

Legislative History for Connecticut Act

HB 5942	PA 422	(FAX)	1980
House 4237-4246, 7006-7011		(Scanned)	(17)
Senate 2981-2982, 3416-3418, 3460-3462			(8)
Judiciary 1041-1044, 1097, 1102-1105			(10)
- see Judiciary Appendix volume, following all Judiciary volumes - (4)			
see p 294-397			39 pages

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

Connecticut State Library
Compiled 2015

PA80-422

Joint Standing Committee hearings, Judiciary. 1980:pt.4

Proceedings / Connecticut General Assembly, House. 1980 v.23:pt.14, p.4237-4246

Proceedings / Connecticut General Assembly, House. 1980 v.23:pt.24, p.7006-7011

Proceedings / Connecticut General Assembly, Senate. 1980 v23:pt.9., p.2981-2982

Proceedings / Connecticut General Assembly, Senate. 1980 v.23:pt.10., p.3416-6418,
3460-3462

House of Representatives

Wednesday, April 23, 1980 259
khm

DEPUTY SPEAKER FRANKEL:

Rep. John Groppo.

REP. GROPPA: (63rd)

Evidently there's a problem in reading the Amendments that were distributed to the leadership and I asked that this be passed temporarily, please.

DEPUTY SPEAKER FRANKEL:

The motion is to pass temporarily. Is there objection? Is there objection? If not, it is so ordered.

CLERK:

Calendar Page 8, Calendar No. 390, File 528, Substitute for House Bill No. 5942, AN ACT IMPLEMENTING A TECHNICAL REVISION OF THE STATUTES CONCERNING HUMAN RIGHTS AND OPPORTUNITIES.

Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Tulisano.

REP. TULISANO: (29th)

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

DEPUTY SPEAKER FRANKEL:

The question is on acceptance of the Joint Committee's

House of Representatives

Wednesday, April 23, 1980 260
khm

Favorable Report and passage of this Bill. Will you remark, sir?

REP. TULISANO: (29th)

Yes, Mr. Speaker. The Clerk has an Amendment, LCO No. 3392. Would the Clerk please call.

DEPUTY SPEAKER FRANKEL:

The Clerk has an Amendment, 3392, designated House "A".
Would the Clerk please call.

CLERK:

LCO No. 3392, offered by Rep. Tulisano of the 29th District.

DEPUTY SPEAKER FRANKEL:

The gentleman seeks leave of the Chamber to summarize in lieu of Clerk's reading, is there objection? Is there objection? If not, please proceed with summarization.

REP. TULISANO: (29th)

Mr. Speaker, the Bill being a technical revision act of the Legislative Commissioner's Office, this Amendment conforms the new technical revision act to using the same language of the bill we passed three days ago, or so, dealing with discrimination in housing.

And it's just a matter of conforming the legislation. As this House has already acted, I move adoption of the Amendment.

House of Representatives

Wednesday, April 23, 1980 261
khm

DEPUTY SPEAKER FRANKEL:

The question is on adoption of House "A". Will you remark further? Will you remark further on House "A"? If not, will all those in favor signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed, nay. The ayes have it. The Amendment's adopted and ruled technical.

House Amendment Schedule "A"

In line 39, after the word "ACT" insert the phrase ", or SECTION 50 OF THIS ACT"

In line 1382, strike out the word "or"

In line 1384, after the word "act," insert the phrase "or section 50 of this act,"

In line 1588, place opening and closing brackets around the word "in" and after the closing bracket insert the phrase "OR SECTION 50 OF THIS ACT CONCERNING"

After line 2014, insert a new section 50 as follows and renumber the remaining section accordingly:

"Sec. 50. (NEW) (a) It shall be an unlawful discriminatory practice for any landlord or such landlord's agent, in the renting of any dwelling unit, to discriminate against any tenant or potential tenant because such tenant or potential tenant occupies or intends to occupy the dwelling unit with minor children.

(b) The provisions of subsection (a) of this section shall not apply to the renting of a dwelling unit (1) in a house

containing dwelling units for not more than three families living independently of each other, if the owner of such house resides in one of the dwelling units; or (2) if such rental would violate any local, state or federal law, or condominium bylaw.

(c) Any person who commits a discriminatory practice under this section shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not more than thirty days, or both."

Will you remark further on this Bill as amended?

REP. TULISANO: (29th)

Yes, Mr. Speaker. The Clerk has another Amendment, LCO No. 3188.

DEPUTY SPEAKER FRANKEL:

The Clerk has an Amendment, LCO No. 3188, designated House "B", will the Clerk please call.

CLERK:

LCO No. 3188, offered by Rep. Tulisano of the 29th District.

REP. TULISANO: (29th)

Permission to summarize, Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

The gentleman seeks leave of the Chamber to summarize, in lieu of Clerk's reading. Is there objection? Is there objection? If not, please proceed with summarization.

REP. TULISANO: (29th)

Yes, Mr. Speaker, this is another technical amendment to the Technical Revision Act which was prepared by the LCO which makes, which includes some new language which should have been included in the original revision, which was inadvertently left out. It's a technical in nature only.

I move adoption of the Amendment.

DEPUTY SPEAKER FRANKEL:

The question is on adoption of House "B". Will you remark further? Will you remark further on House "B"? If not, all those in favor, please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed, nay. The ayes have it. The Amendment's adopted and ruled technical.

House Amendment Schedule "B"

In line 173, strike out the number "331-127" and insert the number "31-127" in lieu thereof.

In line 340 place opening and closing brackets around the phrase "subsection (f)" and insert the phrase "SUBDIVISION (8)" after the closing bracket

In line 433, strike out the word "ACTS" and insert the word "ACT" in lieu thereof

In line 753, strike out the word "OPINION" and insert the words "DECLARATORY RULING" in lieu thereof

In line 754, after the word "COMMISSIONER" insert the following: ",THE FEDERAL RESERVE BOARD OR ANY OTHER GOVERNMENTAL AGENCY HAVING JURISDICTION UNDER THE EQUAL CREDIT OPPORTUNITY ACT,"

In line 755, strike out the word "OPINION" and insert the words "DECLARATORY RULING" in lieu thereof

In line 764, strike out the number "46-437" and insert the number "36-437" in lieu thereof

In line 1110, strike out the comma before the number "29" and insert the word "AND" in lieu thereof and strike out the phrase "AND 50"

In line 1134, after the word "ACT" strike out the phrase "THIS ACT,"

Will you remark further on this Bill as amended by House "A" and "B"?

REP. TULISANO: (29th)

Yes, Mr. Speaker. The Clerk has another Amendment, LCO No. 3185.

DEPUTY SPEAKER FRANKEL:

The Clerk has in his possession an Amendment, LCO No. 3185, designated House "C", would the Clerk please call and read.

CLERK:

LCO No. 3185, offered by Rep. Abate of the 148th District.

House of Representatives

Wednesday, April 23, 1980 265
khm

In line 660, after the word "persons" insert the following:
", TO SPECIAL DISCOUNT OR OTHER PUBLIC OR PRIVATE PROGRAMS TO
ASSIST PERSONS 60 YEARS OF AGE OR OLDER"

DEPUTY SPEAKER FRANKEL:.

The Amendment is in your possession, what is your
pleasure?

REP. TULISANO: (29th)

Mr. Speaker, to point out clearly --

DEPUTY SPEAKER FRANKEL:

Move adoption, sir.

REP. TULISANO: (29th)

I move adoption.

DEPUTY SPEAKER FRANKEL:

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

REP. TULISANO: (29th)

Mr. Speaker, yes, to point out clearly to the members of
this body that the Bill before us as amended so far is technical
in nature only, is one that I can stand up before this body and
say are only dealing with technical revisions and there are
no substantive changes. However, House "C" is, in fact, a
substantive amendment and I want that to be very clear.

Although the Bill is technical in nature, if this language is
adopted in what we are addressing, it is, in fact, a substantive

amendment that is before us right now.

And what it does is, it amends, it substantively amends the statutes dealing with human rights and opportunities, which would authorize individuals or communities to give to senior citizens special discount programs for persons over 60 years of age.

We did have a hearing on this and in the last stage, it inadvertently was not addressed by the Committee so we could report it out as a separate bill. I'm bringing it before the House because of the extreme interest that was shown in this legislation by the Department of Aging and by senior citizens generally because of certain potential court cases which would indicate under existing law that the special discount programs in many towns and communities have, might be in jeopardy. I move adoption of the Amendment.

DEPUTY SPEAKER FRANKEL:

The question is on adoption of House "C". Will you remark further on its adoption? Will you remark further on its adoption? If not, all those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed nay. The ayes have it, the Amendment's adopted and ruled technical.

House of Representatives

Wednesday, April 23, 1980 267
khm

DEPUTY SPEAKER FRANKEL:

Will you remark further on this Bill as amended by House "A", "B" and "C"?

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, as I've distinguished and I say technical in terms of technicalities, it's the kind of legislation which the Chairman of the Judiciary Committee often stands up and says, I really haven't read the bill before you, there are no substantive changes, they are done through the Law Revision Commission. This was done by the Law Revision Commission in terms of consolidating and readjusting our statutes, but for that last change which is more than that kind in definition of that kind of a declamant. It is merely a recodification of law that has been passed already. I move passage of the Bill as amended.

DEPUTY SPEAKER FRANKEL:

Will you remark further on this Bill as amended by House "A" "B" and "C"? Will you remark further? If not, staff and guests please come to the Well of the House, members please take their seats. Staff and guests please come to the Well of the House.

House of Representatives

Wednesday, April 23, 1980 268
khp

Will 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 please return to the Chamber.

Clerk, please announce the tally.

CLERK:

House Bill NO. 5942 as amended by House Amendment Schedules "A", "B", and "C"

Total Number of voting	144
Necessary for passage	73
Those voting Yea	143
Those voting Nay	1
Those absent and not voting	7

DEPUTY SPEAKER FRANKEL:

Bill as amended passes.

CLERK:

Calendar page 15, Calendar No. 508, File 431, Substitute for Senate Bill No. 260, AN ACT CONCERNING RECIPROCAL ENFORCEMENT OF SUPPORT. Favorable Report of the Committee on Judiciary.

REP. ORONATO: (97th)

Mr. Speaker.

House of Representatives

Saturday, May 3, 1980

16
kal

Clerk, please announce the tally.

CLERK:

House Bill No. 6021, as amended by House Amendment
Schedule "B" and Senate Amendment Schedule "A."

Total number voting	124
Necessary for passage	63
Those voting yea	111
Those voting nay	13
Those absent and not voting	27

SPEAKER ABATE:

Bill as amended, passes.

CLERK:

Calendar Page 6, Calendar No. 390, Files 528, 817.
Substitute for House Bill No. 5942. AN ACT IMPLEMENTING A
TECHNICAL REVISION OF THE STATUTES CONCERNING HUMAN RIGHTS
AND OPPORTUNITIES. (As amended by House Amendment Schedules
"A," "B," and "C" and Senate Amendment Schedule "A." Favorable
Report of the Committee on Judiciary. Senate rejected House
Amendment Schedule(s) "A" on 05/01/80.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

House of Representatives

Saturday, May 3, 1980

17
kal

REP. TULISANO: (29th)

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

SPEAKER ABATE:

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

REP. TULISANO: (29th)

Yes, Mr. Speaker. Clerk has amendment LCO No. 3392, House "A."

SPEAKER ABATE:

The Clerk has in his possession an amendment, LCO No. 3392, previously designated House Amendment Schedule "A." Would the Clerk please call the amendment.

CLERK:

LCO No. 3392, offered by Rep. Tulisano of the 29th district.

SPEAKER ABATE:

Is the gentleman requesting leave of the Chamber to summarize?

REP. TULISANO: (29th)

Yes, Mr. Speaker.

House of Representatives

Saturday, May 3, 1980

18
kal

SPEAKER ABATE:

Is there objection? Hearing none, you may proceed with summarization, Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, House "A" was trying to conform to the Technical Revision Act with the Housing Discrimination Act which we had passed earlier. The Senate felt it was better that we reject it at this time and substitute Senate "A" which conforms the Statute whether or not the Housing Discrimination Act passed or whatever form it might pass. We concur with the Senate and we move to reject House "A."

SPEAKER ABATE:

The motion is to reject House Amendment Schedule "A" in concurrence with the Senate. Will you remark further on the motion. Will you remark further on the motion to reject House Amendment Schedule "A." If not, all those in favor of the motion, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay. The ayes have it. It is rejected.
Will you remark further on this bill.

House of Representatives

Saturday, May 3, 1980

19
kal

REP. TULISANO: (29th)

Yes, Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has amendment, LCO 4745, Senate "A."

SPEAKER ABATE:

The Clerk has in his possession amendment LCO No. 4745, previously designated Senate Amendment Schedule "A." Would the Clerk please call the amendment?

CLERK:

LCO No. 4745, offered by Senator DePiano of the 23rd district.

REP. TULISANO: (29th)

Permission to summarize, Mr. Speaker.

SPEAKER ABATE:

The gentleman has asked this Chamber to allow for summarization in lieu of reading. Is there objection? Hearing none, you may proceed to summarize the amendment, Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, Senate "A" in effect conforms the Technical Revision Act to that Housing Discrimination Act in whatever way

it may pass. LCO felt it was a better way to separate the amendment because we were still up in the air as to what would happen to that bill. I move its adoption.

SPEAKER ABATE:

The question is on adoption of Senate Amendment Schedule "A." Will you remark further on its adoption. Will you remark further on the adoption of Senate "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. Amendment is adopted. Will you remark further on this bill. If not, would all the members please be seated. Staff and guests to the Well of the House, please. 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? Would the members please check the roll call machine to determine if their vote is properly recorded? The machine will be locked. The Clerk will take the tally.

House of Representatives

Saturday, May 3, 1980

21
kal

REP. DYSON: (94th)

Mr. Speaker.

SPEAKER ABATE:

Rep. William Dyson.

REP. DYSON: (94th)

Affirmative, please.

SPEAKER ABATE:

The Journal will so note, sir.

Clerk, please announce the tally.

CLERK:

House Bill No. 5942, as amended by House Amendment
Schedules "B" and "C" and Senate Amendment Schedule "A."

Total number voting	127
Necessary for passage	64
Those voting yea	127
Those voting nay	0
Those absent and not voting	24

SPEAKER ABATE:

The bill as amended, passes.

CLERK:

Calendar No. 576, Files 674, 831. Substitute for House
Bill No. 5949. AN ACT CONTINUING FUNDING OF THE PROGRAM OF

Tuesday, April 29, 1980

119.

roc

plan. And I would move the bill on the Consent Calendar,
if there is no objection.

THE PRESIDENT:

Further remarks on the bill? Objection to placing
on Consent? Hearing none, so ordered.

THE CLERK:

Cal. 671. Files 529, 816. Substitute for House
Bill 5703. AN ACT CONCERNING FAMILIES WITH SERVICE NEEDS,
as amended by House Amendment Schedule A. Favorable report
of the Committee on Judiciary.

THE PRESIDENT:

Senator Santaniello.

SENATOR SANTANIELLO: (25th)

Mr. President, may that be passed temporarily.

THE PRESIDENT:

Without objection, so ordered.

THE CLERK:

Cal. 672. Files 528, 817. Substitute for House
Bill 5942. AN ACT IMPLEMENTING A TECHNICAL REVISION OF
THE STATUTES CONCERNING HUMAN RIGHTS AND OPPORTUNITIES, as
amended by House Amendment Schedules A, B and C. Favorable
report of the Committee on Judiciary.

THE PRESIDENT:

Senator Santaniello.

Tuesday, April 29, 1980

120.

roc

SENATOR SANTANIELLO: (25th)

Mr. President, I move for acceptance of the joint committee's favorable report and passage of the bill in concurrence with the House.

THE PRESIDENT:

Will you remark?

SENATOR SANTANIELLO:

Just briefly. This is our usual technical amendment bill. It is rather lengthy. The bill is technical in nature. It makes various changes so that the sections and citations referred to are current with legislation passed by this body. The three amendments in the House are also technical in nature.

If there is no objection, I move it to Consent.

THE PRESIDENT:

Further remarks on the bill? Objection to placing it on Consent? Hearing none, it is so ordered.

THE CLERK:

Cal. 674. Files 217, 820. Substitute for House Bill 5740. AN ACT CONCERNING THE PLACEMENT OF MENTALLY RETARDED PERSONS, as amended by House Amendment Schedules A and B. Favorable report of the Committee on Public Health.

THE PRESIDENT:

Senator Ciarlone.

May 1, 1980

153
Jgt

528, 817, Substitute for House Bill No. 5942, An Act Implementing a Technical Revision of the Statutes Concerning Human Rights and Opportunities. (As amended by House Amendment Schedules "A", "B", and "C"), with a Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator DePiano.

SENATOR DEPIANO:

Yeah, Mr. President, I move, or Madam President, excuse me. I move for acceptance of the bill as amended.

THE CHAIR:

Will you remark?

SENATOR DEPIANO:

Except that I haven't finished. Excuse me. I'm going to have to reject Senate Amendment "A".

THE CHAIR:

Senator, there is no Senate "A". You mean House "A"?

SENATOR DEPIANO:

House "A". Excuse me, I'm sorry.

THE CHAIR:

Question is on rejecting of House "A". Would you like to explain?

SENATOR DEPIANO:

House "A" would in effect create some conflict with existing law, law that we just passed recently and therefore I'm re-

May 1, 1980

154
Jgt

questing that at the request of the Legislative Commissioner's office to make sure we don't have that conflict.

THE CHAIR:

Are there any other remarks? All those in favor of rejecting House "A" please signify by saying aye. All those opposed? House "A" is rejected.

SENATOR DEPIANO:

I now move for acceptance of the committee's favorable report and passage of the bill as amended by House "B" and "C" I believe it is.

THE CHAIR:

That's correct.

SENATOR DEPIANO:

This bill is a technical revision of the General Statutes concerning human rights and opportunities. If there's no objection, I move it be placed on the consent calendar.

THE CHAIR:

Is there any objection?

SENATOR DEPIANO:

Excuse me just one second please. I believe there's an amendment on that bill, Madam President.

THE CHAIR:

Excuse me. Say it again please.

SENATOR DEPIANO:

Is there an amendment on that bill?

THE CLERK:

The Clerk does not have a Senate Amendment on this bill

May 1, 1980

155
Jgt

senator.

SENATOR DEPIANO:

May it be passed temporarily then.

THE CHAIR:

The Clerk will please continue with the calendar.

THE CLERK:

Calendar No. 673, File 527, 818, Substitute for House Bill No. 6021. An Act Revising the Sentencing Laws. (As amended by House Amendment Schedules "A" and "B") with a Favorable Report of the Committee on Judiciary and the Clerk has an amendment.

THE CHAIR:

Senator DePiano.

SENATOR DEPIANO:

Yes. I move for rejection of House Amendment - I will first move for the passage of the bill, Madam President.

THE CHAIR:

Yes, Senator.

SENATOR DEPIANO:

And I now move for rejection of House Amendment "A".

THE CHAIR:

Would you explain please?

SENATOR DEPIANO:

Yes. I am intending to file, and I've already filed an amendment which in effect corrects House Amendment "A" and if

May 1, 1980

197
Jgt

THE CLERK:

Calendar No. 703, File 747, Substitute for House Bill No. 5876. An Act Requiring Biennial Reapplication by Home-owners Under The Program Of Property Tax Relief For Elderly with a Favorable Report of the Committee on Finance, Revenue and Bonding.

THE CHAIR:

Senator Beck.

SENATOR BECK:

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

THE CHAIR:

Remarks, Senator?

SENATOR BECK:

The purpose of this is to make it more convenient for people to register for property tax relief and it will change it from annual to biennial. I move that it be placed on consent.

THE CHAIR:

Further remarks on the bill? Hearing none, objection to placing on consent? Hearing none, it is so ordered. Proceed.

THE CLERK:

The Clerk at this time would like to go back to page 6 of the calendar, page 6 on an item that was previously passed temporarily, Calendar No. 672, File 528, 817, Substitute for House Bill No. 5942. An Act Implementing A Technical Revision of the Statutes Concerning Human Rights and Opportunities. (As amended

May 1, 1980

198
Jgt

by House amendment Schedules "A", "B" and "C") with a Favorable Report of the Committee on Judiciary. The Senate rejected House "A". The Senate rejected House "A" and the Clerk has an amendment.

THE CHAIR:

The bill is before us at this time as amended by House Amendments Schedule "B" and "C". The Clerk has an amendment. Would you call the LCO please?

THE CLERK:

The Clerk has Senate Amendment Schedule "A", LCO No. 4745, offered by Senator DePiano.

SENATOR DEPIANO:

I move adoption of the amendment, Mr. President.

THE CHAIR:

Question's on the adoption of Senate Amendment Schedule "A". Do you wish to waive the reading, Senator?

SENATOR DEPIANO:

Yes, please.

THE CHAIR:

Remarks?

SENATOR DEPIANO:

Very briefly. This is another one of the technical amendments that we want to put into this bill.

THE CHAIR:

Further remarks on the adoption of Senate "A"? Hearing none, those in favor indicate by saying aye. Those in opposition to?

May 1, 1980

199
Jgt

Senate "A" is adopted. Proceed as amended.

SENATOR DEPIANO:

Yes. I move now for adoption of the bill as amended, Mr. President and just explain very briefly that this is a bill which has the technical revisions of the statutes concerning human rights and opportunities. If there's no objection, I move it be placed on the consent calendar.

THE CHAIR:

The item is in position of disagreement, Senator. We'll have to roll call it. 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:

Further remarks? Hearing none, the machine is open. The Chair would request that the Senators stay in the Chamber please. We have a couple more items to do including the consent calendar. Have all Senators voted? Machine is closed. The Clerk will take a tally. The vote is 35 yea, 0 nay. The bill is passed. Proceed, please.

THE CLERK:

The Clerk would like to call your attention to page 19 of

30
klu

JUDICIARY

March 20, 1980

MR. CADY: (Continued)

support of three Bills which your Committee has raised at the request of the Law Revision Commission. Bill 663, An Act Implementing a Law Revision Commission Technical Revision of the Criminal Procedures Statutes; 664, An Act Implementing the Law Revision Commission Technical Revision of the Probate Laws; 5942, An Act Implementing a Technical Revision of the Statutes Concerning Human Rights and Opportunities.

Each of these Bills is part of the Law Revision Commission's ongoing technical revision of the General Statutes which was undertaken at the direction of the General Assembly in 1977. I want to emphasize two points; first that these are intended to be technical revisions and they are not intended to make any change in the substance or meaning of the law, despite the fact that in some cases they do change the actual language of the law.

This is consistent with the history of technical revisions in Connecticut and this is how a long line of court decisions have interpreted language changes made by technical revisions in the past. I'd also like to emphasize that these Bills represent only a part of the Commission's work on each of the three areas of the law being revised. These Bills enact only the language change aspects of our revisions work.

Another important aspect of our technical revisions work is the reorganization of statute sections in denute chapters which, to the extent possible, contain all of the statute sections relevant to the subject matter of the chapter. For example, the statutes dealing with the release on bail pending trial, used to be scattered throughout Title 54. The commission has gathered these sections into one new chapter entitled, "Release from Custody". This rearranging of sections makes the statutes easier to locate, easier to compare and easier to use because it presents the user with one statutory scheme on one subject and it can be found in one place.

As noted, these proposed rearrangements are not contained in the Bills before you. It is within the discretion of the Legislative Commissioner's Office to adopt them in the

MR. CADY: (Continued)

next recodification of the General Statutes. This proposed new arrangement of the statutes, as well as the proposed language changes would comment explaining those language changes, they're set forth in the commission's draft revisions. Copies of these draft revisions have been sent to the co-chairmen and the ranking members of the Committee and extra copies have been deposited with your Committee Clerk so that Committee members may review and study our proposed revisions.

I have with me, one copy of each draft revision which I shall deposit with the Clerk and which I request be forwarded to the State Library with a transcript of this hearing so that the public may have access to them.

elt # 5

They are particularly valuable for those doing research on legislative history.

One other point, I would like to stress briefly, Bill 663 dealing with criminal procedure, was not prepared in a vacuum. The revision was developed in consultation with the Chief State's Attorney's Office, the Chief Public Defender's Office and the Judicial Department. Because these statutes used to be arranged to reflect the two tier court system, and because so many new laws have been added to this title since the last revision in 1958, this title became difficult to use. I feel that this proposed revision is an improvement.

Likewise for Bill 664, concerning probate courts and procedure. This revision was drafted in consultation with the Probate Court Administrator's Office and the Estates and Probate Section of the Connecticut Bar Association. Also, it has been reviewed by ten Probate Court Judges.

Finally, Bill 5942, revises and consolidates the statute pertaining to Human Rights which are administered by the Commission on Human Rights and Opportunities. Again, I wish to stress that this is purely a technical revision and it is not the intention of the Law Revision Commission to make any substantive changes in these particular statutes. We have, however, made an effort to rearrange the statutes which are now scattered throughout the various

HB5942

MR. CADY: (Continued)

volumes of General Statutes and make the various provisions difficult to find by laymen who are unfamiliar with the layout. So that we have done two things trying to assist the Commission on Human Rights. First, to rearrange so that they can be found in an orderly fashion and so that the language is as legible and meaningful as we can possibly make it.

An example is in the current arrangements of statutes dealing with Human Rights and Opportunities, if one looks at the title of the General Statutes in the index entitled Human Rights, that is Title 46a, one finds none of the Human Rights statutes which must be a very frustrating act for laymen trying to find what the law is.

Our technical revision bills to date have never received a dissenting vote in the General Assembly. I feel that these proposed revisions are up to the quality of our previous revisions and I only hope that our record can be preserved in tact. Thank you.

REP. J. BERMAN: Question. Professor Cady, in your technical revision of Human Rights and Opportunities, I notice that you didn't take up the racial minority aspects in our General Statutes and that's especially prevalent in our education section and I wondered if that was purposeful.

MR. CADY: Attorney Philip Murphy, the Counsel for the Commission on Human Rights and Opportunities is here this morning and will speak. You might perhaps prefer to defer to him as that wasn't actually considered.

REP. J. BERMAN: I would be interested because we have some pretty archaic language in there.

MR. CADY: I have one of our staff members who worked with Mr. Murphy is here and perhaps can answer your question. This is Attorney Dave Heiman of our Law Revision Staff.

MR. DAVE HEIMAN: Representative Berman, briefly, in compiling the statutes, we have in fact, limited ourselves and devoted ourselves and focused on--

33
klu

JUDICIARY

March 20, 1980

HB5942

SEN. DE PIANO: What is your name for the record?

MR. HEIMAN: I'm David Heiman. I'm on the staff. The compilation of the laws which we are proposing for 46a focus on the laws which are currently administered by the Commission on Human Rights and Opportunities. I think that is the point which addresses your question. We would point out that currently there are laws administered by the Commission on Human Rights and Opportunities in Title 4, in Title 31, in Title 36, in Title 53. We're trying to compile them someplace where people who are focusing on what we think is the fundamental fact that somebody has been discriminated against, can find them in Title 46a.

REP. J. BERMAN: I see. You weren't trying to deal across the board then, with the Human Rights and Opportunities statutes, such as the definition in the Education section on racial minorities, what they consist of.

MR. HEIMAN: I think it is correct that it is not highly comprehensive, but in terms of the violations which result in a complaint procedure to the Commission on Human Rights and Opportunities, they will be compiled in one place, using a common procedure. Currently, many of those procedures are incorporated by reference in the sections and they refer to Chapter 563. A layman reading that just wouldn't know what it meant.

REP. J. BERMAN: Thank you. I might just suggest that if you're into this area again, that you take a good look at those definitions and the rather archaic language in that section but I now understand your intent.

SEN. DE PIANO: Okay. We want Jean Rivers. I called her before. Shelly Haller.

HB5988

MS. SHERRY HALLER: Mr. Chairman, members of the Committee, my name is Sherry Haller and I'm speaking today on behalf of the Prep Council which is 22 community based service organizations throughout the State who are working with ex-offenders, their families. I know that you've heard a great deal of testimony already this morning in support of the Bill from the Department of Corrections and from many

MR. SCHWOLSKY: (Continued)

Assistant State's Attorney Guy Wolf who has prepared a proposal out of the New Haven State's Attorney's Office in substitution of the Bill 5989. I appear in and applaud the 5989 in principle, but upon review of the Act as it now stands and the proposal as prepared by Attorney Wolf, I would say that his better meets the circumstances and the law, case law, as we know it now.

And, without any further ado, urge that you review the proposal and adopt it rather than the Act as it is proposed now. Thank you.

SEN. CURRY: Thank you. Do have Mary Kehoe still here? Going once, twice. Nora Budzilek? Spoke. and Bernice Postyn spoke. Is Peter Quinn still here? Is there anybody sitting over there who is waiting to testify? Go ahead. Would you please, for the record, state your name and the Bill to which you will be speaking.

MR. PHILIP A. MURPHY, JR.: Senator Curry and members of the Committee, I'm--my name is Philip A. Murphy, Jr. I'm Counsel to the State of Connecticut, Commission on Human Rights and Opportunities located at 90 Washington Street, Hartford, Connecticut. We have a prepared written statement which we are submitting to the members of the Committee and to the Clerk. I will not read it, in deference to the hour. I will try to be very brief and succinct in terms of making the major points regarding this Bill. Raised Bill 5942 is a joint product of the Law Revision Commission and the Connecticut Commission on Human Rights and Opportunities. It represents over two years of effort. It is a technical revision in the meaning of the Law Revision Commission. It does not substantively effect the laws which the Connecticut Commission on Human Rights and Opportunities enforces. It is designed to correct the result of history of the human rights act being created over a period of some 35 years now.

The statutes as they have been presently enacted are now found in four separate volumes of the General Statutes and none of which, as was pointed out by Professor Cady, Chairman of the Law Revision Commission, are contained in the Human Rights title. This Bill will bring them all together and I would urge your support and passage of this Bill. Thank you.



STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
90 WASHINGTON STREET HARTFORD, CONNECTICUT 06115

2102

MARCH 20, 1980

STATEMENT IN SUPPORT OF RAISED BILL #5942:
AN ACT IMPLEMENTING A TECHNICAL REVISION
OF THE STATUTES CONCERNING HUMAN RIGHTS
AND OPPORTUNITIES.

SUBMITTED TO: THE JOINT STANDING COMMITTEE
ON THE JUDICIARY

SUBMITTED BY: PHILIP A MURPHY, JR.,
COUNSEL TO THE COMMISSION ON
HUMAN RIGHTS AND OPPORTUNITIES

Raised Bill #5942 represents two years of extensive cooperative effort between the Commission on Human Rights and Opportunities and the Law Revision Commission. Attorney Donald Levenson and Legislative Liaison Eleanor Caplan of the Human Rights Commission worked closely with Attorney David Hemond of the Law Revision Commission to produce the carefully considered legislative proposal before you today.

In order to appreciate the need for Raised Bill #5942 it is necessary to understand the historical development of the administrative mechanism established in Connecticut to process complaints of discrimination. In 1947, the Fair Employment Practices Act was adopted prohibiting discrimination in employment. The Commission on Human Rights was empowered to receive and investigate complaints of employment discrimination and order relief for violations. The basic procedural mechanism for the Commission's processing of complaints was also created at that time and codified in what is presently Chapter 563 of the General Statutes. Because employment discrimination complaints were the only type of complaints processed by the Commission, the language of the procedural

REGIONAL OFFICES

SOUTHWEST REGION
1862 EAST MAIN STREET
BRIDGEPORT CONN. 06610
TEL. 579-6246

WEST CENTRAL REGION
232 NORTH ELM STREET
WATERBURY, CONNECTICUT 06702
TEL. 754-2108

CAPITOL REGION
1229 ALBANY AVENUE
HARTFORD, CONN. 06112
TEL. 566-7710

EASTERN REGION
302 CAPTAIN'S WALK
NEW LONDON, CONNECTICUT 06320
TEL. 447-1485

provisions of Chapter 563 referred only to that single type of complaint; see for example Conn. Gen. Stat. §31-127.

In 1949, the Commission was granted the authority to process complaints of discrimination in Public Accommodations. This authority was not incorporated into the unfair employment practices provisions of Chapter 563, but was instead codified in Chapter 939. Instead of creating a new administrative procedure for the processing of public accommodation complaints, the General Assembly mandated that "[t]he commission may...proceed upon...such complaint...in the same manner and with the same powers as provided in Chapter 563 in the case of unfair employment practices..." Conn. Gen. Stat. §53-36. The language of the procedural provisions of Chapter 563 was not amended, however, to reflect the Commission's expanded jurisdiction. A similar situation occurred when the Commission obtained the authority to process complaints of credit discrimination (Chapter 660) (1973), criminal records discrimination (Chapter 48) (1973), deprivations of civil rights (Chapter 939) (1975), and violations of the State Affirmative Action law (Chapter 48) (1975) and Code of Fair Practices (Chapter 48) (1977).

Each time the Commission's jurisdiction was expanded, the substantive violation was placed in a different chapter of the General Statutes, and the Commission was directed to process such complaints "as provided in Chapter 563". Chapter 563, however, was never properly amended to reflect the increased variety of complaints processed pursuant to its provisions. In addition, Chapter 563 itself was amended numerous times to add provisions which relate only to the processing of employment discrimination complaints. The result of this historical development is that the substantive provisions enforced by the Commission now appear in four separate volumes of the General Statutes. Although reference is made in those separate chapters to the basic powers, duties, and procedures of the Com-

mission contained in Chapter 563, Chapter 563 itself continues to refer only to employment discrimination complaints. The present situation is confusing to complainants, respondents, attorneys, and the citizens of Connecticut. Because most of the Commission's proceedings are initiated by the filing of individual discrimination complaints by lay persons often unsophisticated in the law, the inadequacies of the current statutory scheme has a direct negative impact on the exercise of important civil rights.

Raised Bill #5942 addresses the problems resulting from the historical development of the current administrative mechanism for the processing of discrimination complaints in a number of ways. The placement of the various substantive sections enforced by the Commission throughout the General Statutes is cured by consolidating all of those provisions into one chapter of the statutes. The suggested chapter is then reorganized into separate parts dealing with administrative provisions, substantive violations, complaint procedures, and miscellaneous provisions.

The term "discriminatory practice" is utilized in the procedural sections to refer to all of the present substantive provisions prohibiting discrimination. This practice is patterned on the Model Discrimination Act drafted by the Uniform Law Commissioners. The confusing and incorrect reference to complaints of employment discrimination in the procedural sections are thereby eliminated. Long, involved sections are divided into smaller sections, additional sub-sectioning is utilized, outdated and stilted language is removed or altered, and provisions re-ordered within and between sections to facilitate these changes, remove inconsistencies, and improve the clarity of the statutory language. No substantive changes have been made, however, in the statutes affected by this proposed legislation.

The Commission on Human Rights and Opportunities fully concurs in the posi-

tion of the Law Revision Commission that Raised Bill #5942 is a technical revision of the statutes. This Commission has carefully scrutinized all of the recommended changes to insure that the present rights, duties and obligations of all parties affected by Connecticut's anti-discrimination laws remain unchanged. Passage of this Bill will be a significant benefit to those who work with these statutes every day and those who may resort to them only once in their lifetimes. The Commission on Human Rights and Opportunities urges its passage.

Thank you.

<u>SUBJECT</u>	<u>PAGE</u>
Judges - Nominations Superior Court	
Norcott, Jr., Flemming L.	89-93
Purtille, Joseph	93-95
Smith, Allen W.	95-98
Tsamborra, Sabino P.	110-113
Zoarski, Howard W.	98-101
Referees	
Armentano, Nicholas F.	123-125
Hamill, Edward C.	
Jacobs, David H.	101-108, 114-117, 125-129
Loiselle, Alva P.	1413, 1417, 1426-1428
Saden, George A.	

APPENDIX SUBJECT INDEX

Criminal Procedure	1-293
Human Rights and Opportunities	294-397
Probate Courts and Procedure	398-1081