

Legislative History for Connecticut Act

HB 5827	PA 414	1984
House - 417, 587, 4804-4822		(21)
Senate - 336, 444, 2909-2910, 3048		(5)
Education - 355, 370-372		(4)
LAW/LEGISLATIVE REFERENCE		
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

Connecticut State Library

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H-369

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1984

VOL. 27

PART 2

272-772

House of Representatives Monday, March 19, 1984

Human Services, Substitute for House Bill No. 5413,
AN ACT CONCERNING MEDICAL INSURANCE FOR CHILDREN PURSUANT
TO SUPPORT ORDERS. The bill was then referred to the
Committee on Judiciary.

Human Services, Substitute for House Bill No. 5205,
AN ACT CONCERNING MEDICAL ASSISTANCE FOR PERSONS NO LONGER
RECEIVING AFDC. The bill was then referred to the
Committee on Appropriations.

Education, Substitute for House Bill No. 5827, AN
ACT ESTABLISHING THE STATE LIBRARY BOARD. The bill was
then referred to the Committee on Government Administration
and Elections.

Judiciary, House Bill No. 5674, AN ACT CONCERNING
SALARY INCREASES FOR STATE'S ATTORNEYS. The bill was then
referred to the Committee on Appropriations.

Human Services. House Bill No. 5532, AN ACT CONCERNING
A GRANT FOR YOUTH MEDIATION. The bill was then referred to
the Committee on Appropriations.

Human Services, Substitute for House Bill No. 5531,
AN ACT CONCERNING A STUDY OF TRANSPORTATION FOR DISABLED
PERSONS. The bill was then referred to the Committee on
Transportation.

Human Services, Substitute for House Bill No. 5273,
AN ACT CONCERNING MEDICAID AND THE TREATMENT OF TRAUMATIC
BRAIN INJURY PATIENTS. The bill was then referred to the
Committee on Appropriations.

Judiciary, Substitute for House Bill No. 5014,
AN ACT ESTABLISHING AN ALCOHOL EDUCATION AND TREATMENT
FUND. The bill was then referred to the Committee on
Finance, Revenue and Bonding.

CLERK:

The Clerk has business from the Senate. A list
of Favorable Reports of the Joint Standing Committees,
Changes of Reference, Senate bills.

Planning and Development. House Bill No. 5921, AN ACT CREATING A COMMISSION TO STUDY THE USE AND RENOVATION OF THE CAPITOL AREA. The bill was then referred to the Committee on Appropriations.

Planning and Development. House Bill No. 5896, AN ACT CONCERNING THE HANDLING OF FUNDS OF THE CONNECTICUT PRODUCT DEVELOPMENT CORPORATION. The bill was then referred to the Committee on Finance, Revenue and Bonding.

Planning and Development. House Bill No. 5412, AN ACT CONCERNING FUNDING FOR OPPORTUNITIES INDUSTRIALIZATION CENTERS. The bill was then referred to the Committee on Appropriations.

Planning and Development. House Bill No. 5442, AN ACT CONCERNING STATE PAYMENTS IN LIEU OF TAXES ON HOUSING AUTHORITY PROPERTY. The bill was then referred to the Committee on Appropriations.

Planning and Development. House Bill No. 5857, AN ACT CONCERNING THE TREATMENT OF DAMAGED BUILDINGS FOR PROPERTY TAX PURPOSES. The bill was then referred to the Committee on Finance, Revenue and Bonding.

Planning and Development. House Bill No. 5855, AN ACT CONCERNING THE TAXATION OF ILLEGAL ADDITIONS TO BUILDINGS. The bill was then referred to the Committee on Finance, Revenue and Bonding.

Government Administration and Elections. Substitute for House Bill No. 5827, AN ACT REESTABLISHING THE STATE LIBRARY BOARD. The bill was then referred to the Committee on Judiciary.

Judiciary. Substitute for House Bill No. 5074, AN ACT INCREASING THE NUMBER OF JUDGES OF THE SUPERIOR COURT. The bill was then referred to the Committee on Appropriations.

Insurance and Real Estate. Substitute for House Bill No. 5562, AN ACT CONCERNING GROUP LIFE INSURANCE FOR MEMBERS OF THE GENERAL ASSEMBLY. The bill was then referred to the Committee on Appropriations.

Environment. Substitute for House Bill No. 5335, AN ACT PROVIDING AN EXEMPTION FROM THE SALES TAX ON BUSINESS SERVICES FOR HAZARDOUS WASTE CLEANUP. The bill was then referred to the Committee on Finance, Revenue and Bonding.

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House of Representatives

Wednesday, May 2, 1984

voted? If all the members have voted, the machine will be locked. The Clerk will take a tally.

Will the Clerk please announce the tally?

CLERK:

House Bill 5906, as amended by House Amendment Schedules "A" and "B".

Total number voting	145
Necessary for passage	73
Those voting yea	145
Those voting nay	0
Those absent and not voting	6

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Calendar No. 515, File No. 651, Substitute for House Bill No. 5827, AN ACT REESTABLISHING THE STATE LIBRARY BOARD. Favorable Report of the Committee on Judiciary.

SPEAKER STOLBERG:

Rep. Dorothy Goodwin.

REP. GOODWIN: (54th)

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

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SPEAKER STOLBERG:

Will you remark?

REP. GOODWIN: (54th)

Yes, Mr. Speaker. This bill responds to the sunset review on the Library Board, by reestablishing the board with some changes in composition, some minor changes in responsibilities, and in the scheduling of meetings and items of that sort.

I would at this point, Mr. Speaker, yield to Rep. Savage for an amendment.

SPEAKER STOLBERG:

Rep. Savage, will you accept the yield?

REP. SAVAGE: (50th)

Yes, Mr. Speaker, I do. Mr. Speaker, the Clerk has an amendment, LCO No. 4103. Would the Clerk call and read the amendment.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 4103, designated House "A". Will the Clerk please call and read.

CLERK:

LCO No. 4103, designated House Amendment Schedule "A", offered by Rep. Savage, et al.

Strike out section 9 in its entirety and renumber the remaining sections accordingly.

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SPEAKER STOLBERG:

Rep. Savage.

REP. SAVAGE: (50th)

Mr. Speaker, I move the amendment.

SPEAKER STOLBERG:

Will you remark?

REP. SAVAGE: (50th)

Yes, Mr. Speaker. By striking out section 9, what we really have done, is to remove brackets around the Willimantic Library Center, and the Library Center in Middlesex.

Mr. Speaker, if there is any success story in the state, we certainly have had one in these library service centers. The library service center, very briefly, makes our small rural libraries into large ones. It allows our youngsters in elementary schools, in the rural areas, to have access to many books and media materials that they would otherwise not have access to.

Mr. Speaker, I'd like to yield back to Rep. Goodwin.

SPEAKER STOLBERG:

Rep. Goodwin, do you accept the yield?

REP. GOODWIN: (54th)

Mr. Speaker, I would like to reinforce Rep. Savage's very strong comments on the very large bank for the book

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that we get out of the library service centers. They really do take totally inadequate rural libraries, and make them almost the equivalent of a major urban library, and in no way do we want them to be removed.

Now, I think I should add for the record, that all those wordings, sounds as if it removes the service centers. It in fact, was not intended to do that. In fact, what it was intended to do was to remove the statutory reference to the location of the service centers, and make that an administrative function under the direction of the State Librarian.

Ultimately, I think this probably should be done, but I think enough anxiety has been aroused by the existence of the phrasing in the bill, that sounds as if the centers were going to be closed, that we should postpone deletion of this sentence until next year and proceed with the amendment at this time, and I therefore urge everybody to vote for the amendment.

SPEAKER STOLBERG:

Will you remark further on the amendment? Rep. Prague.

REP. PRAGUE: (8th)

Mr. Speaker, I rise in support of the amendment. I can attest to the quality of the library service center

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in Willimantic. It certainly services many of the small towns in our area, and I hope this body will support Rep. Savage's amendment.

SPEAKER STOLBERG:

Will you remark further on House "A"? Rep. Parker.

REP. PARKER: (31st)

Mr. Speaker, I have a problem with the amendment, and I believe it's a drafting amendment. Through you, a question to the proponent of the bill.

SPEAKER STOLBERG:

Please frame your question, madam.

REP. PARKER: (31st)

Section 9 in the bill has a first sentence repealing a certain section and then there are brackets in the next paragraph. From the discussions so far, I gather that the intent of the amendment was to remove the brackets. However, the amendment reads, strike out section 9 in its entirety, so that the first paragraph, and the sentence in the brackets would be eliminated if this amendment is adopted. Is that the correct understanding?

REP. GOODWIN: (54th)

Through you, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Goodwin.

REP. GOODWIN: (54th)

That was my first impression. As a matter of fact, what happens by eliminating section 9, is that we reinstate section 11-23a, which has the language in it that you're worried about, so it's all right.

REP. PARKER: (31st)

Thank you.

SPEAKER STOLBERG:

Will you remark further on the amendment? Rep. osler.

REP. OSLER: (150th)

On the amendment, Mr. Speaker. I just wanted to assure those members of this body, from those two districts, in those two counties, that it was not the intent of program review to do away with their library service centers. It was the suggestion of one of our staff who had done some of the research on this, that because we were making generalizations in the appointment to the library board and so forth, that this specificity be removed from the statute, and actually, library service centers, are intended at some future time to be put in all counties, so there was no intent to remove anything from your areas, and I just wanted to assure you of that.

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SPEAKER STOLBERG:

Will you remark further on the amendment? If not, all those in favor of the amendment, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay. The amendment is adopted. Will you remark further on the bill as amended?

Rep. VanNorstrand.

REP. VAN NORSTRAND: (141st)

Mr. Speaker, the Clerk has an amendment, bearing LCO No. 3592. Would the Clerk please call and may I be permitted to summarize the amendment.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 3592, House "B". Will the Clerk please call.

CLERK:

LCO No. 3592, designated House Amendment Schedule "B", offered by Rep. VanNorstrand of the 141st District.

SPEAKER STOLBERG:

Is there objection to summarization? Seeing none, please proceed.

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REP. VAN NORSTRAND: (141st)

Mr. Speaker, the amendment would add a subsection B to section 718 of the statutes. This is a little thought of duty that falls upon the State Librarian. It deals with the regulations of town clerks, through the public records administrator, and the subsection to be added would give the State Librarian, upon recommendation of the public records administrator, to have the ability to impose a \$250 civil fine on a town clerk who does not comply with the requirements, as to how to treat an instrument that is lodged with that clerk for recording. I move adoption of the amendment, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further on House "B"?

REP. VAN NORSTRAND: (141st)

Yes, Mr. Speaker, we have a number of obligations imposed in the statutes imposed upon town clerks, and as I said earlier, the overseer of that in terms of the state, for uniformity and compliance and the like, turns out to be the State Librarian, through her in that office. The short of it is, we have a variety of situations around the state where, at least upon my personal experience, and that I've shared with others, town clerks are not, in fact, doing the job the statute requires of them, and there

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are a variety of things.

You may recall a year or two ago, two years ago, we increased the fees payable for the recording of instruments, and days gone by, we used to give an extra quarter to the town clerk to endorse, upon an original instrument, the fact that that instrument had been released, assigned, or the like, if it was in the case of a mortgage. We eliminated that quarter but we raised all the fees substantially, as you probably recall, and what has occurred in some towns, and by no means all, some are quite good, most are quite good, but in some towns, the obligation to endorse, for instance, upon an original mortgage deed, that a release of that mortgage has purportedly been recorded in that town clerk's office. It's not done sometimes for a year or more.

Another problem is, that there's an obligation under the state statutes for a town clerk to index all instruments lodged with them for recording within 48 hours. In the interim they use a device called the day book, which is a filler until such time as they can accomplish the grand T indexing.

I have been in places -- I can recall one of my more memorable experiences with the fine town of Milford. The town clerk in that town had converted the day book

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virtually into a year book. She was that far behind.

This is an attempt to at least jack people up a little to comply with our statutes.

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. Through you, a couple of questions to Rep. VanNorstrand.

SPEAKER STOLBERG:

Rep. Goodwin.

REP. GOODWIN: (54th)

Yes, Mr. Speaker, through you. Rep. VanNorstrand, this is really not within my jurisdiction, but there are a couple of questions that do occur to me. Do the town clerks know about this?

REP. VAN NORSTRAND: (141st)

I suspect the good ones do, because it'll never come up.

REP. GOODWIN: (54th)

No, what I mean, do they know about the intention to make this amendment?

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REP. VAN NORSTRAND: (141st)

No, they do not, Mr. Speaker, through you.

REP. GOODWIN: (54th)

And through you, Mr. Speaker, does the State Librarian know he's going to have to do this?

REP. VAN NORSTRAND: (141st)

Through you, Mr. Speaker. It has, in fact, been discussed with him, and he does not, in fact, have much to do other than, he's supposed to be riding herd on these people as a part of his daily job. All this would do is give him a tool to enforce the failure to do what he's supposed to be looking over as it is.

The only other thing I can say in terms of, is he aware of it, he is indeed. It was, however, his opinion that the town clerks were doing just a nifty job right now.

REP. GOODWIN: (54th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Goodwin.

REP. GOODWIN: (54th)

I think I will not object to this amendment. I would sort of rather believe that the town clerks had at least known about it. I accept the statement with respect

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to the State Librarian, and I will not object to the amendment.

SPEAKER STOLBERG:

Will you remark further on the amendment? Rep. Rybak.

REP. RYBAK: (66th)

Through you, a question to Rep. VanNorstrand.

SPEAKER STOLBERG:

Please frame your question, sir.

REP. RYBAK: (66th)

Yes, Rep. VanNorstrand, just read this amendment. Could you tell me where else in the statutes we charge a state official with the power to levy a civil fine against a local municipal official for dereliction of duty? Is there any other comparable analogous case, whether it be assessors, tax collectors, whomever.

SPEAKER STOLBERG:

Rep. VanNorstrand.

REP. VAN NORSTRAND: (141st)

Through you, Mr. Speaker. My first recollection, in the exact nature in which you pose it, the local official versus state, this is the only section where we've ever had a civil penalty existing in the existing law, because of the state oversight.

SPEAKER STOLBERG:

Rep. Rybak.

REP. RYBAK: (66th)

One other question, through you, Mr. Speaker. Since the fine is a rather substantial one, obviously if it's going to do its job, it has to be relatively substantial, \$250. Is the town clerk afforded a hearing, an opportunity to defend himself or herself, or are they simply assessed a fine of \$250? I see no requirement in here for due process.

SPEAKER STOLBERG:

Rep. VanNorstrand.

REP. VAN NORSTRAND: (141st)

There's no requirement in existing law, which of course we're not changing. There is no hearing process. The is the obligation for the State Librarian, through the public records administrator, to oversee these people over the years.

SPEAKER STOLBERG:

Rep. Rybak.

REP. RYBAK: (66th)

Thank you, Rep. VanNorstrand. My only observation is that there is a current section in the statutes, apparently that does permit clerks to be fined \$50 for dereliction of

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duty, and now we're adding to that an additional section that says the State Librarian, on the recommendation of the public records administrator may now impose a civil fine of \$250 for dereliction of duty, and I just have a little concern that we're putting our local officials under the thumb, if you will, of a state official, and in a civil proceeding for which there is no due process.

It just seems to me that perhaps even the section of the law that's already on the books, may have some problems, but going to \$250 and not giving somebody the opportunity to explain the circumstances of contest the fine, strikes me as a little severe.

SPEAKER STOLBERG:

Will you remark further on the amendment? Rep. VanNorstrand.

REP. VAN NORSTRAND: (141st)

Very briefly, please under, we're not going to bankrupt any town clerks. This liability would fall upon the town, ultimately, if their town clerk, truly did not perform. But please understand, this is limited to one subject area. This is failure to do what is asked of you in terms of an instrument filed for recreation. The other general \$50 penalty has always been for just general conduct of the office, which you can conduct in a variety

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of ways, and hours, and that's at your discretion.

These instruments can be very important and what you do with them, and whether you in fact, do process, as I mentioned, a release of a mortgage, can be rather important.

REP. RYBAK: (66th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Rybak.

REP. RYBAK: (66th)

Through you, then, one last question, to clarify the record, if nothing else, Rep. VanNorstrand. You said that the liability would fall on the town. Would that be true if the town clerk is on fees, and not paid a salary by the town?

SPEAKER STOLBERG:

Rep. VanNorstrand.

REP. VAN NORSTRAND: (141st)

Through you, Mr. Speaker. For that handful of towns where they're on fees, I don't believe it would be.

SPEAKER STOLBERG:

Rep. Rybak.

REP. RYBAK: (66th)

All I can say, Mr. Speaker, then woe befall that

town clerk who is on fees who fails to record an instrument.

SPEAKER STOLBERG:

Will you remark further on the amendment? Will you remark further? If not, 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 Chair is in doubt, and will ask for a roll call. Will all members please be seated. We're about to vote on House "B". All members please be seated. Staff and guests to the well of the House. We're voting on House "B". The machine will be opened.

CLERK:

The House of Representatives is now voting by roll.

Would the members please return to the Chamber immediately.

The House of Representatives is now voting by roll. Would

the members please return to the Chamber immediately.

SPEAKER STOLBERG:

Have all the members voted? Have all the members

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voted and is your vote properly recorded? 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 Amendment Schedule "B" to House Bill 5827.

Total number voting	144
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Necessary for adoption	73
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Those voting yea	54
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Those voting nay	90
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Those absent and not voting	7
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SPEAKER STOLBERG:

The amendment is defeated. Rep. Butterly.

REP. BUTTERLY: (76th)

May I just ask that that amendment be printed in the Journal.

SPEAKER STOLBERG:

It will be so ordered.

House Amendment Schedule "B".

After line 429, add section 14 as follows and renumber the remaining sections accordingly:

"Sec. 14. Section 7-18 of the general statutes is repealed and the following is substituted in lieu thereof:

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(a) Any town clerk who neglects to perform the duties of his office shall be fined not more than fifty dollars.

(b) THE STATE LIBRARIAN, UPON THE RECOMMENDATION OF THE PUBLIC RECORDS ADMINISTRATOR, MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS AGAINST ANY TOWN CLERK WHO NEGLECTS TO PERFORM THE DUTIES OF HIS OFFICE WITH RESPECT TO ANY DEED OR INSTRUMENT RECEIVED FOR RECORD."

SPEAKER STOLBERG:

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

CLERK:

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

SPEAKER STOLBERG:

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.

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CLERK:

House Bill 5827, as amended by House Amendment
Schedule "A".

Total number voting	143
Necessary for passage	72
Those voting yea	143
Those voting nay	0
Those absent and not voting	8

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Calendar No. 536, File No. 694, Substitute for
House Bill No. 5148, AN ACT CONCERNING FOREST FIRE-
FIGHTING EQUIPMENT FOR FIRE COMPANIES. Favorable Report
of the Committee on Appropriations.

REP. POWERS: (37th)

Mr. Speaker.

SPEAKER STOLBERG:

Some of the members are suffering from colds.
We'll do all we can. Rep. Powers, you have the floor.

REP. POWERS: (37th)

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

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Judiciary. Substitute House Bill 5014. AN ACT ESTABLISHING AN ALCOHOL EDUCATION AND TREATMENT FUND. Referred to Committee on Finance, Revenue and Bonding.

Human Services. House Bill 5009. AN ACT CREATING A NEW DEPARTMENT OF HUMAN RESPONSIBILITIES. Referred to Committee on Government Administration and Elections.

Education. Substitute House Bill 5827. AN ACT RE-ESTABLISHING THE STATE LIBRARY BOARD. Referred to Committee on Government Administration and Elections.

Human Services. Substitute House Bill 5413. AN ACT CONCERNING MEDICAL INSURANCE FOR CHILDREN PURSUANT TO SUPPORT ORDERS. Referred to Committee on Judiciary.

Environment. Substitute House Bill 5629. AN ACT CONCERNING RIVER PROTECTION COMMISSIONS. Referred to Committee on Planning and Development.

Human Services. Substitute House Bill 5531. AN ACT CONCERNING A STUDY OF TRANSPORTATION FOR DISABLED PERSONS. REFERRED to Committee on Transportation.

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SENATE

TECHNICAL SESSION
MARCH 26, 1984

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Planning and Development. H.B. 5896. AN ACT CONCERNING THE HANDLING OF THE FUNDS OF THE CONNECTICUT PRODUCT DEVELOPMENT CORPORATION. Referred to Committee on Finance, Revenue and Bonding.

Planning and Development. H.B. 5412. AN ACT CONCERNING FUNDING FOR OPPORTUNITIES INDUSTRIALIZATION CENTERS. Referred to Committee on Appropriations.

Planning and Development. H.B. 5442. AN ACT CONCERNING STATE PAYMENTS IN LIEU OF TAXES ON HOUSING AUTHORITY PROPERTY. Referred to Committee on Appropriations.

Planning and Development. H.B. 5857. AN ACT CONCERNING THE TREATMENT OF DAMAGED BUILDINGS FOR PROPERTY TAX PURPOSES. Referred to Committee on Finance, Revenue and Bonding.

Planning and Development. H.B. 5855. AN ACT CONCERNING THE TAXATION OF ILLEGAL ADDITIONS TO BUILDINGS. Referred to Committee on Finance, Revenue and Bonding.

Government Administration and Elections. Substitute for H.B. 5827. AN ACT REESTABLISHING THE STATE LIBRARY BOARD. Referred to Committee on Judiciary.

Judiciary. Substitute for H.B. 5074. AN ACT INCREASING THE NUMBER OF JUDGES OF THE SUPERIOR COURT. Referred to Committee on Appropriations.

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SENATE

MONDAY
MAY 7, 1984

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THE CHAIR:

Senator Skelley.

SENATOR SKELLEY:

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

THE CHAIR:

Will you remark?

SENATOR SKELLEY:

Yes, Mr. President. The bill, as amended, would increase the total amount of business tax credits in any fiscal year under the Neighborhood Assistance Act from one million dollars to one point five million dollars.

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

THE CHAIR:

Hearing no objections, so ordered.

THE CLERK:

Cal. 731, File 651. Substitute for House Bill 5827.

AN ACT REESTABLISHING THE STATE LIBRARY BOARD, as amended by House Amendment Schedule A. Favorable report of the Committee on Judiciary.

THE CHAIR:

Senator Daniels.

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MONDAY
MAY 7, 1984

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SENATOR DANIELS:

Mr. President, I move adoption of the Committee's favorable report and passage of the bill in concurrence with House Amendment A.

THE CHAIR:

Will you remark?

SENATOR DANIELS:

Yes. This bill reauthorizes the State Library Board after sunset review and makes certain changes in its organization and operation. Board membership would be expanded from eight to eleven by adding four legislative appointed members; one each by the majority and minority leaders of both Houses.

The bill will also eliminate the statutory requirement that the State Library have divisions of reader service, library development department of archives and records administrations and war records that it maintains.

Mr. President, if there is no objection, I move that this bill be placed on the Consent Calendar.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

SENATE

MONDAY
MAY 7, 1984

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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:

Will the Clerk call the Consent Calendar?

THE CLERK:

Yes, Mr. President. Page thirteen - Cal. 717. Page HB5782-HB5305
fourteen - Cals. 718, 719, 720, 721. Page fifteen - Cals. HB5391-HB5861
724, 725, 726, 727 and 728. Page sixteen - Cals. HB5214-HB5231
730, 731, 732, and 733. Page seventeen - Cals. 734, 735, HB5369-HB5519
736, 738. Page eighteen - Cals. 739, 740, 741, 742. Page HB5928-HB5713
nineteen - Cals. 746, 747 and 748. Page twenty - Cals. 749, HB5754-HB5684
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twenty-two - Cals. 759, 760, 761, 763. Page twenty-three - HB5875-HB5669
Cals. 764, 766, 767. Page twenty-four - Cal. 771. Page HB5794-HB5571
twenty-five - Cal. 619. HB5783-HB5667

Mr. President, that completes the list of items on the HB5045-HB5053
Consent Calendar. HB5219-HB5737

THE CLERK:

Are there any questions or additions on the Consent HB5614-HB5896
Calendar? If not, the question before the chamber is the vote HB5939-HB5940
HB5953-HB5925
HB5499-HB5120
HB5849-HB5461
HB5589-HB5828
HB5226-HB5319
HB5721-HB5666

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DEPUTY COMM. ARONSON: (continued)

that are on today's agenda. The first bill I'd like to address is House Bill No. 5601, An Act Reestablishing The Advisory Council For Special Education. This bill implements the changes recommended by the Legislative Program Review and Investigations Committee With Regard to the Advisory Council for Special Education.

Overall we find the recommendations to be positive and support the revisions. However, there is one issue upon which we differ with the proposal and I'd like to raise that to your attention. And that has to do with the appointment of the members of the Advisory Council. Under both Federal and State law the Council is advisory to the State Board of Education and the Commissioner, and we believe that the appointment of members, including the Chairperson of the Council should continue to be made by the Commissioner as is currently the case. In both State and Federal law again, there is such specificity with regard to the membership that we believe that that is more than adequate protection of the State's interests in terms of what the Council generally should look like.

Not in my written testimony, but also something I would like to speak to is House Bill 5827. That has to do with the proposals, the sunset provisions on the State Library Board. I would just like to say that the Department supports the position of the State Library Board in this regard. Of particular interest to us would be the change that would allow the Commissioner of Education to appoint a designee to attend meetings. At this time, unless the Commissioner himself attends, there is no vote for the State Board of Education at those meetings. We would like to offer our support today for House Bill No. 5374, An Act Establishing A Unified School District In The Department Of Mental Health.

As you know, currently there are unified school districts, formerly referred to as special school districts, in the Departments of Mental Retardation, Corrections, and Children and Youth Services. We think that the structure of the special district within each of those departments has gone a long way in providing good educational services to those agencies' clients. What this bill proposes is that such a school system would be required in the Department

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MR. CONSTANTINE: (continued)

does allow the release of directory information if the school system goes about it in a certain way. Specifically, if the public is notified that the school system does on occasion release lists of students for various educational purposes or for various educational benefits, then the school system is allowed to provide those lists.

There's also some concern on the part of individuals who for one reason or another have concerns about the military. And those individuals are certainly entitled to their concerns. But to deny students an opportunity to make decisions for themselves, and we're talking about students that are 17, 18, and 19 years old, to deny them an opportunity to make decisions for themselves based on your philosophy or your belief of a certain institution, is not very legitimate, not very legitimate.

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So, the Hartford school system supports this legislation, and hopes that all school systems that do provide access to nonmilitary recruiters will provide access to the military recruiters as well. Thank you very much.

REP. GOODWIN: Thank you. The next speaker is Barbara Bryan. I should note we're running out of time for the agency head section of the hearing, so I'm going to urge you to be brief.

MS. BARBARA BRYAN: I'm Barbara Bryan, a member of the State Library Board. I first want to apologize for not having typed testimony for you today. It will be in your hands shortly, but I'm sort of the third string quarterback. I'm speaking to Raised Committee Bill 5827, An Act Reestablishing The State Library Board. In this presentation, I'm speaking for the board. We have reviewed the recommendations thoroughly, and we have taken positions.

We are making recommendations in some instances and raising some questions and clarifications in a few others. First, the Connecticut State Library Board, under present statutes, is an 8 member board. Five members are appointed by the Governor for terms coterminus with that of the Governor, and three are statutory members, ex officio. The board recommends that the present size and membership be retained with one change. We recommend that the

MS. BRYAN: (continued)

Commissioner of Education, one of the three statutory members, be given the privilege of naming an designee. The other two statutory members, the Chief Justice of the State Supreme Court and the Chief Court Administrator now have that privilege.

Terms of members of the board requires clarification or reconciliation. This bill appears to specify 5 year terms in Section 1A. Section 4.9D of the statutes provides that terms shall be coterminus with that of the Governor. Should the board be enlarged as proposed in this bill, we are also concerned as to how minority representation can be maintained. Whether or not the final legislative decision is to enlarge the board, we strongly recommend that no occupational qualifications be specified for the nonstatutory seats. The appointment of members representing a particular interest can create potential problems due to the many responsibilities mandated to the State Library and the many constituencies it serves.

Should each of these constituencies demand and be given a seat, the board might well have to be even larger and more unwieldy than the bill suggests or leave no opportunity for the appointment of interested and necessary laypeople who share general concerns, such as those who serve on Connecticut's many boards of library trustees or participate in friends' groups. There should be nothing in the statute however, to preclude the appointment of the librarian or an archivist or a genealogist or a records manager or a museum director. We recommend the only specification be that in currently in use, electorate.

This is concerning the chairperson of the State Library Board. Section 1B of this bill and Section 11-1B of the current statutes both provide that the board elect a chairperson annually. This was the practice until the passage of the Executive Reorganization Act. Subsequent to that, the Governor has appointed a chairperson under the provisions of Section 4-9A. This section and Section 11-1B need reconciliation. Section 1C of the proposed bill, Lines 44-46, concerning attendance. We have a question. Can a person serving by virtue of office, such

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MS. BRYAN: (continued)
as the Chief Justice of the Supreme Court or his designee
be removed under this provision?

The board strongly affirms that the State Library Board shall continue to appoint the State Librarian, as is continued in this proposal. We also agree that the responsibility for appointment of the State Historian be transferred from the State Library Board to the trustees of the University of Connecticut, as provided in the new Section 12. Minor editing note, Section 5, Page 5, should have a closing bracket at the end of the paragraph. Section 10, new, Lines 268-270, provide that the State Librarian's appointment of a State Archivist be subject to approval by the State Library Board. The board believes that an appointment to this position should not require board approval.

Then there are two or three items to do with law libraries. The board endorses Section A, providing for the adoption of regulations establishing minimum standards for each of the three law library tiers. It is the opinion of the board that the additional new wording in Section 7B is not necessary to do with book budgets and staff allocations. This is a matter that should be addressed in the establishment of regulations. The same is true of Section 8C concerning the hours at Tier 1 libraries. This should also be addressed by regulation rather than by statute. Section 8B. The board endorses the designation of the Hartford Law Library, located in the State Library and Supreme Court Building as the State's principle law library.

We recommend that language be added to this section that will remove this library from the tier system. Thank you.

REP. GOODWIN: Thank you very much. The next speaker is Major Hedge.

MAJOR PATRICK HEDGE: Sen. Casey, Rep. Goodwin, members of the Education Committee, I'm Major Patrick Hedge with the Department of Public Safety. I'm here today on behalf of Commissioner Lester Forrest, to speak in support of House Bill 5371, An Act Providing Military Recruiters Access To Schools And To Directory Information. Comm. Forrest is