

Legislative History for Connecticut Act

SB 737 (PA483) 1980

Hrg: 0

Sen: 327, 1725-1726, 3347-3350  
3472, 3979-3981, 3983

Use: 7287-7299

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

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1980

VOL. 23

PART 2

305-609

Wednesday, March 19, 1980

3.

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to the Committee on Judiciary.

Human Services. Sub. S.B. 401. AN ACT CONCERNING PERMANENCY PLANNING FOR CHILDREN. Referred to Committee on Appropriations.

Public Health. Sub. S.B. 474. AN ACT ESTABLISHING A STUDY COMMISSION ON LONG TERM CARE FACILITIES AND PROGRAMS. Referred to Committee on Appropriations.

Public Health. Sub. S.B. 473. AN ACT ESTABLISHING A COMMISSION ON LONG TERM CARE IN NURSING HOME FACILITIES. Referred to Committee on Government Administration and Elections.

Insurance and Real Estate. S.B. 639. AN ACT CONCERNING SPEEDING VIOLATIONS AND INSURANCE PREMIUM SURCHARGES. Referred to Committee on Judiciary.

INTRODUCTION OF SENATE BILLS

Raised Committee Bill 736. AN ACT CONCERNING THE FUNCTIONS OF LICENSING BOARDS AND COMMISSIONS. Referred to Committee on Government Administration and Elections.

Raised Committee Bill 737. AN ACT CONCERNING THE REVISION'S CORRECTIONS TO THE GENERAL STATUTES AND THE 1979 PUBLIC ACTS. Referred to the Committee on Judiciary.

FAVORABLE REPORT - Tabled for the Calendar and Printing

Labor and Public Employees. Sub. S.B. 382. AN ACT CONCERNING EMPLOYEE EARNINGS STATEMENTS.

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1687-1914

April 22, 1980

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SENATOR DEPIANO:

Yes, Mr. President. I move for acceptance of that bill please.

THE CHAIR:

Will you comment?

SENATOR DEPIANO:

Yes. This bill would, in effect, give the Commissioner the right to suspend a professional bondsman's license if he should not pay a forfeited bond and provide the procedure for reinstatement. If there is no objection, would it please be placed on the consent calendar.

THE CHAIR:

Hearing no further comment and no objection to consent, so ordered.

THE CLERK:

Moving ahead to page 11, Calendar 397, File 480, Substitute for Senate Bill No. 737. An Act Concerning the Revisor's Corrections to the General Statutes and the 1979 Public Acts with a Favorable Report of the Committee on Judiciary and the Clerk has an amendment.

THE CHAIR:

Senator DePiano.

SENATOR DEPIANO:

Yes, Mr. President. I move for acceptance of the bill and for passage of the amendment and I waive the reading.

THE CLERK:

The Clerk has Senate Amendment Schedule "A", LCO No. 3709, submitted by Senator Post. Copies have been distributed.

April 22, 1980

THE CHAIR:

Will you comment on the amendment, Senator?

SENATOR DEPIANO:

I believe that ... go ahead, Senator.

SENATOR POST:

Mr. President.

THE CHAIR:

Senator Post.

SENATOR POST:

Mr. President, that amendment is a technical correction of the name of the Easter Seal Society in our statutes and I move its adoption, Sir.

THE CHAIR:

Further comment on the amendment? Hearing none, all those in favor of Senate Amendment "A" signify by saying yea. All those opposed. Amendment is adopted. Will you move the bill as amended?

SENATOR DEPIANO:

I now move for passage of the bill as amended. This bill would make various technical amendments to the Connecticut General Statutes. It's effective upon passage. If there's no objection, I move it be placed on the consent calendar.

THE CHAIR:

Hearing no further comments and no objection to consent,  
so ordered as amended.

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May 1, 1980

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move time limitations on the length of leaves of absences and extended visits. The bill would permit court hearings at any time for the purpose of determining whether a convicted defendant should be discharged and mandates such hearings at least once every five years. Finally, the bill eliminates requirements of notifying certain relatives of the director's evaluation of patient's transfers and prohibits individuals other than legal guardians or parents of patients who are minors from obtaining information on the patient's condition. If there's no objection, I move it be placed on the consent calendar.

THE CHAIR:

Are there any objections on the bill? Hearing none, the item is placed on the consent calendar.

THE CLERK:

Calendar No. 397. Calendar No. 397, File 480, Substitute for Senate Bill No. 737, An Act Concerning the Revisor's Corrections to the General Statutes and the 1979 Public Acts. (As amended by Senate Amendment Schedule "A"), with a Favorable Report of the Committee on Judiciary. The Clerk has three amendments.

THE CHAIR:

Senator DePiano.

SENATOR DEPIANO:

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

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joint favorable report and passage of the bill.

THE CHAIR:

You move the amendment, Amendment "A"?

SENATOR DEPIANO:

I move also for the passage of Amendment "A".

THE CHAIR:

Clerk read that amendment.

THE CLERK:

We already have Senate Amendment "A". That has been adopted. The Clerk has three amendments, the first of which will be Senate Amendment Schedule "B".

SENATOR DEPIANO:

I move for passage of Amendment "B" please.

THE CHAIR:

Thank you very much.

THE CLERK:

Clerk has Senate Amendment Schedule "B", LCO No. 4523, copies have been distributed, offered by Senator DePiano.

THE CHAIR:

Senator DePiano.

SENATOR DEPIANO:

Yes. I waive the reading of that amendment. It's technical in nature and it's the usual amendment made to the statute on a technical basis.

THE CHAIR:

You move the amendment?

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SENATOR DEPIANO:

If there's no objection, I'd like to have the amendment passed please.

THE CHAIR:

Very good. Are there any comments on the amendment? All those in favor of the amendment say aye. Those opposed? The amendment carries.

THE CLERK:

The Clerk has Senate Amendment Schedule "C" offered by Senator Schneller, LCO No. 3080, Senate Amendment Schedule "C", LCO 3080.

THE CHAIR:

Senator Schneller.

SENATOR SCHNELLER:

Mr. President, I move adoption of the amendment and ask the Clerk to waive the reading.

THE CHAIR:

Very good. Would you like to comment on the amendment?

SENATOR SCHNELLER:

Yes, Mr. President. This amendment will complete the transfer of the municipal finance functions of the Department of Revenue Services to the Office of Policy and Management. When we made this transfer in Public Act 79610, it failed to transfer some of the intended functions regarding municipal finance to the Office of Policy and Management and this amendment will

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complete the necessary transfers. And I would move adoption of the amendment.

THE CHAIR:

Are there any further comments on the amendment? Hearing none, I'll ask to try your minds. All those in favor of the amendment say aye. Those opposed? Amendment carries.

SENATOR DEPIANO:

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

THE CHAIR:

Are there any objections to consent calendar which has already been moved. Hearing none, Clerk place this on the consent calendar.

THE CLERK:

Moving to calendar No. 480, File 251, Substitute for House Bill No. 5971, An Act Concerning an Optimal Energy Supply Mix for Connecticut. (As amended by House Amendment Schedule "A"), with a Favorable Report of the Committee on Energy and Public Utilities.

THE CHAIR:

Senator Prete.

SENATOR PRETE:

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

THE CHAIR:

Comment on the bill?

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of the calendar, calendar 543. On page 4, calendar 586. On page 5, calendar 632 and 670. Page 6, calendar 688. Page 8, calendar 694, 696, 697 and 698. Page 9, calendar 699, 700, 701. That concludes today's consent calendar.

THE CHAIR:

We are going to have two roll calls, one on a calendar item that had been removed by request from Senator Johnson HB 5876 which would be calendar 703 on page 9 and then the consent calendar. 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 be seated. An immediate roll call has been called for in the Senate. Will all Senators please take their seats.

THE CHAIR:

Machine is open. Machine's closed. Clerk will take a tally. The vote is 34 yea, 1 nay. The bill is passed. Clear the machine please. We'll now vote on the consent calendar. The machine is open. Have all Senators voted? Machine is closed. Clerk will take a tally. The vote is 35 yea, 0 nay. Consent Calendar is passed. Senator Lieberman, we have some items that just came up from the House. SB 547, SB 737, HB 5937, HB 5991, HB 5807, HB 5574, HB 5949, HB 5124, HB 5523, HB 5605, HB 5614, HB 5652, HB 5672, HB 5678

SENATOR LIEBERMAN:

Mr. President, if I may move for suspension to allow for immediate transmittal of the bills we just adopted to go to the House.

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3734-4170

## SENATE

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Senator Martin of the 18th, Senator Morano of the 36th and Senator Beck of the 29th and requests they meet, post haste and attempt to meet and inform the House that we are in a position of disagreement and a Committee on Conference is needed.

## THE CHAIR:

The Chair was misinformed in appointing Senator Morano. The Chair was informed that Senator Morano voted on the prevailing side; not by Senator Morano was I informed, but I was informed of that and Senator Morano did not vote on the prevailing side. Consequently, he could not be chosen. We need two from the prevailing side so the Chair at this point, will continue with the original two appointees, Senator Martin of the 18th, Senator Beck of the 29th and Senator Robertson of the 34th.

The Senate will come back to order please. Mr. Clerk.

## THE CLERK:

The Clerk is prepared to move an item on page 2 of today's Calendar, under the heading of Disagreeing Actions. Judiciary, Senate Bill 737, AN ACT CONCERNING THE REVISOR'S CORRECTIONS TO THE GENERAL STATUTES AND THE 1979 PUBLIC ACTS, as amended by Senate A, B and C and House A.

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THE CHAIR:

Senator DePiano.

SENATOR DE PIANO:

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

THE CHAIR:

The question is on acceptance and passage--

SENATOR DE PIANO:

In accordance with the House action.

THE CHAIR:

In concurrence with the House. Will you remark?

SENATOR DE PIANO:

The House Amendment is a technical Amendment changing one word, actually inserting the word retail before the word commercial. If there is no objection, I move it be placed on the Consent Calendar.

THE CHAIR:

We have to accept the Amendment, Senator. Stand by for one moment. The question is on adoption of House Amendment, Schedule A. You remarked on that Senator. I will try your minds. Those in favor indicate by saying aye. Those in opposition to? House A is adopted in concurrence with the House.

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Do you now move to place the item on Consent, Senator?

SENATOR DE PIANO:

I so do, Mr. President.

THE CHAIR:

Is there objection? Hearing none, it is so ordered.  
Further business on the Clerk's desk? Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I would ask that we go to the Consent  
Calendar, vote on it and then go and have a party.

THE CHAIR:

Sounds good to the Chair, Senator. I imagine it sounds  
good to the Circle. Announce an immediate Roll Call prior  
to calling the Calendar, Mr. Clerk, and then proceed through  
the Calendar--

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 in the Senate. Will all Senators please  
be seated.

THE CHAIR:

The Clerk is going to call today's Consent Calendar. Would  
you please all be seated. Proceed Mr. Clerk if you would.

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THE CHAIR:

At the switch, you're right. Clerk will so note. Senator Skowronski in the affirmative.

The vote is:

34 YEA

0 NAY

The Consent Calendar passed. HB 5940, HB 5454, HB 6006, HB 6046, HB 6037, HJ 53, HJ 54, HJ 14, HJ 20, SJ 46, SJ 47, HB 5391, HB 5400, HB 5574, SB 737

SENATOR LIEBERMAN:

Mr. President, I move for a suspension of the Rules to allow for immediate transmittal of those items that should go to the House.

THE CHAIR:

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

SENATOR LIEBERMAN:

Mr. President, we will meet tomorrow at 1:00 P.M., without benefit or burden of caucus. We will come right out directly to the floor and do our business on a couple of issues that I think we're all very familiar with.

THE CHAIR:

Thank you Senator. The Chair will be here to bank that gavel, Lord willing, at 1:00 P.M. sharp.

SENATOR LIEBERMAN:

Thank you sir. If there is no further business on the

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CLERK:

Senate Bill No. <sup>547</sup>~~457~~. (As amended by Senate Amendment  
Schedule "A.")

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

SPEAKER ABATE:

Bill as amended, passes.

CLERK:

Calendar No. 739, File 480. Substitute for Senate Bill  
No. 737. AN ACT CONCERNING THE REVISOR'S CORRECTIONS TO THE  
GENERAL STATUTES AND THE 1979 PUBLIC ACT. (As amended by  
Senate Amendment Schedules "A," "B" and "C.") Favorable Report  
of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Richard Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I move for 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 this bill in concurrence with the Senate. Will you remark, sir?

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, the bill before us is the technical revision that, which is done by our LCO which corrects language in the Statutes and corrects some of the items that we have passed earlier in this Session, conforming them to existing statutes.

Mr. Speaker, the Clerk has amendment LCO No. 3709, Senate "A."

SPEAKER ABATE:

The Clerk has in his possession an amendment LCO No. 3709, previously designated Senate Amendment Schedule "A." Would the Clerk please call the amendment?

CLERK:

LCO No. 3709, offered by Senator Post of the 8th district.

REP. TULISANO: (29th)

Mr. Speaker, permission to summarize?

SPEAKER ABATE:

The gentlemen is asking leave of this Chamber for summarization in lieu of Clerk's reading. Is there objection?

Hearing none, you may proceed with summarization, Rep. Tulisano.

REP. TULISANO: (29th)

Yes, Mr. Speaker, this amendment just mod...changes the statutory language where crippled children and adults to the new name Connecticut Easter Seal Society of Connecticut, Inc. and conforms the statute to the change in name of the organization and I move its adoption.

SPEAKER ABATE:

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

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Those opposed, nay. The ayes have it. Amendment is adopted. Will you remark further on the bill.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has amendment LCO 4523, Senate "B."

SPEAKER ABATE:

The Clerk has in his possession Senate Amendment LCO No. 4523, previously designated Senate Amendment Schedule "B." Would the Clerk please call the amendment.

CLERK:

LCO No. 4523, offered by Sen. DePiano of the 23rd district.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

I move for adoption of the amendment.

SPEAKER ABATE:

The gentleman seeks leave of the Chamber to summarize in lieu of the Clerk's reading?

REP. TULISANO: (29th)

Permission to summarize, Mr. Speaker.

SPEAKER ABATE:

Is there objection to this gentleman's request to summarize this amendment in lieu of Clerk's reading. Is there objection. Hearing none, the rules are suspended for that purpose. You may proceed with summarization, Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker. This amendment modifies section 5-270 in that section of the General Statutes. It conforms those statutes to the Federal regulations in which they're relying on, as well

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as other statutes dealing with civil preparedness, changing the titles as should conform to reorganization as well as conforming to who may declare a disaster, in our statutes it is the Governor, this is making reference to the President of the United States. Changes court references to Superior Court of Hartford County to the new form by judicial district of Hartford and New Britain. It is another conforming statute. I move adoption of the amendment.

SPEAKER ABATE:

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

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay. The ayes have it. It is adopted. Will you remark further on this bill as amended by Senate Amendment Schedule "A" and "B."

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

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REP. TULISANO: (29th)

The Clerk has an amendment LCO No. 3080, Senate "C."

SPEAKER ABATE:

The Clerk has in his possession an amendment LCO No. 3080 previously designated Senate Amendment Schedule "B." Will the Clerk please call the amendment?

CLERK:

LCO No. 3080 offered by Sen. Schneller of the 20th district.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Permission to summarize?

SPEAKER ABATE:

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

REP. TULISANO: (29th)

This amendment completes transfer of municipal finance functions out of the Department of Revenue Service to the office of Policy and Management. It changes references in the statutes from Commissioner of Revenue Services to the Secretary

of OPM. This was primarily accomplished in Public Act 79-61-10 last year and this finishes the transfer inadvertently left out.

I move adoption of the amendment.

SPEAKER ABATE:

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

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay. The ayes have it. It is adopted.  
Will you remark further on this bill as amended?

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

The Clerk has an amendment LCO No. 4347.

SPEAKER ABATE:

The Clerk has in his possession an amendment LCO No. 4347 designated House Amendment Schedule "A." Will the Clerk please

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call the amendment?

CLERK:

LCO No. 4347, offered by Rep. Tulisano of the 29th district.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Permission to summarize.

SPEAKER ABATE:

Is there objection to summarization? Hearing none, you may proceed to summarize this amendment.

REP. TULISANO: (29th)

Mr. Speaker, this amendment does two things. Conforms the language of two bills dealing with the victims' compensation bill, the first bill passed by the House dealing with speeding had one figure in it and a subsequent bill had additional figures in it. This conforms those two bills together and clarifies the language of an amendment we passed 3 days ago on the probate laws and it's a matter of purely technical nature and I move adoption of the amendment.

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SPEAKER ABATE:

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

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay.

REPRESENTATIVE:

No.

SPEAKER ABATE:

The Chair will put the question once again. We had one voice on each side. All those in favor of the adoption of House Amendment Schedule "A," please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay. The ayes have it. The amendment is adopted.

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Delete section 84 in its entirety and substitute the following in lieu thereof:

"Sec. 84. Section 19-569d of the general statutes, as amended by section of public act 79-583, and section 2 of substitute house bill 5740 of the current session, as amended by House Amendment Schedules "A" and "B", is repealed and the following is substituted in lieu thereof:

(a) Any court of probate shall have the power to place any person residing in its district whom it finds to be a mentally retarded person in (an) ANY appropriate setting which meets his individual habilitative needs in the least restrictive environment, in accordance with the provisions of public act 79-583. No persons shall be so placed unless the court has found that either (1) he is so developmentally disabled as to present a danger to himself by way of physical self-abuse; (2) he is so developmentally disabled as to present a danger to others; or (3) (A) he is so developmentally disabled that he is incapable of caring for himself so that he is unable to provide for himself all of the following: Medical care for physical and mental health needs, nutritious meals, clothing, safe and adequately heated shelter, personal hygiene and protection from physical abuse and harm and (B) he has no family or guardian to care for him or his family or guardian can no longer provide adequate care for him. Application may be made by any relative, a guardian or the commissioner of human resources or by the selectman or welfare department head of the town in which the allegedly mental retarded person resides (, or by the commissioner of mental retardation pursuant to subsection (c) of this section). Such application shall allege that either (1) the respondent is so developmentally disabled as to present a danger to himself by way of physical self-abuse; (2) he is so developmentally disabled as to present a danger to others; or (3) (A) he is so developmentally disabled that he is incapable of caring for himself so that he is unable to provide for himself all of the following: Medical care for physical and mental health needs, nutritious meals, clothing, safe and adequately heated shelter, personal hygiene and protection from physical abuse and harm and (B) he has no family or guardian to care for him or his family or guardian can no longer provide adequate care for him.

(b) Immediately upon the filing of the application, the probate court shall (: (a) Assign a place and time for the hearing, not later than fourteen days, excluding Saturdays, Sundays

and legal holidays, after receipt of such application to determine if such respondent is mentally retarded and meets the criteria as set forth in subsection (a) of this section. The court shall cause notice thereof to be given to the respondent, the commissioner of mental retardation, and such other persons as the court may direct: (2) (, from a list of attorneys admitted to practice in this state provided by the probate court administrator in accordance with regulations (adopted) PROMULGATED by the probate court administrator, in accordance with section 45-4d, appoint an attorney to represent the respondent. Such attorney (may) SHALL, unless replaced, attend all examinations preceding the hearing and shall have the right to copy or inspect any and all reports concerning the respondent. (Reasonable compensation for the counsel of a respondent who is indigent or otherwise unable to pay shall be established by the judicial department and shall be paid from funds appropriated to said department; and (3) issue)

(c) IMMEDIATELY UPON THE FILING OF THE APPLICATION, THE RESPONDENT SHALL BE GIVEN notice of the application (to the respondent and the commissioner of mental retardation. Such notice shall include), the names of all persons filing the application, the allegations set forth in the application, the time, date and location of the hearing and the name, address and telephone number of the attorney appointed by the court to represent (the respondent) HIM. The notice shall inform the respondent (and the commissioner of mental retardation) that ( (A) the respondent) (1) HE has a right to be present at the hearing; ( (B) the respondent) (2) HE has a right to be represented by counsel of his own choosing, and if the court finds the respondent is indigent or otherwise unable to pay, such counsel shall be provided without cost; and ( (C) the respondent) (3) HE has a right to an independent diagnostic and evaluative examination by a license psychologist of his own choice, who may testify on his behalf and who, if the court finds the respondent is indigent or otherwise unable to pay, shall be (provided without cost) COMPENSATED BY FUNDS APPROPRIATED TO THE JUDICIAL DEPARTMENT AFTER ISSUANCE OF THE NOTICE OF THE HEARING BUT PRIOR TO THE HEARING THE RESPONDENT SHALL HAVE A DIAGNOSTIC AND EVALUATIVE EXAMINATION BY A LICENSED PSYCHOLOGIST APPOINTED BY THE COURT AND DUPLICATE COPIES OF THE RESULTS OF THIS EXAMINATION AND ANY OTHER EXAMINATION HELD PERSUENT TO THIS ACT SHALL BE FILED WITH THE DEPARTMENT OF MENTAL RETARDATION. UPON APPLICATION SO BEING MADE, THE COURT OF PROBATE SHALL SET A TIME AND PLACE FOR HEARING.

(c) Any person or agency have reasonable cause to believe that a person is mentally retarded and in need of immediate care and treatment for his safety and welfare, which care and treatment cannot be provided by his family or guardian, shall make a written report to the commissioner of mental retardation as hereinafter provided. Such report shall contain, if known, the names and addresses of the person believed to be mentally retarded and in need of immediate care and treatment, and his parent or other person responsible for his care, and all evidence forming the basis for such believe and shall be signed and dated by the person making such report. The commissioner of mental retardation shall promptly determine if there is reasonable cause to believe that the person described or named in the report is mentally retarded and in need of immediate care and treatment, which care and treatment cannot be provided by such person's family or guardian, and if he so determines, shall assume the care and custody of such person pursuant to an emergency certificate signed and dated by the commissioner and attached to such report. Any persons or agency which in good faith makes the report provided by this subsection shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceedings which result from such report. The commissioner shall, within twnty-four hours, excluding Saturdays, Sundays, and legal holidays, after signing the emergency certificate, file an application pursuant to subsection (a) of this section in the court of probate for the district in which such person resided prior to emergency placement. The court of probate in which such application is filed shall assign a time and place for a hearing pursuant to subsection (b) of this section.

(d) The court holding a hearing on an application filed in accordance with the provisions of this section shall appoint a licensed psychologist to examine the respondent and prepare a diagnostic and evaluative report which shall be submitted to the court on or before the first hearing held to determine if such respondent is mentally retarded and meets the criteria as set forth in subsection (a) of this section. Duplicate copies of this examination and any other examination held pursuant to this section shall be filed with the department of mental retardation. Such psychologist shall be appointed from a panel of psychologists provided by the probate court administrator's office in accordance with regulations adopted by the probate court administrator. Reasonable compensation for the court-appointed psychologist for a respondent who is indigent or otherwise unable to pay, shall be established by the judicial

department and paid from funds appropriated to said department. Reasonable compensation for the psychologist of the respondent's own choice for a respondent who is indigent or otherwise unable to pay shall be established by the judicial department and paid from funds appropriated to the department of mental retardation.)

( (e) ) (d) The respondent, his guardian, or his attorney shall have the right to inspect and copy all medical, educational or other data concerning the respondent in the control of the commissioner of mental retardation or his (designees) AGENTS.

(e) IF THE COURT, AFTER HEARING, FINDS THERE IS CLEAR AND CONVINCING EVIDENCE THAT THE ALLEGATIONS IN THE APPLICATION ARE TRUE, IT MAY ORDER THE PERSON TO BE PLACED IN ANY FOSTER HOME, GROUP HOME, REGIONAL CENTER OF OTHER FACILITY WHICH SUCH COURT IS SATISFIED IS THE LEAST RESTRICTIVE SETTING COMMENSURATE WITH THE NEEDS OF THE RESPONDENT. THE COMMISSIONER SHALL PROVIDE THE COURT WITH A REPORT WHICH SHALL OFFER FOR THE COURT'S CONSIDERATION A PROPOSED PLACEMENT AND THE REASONS FOR SUCH PROPOSED PLACEMENT. SUCH PROPOSED PLACEMENT MUST PROVIDE THE RESPONDENT WITH APPROPRIATE HABILITATIVE TRAINING IN THE LEAST RESTRICTIVE ENVIRONMENT COMMENSURATE WITH HIS NEEDS. THE COMMISSIONER SHALL ADOPT REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 54 WHICH SHALL SET FORTH A CLEAR PROCEDURE AS TO HOW A DECISION OF PROPOSED PLACEMENT IS REACHED. IF AFTER A REVIEW OF SUCH PROPOSED PLACEMENT THE COURT IS SATISFIED THAT SUCH PLACEMENT WILL PROVIDE APPROPRIATE HABILITATIVE TRAINING IN THE LEAST RESTRICTIVE ENVIRONMENT COMMENSURATE WITH THE RESPONDENT'S NEEDS, IT MAY ORDER SUCH PLACEMENT. ALL COSTS OF CARE AND TRAINING SHALL BE PROVIDED PURSUANT TO SECTION 17-295a. IN SUCH ORDER OF PLACEMENT, THE COURT SHALL FIND AND STATE THE NAME, ADDRESS AND DATE OF BIRTH OF THE PERSON PLACED, AND THE NAMES AND ADDRESS OF HIS PARENTS, SO FAR AS THEY CAN BE ASCERTAINED. AN ORIGINAL AND ONE COPY OF SUCH ORDER OF PLACEMENT SHALL BE MADE. THE ORIGINAL SHALL REMAIN WITH THE PROBATE COURT AND THE OTHER, BEARING THE ENDORSEMENT OF THE COMMISSIONER'S APPROVAL, SHALL BE LEFT IN THE HANDS OF THE FOSTER PARENT, GROUP HOME ADMINISTRATOR, SUPERINTENDENT OF THE REGIONAL CENTER, OR OTHER PERSON ULTIMATELY RESPONSIBLE FOR THE TRAINING, EDUCATION AND CARE OF THE RESPONDENT BY THE PERSON APPOINTED BY THE COURT OF PROBATE TO SERVE SUCH ORDER AND, IF NECESSARY, TO DELIVER THE PERSON TO THE SITE OF HIS PLACEMENT.

( (f) If the court, after hearing, finds by clear and convincing evidence that the respondent is mentally retarded, and meets the criteria set forth in subsection (a) of this section, it shall assign a time and place for a hearing to determine an appropriate placement for such respondent.

(g) Not later than sixty days after receiving a decree from the court of probate which finds that such respondent is mentally reatrded and meets the criteria set forth in subsection (a) of this section, the commissioner of mental retardations shall provide the court with a report as provided hereinafter. In the event that the respondent is under the care and custody of the commissioner pursuant to subsection (c) of this section, the commissioner shall provide the court with said report within thirty days provided that, if the commissioner determines that it is in the best interests of such respondent who is under his care and custody to extend the time for filing the report, he shall notify the court of probate, giving his reasons therefor, and such extension shall not exceed thirty days. Such report shall consist of a proposed placement that provides the respondent with appropriate habilitative training in the least restrictive environment commensurate with his needs, and the reasons for such proposed placement. Such facility may be a community training home, regional center, training school or other facility which the court is satisfied is the least restrictive environment commensurate with the needs of the respondent. If placement in the least restrictive environment is impossible for lack of a vacancy in such facility, the commissioner shall supply the court with a description of the next least restrictive environment in which a vacancy exists, and the types of programs that will be provided at such facility. After review of the psychologist's report, the commissioner's report, and any other evidence which may come before it, the court may, if it is satisfied that the commissioner's proposed placement will provide appropriate habilitative training in the least restrictive environment commensurate with the respondent's needs, order the person to be placed under the custody and control of the commissioner of mental retardation in such facility, except that if the court is satisfied that no vacancy exists in such facility, it may order the respondent temporarily placed in the next least restrictive environment in which a vacancy exists and shall order the commissioner to transfer the respondent to the least restrictive environment determined by the court at the earliest possible time.

(h) All cost of care and training shall be provided pursuant to section 17-295a. The court shall include in such order of placement the name, address and date of birth of the person placed, and the names and addresses of his parents, so far as they can be ascertained. The original copy of such order shall remain with the probate court and one copy approved and certified by the commissioner shall be delivered to the superintendent of the regional center or training school responsible for the training, education and care of the respondent.

(i) If the court is not satisfied that such placement will provide appropriate habilitative training in the least restrictive environment commensurate with the respondent's needs, it may refer the matter to the commissioner for further study or order placement in an appropriate facility commensurate with the respondent's ability to pay and the availability of space in such facility.)"

Delete section 85 in its entirety and substitute the following in lieu thereof:

"Sec. 85. Section 19-569f of the general statutes, as amended by section 2 of public act 79-583 and section 3 of substitute house bill 5740 of the current session, as amended by House Amendment Schedules "A" and "B", is repealed and the following is substituted in lieu thereof:

(a) All persons admitted to a STATE training school, regional center or other facility provided for the care and training of the mentally retarded shall, until discharged therefrom, be under the custody and control of the superintendent.

(b) Any person placed in a STATE training school regional center, group home, (community training home) FOSTER HOME or any other residential program under the jurisdiction of the commissioner of mental retardation pursuant to section (19-579d) 19-569d, as amended by section 1 of public act 79-583, may request a review of his placement by the probate court one year after issuance of the original order of placement and once a year thereafter. Such request shall be in writing, shall state the reasons for review and shall be made by the patient or any other person acting on his behalf. (Request) SUCH REQUEST shall be filed with the probate court (. One), ONE copy shall be served on the commissioner of mental retardation and one copy shall be served on the (superintendent) PERSON in charge of the facility in which the (person) PATIENT is placed. The hearing on such request shall be held (not later than) WITHIN ten days, excluding Saturdays, Sundays and holidays, after the filing of such request.

(c) At such hearing the patient shall have the same rights as provided under SUBSECTIONS (b), (c) AND (d) OF section (19-579d) 19-569d, as amended by section 1 of public act 79-583."

After line 6377, add the following and renumber the remaining section accordingly:

"Sec. 150. Section 19-569e of the general statutes, as amended by section 4 of substitute house bill 5740 of the current session, as amended by House Amendment Schedules "A" and "B", is repealed and the following is substituted in lieu thereof:

When any person is found to be mentally retarded upon proceedings had under this chapter, all fees and expenses incurred upon such proceedings shall be paid by the state; and, if such person is found not to be mentally retarded, such fees and expenses shall be paid by the complainant (except as otherwise proved in this chapter).

Sec. 151. Section 54-143 of the general statutes, as amended by section 4 of public act 79-505, section 4 of substitute house bill 5046 of the current session and section 3 of substitute house bill 5050 of the current session, is repealed and the following is substituted in lieu thereof:

(a) A cost of twenty dollars shall be imposed against any person convicted of a felony, and a cost of fifteen dollars shall be imposed against any person convicted of a misdemeanor or convicted under sections 14-219, as amended by section 1 of (this act) SUBSTITUTE HOUSE BILL 5050 OF THE CURRENT SESSION, 14-222, 14-224, 14-225 and 14-227a, or who pleads nolo contendere to a violation of section 14-219, as amended by section 1 of (this act) SUBSTITUTE HOUSE BILL 5050 OF THE CURRENT SESSION, and pays the fine by mail, and the taxation of costs or the collection of fees and expenses as provided by law may be imposed on appeal to the supreme court.

(b) A cost of (ten) FIFTEEN dollars shall be imposed against any person not a resident of this state who is summoned for allegedly having committed an infraction under section 14-219 and forfeits the cash bond or guaranteed bail bond certificate required to be posed under section 51-164o, as amended by section 5 of (this act) SUBSTITUTE HOUSE BILL 5050 OF THE CURRENT SESSION. Such cost shall be included in the amount of such bond.

(c) Under no condition shall a political subdivision be held liable for the payment of any cost imposed under this section. (Crime) THE WORDS "FELONY" AND "MISDEMEANOR" as used in this section (does) DO not include infractions or violations of any state of local housing code or violation of the regulations of the department of environmental protection.

Sec. 152. Section 51-164o of the general statutes, as amended by section 4 of public act 79-534 and section 5 of substitute house bill 5050 of the current session, is repealed and

the following is substituted in lieu thereof:

Any person not a resident of this state, if summoned for allegedly having committed an infraction, shall not be permitted to plead or pay by mail as provided in section 51-164n, but such nonresident shall be required to post a cash bond or a guaranteed bail bond certificate, as provided in section 14-140a, with the local or state police issuing such summons; except, if such nonresident is alleged to have committed an infraction involving a motor vehicle and he is a resident of a state which has reciprocity with the commissioner of motor vehicles in this state with respect to suspension of operator's licenses, such nonresident may plead or pay by mail as provided in section 51-164n. The amount of any bond required by this section shall be the amount of the fine and any additional fee established for the infraction alleged to have been committed; provided the amount of bond for any such person who is summoned for allegedly having committed an infraction under section 14-219, as amended by section 1 of (this act) SUBSTITUTE HOUSE BILL 5050 OF THE CURRENT SESSION, shall also include a cost of (ten) FIFTEEN dollars imposed by subsection (b) of section 54-143, as amended by section 3 of (this act) SUBSTITUTE HOUSE BILL 5050 OF THE CURRENT SESSION.

Sec. 153. House bill 5528 of the current session and substitute house bill 5984 of the current session shall take effect July 1, 1980."

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REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker. That completes the series of amendments dealing with the technical revision bill. I have gone through and explained the amendment. This is the bill when I stand up and say I don't know what's in the file copy. It is clearly a technical bill. It has been so presented to us by LCO merely

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conforming to statutes and making proper statutory references.

I move passage of the bill.

SPEAKER ABATE:

Will you remark further on this bill as amended? Would all the members please be seated? Staff and guests, please, to the well of the House. All staff and guests please come to the well of the House. The machine will be opened.

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

Have all the members voted? 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.

Would the Clerk please announce the tally?

CLERK:

Senate Bill No. 737 as amended by House Amendment Schedule "A" and Senate Amendment Schedules "A", "B" and "C".

Total number voting	145
Necessary for Passage	73
Those voting Yea	143
Those voting Nay	2
Those absent and not voting	6

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SPEAKER ABATE:

Consul: The bill as amended passes.

CLERK:

just: Calendar page 2. Unfavorable Reports. Calendar No. 736.  
File No. 580. Senate Bill No. 662. AN ACT CONCERNING JUVENILE  
RESTITUTION PROGRAMS. (As amended by Senate Amendment Schedule "B")  
Unfavorable report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Richard Tulisano.

REP. TULISANO: (29th)

how: Mr. Speaker, I move for acceptance of the committee's  
unfavorable report and rejection of the bill.

SPEAKER ABATE:

is: The question, ladies and gentlemen, is on acceptance of the  
Joint Committee's unfavorable report. Will you remark?

REP. TULISANO: (29th)

Yes, Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I oppose this bill and urge rejection for a  
number of reasons. First and primary among them is that by this