

Legislative History for Connecticut Act

HB 5546 PA 196 1980

House 1376-1378, 1381-1385 (8)

Senate 1984-1986, 2228 (4)

Human Services 216-217 (2)

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS

1980

VOL. 23

PART 4

1070-1430

REP. GROPPA: (63rd)

May this item be passed, retaining its place on the Calendar.

SPEAKER ABATE:

Is there objection to that motion? Hearing none, it is so ordered.

CLERK:

Calendar No. 145, File No. 171, Substitute for House Bill No. 5546, AN ACT PROVIDING FOR AN APPEAL PROCESS CONCERNING DECISIONS MADE BY THE COMMISSIONER OF INCOME MAINTENANCE.

Favorable Report of the Committee on Human Services.

REP. WALSH: (53rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Robert M. Walsh.

REP. WALSH: (53rd)

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

SPEAKER ABATE:

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

REP. WALSH: (53rd)

Yes, Mr. Speaker. The Clerk has an amendment numbered

LCO 3220. I would ask that it be called and that I be given permission to summarize.

REP. VAN NORSTRAND: (141st)

Mr. Speaker. Mr. Speaker. Point of Order.

SPEAKER ABATE:

Rep. VanNorstrand, state your point please, sir.

REP. VAN NORSTRAND: (141st)

Mr. Speaker, it is my understanding that members of the Finance Committee are still meeting upstairs and I understand it, under Section 628 of Mason's Manual, it is the procedure in this Chamber, as it was ruled earlier today in the Senate, that we should not proceed to consent to have a meeting during the Session and not having been obtained from this body.

SPEAKER ABATE:

Rep. VanNorstrand, as you know, this Speaker has, in fact, ruled on this Point of Order at an earlier point in time. You are correct that Section 628 of Mason's Legislative Manual and Section 1, specifically indicates that committees, except conference committees, may not meet during the Sessions of the House without the consent of the House.

To secure consent, the chairman of the committee should present a motion giving the consent. We also have, sir, a provision in our House Rules that provides for suspension of the Rules to allow for such conduct, but your point, sir, is well

taken. The committee should not be meeting at this time while the House is in Session.

REP. GROPPPO: (63rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Groppo.

REP. GROPPPO: (63rd)

At this point, Mr. Speaker, I ask that we suspend the Rules so that we can conduct the business as the Clerk calls.

SPEAKER ABATE:

The question is on suspension of the Rules to allow the conduct of business in this Chamber at the same time that the Finance Committee is conducting business in its own chamber. The Rules of course require a two-thirds vote of those members present and voting. A roll call, therefore, is in order.

Would all the members please be seated. Would the members please be seated. Would all the members please be seated. Would all staff and guests please come to the well of the House. The machine will be opened.

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

The matter before the Chamber for action at this time is action on Substitute House Bill No. 5546, which appears as Calendar No. 145, File No. 171. Prior to Rep. VanNorstrand putting to this Chamber a Point of Order, which was, in fact, well taken, Rep. Walsh had asked the Clerk to call LCO No. 3220, an amendment which I designated House Amendment Schedule "A".

Rep. Walsh had requested leave of the Chamber to summarize the amendment in lieu of Clerk's reading. Would the Clerk please call once again LCO No. 3220.

CLERK:

LCO No. 3220, offered by Rep. Walsh of the 53rd District.

SPEAKER ABATE:

The amendment which is designated House Amendment Schedule "A" is before us. Is there objection to the gentleman summarizing this amendment in lieu of Clerk's reading? Is there objection?

Hearing none, it is so ordered. Rep. Walsh, you may proceed with summarization, sir.

REP. WALSH: (53rd)

Thank you, Mr. Speaker. Little did I know such a simple bill and simple amendment would provoke so much controversy on the floor of this Chamber.

Mr. Speaker, the amendment, which will in effect become the bill if passed, addresses a difficulty that the Department

of Income Maintenance has had insofar as decisions made vis a vis rate setting in certain facilities and for certain services purchased by the Department of Income Maintenance.

There is a ruling from -- by the Attorney General of the State of Connecticut from the Department of Health, Education and Welfare indicating that unless certain changes are made, our funding for Medicaid purposes under HEW will be in jeopardy. The primary concern is that we have a unique circumstance here and our attempt to unclutter the courts, which refers to decisions by the Commissioner of Income Maintenance, to a binding arbitration panel rather than to the courts.

Unfortunately, one of the factors not contemplated in that referral is the fact that the panel might fix a fee in excess of the amounts allowed by HEW. And so what this amendment seeks to do is to bring those amounts, or those decisions and hence their amounts, from the binding arbitration panel into line with the standards of HEW and to provide compliance through the Uniform Procedure Act, Administrative Procedures Act of the State of Connecticut.

It's a good amendment, and I would move its passage, sir.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "A". Will you remark on its adoption? Will you remark further

on the adoption of House Amendment Schedule "A"? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay. The ayes have it. It is adopted.
and ruled technical.

House Amendment Schedule "A".

In line 11, remove the opening bracket.

In line 23, remove the closing bracket and strike the words "ANY INSTITUTION OR AGENCY".

Strike out lines 24 to 33 in their entirety and insert the following: "THE PROCEEDINGS OF THE ARBITRATION BOARD AND ANY DECISIONS RENDERED BY SUCH BOARD SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE SOCIAL SECURITY ACT, 49 STAT. 620 (1935), 42 U.S.C. 1936, AS AMENDED FROM TIME TO TIME, AND THE UNIFORM ADMINISTRATIVE PROCEDURE ACT, SECTIONS 4-166 TO 4-189 OF THE GENERAL STATUTES."

SPEAKER ABATE:

Will you remark further on this bill as amended by House Amendment Schedule "A"?

REP. WALSH: (53rd)

Just briefly, Mr. Speaker.

SPEAKER ABATE:

Rep. Walsh.

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REP. WALSH: (53rd)

Thank you, Mr. Speaker.

The amendment now becomes the bill, and I think that's already been explained.

I would urge its adoption.

SPEAKER ABATE:

Will you remark further on this bill as amended by House Amendment Schedule "A"? Will you remark further on the bill as amended by House Amendment Schedule "A"?

If not, would all members please be seated. Would all staff and guests please come to the well of the House. The machine will be opened.

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

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

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 and the Clerk will take the tally.

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Will the Clerk please announce the tally.

CLERK:

House Bill 5546, as amended by House Amendment
Schedule "A".

Total number voting	142
Necessary for passage	72
Those voting yea	141
Those voting nay	1
Those absent and not voting	9

SPEAKER ABATE:

The bill as amended passes.

REP. DYSON: (94th)

Mr. Speaker.

SPEAKER ABATE:

Rep. William Dyson.

REP. DYSON: (94th)

A point of personal privilege please.

SPEAKER ABATE:

Proceed please.

REP. DYSON: (94th)

Mr. Speaker, as a further continuation of the good things that New Haven, Connecticut, brings to this Chamber, I'd like to present to this body quite a treat. And I think most of us

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in their district prior to moving out of Connecticut. This bill would further clarify that a court of probate could grant administration of intestate estates and to admit wills to probate of such persons not domiciled in Connecticut at the time of their death, if any of the deceased bank accounts are maintained or evidences of other intangible property, such as stocks or bonds, of the deceased are situated in such court's district. The main purpose of the bill will eliminate any probability, ah, any problems in regard to where a person's estate is going to have to be probated. We have been having some trouble with the State of New York in regard to this.

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

THE PRESIDENT:

The motion is to move this bill to Consent? Would you remark further? Is there objection to Consent? There being no objection, it is so ordered.

THE CLERK:

Cal. 402, File 171. Substitute for House Bill 5546.

AN ACT PROVIDING FOR AN APPEAL PROCESS CONCERNING DECISIONS MADE BY THE COMMISSIONER OF INCOME MAINTENANCE, as amended by House Amendment Schedule A. Favorable report of the Committee on Human Services.

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THE PRESIDENT:

Senator Martin.

SENATOR MARTIN: (18th)

Mr. President, I move the committee's joint favorable report and passage of the bill.

THE PRESIDENT:

Senator Martin, would you remark on House Amendment Schedule A first?

SENATOR MARTIN:

House Amendment Schedule A calls for the proceedings of the Arbitration Board any decisions rendered by such Board shall be conducted according to the decisions of Social Security Act, as amended from time to time and the Uniform Administrative Procedures Act.

THE PRESIDENT:

Will you remark further on House Amendment Schedule A? There being no further remarks, all those in favor of House Amendment Schedule A signify by Aye. Opposed. So ordered. Senator Martin.

SENATOR MARTIN:

The bill provides for an appeal process to institutions and agencies aggrieved by a decision of the commissioner of income maintenance in order to conform with Federal regulations. If there is no objection, I move the bill be placed on the Consent Calendar.

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THE PRESIDENT:

The motion is to Consent. Would you remark further?
There being no further remarks on the move to Consent, it
is so ordered.

THE CLERK:

Cal. 415, File 578. Substitute for Senate Bill 522.

AN ACT CONCERNING TOWING MOTOR VEHICLES FOR SALVAGE. Fav-
orable report of the Committee on Finance, Revenue and
Bonding.

THE PRESIDENT:

Senator Owens.

SENATOR OWENS: (22nd)

Mr. President, I move acceptance of the joint com-
mittee's favorable report and passage of the bill. I would
like to comment briefly, if I may.

THE PRESIDENT:

Senator Owens, will you proceed.

THE PRESIDENT:

Yes. In 1979, this Legislature intended to exempt
wreckers for the transportation of motor vehicles for salvage
purposes, the so-called car-carriers, from the regulatory
requirements applicable to wreckers. But unfortunately, we
overlooked the fact that this bill allowed these type of
motor vehicle dealers who use wreckers for transporting motor

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THE CLERK:

Page one - Cal. 551, 552, 553. Page two - Cal. 554, 555, 556, 557. Page three - Cal. 63, 84, 132. Page four - Cal. 187. Page five - Cal. 188, 190, 192, 193. Page six - Cal. 199, 247, 283. Page eight - Cal. 318. Page nine - Cal. 370. Page ten - Cal. 394, 396, 402. Page eleven - Cal. 429 and 436. Page twelve - Cal. 442, 444, 447, 448. Page thirteen - Cal. 452, 453, 460, 461 and 462. Page fourteen - Cal. 464. Page fifteen - Cal. 470, 472, 473. Page sixteen - Cal. 476, 477, 478. Page seventeen - Cal. 482 and 484. Page eighteen - Cal. 486, 488, 490, 491. Page nineteen - Cal. 492, 493 and 494. Page thirty-six - Cal. 89 and 157. And that concludes today's Consent

Calendar. SR 28, SR 29, SR 31, SR 30, SR 32, SR 33, SR 34, SB 308, SB 309, HB 5331, HB 5164, HB 5187, HB 5537, HB 5275, HB 5339, SB 637,

THE PRESIDENT: HB 5181, SB 359, SB 253, SB16, SB 540, SB 710, HB 5546, SB 656, SB 524, SB 718, HB 5865, HB 5213, HB 5572, HB 5902,

The machine is open. Have all senators voted?

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

Result of the Vote - 32 Yea - 0 Nay. THE CONSENT

CALENDAR IS ADOPTED. HB 5903, SB 44, SB 47, SB 134, SB 262, SB 450, SB 526, SB 616, HB 5186, HB 5606, HB 5771, HB 5609, Senator Lieberman. HB 5545, HB 5073, HB 5792, HB 5990, HB 6031, HB 6032, HB 5550, HB 5673, SB 488, SB 549

SENATOR LIEBERMAN:

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

THE PRESIDENT: