

Legislative History for Connecticut Act

HB 5163 PA 405 1980

House 1101-1111, 5022-5029, 5597,
5870-5871, 6690-6693 (26)

Senate - 1374-1381, 1469-1473, 2059-2077,
2986-2992, 3400-3401, 3559-3561

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CONNECTICUT
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HOUSE

PROCEEDINGS
1980

VOL. 23
PART 4
1070-1430

SPEAKER ABATE:

The ayes have it. The resolution is adopted.

CLERK:

Favorable reports.

Calendar page 2, Calender No. 3, File No. 7, Substitute for House Bill No. 5096. AN ACT CONCERNING THE AWARDING OF SUNDAY DATES FOR RACING OR THE EXHIBITION OF JAI ALAI. Favorable report of the Committee on Public Safety.

REP. GROPPA: (63rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Groppo.

REP. GROPPA: (36rd)

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

SPEAKER ABATE:

Is there objection? Is there objection? If not, it is so ordered.

CLERK:

Calendar Page 3, Calendar No. 36. File 45, Substitute for House Bill No. 5163. AN ACT CONCERNING EQUAL OPPORTUNITIES FOR PUBLIC SCHOOL STUDENTS. Favorable report of the Committee on Education.

REP. ORCUTT: (98th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Gail Orcutt.

REP. ORCUTT: (98th)

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?

REP. ORCUTT: (98th)

Yes, Mr. Speaker. There is an amendment, LCO No. 2766.

SPEAKER ABATE:

The Clerk has in his possession LCO No. 2766, hereinafter designated House Amendment Schedule "A". Will the Clerk please call and read.

CLERK:

LCO No. 2766 offered by Rep Neumann of the 62nd.

In line 11, after the word "schools" insert the following:

"AT SUCH TIME AS THE CHILD BECOMES ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES, PROGRAMS AND COURSES OF STUDY."

REP. ORCUTT: (98th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Orcutt.

REP. ORCUTT: (98th)

May I yield to Rep. Neumann, please.

SPEAKER ABATE:

Do you care to move adoption, Madam?

REP. ORCUTT: (98th)

Yes. I move adoption of the amendment.

SPEAKER ABATE:

Will you remark further?

REP. ORCUTT: (98th)

I would like to yield to Rep. Neumann.

SPEAKER ABATE:

Rep. Neumann, will you accept the yield, Sir?

REP. NEUMANN: (62nd)

Thank you, Mr. Speaker. I do. Speaking to the amendment, Mr. Speaker. The concern in the file copy that this amendment is addressing is the question of the appropriate time for notification. It would seem inappropriate to be notifying Kindergarten children the first day they arrive at school of their rights through twelve of thirteen years of school, and this amendment addresses the question of notification to the students at the appropriate times in their school careers. I urge its adoption.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "A"? Will you remark further? If not, all those in

favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay.

REPRESENTATIVES:

Nay.

SPEAKER ABATE:

The ayes have it. The amendment is adopted, and it is ruled technical. Will you remark further on this bill?

RPE. ORCUTT: (98th)

Yes, Mr. Speaker.

SPEAKER ABATE:

Rep. Orcutt.

REP. ORCUTT: (98th)

Mr. Speaker, this bill makes three changes in the statutes relative to sex equity. The first change provides that when instructional materials are selected, they will be selected by fairly representing the achievements of individuals in groups from all ethnic and racial backgrounds, which is provided already, and from both sexes. The second change relates to an optional program for candidates for teacher's certification in intergroup relations, that this shall be developed by persons of various ethnic, cultural and economic backgrounds and by persons from

both sexes, and that the objectives of this program shall include the counteracting of biases including those based on sex, and that the joint committee to develop this program and implement it, shall include a representative of the Permanent Commission on the Status of Women.

The third change relates -

SPEAKER ABATE:

Excuse me. - Please proceed, Madam.

REP. ORCUTT: (98th)

The third change relates to that part of the bill that Rep. Neumann's amendment pertains to, that pupils will be informed of their rights to participate in all activities and programs of the school without discrimination on account of race, color, sex, religion and national origin. I move passage of the bill.

DEPUTY SPEAKER FRANKEL:

Will you remark further on this bill.

REP. LEONARD: (111th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Elizabeth Leonard.

REP. LEONARD: (111th)

Thank you, Mr. Speaker, for the purpose of the question, if I may please, to the Rep. bringing out the bill.

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DEPUTY SPEAKER FRANKEL:

Please frame your question.

REP. LEONARD: (111th)

Thank you, Mr. Speaker. I - in reading the file copy, I'm struck by the inclusion of the word 'accurately' in line 26. My question, Sir, is, through you, is did the committee feel that inserting this language was absolutely essential to the passing of the bill?

DEPUTY SPEAKER FRANKEL:

Will you respond, Rep. Orcutt?

REP. ORCUTT: (98th)

Yes, Mr. Speaker. I don't find the word 'accurately' in line 26.

REP. LEONARD: (111th)

Through you, Mr. Speaker. It's the second word in line 26.

REP. ORCUTT:

Yes, Rep. Leonard. This was an item that was discussed somewhat by the Education Committee, and I think that we did consider the possibility of using 'fairly', but the committee decision was finally that this represented what their intent was.

REP. LEONARD: (111th)

Thank you. Mr. Speaker, I'd like to comment for a moment on that, and I'm not sure I could have selected between 'fairly'

and 'accurately'. It's kind of a tough decision to make. But my problem with the word -- by putting that word in, I think we are opening ourselves up to all types of interpretations of what is accurate, and I don't see anything here that would prevent the local Board of Education from being sued every time it turned around and selected a book or selected some particular curriculum material to be challenged on whether or not that book accurately reflected. Whose judgement is this? I think if the word 'accurately' were deleted -- and it's not because I'm urging that such materials be presented in an inaccurate manner. Please don't misunderstand. I'm simply saying that by having the word 'accurately' in there is opening up our local boards of education to what I can see as a rash of suits, court challenges or hearings, of contests and this type of thing. Quite frankly, I know my own local Board of Education unit has more than enough to keep its hands full with meeting the mandates that the State is passing down, and its commitment to the education of the children in my district. I think putting a word like that in a bill like this is simply opening a door for board harrassment and great expensive legal situations. So, I really feel that I have to say that while I support the intent of the bill, so long as the word 'accurate' appears in there, I would have to oppose it. Thank you, Sir.

DEPUTY SPEAKER FRANKEL:

Will you remark further on this bill?

REP. HANLON: (70th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Neal Hanlon.

REP. HANLON: (70th)

Thank you, Mr. Speaker. I would like to address a question, if I may, through you, to the lady reporting out the bill.

DEPUTY SPEAKER FRANKEL:

Please frame your question.

REP. HANLON: (70th)

Just for purposes of clarification. I note that this bill is effective on July 1, 1980. Will this bill require that local boards of education replace textbooks that are presently in use, or is it intended that only on replacement books. I understand that's the intent of the committee. However, it's not abundantly clear to me in the language of the file copy of the bill.

DEPUTY SPEAKER FRANKEL:

Rep. Orcutt, will you respond.

REP. ORCUTT: (98th)

Yes, Mr. Speaker. It was believed that since the file copy talked about selection of instructional materials, that obviously, this is for selections that will be made in the future, not selections that have already been made, and there was no

intent -- it would be clearly clear to you if you were to look at the discussion of the bill from the committee -- no intent that school districts should be required to replace instructional materials they already have in use.

DEPUTY SPEAKER FRANKEL:

Rep. Hanlon, you still have the floor, Sir.

REP. OSLER: (150th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Osler.

REP. OSLER: (150th)

Thank you, Mr. Speaker. I'd like to expand just a little bit on what Rep. Orcutt has said. Sometimes there are, as the bill says on line 21, legitimate educational purposes for presenting other than an accurate way that life is in this particular time. For instance, in Dickens or in Shakespeare, it's a very learning kind of thing for kids to know that women were treated quite differently in that time and with a teacher who can point out such things, even more current textbooks, but still with a slant that puts the woman only in the kitchen, can be interpreted by the teacher. So the children can be -- can have an expanded sense of the futures of both boys and girls, and I think that this bill has been needed for some time.

DEPUTY SPEAKER FRANKEL:

Will you remark further on this bill as amended? Will you remark further on this bill? If not, will the members please take their seats. Will the staff and guests please come to the well of the House? Will the members please take their seats, and will the 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. Will all the members please return to the Chamber? There is a roll call vote in progress in the Hall of the House. Will the members please return to the Chamber?

Have all the members voted? And is your vote properly cast? Have all the members voted? If so, the machine will be locked, and the Clerk will please take a tally.

REP. VARIS: (90th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Varis.

REP. VARIS: (90th)

In the negative.

DEPUTY SPEAKER FRANKEL:

Will the Clerk please note.

REP. GIONFRIDDO: (33rd)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Gionfriddo.

REP. GIONFRIDDO: (33rd)

In the affirmative, please.

DEPUTY SPEAKER FRANKEL:

The Clerk please note.

Will the Clerk please announce the tally.

CLERK:

House Bill No. 5163 as amended by House Amendment Schedule "A".

Total number voting 137

Necessary for passage 69

Those voting yea 110

Those voting nay 26

Those absent and not voting 14

DEPUTY SPEAKER FRANKEL:

The bill passes.

At this time, the Chair will entertain points of personal privilege and announcements.

REP. ATKIN: (140th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. John Atkin.

REP. ATKIN: (140th)

Mr. Speaker, I've stood here a couple of times in the

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DEPUTY SPEAKER FRANKEL:

The question is on pass retaining this item. Is there objection to the motion? Is there objection? If not, it is so ordered.

REP. TULISANO: (29th)

Thank you, Mr. Speaker.

CLERK:

In the back of the bus, page 29 at the bottom, Disagreeing action potential. Calendar 036, File 45, Substitute for House Bill 5163, AN ACT CONCERNING EQUAL OPPORTUNITIES FOR PUBLIC SCHOOL STUDENTS. (As amended by House Amendment Schedule "A" and Senate Amendment Schedule "A"). Favorable Report of the Committee on Education.

REP. ORCUTT: (98th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Geil Orcutt.

REP. ORCUTT: (98th)

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

DEPUTY SPEAKER FRANKEL:

The question is on acceptance of the joint committee's favorable report and passage of the bill. Will you remark?

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REP. ORCUTT: (98th)

Yes, Mr. Speaker. When we considered this bill before, we accepted an amendment House "A" and I would urge the passage of that amendment again. That's LCO No. 2766.

DEPUTY SPEAKER FRANKEL:

Rep. Orcutt, the Chamber has already adopted that amendment. If you'd like to call Senate "A" at this time?

REP. ORCUTT: (98th)

Yes. Senate "A" is LCO No. 3673.

DEPUTY SPEAKER FRANKEL:

The Clerk has in his possession, an amendment, LCO No. 3673 previously designated Senate Amendment Schedule "A". Would the Clerk please call and read.

CLERK:

LCO 3673 offered by Sens. O'Leary, Sullivan, and Smith. In line 46 after the word prejudices, strike out the comma and the words including but not limited to. In line 47, strike out the words those based upon race, creed, or sex.

DEPUTY SPEAKER FRANKEL:

Rep. Orcutt, the amendment is in your possession. Will you move adoption?

REP. ORCUTT: (98th)

Yes, I will move adoption of the amendment.

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DEPUTY SPEAKER FRANKEL:

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

REP. ORCUTT: (98th)

Yes, this bill refers to a program on intergroup relations that is available to candidate for teacher certification. This program is available, I say, and not required of them. The second objective of this intergroup relations program is a counteracting of biases, discrimination, and prejudices. The bill as we passed specified that the biases and prejudices addressed in the program include but be limited to those based on race, creed, or sex. These are the words which the Senate Amendment eliminates.

I believe the Education Committee had good reason for wording the bill as it was; however, I do not believe that the Senate has made a significant change in the bill. Since I cannot imagine a contemporary program in intergroup relations not including the counteracting of biases which would include race, creed, or sex. Therefore, I ask for adoption of the amendment.

DEPUTY SPEAKER FRANKEL:

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

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REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER FRANKEL:

The ayes have it. The amendment is adopted and ruled technical. Will you remark further on this bill as amended by House Amendment Schedule "A" and Senate Amendment Schedule "A"?

REP. ORCUTT: (98th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Orcutt.

REP. ORCUTT: (98th)

It's essentially the same bill that we passed previously. I move that passage of the bill as amended now.

DEPUTY SPEAKER FRANKEL:

Will you remark further on this bill as amended?

REP. DEZINNO: (84th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. DeZinno.

REP. DEZINNO: (84th)

Yes, Mr. Speaker, Would the Clerk please call LCO 4520 and please read.

DEPUTY SPEAKER FRANKEL:

Rep. DeZinno, would you please repeate the LCO number sir?

REP. DEZINNO: (84th)

4520, Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Thank you. The Clerk has in his possession an amendment, LCO No. 4520 designated House Amendment Schedule "B", Would the Clerk please call and read.

CLERK:

LCO No. 4520 offered by Reps. DeZinno, Carragher, Mazza, and Morgan. Line 28, after the period insert the following:

"TEXTBOOKS AND OTHER GENERAL INSTRUCTIONAL MATERIALS WHICH EMPHASIZE THE TRADITIONAL FAMILY STRUCTURE SHALL BE CONSIDERED TO SERVE A LEGITIMATE EDUCATIONAL PURPOSE."

DEPUTY SPEAKER FRANKEL:

Rep. DeZinno, the amendment is in your possession, What is your pleasure, sir?

REP. DEZINNO: (84th)

Mr. Speaker, I move passage of the adoption of the amendment.

DEPUTY SPEAKER FRANKEL:

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

REP. DEZINNO: (84th)

Yes, Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. DeZinno.

REP. DEZINNO: (84th)

Thank you, Mr. Speaker. It's a simple amendment, Mr. Speaker. It adds to the bill that the family unit, the traditional family unit and that structure will be considered in this particular issue to serve a legitimate education purpose.

DEPUTY SPEAKER FRANKEL:

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

REP. ORCUTT: (98th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Orcutt.

REP. ORCUTT: (98th)

Mr. Speaker, I would accept the amendment with reluctance largely because I don't think it adds significantly to the bill and I would raise some question about the use of legitimatism. It's a rather open, undefined word. But I don't think that it either adds or either really changes the intent of the bill.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of House "B"?
Will you remark further? If not, all those in favor please
signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER FRANKEL:

The ayes clearly have it. The amendment is adopted and
ruled technical. Will you remark further on this bill as amended
by House "A" and "B" and Senate "A"? Will you remark further?
If not, staff and guests please come to the well of the House.
Would the members please take their seats. The machine will be
opened.

The House of Representatives is now voting by roll. Would
the members please return to the Chamber. There is a roll call
vote in progress in the Hall of the House. Would the members
return to the Chamber immediately.

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

Would the Clerk please announce the tally.

CLERK:

House Bill 5163 as amended by House "A", "B" and Senate "A".

Total Number Voting 142

Necessary for Passage 72

Those voting Yea 129

Those voting Nay 13

Those absent and not Voting 9

DEPUTY SPEAKER FRANKEL:

The bill as amended passes.

CLERK:

Calendar page 30, Calendar 170, Files 235 and 712, Substitute
for House Bill 5786, AN ACT CONCERNING THE HARVESTING OF

SHELLFISH. (As amended by House Amendment Schedule "A").

Favorable Report of the Committee on Environment. Senate
rejected House Amendment Schedule(s) "A" on April 24.

REP. GROPPA: (63rd)

Mr. Speaker,

DEPUTY SPEAKER FRANKEL:

Rep. John Groppo.

REP. GROPPA: (63rd)

May this item be recommitted to the Committee on Environment?

DEPUTY SPEAKER FRANKEL:

Is there objection?

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SPEAKER: For the information of the membership, the Senate has placed us in a posture of disagreement regarding House Bill 5163, which previously appeared on our Calendar as File 45, Calendar 344. The Act is entitled, AN ACT CONCERNING EQUAL OPPORTUNITIES FOR PUBLIC SCHOOL STUDENTS, pursuant to the provisions of the Joint Rules specifically rule 22 of the Joint Rules regarding the creation of Committees on Conference, it is my pleasure to appoint Reps. Goodwin of the 54, Orcutt of the 98th and Osler of the 150th to said Committee on Conference. Since the disagreement was caused in the Senate, the report of the Committee will be made first to the Senate.

I urge those members to gather with their Senate colleagues as soon as possible for purposes of coming to a conclusion regarding action on this stated bill.

Would the Clerk please return to the Call of the Calendar.

CLERK:

Calendar page 8. Calendar 650. File 507. Substitute for Senate Bill 663, AN ACT IMPLEMENTING THE LAW REVISION COMMISSION'S TECHNICAL REVISION OF THE CRIMINAL PROCEDURE STATUTES, as amended by Senate Amendment Schedule "A". Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

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SPEAKER ABATE:

All those opposed nay. The Chair is truly in doubt.
The Chair will put the question to you again.

All those in favor of the motion, please indicate by
saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed nay.

REPRESENTATIVES:

No.

SPEAKER ABATE:

The ayes have it. The motion passes

Would the House please come to order. Would the House
please come to order.

The Chair, at this time, would like to bring to the
attention of the membership that yesterday in my appointing
members to a committee on conference caused by the Senate
placing us in a posture of disagreement relative to Substitute
for House Bill No. 5163, I appointed Rep. Goodwin, Orcutt and
Osler. The senate membership has also been appointed and will
include an additional Senator, and as a result, it is my
pleasure at this point to appoint to the committee on conference,
Rep. William Scully. Rep. Scully will act together with his

confreres, Reps. Goodwin, Orcutt and Osler, who will meet with the Senate members of the Conference Committee and will report the report of the Conference Committee, initially to the committee, to the Chamber causing the disagreement and that is the Senate. At this time, the Chair will put the Chamber at ease during the pendency of a democratic caucus; however, if there are points of personal privilege before doing that the Chair will entertain points of personal privilege.

REP. ABERCROMBIE: (87th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Paul Ambercrombie.

REP. ABERCROMBIE: (87th)

Point of personal privilege for purpose of introduction.

SPEAKER ABATE:

Proceed please sir. Would the Chamber please come to order in accord Rep. Abercrombie the courtesy that he deserves please in this point of personal privilege, Rep. Ambercrombie.

REP. ABERCROMBIE: (87th:

Thank you Mr. Speaker. On behalf of myself, Rep. Smoko, Rep. McManus from the town of Hamden, with us today in the Gallery are a group of fifth grade students from the Hamden Hall Country Day School, and I would ask if they would rise, I'm sure my colleagues would give them a warm welcome. (Applause)

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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.

Will the Clerk please announce the tally?

CLERK:

House Bill No. 5334 as amended by House Amendment Schedule "A".

Total number voting	136
Necessary for passage	69
Those voting yea	81
Those voting nay	55
Those absent and not voting	15

SPEAKER ABATE:

The bill as amended passes.

CLERK:

Calendar page 12. Committee on Conference. Calendar No. 36. File No. 45. Substitute for House Bill No. 5163. AN ACT CONCERNING EQUAL OPPORTUNITES FOR PUBLIC SCHOOL STUDENTS. (As amended by House Amendment Schedules "A" and "B" and Senate

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Amendment Schedule "A". Favorable report of the Committee on Education. Senate rejected House Amendment Schedule "B" on April 29.

SPEAKER ABATE:

Would the Clerk please read the Report of the Committee on Conference as contained within the confines of LCO No. 4179.

CLERK:

LCO No. 4179 as offered by Rep. Skelley, Orcutt, Goodwin, Osler and Senators O'Leary, Mustone, Cunningham and Skowronski.

Delete section 2 in its entirety and substitute the following in lieu thereof:

"Sec. 2. Section 10-18a of the general statutes is repealed and the following is substituted in lieu thereof:

(Each) EXCEPT WHERE A LEGITIMATE EDUCATIONAL PURPOSE WILL OTHERWISE BE SERVED, EACH local or regional board of education shall, in selecting textbooks (for social studies, use textbooks) AND OTHER GENERAL INSTRUCTIONAL MATERIALS SELECT THOSE which ACCURATELY present the achievements and accomplishments of individuals and groups from all ethnic and racial backgrounds AND OF BOTH SEXES. NOTHING HEREIN SHALL PRECLUDE THE USE OF INSTRUCTIONAL MATERIAL AND TEACHING WHICH EMPHASIZES THE TRADITIONAL FAMILY STRUCTURE."

REP. GOODWIN: (54th)

Mr. Speaker.

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SPEAKER ABATE:

Rep. Dorothy Goodwin.

REP. GOODWIN: (54th)

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

SPEAKER ABATE:

The question is on acceptance of the report of the Committee on Conference. Will you remark, Madam?

REP. GOODWIN: (54th)

Yes, thank you, Mr. Speaker. We are indebted to Rep. Scully for finding a compromise wording of the amendment adopted in the House that seems to be acceptable to everybody, and that removes some of the problems that appeared to be involved in the original House Amendment. I move acceptance of the report.

SPEAKER ABATE:

Will you remark further on the acceptance of the report of the Committee on Conference. Will you remark further on the report? If not, would all the members please be seated? Staff and guests to the well of the House please. All staff and guests to the well of the House please. 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 a tally.

Would the Clerk please announce the tally?

CLERK: The Committee on Appropriation

House Committee on Conference to House Bill No. 51 -

REP. WRIGHT: (77th)

Mr. Speaker. I forgot to vote. May I be recorded in the
affirmative please.

SPEAKER ABATE:

Thank you, sir. The Journal will so note. The Chairman
of the Committee on Appropriations forgot to vote. I can't
believe it. Will the Clerk please announce the tally.

CLERK:

Committee on Conference Report to House Bill No. 5163.

Total number voting	134
Necessary for adoption	68
Those voting yea	126
Those voting nay	8
Those absent and not voting	18

SPEAKER ABATE:

The report is accepted.

The Clerk will now read the report of the Committee on Conference to House Bill No. 5163.

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Wednesday, April 16, 1980

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any other community of their construction grant.

Therefore, if there is no objection, I would move it to today's Consent Calendar.

THE PRESIDENT:

Further remarks? Objection to placing it on the Consent Calendar? Senator Cutillo.

SENATOR CUTILLO: (15th)

Mr. President, if I may associate myself with the remarks of Senator O'Leary. Middlebury is in the 15th Senatorial District and I would thank him for his work on behalf of this bill and associate myself with his previous remarks. Thank you.

THE PRESIDENT:

Further remarks? Objection to placing it on the Consent Calendar? Hearing neither, it is so ordered.

THE CLERK:

Page sixteen of the Calendar, Cal. 344, File 45. Substitute for House Bill 5163. AN ACT CONCERNING EQUAL OPPORTUNITIES FOR PUBLIC SCHOOL STUDENTS, as amended by House Amendment Schedule A. Favorable report of the Committee on Education.

THE PRESIDENT:

Senator O'Leary.

SENATOR O'LEARY: (7th)

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

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THE PRESIDENT:

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

SENATOR O'Leary:

Yes. Under existing law local and regional school boards in selecting social studies textbooks must choose those that present the achievements of individuals from all ethnic and racial backgrounds. This bill would expand the requirement to other and all instructional materials and would require that such presentation be accurate and include both sexes. The bill would exempt, however, from that requirement materials which would otherwise serve a legitimate educational purpose.

If there is no objection, I would move the bill to today's Consent Calendar.

THE PRESIDENT:

Further remarks? Senator Cunningham.

SENATOR CUNNINGHAM: (27th)

Mr. President, I object to this being placed on the Consent Calendar, and I object to this bill. Mr. President, we already have far too many things which must be examined in every textbook to see that it's, therefore, O.K. It satisfies these policy considerations. I believe, Mr. President, the intent of this bill is simply to eliminate any reference in our textbooks which might portray boys

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playing baseball and girls playing other sports; or perhaps boys playing with trains and trucks and girls playing with dolls. This would, somehow, become unacceptable and I believe that's the very objective of this bill.

Mr. President, I am not in favor of sexist books nor do I support sexist legislation nor do I support legislation which is aimed ultimately at eliminating the distinction between men and women. I believe that our state should not be involved in legislation of the sort of this bill. And I would urge the members of this Senate to vote it down. Thank you.

THE PRESIDENT:

You are welcome Senator. Further remarks? Senator O'Leary.

SENATOR O'LEARY:

By way of brief comment, Mr. President, on the Senator's remarks, I think in all questions of this sort we have to ask people to be reasonable in their application of our law and we can only assume that the general public will be. If they aren't, we come back and modify those laws. This is a bill which eliminates racial stereotypes and sexist stereotypes from new school books. It puts those manufacturers of textbooks on notice that they have to be in step with the times. It is inappropriate for example in a situation where you have a working class town and most of the mothers are working, to, in the children's books, continuously

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portray a situation where the mother, for example, may be at home, such as the situation may have been about thirty or forty years ago. And it is the intent of this legislation, basically, to put those textbook manufacturers and producers on notice as to what we expect of them.

THE PRESIDENT:

Will you remark further? Senator Cunningham.

SENATOR CUNNINGHAM:

Mr. President, it is precisely that kind of objection that I have to this bill. I do not believe that we should be requiring our towns to place in textbooks in order to eliminate so-called stereotypes, therefore, they have to portray about, what, fifty-one percent working mothers, forty-nine percent mothers at home. Mr. President, the ideals of the society are sometimes different from those which are portrayed in our media or in our textbooks. I do not believe that the ideals of our society in having mothers being able to be at the home with ah, raising the children, have substantially changed. I believe that the main change is one caused by economic necessity. Nor do I believe that our society at large wants to see, and I would submit, that the average elector might be reasonable, I do not believe those enforcing this law will be as reasonable as we might desire. And it will give the clear signal to every textbook manufacturer that in Connecticut

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to be an accepted textbook, it must portray the proper number of women baseball players; it must not portray boys playing football because girls, obviously in the future, perhaps some of those according to this legislation want to see women football players. I don't think this is a good bill. I believe that we should leave the decisions as they are now with the local boards, with the local schools on these textbooks. I don't believe that we should pass this legislation, and I would submit for the very reasons that Senator O'Leary would support it, in part. It should be defeated. Thank you.

THE PRESIDENT:

You are welcome, Senator. Announce an immediate roll call and we will further the discussion.

THE CLERK:

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

THE PRESIDENT:

The Chair recognizes Senator Beck.

SENATOR BECK: (29th)

Mr. President, speaking very briefly to the bill, I take very strong exception to Senator Cunningham's remarks. In my district, we have Little League moms and they play baseball. We have mothers who stay home and we

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have mothers who work. And certainly in interpreting this legislation, any school board would use commonsense and sound judgment. I do think that looking at the reports which have been made about school textbooks particularly, there is a very heavy bias in the presentation of the accomplishments and indeed of the recreation and economic habits of women. And it is during those years that a child's opinions are formed, the visual role is as important as the words themselves, and I think this is a very commendable step forward on the part of the Education Committee.

THE PRESIDENT:

Senator Skowronski.

SENATOR SKOWRONSKI: (17th)

Mr. President, thank you very much. Through you to Senator O'Leary, Senator O'Leary, directing your attention to lines 25 and 26, I am concerned about the language there that the local boards of ed shall, in selecting general instructional materials, select those which accurately present the achievements of individuals and groups of sexes. How is one to determine what materials accurately present those achievements?

THE PRESIDENT:

Senator O'Leary, if you care to respond.

SENATOR O'LEARY:

Yes. Through you, Mr. President, boards of education

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have been doing this already with regard to social studies instructional materials and I would imagine then that local boards have developed criteria/ⁱⁿconforming with the social studies requirement over the years. We are expanding that criteria which they already used to other instructional materials - reading books, literature books and so forth. Although we do exempt literature which may present stereotypes where that serves an instructional purpose. I imagine you would find that Huckleberry Finn, for example, presented certain stereotypes, but the exemption to that is clearly in the bill and there would be no problem reading that kind of literature in the schools.

THE PRESIDENT:

Further remarks, Senator Skowronski?

SENATOR SKOWRONSKI:

No, thank you very much.

THE PRESIDENT:

Further remarks? Hearing none, announce the roll call.

The machine is open.

THE CLERK:

An immediate roll call is being taken in the Senate. Will all senators please take their seats. An immediate roll call is being taken in the Senate. Will all senators please be seated.

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THE PRESIDENT:

Have all senators voted? The machine is closed.
The Clerk will take a tally.

SENATOR DEPIANO: (23rd)

May I be recorded in the affirmative?

THE PRESIDENT:

Senator DePiano, to be recorded in the affirmative.
Please note, Mr. Clerk.

The vote is 35 Yea - 1 Nay. THE BILL IS PASSED.

THE CLERK:

Cal. 345, File 252. Substitute for House Bill
5227. AN ACT CONCERNING A REPORT BY COMMUNITY ANTENNA
TELEVISION COMPANIES ON PREMIUM SERVICES. Favorable report
of the Committee on Energy and Public Utilities.

THE PRESIDENT:

Senator Prete.

SENATOR PRETE: (14th)

Mr. President, I move acceptance of the joint com-
mittee's favorable report and passage of the bill.

THE PRESIDENT:

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

SENATOR PRETE:

The bill requires community antenna television
companies to report annually to the division of public
utility control on the number of customers who subscribe to

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the Bill number, the file number and the title of the Bill and what action was taken on that yesterday. Did that Bill fail or did that Bill pass, Mr. Clerk?

THE CLERK:

On page 16 of yesterday's Calendar, Calendar 344, File 45, Substitute for House Bill 5163, AN ACT CONCERNING EQUAL OPPORTUNITIES FOR PUBLIC SCHOOL STUDENTS as amended by House Amendment, Schedule A, with a Favorable Report of the Committee on Education. That item passed on a Roll Call.

SENATOR SMITH:

I was on the prevailing side, Mr. President.

THE CHAIR:

You were on the prevailing side, Senator, and you have the right to ask for Reconsideration. But Reconsideration again, has to be Rolled. Anyone else want to speak at this time on the Motion to Reconsider the item called by the Clerk? Senator Schneller.

SENATOR SCHNELLER:

Mr. President, through you Mr. President, to Senator Smith, for what purpose are you asking Reconsideration Senator?

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THE CHAIR:

Senator Smith, if you care to respond.

SENATOR SMITH:

I would just like to reconsider it to pass retain it Senator Schneller, just to have several questions that have arisen, answered on the Bill.

THE CHAIR:

Senator Schneller, you have the floor.

SENATOR SCHNELLER:

Mr. President, through you to Senator Smith, Senator, I think I might be willing to reconsider and other members of the Circle might be willing to reconsider a Bill that we have passed, but could you briefly explain the Bill and your reason for asking for the Reconsideration?

THE CHAIR:

Senator Smith, if you care to respond.

SENATOR SMITH:

Thank you Mr. President. Several of the points that have arisen involve the approval of the textbooks with the new areas that have been stressed in this Bill by not only the State Board of Education and the Board of Higher Education

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and the Commission on Human Rights, but the new edition on the Permanent Status of Women being involved in the approval. This is one of the questions that was raised. Are all of these going to be involved in the approval of the local textbooks that are used by the various reasons indicated in the Bill?

THE CHAIR:

I'd like to remind Senator Smith and Senator Schneller, there is no Bill before us to actually debate. A question was posed which I think is appropriate and a response was given. There is no debate at this particular time. We will now vote for or against reconsideration of the item called. Announce an immediate Roll Call in the Senate please.

THE CLERK:

An immediate Roll Call has been called for in the Senate. Will all Senators please take their seats. An immediate Roll Call has been called for in the Senate. Will all Senators please be seated.

THE CHAIR:

We are voting on a request of Senator Smith of reconsideration of an action taken yesterday on page 16 of yesterday's Calendar, Calendar 344, HB 163, File 45 and the title of the

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Bill, Mr. Clerk, is? The title of the Bill please.

THE CLERK:

The Title of the Bill is Calendar 344, Substitute for House Bill 5163, AN ACT CONCERNING EQUAL OPPORTUNITIES FOR PUBLIC SCHOOL STUDENTS, as amended by House Amendment, Schedule A.

THE CHAIR:

If you wish to reconsider yesterday's action and bring the Bill back to this chamber, for action today, vote yea. If you do not wish to reconsider the item, vote nay. The machine os open.

Have all Senators voted? The machine is closed. The Clerk will take a tally.

The vote is:

27 YEA

9 NAY

Reconsideration passes. The Bill is properly at this time, before the chamber. A motion to PR is in order or action on the Bill at this time. Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I would like to pass retain this Bill.

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THE CHAIR:

Is there objection to passing this item retaining its place? Hearing none, it is so ordered. The item is passed retaining its place. Proceed with the call of the Calendar please.

THE CLERK:

The Clerk is prepared to move with the Calendar, on page 7, Calendar 261, File 302, Substitute for Senate Bill 290, AN ACT CONCERNING CONDOMINIUM CONVERSATIONS AND THE ENCOURAGEMENT OF NEW RENTAL HOUSING, as amended by Senate Amendment, Schedule A, Sections 1-7 approved; Sections 8-10 rejected, with a Favorable Report of the Committee on the Judiciary and the Clerk has several Amendments.

THE CHAIR:

A motion is in order at this time to move the Bill, as amended by Sections 1-7 of Senate Amendment, Schedule A of yesterday. Senator Leonhardt.

SENATOR LEONHARDT:

Mr. President, are you simply asking for a motion to move the Bill?

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THE PRESIDENT:

Senator Owens.

SENATOR OWENS: (22nd)

Mr. President, I would ask again that that be Passed Retaining. We are still waiting for a fiscal note and Senator Schneller has asked that we pass retain it. So why don't we P.R. it and we will take it tomorrow. O.K?

THE PRESIDENT:

Motion is for P.R. Is there objection? If not, so ordered.

THE CLERK:

Page eight of the Calendar, on an item that was previously passed temporarily, Cal. 344. File 45. Substitute for House Bill 5163. AN ACT CONCERNING EQUAL OPPORTUNITIES FOR PUBLIC SCHOOL STUDENTS, as amended by House Amendment Schedule A. Favorable report of the Committee on Education. The Clerk has some amendments.

THE PRESIDENT:

Senator O'Leary.

SENATOR O'LEARY: (7th)

Mr. President, I move acceptance and passage.

THE PRESIDENT:

Would you remark, sir.

SENATOR O'LEARY:

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Yes. I believe there are amendments and they are sponsored by myself and Senator Cutillo and Senator Smith.

THE PRESIDENT:

Mr. Clerk, would you read the amendments.

THE CLERK:

The Clerk has Senate Amendment Schedule A. LCO. 3673, offered by Senator O'Leary. Copies have been distributed. Is that the right LCO number at this stage? LCO 3673.

SENATOR O'LEARY:

Yes, it is. That is the amendment, Mr. Clerk which strikes out the new language in line 46 and 47 of the bill.

THE PRESIDENT:

Would you remark further on Senate Amendment A?

SENATOR O'LEARY:

It was our feeling, Mr. President, that the language was redundant, some found it offensive. The sponsors of the bill felt it wasn't essential and we could all support that amendment.

THE PRESIDENT:

Will you remark further? There being no further remarks, all those in favor of Senate Amendment A indicate by Aye. Opposed. SENATE AMENDMENT SCHEDULE A IS ADOPTED.

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THE CLERK:

The Clerk has Senate Amendment Schedule B, offered by Senator Smith. LCO 3576.

SENATOR SMITH: (12th)

Mr. President, I withdraw that amendment.

THE PRESIDENT:

Senator Smith withdraws Senate Amendment B. Thank you, Senator.

THE CLERK:

The Clerk has Senate Amendment Schedule C. LCO 3684, submitted by Senator Cunningham. Copies have been distributed.

THE PRESIDENT:

Senator Cunningham.

SENATOR CUNNINGHAM: (27th)

Mr. President, I would like to move adoption of the amendment and ask that the reading be waived and I be permitted to summarize.

THE PRESIDENT:

The reading is waived. Will you proceed, Senator.

SENATOR CUNNINGHAM:

Mr. President, this is a very simple straightforward amendment which merely adds at the end of Sec. 2 - Sec. 2 discusses textbooks and other educational materials - and what it says simply is that textbooks and other general

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instructional materials which emphasize the traditional family structure shall be considered to serve a legitimate educational purpose. The intent of this is not to define or limit legitimate educational purposes but simply to make it clear that by this bill and by the wording in Sec. 2 we, in no way, intend to eliminate textbooks and other materials which may emphasize the traditional family unit. Mr. President, I believe that it is not intended by the bill to eliminate it. It is my belief that this merely clarifies what, I believe to be, a misunderstanding in this legislation. Thank you, Mr. President.

THE PRESIDENT:

Thank you, Senator Cunningham. Would you remark further on Senate Amendment C. Senator O'Leary.

SENATOR O'LEARY: (7th)

Mr. President, I rise to oppose the amendment and I think that by way of opposition I ought to explain why the section is in here which contains the language that Senator Cunningham is concerned with. That is, Sec. 2 where the new language reads - except where a legitimate educational purpose will otherwise be served, each local or regional board of education shall in selecting textbooks and other instructional materials select those which accurately present the achievements and accomplishments of individuals and groups from all ethnic racial backgrounds and of both sexes.

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What that language, in effect, is saying is that, although a book, for example, like Huckleberry Finn, may not accurately portray the particular ethnic background, that book would not be precluded because it serves an otherwise legitimate educational purpose. I think the problem with Senator Cunningham's amendment is that by beginning to define legitimate educational purpose, as one which emphasizes the traditional family structure, although he attempts in the language to keep it broader than that, but by bringing in this new language which emphasizes the traditional family structure, I am afraid that he will raise the possibility of books such as Huckleberry Finn or Oliver Twist being excluded because they do not emphasize the traditional family structure. So I think he is raising a problem that doesn't exist and may be creating one by introducing this limiting language. And I would oppose the amendment..

THE PRESIDENT:

Will you remark further? Senator Cunningham.

SENATOR CUNNINGHAM:

Mr. President, I think if one looks at the amendment one can find that it in no way does it delimit it, or limit it to this. It simply covers this, and really the reason for it isn't because of the words on line 21 where we indicate - except where a legitimate educational purpose

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will otherwise be served. The problem is where it gets into the matter in line 28, in the addition - end of both sexes - because of the fear on my part and I think it is really a real one that this, and especially where we add accurately on line 26, that even if one might reasonably anticipate that the teaching of normal family structure would still be permitted, I believe that the bill, this bill, as it is presently, would require equal treatment of alternative lifestyles, both between members of the same sex and unmarried couples of opposite sex. I am not one who is about to say that no knowledge of this should be presented in anything. I am merely submitting that an emphasis on the traditional family structure ought to be permitted and we should make that very clear in this legislation. Thank you, Mr. President.

THE PRESIDENT:

Thank you, Senator Cunningham. Will you remark further? On senate Amendment C. There has been no call for a roll call. Are there further remarks? Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I will request a roll call.

THE PRESIDENT:

A roll call has been requested. Mr. Clerk, make the call.

THE CLERK:

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An immediate roll call has been called for in the Senate. Will all senators please take their seats. An immediate roll call has been called for in the Senate. Will all senators please be seated.

THE PRESIDENT:

The machine is open. Have all senators voted? The machine is closed. The Clerk will take a tally.

Result of the vote: Total Voting 35. Necessary for Passage 18. Voting Yea 14 - Voting Nay 24. SENATE AMENDMENT C FAILS.

THE CLERK:

The Clerk has Senate Amendment Schedule D. LCO 3592 offered by Senator Cunningham. Copies have been distributed.

THE PRESIDENT:

Senator Cunningham.

SENATOR CUNNINGHAM: (27th)

Mr. President, I would like to move the amendment and as the amendment is short, I will not ask that the reading be waived, but that the Clerk read the amendment.

THE PRESIDENT:

Mr. Clerk, if you please, read the amendment.

THE CLERK:

This amendment is offered by Senator Cunningham to Substitute Bill 5163, File 45 entitled An Act Concerning

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Equal Opportunities for Public School Students.

In line 28, after the period insert the following:
Nothing herein shall prevent textbooks and other general instructional materials which emphasize the traditional family structure from being considered as serving a legitimate educational purpose.

THE PRESIDENT:

Senator Cunningham, would you remark?

SENATOR CUNNINGHAM:

Mr. President, this amendment is prepared in answer to Senator O'Leary's objections on the basis that we would, in any way, be defining what constitutes legitimate educational purposes. This makes it extremely clear that his case of Huckleberry Finn would be in no way affected by this amendment. I don't believe it would have by the other amendment. It certainly would not under this amendment, Mr. President. All this does is make it clear that it is not our intent, by this legislation to prevent our school systems from using textbooks which emphasize the traditional family structure. Mr. President, Senator O'Leary has told me that as he reads the bill it is already included. If it is already included in the bill and the law doesn't mean to change this, why, on earth, can there be any objection to this? Mr. President, I urge adoption of this amendment. And in order to spare anyone else from asking for it, I will ask for a roll call vote.

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THE PRESIDENT:

The vote shall be taken by roll. Would you remark further? Senator O'Leary.

SENATOR O'LEARY: (7th)

Mr. President, I will be brief. If the membership would look at the bill. File 45. In lines 21 through lines 28, they will see that Senator Cunningham's amendment is unnecessary. I think that the inclusion of the amendment raises the very real possibility that any piece of literature, however worthy and I cite as a clear example the book Oliver Twist which does not emphasize traditional family structure, could be ruled, if this amendment were to pass as not being a legitimate textbook serving a legitimate educational purpose. And I think that every member of this House, if they respect the value of good literature and do not want to bind their school board hand and foot in this fashion, should oppose this amendment.

THE PRESIDENT:

Would you remark further on Senate Amendment D? There being no further remarks, Mr. Clerk, would you make the announcement for a roll call.

THE CLERK:

An immediate roll call has been called for in the Senate. Will all senators please take their seats. An immediate roll call has been called for in the Senate. Will all senators please be seated.

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THE PRESIDENT:

The machine is open. Have all members voted?

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

Result of the vote on Senate Amendment D: Total
Voting 35. Necessary for Passage 18. Voting Aye 6.
Voting Nay 29. SENATE AMENDMENT SCHEDULE D FAILS.

Mr. Clerk, do you have further amendments?

THE CLERK:

No further amendments.

THE PRESIDENT:

Senator O'Leary, on the bill as amended by House A.

SENATOR O'LEARY:

Mr. President, if there are no further amendments,
I would move the bill to today's Consent Calendar.

THE PRESIDENT:

I don't believe we have moved on House Amendment
Schedule A as yet, Senator?

SENATOR O'LEARY:

I thought, Mr. President, I had moved the bill as
amended by House A.

THE PRESIDENT:

Fine. On the bill as amended by House A and Senate
A. Is there further debate? Senator Cunningham.

SENATOR CUNNINGHAM:

Mr. President, there is further debate and there

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will not be agreement to place this on the Consent Calendar.

Mr. President, of any piece of legislation before us this year, I personally consider this to be one of the very most important pieces of legislation. I believe it is a great mistake we are making if we pass this bill.

THE PRESIDENT:

Thank you, Senator Cunningham. Will you remark further?

SENATOR CUNNINGHAM:

Yes. I am going to remark further.

THE PRESIDENT:

Excuse me.

SENATOR CUNNINGHAM:

When I conclude, Mr. President, I will say - I urge the members quote "I will say - and I urge the members of this chamber to vote against it." That will be my final remark but that is not it, by any means. If anyone wants to get supper, they may do so.

Mr. President, this bill, and Senator O'Leary is afraid of mandating our schools. This bill, Mr. President, provides great mandate to our educational schools, for it it not only provides, as the present law does, for textbooks for social studies and use of textbooks, but now provides further that they must examine all these criteria all other

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general instructional materials. And not only must they look through them but now they must look through them and make sure that they are accurate. Mr. President, I can assure you that many textbooks are inaccurate, not only in their portrayal of these things but for each individual do they actually present the achievements and accomplishments of individuals? Mr. President, that means that each one, even a book on George Washington, must be examined for accuracy, except, of course, if you have a legitimate educational purpose otherwise served. So everything must now be examined for accuracy. What this means, for example, if you look at baseball players, you must now, as I read this, provide not just stories of Babe Ruth and of Willie Mays, but you must now accurately represent the proportional of different ethnic groups, of racial groups or sexes. And not only the accomplishments of individuals but the accomplishments, again, of groups in general. Each of these groups. The schools now have to go and make sure that they represent them and not only represent them as under the present law, but they must now represent them accurately; unless, of course, they can find some sort of legitimate educational purpose otherwise served. When it discusses additionally both sexes. Well this is new to the law. But if we think people are going to have trouble with the ERA, and some of us think that the Federal government is going

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to have a heck of a lot of trouble with ERA, then what happens when we add both sexes to this. Then not only must we accurately present the achievements and accomplishments of individuals of both sexes under this, we must represent their achievements of individuals and as groups and as groups ethnically and as groups racially, subgroups that is, on the basis of sex; and when we add this sexual typing here, we must consider, well, what comes under achievements and accomplishments. Is that only positive things, but negative things? Well that must represent also, as I read it under this, especially with Sec. 3 added here, where the intent clearly was to add sex there as far as eliminating biases, prejudices. It will also involve, mr. president, the teaching of homosexual lifestyles. It will involve the teaching of unmarried lifestyles, extramarital lifestyles, single lifestyles. Everything. And of course, this chamber has just voted against, at least specifically, ^{saying} we believe there is a reasonable legitimate educational purpose for teaching the traditional family structure. This chamber wouldn't even put that in here. And Mr. President, the bill as it now stands, as I read it, and I am not sure any court would without our mandating it, would accept that as a legitimate educational purpose today, or any textbook company would be confident of it. As I read it here, all these different

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lifestyles come under this bill and will come under it equally and will have to be taught equally in our schools unless perchance some court, we can convince that this traditional family structure and so forth constitutes a legitimate educational purpose. Mind you, we haven't found here that it is. In fact, we voted the opposite. Mr. President, even if we weren't adding the complications of sex, even if we weren't putting that into this bill, the mere addition of the word -accuracy-, accurately - in line 26, would be enough to defeat this bill. This bill is dangerous. It is dangerous to the family structure. It is dangerous to our educational system in teaching the family structure. I believe it is a major mistake.

Now let's look on Sec. 3. A few words were deleted, but those words deleted, in my opinion, can make very little difference to this bill, because this bill still talks about the counteracting of biases, discriminations and prejudices. We eliminated, of course, what we are including in this because, as it was, the words merely said, including but not limited, to those based upon race, creed or sex. It is apparent to me that under the present law, they could get into homosexual, gay rights and so forth here, eliminating so-called prejudices. What to one man may be a prejudice or bias may to another be a legitimate objection in difference. But if it isn't

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clear that those items are met or that the whole area of sex is included, there has been added here in this bill the permanent commission on the status of women. Now, who on earth can be against such a nice sounding name or a nice sounding group as that. Except that there are groups which do not agree with them. There are groups which do not support ERA. There are groups, Mr. President, which do not support abortion on demand, who do not support state funding of abortion. There are groups who are affronted by the inclusion of that in this bill. I, frankly, believe that this bill overall, as I said earlier, is one of the worse pieces of legislation in front of us this year, and one of the most important. They might not see by the time we are in session next year, those of us who will be back, all the impact of this, for it is something which will permeate, not only our school systems, but the textbook manufacturers who will have a clear mandate to come up with changes in their textbooks. Some we might agree with, but I do not believe that taking everything into consideration, this bill is a desirable one. It has such ambiguities, such uncertainties as a phrase "legitimate educational purpose", and I believe this bill, Mr. President, is a major mistake.

And I would urge the members of this chamber to vote against it. Thank you.

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THE PRESIDENT:

Thank you, Senator Cunningham. Will you remark further? Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I hadn't planned on remarking further but

THE PRESIDENT:

Thank you, Senator O'Leary.

SENATOR O'LEARY:

I think some confusion has been raised here which can be laid to rest rather quickly. And again, I would refer the members to the File Copy of the bill. The only new language that we are adding in Sec. 2, is to make it clear that when we are selecting textbooks, film strips, movies and so forth, these shall accurately present the achievements and accomplishments of individuals from all ethnic and racial backgrounds and of both sexes. That's pretty clear and I don't see how we could oppose presenting fairly to our students those issues. Sec. 3, since the removal of the language in lines 46 and 47, which our amendment takes care of, is mostly old language. Let me just read, in its entirety, one short paragraph that Senator Cunningham objects to, and I must note that this is in the present bill. It reads: the imparting of an appreciation of the contributions to American civilization of the various ethnic, cultural and economic groups composing

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American society and an understanding of the lifestyles of each group. That is language that refers to subject-matter which will be taught to our teachers, not to the students, but to the teachers. Do we oppose acquainting our would-be teachers with the various ethnic and cultural and economic groups that they will be teaching? And the various lifestyles that the students who come before them will have? We oppose exposing our teachers to that. That's what Senator Cunningham opposes. And that, quite frankly, to me smacks of the same kind of philosophy that we see operating today at Tehran University with their expunging anti-Islamic lifestyles from the curriculum. I don't think it has any place in this assembly. I think we ought to leave the bill as it has existed in our statutes. The new language includes the contribution of women. I think teachers and students ought to be acquainted with the contributions of women. I urge my colleagues to vote for the bill.

THE PRESIDENT:

Will you remark further? Senator Cunningham, for the second time.

SENATOR CUNNINGHAM:

Thank you, Mr. President. Mr. President, Senator O'Leary knows, quite well, that when I addressed Sec. 3 of this bill, I specifically only addressed two lines of that

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section which were changed in the present law. Not those areas which he quoted which would make it seem that there is something wrong with opposing it. Not at all. I only suggested that there are those who have difficulty with the particular commission on lines 51 and 52. I wasn't referring back to the other old sections of the law. I was referring to that change on Sec. 3. I addressed myself primarily to Sec. 2, and as Senator O'Leary has restated one of the words which was added here which clearly creates difficulty in the law is the word "accurately". At the present time, as I read the present law, there is no problem with using Huckleberry Finn which seems to be one of his concerns. There is no problem at all under the present law. Anyone who is coming up with that isn't reading the present statute, because basically, the present law is very simple, very direct and that is that there shall be presentation made of these different groups. If we merely added, under the present law, without adding all this other surplusage, and of both sexes, so we show the great contributions made by women and I believe they are great, extremely great, and I believe that they are shown in most of our textbooks, I have no trouble with that, Mr. President. But that's not what the bill is doing. Thank you.

THE PRESIDENT:

Thank you, Senator Cunningham. Will you remark further?

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There being no further remarks, there has been a motion for a roll call vote. Mr. Clerk.

THE CLERK:

An immediate roll call has been called for in the Senate. Will all senators please take their seats. An immediate roll call has been called for in the Senate. Will all senators please be seated.

THE PRESIDENT:

The machine is open. Will you cast your vote. Have all the members cast their vote? The machine is closed. The Clerk will tally the vote.

Result of the vote: Total Voting 35. Necessary for Passage.18. Voting Yea 27 - Voting Nay 8. THE BILL AS AMENDED BY HOUSE A AND SENATE A IS PASSED.

PRESIDENT IN THE CHAIR

THE CLERK:

Moving to page eleven of the Calendar on an item that was previously passed temporarily, Cal. 429. File 603. Substitute for Senate Bill 656. AN ACT INCREASING THE RATE OF INTEREST APPLICABLE TO DELINQUENT STATE TAXES TO EIGHTEEN PERCENT PER ANNUM. Favorable report of the Committee on Finance, Revenue and Bonding. The Clerk has two amendments.

THE PRESIDENT:

Senator Beck.

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SENATOR BECK: (29th)

Mr. President, I move acceptance of the committee's favorable report and favorable action on the bill.

THE PRESIDENT:

Would you remark.

SENATOR BECK:

Mr. President, this legislation was considered previously by this Senate and passed at eighteen percent. We have since reconsidered the item and Senator Ciarlone and I have reached agreement on a fifteen percent figure rather than eighteen with a sunset provision. I wonder if, ah, I believe the first amendment is of Senator Ciarlone.

THE CLERK:

The Clerk has Senate Amendment Schedule A. LCO 4109, introduced by Senator Ciarlone. Copies have been distributed.

THE PRESIDENT:

Senator Ciarlone.

SENATOR CIARLONE: (11th)

Thank you, Mr. President. In view of the explanation given by Senator Beck, I will now withdraw my amendment.

THE PRESIDENT:

Senator Beck.

SENATOR BECK:

Mr. President, if Senate Amendment B is ready.

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THE CLERK:

Senate Amendment Schedule A has been withdrawn.

The Clerk has Senate Amendment Schedule B. LCO 3399, submitted by Senator Beck. Copies have been distributed.

SENATOR BECK: (29th)

Mr. President, this amendment is co-sponsored by Senator Ciarlone and myself. It would make the interest rate for delinquent taxes fifteen percent and would provide a sunset provision for next fiscal year and then we could reconsider it in light of the interest rates at that time.

If there is no objection, I move that we vote on the amendment favorably.

THE PRESIDENT:

Further remarks on the amendment? Hearing none, I will try your minds. Those in favor indicate by saying Aye. Those in opposition to. SENATE AMENDMENT B IS ADOPTED.

SENATOR BECK:

Mr. President, I believe I have explained the purpose of the legislation. It should cut down on delinquent tax payments and help the state in that respect. I move that it be placed on Consent.

THE PRESIDENT:

Further remarks? Objection to placing on Consent? Hearing neither, it is so ordered.

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THE CLERK:

Cal. 344. File 45. Substitute for House Bill
5163. AN ACT CONCERNING EQUAL OPPORTUNITIES FOR PUBLIC
SCHOOL STUDENTS, as amended by House Amendment Schedules
A and B and Senate Amendment Schedule A. Favorable report
of the Committee on Education.

THE PRESIDENT:

senator O'Leary.

SENATOR O'LEARY: (7th)

Mr. President, I will move acceptance and passage
of the bill. And I will move for the rejection of House
Amendment Schedule B.

THE PRESIDENT:

The motion is to, ah, I believe, Senator O'Leary,
we should first take up the rejection of House B. So
the initial vote will be on the rejection of House B.
Would you remark on the rejection of House B first.

SENATOR O'LEARY:

Yes, Mr. President. This is similar to an amendment
which we had previously rejected in the Senate on the
grounds that, ah, I believe the grounds were that it defined
the language of the statute too narrowly. We are talking
about what is a legitimate educational purpose. The language
seems to identify that as being emphasis of the traditional
family structure. In discussing this with the legislative

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commissioners office it was also their view that at best the language is overkill. At worse, it amounts to a kind of censorship in our schools. And I would move at this time for the rejection of the amendment.

THE PRESIDENT:

Further remarks on the rejection of House Amendment Schedule B. Senator Cunningham.'

SENATOR CUNNINGHAM: (27th)

Mr. President, I also discussed this with the legislative commissioners office and I had no such indication from Mr. Guidera. I understand that Norma ? had discussed this with Senator O'Leary but had not discussed what had taken place in the debate here in the Senate on it really because it was made very clear when we discussed it last week that in no way does this amendment define a legitimate educational purpose. It merely says that a certain thing shall be considered within it. It doesn't say that other things aren't. I made it very clear. I cannot see and I would urge every member of this chamber to read the words of the amendment because the amendment does not define it. It was made extremely clear here in debate. And I tried to arrive at something with Senator O'Leary at that time to come to a conclusion as to what would, in fact, meet his feeling that it in some way defined it. But it is clear to me, Mr. President, that, in fact, it doesn't define it. All it does is place this

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within it. If we wanted to define it, we would not do it in this fashion. Because if we said that this is a legitimate educational purpose, then it perhaps could be defined as meaning that, but rather, when you define something you put it the other way around. You say such and such is this. If I said a legitimate educational purpose is blank. Then I would be defining it. Beyond the shadow of a doubt. But we aren't doing that. We aren't even saying that this is a legitimate educational purpose. All it is saying is that textbooks and other educational materials shall be considered to serve a legitimate educational purpose. How is this defining what a legitimate purpose is, a legitimated educational purpose is? We are just saying that this shall be considered to serve it. How, Mr. President, I ask the members of this chamber, each one individually to think about it. Not to go by some other discussion that Senator O'Leary had or just what Senator O'Leary thinks and is worried about it. Think for yourself. It doesn't define it. We have made it clear in the debate here that it is not meant to define it. If there were ever the slightest question that anyone could have, I fail to see Senator O'Leary's objection and I would urge voting down the motion to reject and instead I would urge us to accept House Amendment B. Thank you, Mr. president.

THE PRESIDENT:

Senator Cunningham, did you request a roll call vote?

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No. O.K. The motion is to reject House Amendment Schedule B.

SENATOR CUNNINGHAM:

Mr. President, because this would place us in a disagreeing action, I think a roll call may be necessary because the appointment of the Chair would be to - if we were to accept the motion to reject, I believe we will end up having to appoint a Committee and one member at least from the failing side would have to be appointed to that committee, in order to determine which side is which. If that event happened, I would believe it would be a mistake for us to reject it. I believe that it is proper to have a roll call.

THE PRESIDENT:

Senator Cunningham, your point is well-taken. A roll call shall be ordered at the appropriate time. Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I rise for a point of order on this amendment. The amendment as I see it is word for word identical with the amendment which was rejected. Senate Amendment C which we rejected here reads "textbooks and other general instructional materials which emphasize the traditional family structure shall be considered to serve a legitimate educational purpose" and THE amendment which the House adopted reads "textbooks and other general instructional

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materials which emphasize the traditional family structure shall be considered to serve a legitimate educational purpose." I believe that the amendment is not properly before us as we have already acted on this matter.

THE PRESIDENT:

Thank you, Senator O'Leary. The Senate will stand at ease while the Chair considers your point of order.

Will the Senate come to order. The Clerk please call the Senate to order.

THE CLERK:

Will all senators please return to their desks.

THE PRESIDENT:

The Chair is prepared to rule. The item before us is Cal. 344, File 45. House Bill 5163 as amended by House Amendments A and B and Senate Amendment A. When the point of order was raised before the chamber was the issue of whether to or the motion to reject House Amendment B. At that point, Senator O'Leary rose and raised the point of order that the bill was improperly before us because the Senate had previously rejected Senate Amendment C on April 23 and that Senate Amendment C previously rejected by the Senate on April 23 is the same in substance as House Amendment B which is before us. The Chair has had an opportunity to read both House Amendment B and Senate Amendment C which was rejected by this chamber on April 23rd.

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The Chair notes that the Senate in rejecting Senate Amendment C on April 23, no motion for reconsideration was made subsequent to that rejection of Amendment C pursuant to Rule 26. The Chair further rules that House B, before us now, is the same as Senate Amendment C rejected on April 23. According to Masons, Sec. 457, Sec. 2, Sec. 401, Sec. 4, the same question cannot be considered by this chamber and the Chair rules that House B and Senate C present the same question which was ruled upon and rejected by this chamber in rejecting Senate C on April 23. Accordingly, in the opinion of the Chair, pursuant to Rule 22, the House, the Senate in being precluded from considering House B, pursuant to the, ah, for the reasons previously given, a Committee on Conference has been created, pursuant to Rule 22, and the matter before us must be referred to that Committee on Conference. And that is the ruling of the Chair.

Are there objections to the ruling of the Chair? Hearing none, the Chair is prepared to appoint a Committee on Conference. The Chair appoints Senator Amelia Mustone, Senator Cornelius O'Leary and Senator Richard Cunningham as the Committee on Conference, and the bill will be remanded to the Committee on Conference when appointed by the House.

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THE CLERK:

Under the heading of UNFAVORABLE REPORTS, Cal.
420, File 580.

THE PRESIDENT:

The distinguished Senator Lieberman.

SENATOR LIEBERMAN: (10th)

O, thank you, Mr. President. It is a pleasure to
be recognized by you. May I ask that that matter be
passed temporarily.

THE PRESIDENT:

The motion is to pass the item temporarily. Is
there objection? Hearing none, it is so ordered.

THE CLERK:

Cal. 113. File 158. Substitute for Senate Bill
577. AN ACT REQUIRING THE DISCLOSURE OF NURSING HOME
COMPLAINTS. Favorable report of the Committee on Human
Services. The Clerk has an amendment.

THE PRESIDENT:

Senator Mary Martin.

SENATOR MARTIN: (18th)

Mr. President, I move acceptance of the joint com-
mittee's favorable report and passage of the bill.

THE PRESIDENT:

The Clerk has an amendment.

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Committee on Conference is ready to give its report. Would you call please the item on the Committee on Conference, Mr. Clerk, please first.

THE CLERK:

The Clerk has LCO No. 4179, Committee on Conference, Substitute House Bill No. 5163, File No. 45, Calendar No. 36 as amended by House Amendment Schedule "A" and Senate Amendment Schedule "A" entitled An Act Concerning Equal Opportunities For Public School Students. Copies have been distributed.

SENATOR CUNNINGHAM:

Point of order, Mr. President. Point of order, Mr. President.

THE CHAIR:

What is your point of order, Senator Cunningham?

SENATOR CUNNINGHAM:

My point of order is this, Mr. President, that the disagreement came about when the House adopted House Amendment Schedule "A" or "B" which was an amendment which the Senate had previously rejected. Now, when this came to the Senate, a point of order was raised by Senator O'Leary. It was ruled that there was a disagreement and the Committee was appointed. Mr. President, it was the House vote which accepted that amendment which the Senate had already rejected which created the disagreement. The Senate did not reject the House Amendment subsequently, so it was the House action which created the disagreement. Therefore, under Rule 22, which states in part:

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"The report on the Committee on Conference shall be made first to the House which created the disagreement." Mr. President, this report should first go to the House of Representatives.

THE CHAIR:

Does the, the Chair - your point is well taken. This is the - has this been done in the House? Has that report been given in the House, Senator O'Leary? Your point of order is well taken. It does have to report to the House of origin and until it has - would you check on that to make sure whether that report has been done in the House yet, Senator O'Leary prior to your giving your report here? The Chair at this time would like to call the next person to Chair the Senate, Senator from the 3rd District of East Hartford and Manchester, Senator Marcella Fahey.

THE CHAIR: (Senator Fahey in the Chair).

The Clerk will continue with the calendar, please.

THE CLERK:

On page 5 of the calendar, page 5, Calendar No. 669, File 633, Substitute for House Bill No. 6052. An Act Concerning the Use of Funds Received by Private Nonprivate Organizations Under Contract With The State with a Favorable Report of the Committee on Finance, Revenue and Bonding.

THE CHAIR:

Is there anyone here from the Committee on Finance,

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THE PRESIDENT IN THE CHAIR

THE PRESIDENT:

The Chair would like to thank Senator Johnson very much for having presided over the Senate for the last hour. At this time the Chair recognizes Senator O'Leary for the purposes of a report on a Committee on Conference. Senator O'Leary.

SENATOR O'LEARY: (7th)

Mr. President, I would like to move acceptance of the Conference Committee's report.

THE PRESIDENT:

Question is on acceptance of the Conference Committee's report. Would you state the report, Senator.

SENATOR O'LEARY:

Yes, Mr. President. It was unanimously adopted by Senators Mustone, Cunningham Skowronski and myself. The report adds

THE PRESIDENT:

Will you spell out the Bill No. please, Senator, so that we know what report we are talking about.

SENATOR O'LEARY:

This is House Bill 5163, File 45, Cal. 344, under the heading of COMMITTEE ON CONFERENCE, on today's calendar.

THE PRESIDENT:

And what is the Committee's report, Senator O'Leary.

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SENATOR O'LEARY:

The bill is entitled, An Act Concerning Equal Opportunities for Public School Students.

We add the following new language and copies of this were placed yesterday on each member's desk:

Nothing herein shall preclude the use of instructional material and teaching which emphasizes the traditional family structure.

THE PRESIDENT:

Thank you, Senator. The House and Senate have concurred and this bill originally went to the House from your Committee of Conference and it has passed there and you are now bringing it here for action, either accepting or rejecting the committee's favorable report, Senator.

SENATOR O'LEARY:

That is correct.

THE PRESIDENT:

Those in favor indicate - favor of accepting the joint committee's favorable report, the Committee on Conference, that is.

SENATOR O'LEARY:

Mr. President, perhaps we should roll this.

SENATOR CUNNINGHAM: (27th)

Mr. President, I don't think a roll call will be necessary.

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SENATOR O'LEARY:

Thank you. I withdraw that request.

THE PRESIDENT:

The question before the chamber is accepting or rejecting the Committee's report, the Committee on Conference Report. If we accept it, it automatically passes the bill. If we reject it, it automatically defeats the bill.

Those in favor of accepting the Committee of Conference report indicate by saying Aye. Those in opposition to. THE REPORT IS ACCEPTED AND THE BILL IS PASSED.

THE CLERK:

Cal. 728. Files 767 and 845. Substitute for House Bill 5756. AN ACT CONCERNING PAYMENTS BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES, as amended by House Amendment Schedule A. Favorable report of the Committee on Appropriations.

THE PRESIDENT:

Senator Schneller.

SENATOR SCHNELLER: (20th)

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

Mr. President, this bill appropriates fifty thousand