

Legislative History for Connecticut Act

HB 5460	(PA 90-154)	1990
Senate	517, 2577, 2628	(3p)
House	1211, 5379-5405	(28p)
GAE		(0)

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S-303

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1990

VOL. 33
PART 2
299-604

MONDAY
March 26, 1990

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Substitute HB5222 AN ACT APPROPRIATING FUNDS TO THE
DEPARTMENT OF HEALTH SERVICES FOR THE TESTING OF
CERTAIN WELLS

Referred to: APPROPRIATIONS

Public Health

Substitute HB5175 AN ACT CONCERNING THE
RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND
INVESTIGATIONS COMMITTEE FOR THE DEPARTMENT OF MENTAL
RETARDATION

Referred to: GOVERNMENT ADMINISTRATION & ELECTIONS

Government Administration & Elections

Substitute HB5450 AN ACT GRANTING COLLECTIVE
BARGAINING RIGHTS TO CERTAIN MANAGERIAL STATE EMPLOYEES

Referred to: APPROPRIATIONS

Government Administration & Elections

Substitute HB5460 AN ACT CONCERNING NOTARIES PUBLIC

Referred to: JUDICIARY

Environment

Substitute HB5534 AN ACT CONCERNING PENALTIES FOR
THE ILLEGAL DUMPING OF ASBESTOS

Referred to: JUDICIARY

Public Health

Substitute HB5557 AN ACT CONCERNING THE SCOPE OF
LICENSING OF EMERGENCY MEDICAL SERVICES

Referred to: GOVERNMENT ADMINISTRATION & ELECTIONS

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2355-2674

SATURDAY
May 5, 1990

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2628

HB5990. Calendar Page 22, Calendar 484, Substitute
HB5159. Calendar Page 23, Calendar 488, Substitute
HB5460. Calendar 492, Substitute HB5425. Calendar
Page 34, Calendar 317, Substitute SB111.

Mr. President, that completes the First Consent
Calendar.

THE CHAIR:

Are there any corrections? Deletions? Senator
Freedman. Do you wish to be recognized? The machine
is open. Senator Avallone, McLaughlin, Scott. Senator
Scott. The machine is closed. Will the Clerk tally
the vote.

The result of the vote:

35 Yea

0 Nay

The Consent Calendar is approved.

Will the Clerk call the next item.

THE CLERK:

Returning to the Calendar, Calendar 31, Matters
Returned from Committee. Calendar 282, Files 450 and
741, Substitute for SJ32, RESOLUTION MEMORIALIZING
CONGRESS TO RESTORE FUNDING TO ALLEVIATE PRISON
OVERCROWDING. Favorable Report of the Committee on
JUDICIARY.

THE CHAIR:

H-557

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House of Representatives

Friday, March 23, 1990

GOVERNMENT ADMINISTRATION AND ELECTIONS.
Substitute for H.B. No. 5093 (RAISED) AN ACT
CONCERNING THE MEMBERSHIP OF THE CONNECTICUT STATE
EMPLOYEES RETIREMENT COMMISSION AND THE PURCHASING OF
CREDIT IN THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM
FOR PREVIOUS STATE SERVICE.

The bill was then referred to the Committee on
Appropriations.

HUMAN SERVICES. H.B. No. 5136 (RAISED) 'AN ACT
CONCERNING IMMUNITY FROM CIVIL LIABILITY FOR
CONSERVATORS OF PERSONS.

The bill was then referred to the Committee on
Judiciary.

PUBLIC HEALTH. Substitute for H.B. No. 5175
(RAISED) 'AN ACT CONCERNING THE RECOMMENDATIONS OFF THE
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE
FOR THE DEPARTMENT OF MENTAL RETARDATION.

The bill was then referred to the Committee on
Government Administration and Elections.

PUBLIC HEALTH. Substitute for H.B. No. 5222 (COMM)
AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH
SERVICES FOR THE TESTING OF CERTAIN WELLS.

The bill was then referred to the Committee on
Appropriations.

GOVERNMENT ADMINISTRATION AND ELECTIONS.
Substitute for H.B. No. 5450 (RAISED) 'AN ACT GRANTING
COLLECTIVE BARGAINING RIGHTS TO CERTAIN MANAGERIAL
STATE EMPLOYEES.

The bill was then referred to the Committee on
Appropriations.

GOVERNMENT ADMINISTRATION AND ELECTIONS.
Substitute for H.B. No. 5460 (RAISED) 'AN ACT
CONCERNING NOTARIES PUBLIC.

The bill was then referred to the Committee on
Judiciary.

ENVIRONMENT. Substitute for H.B. No. 5543 (RAISED)
'AN ACT CONCERNING PENALTIES FOR THE ILLEGAL DUMPING OF
ASBESTOS.

The bill was then referred to the Committee on
Judiciary.

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5378-5699

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House of Representatives Saturday, April 28, 1990

Today's Calendar only, Mr. Speaker.

Good morning, State of Connecticut, House of Representatives, Calendar, Saturday, April 28th. Please turn to page 24, Calendar 393, Substitute for House Bill 5460, AN ACT CONCERNING NOTARIES PUBLIC.

Favorable Report of the Committee on FINANCE, REVENUE AND BONDING.

REP. KINER: (59th)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Kiner of the 59th.

REP. KINER: (59th)

Thank you. Good morning, Mr. Speaker.

SPEAKER BALDUCCI:

Good morning.

REP. KINER: (59th)

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

SPEAKER BALDUCCI:

The question is on passage. Will you remark?

REP. KINER: (59th)

Thank you, Mr. Speaker. Mr. Speaker and ladies and gentlemen, the bill before us-- Or, let me say something else. Almost 50,000 notaries are currently guided by the most skeletal of laws. Last year, as

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Advisory Committee was created by the Secretary of State, to create a more comprehensive law to give both guidance to our notaries and to give assurances to the public that everything is all right.

Their recommendations, Mr. Speaker, are found in the bill. Some of those recommendations are as follows. The applicant must be 18 years of age when he or she applies. There is no longer a residency requirement. The notary must obtain a recommendation of someone other than a relative and no longer the Town Clerk, who in past years has given the recommendation. The bill stipulates reasons for denial of an application. There are certain prohibitions upon that which a notary cannot do. The bill also stipulates grounds for a disciplinary action, and not just revocation as is currently the law.

And Mr. Speaker, again, I move passage of the bill.

SPEAKER BALDUCCI:

The question is on passage. Will you remark?
Representative Belden of the 113th.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. Mr. Speaker, in reviewing the current law that we have on our statutes dealing with notaries, it indicates that the Secretary of the State must notify existing notaries 30 days prior to

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the expiration of their current term of office, that their, they need to be reinstated as a notary for an additional five year period. They receive a notification.

The new language before us unfortunately excluded that particular language, and I have an amendment, Mr. Speaker, to correct that. It is LCO3295. May the Clerk call and read, please?

SPEAKER BALDUCCI:

Clerk, please call LCO3295, designated House "A" and read.

CLERK:

LCO3295, designated House Amendment "A", offered by Representative Belden et al.

In line 152, after the period insert the following:

"Not later than ninety days before the expiration of the term of a notary public, the secretary shall send the notary a notice of the expiration and a reappointment application form."

REP. BELDEN: (113th)

Mr. Speaker, I move adoption.

SPEAKER BALDUCCI:

The question is on adoption. Will you remark?

REP. BELDEN: (113th)

Very briefly, Mr. Speaker. The amendment would

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open up the current practice, which is thirty days, and allow the Secretary of the State ninety days for the notification. There is a fiscal note. It indicates there is no impact. And I believe that all of us, after five years, can be a little bit forgetful about having to renew, and so I move, I encourage adoption of the amendment.

SPEAKER BALDUCCI:

Will you remark? Representative Kiner.

REP. KINER: (59th)

Mr. Speaker, very briefly. It is a good amendment, and I urge adoption.

SPEAKER BALDUCCI:

Will you remark further on the amendment? Will you remark? If not, we will try your minds. All those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER BALDUCCI:

Opposed, nay. The ayes have it. The amendment is adopted (Gavel), ruled technical. Will you remark further on the bill as amended? Will you remark? If not, staff and guests to the Well.

Representative Schmidle of the 106th.

REP. SCHMIDLE: (106th)

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Thank you, Mr. Speaker. The Clerk has LCO4070. Would the Clerk please call and I be allowed to summarize?

SPEAKER BALDUCCI:

Clerk, please call LCO4070, designated House "B".

CLERK:

LCO4070, House "B", offered by Representative Schmidle et al.

SPEAKER BALDUCCI:

The question is on summarization. Is there objection? Representative Schmidle.

REP. SCHMIDLE: (106th)

Thank you, Mr. Speaker. Basically, this bill does two simple things. In line 110, it removes the word "his" and makes it a non-sexist reference to notary publics. And on line 128, it cleans up some language. It says exactly what the bill says, except it puts the phrases in a different order and makes it a little clearer. And I move its adoption, Mr. Speaker.

SPEAKER BALDUCCI:

The question is on adoption. Will you remark, madam?

REP. SCHMIDLE: (106th)

Thank you, Mr. Speaker. Through you, Mr. Speaker, as I said, the second part of it is simply clarifying

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the language, the way in which is it said. And the first part removes any sex reference, and I-- It doesn't change the bill, and I think it's a fine addition. I would hope this Chamber would approve it.

REP. KINER: (59th)

Mr. Speaker.

SPEAKER BALDUCCI:

Will you remark further on the adoption of House "B"? Representative Kiner of the 59th.

REP. KINER: (59th)

Thank you, Mr. Speaker. So far, we are batting 1000. I also urge this Chamber to adopt this amendment.

SPEAKER BALDUCCI:

Will you remark further on the amendment? If not, we will try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER BALDUCCI:

Opposed, nay. The ayes have it. (Gavel) The amendment is adopted, ruled technical.

The following is House Amendment Schedule "B":

abs

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In line 109, strike out "his office" and insert the following in lieu thereof: "the office of notary public"

In line 110, strike out "his" and insert "such person's" in lieu thereof

In line 128, after "record" insert the following: ", with the town clerk of the municipality in which the notary resides,"

In line 130, insert a period after "authority" and strike out "with"

Strike out line 131 in its entirety

In line 132, strike out "notary resides."

SPEAKER BALDUCCI:

Will you remark further on the bill as amended by House "A" and "B"?

REP. SCHMIDLE: (106th)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Schmidle of the 106th.

REP. SCHMIDLE: (106th)

Thank you, Mr. Speaker. The Clerk has LCO4325. Would the Clerk please call and I be allowed to summarize?

SPEAKER BALDUCCI:

Clerk, please call LCO4325, designated House "C".

CLERK:

LCO4325, designated House "C", offered by Representative Schmidle et al.

SPEAKER BALDUCCI:

abs

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The question is on summarization. Is there objection? Representative Schmidle.

REP. SCHMIDLE: (106th)

Thank you, Mr. Speaker. One of the questions that comes, that surfaces frequently in relation to notary publics is whether they are bonded or not for their actions. This was a provision that was in the original bill, was removed somewhere along the line, and the bonding provision is added. And I move its adoption, Mr. Speaker.

SPEAKER BALDUCCI:

Will you remark further on the amendment? Will you remark?

REP. KINER: (59th)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Kiner.

REP. KINER: (59th)

We are no longer batting 1000. Mr. Speaker, I would hope this Chamber opposes this particular amendment. And let me pose a few questions to the proponent of the amendment. Through you, Mr. Speaker, obviously the lady wants to protect the public, as we all do. And I assume she believes that a \$5,000 bond would do so.

abs

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Through you, Mr. Speaker, does the lady-- Is the lady aware of any problems that have surfaced over the past couple of years that would necessitate the bonding of our notaries? Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Schmidle.

REP. SCHMIDLE: (106th)

I am sorry, Mr. Speaker. There was such a din in the Chamber, I was unable to hear the whole question.

REP. KINER: (59th)

Mr. Speaker, I will repeat--

SPEAKER BALDUCCI:

(Gavel) Ladies and gentlemen, please. We would like to move some business today, and it will be easier to do so if the Chamber remains somewhat quiet, so conversations and debates can take place.

Representative Kiner, would you kindly repeat your question for Representative Schmidle?

REP. KINER: (59th)

Thank you, Mr. Speaker. Again, through you, sir, I am questioning as to if the lady is aware of any problems that have either recently occurred or have occurred through the years that a bond would have been of some help to someone or another? Through you, Mr. Speaker.

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REP. SCHMIDLE: (106th)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Schmidle.

REP. SCHMIDLE: (106th)

There have been several problems, and I would like to yield to Representative Gyle, please.

SPEAKER BALDUCCI:

Representative Gyle of the 108th, do you accept the yield, ma'am?

REP. GYLE: (108th)

Yes, I do, Mr. Speaker. Mr. Speaker, in the town of Danbury and the area where I represent, the part of Danbury that I represent, we had some very serious problems arise in the past couple of years with home improvement contractors, people who had purported to have power of attorney signing contracts that weren't valid, and they were authorized by those notaries to do, to sign for work that was not legitimately contracted for. And when they went after the notaries, they disappeared, and the contractors disappeared, and these people were out money. They had no recourse.

The National Notary Association has asked for this provision, because they feel that it is important when, for their own reputation and for when there does come

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someone who is a very nefarious character, that they have some recourse and someone to go after, and they feel much more protected. So, because of the incidents in Danbury where they said that had the notary been bonded, at least they would have had some action, because they couldn't even go after the contractor. They couldn't find him.

Therefore, I would respectfully ask this Chamber to consider this bonding proposal, and especially since it has been endorsed by the National Notary Association. Thank you.

REP. KINER: (59th)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Kiner.

REP. KINER: (59th)

I believe Representative Gyle is referring to the infamous Dartmouth case, and I would ask her just one question. Apparently, there was a lot of money involved, a lot of people did get hurt by this. Through you, Mr. Speaker, how much money indeed was involved, i.e.: that is to say, those people were hurt. How much money were they hurt by?

SPEAKER BALDUCCI:

Representative Gyle, do you care to respond?

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REP. GYLE: (180th)

Yes, thank you. I know what you are getting at, Representative Kiner. It was a whole lot more than \$5,000. Absolutely right. I think this is as much a symbol as well as the money they are getting back. It is not only to protect them. Most people don't get taken to the tune of what those people were taken to, and I think it was in excess of \$35,000. But what it would do is it would reassure the public that there aren't those slimy, swarmy people out there looking to bilk them at every opportunity, and I think it would give them a better reputation.

They have a good reputation already, and it is just for those very infrequent times when someone is taking advantage of the office that they have, that I think it would show the public that they are respectable in all aspects. Thank you.

REP. KINER: (59th)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Kiner, you still have the floor.

REP. KINER: (59th)

Thank you, Mr. Speaker. Mr. Speaker, the lady is absolutely right in that the \$5,000 bond, as proposed in this amendment, was nowhere near, would be nowhere

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near adequate to the amount of money involved in this particular case. And I say further, in the bill that the employer would be liable for those damages, I believe, caused by the notary.

Another question, Mr. Speaker, through you to either Representative Gyle or Representative Schmidle. Who would administer this provision?

REP. GYLE: (108th)

Thank you, Mr. Speaker. I believe it the Secretary of State's Office who would.

REP. KINER: (59th)

Through you, Mr. Speaker, if indeed the Secretary of State would administer this, does the lady have a fiscal note on this?

REP. GYLE: (108th)

I don't have the yellow sheet. Do you? Representative Schmidle has the yellow copy, and I will wait for her, I would yield to her to--

SPEAKER BALDUCCI:

Certainly. Representative Schmidle, do you accept the yield, madam?

REP. SCHMIDLE: (106th)

Yes, sir, thank you, I will. Just one second. I guess there might be a minor fiscal impact on this, as it applies to employees that are part of a

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municipality. But the extent of these costs cannot be determined at this time. So, unless it is a municipal employee, there does not appear to be a fiscal impact.

REP. KINER: (59th)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Kiner, you still have the floor.

REP. KINER: (59th)

Through you, Mr. Speaker, obviously somebody or some people within the Secretary of the State's Office would administer it, and I would respectfully say that indeed there would be a fiscal involvement. And one other thing, Mr. Speaker.

There are approximately 50,000 notaries in the State of Connecticut. Aside from that one case, the Dartmouth case that Representative Gyle mentioned, there are no other instances, at least as far as the Secretary of the State's Office is concerned, where there has been a problem. The fee for a notary is \$60. With this new bill, that would mean that charging \$2 per signature, just to cover the cost of the fee to become a notary, the notary would need to notarize thirty documents. A bond would be anywhere between \$30 to perhaps \$50.

And Mr. Speaker, we are dealing with a group of

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people who really don't charge. If they do charge the \$1 or \$2, I think they are certainly in the minority, Mr. Speaker. And this would be a very onerous deed, I think, to put upon the 50,000 notaries.

And Mr. Speaker, I would ask that when the vote be taken, sir, that it be taken by roll.

REP. SCHMIDLE: (106th)

Mr. Speaker.

SPEAKER BALDUCCI:

The question before the Chamber is a roll call vote. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER BALDUCCI:

20% having been met, when the vote is taken, it will be taken by roll. Representative Schmidle.

REP. SCHMIDLE: (106th)

Thank you, Mr. Speaker. We have had many severe problems with notaries, and we will be talking about those shortly. And I think in view of that, this sends an excellent message, both to the public and to the notaries that both the public and the notaries could be protected by this, covered by this. And I would urge the Chamber to vote in favor of this first step, this

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minor first step. Thank you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, a question, through you, to the proponent, Mr. Speaker. Representative Schmidle, do you know how many notaries public there are in Connecticut registered?

SPEAKER BALDUCCI:

Representative Schmidle, do you care to respond?

REP. SCHMIDLE: (106th)

I would be happy to respond, if I could have heard Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, do you know how many registered notaries public there are in Connecticut at this time?

REP. SCHMIDLE: (106th)

There are somewhere between forty and fifty thousand notary publics in the State of Connecticut.

REP. TULISANO: (29th)

Through you, Madam Speaker, Mr. Speaker-- Will the lady please advise us the cost of a \$5,000 bond that will now be imposed upon these 30,000 or 40,000 people?

SPEAKER BALDUCCI:

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Representative Schmidle.

REP. SCHMIDLE: (106th)

Through you, Mr. Speaker, from all of the figures that I have been able to get from talking to other states that have it - and a number of other states have this, and the National Notary Association - it appears to be somewhere around \$15. And it could be less if every notary in the State of Connecticut decided to get together and all the Connecticut notaries did it as a group. It's considerably less in California.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

(Gavel)

REP. TULISANO: (29th)

To get some clarification.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Is a bond a form of insurance?

SPEAKER BALDUCCI:

Representative Schmidle.

REP. SCHMIDLE: (106th)

I guess in some ways, it could be considered a form of insurance. It's also a form of protection.

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REP. TULISANO: (29th)

Thank you, Mr. Speaker.

SPEAKER BALDUCCI:

Will you remark further? Representative Emmons of the 101st.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. Mr. Speaker, I rise in opposition to this amendment. I think that there are many people who are notaries who do it as part of their business. They do not charge. There are many real estate agents that have the ability to notarize different documents, and they are available to help out people who need to have a document and their signature notarized. And they oftentimes do it free.

I think that they are providing a service to the public in the sense that if they are available, and they are often in convenient locations. The other thing is I really doubt that a performance bond of \$5,000 is only \$15. Having had to get one for DOT in the amount of \$5,000, it cost \$50. And that is \$50 a year. I really don't think that we have had enough instances of these 40,000 notaries to put such an onerous burden on them.

SPEAKER BALDUCCI:

Will you remark further on the amendment? Will you

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remark?

REP. TORPEY: (11th)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Torpey of the 11th.

REP. TORPEY: (11th)

Thank you. Good morning.

SPEAKER BALDUCCI:

Good morning.

REP. TORPEY: (11th)

You won the game last night. A question to Mae Schmidle, please.

SPEAKER BALDUCCI:

Proceed.

REP. TORPEY: (11th)

Mae, when a person notarizes a document, are they swearing to the accuracy, the notary to the accuracy of the statement that they are signing?

SPEAKER BALDUCCI:

Representative Schmidle.

REP. SCHMIDLE: (106th)

Through you, Mr. Speaker, a notary takes an acknowledgement from the person who is signing that document to say that this is their free will and act, and that no one is forcing them to do this. If a

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notary recognizes that there is something absolutely blatantly wrong about it, about that document, the notary then can question its accuracy.

SPEAKER BALDUCCI:

Representative Torpey.

REP. TORPEY: (11th)

I am getting a signal that that is not the right answer, but I don't know what the right answer is, so I will have to accept that and let it go. Thank you.

REP. FRANKEL: (121st)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Frankel.

REP. FRANKEL: (121st)

Just so the Chamber has at least the facts, as I understand them. There are two kinds of oath that notaries are involved with. One is an acknowledgement and the other is in effect an affidavit, where a person will swear that the information is true to the best of their knowledge. I believe the other is an affidavit where, in effect an acknowledgement, where the party acknowledges that he or she has signed it as their free act indeed. Two different things, though.

For whatever it's worth, that note will be on the record.

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SPEAKER BALDUCCI:

Will you remark further on the amendment? If not, staff and guests, please to the Well. Members, be seated. The machine will be opened.

CLERK:

The House of Representatives is voting by roll.
Members, to the Chamber. The House of Representatives is taking its first roll call vote of the day. Members, to the Chamber please.

SPEAKER BALDUCCI:

Have all the members voted, and is your vote properly recorded? If so, the machine will be locked. Clerk, take a tally.

Representative Munns of the 9th.

REP. MUNNS: (9th)

Thank you very much, Mr. Speaker. May I be recorded in the negative, please?

SPEAKER BALDUCCI:

Representative Munns, in the negative.

REP. MUNNS: (9th)

Thank you.

SPEAKER BALDUCCI:

Clerk, please announce the tally.

CLERK:

abs

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5400

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House Amendment "C" to House Bill 5460.

Total Number Voting	130
Necessary for Passage	66
Those Voting Yea	9
Those Voting Nay	121
Those absent and not Voting	21

SPEAKER BALDUCCI:

The amendment fails. (Gavel)

The following is House Amendment Schedule "C":

In line 80, after "dollars", insert a comma

In line 81, strike out "and"

In line 84, after "applicant" and before the period, insert the following:

"and (C) a certificate evidencing a five thousand dollar surety bond issued and executed by a licensed surety for a period beginning on the date of the applicant's appointment as a notary and terminating on the expiration date of the notary's term of appointment, which provides for the payment of bond funds to any person upon the notary public's official misconduct. The bond shall be noncancelable, unless the application is denied by the secretary. Such certificate shall be accompanied by evidence that the premium charge for the surety bond has been paid in full."

In line 115, strike out "or (2)" and insert the following in lieu thereof: ", (2) the surety bond purchased by the notary lapses or is cancelled or (3)"

In line 150, before the comma, insert the following: "and a certificate evidencing a five thousand dollar surety bond as required under subsection (b) of section 2 of this act"

In line 159, before the period, insert the following: "and no surety bond shall be required of any such person"

After line 238, insert the following and renumber the remaining subsections in section 12 accordingly:

"(b) A surety for a notary public's bond shall be liable to any person for damages proximately caused to

abs

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that person by the notary's official misconduct, but such liability shall not exceed the penalty of the bond or any remaining bond funds that have not been expended to other claimants. A surety's total liability shall not exceed the penalty of the bond, regardless of the number of claimants."

In line 329, strike out "and"

In line 330, strike out "(2)" and insert the following in lieu thereof: ", (2) give written notice of such name change to the surety holding the notary's surety bond and (3)"

SPEAKER BALDUCCI:

Will you remark further on the bill as amended?
Representative Schmidle of the 106th.

REP. SCHMIDLE: (106th)

Thank you, Mr. Speaker. Through you, I have a question of Representative Tulisano please.

SPEAKER BALDUCCI:

It seems that the Representative has vacated the Chamber.

REP. SCHMIDLE: (106th)

Well, Mr. Speaker, I have a question to anyone who would like to respond in behalf-- Oh, here he comes.

SPEAKER BALDUCCI:

He certainly is.

REP. SCHMIDLE: (106th)

Through you, Mr. Speaker, very happy to see you, Representative Tulisano. I have a question, sir. When the notary bill originally went to the Judiciary

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Committee, there was a penalties clause in it. This penalties clause was very heavily supported by the Attorney General's Office. And I notice when the bill came out of Judiciary, it no longer had the penalty, and I have to assume that Judiciary had a fine reason for doing this. And I just wondered, for legislative intent, if you would explain this to the Chamber?

REP. TULISANO: (29th)

Through you, Madam Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

As, in the discussion, obviously as a referred bill, we made an observation, and I think it was the consensus of the Committee after some discussion from both sides of the aisle, that we thought the issue was covered by other statutes. There is another statute on the book, 53-368. If that doesn't cover all of the issues, I have suggested that we look at that statute, rather than trying to create a whole new series of law. We believe it is covered.

In the last twelve hours, some people have begun to argue about that, but no one argued before the last twelve hours. So-- the lady not included, Mr. Speaker.

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REP. SCHMIDLE: (106th)

Through you, Mr. Speaker, one more short question and comment. There is a case that is referred to as the Dartmouth case, and this was a case where a great many people had signed documents, prepared them to be notarized, and then after all the documents were prepared and signed by everybody except the notary, this whole stack of documents was delivered to a notary, and a notary signed all of these documents without anyone personally being present and that kind of thing.

Would that sort of situation, I think they refer to it as a Dartmouth case, be covered without this kind of a penalty? Through you, Mr. Speaker.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

I believe it is under-- Through you, Mr. Speaker, I believe it is under the statute already cited. Please, I would believe they probably could be subject of violating their own statements, and that-- I don't know whether that is a false-- There is a penalty of false-- I don't remember the title of it. False

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affidavit? Not false affidavit. Like perjury. They are making a complaint under oath. And Section 53 whatever I cited earlier, I believe, also includes that language in there.

Upon oath or affirmation, has been sworn or affirmed to before him by the person, is falsely certifying as to administration of an oath. And there are penalties attaching to that. He is-- \$1,000 or imprisoned not more than three years or both.

REP. SCHMIDLE: (106th)

Thank you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Schmidle. Will you remark further on the bill as amended? If not, staff and guests, to the Well. Members, please be seated. The machine will be opened.

CLERK:

The House of Representatives is voting by roll.
Members, to the Chamber. Members, to the Chamber please. The House is voting by roll.

SPEAKER BALDUCCI:

Have all the members voted, and is their vote properly recorded? If so, the machine will be locked.

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Clerk, take a tally. Clerk, please announce-- Excuse me. Clerk, please announce the tally.

CLERK:

House Bill 5460, as amended by House Amendments "A" and "B".

Total Number Voting	130
Necessary for Passage	66
Those Voting Yea	130
Those Voting Nay	0
Those absent and not Voting	21

SPEAKER BALDUCCI:

The bill as amended is passed. (Gavel)

CLERK:

EXECUTIVE AND LEGISLATIVE NOMINATIONS, Calendar 501, Senate Joint Resolution 40, on page 1, RESOLUTION CONFIRMING THE NOMINATION OF JOHN L. CARUSONE OF HAMDEN, TO BE A DIRECTOR OF THE CONNECTICUT RESOURCES RECOVERY AUTHORITY, AS A MAYOR OF A TOWN.

Favorable Report of the Committee on EXECUTIVE AND LEGISLATIVE NOMINATIONS.

SPEAKER BALDUCCI:

Representative Fritz of the 90th.

REP. FRITZ: (90th)

Mr. Speaker, I move acceptance of the Joint