

Legislative History for Connecticut Act

HB 5603	PA 216	1985
House 1824, 1900, 5380-5384		(7)
Senate 982-985, 1797-1800, 1903-1904(10)		
Environment 612		(1)
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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1985

VOL. 28
PART 5
1490-1831

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1824

House of Representatives

Tuesday, March 26, 1985

REP. ESPOSITO: (137th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Esposito of the 137th.

REP. ESPOSITO: (137th)

Thank you, Mr. Speaker. I move the following bills be placed on the Consent Calendar for final action later today.

On page one, Calendar No. 37, Bill No. 5784, AN ACT CONCERNING OFF-TRACK BETTING MAKE-UP PERFORMANCE DATES, File No. 39.

On page two, Calendar No. 114, Bill No. 7544, AN ACT CONCERNING THE FORMATION OF REGIONAL SCHOOL DISTRICTS, File No. 126.

On page three, Calendar No. 116, House Bill No. 5603, AN ACT INCREASING THE FINE FOR VIOLATIONS OF MUNICIPAL REGULATIONS CONCERNING THE CARE AND PROTECTION OF TREES AND SHRUBS, File No. 136.

Calendar No. 117, Bill No. 5931, AN ACT CONCERNING REQUIREMENTS FOR THE TEMPORARY PRACTICE OF NURSING, File No. 135.

Calendar No. 18, Bill No. 5970, AN ACT CONCERNING THREATENED AND ENDANGERED SPECIES, File No. 134.

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GEN. ASSEMBLY
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PROCEEDINGS
1985

VOL. 28
PART 6
1832-2153

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House of Representatives

Tuesday, March 26, 1985

REP. ESPOSITO: (137th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Frank Esposito.

REP. ESPOSITO: (137th)

Thank you, Mr. Speaker. I move the acceptance and passage of the following bills on today's Consent Calendar. Calendar No. 37, Bill No. 5384, File No. 39. Calendar No. 114, Bill No. 7544, File No. 126. Calendar No. 116, Bill No. 5603, File No. 136. Calendar No. 117, Bill No. 5931, File No. 135. Calendar No. 118, Bill No. 5970, File No. 134. Calendar No. 126, Bill No. 5991, File No. 148. Calendar No. 147, Bill No. 27, File No. 58. Calendar No. 130, Bill No. 345, File No. 109. Calendar No. 132, Bill No. 495, File No. 103. Calendar No. 136, Bill No. 782, File No. 86. Thank you.

SPEAKER VAN NORSTRAND:

The motion is for the acceptance and passage of the bills enumerated by Rep. Esposito on today's Consent Calendar. Is there objection? Seeing none, the Consent Calendar is adopted.

Please return to the Call of the Calendar.

CLERK:

Calendar No. 113, Page 2, Substitute House Bill

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5245-5585

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House of Representatives

Thursday, May 9, 1985

Chairman Wollenberg. Thank you.

SPEAKER VAN NORSTRAND:

Will you remark further on the motion to reject the committee's unfavorable report? Will you remark further? If not, all in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

All opposed indicate by saying nay.

REPRESENTATIVES:

No.

SPEAKER VAN NORSTRAND:

The ayes have it. The motion to reject the Unfavorable Report is adopted. Pursuant to Joint Rule 20, the matter is hereby ordered transmitted to the Legislative Commissioner's office as required by that rule.

CLERK:

Potential disagreeing action. Page 14, Calendar No. 116, Substitute for House Bill No. 5603, File No. 503, AN ACT INCREASING THE FINE FOR VIOLATIONS OF MUNICIPAL REGULATIONS CONCERNING THE CARE AND PROTECTION OF TREES AND SHRUBS, as amended by Senate Amendment Schedule "A". Favorable Report of the Committee on Judiciary.

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House of Representatives

Thursday, May 9, 1985

REP. TIFFANY: (36th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. John J. Tiffany, II.

REP. TIFFANY: (36th)

Thank you, Mr. Speaker. I'm not sure what the motion is but I move acceptance and passage.

SPEAKER VAN NORSTRAND:

The question is on acceptance and passage of the Joint Committee's Favorable Report.

REP. TIFFANY: (36th)

Mr. Speaker, the -- to refresh the memory of the people and the members of the House, this particular item passed here on consent March 26, went to the Senate. The Senate referred it to the Judiciary Committee and came out with a new file number and passed in the Senate with Senate Amendment "A", which is LCO 6533. I would ask the Clerk to please call and read.

SPEAKER VAN NORSTRAND:

Will the Clerk please call and read LCO 6533, previously adopted, Senate Amendment Schedule "A".

CLERK:

Senate Amendment Schedule "A", LCO 6533, offered by Sen. Johnston.

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In line 28 delete the semi-colon and delete the opening bracket.

In line 29, bracket the word "twenty" and after the closing bracket insert the word "ninety".

In line 30, delete the closing bracket.

In line 36, delete the words "violations of any such"

In line 37, delete the words "regulations shall be an infraction"

SPEAKER VAN NORSTRAND:

The amendment is in your possession, Sir. What is your pleasure?

REP. TIFFANY: (36th)

Mr. Speaker, I move adoption of the amendment.

SPEAKER VAN NORSTRAND:

Will your remark, Sir?

REP. TIFFANY: (36th)

Mr. Speaker, the bottom line of this is that the Senate Amendment and the House file have passed on consent and are, for all practical purposes, one and the same and I think we've spun our wheels and not gone a very great distance far, but nonetheless, I move adoption of the amendment and passage of the bill in concurrence.

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kpp

House of Representatives

Thursday, May 9, 1985

SPEAKER VAN NORSTRAND:

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

REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

All those opposed indicate by saying nay. The ayes have it. Senate "A" is adopted and ruled technical. Will you remark further on the bill?

REP. TIFFANY: (36th)

Mr. Speaker, I move passage of the bill as amended by Senate "A" in concurrence with the Senate. Will you remark on the bill as amended by Senate "A"? If not, staff and guests please come to the well of the House.

The machine will be opened. Will the Clerk please announce a roll call.

CLERK:

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

SPEAKER VAN NORSTRAND:

Have all the members voted? If so, the machine

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will be locked and the Clerk will please take a tally.

Will the Clerk please announce the tally.

CLERK:

Sir. House Bill 5603, as amended by Senate "A".

REP. Total number voting 139

Necessary for passage 70

Those voting yea 129

Those voting nay 10

Those absent and not voting 12

SPEAKER VAN NORSTRAND:

DEP. The bill is passed in concurrence with the Senate.

CLERK:

Page 15, Calendar No. 137, Substitute for House

Bill No. 7435, File No. 389, AN ACT CONCERNING THE

EMERGENCY SPILL RESPONSE FUND, as amended by Senate

Amendment Schedule "A". Favorable Report of the Committee

on Finance, Revenue and Bonding.

REP. TIFFANY: (36th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Tiffany.

REP. TIFFANY: (36th)

Mr. Speaker, I move acceptance and passage in
concurrence.

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1985

VOL. 28
PART 3
700-1057

Regular Session
April 3, 1985

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jgt

THE CHAIR:

Senator Eads.

SENATOR EADS:

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

THE CHAIR:

Will you remark?

SENATOR EADS:

Thank you. This bill would eliminate the state board of education's authority to set minimum and maximum enrollments as part of its mandate to establish regulations, the formation of regional school districts. If there's no objection, I would move it to consent.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Page 4, Calendar No. 154, House Bill No. 5603, File No. 136. An Act Increasing The Fine For Violations Of Municipal Regulations Concerning The Care And Protection Of Trees And Shrubs. Favorable Report of the Committee on Environment.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Thank you, Mr. President. I move acceptance of the

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jgt

committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR BENSON:

Yes, Mr. President. This bill would increase from twenty dollars to ninety dollars the maximum fine for violation of local regulations concerning care and protection of trees and shrubs. If there be no objection, I would move this to the consent calendar.

THE CHAIR:

Senator Benson, I thought I heard you say that it will increase the penalties.

SENATOR BENSON:

That's correct. The fine.

THE CHAIR:

The fine.

SENATOR BENSON:

Right.

THE CHAIR:

I think, under the rules, this would require reference to the Judiciary Committee where it has sole jurisdiction on the question of penalty.

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984 37
jgt

SENATOR BENSON:

It was the consideration of counsel in our committee that it being under a hundred dollars that it ...

THE CHAIR:

Well, I appreciate the advice you're getting from counsel, but I must now give my own construction of our rules and I think it's quite clear to me that it does require reference to the Judiciary Committee because you are dealing with the penalty and you are increasing the penalty. The Chair would rule that this item should be referred to the Judiciary Committee.

SENATOR BENSON:

Mr. President, if I could have some clarification on that ruling. Would that be in any circumstances where there's a change where it's still considered an infraction where it's less than a hundred dollars?

THE CHAIR:

Infractions, no.

SENATOR BENSON:

This would not, technically then, be considered an infraction?

THE CHAIR:

As far as I know this is not an infraction and I think

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jgt

in order to be absolutely certain, I think we might observe the rule and thus remove any doubt as to its legality.

SENATOR BENSON:

I would defer to that. Thank you, Mr. President.

THE CHAIR:

Thank you.

THE CLERK:

Page 4, Calendar 155, Substitute for House Bill No. 5970, File No. 134. An Act Concerning Threatened And Endangered Species. A Favorable Report of the Committee on Environment.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

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

THE CHAIR:

Will you remark?

SENATOR BENSON:

Yes, Mr. President. This bill would make endangered plant species as well as animal species listed by the federal government subject to Connecticut's endangered species law. Rare plant species, a less endangered category of endangered

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MAY 1, 1985

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LFU

THE CHAIR:

Senator Eaton.

SENATOR EATON:

Yes Mr. President, I'd like to have the same privilege accorded to me.

THE CHAIR:

The record will so note.

SENATOR EATON:

Thank you Mr. President-

THE CHAIR:

Mr. Clerk, we're ready to proceed.

THE CLERK:

Page 2 of the Calendar, 154, Substitute for House Bill 5603, File 136 and 503, AN ACT INCREASING THE FINE FOR VIOLATIONS OF MUNICIPAL REGULATIONS CONCERNING THE CARE AND PROTECTION OF TREES AND SHRUBS, Favorable Report of the Committee on Judiciary. Senate referred to Environment on File 136, to the Judiciary on 4-3.

THE CHAIR:

Senator Richard Johnston.

SENATOR RICHARD JOHNSTON:

Yes. Thank you Mr. President. I will defer to my colleague Senator Benson.

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SENATE

WEDNESDAY
MAY 1, 1985

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THE CHAIR:

Senator Benson.

SENATOR BENSON:

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

THE CHAIR:

Will you remark?

THE CLERK:

Clerk has an Amendment.

THE CHAIR:

Clerk please read the Amendment.

THE CLERK:

Senate Amendment, Schedule A, LCO 6533 introduced by Senator Johnston of the 9th.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

I move adoption of the Amendment and waive the reading and beg the chamber's indulgence in summarizing.

THE CHAIR:

Without objection, you may proceed.

SENATOR BENSON:

Originally, when this Bill was referred to Judiciary,

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it had on it a municipal infraction that could be imposed by a municipality and Judiciary changed that so that now the infraction would be payable to the state. What this Amendment will do is put it back into the form wherein the municipality will impose and retain the fees of the infraction and I would move the adoption of the Amendment.

THE CHAIR:

Will you remark further on the Amendment? All those in favor of the Amendment signify by saying aye. Those opposed nay? The ayes have it. The Amendment is adopted. Further Amendments? Now, on the Bill as amended. Senator Benson.

SENATOR BENSON:

Thank you Mr. President. I move adoption, passage of the Bill as amended.

THE CHAIR:

Will you remark?

SENATOR BENSON:

Thank you Mr. President. This Bill will allow a municipality now to charge up to \$90 for an infraction of a municipal tree or shrub violation, allowing up to \$90. If there is no objection in the chamber, I would move that this item be placed on the Consent Calendar.

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THE CHAIR:

Will you remark further? The motion has been made to refer to the Consent Calendar. Hearing no objection, so ordered.

SENATOR BENSON:

Thank you Mr. President.

THE CLERK:

Page 2, Calendar 167, Senate Bill 737, File 209, AN ACT CONCERNING THE DISPOSAL OF RECYCLED HAZARDOUS WASTE RESIDUE, Favorable Report of the Committee on Environment.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

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

THE CHAIR:

Will you remark?

THE CLERK:

Clerk has an Amendment.

THE CHAIR:

Clerk please read the Amendment.

THE CLERK:

Senate Amendment, Schedule A, introduced by Senator O'Leary and Senator Benson.

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LFU

return to the chamber.

THE CHAIR:

Will everyone please give their attention to the Senate Clerk who will call those items that have been referred to the Consent Calendar?

THE CLERK:

Page 2, Calendar 167--I'm sorry, page 2, HB 5603 Calendar 154
SB 737 SB 609 HB 5712
and 167. Page 3, 273; page 4, Calendar 286. Page 5,
HB 7269, HB 6134 SB 892 SB 214
Calendar 296 and 324; page 6, Calendar 335, 341. Page 7,
SB 819 SB 619 SB 154 SB 174 SB 848
Calendar 342. Page 8, Calendar 355, 358, 359 and 360.
HB 6438 HB 7784 HB 5562
Page 10, Calendar 373, 377, 381. Page 11, Calendar
HB 7435 HB 7651 HB 7775
385, 386. Page 12, Calendar 395.

THE CHAIR:

Are there any changes, any omissions? Senator Kevin Johnston.

SENATOR KEVIN JOHNSTON:

Mr. President, on page 4, at the bottom of the page, HB 5712 Calendar 286, I don't want to debate it, but I would like a separate vote on that please.

THE CHAIR:

Calendar 286 is being taken--is deleted from the Consent Calendar and it will be taken up as an individual Bill. Any other changes or omissions? We're now taking up

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the Consent Calendar with that exception. The machine is open. Please record your vote. Senator, this is the Consent Calendar. Has everyone voted? Senator Larson, Senator Scott, Senator Schoolcraft, Senator Scott, Senator Schoolcraft. The machine is closed. Clerk please tally the vote.

The result of the vote:

34 YEA

0 NAY

The Consent Calendar is adopted. Senator Schoolcraft do you wish to be recorded?

SENATOR SCHOOLCRAFT:

I missed the vote. I would like to be recorded in the affirmative please.

THE CHAIR:

The record will so note that Senator Schoolcraft is being--wants to be recorded in the affirmative on the Consent Calendar. Will you please remain in your seats. We have another item that we're going to take up individually that Senator Kevin Johnston wishes to have a vote cast on an individual basis. You may proceed. Senator Larson.

SENATOR LARSON:

Thank you Mr. President. On a Point of Personal Privilege and information for our colleagues in the Circle,

JOINT
STANDING
COMMITTEE
HEARINGS

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317-696

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MR. HIBBARD: (continued)

members of the committee, my name is John E. Hibbard. I reside at 1072 Gilead St. in Hebron, and I am employed as secretary and forester for the Connecticut Forest and Park Association, speaking on its behalf on two bills before you this afternoon.

I'm certainly pleased that the need for forest fire equipment is presented itself in two bills, 347 and another one, which I believe was heard last week. I (HB 6531) think it is appropriate that the Environment Committee look into this situation and to provide DEP with some funding, not necessarily bonding, to upgrade their forest fire equipment.

We have not had a fire season of any magnitude in Connecticut for the past several years, although there was a relatively active season in the fall of '84, and that proves the inadequacy of current equipment, so that I would hope the committee would put into DEP's equipment budget the sum in the area of a couple hundred thousand dollars, in hopes to influence finance, that it become a line item, and not get lost in the DEP shuffle.

I think those of you who have experience on this committee over time, are aware of the pressing equipment needs that the agency had for trucks to remove garbage at parks and things like that in past years, and I think it is time to concentrate on the forest fire equipment item, which is used, not only on state land, but on all private land throughout the state.

I would also like to give some qualified support for House Bill 5603, which increases the fines for violations of municipal regulations concerning care and protection of trees and shrubs. Generally these ordinances go pretty much unenforced, and if anyone tries to enforce them, the fines are so low, the people would rather pay the fine than do much of anything about them, or the current low fines are no deterrent to people not to deface trees. That's about all that I have on these two bills, and if the committee has any questions, I would be more than happy to respond.

REP. TIFFANY: Questions? Thank you, John. Rich Broome.