surroundings, and that immediate removal from such surroundings is necessary to insure the child's safety, (either of said commissioners) THE COMMISSIONER, or his designee, may authorize any employee of his department or any law enforcement officer to remove the child from such surroundings without the consent of the child's parent or guardian. Such removal and temporary custody shall not exceed ninety-six hours during which time either a petition shall be filed with the superior court or the child shall be returned to his parent or guardian. If the commissioner determines that there are grounds to believe the child may be properly cared for in his own home, the parents or guardian, as the case may be, chall be aided to give such proper care under the supervision of the commissioner. Such supervised custody may be terminated when the commissioner finds a safe environment has been provided the child; but if the commissioner, after a reasonable time, finds this condition cannot be achieved in the child's own home under such supervison, he may petition the superior court for commitment of the child.

(f) In proceeding in the superior court under this section, (1) the court may order the child, the parents, the guardian, or other persons accused by a competent witness with abusing the child,

to be examined by one or more competent physicians, psychiatrists or psychologists appointed by the court; (2) the child shall be represented by counsel appointed by the court to speak in behalf of the best interests of the child, which counsel shall be knowledgeable about the needs and protection of children and whose fee shall be paid by the parents or guardian, or the estate of the child, or, if such persons are unable to pay, by the court. Said counsel shall also be appointed guardian ad litem for said child in all cases except those in which the court deems it appropriate to appoint a separate guardian ad litem; (3) the privilege against the disclosure of communications between husband and wife shall be inapplicable and either may testify as to any relevant matter; and (4) evidence that the child has been absued or has sustained a nonaccidental injury shall constitute prima facie evidence that shall be sufficient to support an adjudication that such child is uncared for or neglected.

(g) The commissioner of (human resources) CHILDREN AND YOUTH SERVICES shall maintain a registry of the reports received pursuant to this section and shall adopt regulations to permit the use of the registry on a twenty-four hour daily basis to prevent or discover abuse of children. The information contained in the reports and any other information relative to child abuse, wherever lcoated, shall be confidential subject to such regulations governing their use and access as shall conform to the requirements of federal law or regulations. Any violation of this section or the regulations promulgated by the commissioner hereunder shall be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year.

(h) Any person, institution or agency which, in good faith, majes the report required by this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such report.

Sec. 61. Section 17-38b of the general statutes is repealed and the following is substituted in lieu thereof:

Any of the persons, institutions or agencies described in subsection (b) of section 17-38a having reasonable cause to suspect or believe that any child under the age of eighteen is in danger of being abused, but who does not have reasonable cause to suspect or believe any such abuse has actually occurred, shall immediately cause a written report to be made to the state commissioner of (human resources) CHILDREN AND YOUTH SERVICES or his representative,

giving the names and addresses of the child and his parents, guardian, or other person having a responsibility for his care and all evidence forming the basis for such belief. The commissioner of (human resouces) CHILDREN AND YOUTH SERVICES or his agent shall promptly investigate the report to determine whether or not the child's welfare requires commencement of proceedings under section 46b-129. Any such person, institution or agency which, in good faith, makes the report required by this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such report.

Sec. 62. Section 17-38c of the general statutes is repealed and the following is substituted in lieu thereof:

Any personal other than those enumerated in subsection (b) of section 17-38a having reasonable cause to suspect or believe that any child under the age of eighteen is in danger of being abused or neglected, as defined in subsection (b) of section 17-38a, or has been so abused or neglected shall immediated cause a written or oral report to be made to the state commissioner of (human resources) CHILDREN AND YOUTH SERVICES or his representative giving the name and addresses of the child and his parents, guardian, or other person having a responsibility for his care and all evidence forming the basis for such belief. The commissioner of (human resources) CHILDREN AND YOUTH SERVICES or his agent shall promptly investigate the report to determine whether or not the child's welfare requires requires commencement of proceedings under section 46b-129. Any such person who, in good faith, makes the report required by this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such report.

Sec. 63. Section 17-39 of the general statutes is repealed and the following is substituted in lieu thereof:

When, because of the mental or physical condition of any child committed to (the commissioner of human resources or) the commissioner of children and youth services under the provisions of section 46b-129, or because of a behavior problem such child cannot be satisfactorily cared for in a foster home, said commissioner nay bring a petition to the court which committed such child for the commitment of such child to a suitable child-caring institution, and, upon being satisfied that such commitment is in the best interest of such child, such court shall commit such child to such an institution.

Sec. 64. Section 17-43 of the general statutes is repealed and the folliwng is substituted in lieu thereof:

Any parents whose child has been supported by (the commissioner of human resources or) the commissioner of children and youth services for at least three years immediately preceding such child's eighteeenth birthday shall not be entitled to such child's earnings or services during such child's minority.

Sec. 65. Section 17-44a of the general statutes is repealed and the following is substituted in lieu thereof:

For purposes of sections 17-44a to 17-44d, inclusive, and subsection (eO of section 45-17a, a "hard-to-place" child is a child who is a ward of the commissioner of (human resources) CHILDREN AND YOUTH SERVICES or is to be placed by a licensed child-placing agency and is difficult to place in adoption because of race, a physical or mental handicap or age, or is a member of a sibling group which should be placed together and has been designated as a hard-to-place child by the commissioner of (human resources) CHILDREN AND YOUTH SERVICES.

Sec. 66. Section 17-44b of the general statutes is repealed and the folliwng is substituted in lieu thereof:

(a) If (1) a child for whom adoption is indicated, cannot, after all reasonable efforts consistent with the best interests of the child, be placed in adoption through existing sources because the child is a hard-to-place child and (2) the adopting family meets the standards for adoption which any other adopting fmaily meets, except that it is unable to assume complete financial responsibility for the child's care, the commissioner of (human resources) CHILDREN AND YOUTH SERVICES may, before adoption of such child by such family, designate such child as a hard-to-place child and, after adoption, provide one of the following subsidies for the adopting parents: (A) A special-need subsidy, which is a lump sum payment paid directly to the person providing the required service, to handle an anticipated expense resulting from the adoption when no ther resource is available for such payment; of (B) a periodic subsidy which is a payment to the adopting family whose financial resources are unable to meet the needs of the child conpletely and will probably remain so. A periodic payment may continue only until the child reaches age eighteen and is subject to annual review as provided for in section 17-44c. The amount of a periodic subsidy shall not exceed seventy-five per cent of the current costs of foster maintenance care.

(b) A written determination of the need for a subsidy shall be made by the commissioner of (human resources) CHILDREN AND YOUTH SERVICES in each case and the type, amount and duration of the subsidy shall be mutually agreed to by the commissioner and the adopting parents prior to the entry of such decree. The commissioner shall promulgate regulations establishing the procedures for determining the amount and the need for a subsidy.

Sec. 67. Section 17-44c of the general statutes is repealed and the following is substituted in lieu thereof:

There shall be an annual review of the subsidy by the commissioner of (human resources) CHILDREN AND YOUTH SERVICES. If the sibsidy is to be terminated or reduced by the commissioner of human resources, notice of such proposed reduction or termination shall be given, in writing, to the adoptive parents and such adoptive parents shall, at least ten days prior to the imposition of said reduction or termination, be given a hearing. The provisions of section 17-2a shall apply to such hearing except that such hearing shall, as herein provided, be held prior to a decision of termination or reduction.

Sec. 68. Section 1744d of the general statutes is repealed and the following is substituted in lieu thereof:

Payment of subsidies under sections 17-44a to 17-44d, inclusive, and subsection (e) of section 45-17a, shall be made from monies available from any source to the department of (human resources) CHILDREN AND YOUTH SERVICES for child welfare purposes.

Sec. 69. Section 17-45 of the general statutes in repealed and the following is substituted in lieu thereof:

The commissioner of (social services) CHILDREN AND YOUTH SERVICES or his designee shall keep a separate index showing the military service record of the parent or parents of children committed to said commissioner (or, after April 1, 1975, the commissioner of children and youth services).

Sec. 70. Section 17-47a of the general statutes is repealed and the following is substituted in lieu thereof:

Records kept or information received by the department of (human resources) CHILDREN AND YOUTH SERVICES and licensed child-care facilities and child-placing agencies regarding individuals in their care or custody shall not be open to inspection or their contents disclosed except for purposes directly connected with the

provision of human resources or upon order of a court or under the provisions of part II of chapter 778. This section shall not affect the confidential exchange of information between social welfare, educational or law enforcement agencies regarding individuals in the care or custody of one of these agencies.

Sec. 71. Section 17-48 of the general statutes is repealed and the following is substituted in lieu thereof:

No orphan asylum, children's home or similar institution, and no person or group of persons, whether incorporated for the purpose or not or any residential educational insitution not exempted by the state board of education under the provisions of section 17-51 shall care for or board a child without a license obtained from (the commissioner of human resources, or from) the commissioner of children and youth services, except when such child has been placed with such institution, group or person by an agency holding a license from (either of) said (commissioners) COMMISSIONER. The manager or managers of each such institution and each such person or group of persons shall file with (either of) and (commissioners) COMMISSIONER an application for a license, in such form as he furnishes, stating the location where it is planned to accommodate at that time and, in the case of an institution, the purpose of the institution and the names of its chief officers and of the actual superintendent in charge of the children therein. The (commissioner of human resources and the) commissioner of children and youth services (are each) IS authorized to fix the maximum number of children to be boarded and cared for in any such home or institution or by any such person or group of persons licensed by him. Each orphan asylum, children's home of similar institution, and each person or group of persons, holding a license under the provisions of this section, shall file annually, with the commissioner who issued the license, a report stating the number of children received and removed during the year, the number of deaths and the causes of death, the average cost of support per capita and such other data as he may prescribe. (The powers of the commissioner of children and youth services granted hereunder shall apply only with respect to homes, persons and institutions which house one or more children and youths in the custody of said commissioner, and a license issued by him shall be valid only as to such children and youths.)

Sec. 72. Section 17-49a of the general statutes is repealed and the following is substituted in lieu thereof:

No person, agency, association, corporation, institution, society or other organization, except a parent, an adult relative as specified by section 17-82 or guardian of any child shall

place out in any free, working or adoption home or board out any child either on a temporary or permanent basis without a license obtained from the commissioner of (human resources) CHILDREN AND YOUTH SERVICES, profived a person, agency, association, corporation, institution, society of other organization may place a child or children in a temporary home not receiving compensation from the state for a period not exceeding twenty-one days. For the purposes of this section and section 17-49b, placement on a "temporary basis" means a placement of a child for a period not esceeding forty-two days. Application for such a license shall be in a form furnished by the commissioner, and shall state the location of the principal place of business of the applicant, its organization or corporate name, its purposes and the name, title and degree of professional training of each of its staff members engaged in carrying out its stated purposes. Any such applicant shall consent to suc- inspection, review and supervision of all acts in relation to child placing as are reasonably necessary to enable the commissioner to perform his duties under section 17-50. The provisions of this section with regard to the commissioner's authority to inspect, review and supervise all acts in relation to child placing under section 17-50 shall be limited to inspection, review and supervision of the applicant under this section and shall not include inspection, review or supervision of the homes in which a child is placed on a temporary basis.

Sec. 73. Section 17-49b of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The commissioner of (human resources) CHILDREN AND YOUTH SERVICES shall adopt regulations in accordance with chapter 54 setting forth: (1) Standards for licensing of persons, agencies, corporations, institutions, societies and associations, other organizations which place children on a temporary basis as defined in section 17-49a; (2) standards for the licensing of persons, agencies, association, corporations, institutions, societies and other organizations which place children on a permanent basis.

(b) Said commissioner shall adopt regulations prescribing minimum standards for: (1) Homes in which children may be placed on a temporary basis and (2) homes in which children may be placed on a permanent basis.

(c) The host home family of any person, agency, association, corporation, institution, society or other organization providing a temporary home for children for a period not exceeding twenty-one days and not receiving compensation from the state shall be esxempt from the provisions of this section.

Sec. 74. Section 17-50 of the general statutes is repealed and the following is substituted in lieu thereof:

The commissioner of children and youth services (and the commissioner of human resources) shall investigate the conditions stated in eac- application made to him under the provisions of section 17-48 and the commissioner (of human resources) shall investigate the conditions in each application under the provisions of section 17-49a and, if (such) THE commissioner finds such condidtions suitable for the proper care of children, or for the placing out of children, under such standards for the promotion of the health, safety, morality and well-being of such children as he prescribes, shall issue such license as is required as promptly as possible, without expense to the licesnee. If after his investigation such commissioer finds that the applicant, notwithstanding good faith efforts, is not able to fully comply with all the requirements he prescribes, but compliance can be achieved with minimal efforts, such commissioner may issue a provisional license for a period not to exceed sixty days. Such provisional license may be renewed for additional sixty-day periods, but in no event shall the total of such periods, be for longer than one year. Before issuing any license, such commissioner shall give to the selectmen of the town wherein such licensee proposes to carry on the licensed activity ten days' notice in writing that the issuance of such license is proposed, but such notice shall not be required in case of intention to issue such license to any corporation incorporated for the purpose of caring for or placing such children. Each license so issued shall specify whether it is granted for child-caring or child-placing purposes, shall state the number of children who may be cared for, shall be in force twelve months from date of issue, and shall be renewed for the ensuing twelve months, if conditions continue to be satisfactory to the commissioner who issed the license. Each commissioner shall also provide such periodical inspections and review as shall safeguard the well-being, health and morality of all children cared for or placed under a license issued by him hereunder and shall visit and consult with each such child and with the licensee as often as he deems necessary but at intervals of not more than ninety days. Each licensee under the provisions of this section shall file annually with the commissioner who issued the license a report containing such information concerning its functions, services and operation, including financial data, as such commissioner requires. Any license issued under this section may be revoked by the commissioner who issed it for cause, after notice given to the institution, person or group of persons concerned and after opportunity for a hearing thereon. Any party whose application

is denied or whose license is revoked by such commissioner may appeal from such adverse decision in accordance with the provisions of section 4-183. Appeals under this section shall be privileged in respect to the order of trial assignment.

Section 75. Section 17-81d of the general statutes is repealed and the following is substituted in lieu thereof:

(a) "Appropriate public authorities," as used in Article III of section 17-81a, shall, with reference to this state, mean the commissioner of (human resources) CHILDREN AND YOUTH SERVICES or his designee and said commissioner shall receive and act with reference to notices required by said Article III.

(b) As used in Article V(a) of section 17-81a, "appropriate authority in the receiving state," with reference to this state, shall mean the commissioner of (human resources) CHILDREN AND YOUTH SERVICES or his designee.

Sec. 76. Section 45-61b of the general statutes is repealed and the following is substituted in lieu thereof:

As used in this part and sections 17-32b, 17-43a, 17-43b, 17-49, 45-43, 45-44, 45-289 and 52-231a:

(a) "Statatutory parent" means the commissioner of (human resources) CHILDREN AND YOUTH SERVICES or that child-placing agency appointed by the court for the purpose of giving a minor child or minor children in adotption;

(b) "Child-placing agency" means any agency within or without the state of Connecticut licensed or approved by the commissioner of (human resources) CHILDREN AND YOUTH SERVICES in accordance with sections 17-49a and 17-50, and in accordance with such standards which shall be established by regulations of the department of social services by October 1, 1974;

(c) "Child-care agency" means any agency licensed or approved in accordance with the provisions of sections 17-48 and 17-50, and in accordance with such standards which shall be established by regulations of the department of social services by October 1, 1974;

(d) "Parent" means natural or adoptive parent;

(e) "Adoption" means the establishment by court order of the legal relationship of parent and child;

(f) "Guardianship" means guardianship, unless otherwise specified, of the person of a minor and refers to the obligation of care and control, the right to custody and the duty and authority to make major decisions affecting such minor's welfare, including, but not limited to consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment;

(g) "Termination of parental rights" means the complete severance by court order of the legal relationship, with all its rights and responsiblities, between the child and his parent or parents so that the child is free for adoption except it shall not affect the right of inheritance of such child or the religious affiliation of such child.

Sec. 77. Section 45-61c of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any of the following-named persons may petition the court of probate to terminate parental rights of al l persons who may have parental rights with respect to any minor child and may, if adoption is contemplated, petition the court for the appointment of a statutory parent or for the termination of parental rights of only one parent provided the application so states: (1) Either or both parents, including a parent who is a minor, or the guardian of such dhild; (2) the selectmen of any town having in charge any foundling child; (3) a duly authorized officer of any child care agency or child-placing agency or organization or any children's home or similar institution approved by the commissioner of (human resources) CHILDREN AND YOUTH SERVICES: (4) a blood relative of the child, descended from a common ancestor not more than three generations removed from such child, when the parent or parents have abandoned or deserted such child; provided in any case hereunder where the minor child with respect to whom the petition is brought has attained the age of fourteen, such minor child shall join in the petition.

(b) A petition under this section shall be filed in the court of probate for the district within which the petitioner or the child resides or, in the case of a minor under the guardianship of any child or child-placing agency for the district wherein the main office or any local office of such agency is located. Where such petition is filed with respect to a child born out of wedlock, such petition shall state whether there is a putative father to whom notice shall be given under subdivision (2) of section 45-61d.

(c) If any petitioner udner subsection (a) is a minor or incompentent, the guardian ad litem, appointed by the court, in accordance with section 45-61e, must approve the application in writing, prior to action by the court.

(d) Prior to a hearing on the merits in any case in which a petition for termination of parental rights is contested in a court of probate, said court shall, on the motion of any legal party except the petitioner or may on its own motion or that of the petittioner, under rules to be adopted by the judges of the superior court, transfer the case to the superior court. Upon such transfer, the clerk of the court of probate shall transmit to the clerk of the superior court the original files and papers in the case. The superior court, upon hearing after notice as provided in sections 45-61d and 45-61f, may grant such petition as provided in section 45-61f.

Sec. 78. Section 45-61d of the general statutes is repealed and the following is substituted in lieu thereof:

Upon receipt of a petition for termination of parental rights, the court of probate or the superior court on a case transferred to it from the curt of probate in accordance with the provisions of subsection (d) of section 45-61c shall set a time and place for hearing such petition which time shall be not more than thirty days after the filing of such petition and shall order notice of such hearing to be given, by registered or certified mail or otherwise, at least ten days prior to the date for such hearing, to the following persons as applicable: (a) The parent or parents of such minor child, including any parent or parents who have been removed as guardian or guardians on or after October 1, 1973, under section 45-43; (2) the father of any minor child born out of wedlock, provided he "A" has acknowledged in writing to be the father of such child or has been adjudicated the father of such child by a court of competent jurisdiction or (B) contributed regularly to support of such child; (3) the guardian or any other person whom the court shall deem appropriate; (4) the commissioner of (human resources) CHILDREN AND YOUTH SERVICES. Any person may waive his right to such notice by filing a written waiver thereof in the appropriate court; provided waiver of notice of a minor or incompetent person shall not be valid unless approved in writing by the guardian ad litem of such minor or incompetent person. If it appears that the location or address of any person entitled to notice is unknown, notice to such person may be given by publication in a newspaper having a circulation, the last-known place of residence of such person at least ten days before the time of such hearing.

Section 79. Section 45-61f of the general statutes is repealed and the following is substituted in lieu thereof:

At the hearing held on any petition for the termination of parental rights filed in the court of probate or brought under section 17-43a to the superior court or brought before the superior court on transwer to it from the court of probate, filed under section 17-43a, section 45-61c or section 45-61d, any party to whom notice was given, shall have the right to appear and be heard with respect to the petition. The court may, and in any contested case shall, request the commissioner of (human resources) CHILDREN AND YOUTH SERVICES or any child-placing agency licensed by the commissioner to make an investigation and written report to it, within ninety-days from the receipt of such request, which report shall indicate the physical, mental and emotional status of the child and shall contain such facts as may be relevant to determine whether the proposed termination of parental rights, will be for the welfare of the child, including the physical, mental, social and financial condition of the natural parents, and any other factors which the commissioner or such agency finds relevant to determine whether the proposed termination will be for the welfare of the child. In any case where such a report has been requested, upon the expiration of such ninety-day period or upon receipt of the report, whichever is earlier, the court shall set a day for a hearing not more than thirty days thereafter, and shall give reasonable notice of such adjourned hearing to all parties to the first hearing, including the child, if over fourteen years of age, and to such other persons as the court shall deem appropriate. Such report shall be admissible in evidence, subject to the right of any interested party to require that the person making it appear as a witness, if available, and subject himself to examination. At such hearing or at the initial hearing where no investigation and report has been requested, the court, upon finding that (a) over an extended period of time but not less than one year the child has been abandoned by the parent, provided the court may waive the requirement that one year expire prior to the termination of parental rights if it finds that from the totality of the circumstances surrounding the child, such waiver is necessary to promote the best interest of the child; or (2) that the child has been denied, by reason of acts of parental commission or ommission, the care, guidance or control necessary for his physical, educational, moral or emotional well-being whether such denial is the result of the physical or mental incapability of the parent or conditions attributable to parental habits, misconduct or neglect, and these parental acts of deficiencies are such as to support the conclusion that the parent cannot exercise, or should not, in the best interest of the child, be permitted to exercise,

parental rights and duties, or (3) where there are no identifiable acts of parental commission or ommission as set forth in subdivision (2), but it nevertheless appears to the court that (a) there is no ongoing parent child relationship which is defined as the relationship that develops as a result of a parent having met on a continuing, day to day basis the physical, emotional, moral and educational needs of the child and (b) to allow further time for the establishment or reestablishment of such parent child relationship would be detrimental to the best interests of the child; or (4) that both parents, or the sole parent, of such child consent to termination of their parental rights with respect to such child, may approve the petition terminating the parental rights and appoint a guardian of the person of such child, or, if the application so requests, the court may appoint a statutory parent. Where the parental rights of only one parent are being terminated, the remaining parent shall be sole parent and natural guardian. Notwithstanding anything contained in this section, the court after hearing may enter a decree terminating the parental rights of any parent or putative father if said parent or putative father consents to said termination, and waives notice thereof.

Sec. 80. Section 45-61h of the general statutes is repealed and the following is substituted in lieu thereof:

(a) In any case where a child is free for adoption as provided in section 45-61j and where a petition for appointment of a statutory parent has been made under section 45-61c, and no such appointment has been made under section 17043a or section 45-61f, the court of probate shall appoint a statutory parent for the child, which statutory parent shall be the commissioner of children and youth services or a child-placing agency. Notice of said proceeding shall be sent to the guardian of the person, the child, if over the age of fourteen, the applicant, the commissioner of (human resources) CHILDREN AND YOUTH SERVICES, and the proposed statutory parent by registered or certified mail or otherwise, at least ten days prior to the date of such hearing. Notice is not required for any party who files in court a written waiver of such notice. Such statutory parent shall be the guardian of the person of such child and shall be responsible for the welfare of the child and the protection of his interests and shall retain custody of such child until he attains the age of eighteen unless, prior to that time, he shall be legally adopted or committed to the commissioner of (human resources) CHILDREN AND YOUTH SERVICES or a licensed child-placing agency.

(b) Any statutory parent may resign or be removed for good cause shown. Upon filing of an application for the removal of a

statutory parent or the filing of a resignation of a statutory parent, in the court of probate wherein such statutory parent was appointed, the court shall schedule a hearing, on such removal application or resignation. Notice of such hearing shall be sent in accordance with section 45-61d, except that notice need not be sent to any parties whose rights have previously been terminated. At such hearing the court may accept such resignation, remove such statutory parent, or deny such application for removal. If a statutory parent is removed or resigns, the court of probate shall appoint a new statutory parent or guardian of the person.

Sec. 81. Section 45-61j of the general statutes is repealed and the following is substituted in lieu thereof:

A minor child shall be considered free for adoption and the court of probate may grant an application for the appointment of a statutory parent if any of the following have occurred: (a) The child has no living parents; (b) removal of the parents as guardians of the person has occurred prior to October 1, 1973, in accordance with the provisions of Connecticut law in effect prior to October 1, 1973; (d) termination of parental rights of all persons has occurred under Connecticut law; (d) (1) in the case of any child from outside of the United States, its territories or the commonwealth of Puerto Rico placed for adoption by the commissioner of (human resources) CHILDREN AND YOUTH SERVICES or by any child-placing agency, the petitioner has filed an affidavit that such child has no living parents or that such child is free for adoption and that the rights of all parties in connection with such child have been properly terminated under the laws of the jurisdiction in which the child was domiciled prior to being removed to the state of Connecticut; or (2) in the case of any child from any of the United States, its territories or the commonwealth of Puerto Rico placed by the commissioner of (human resources) CHILDREN AND YOUTH SERVICES or a child-placing agency, the petitioner has filed an affidavit that such child has no living parents or has filed in court a certified copy of the court decree wherein the rights of all parties in connection with such child have been terminated under the laws of the jurisdiction in which the child was domiciled prior to being removed to the state of Connecticut and said child-placing agency obtained guardianship or other court authority to place the child for adoption. If no such affidavit or certified decree has been filed, then termination of parental rights proceedings shall be required in accordance with this chapter and sections 17-43a, 17-43b, 45-43, 45-44, 45-289 and 52-231a.

Sec. 82. Section 45-63a of the general statutes is repealed and the following is substituted in lieu thereof:

Notwithstanding the provisions of section 45-63, in the case of a child sought to be adopted by a stepparent, the court of probate may waive all requirements of notice to said commissioner of (human resources) CHILDREN AND YOUTH SERVICES and waive all requirements of investigation and report by said commissioner of (human resources) CHILDREN AND YOUTH SERVICES or by a child-placing agency and, upon receipt of the application and agreement, the court of probate may set a day for a hearing upon the agreement and shall give a reasonable notice thereof to the parties to the agreement and to the child, if over fourteen years of age. At the hearing said court may deny the application, enter a final decree approving the adoption if it is satisfied that said adoption is for the best interests of the child, or order an investigation by the commissioner of (human services) CHILDREN AND YOUTH SERVICES of child-placing agency.

Sec. 83. Section 45-72 of the general statutes is repealed and the following is substituted in lieu thereof:

Upon written application by the husband, wife or any relative, or by the first selectman, the chief executive officer or the head of the department of welfare of the town of residence or domicile, of any respondent, or by the commissioner of (human resources) CHILDREN AND YOUTH SERVICES, or by the board of directors of any charitable organization, as defined in section 19-3232, or the chief administrative officer or his designee of any nonprofit hospital, the court of probate may, if it finds such respondent to be incapable or managing his or her affairs or incapable of caring for himself or herself, appoint a temporary conservator, who shall have charge of the estate and of such person or of the estate or of such person for such period of time or for such specific occasion as the court finds to be necessary, provided no such temporary appointment shall be valid for more than thirty days. No such appointment shall be made unless there is presented to the judge a certificate, signed by two physicians licensed to practice medicine or surgery in this state, stating that his condition is such as to render him incapable, and further, unless the court finds that irreparable injury to the mental or physical health or financial or legal affairs of the respondent, will result if no conservator is appointed forthwith. The court may, if it deems it to be in the best interest of the respondent, hold a hearing on any application for temporary conservator, under this section, in which case the provisions of section 45-70c shall apply, except that the seven-day notice requirement set forth in said section 45-70c shall be waived. Such certificate

shall state the date of examination, which shall not be more than three days prior to the date of signature. The judge may, in his discretion, require a temporary conservator to give a bond, conditioned upon the faithful performance of his duties in an amount to be determined by the judge.

Sec. 84. Section 46b-129 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any selectman, town manager, or town, city, or borough welfare department, any probation officer, the Connecticut Humane Soceity, or the commissioner of human resources, the commissioner of children and youth services or any child-caring institution or agency approved by the commissioner of children and youth services, a child or his representative or attorney or a foster parent of a child, having information that a child or youth is neglected, uncared-for or dependent, may file with the superior court which has venue over such matter a verified petition plainly stating such facts as bring the child or youth within the jurisdiction of the court as neglect, uncared-for, or dependent, within the meaning of section 46b-120, the name, date of birth, sex, and residence of the child or youth, the name and residence of his parents or guardian, and praying for appropriate action by the court in conformity with the provisions of this chapter. Upon the filing of such a petition, the court shall cause a summons to be issued requireing the parent or parents or the guardian of the child or youth to appear in court at the time and place named, which summons shall be served not less than fourteen days before the date of the hearing in the manner prescribed by section 51-309, and said court shall further give notice to the petitioner and to the commissioner of children and youth services of the time and place when the petition is to be heard not less than fourteen days next preceding the hearing in question.

(b) If it appears from the allegations of the petition and other verified affirmations of fact accompanying the petition, or subsequent, thereto, that there is reasonable cause to find that the child's or youth's condition or the circumstances surrounding his care reauire that his custody be immediately assumed to safeguard his welfare, the court shall either (1) issue an order to the parents or other person having responsibility for the care of the child or youth to show cause at such time as the court may designate why the court shall not vest in some suitable agency or person the child's or youth's temporary care and custody pending a hearing on the petition, or (2) vest in some suitable agency or person the child's or youth's temporary care and custody pending a hearing upon the petition which shall be held within ten days from

the issuance of such order on the need for such temporary care and custody. The service of such orders may be made by any officer authorized by law to serve process, or by any probation officer appointed in accordance with section 46b-123, investigator from the department of administrative services, state police officer or indifferent person. The expense for any temporary care and custody shall be paid by the town in which such child or youth is at the time residing, and such town shall be reimbursed therefor by the town found liable for his support.

(c) When a petition is filed in said court for the commitment of a child or youth, the commissioner of children and youth services shall make a thorough investigation of the case and shall cause to be made a thorough physical and mental examination of the child or youth if requested by the court. The court after hearing on the petition and upon a finding that the physical or mental ability of a parent or guardian to care for the child or youth before the court is at issue may order a thorough physical or mental examination, or both, of the parent or guardian whose competency is in question. The expenses incurred in making such physical and mental examinations shall be paid as costs of commitment are paid.

(d) Upon finding and adjudging that any child or youth is uncared-for, neglected or dependent, the court may commit him to (the commissioner of human resources, or to) the commissioner of children and youth services, or may vest his care and personal custody in any private or public agency which is permitted by law to care for neglected, uncared-for or dependent children or youth or with any person found to be suitable and worthy of such responsibility by the court. The commissioner to whom the child or youth is committed shall be the guardian of such child or youth until he has reached the age of eighteen years or, in the case of a child or youth in full-time attendance in a secondary school, a technical school, a college or a state accredited job training program, until such child or youth has reached the age of twenty-one by consent of such youth, or until another guardian has been legally appointed, and in like manner, upon such vesting of his care, such other public or private agency or individual shall be the guardian of such child or youth until he has reached the age of eighteen years or, in the case of a child or youth in full-time attendance in a secondary school, a technical school, a college or a state accredited job training program, until such child or youth has reached the age of twenty-one years or until another guardian has been legally appointed. (Either) The commissioner may place any child or youth so committed to him in a suitable foster home or in a home of a person related by blood to such child or youth

or in a licensed child-caring institution or in the care and custody of any accredited, licensed, or approved child-caring agency, within or without the state, provided a child shall not be placed outside the state except for good cause and unless the parents of such child are notified in advance of such placement and given an opportunity to be heard, or in a receiving home maintained and operated by the (commissioner of human resources or by the) commissioner of children and youth services. In placing such child or youth, said commissioner shall, if possible, select a home, agency, institution or person of like religious, faith to that of a parent of such child or youth, if such faith is known or may be ascertained by reasonable inquiry, provided such home conforms to the standards of said commissioner.

(e) The commissioner of (the department to which the child or youth is committed,) CHILDREN AND YOUTH SERVICES shall pay directly to the person or persons furnishing goods or services determined by said commissioner to be necessary for the care and maintenance of such child or youth the reasonable expense thereof, payment to be made at intervals determined by said commissioner; and the comptroller shall draw his order on the treasurer, from time to time, for such part of the appropriation for care of committed children or youth as may be needed in order to enable the commissioner to make such payments. Said commissioner shall include in his annual budget a sum estimated to be sufficient to carry out the provisions of this section. Notwithstanding that any such child or youth has income or estate, the commissioner may pay the cost of care and maintenance of such child or youth. The commissioner may bill to and collect from the person in charge of the estate of any child or youth aided under this chapter, including his decedent estate, or the payee of such child's or youth's income, the total amount expended for care of such child or youth or such portion thereof as any such estate of payee is able to reimburse.

(f) Any court by which a child or youth has been committed pursuant to the provisions of this section may, upon the application of a parent, including any person who acknowledges before said court paternity of a child or youth born out of wedlock, or other relative of such child or youth, the selectman or any original petitioner, or a licensed child-caring agency or institution approved by the commissioner, or said commissioner, and while such child or youth is under the guardianship of said commission, upon hearing, after reasonable notice to said commissioner, and, if said commissioner made the application, after reasonable notice to such parent, relative original petitioner, selectman or child-caring agency or institution, upon

finding that cause for commitment no longer exists, revoke such commitment, and thereupon such guardianship and all control of said commissioner over such child or youth shall terminate. The court may further revoke the commitment of any child or youth upon application by the commissioner or by the child or youth concerned and after reasonable notice to the parties affected upon a finding that such revocation will be for the best interest and welfare of such child or youth. No hearing shall be held for such reopening and termination of commitment or transfer of commitment more often than once in six months, except upon the application of said commissioner.

(g) Upon service on the parent, guardian or other person having control of the child or youth of any order issued by the court pursuant to the provisions of subsections (b) and (d) of this section, the child or youth concerned shall be surrendered to the person serving the order who shall forthwith deliver the child or youth to the person, agency, department or institution awarded custody in such order. Upon refusal of the parent, guardian or other person having control of the child or youth to surrender the child or youth as provided in the order, the court may cause a warrant to be issued charging the parent, guardian or other person having control of the child or youth with contempt of court. If the person arrested is found in contempt of court, the court may order such person confined until he purges himself of contempt, but for not more than six months, or may fine such person not more than five hundred dollars, or both.

(h) A foster parent shall having standing for the purposes of this section in superior court in matters concerning the placement of a foster child living with such parent."

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DEPUTY SPEAKER COATSWORTH:

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

REP. VAN NORSTRAND: (141st)

Mr. Speaker.

DEPUTY SPEAKER COATSWORTH:

Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

In the same vein, Mr. Speaker, the Clerk has an amendment bearing LCO No. 9129. Will the Clerk please call the amendment?

DEPUTY SPEAKER COATSWORTH:

The Clerk will please call LCO No. 9129, hereby designated House Amendment Schedule "C".

CLERK:

LCO No. 9129, offered by Rep. VanNorstrand of the 141st District.

DEPUTY SPEAKER COATSWORTH:

Does the gentleman seek leave of the chamber to summarize in lieu of reading?

REP. VAN NORSTRAND: (141st)

May I please, Mr. Speaker?

DEPUTY SPEAKER COATSWORTH:

Is there objection? Hearing none, Rep. Van Norstrand to

summarize House Amendment Schedule "C".

REP. VAN NORSTRAND: (141st)

Very brief, Mr. Speaker. In the same vein, although as I said, much brief than Rep. Tulisano's amendment.

Merely to correct two oversights that appeared in the file copy of the bill. In one case a sub-section misnumbered and in the other case a 230 transposed to 23-0.

I urge adoption.

DEPUTY SPEAKER COATSWORTH:

The question is on adoption of House Amendment Schedule "C".

Will you remark?

Will you remark further on the adoption of the amendment?

If not, all those in favor of the amendment, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COATSWORTH:

Opposed, no. The amendment is adopted, and ruled technical.

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House Amendment Schedule "C".

In line 162, delete "47a-48" and insert "47a-68" in lieu thereof. In line 178, delete "32-230" and insert "32-23o" in lieu thereof.

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DEPUTY SPEAKER COATSWORTH:

Will you remark further on the bill as amended? Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has another amendment, LCO No. 9162, 62, I'm sorry. May I repeat that, Mr. Speaker: LCO No. 9162. Please call.

DEPUTY SPEAKER COATSWORTH:

The Clerk will please call LCO No. 9162, hereby designated House Amendment Schedule "D".

CLERK:

LCO No. 9162, offered by Rep. Tulisano of the 29th District.

DEPUTY SPEAKER COATSWORTH:

The gentleman seeks leave of the chamber to summarize in lieu of reading. Is there objection? Hearing none, Rep. Tulisano to summarize the amendment.

REP. TULISANO: (29th)

Mr. Speaker, this is the last of the amendments that I will present today which picks up requests as of today. In one

public act that we have passed already, it was effective October 1, but it is the Secretary of State's act, which normally we give until January 1 to prepare all the forms, which will not be available, and this is consistent with the way we pass most often to the Secretary of State's office. It makes some other changes in titles from Public Health Counsel, Commissioner of Health Services which is consistent with other legislation.

And thirdly, it makes three changes to the product liability law, which was today passed in the Senate, but which parallels what the understanding of the parties was -- there was a file copy that got through here did not track some other statutes from Workman's Compensation and there was something in the file copy that was not deleted that was supposed to be, and all three have been gone over by all parties involved and it is based on the same agreement we originally had. I move adoption.

DEPUTY SPEAKER COATSWORTH:

The question is on adoption of House Amendment Schedule "D". Will you remark? Will you remark further on the adoption of House Amendment Schedule "D"? If not, all those in favor of the amendment please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COATSWORTH:

Opposed, no. The ayes have it. The amendment is adopted and ruled technical.

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House Amendment Schedule "D"

After line 1252, insert the following and renumber the remaining sections accordinglyl:

"Sec. 51. Public act 79-377 shall take effect January 1, 1980.

Sec. 52. Subsection (a) of section 17-136f of the general statutes is repealed and the following is substituted in lieu thereof:

(a) On or before February 1, 1978, the commissioner on aging shall : (1) Recommend to the (public health council) COMMISSIONER OF HEALTH SERVICES regulations and standard for licensure of home health care agencies, homemaker-home health aide agencies and coordination, assessment and monitoring agencies, as defined in section 19-576: (2) recommend to the commission on hospitals and health care regulations and standards for approving the establishment and expansion of such agencies; and for approving rates of and auditing such agencies; and (3) recommend to the general assembly the cost to the department of health services of licensing such agencies, the cost to the commission of hospitals and health care of regulating such agencies, the desirability of annual budget review of such agencies and licensure fees for such agencies, including the desirability of annual relicensure fees.

Sec. 53. Section 19-65 of the general statutues is repealed and the following is substituted in lieu thereof:

When any building or part thereof is occupied as a home or place of residence or as an office or place of business, either mercantile or otherwise, a temperature of less than sixty-five degrees Fahrenheit in such building or part thereof shall, for the purpose of this section, be deemed injurious to the health of the occupants thereof- except that the (public health council) COMMISSIONER OF HEALTH SERVICES may adopt regulations establishing a temperature higher than sixty-five degrees when the health comfort or safety of the occupants of any such building or part thereof so requires. In any such building or part thereof where, because of physical characteristics or the nature of the business being conducted, a temperature of sicty-five degrees Fahrenheit cannot reasonably be maintained in certain areas, the labor commissioner may grant a variance for such areas. The owner of

any building or the agent of such owner having charge of such property, or any lessor or his agent, manager, superintendent or janitor of any building, or part thereof, the lease or rental agreement whereof by its terms, express or implied, requires the furnishing of heat, cooking gas, electricity, hot water or water to any occupant of such building part thereof, who, wilfully and intentionally, fails to furnish such heat to the degrees herein provided, cooking gas, electricity, hot water or water and thereby interferes with the comfortable or quiet enjoyment of the premises, at any time when the same are necessary to the proper or customary use of such building of part thereof, shall be fined not more than one hundred dollars or imprisoned not more than sixty days or both. No public service company shall, at the request of any such owner, agent, lessor, manager, superintendent or janitor, cause heat, cooking gas, electricity, hot water or water services to be terminated with respect to any such leased or rented property unless the owner or lessor furnishes a statement signed by the lessee agreeing to such termination or a notarized statement signed by the lessor to the effect that the premises are vacant.

Sec. 54. Section 19-139j of the general statutes is repealed and the following is substituted in lieu thereof:

The (public health council) COMMISSIONER OF HEALTH SERVICES shall promulgate such regulations as may be necessary to carry out the purposes of sections 19-139c to 19-139j, inclusive.

Sec. 55. Section 25-37b of the general statutes is repealed and the following is substituted in lieu thereof:

As used in sections 25-32 and 25-37a to 25-37g, inclusive, "critical components of a stream belt" means (1) the water course of a defined stream including banks, bends and water; (2) land subject to stream overflow; (3) associated wetlands, and (4) shorelines of lakes and ponds associated with the stream. "First-order stream" means a stream which directly enters a reservoir; "purity and adequancy of public drinking water supply" means the quality and quantity of public drinking water as determined by the (public health council) COMMISSIONER OF HEALTH SERVICES under subsection (d) of section 25-32, "water company" means any water company as defined in section 25-32a, and "commissioner" means the commissioner of health services.

Sec. 56. Section 18-65a of the general statutes is repealed and the following is substituted in lieu thereof:

Any female person between the ages of sixteen and twenty-one years who is convicted in the superior court for an offense for which she may be punished by imprisonment for a shorter period than life or any female child transferred to the regular docket of said court under section 46b-126 or (subsection (a) of) section 46b-127 may, if it appears to the trial court that such person is amenable to reformatory methods be sentenced to an indefinite term of imprisonment in the Connecticut Correctional Institution, Niantic or to the commissioner of correction for placement in any institution available to said commissioner for placement in any institution available to said commissioner or the judge may impose a definite term of imprisonment for a specified period of time but in no event shall any sentence under this section be for a term longer than the maximum term of imprisonment for the offense committed, nor shall such term by for more than five year. The judge at the time of imposing any sentence to imprisonment in said institution or to the custody of said commissioner for placemnt in any institution available to him, may order suspension of such sentence after any specified number of months and may place such person on probation for the unexpired portion of the sentence.

Sect. 57. Section 18-73 of the general statutes is repealed and the following is substituted in lieu thereof:

Any male child transferred to the regular criminal docket of the superior court under section 46b-126 or (subsection (a) of) section 46b-127, or any male person between the ages of sixteen and twenty-one years who is convicted of an offense for which he may be punished by imprisonment for a shorter period than life, may be committed to the Connecticut Correctional Institution, Cheshire, if he appears to the trial court to be amenable to reformatory methods. The judge imposing a sentence to the Connecticut Correctional Institution, Cheshire, may impose a term of indefinite imprisonment in said institution, or he may impose a sentence to a definite term of imprisonment therein for a specified time, but in no event shall any sentence under this section be for a term longer than the maximum term of imprisonment for the offense committed or for a term of more than five years. The judge, at the time of imposing any sentence to imprisonment in said institution, may order its suspension after any specified number of months and may place the defendant on probation for the unexpired portion of the sentence. Uniform forms of mittimus for commitments ot the Connecticut Correctional Institution, Cheshire, shall be used, which forms shall be prepared by the judicial department and furnished by said institution.

Sec. 58. Section 1 of substitute house bill 5870 of the current session is repealed and the following is substituted in lieu thereof:

As used in this act:

(a) "Product seller" means any person or entity, including a manufacturer, wholesaler, distributor or retailer who is engaged in the business of selling such products whether the sale is for resale or for use or consumption. The term "product seller" also includes lessors or bailors of products who are engaged in the business of leasing or bailment of products.

(b) "Product liability claim" includes all claims or actions brought for personal injury, death or property damage caused by assembly, installation, testing, warnings, instructions, marketing packaging or labeling of any product. "Product liability claim" shall include, but is not limited to, all actions based on the following theories: Strict liability in tort; negligence, breach of warranty, express or implied; breach of our failure to discharge a duty to warn or instruct, whether negligent or innocent; misrepresentation or nondisclosure, whether negligent or innocent.

(c) "Claimant" means a person asserting a product liability claim for damages incurred by the claimant or one of whom the claimant is acting in a representative capcity.

(d) "Harm" includes damage to property, including the product itself, and personal injuries including wrongful death.

(e) "Manufacturer" includes product sellers who design, assemble, fabricate, construct, process, package or otherwise prepare a product or component part of a product prior to its sale to a user or consumer. It includes a product seller or entity not other wise a manufacturer that holds itself out as a manufacturer.

((f) "Clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the allegations sought to be established.)

Sec. 59. Subsection (e) of section 52-577a of the general statutes, as amended by section 3 of substitute house bill 5870 of the current session, is repealed and the following is substituted in lieu thereof:

(e) The provisions of this section shall apply to all product liability claims (pending on or) brought ON OR after the effective date of this act.

Sec. 60. Subsection (b) of section 11 of substitute house bill 5870 of the current session is repealed and the following is substituted in lieu thereof:

(b) The plaintiff, upon verdict or settlement against a third party resulting from a product liability claim shall receive the amount of the verdict or settlement reduced by his attorney's fees and costs, and further reduced by an amount equal to the amount paid as compensation, including medical expenses, under the provisions of chapter 568 and (the present value of all future compensation benefits payable under chapter 568) AN AMOUNT EQUAL TO THE PRESENT WORTH OF ANY PROBABLY FUTURE PAYMENTS TO WHICH HE HAS BECOME ENTITLED BY AWARD ON ACCOUNT OF SUCH INJURY."

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DEPUTY SPEAKER COATSWORTH:

Will you remark further on the bill as amended by House Amendment Schedules "A", "B", "C" and "D"?

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER COATSWORTH:

Rep. Tulisano.

REP. TULISANO: (29th)

I move for passage of the bill. As I've indicated it is all technical in nature. And if you think itmight not be, I think I fully explained to the body, although I think they are all technical and I hope we will have the support of the whole body for passage of the bill.

DEPUTY SPEAKER COATSWORTH:

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

The House of Representatives is voting by roll call at this time. All members please return to the chamber. The House of Representatives is voting by roll call at this time. All members please return to the chamber.

Have all the members voted, and is your vote properly recorded? Have all the members voted? Is your vote properly recorded? If so, the machine will be locked. The Clerk will

please take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7955, as amended by House Amendments "A", "B", "C" and "D".

Total number voting	143
Necessary for passage	72
Those voting yea	142
Those voting nay	1
Those absent and not voting	8

DEPUTY SPEAKER COATSWORTH:

The bill as amended has passed.

CLERK:

Page 3, Calendar No. 1272, File No. 702, Substitute for House Bill No. 7868, AN ACT CREATING A SURETY BOND GUARANTEE PROGRAM FOR SMALL CONTRACTORS. Favorable Report of the Committee on Finance, Revenue and Bonding.

REP. MILNER: (7th)

Mr. Speaker.

DEPUTY SPEAKER COATSWORTH:

Rep. Milner.

REP. MILNER: (7th)

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

H-246

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1979

TRAILER SESSION
JULY

VOL. 22
PART 37
12729-12981

SPEAKER ABATE:

The bill passes.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I move for suspension of the rules for immediate consideration of Substitute House Bill No. 7955.

SPEAKER ABATE:

The question is on a suspension of the rules for immediate consideration of Substitute House Bill No. 7955, AN ACT CONCERNING THE REVISORS' CORRECTIONS TO THE GENERAL STATUTES. Is there objection? Is there objection? Hearing none, it is so ordered.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

The Clerk please call the item.

CLERK:

Favorable Report of the Joint Standing Committee on Judiciary. Substitute House Bill No. 7955, AN ACT CONCERNING THE REVISORS' CORRECTIONS TO THE GENERAL STATUTES (as amended by House Amendment Schedules "A", "B", "C" and "D").

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

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

SPEAKER ABATE:

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

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, there's a Senate Amendment Schedule "A", LCO No. 9237. Will the Clerk please call?

SPEAKER ABATE:

The Clerk has in his possession Senate Amendment Schedule "A", LCO No. 9327. Would the Clerk please call the amendment.

CLERK:

LCO No. 9327, offered by Senator Baker of the 24th.

SPEAKER ABATE:

Is the gentleman seeking leave of the Chamber to summarize the amendment in lieu of Clerk's reading?

REP. TULISANO: (29th)

Yes, Mr. Speaker.

SPEAKER ABATE:

Is there objection? Hearing none, you may proceed to summarize the amendment, Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, this is a substantive amendment to a technical bill. I move rejection of Senate Amendment Schedule "A". It is not consistent with the procedure before this House and I hope we'll reject it immediately.

SPEAKER ABATE:

The question is on rejection of Senate Amendment Schedule "A". Will you remark on its objection? If not, all those in favor of its rejection --

REP. LEONARD: (111th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Elizabeth Leonard.

REP. LEONARD: (111th)

Thank you, Mr. Speaker. I need a little further enlightenment from Rep. Tulisano, through you, Mr. Speaker. Why isn't it?

SPEAKER ABATE:

Rep. Tulisano, will you respond?

REP. TULISANO: (29th)

Through you, Mr. Speaker, it makes substantive changes in the law, indicates that during construction or reconstruction,

improvement or alteration or repair of a housing project, it establishes how to obtain funds, it establishes what towns may or may not do. It puts some time periods on how they can get notes, and bonds. It's fairly lengthy in nature and it's fairly substantive in change of the law, and that is not consistent with what we do with technical amendments.

REP. LEONARD: (111th)

I see, thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the motion, the motion being to reject Senate Amendment Schedule "A"? If not, all those in favor of its rejection, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Those opposed, nay. The ayes have it. The amendment is rejected.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

The Clerk has amendment LCO No. 9174, Senate "B". The Clerk please read.

SPEAKER ABATE:

The Clerk has in his possession an amendment, LCO No. 9174, previously designated Senate Amendment Schedule "B". Would the Clerk please call the amendment.

CLERK:

LCO No. 9174, offered by Senator Morano of the 36th.

SPEAKER ABATE:

Is the gentleman seeking leave of the Chamber to summarize the amendment in lieu of Clerk's reading?

REP. TULISANO: (29th)

Yes, Mr. Speaker.

SPEAKER ABATE:

Is there objection to summarization in lieu of reading? Is there objection? Hearing none, it is so ordered. You may proceed to summarize the amendment.

REP. TULISANO: (29th)

Mr. Speaker, this is again a substantive amendment. It changes the law of condominiums, indicated in Section 47-90c of the Connecticut General Statutes. Indicates, makes Section 47-88a apply to condominiums declared prior to January 1, 1977. Presumably it would not apply now, at least that's how it sounds, and therefore accordingly this is substantive. I will once again move its rejection.

SPEAKER ABATE:

The question is on rejection of Senate Amendment Schedule "B". Will you remark on its rejection? If not, all those in favor of its rejection, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Those opposed, nay. The ayes have it. The amendment is rejected. Will you remark further on this bill?

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

I move for passage of the bill as amended by House Amendments "A", "B", "C" and "D" as previously adopted by the bill.

SPEAKER ABATE:

Will you remark further on the bill as amended? If not, would all the members please be seated. All staff and guests please come to the well of the House. The machine will be opened.

The House is voting by roll at this time. Would the members please return to the Chamber immediately. The House is voting by roll at this time. Would the members please return to the Chamber immediately.

REP. HANZALEK: (61st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Hanzalek.

REP. HANZALEK: (61st)

Thank you. May my vote be recorded in the affirmative, for a change?

SPEAKER ABATE:

The Chair will so note, madam.

Have all the members voted? Have all the members voted? Would the members please check the roll call machine to determine if their vote is properly recorded. The machine will be locked. The Clerk will take the tally.

The Clerk please announce the tally.

CLERK:

House Bill No. 7955, with House Amendment Schedules "A", "B", "C" and "D".

Total number voting	140
Necessary for passage	71
Those voting yea	140
Those voting nay	0
Those absent and not voting	11

SPEAKER ABATE:

The bill passes.