

# Legislative History for Connecticut Act

HB 5270	PA 15	Scan	1974
Senate - 282-283			2
House - 429-434			6
Judiciary - 0			0
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is most beneficial to him. Name comes to mind that Ellen Burns has spent many, many years in Legislative Commissioner's office and built up a great amount of money under the retirement system for state employees and is now on the Bench and allows her to receive and continue under that program. It's a good bill and I move it to Consent.

THE CHAIR:

Is there any objection? Hearing none, so ordered.

SENATOR ROME:

CALENDAR NO. 0099. File No. 28. House Bill No. 5270.

AN ACT CONCERNING STATUTORY CONSTRUCTION.

Favorable report of the Committee on JUDICIARY.

THE CHAIR:

Senator Guidera.

SENATOR GUIDERA:

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

THE CHAIR:

Will you remark?

SENATOR GUIDERA:

Yes, Mr. President. This simply clarifies the effect of two or more acts passed by the same Legislative Session that amend the same section of the statutes but don't refer to each other. It eliminates the possibility of confusion and controversy and simply states that the last passed act is the one that controls.



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THE CHAIR:

Motion to Consent?

SENATOR GUIDERA:

Yes, Mr. President.

THE CHAIR:

Is there objection? Hearing none, so ordered.

SENATOR ROME:

CALENDAR NO. 0100. File No. 36. House Bill No. 5513.

AN ACT CONFIRMING AND ADOPTING VOLUMES INTO IX, INCLUSIVE, OF THE  
GENERAL STATUTES, REVISED TO 1972.

Favorable Report of the Committee on JUDICIARY.

SENATOR GUIDERA:

Mr. President.

THE CHAIR:

Yes.

SENATOR GUIDERA:

I move acceptance of the Joint Committee's Favorable Report and  
passage of the act in accordance with the Senate.

THE CHAIR:

Will you remark?

SENATOR GUIDERA:

Yes, Mr. President. It simply validates those new statutes that  
you received the other day and their arrangement by Legislative  
Commissioner. I move the matter to Consent.

THE CHAIR:

H-146

CONNECTICUT  
SEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
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Gentleman of the 89th.

hw

REP. DICE: (89th)

Mr. Speaker, I have a question of the honorable chairman of the committee. Can you tell us how this -- what affect this will have of the proposed merger that you're suggesting of the Court of Common Pleas and the Circuit Courts, if any.

DEPUTY SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

There will be no effect.

DEPUTY SPEAKER:

Any further questions? Any remarks? If not, I would ask that the aisles be cleared. All non members return to the well of the House. Clerk please announce a roll call vote. Machine will be open. Have all members voted? Machine will be closed and the Clerk will please take a tally.

ASS'T. CLERK:

Total Number Voting.....	142
Necessary for Passage.....	72
Those Voting Yea.....	142
Those Voting Nay.....	0
Absent and Not Voting.....	9

DEPUTY SPEAKER:

The Joint Committee's favorable report is accepted and the bill is passed.

ASS'T. CLERK:

Cal. No. 69, Your File No. 28, H.B. No. 5270, AN ACT CONCERNING STATUTORY CONSTRUCTION.



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Favorable report of the Committee on Judiciary.

hw

DEPUTY SPEAKER:

Gentleman from the 147th.

REP. BINGHAM: (147th)

Mr. Speaker, I move acceptance and passage of the Joint Committee's favorable report.

DEPUTY SPEAKER:

Question is on acceptance and passage. Will you remark, please.

REP. BINGHAM: (147th)

Yes, Mr. Speaker. This puts into statutory language the practice of the Legislative Commissioner Office which states that the act last passed which is not in conflict with a prior act shall be the law of the state, and only in the case of irreconcilable conflict will the last passed act become the law of the state.

This clarifies a recent decision of the Supreme Court of the State of Connecticut and has been requested by the Legislative Commissioner's Office.

I move acceptance and passage of the bill.

DEPUTY SPEAKER:

Any further remarks? Gentleman from the 104th.

REP. AJELLO: (104th)

Mr. Speaker, in the distinguished chairman's explanation, he indicated that -- he did not indicate, rather, that the last passed act was to control in acts passed at the same session of the General Assembly. I wonder whether it's the intention that this bill cover acts of prior General Assemblies or if that's any kind of an issue. I'd like to have that explained for the



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purposes of the record, then I'll have another further question. hw

DEPUTY SPEAKER:

Gentleman from the 147th..

REP. BINGHAM: (147th)

The acts are to be read together and it's my understanding that it will cover acts of prior General Assemblies, yes.

DEPUTY SPEAKER:

Is the gentleman from the 104th prepared for his second question?

REP. AJELLO: (104th)

Yes, sir. That, from my reading of the file is not what it says, because it says that when two or more acts passed at the same session of the General Assembly.

REP. BINGHAM: (147th)

Through you Mr. Speaker, I don't think it's necessary to say it if in the following session of the General Assembly we pass an act amending a statute, I think obviously that would amend the prior session's act. I think that's an implicit reading in the bill and I don't think it must necessarily be set forth in expressed terms. I think explicitly that's what the bill means, expressly the bills that discusses two acts passed in the same General Assembly.

DEPUTY SPEAKER:

Gentleman from the 104th.

REP. AJELLO: (104th)

I think that clarifies it and I thank the gentleman for the explanation.



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Mr. Speaker, another issue this seems to raise and which it might be useful to discuss in talking about this bill is that there is some case law in the State of Connecticut that is confusing as to the applicability of special acts as opposed to general acts and whether or not the passage of a general act following a special act repeals the earlier special act. This is of importance in communities which have charters granted by special act and becomes the subject of law suits fairly often or at least it has in the past and I wonder whether the chairman has any thought about that.

DEPUTY SPEAKER:

Will the gentleman from the 147th care to answer question No. 2?

REP. BINGHAM: (147th)

Yes, it will affect. It says, of a public or special act, only if it's adopted in the same session.

DEPUTY SPEAKER:

Gentleman from the 104th.

REP. AJELLO: (104th)

I don't disagree with what the gentleman says but I think that we may be creating a new area for litigation at least. If we're going to treat special and general acts adopted in the same session on a different basis from those adopted from one session to another, it seems to me we're not doing anything here to clarify the law in Connecticut and I think that really it would be an ideal opportunity to do that. I think we're leaving something up in the air.



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REP. BINGHAM: (147th)

hw

Through you Mr. Speaker, I respectfully submit that the fear is not well-founded. A general act through home rule cannot amend a special act and therefore I do not believe that it will cause litigation.

DEPUTY SPEAKER:

Gentleman from the 109th.

REP. RATCHFORD: (109th)

Mr. Speaker, through you a question to the distinguished chairman of the Judiciary Committee. Directing your attention to the language in line 7 and then again in line 11, who determines where there is a case of irreconcilable conflict. Is that a judicial determination only?

DEPUTY SPEAKER:

Gentleman from the 147th care to respond?

REP. BINGHAM: (147th)

Judicial determination.

REP. RATCHFORD: (109th)

Thank you.

DEPUTY SPEAKER:

Are there any further questions? If not, I would ask all members to please take their seats. The clerk will announce a roll call vote. All non members return to the well of the House. The aisles be cleared. Machine will be open. Clerk will please announce the tally.

ASS'T. CLERK:

Total Number Voting.....146



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Necessary for Passage.....	74	hw
Those Voting Yea.....	146	
Those Voting Nay.....	0	
Absent and Not Voting.....	5	

DEPUTY SPEAKER:

The Joint Committee's favorable report is accepted and the bill is passed.

Gentleman from the 89th.

REP. DICE: (89th)

Mr. Speaker, for the purpose of making an announcement.

There was a bulletin originally put on members' desks calling a meeting of the Appropriations Committee for Friday morning and it also appears in the bulletin on page 6 as though it's a joint committee meeting with a Corrections Committee and an Appropriations. The Appropriations Committee members are invited to that meeting. There is no meeting as such. The sub-committee meets. So it is a mistake. There is no meeting of the full Appropriations Committee but those who want to attend the Corrections meeting for purposes of listening to the welfare testimony and those members of the sub-committee can meet but I did want to make it clear, there is no meeting of the Appropriations Committee as such. Thank you.

DEPUTY SPEAKER:

Clerk will please read the next bill.

ASS'T. CLERK:

Cal. No. 70, File No. 27, Sub. for H.B. No. 5061. AN ACT  
CONCERNING MUSICAL ENTERTAINMENT IN TAVERNS.

Favorable report of the Committee on Liquor Control.