

Legislative History for Connecticut Act

SB 1016	PA 174	1989
House	6808-6810	(3)
Senate	1059, 1828, 1879-1880	(4)
Government Administration and Elections	926-927	(2)
CONNECTICUT STATE LIBRARY LEGISLATIVE REFERENCE SECTION		98.

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

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CONNECTICUT

GEN. ASSEMBLY

HOUSE

PROCEEDINGS

1987

VOL. 30

PART 19

6802-7189

dez

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House of Representatives

Friday, May 15, 1987

the Clerk will take a tally. Clerk please announce the tally.

CLERK:

Senate Bill 50 with Senate Amendments "A" and "B" in concurrence:

Total number voting.....	129
Necessary for Passage.....	65
Those voting Yea.....	126
Those voting Nay.....	3
Those absent and not Voting.....	22

DEPUTY SPEAKER LAVINE:

The Bill is passed. Clerk will please call Calendar 606.

CLERK:

Please turn to page 8, Calendar 606, Substitute for House Bill 7269, AN ACT CONCERNING THE JUDICIAL SELECTION COMMISSION, Favorable Report, Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker

DEPUTY SPEAKER LAVINE:

Representative Tulisano.

REP. TULISANO: (29th)

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Friday, May 15, 1987

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

DEPUTY SPEAKER LAVINE:

The motion is on acceptance and passage. Will you remark?

REP. TULISANO: (29th)

Mr. Speaker, Clerk has amendment LCO 7615.

DEPUTY SPEAKER LAVINE:

Will the Clerk please call LCO 7615.

CLERK:

7615, LCO, Designated House "A", offered by Representative Tulisano, et al.

DEPUTY SPEAKER LAVINE:

The gentleman is seeking permission to summarize. Is there objection? Hearing no objection, will you proceed sir.

REP. TULISANO: (29th)

Mr. Speaker, the amendment really becomes the Bill and what it does is it changed current law dealing with how the Judicial Review Council acts when it submits recommendations. And when it has...it changes the language that it shall not recommend a Judge for nomination.

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It may refuse to recommend a Judge for nomination when it finds...reason to believe the Judge is guilty of judicial conduct or incompetence. It may refuse to recommend. It may have made some conclusions...the Judicial Review Council may, in fact, have had some opinions that they have...don't feel the conduct was a bad...that would require it not to recommend. This has been requested by the department. I move its adoption.

DEPUTY SPEAKER LAVINE:

The motion is on adoption. Will you remark, sir. Will you remark? Will you remark further? If not, I will try your minds. All in favor of the amendment will signify by saying aye.

REPRESENTATIVES:

Aye

DEPUTY SPEAKER LAVINE:

Opposed nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER LAVINE:

The Chair is uncertain and I will try your minds again. All in favor of the amendment will signify by

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CONNECTICUT
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1928

FRIDAY
April 7, 1989

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Government Administration & Elections -

Substitute SB704 An Act Concerning Limitations on Contributions to Candidates for the General Assembly by Political Committees.

Government Administration & Elections

Substitute SB844 An Act Concerning State Procedures.

6. SENATE BILLS FAVORABLY REPORTED WITH A CHANGE OF REFERENCE - to be referred to committee indicated

Transportation

Substitute SB961 An Act Concerning the Registration of Farm Vehicles.

REFERRED TO: FINANCE, REVENUE AND BONDING

Transportation

Substitute SB802 An Act Concerning the Authorization of Special Tax Obligation Bonds of the State for Transportation Purposes.

REFERRED TO: FINANCE, REVENUE AND BONDING

Government Administration & Elections

Substitute SB1016 An Act Concerning Clarification of the 1988 Amendments to the Uniform Administrative Procedures Act.

REFERRED TO: JUDICIARY

Public Health

Substitute SB898 An Act Concerning Nurses in

S. 292

COMMERCE

ASSEMBLY

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WEDNESDAY
May 10, 1989

1828
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Page 6, Calendar 373, SB758, I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

374, Go. 375, Go. 376, Substitute SB999, I move to the Finance Committee.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

377, SB926, I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

Page 7, Calendar 378 is marked Passed Temporarily. 379, Passed Temporarily. 380, SB1053, I refer to the Committee on Education.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

Calendar 381, Passed Temporarily. Calendar 382, Passed Retaining. Calendar 383, Substitute SB1016, I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

WEDNESDAY
May 10, 1989

1879

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please return to the Chamber.

THE CHAIR:

Please give your attention to the Clerk who will read the items that have been referred to the Consent Calendar.

THE CLERK:

The first Consent Calendar begins on Page 2 of today's Calendar. Calendar 212, Substitute SB861. Calendar 217, Substitute SB214. Calendar 219, Substitute SB859.

Calendar Page 3, Calendar 292, Substitute SB527, Calendar Page 5, Calendar 357, Substitute HB6998. Calendar 359, HB7175.

Calendar Page 6, Calendar 373, SB758. Calendar 377, SB926. Calendar Page 7, Calendar 383, Substitute SB1016.

Calendar Page 10, Calendar 394, Substitute HB7508. Calendar 396, Substitute HB7545. Calendar Page 11, Calendar 402, Substitute HB5466. Calendar 403, Substitute HB5855. Calendar Page 12, Calendar 408, HB7385. Calendar Page 13, Calendar 410, Substitute HB7509.

Calendar Page 17, Calendar 234, Substitute SB439. Mr. President, that completes the first Consent Calendar.

WEDNESDAY
May 10, 1989

1880
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THE CHAIR:

Are there any changes or omissions? The machine is open. Please record your vote. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote:

36 Yea

0 Nay

Consent Calendar #1 is adopted.

THE-CLERK:

Turning to the Calendar, Page 6, Calendar 374, File 563, Substitute SB413, AN ACT REQUIRING CERTAIN MOTORCYCLISTS TO WEAR PROTECTIVE HEADGEAR. Favorable Report of the Committee on JUDICIARY. Clerk is in possession of four amendments.

THE CHAIR:

Senator Meotti.

SENATOR MEOTTI:

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

THE CHAIR:

Clerk please call the first amendment.

THE CLERK:

LC06953 designated Senate Amendment Schedule "A"
offered by Senator Meotti of the 4th District.

JOINT
STANDING
COMMITTEE
HEARINGS

GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 3.
737-1089

1989

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pas

G.A.E.

March 20, 1989

for the previous speaker, but we do have a number of legislative and agency heads who have to testify in the first hour.

DAVID BIKLEN: Thank you. Mr. Chairman and Members of the Committee. My name is David Biklen, and I'm Executive Director of the Connecticut Law Revision Commission. I'm here to speak concerning HB1016, clarifications to the 1988 amendments to the Uniform Administrative Procedure Act. These are adjustments to last year's bill, 88-317 that was the first comprehensive revision of the Uniform Administrative Procedure Act in some 15 years.

That bill goes into effect in July 1 of this year. Last year's bill was created by the Law Revision Commission with the help of a panel of advisors over a three year period, representing the Attorney General's Office, state agency lawyers, private practitioners, judges and law professors and legal services lawyers. That work was built on two year's of work done by the Connecticut Bar Association.

Since the adoption has come to the attention of the Commission that several relatively minor adjustments need to be made in last year's bill, and that's what the bill before you is, HB1016. For example, I won't go through all the adjustments, but I'll give you just one example. Section 2 of the bill in particular, under the current act that will be effective July 1, requires that all final decisions of agencies be indexed. Those are beginning October 1, 1989 of this year. And that will be all old decisions and all new decisions.

The change in this bill would eliminate the indexing requirement for old decisions. As some person pointed out to us, the greatest hits of the past would not have to be indexed, but all new decisions would continue to have to be indexed, and all old decisions, though if the agency intended to use an old decision as a precedent in another decision, they would have to index that particular old decision. We felt that this was a reasonable accommodation to some of the concerns by a couple of the agencies that they had raised about the difficulty in indexing all of the old decisions.

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pas

G.A.E.

March 20, 1989

I can tell you that a number of state agencies today have already indexed all their old and new decisions, or currently are indexing them, and others have had that process well under way. I won't review the other changes, but essentially they address provisions in the 1988 act that placed some additional administrative burdens on some agencies and on reflection, the Commission and its Advisory Committee felt that while there were some benefits to those administrative burdens, that in fact, in a few of these cases, that it didn't seem to justify that the benefits didn't seem to justify those burdens.

Section 6 of the act simply repeals the provision of the general statutes that was found that the Connecticut Supreme Court last summer said should be repealed. And I think I should also point out to you that the Commission has talked with a number of state agency lawyers over this past year, since the adoption of the bill last year, and this bill reflects some of the concerns that were raised. Except for one agency, the agencies that have spoken to me personally, and by phone and by letter, now I think support that legislation. Most of the agencies I've talked to either have already in their practices either prior to that time, or at this time, in fact, do most of the things in last year's legislation.

I want to congratulate the Committee for putting that legislation out last year. And others find, other agencies find that that bill in fact, enhances their ability to act as a state agency. So we think the bill, last year's bill, was the proper balance between citizen concerns and state agency concerns and we ask that you adopt these relatively minor adjustments to last year's bill and send it on to the Judiciary Committee. If you have any questions, I'll be glad to answer them.

SEN. ATKIN: Any questions for David? Thank you, David. Len Barbari followed by Richard Kehoe.

DEP. COMM. LEONARD BARBARI: Senator Atkin, Representative Kiner, and other Members of the Committee. I'm here today to speak to HB7531. Thank you for this opportunity to speak to you on