

Legislative History for Connecticut Act

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House of Representatives

Thursday, May 19, 1983

Energy and Public Utilities.

SPEAKER STOLBERG:

The motion is to refer to the Committee on Energy.

Is there objection? Is there objection? Seeing no objection, it's so ordered.

CLERK:

Page 3, Calendar 253, Substitute for House Bill
7179, AN ACT CONCERNING SOIL EROSION AND SEDIMENT CONTROL.
Favorable Report of the Committee on Planning and Development.

REP. GROppo: (63rd)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Groppo.

REP. GROppo: (63rd)

May this be passed temporarily. There's an amendment
that's not here yet.

SPEAKER STOLBERG:

Is there objection? Is there objection? The item
is passed temporarily.

CLERK:

Page 10, Calendar 653, Substitute for House Bill
7218, AN ACT PROTECTING THE FIRST AMENDMENT RIGHTS OF
EMPLOYEES. Favorable Report of the Committee on Judiciary.

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REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Richard Tulisano.

REP. TULISANO: (29th)

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

SPEAKER STOLBERG:

Will you remark?

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, this legislation would establish a cause of action for individuals against employers who may be disciplined because of exercising of their first amendment rights. This makes it clear that they do have in fact a cause of action against an employer, and that is exercise of rights which have no way to do with job performance, or on the job, or interfering with their employment. I would move its passage. I think it's important for us to put on the books, legislation which indicates that we are in favor of freedom of speech, freedom of religion, and freedom of the press, and this is our one way of protecting those rights of individuals, so they do not have to be afraid to express themselves because of fear of job loss.

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SPEAKER STOLBERG:

Will you remark further on the bill? Will you remark further? Rep. Tony Miscikoski.

REP. MISCIKOSKI: (65th)

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO 6800. Will the Clerk please read the amendment.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 6800, which will be designated House Amendment Schedule "A". Will the Clerk please call and read.

CLERK:

LCO 6800, designated House "A", offered by Rep. Miscikoski of the 65th District.

In line 1 before the word "new", insert the following section 1: After 14, add the following:
Section 2. The name of each person writing or contributing to a newspaper editorial shall be printed with the editorial.

REP. MISCIKOSKI: (65th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Miscikoski, what is your pleasure?

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REP. MISCIKOSKI: (65th)

Thank you, Mr. Speaker, very kind. You know, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Miscikoski, is it your inclination to move adoption of the amendment?

REP. MISCIKOSKI: (65th)

Mr. Speaker, I move adoption of the amendment.

SPEAKER STOLBERG:

Will you remark?

REP. MISCIKOSKI: (65th)

Thank you, Mr. Speaker. I was going to move it later, but that's okay. Mr. Speaker, this is the amendment that I missed out the day that I was chasing around for the UConn Branch. You know, this amendment, really, if we're going to have freedom of everything, freedom of the public officials to be accountable to anyone and everybody, that I believe the editorial writers should have the same freedom as we're having. That they earn, and they deserve the responsibilities to the people.

It's like I said before. Why should they have the right to destroy anyone they want for cash, and hide behind the first amendment. Now, there's no such thing as freedom of the press unless you own the press, and

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I've said that before.

Now, when an editorial, you take the press that covers us here, or up in the Senate, they're here. They cover us, and they sign their name to their articles, but the fellows in the ivory towers, they never come to these functions to find out what's going on. They just shoot from the hip, whatever way they want. And I don't believe that this is what freedom of the press stands for. And I believe that the people should have freedom of the press to find out who's writing these editorials, if it's one, two, three or ten people, they should be accountable to the people that are buying those papers.

And the people in the United States, or whether it's the cities, states or the towns. Now this is a very controversial amendment, and everyone knows, of course I never get endorsed by some of the newspapers, anyway, so I don't lose anything. The problem is, if the editorials are written by people that attend functions, whatever they're writing about, it's perfectly fine. They can say whatever they want to say, but they're never around, and they write these editorials, and I just want to have them do the same things that the reporters that cover us here.

Let's give the people freedom of the press. That's what they're always screaming about, but they're not giving

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it to the people. So let's show them what we mean here today, is to vote for this amendment, and let's adopt it, and give everybody freedom of the press in all manners and ways.

SPEAKER STOLBERG:

Will you remark further on the amendment? Rep. John Woodcock.

REP. WOODCOCK: (14th)

Thank you, Mr. Speaker. I have a few questions for the proponent of the amendment.

SPEAKER STOLBERG:

Rep. Woodcock, will you please frame your first question.

REP. WOODCOCK: (14th)

Thank you, Mr. Speaker. Rep. Miscikoski, this is a rather ambitious amendment. I'm sure it's one which has required a great deal of research on your part. Would you happen to know if any other states have similar legislation to require that editorial writers disclose their identify in their newspapers?

SPEAKER STOLBERG:

Rep. Miscikoski, do you care to respond?

REP. MISCIKOSKI: (65th)

Yes, Mr. Speaker. Through you, Mr. Speaker. Was

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there any other state that had a new car bill? (Applause & Laughter)

SPEAKER STOLBERG:

Will the Journal please note. Rep. Woodcock, you have the floor.

REP. WOODCOCK: (14th)

Thank you, Mr. Speaker. Rep. Miscikoski, I cannot top that one. But I do think we're talking about two rather significantly different areas, and I think it's important, when you're talking about the constitution, that you see if there is other precedent to support your position, and I am interested to know whether or not any other states have considered such an ambitious proposal. To your knowledge, sir.

REP. MISCIKOSKI: (65th)

Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Miscikoski, do you care to respond?

REP. MISCIKOSKI: (65th)

Yes, Mr. Speaker. I would like to remind the gentleman one more time that his bill was the first in the country, and I would like to have this one the first in the country, and you know, not only that, the news media should be responsible to the people. They are not,

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and I don't believe that the First Amendment that they keep hiding about means that they should do what they are doing. The First Amendment should be freedom of the press through all the people, not only to the people that own the press.

REP. WOODCOCK: (18th)

Mr. Speaker, another question.

SPEAKER STOLBERG:

Rep. Woodcock.

REP. WOODCOCK: (18th)

Another question for Rep. Miscikoski. Rep. Miscikoski, are you aware of or do you have any knowledge of any court cases that may have discussed this concept or a concept similar to it?

REP. MISCIKOSKI: (65th)

No, I haven't. And I don't think it really matters. And I think like I said before, we pass many things in here that could be challenged in the courts, also, for anyone who wants to take the time to do it, and spend the money. You see, that's what freedom of the press is all about. You need a lot of money, otherwise, there's no freedom.

REP. WOODCOCK: (14th)

Mr. Speaker.

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SPEAKER STOLBERG:

Rep. Woodcock,

REP. WOODCOCK: (14th)

I'm very satisfied with the answers I've received from Rep. Miscikoski, but I would like to just state that I am somewhat concerned about the mandate and the direction that this particular amendment has on the press.

I'm sure that virtually every one of us in this Chamber has an opinion about the press, and we have had our fair share of experiences, both positive and negative, but I feel that this particular type of approach is probably one that would certainly run into very serious constitutional muster if the Assembly saw fit to adopt it and for that reason, I don't believe we should. Thank you.

REP. MISCIKOSKI: (65th)

Mr. Speaker,

SPEAKER STOLBERG:

Rep. Miscikoski.

REP. MISCIKOSKI: (65th)

Mr. Speaker, I would like to see that we are the first state to adopt this, just like Rep. Farr says, let's be first in everything, let the other states follow us. And I certainly believe that if they think this is not justice, then they can take and fight it through the courts.

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But let's take and give the freedom of the press to all the people. It's like I said before, stop and think why should they have the right to destroy anyone they want for cash? You know they sell those papers and then they hide behind the First Amendment. Now all we're asking for is the equal right of the reporters here that cover us up in front, you see their names on their articles.

That's all we're asking for, is the same thing that the reporters are doing now, signing their name. What are they afraid of? To sign their names? They want freedom of information from everybody but them. And it's like I said, and keep saying, there's no such thing as freedom of the press, unless you've got the money to own the press and then, you can do whatever you want to do.

Now, I don't believe that's what the First Amendment's all about. Thank you.

REP. CIBES: (39th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Cibes.

REP. CIBES: (39th)

Thank you, Mr. Speaker. This is a very seductive amendment, I'm sure, to all of us in Rep. Goodwin's language. She's used that before. I think we all think that at times

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the newspapers have treated us all illy. I would like to rise to oppose the amendment. I think it is clear there are serious consitutional difficulties with the amendment, probably the most relevant Supreme Court case on point is Miami Herald v. Tarnello, which dealt with the Florida right of reply statute.

Florida attempted to impose a requirement that a person had the right to reply to editorials written in Florida newspapers. And the Supreme Court of the United States struck down the Florida statute on the grounds that it was an impermissable invasion of the right to specify content in newspapers.

This goes but a little way in that direction. By trying to specify exactly what newspapers should print, specifically the name of the editorial writer, I think it is specifying content. I think it does violate the First Amendment, and I would urge rejection.

SPEAKER STOLBERG:

Will you remark further on the amendment, Rep. Flinn.

REP. FLINN: (149th)

I rise to support this amendment, and I think there's a very relevant reason in today's world, Newspaper chains are often owned by out-of-staters. It used to be you knew who the editor of your local paper was, and you

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knew what sort of policy he had, and you weren't dealing with an anonymous force from outside of the state. You weren't dealing with mass conglomerates.

I think in today's day and age of freedom of information, we should hold the editorial writers and we should have their names revealed. Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further? If not, Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I rise to oppose the amendment.

REPRESENTATIVES:

Awww.

REP. TULISANO: (29th)

Surprise.

SPEAKER STOLBERG:

Rep. Tulisano, you have the floor.

REP. TULISANO: (29th)

It's really kind of strange that with a bill which we are trying to enhance First Amendment rights, on the other hand we're attempting to take some of them away.

I didn't know the First Amendment made a difference whether you were in state or out-of-state for one thing. The First Amendment is for all the people in these states, in these United States. And our own Connecticut Constitution

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to me is more expansive and more protective than the First Amendment of the Federal Constitution, and accordingly I think even under the Connecticut Constitution, one which is more protective as I indicated, this would be totally unconstitutional.

And why do I say that? Not because I have any dear loving of fear for editorial writers, I maybe even have a greater dislike for headline writers as you may all recall sometimes. They're worse sometimes than editorial writers,

But the fact of the matter is that the First Amendment is a protection to do such a thing as to make somebody identify themselves is not, does not enhance anybody's rights. If a newspaper libels you, if a newspaper does anything against you which is improper, those writers are writing on behalf of the newspaper, its' owners, that is public knowledge,

You know what newspaper it is in, and accordingly to do otherwise would be to have this state and this government interfere in the free operation of the press.

And Shakespeare didn't like lawyers because he thought chaos would occur if you got rid of all the lawyers, as they often misquoted phrases of his, and they wanted chaos to occur.

And lots of other people have tried to get rid of free presses and try to put prior restraints on them and

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this is the beginning of prior restraint, and without a free press, we would not ultimately be a free country. And although there is great appeal to this amendment, and a desire for great personal satisfaction from all of us when we thought we had been maligned from time to time.

The higher good would say we should reject it at this point in time.

REP. CHASE: (120th)

Mr. Speaker,

SPEAKER STOLBERG:

Rep. Chase was the next one on his fee, I'm not sure that freedom of speech need extend so far that everyone remark on this amendment. Rep. Chase,

REP. CHASE: (120th)

Thank you, Mr. Speaker, I'll be brief. First of all, I too feel that this amendment is probably unconstitutional and would question its germaneness on this particular bill, but I won't raise that point. I would just like to say that from the newspapers that I'm familiar with, they generally have an editorial board, and a particular writer of an editorial may not be writing his own opinion, it may in fact, be the opinion of the entire board.

And secondly, and maybe more importantly, if

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Rep. Miscikoski has a gripe, then I'd suggest he just write a live letter.

SPEAKER STOLBERG:

Will you remark further? Rep. Lavine,

REP. LAVINE: (100th)

Mr. Speaker. Mr. Speaker, Rep. Miscikoski has made some remarks about signing newspaper stories, but I'd like you all to reflect for a moment what your newspaper looks like.

Your newspaper by and large does not have signed stories. There are occasional by-lines in your paper, but much of what's in your newspaper are stories which don't have attributions to them. Now the next step on this slippery slope, I assume, the extension is to require that every one of the stories in a newspaper have a signed name with it. And I question whether that is necessary, wise, or what we really want.

And one final thing, ladies and gentlemen. You and I put out press releases, and we very much hope those press releases find their way into newspapers, and we don't particularly want our names attached to those press releases. We'd like them there as news stories and often we're successful.

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The following step on this slippery slope from Rep. Miscikoski would be that all our press releases when signed, would have to be that way in the newspaper, and we can go on and on with the logic of this. This is not an acceptable amendment and we should reject it.

SPEAKER STOLBERG:

Will you remark further? Rep. Steven Duffy.

REP. DUFFY: (77th)

Mr. Speaker, such an amendment may seem seductively attractive, but I think it's very, very dangerous. I think it's very dangerous to the operation of a free society. The steps that may come after this I think are far more dangerous than a very simple step such as this.

When a newspaper is held to a libel action, it is not the editor that is responsible, it is the newspaper. It is the newspaper's editorial. It is the radio station's editorial, it is the television station's editorial. The editor is an employee of the paper, an editorial is by a board of editors, it is not often a single editor's statement.

I think it is very, very dangerous for this body to intrude upon a constitutionally sanctioned function in this society and I would strongly urge defeat of this amendment.

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SPEAKER STOLBERG:

Will you remark further, Rep. Brouillet.

REP. BROUILLET: (3rd)

Thank you, Mr. Speaker.

I strongly support this amendment and let me tell you why. When you're watching a tv editorial, either the editorial writer or the station manager is on there, visually and personally identifying themselves. The same with radio stations. Now the esteemed constitutional lawyer, Rep. Tulisano referred to libel.

Do you know how difficult it is to prove libel? So what about suggestive innuendo, or inferences, which is just as character destroying as when you sue for libel.

When they talk about editorial board, well, I'll tell you the truth, I went before the Courant editorial board and I knew it was a false mission. There were many reporters and others there and I knew who would be making decisions, but when they ask you, one of the cogent issues is, what do you do on minimum markup.

I said, what about jobs? What about the economy, what about crime? What's wrong? How is it going to intimidate the content of an editorial by a person simply identifying himself so after a while their ears will be perceptive about the biases that an individual, that all

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of us have, the philosophy that we have. What is it going to do? And then, finally, it's ironic that Rep. Miscikoski wants to create jobs for lawyers. That's probably the most ironic situation of all. In case newspapers want to go to court, This is really worthy of support.

SPEAKER STOLBERG:

Rep. Yorke Allen.

REP. ALLEN: (116th)

I don't think we have to slide down slippery slopes or call this a dangerous intrusion or risk. My objection to this amendment is that it doesn't prove much of anything.

Small papers have an editor, and if the amendment were to pass, his name would appear in every issue as the author of the editorial. Big newspapers have editorial boards. And if the amendment were to pass, in every issue of the big newspaper, you would have all the names of the members of the editorial board, and perhaps a star beside the name of that member of the editorial board who had done the most work on that particular editorial.

And day after day, in both instances, you would see the same names and most people wouldn't have any knowledge of those people, and I submit the amendment

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proves not much of anything.

SPEAKER STOLBERG:

Will you remark further on the amendment.

REP. GROppo: (63rd)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Groppo.

REP. GROppo: (63rd)

Mr. Speaker, at this time I ask that we suspend the rules for an immediate introduction, because we have some distinguished guests here that are on a very tight schedule. I figure it's only proper that we recognized these distinguished individuals who are accompanied by our Lt. Governor.

SPEAKER STOLBERG:

Is there any objection to suspension of the rules for the purposes of an introduction?

Seeing no objection, Rep. Groppo, please proceed.

REP. GROppo: (63rd)

Thank you very much, Mr. Speaker. Ladies and Gentlemen of this House. We have accompanying our great Lt. Governor, four individuals who are from Egypt. They are engineers affiliated with the Maritime Ministry, and they are Engineer Atif, Engineer Hassan, Engineer Lapoy

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and Engineer Natvali. If they will stand, I'm sure this House will give them a cordial welcome. (applause)

SPEAKER STOLBERG:

We'll now return to debate on House Amendment Schedule "A", LCO 6800. Will you remark further?

Rep. John Woodcock.

REP. WOODCOCK: (14th)

Thank you very much, Mr. Speaker. No questions, this time.

Ladies and Gentlemen of the House, We've heard a lot of discussion this afternoon about constitutional problems that this particular amendment may present, and I'm not going to talk about that, I've already given you my opinion on it.

But I do think it presents a very real, practical problem in the way that it's drafted. I think for that reason alone, forget all the other problems. The drafting flaw provides that the name of each person writing or contributing to the editorial shall be printed. Now let's think about contributing. That could be editorial staff, that could be researchers. That could be newspaper reporters. That could be people that are interviewed by the editorial board. It can go on and on and on. I think for that reason alone, it's a totally unworkable amendment. It would lead to,

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it would put an incredible burden on the press, and it would be an attorney's dream. So therefore, because of the flaw in the drafting of this particular amendment, it should be rejected by this Chamber.

And Mr. Speaker, I ask that when the vote on this amendment be taken, it be taken by roll.

SPEAKER STOLBERG:

The motion is for roll call vote. All those in favor of a roll call vote please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

Inadequate number is arrived at. The vote will not be taken by roll. Will you remark further on the amendment?

If not, all those in favor of the amendment, I'm sorry,

Rep. Vance.

REP. VANCE: (123rd)

Thank you, Mr. Speaker. I know there's been a great deal of concern about legalities and the problems, and I also know there's a strong gut reaction on this amendment. I'm sure we're all reacting personally. But just to indicate to you that perhaps we shouldn't be quite so afraid of the proposal, I come from a small community of about 33,000 people. We do have a hometown paper that comes

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out once a week and has very large circulation in our community and probably goes to maybe 9,000 of the homes. This paper, by its own policy, now initials editorials. We have at least three people who may be responsible for writing the editorials, possibly another two, and they have voluntarily agreed, and each editorial that appears in the paper does show an identification of the person responsible for it.

So perhaps even if we can't enact it into law, we may get some of our papers who are not afraid to stand up and be counted to voluntarily follow through as a result of this debate. Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further on the amendment. Rep. Miscikoski.

REP. MISCIKOSKI: (65th)

Mr. Speaker, that's what happened when I pushed the button. You know, Mr. Speaker, Ladies and Gentlemen. Just stop and think what some of the people said that oppose this amendment.

SPEAKER STOLBERG:

Rep. Miscikoski, I've been informed this is your third time on the amendment. Is there an objection?

Rep. Miscikoski, speaking for the third time. Seeing no

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objection, please proceed.

REP. MISCIKOSKI: (65th)

Thank you, Mr. Speaker. Just stop and think what they said. They're trying to make you believe that you're going to change the United States First Amedment. All you're asking for here is to let those people to sign their names on the editorial. Now what's so tough about that? They want everything from us, but nothing from them.

You know, stop and think, when you write a letter to the editor, they won't print it if you don't sign your name. They also have the right to stir it up any way they want and put it in any way they want. They have all the rights, you have nothing, and they talk about taking it to the courts and all that stuff. Yeah, if you've got tons and tons of money to compete with them.

You know, all we're asking for here is a signature, that they want from everyone else. What are they afraid of? Are they afraid of that they might have to attend some meetings, and attend some affairs before they write their editorials in their ivory towers. Come on now, ladies and gentlemen, this is your opportunity to get freedom of information from them, like they want from us and everyone else.

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Let me tell you, they have the right to destroy anyone they want, and you haven't got the money to take them on. And I want them to have the freedom of the press. Just sign their editorials, that's all I'm asking for. All the different comments that I heard from intelligent people, I can't believe it. You'd think we were changing the Constitution here.

I hope you fellas that spoke against this amendment they put your name in headlines without signing their name. Really, ladies and gentlemen. Stop and think. Freedom of information. They were here the other day. I didn't know they were here. They want their freedom of information from anything and everything and on top of everything, but nothing from them. Thank you.

Now, let's take and do justice. This doesn't only involve us. This involves everybody. Every citizen in the State of Connecticut. Just sign that editorial so we can see you once in a while at a meeting before you write. Thank you.

REP. SHAYS: (147th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Shays.

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REP. SHAYS: (147th)

Thank you, Mr. Speaker. I wasn't intending to speak on this bill, hoping that we'd have at least a roll call vote, so we could clearly all be on record here. I'm against this amendment and I really rate it as one similar to another amendment that I remember Rep. Miscikoski introducing on toilets on Route 8. It's a bad amendment. It's a silly amendment, and it's onto a very good bill. This bill is important. Whether you know it or not, right now, you do not have certain rights of freedom of speech in terms of your employment.

SPEAKER STOLBERG:

Rep. Shays, I'm going to have to constrain your remarks to the amendment at this time. The amendment is before us.

REP. SHAYS: (147th)

Thank you, Mr. Speaker, I should have been restrained. I'm sorry. Thank you. The bill is a good bill and I just urge you to vote against the amendment, because it will make a good bill a bad bill if this amendment passes.

SPEAKER STOLBERG:

We're on House Amendment Schedule "A". Rep. Berman,

REP. BERMAN: (92nd)

Mr. Speaker, I too, urge the defeat of this amendment.

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It is a frivolous amendment, but it has very far-reaching implications and they are implications that go to the roots of our Constitution and our beliefs. It is not an amendment that concerns signing an editorial or not signing an editorial. I don't think that's the issue.

The issue is freedom of the press, and I urge us all to defeat this amendment.

SPEAKER STOLBERG:

The Chair would observe that the meritorious arguments are becoming repetitive on the amendment, and I sense most of the members are desirous of voting. If someone does have something important and new to contribute on the amendment, the Chair would invite further remarks, Rep. Patton.

REP. PATTON: (119th)

Mr. Speaker. I think I might conclude this, but I think a lot of our rejection of this is knee jerk reaction. I think Mr. Miscikoski has raised a point that is worthy of discussion. I think he's not going to hit pay dirt today and we're just going to pass this by with a no vote without any question, but I think he's scratching in the right backyard. And I think a lot of his points are real and they're valid. The press, in the newspapers under anonymous names write very scurrulous remarks. I know in

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our paper, they have a Max Scott column. There is no such person as Max Scott. But they put the most libelous and infamous comments under that name. We have another one that runs under Rambler column. And they can say anything they please about anybody and that is not even a person. So again, I don't think this is going to go any place, but I think he's scratching in the right back yard and I would just encourage him to do some research and bring something forward next year that would have freedom of information on some of these things where people, not even individuals, not even from the press are writing under anonymous names, saying anything they choose about anybody and I think it's worthy of pursuit next year.

SPEAKER STOLBERG:

Will you remark further?

REP. WENC: (60th)

Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further? Rep. Wenc.

REP. WENC: (60th)

Thank you, Mr. Speaker. Looking at this amendment, I think the scope is very broad. I question whether or not the language would apply to only Connecticut newspapers?

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How about out-of-state newspapers? How about the New York Times or the Wall Street Journal? Would we require the editorial writers of the New York Times or the Wall Street Journal to sign their names.

I would urge rejection of this amendment. First of all, I think it would have a serious chilling effect on their freedom to express on popular opinions, and secondly, I think their freedom of the press is quite broad. It also includes the freedom not to disclose.

SPEAKER STOLBERG:

If all the members have remarked, we are about to vote on House Amendment Schedule "A". All those in favor of the amendment, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay.

REPRESENTATIVES:

No.

SPEAKER STOLBERG:

The no's clearly have it. Well, I tell you what, the Chair will order a roll call.

We're in the midst of a roll call vote.

Will all members please be seated. Will the staff

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and guests come to the well of the House. On House Amendment Schedule "A". 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? Have all the members voted? If all the members have voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

CLERK:

House "A" to House Bill 7218.

| | |
|-----------------------------|-----|
| Total number voting | 145 |
| Necessary for adoption | 73 |
| Those voting | 68 |
| Those voting nay | 77 |
| Those absent and not voting | 6 |

SPEAKER STOLBERG:

The amendment is defeated.

The Chair would point out at this time that the acoustics in the room really do allow the Chair to hear

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the vote more accurately than anyone else. (applause)
And the procedure both now and in the future will be
for me to announce the vote and hesitate, if someone
challenges it rather than just groan, if you could get
to your feet and call for the attention of the Speaker
and ask for a roll call vote, you'll be recognized.

Are there any announcements or points of personal
privilege at this point?

Excuse me, we're still on the bill. Rep. Belden.
REP. BELDEN: (113th)

Thank you, Mr. Speaker. The Clerk has an amendment,
LCO 6549. Could he please call and read.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 6549, which will
be designated House Amendment, Schedule "B". Will the
Clerk please call and read.

CLERK:

LCO 6549 designated House "B" offered by Rep.
Belden of the 113th.

In line 14, after the period insert the following:
"If the court determines that such action for damages was
brought without substantial justification, the court may
award costs and reasonable attorney's fees to the employer."

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REP. BELDEN: (113th)

Mr. Speaker, I move adoption.

SPEAKER STOLBERG:

Rep. Belden, will you remark?

REP. BELDEN: (113th)

I move adoption, Mr. Speaker. The amendment is very, very simple. It's just a kind of a balancing situation, in that if a complaint is filed by an employer against an employee, he can collect attorney's fees, costs, etc., and what the amendment does, is to allow the employer to collect costs and reasonable attorney's fees, if in fact, the complaint made was frivolous.

So it just gives each party equal right to collect attorney's fees. I think it's a very reasonable amendment, and it may change the balance precluding frivolous claims. Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further on House Amendment Schedule "B". Rep. Tulisano.

REP. TULISANO: (29th)

A question to the proponent of the amendment, Mr. Speaker.

SPEAKER STOLBERG:

Please frame your question.

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REP. TULISANO: (29th)

Rep. Belden, that was one of the substantial justifications and for purposes of legislative intent, means frivolous?

REP. BELDEN: (113th)

Through you, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Belden, is this a frivolous amendment?

REP. BELDEN: (113th)

Yes, Rep. Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, am I correct in assuming therefore that it could be quite possible and it is the Chamber's understanding that if an individual who had reason to believe and fair reason to believe that he was improperly discharged because of his First Amendment rights, and ultimately after a trial, the facts do not bear that out, that this particular amendment would not allow the court to award reasonable attorney's fees. Court costs I think would be awarded anyway against them, but I mean, reasonable attorney's fees would not be allowed in that situation if the employee had reasonable belief to think he had a case that brought. I want to be sure that, through you, Mr. Speaker, to clarify my question, that this is really

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a very narrow kind of a language here and not intended to be one that says if you lose the case you have to pay lawyer's fees, even if you were somewhat justified when the reasonable belief in bringing the action.

SPEAKER STOLBERG:

Will you remark further on House "B". Rep. Belden.

REP. BELDEN: (113th)

Mr. Speaker, through you, the purpose of the amendment is not to make every case that is won by the employer to be, to result in the payment of attorney's fees. The purpose of the amendment and the reason why the language is without substantial justification, why those words were used is to insure that the claim is in fact, purely frivolous, and would be a matter of possibly antagonism, or it's just throwing road blocks. Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further on House "B". Will you remark further. Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, understanding the narrowness of the intent of this amendment, I could support it.

SPEAKER STOLBERG:

Will you remark further on House "B". If not, all

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

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay.

REPRESENTATIVES:

No.

SPEAKER STOLBERG:

The amendment is adopted and ruled technical.

Will you remark further on the bill as amended?

If not, will all members, Rep. Prague.

REP. PRAGUE: (8th)

I would like to ask Rep. Tulisano, If the person was discharged from his job and it was a violation of his First Amendment rights, this bill doesn't say he has to get his job back, does it?

SPEAKER STOLBERG:

Rep. Prague, would you start the question again for Rep. Tulisano.

REP. PRAGUE: (8th)

Rep. Tulisano. Is there any protection for the person's job in this bill if he has been fired and it was not, and he wasn't fired for a legitimate reason. The bill

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doesn't offer any way for him to get his job back.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, that's correct. The bill does not provide for reinstatement. It provides for money damages, the money lost to that individual as a result of losing that job, and it includes punitive damages which take into consideration not just the actual dollars lost, but in other words, punishment, so that rather than reinstatement which we can do with public officials, it might not be quite possible to do it in the private sector. But we can award money damages,

And secondly, it may be very difficult to want to reinstate somebody in those circumstances as a practical matter because having to live with each other like that might not be quite conducive to good work product, but I think money damage is the proper answer in this issue.

SPEAKER STOLBERG:

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

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doesn't offer any way for him to get his job back.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, that's correct. The bill does not provide for reinstatement. It provides for money damages, the money lost to that individual as a result of losing that job, and it includes punitive damages which take into consideration not just the actual dollars lost, but in other words, punishment, so that rather than reinstatement which we can do with public officials, it might not be quite possible to do it in the private sector. But we can award money damages,

And secondly, it may be very difficult to want to reinstate somebody in those circumstances as a practical matter because having to live with each other like that might not be quite conducive to good work product, but I think money damage is the proper answer in this issue.

SPEAKER STOLBERG:

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

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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? If so, the machine will be locked and the Clerk will take a tally.

Would the Clerk please announce the tally.

CLERK:

House Bill 7218, as amended by House "B".

| | |
|---------------------|-----|
| Total number voting | 146 |
|---------------------|-----|

| | |
|-----------------------|----|
| Necessary for passage | 74 |
|-----------------------|----|

| | |
|------------------|-----|
| Those voting yea | 146 |
|------------------|-----|

| | |
|------------------|---|
| Those voting nay | 0 |
|------------------|---|

| | |
|-----------------------|---|
| Absent and not voting | 5 |
|-----------------------|---|

SPEAKER STOLBERG:

The bill is passed. Are there announcements or points of personal privilege at this time? Rep, Arthur Brouillet.

REP. BROUILLET: (3rd)

Thank you, Mr. Speaker. For a personal introduction, my fellow colleagues, we have one of our former colleagues

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ACTING SPEAKER MARKHAM:

The question is on adoption of the Resolution.
Will you remark, sir?

REP. MOYNIHAN: (10th)

Mr. Speaker, this gentleman has served in this office for several years in a commendable fashion and I would urge his reappointment.

ACTING SPEAKER MARKHAM:

Will you remark further on the Resolution? Will you remark further?

If not, all members in favor of adoption of Resolution No. 69, please indicate by saying aye.

REPRESENTATIVES:

Aye.

ACTING SPEAKER MARKHAM:

Those opposed, nay.

The Resolution is adopted.

CLERK:

Favorable Reports. Calendar page 3, Calendar No. 653, File No. 821, 967 and 1129, Substitute for House Bill No. 7218, AN ACT PROTECTING THE FIRST AMENDMENT RIGHTS OF EMPLOYEES, as amended by House Amendment Schedule "B". Favorable Report of the Committee on Labor

and Public Employees. The Senate passed File No. 967 on May 25, reconsidered the bill and then referred the bill to Labor and Public Employees. The Senate then passed File No. 1129 on June 2. The House passed File No. 967.

REP. TULISANO: (29th)

Mr. Speaker.

ACTING SPEAKER MARKHAM:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I move for the acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate with regard to File No. 1129.

ACTING SPEAKER MARKHAM:

The question is on passage of the bill in concurrence with the Senate. Will you remark, sir?

REP. TULISANO: (29th)

As I understand it, there are no amendments. We're just operating from the file copy, is that correct?

We discussed this bill some time ago and basically as we indicated then, it provides the causative action for individuals who are unjustly fired because of exercising rights protected by the Connecticut and the

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United States Constitution. The Senate added something to the new file copy protecting, in lines I think it's 11 and 12, small businesses. I think it's okay.

This bill can now be sent directly to the Governor. I hope we will pass the bill now.

SPEAKER STOLBERG:

Will you remark further on the bill? Will you remark further on the bill?

If not, staff and guests please come to the well of the House. Will members please take their seats. 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 immediately.

The House of Representatives is voting by roll at this time.

Will the members please return to the Chamber immediately.

Have all the members voted? Have all the members voted?

If so, the machine will be locked and the Clerk will take a tally.

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I am going to ask the Clerk to reopen the machine. Would all members continue to be seated. The machine is being opened again. I'm going to ask the Clerk to announce the roll call again. Would the Clerk please open the machine.

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

Have all members voted? Please check the roll call machine to see that your vote is properly cast. Have all the members voted? If so, the machine will be locked and the Clerk will take a tally. Will the Clerk please announce the tally.

CLERK:

House Bill 7218.

| | |
|---------------------|-----|
| Total number voting | 146 |
|---------------------|-----|

| | |
|-----------------------|----|
| Necessary for passage | 74 |
|-----------------------|----|

| | |
|------------------|-----|
| Those voting yea | 146 |
|------------------|-----|

| | |
|------------------|---|
| Those voting nay | 0 |
|------------------|---|

| | |
|-----------------------------|---|
| Those absent and not voting | 5 |
|-----------------------------|---|

SPEAKER STOLBERG:

The bill is passed.

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marital and family therapy or counseling services for a fee to individuals, family groups and married couples. Services could be provided directly to the general public or through public or private organizations. This bill, Mr. President, would also establish a Connecticut certification program for marital and family therapists.

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

THE PRESIDENT:

Without objection, so ordered.

THE CLERK:

CA1. 719. File Nos. 821 and 967. Substitute for House Bill No. 7218. AN ACT PROTECTING THE FIRST AMENDMENT RIGHTS OF EMPLOYEES, as amended by House Amendment Schedule B. Favorable report of the Committee on Judiciary.

THE PRESIDENT:

Senator Owens.

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SENATOR OWENS: (22nd)

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill as amended by House Amendment B.

THE PRESIDENT:

Do you move House B?

SENATOR OWENS:

I move it and waive its reading.

THE PRESIDENT:

You may proceed.

SENATOR OWENS:

It authorizes the court to award costs and fees to the employer. I move its adoption.

THE PRESIDENT:

All those in favor of the amendment signify by saying Aye. Those opposed Nay. The Ayes have it. HOUSE AMENDMENT B. IS ADOPTED.

SENATOR OWENS:

This bill, Mr. President, would make any employer, including the state or any municipality, liable to any employee who is disciplined or discharged because such

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employee exercises under rights guaranteed by the First Amendment to the United States Constitution unless such activity substantially interfered with the employee's bona fide job performance, the liability would be for damages including punitive damages and reasonable attorney's fees.

I would ask, if there is no objection that this bill as amended by House Amendment B be placed on the Consent Calendar.

THE PRESIDENT:

Senator Skowronski.

SENATOR SKOWRONSKI: (17th)

Thank you, Mr. President. Mr. President, a question through you to Senator Owens.

THE PRESIDENT:

You may proceed.

SENATOR SKOWRONSKI:

Senator Owens, what have been the instances or examples of such discharge in the State of Connecticut that would require passage of this bill which I think has many, many potential problems to it?

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THE PRESIDENT:

Senator Owens.

SENATOR OWENS:

Mr. President, through you, in some instances private sector employees have been able to speak without fear of retribution. However, in many areas involving federal occupational safety laws, involving labor affairs where complaints have been made, there have been effects borne out on the employees. I hope that answers your question, Senator Skowronski.

THE PRESIDENT:

Senator Skowronski.

SENATOR SKOWRONSKI:

Only partly, Mr. President. Have there been cases of discharges and disciplines? Have they been numerous? Through you, to Senator Owens.

THE PRESIDENT:

Senator Owens, he has a second question, he wants to know the degree in which there have been any incidents, a more thorough explanation and definition of this.

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SENATOR OWENS:

Sometimes, there is not always serious abuses and there might not be a proliferation of complaints coming in, but in order to make sure that the rights are protected under the Constitution of the United States, and also under our State Constitution, we have to make sure that there is a warning and a safeguard going out. So that's why it makes it a very excellent bill.

THE PRESIDENT:

Senator Skowronski.

SENATOR SKOWRONSKI:

Thank you, Mr. President. Mr. President, I rise to oppose the bill because I think it really has the potential for creating many, many problems. We are talking about the exercise of First Amendment rights, some of the broadest rights we have the Freedom of Speech, in particular. I think it is going to really create strain and uncertainty in the labor-management area and in the employer-employee relationship to pass

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this law and to say that someone can't be disciplined or discharged for exercising their right of free speech. I would assume this may give anyone the right to say anything to his employer or any other employee and say, well, I'm just exercising my right of free speech even though the exercise of that right of free speech may have a very adverse impact on the orderly operation of the business, and on the relationship between the employer and the employee. And this is not only going to apply to private industry but it is going to apply to all of our municipalities in the state iteself, and I don't think that we should create this kind of or open this kind of a can of worms unless there is a substantial showing that a problem exists out there wherein employers or the state or our towns are disciplining or discharging unfairly employees for exercising their First Amendment rights. I don't think there is such a showing here, and I think that this is just going to create a lot of problems in the workplace for no good reason. So for that reason, I would oppose the bill and ask for a roll call vote.

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THE PRESIDENT:

Senator Matthews.

SENATOR MATTHEWS: (26th)

Thank you, Mr. President. I rise in support of Senator Skowronski's position on the bill. It seems to me that what we have here, as I think has been touched upon, is you have the First Amendment under the Federal Constitution which indicates there are certain elements which are available and free, ah, it doesn't seem to be necessary that we now have to identify that again in the state statutes by providing the kind of a bill that we have here which does, as it has been pointed out, restrict, in my mind at least, a lot of potential employer-employee relationships which already are being tied down severely. I am not going to go into further detail because I think most of the ideas have been expressed. I think that we don't need this bill in the sense that it is indicated in the comments of Senator Owens. I think it is a bill which just adds something more to something that is already in existence through the Federal First Amendment of the Constitution.

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THE PRESIDENT:

Will you remark further? Senator Streeter.

SENATOR STREETER: (5th)

Mr. President, I also rise to oppose this bill for the same reasons that Senator Skowronski outlined. It seems to me that we have the Federal First Amendment right to cover the general aspect and yesterday we passed the whistle blowing legislation which does guarantee that an employee who is trying to speak out against some sort of an injustice within his workplace does have that guarantee. And in the absence of any dramatic incidents as has been told to us about the need for this kind of legislation, I think it would be far better for us to deny it.

THE PRESIDENT:

The Clerk please make an announcement for an immediate 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 in the Senate. Will all senators please be seated.

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THE PRESIDENT:

The question before the chamber is a motion to adopt Cal. 719, Substitute for House Bill No. 7218, File 821 and 967. The machine is open. Please record your vote. Has everyone voted? The machine is closed. The Clerk please tally the vote.

RESULT OF THE VOTE: 21 Yea. 15 Nay. THE BILL IS ADOPTED.

THE CLERK:

Returning to Page 3, Cal. 467 was initially Passed Temporarily, File 350 Substitute for House Bill No. 7028, AN ACT CONCERNING DEER HUNTING, Favorable report of the Committee on Environment, the Clerk has an amendment.

THE PRESIDENT:

Senator Skowronski.

SENATOR SKOWRONSKI: (17th)

Mr. President, may that be marked Passed Retaining its Place.

THE PRESIDENT:

Without objection, so ordered.

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THE PRESIDENT:

Senator Santaniello.

SENATOR SANTANIELLO: (25th)

Mr. President, I would like to move recon-
sideration of Cal. 719, File 821 and 967. Substitute
for House Bill No. 7218. I was on the prevailing side.

THE PRESIDENT:

The roll call indicates that you were on the
prevailing side. The issue is reconsideration of
House Bill 7218. All those in favor will signify by
saying Aye. Those opposed Nay. The Ayes have it.

THE MATTER IS RECONSIDERED and will reappear on our
Calendar.

I believe we are ready to go to the Consent
Calendar. Senator Schneller.

SENATOR SCHNELLER:

Mr. President, before the Clerk announces the
Consent Calendar, I would ask that Cal. 716, House Bill
5542 on Page 10 of the Calendar be removed from the
Consent Calendar and that it be Passed Retained for today.

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be taken up. Page 28, all items on the page will be taken up. Page 29, all items will be taken up. Page 30, 591 will be passed temporarily. Under Committees on Conference, we'll pass retain both items, calendars 116 and 137. Page 31, the entire page will be passed retaining their places. Page 32, under Reconsideration, calendar 719, Substitute for House Bill 7218, An Act Protecting the First Amendment Rights of Employees, Mr. President, I move that the bill be referred to the Committee on Labor.

THE CHAIR:

Without objection, so ordered.

SENATOR SCHNELLER:

Under Matters Recalled, we'll pass retain the three items. Turning to page 33, Emergency Certification 651 will be taken up, 775 will be passed retaining its place. Under Resolutions, both items will be taken up. Under Foot of the Calendar, on page 33, Calendar No. 119, Substitute for House Bill No. 5473, Mr. President, I move that it be removed from the Foot of the Calendar and be taken up today.

THE CHAIR:

Without objection, so ordered.

SENATOR SCHNELLER:

Turning to page 34, calendar No. 277, Substitute for Senate Bill No. 987, Mr. President, I move that it be removed from the Foot of the Calendar and passed retained for today.

THE CHAIR:

Without objection, so ordered.

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your vote. Senator Larson. Senator Skowronski. Senator Martin. The machine is closed. Clerk, please tally the vote. Result of the vote, 36 yea, zero nay. The bill is adopted.

SENATOR SULLIVAN:

Mr. President.

THE CHAIR:

Senator Sullivan.

SENATOR SULLIVAN:

I move suspension of the rules for immediate transmittal to the House.

THE CHAIR:

Without objection, so ordered. Senator Larson, do you wish to be recorded in the affirmative on the prior vote?

SENATOR LARSON:

Yes. On 151. Yes.

THE CHAIR:

The record will so note.

SENATOR LARSON:

Thank you.

THE CLERK:

Calendar 719, File Nos. 821, 967 and 1129. Substitute for House Bill No. 7218. An Act Protecting The First Amendment Rights Of Employees.

Favorable Report of the Committee on Labor and Public Employees.

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THE CHAIR:

Senator Harper.

SENATOR HARPER:

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

THE CHAIR:

Will you remark?

SENATOR HARPER:

Yes, Mr. President. The bill would make any employer, including the state or any municipality, liable to any employee who is disciplined or discharged because such employee exercised any right guaranteed by the first amendment to the United States, that being freedom of speech, crafts, religion and assembly or of sections 3, freedom of religion, 4, freedom of speech and press or 14, right to assembly for redress of grievances and other proper purposes of the first article of the Connecticut Constitution unless such employee, unless such activity, substantially or materially interfered with the employee's bonafide job performance or the working relationship between the employee and the employer. This liability would be for damages including punitive damages and for reasonable attorney's fees. The bill furthermore would apparently, would not require an employer to rehire an employee who was wrongfully discharged. The bill would authorize the court to award costs and reasonable attorney's fees to the employer if it determined that the law suit was filed without substantial justification. The matter was referred

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to the Labor Committee last week from the Senate. The concern of some Senators was that the language was not tight enough to protect the situation regarding an employee's exercising their right but saying something that would be injurious to the employer but still might have affected the relationship with the employer. The Labor Committee has added the words "or the working relationship between the employee and the employer" concerning, again, the exercise of activities under the first amendment. If there's no objection, I'd move the item to the consent calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

On page 8, Calendar 732, File No. 996, Substitute for Senate Bill No. 507. An Act Concerning The Flood Control Project For The Steel Brook Area In Seymour.

Favorable Report of the Committee on Finance, Revenue and Bonding. The Clerk has an amendment.

THE CHAIR:

Senator Skelley.

SENATOR SKELLEY:

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

THE CHAIR:

Clerk, please call the amendment.

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21, calendar 461, 487, 505. Page 22, calendar 538, 546, 594, 596, 667.
Page 23, calendar 673, 454. Page 24, calendar 531 and 846 and on page 25,
calendar 836.

SB 565, HB6511,
SB989, SB1036,
SB1144, SB1155
SB237, SB355,
SB928, SB438,
SB832, SB1165,
SR30

THE CHAIR:

Are there any corrections or omissions on the consent calendar? Senator Skowronski?

SENATOR SKOWRONSKI:

Thank you, Mr. President. Mr. President, I would move that on page 7, item 719 be removed from the consent calendar and have a separate roll call after the consent calendar. I wish to vote against that bill and make some very brief remarks.

THE CHAIR:

Is there any other notation on the consent calendar? If not, the machine is open. Senator Morano. The machine'll be closed and locked. Total voting is 36, voting yes is 36. The consent calendar is adopted.
The Clerk will recall calendar 719.

THE CLERK:

Calendar No. 719, File Nos. 821, 967 and 1129, Substitute for House Bill No. 7218. An Act Protecting The First Amendment Rights Of Employees.

Favorable Report of the Committee on Labor and Public Employees.

THE CHAIR:

The bill was previously moved for adoption, Senator. Remarks were given by the Chairman of the committee. You care to speak in opposi-

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tion?

SENATOR SKOWRONSKI:

Yes, Mr. President, very briefly. This is a bill that I voted against the last time. It plunges our towns, our State and all employers into the area of first amendment rights. It's a complicated area. Volumes have been written about first amendment rights and what they mean and what they are. I don't see a pressing need for the bill and I think it's going to cause tremendous problems in the labor management area not only in the private sector but it applies to our State and all of our towns. I urge its defeat.

THE CHAIR:

Will you remark further? Clerk will 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.

THE CHAIR:

The issue before the Chamber is Calendar No. 719, Substitute for House Bill No. 7218, Files No. 821, 967 and 1129. The machine is open. Senator Schneller. Do you want to vote? Senator Serrani. Total voting is 36, necessary for passage is 19. Voting yea is 32. The measure is adopted. Senator Schneller.