

Legislative History for Connecticut Act

H.B. 8010 < June 83-29 ~~copy~~ 1983

Senate: 791-798 8p.

House: 1277-1280, 1396-1414. 23p.

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CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS
1983

SPECIAL SESSIONS
JUNE AND JULY

VOL. 26
PART 16
433-858

1983 GENERAL ASSEMBLY

SENATE

SPECIAL SESSION
JUNE 28, 1983

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THE CHAIR:

The issue before the chamber is the adoption of House Bill 8014 which is File 51 and as amended by House Amendment, Schedule B. The Senate has rejected House Amendment, Schedule A. The machine is open. Have all Senators voted? The machine will be closed and locked.

TOTAL VOTING 33

VOTING YEA 33

The measure is adopted.

THE CLERK:

House Bill 8010, File 55, AN ACT CONCERNING THE JURISDICTION OF THE SUPERIOR COURT, THE APPELLATE COURT AND THE SUPREME COURT, as amended by House Amendment A, B, C, and D.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Mr. President, I move adoption of House Bill 8010, AN ACT CONCERNING THE JURISDICTION OF THE SUPERIOR COURT, as amended by House Amendment A, B, C, and D.

I move adoption of House Amendment A. I'd explain it very briefly.

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THE CHAIR:

Proceed, Senator.

SENATOR OWENS:

House Amendment A provides that the sum of \$50,000 is appropriated to the Committee on Legislative Management for the purposes of the Select Committee to Consider the Institution of IMpeachment Proceedings against James H. Kinsella, Judge of Probate. I move its adoption.

THE CHAIR:

Remark further on House A? If not, the issue is adoption. All those in favor will signify by saying aye. Those opposed, nay. The ayes have it. House Amendment A is adopted. Senator Owens.

SENATOR OWENS:

I move adoption of House Amendment B and I explain it as follows. This provides that the chief state's attorney and the deputy chief state's attorney shall receive annual salaries July 1, 1983. The effect of this is that the chief state's attorney will not have his salary on the basis of three successive years, but will be like the other state's attorneys and will be for a period of one year

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commencing July 1 of '83. I move adoption of this Amendment.

THE CHAIR:

Remark further on House B? If not, the issue is adoption. All those in favor of adopting House Amendment, Schedule B will signify by saying aye. Those opposed, nay. The ayes have it. House B is adopted. Senator Owens.

SENATOR OWENS:

I move adoption of House Amendment C and I explain it briefly as follows. This is the so-called foreclosure Bill that was before us which will have the affect of repealing that legislation. This Bill has been worked out. Senator Schneller has worked very hard on it and others have worked hard on clarifying the language defining what ownership is, explaining what restructured mortgage debt is; defining what protection from foreclosure is; defining unemployed persons; underemployed persons. Also the various terms--what terms a default are; the period and duration of the mortgage and it really clarifies and straightens out the Bill that previously had passed both Houses. It makes it far superior. I'd ask its adoption,

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Mr. President.

THE CHAIR:

Remark further on House C? If not, the issue is adoption. All those in favor of adoption of House Amendment, Schedule C will signify by saying aye. Those opposed, nay. The ayes have it. C is adopted.

SENATOR OWENS:

Mr. President, I move adoption of House Amendment D and I'll explain it as follows. This Bill provides that upon request to a criminal justice agency by the Department of Mental Retardation, the criminal justice agency will provide information regarding criminal conviction records of any applicant seeking a license to operate a residential facility for mentally retarded or an applicant for a paid position within the Department. Obviously, there have been some instances that those who have been responsible for mentally retarded persons have had prior criminal records or records relating to child abuse and so forth that have not been brought to the attention of the facilities, to the appropriate agency or the Department of Mental Retardation and I'd ask--this is a fine Amendment and I'd ask its adoption.

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THE CHAIR:

Remark further on House D? If not, the issue is adoption. All those in favor of adopting House Amendment, Schedule D will signify by saying aye. Those opposed, nay. The ayes have it. The Amendment is adopted. Will you remark on the Bill as amended?

SENATOR OWENS:

Yes. On the Bill itself, Mr. President, you will remember that back in November, we passed a Constitutional Amendment creating the Appellate Court. This Bill creates the new Appellate Court and abolishes the existing appellate section of the Superior Court. The proposed Appellate Court will, under this Bill, consist of five judges, one of whom would be designated as Chief Presiding Judge by the Chief Justice of the Supreme Court. It would increase the overall number of Superior Court judges by five; that is from 131 to 136.

The Governor could nominate the new--will nominate the new Appellate Court judges from the existing Superior Court judges from the five new Superior Court judgeships or from both. The judges could sit in panels of three or

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sit with all five present en bank. The Appellate Court would establish court rules concerning the number sitting and would also adopt their own rules. This will be a constitutional court. It will have its own rules. Briefs will be printed and obviously the reasons for it are myriad, more particularly the large volume of business from the hundreds and hundreds of cases that are now pending in the State Supreme Court.

There's been a great deal of effort on passing this piece of legislation from the chief court administrator, from the Chief Justice, from the various Bar groups, from the members of this legislature. The State Supreme Court will retain jurisdiction in Class A felonies, review the death sentences, election or primary disputes, matters involving substantial public interest and reprimands or censure of judges and areas that they should reserve exclusive jurisdiction.

In other matters, the matters will go to the Appellate Court or the Supreme Court who will exercise jurisdiction to keep these. The hour is late. I don't want to go through an extensive dissertation on this Bill

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except it's an important piece of legislation and I appreciate the opportunity--to have an opportunity to explain it to the members of the Circle. I'd ask, if there is no objection, that this Bill--that we take this Bill by Roll Call because the effective date on it is July 1. There are five Appellate Court judges that have to be appointed and I would ask for immediate transmittal after the Bill is adopted by this Senate chamber. Thank you.

THE CHAIR:

Remark further? Request has been made for a Roll Call. The Clerk will make the appropriate announcement.

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:

The issue before the chamber is the adoption of House Bill 8010, File 55, as amended by House Amendment, Schedules A, B, C, and D. The machine is open. The machine will be closed and locked.

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TOTAL VOTING 33

VOTING YEA 33

The measure is adopted.

Senator Owens.

SENATOR OWENS:

Mr. President, I would ask for Suspension of the Rules to allow immediate transmittal to the Governor of House Bill 8010, AN ACT CONCERNING THE JURISDICTION OF THE SUPERIOR COURT, APPELLATE COURT AND THE SUPREME COURT.

THE CHAIR:

Is there any objection to the motion for Suspension relative to the last Bill? If not, the Rules are suspended.

Senator Schneller.

SENATOR SCHNELLER:

Mr. President, I would ask the Clerk to read in the 7th and last page of the Agenda.

THE CLERK:

Clerk has Senate Agenda for June 28, 1983, page 7.

THE CHAIR:

Senator Schneller.

SENATOR SCHNELLER:

Mr. President, I move that all items on page 7 of

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CONNECTICUT
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HOUSE

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1983

SPECIAL SESSIONS
JUNE AND JULY

VOL. 26
PART 31
1130-1538

House of Representatives

Tuesday, June 28, 1983

CLERK:

Page 1, Calendar No. 971, House Bill No. 8010,
AN ACT CONCERNING THE JURISDICTON OF THE SUPERIOR COURT,
THE APPELLATE COURT AND THE SUPREME COURT.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Richard Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I move for acceptance of the joint
committee's favorable report and passage of the bill.

SPEAKER STOLBERG:

Will you remark.

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, the bill before
us implements the constitutional amendment passed by the
voters last session creating a new Appellate court and
at the same time replaces the existing appellate session
of the Superior Court. Under the file copy before us,
the court consists of five judges all of whom will be
appointed by the Governor with the concurrence of the
General Assembly.

The -- all those -- the bill provides that all
of those provisions and cases now pending in the appellate

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session which by statute goes out of existence on July 1, will automatically be continued and rolled over into the appellate jurisdiction of the appellate court. Thereby, maintaining the continuity of those cases not presently pending or for which rights accrue before the effective date of this act which is July 1.

Secondly, the judges will be sitting in panels of three or which means all five and they would establish their own court rules for their own operation. A very important part of this is that the statute suggests that these not be formal briefs be printed as occurs in the Supreme court.

Mr. Speaker, at this point, for purposes of an amendment, I would like to yield to Rep. Polinsky.

SPEAKER STOLBERG:

Rep. Polinsky.

REP. POLINSKY: (38th)

Mr. Speaker, the Clerk has an amendment LCO 7899, I ask that it be called and I have permission to summarize it.

SPEAKER STOLBERG:

The Clerk has an amendment LCO 7899 which will be designated House Amendment Schedule "A". Would the Clerk please call.

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CLERK:

LCO 7899 designated House Amendment "A" offered
by Rep. Polinsky.

SPEAKER STOLBERG:

Rep. Polinsky has asked leave to summarize this,
is there objection? Seeing no objection, please proceed.

REP. POLINSKY: (38th)

Thank you, Mr. Speaker. The amendment simply gives
the sum of \$50,000 to our bipartisan committee which is
studying the -- considering the institution of impeachment
proceedings against James Kinsella, Judge of Probate.
I move adoption of the amendment.

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.

House Amendment Schedule "A".

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CLERK After line 2048, insert the following new section and renumber the remaining section accordingly:

"Sec. 72. The sum of fifty thousand dollars is appropriated to the committee on legislative management for the fiscal year ending June 30, 1984, from the sum appropriated to the finance advisory committee under section 1 of senate bill 2001 of the June, 1983 special session for 1983 acts without appropriations for the select committee to consider institution of impeachment proceedings against James H. Kinsella, judge of probate."

SPEAKER STOLBERG:

Will you remark further.

REP. POLINSKY: (38th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Polinsky.

REP. POLINSKY: (38th)

I think we passed this very fast and I'm very happy that we did. But for procedural purposes, I'd like to suggest that we PT this bill until such time as two other bills have been acted upon.

SPEAKER STOLBERG:

Is there objection? Is there objection? Seeing no objection, it is so ordered.

Would the Clerk please return to the Call of the Calendar.

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

Will the Clerk please announce the tally.

CLERK:

House bill 8014 as amended by "A" and "B".

Total Number Voting	139
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Necessary for Passage	70
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Those Voting Yea	94
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Those Voting Nay	35
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Those Absent and Not Voting	22
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SPEAKER STOLBERG:

The bill is passed.

Will the Clerk please return to the Call of the Calendar.

CLERK:

Page 1, Calander 971, House Bill 8010, AN ACT CONCERNING JURISDICTION OF THE SUPERIOR COURT, THE APPELLATE COURT AND THE SUPREME COURT. The House earlier in the day adopted House Amendment Schedule "A".

SPEAKER STOLBERG:

Rep. Tulisano.

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REP. TULISANO: (29th)

Mr. Speaker, I move for acceptance and passage.

SPEAKER STOLBERG:

Will you remark.

REP. TULISANO: (29th)

Yes, Mr. Speaker, as I indicated earlier the proposal implements the constitutional amendment passed last fall by the voters of the State of Connecticut. It does create the intermediate appellate court. It is something that is necessary to assure, in my opinion, that every litigant at the trial level, on the trial level gets a chance at at least one appeal and one review of their case no matter what its type is inexpensively.

It also would enable and allow us to loosen up the backlog in the Supreme Court giving them an opportunity to address issues of statewide importance and develop statewide legislation -- statewide interpretations of the law in giving detailed and deep analysis to those cases which are of importance to the general public.

Mr. Speaker, the Clerk has an amendment LCO 8107.

SPEAKER STOLBERG:

The Clerk has amendment LCO 8107 House "B". Will the Clerk please call.

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CLERK:

LCO 8107 designated House Amendment "B" offered
by Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, permission to summarize.

SPEAKER STOLBERG:

Rep. Tulisano, just a moment please. Will members
please be seated. Rep. Tulisano, please proceed.

REP. TULISANO: (29th)

The amendment before us modifies the pay raise
given to the State's Chief Attorney. And less everybody's
ears perk up, his was built in for three years inconsistent
with the rest of the state attorneys who only got a one
year pay raise and not three years and this would modify
a bill passed earlier today. We have discussed the matter
with the State's Attorney, he thinks it's appropriate and
I would move it's passage. It would save some money too.

SPEAKER STOLBERG:

Will you remark further on House "B". Rep. Robert
Jaekle, the distinguished leader of the minority party.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. Mr. Speaker, I don't have
any problem with this amendment. I just wondered if anyone
thought about giving a call to the judges to see if they'd

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be so inclined also.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Tulisano, no doubt did.

REP. TULISANO: (29th)

I certainly did, Mr. Speaker and found that it was part of the three year plan which the judges and the state attorneys were on a one year plan.

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.

House Amendment Schedule "B".

After line 2046, insert section 71 as follows and renumber the remaining section accordingly:

"Sec. 71. Subdivision (5) of subsection (a) of section 51-278 of the general statutes is repealed and the following is substituted in lieu thereof:

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(5) The chief state's attorney and the deputy chief state's attorneys shall receive annual salaries as follows: ((A)) On or after (January 1, 1981) JULY 1, 1983, the chief state's attorney, (forty-two thousand one hundred forty-six) FIFTY THOUSAND EIGHT HUNDREN EIGHTY dollars; a deputy chief state's attorney, (forty-one thousand one hundred seven) FORTY-NINE THOUSAND EIGHT HUNDRED TWENTY dollars. (; (B) on or after January 1, 1982, the chief state's attorney, forty-five thousand seventy-three dollars; a deputy chief state's attorney, forty-four thousand fifty-three dollars; (C) on or after January 1, 1983, the chief state's attorney, forty-eight thousand dollars; a deputy chief state's attorney, forty-seven thousand dollars.)"

SPEAKER STOLBERG:

Will you remark further on the bill.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Tulisano.

REP. TULISANO: (29th)

The Clerk has an amendment LCO 8106.

CLERK:

The Clerk has an amendment LCO 8106 House "C".

Will the Clerk please call.

CLERK:

LCO 8106 designated House "C" offered by Rep.

Van Norstrand and Onorato, Senator Sullivan and Owens.

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SPEAKER STOLBERG:

Rep. Tulisano.

REP. TULISANO: (29th)

For purposes of summarization, permission to summarize and may I yield to Rep. Van Norstrand.

SPEAKER STOLBERG:

Is there any objection? Seeing no objection for a brief summary, and we've had longer summaries sometimes this session, Rep. Van Norstrand, do you accept the yield.

REP. VAN NORSTRAND: (141st)

Yes, Mr. Speaker.

SPEAKER STOLBERG:

Please proceed.

REP. VAN NORSTRAND: (141st)

Mr. Speaker, this is a somewhat able bill with a really lovely collection of cosponsors down on this amendment. The short of it is that this relates to the mortgage moratorium bill that we passed in numerous occasions in numerous forms and ultimately prevailed over the Senate.

And what the amendment would do is in a sense and its the products of the labors of a number of people, I would mention the efforts of Sen. Schneller and a variety of other counsels try to make some fine tuning in the bill to try to make it a truly workable bill. Basically it does

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a couple of things. It creates a definition of underemployed people. The bill if you recall mandates that unemployed workers or former workers, but people who are unemployed be entitled to the provisions of the act.

There always was that the court in its discretion could address "underemployed people", the person who for instance had a job in a plant making \$12 or \$15 an hour and took a job, they were not unemployed, but they may be bagging groceries at \$3 an hour or \$4 an hour and could not meet their financial obligations.

The amendment also goes on to define how restructuring a debt will take place. It provides for regulations to be promulgated by the banking commissioner as to how you formulate restructuring interest and composite interest rates. I move adoption, Mr. Speaker.

SPEAKER STOLBERG:

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

REP. RYBAK: (66th)

Mr. Speaker, through you, to Rep. Van Norstrand. Might I inquire as to the germaneness of this amendment on the bill that's being opposed. Rep. Rybak, I'm not sure any member of the Chamber other than the one that's

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standing here could really fully comment on that. I'm sure Rep. Van Norstrand feels it's germane.

REP. VAN NORSTRAND: (141st)

I'll try to answer the question, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Van Norstrand, please proceed.

REP. VAN NORSTRAND: (141st)

Through you, Mr. Speaker. Since moments ago, the gentleman standing there removed me as the floor leader of the Party and I'm not entitled to be the speaker, I guess. I believe it's germane, Rep. Rybak, because the bill before us relates to the courts, the jurisdiction, the effects of certain laws in the State of Connecticut. I think that's why I feel it's germane.

But there are ways to test it.

SPEAKER STOLBERG:

Rep. Rybak, you have the floor.

REP. RYBAK: (66th)

Mr. Speaker, might I enquire your opinion as to the germaneness of the amendment.

SPEAKER STOLBERG:

Only on a point of order, Rep. Rybak.

REP. RYBAK: (66th)

I'm not going to press it Mr. Speaker.

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SPEAKER STOLBERG:

That's fine, Rep. Rybak. Will you remark further.

REP. RYBAK: (66th)

The silk and thread is mighty fine here.

SPEAKER STOLBERG:

Will you remark further on the amendment? If not, will 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 amendment is adopted.

House Amendment Schedule "C".

After line 2046, insert the following new sections and renumber the remaining sections accordingly:

"Sec. y1. Section 6 of public act 93-547 is repealed and the following is substituted in lieu thereof:

For the purposes of (this act) PUBLIC ACT 83-547:

(1) "Unemployed person" means a person who is unemployed for purposes of chapter 567 of the general statutes.

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(2) "Homeowner" means a person who has an OWNER-SHIP interest in residential real property secured by a mortgage which (property serves as his principal residence) IS THE SUBJECT OF A FORECLOSURE ACTION, AND WHO HAS OWNED AND OCCUPIED SUCH PROPERTY AS HIS PRINCIPAL RESIDENCE FOR A CONTINUOUS PERIOD OF NOT LESS THAN TWO YEARS IMMEDIATELY PRECEDING THE COMMENCEMENT OF SUCH FORECLOSURE ACTION.

(3) "Restructured mortgage debt" means the adjustment by a court of a mortgage debt (which results in) TO GIVE protection from a Foreclosure ACTION.

(4) "Protection from foreclosure" means a court ordered (adjustment) RESTRUCTURING of a mortgage debt designed to eliminate an arrearage in payments on such debt and to provide (an additional six-month) A period NOT TO EXCEED SIX MONTHS during which foreclosure is (prohibited) STAYED.

(5) ("Financial institution" means a state bank and trust company, savings bank, savings and loan association, credit union, or any federally chartered banking institution) "LENDER" MEANS ANY PERSON WHO MAKES OR HOLDS MORTGAGE LOANS IN THE ORDINARY COURSE OF BUSINESS AND WHO IS THE HOLDER OF ANY FIRST MORTGAGE ON RESIDENTIAL REAL ESTATE WHICH IS THE SUBJECT OF A FORECLOSURE ACTION.

(6) "UNDEREMPLOYED PERSON" MEANS A PERSON WHOSE EARNED INCOME DURING THE TWELVE-MONTH PERIOD IMMEDIATELY PRECEDING THE COMMENCEMENT OF THE FORECLOSURE ACTION IS LESS THAN SEVENTY-FIVE PERCENT OF HIS AVERAGE ANNUAL EARNED INCOME DURING THE TWO YEARS IMMEDIATELY PRECEDING SUCH TWELVE MONTH PERIOD.

Sec. 72. Section 7 of public act 83-547 is repealed and the following is substituted in lieu thereof:

In an action by a (financial institution) LENDER for the foreclosure of a mortgage of residential real property, such (financial institution) LENDER shall give notice to the homeowner of the availability of the provisions of (this act) PUBLIC ACT 83-547 at the time the action is commenced.

Sec. 73. Section 8 of public act 83-547 is repealed and the following is substituted in lieu thereof:

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(a) A (person) HOMEOWNER WHO IS UNDEREMPLOYED OR UNEMPLOYED against whom a foreclosure action is brought may make application, together with a financial affidavit, to the court having jurisdiction over the foreclosure action for protection from foreclosure if: (such person:) (1) (Has had a) THE mortgage (on) BEING FORECLOSED ENCUMBERS THE residential real property, which property (serves) HAS SERVED as his principal residence, for a period of not less than two years and (2) SUCH HOMEOWNER has not had a foreclosure action brought against him in the preceding seven-year period.

(b) The court shall determine the eligibility of such (person) HOMEOWNER for protection from foreclosure pursuant to the provisions of this act.

(c) In determining the eligibility of a homeowner for protection from foreclosure under the provisions of (this act) PUBLIC ACT 83-547, the court may consider any relevant facts and shall consider:

(1) The duration of an reasons for any period of unemployment of the homeowner or primary wage earner in the case of a joint mortgage.

(2) The record of payment on the mortgage debt by the homeowner prior to any period of UNDEREMPLOYMENT OR unemployment.

(3) The likelihood that the homeowner will be able to make timely payments on the RESTRUCTURED mortgage COMMENCING at the end of the restructuring period.

(4) The amo-nt of equity the homeowner has in the (premises) PROPERTY.

(5) The presence of any substantial prejudice to the (financial institution) LENDER OR ANY SUBORDINATE LIENOR OR ENCUMBRANCER which would result from (an adjustment) A RESTRUCTURING of the mortgage debt.

(d) If the court approves the application for protection form foreclosure action AND RESTRUCTURES THE MORTGAGE DEBT, the foreclosure shall be stayed FOR THE RESTRUCTURING PERIOD IF, FOR A PERIOD OF THREE MONTHS FOLLOWING THE END OF THE RESTRUCTURING PERIOD, THERE ARE NO FURTHER

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PROCEEDINGS TO CONTINUE THE FORECLOSURE PROCEEDINGS BASED UPON A DEFAULT ON THE MORTGAGE AS RESTRUCTURED, THE FORECLOSURE ACTION SHALL BE DISMISSED. THE RESTRUCTURED MORTGAGE DEBT SHALL HAVE THE SAME PRIORITY AS IF IT HAD BEEN ADVANCED AT THE TIME THE MORTGAGE WAS DELIVERED.

Sec 74. Section 9 of public act 93-547 is repealed and the following is substituted in lieu thereof:

(a) (The) IF IT DETERMINES THAT A HOMEOWNER WHO IS AN UNDEREMPLOYED PERSON IS ELIGIBLE FOR PROTECTION FROM FORECLOSURE PURSUANT TO SUBSECTIONS (a) AND (c) OF SECTION 8 OF PUBLIC ACT 83-547, AS AMENDED BY SECTION 73 OF THIS ACT, THE court in its discretion may order the restructuring of the mortgage debt of (a) SUCH homeowner so as to eliminate any arrearage in payments on the mortgage debt and may allow (an additional six-month) A restructuring period NOT TO EXCEED SIX MONTHS.

(b) (In the case of) IF IT DETERMINES THAT A HOMEOWNER WHO IS an unemployed person IS ELIGIBLE FOR PROTECTION FROM FORECLOSURES PURSUANT TO SUBSECTION (a) OF SECTION 8 OF PUBLIC ACT 83-547, AS AMENDED BY SECTION 73 OF THIS ACT, the court shall order the restructuring of the mortgage debt to eliminate any arrearage in payments on the mortgage debt and shall order (an additional six month) A restructuring period NOT TO EXCEED SIX MONTHS.

Sec. 75. Section 10 of public act 83-547 is repealed and the following is substituted in lieu thereof:

(a) As a condition to the granting of a restructuring order, the court may order the homeowner to pay to the (financial institution) LENDER DURING THE RESTRUCTURING PERIOD an amount not to exceed twenty-five per cent of his net income per month as a means of demonstrating the homeowner's good faith effort to reduce his mortgage indebtedness.

(b) For purposes of this section, "net income" shall include any unemployment benefit received by the homeowner in accordance with chapter 567 of the general statutes, as amended by sections 2, 3 and 4 of (this act) PUBLIC ACT 83-547 is repealed and the following is substituted in lieu thereof:

(a) IN DETERMINING THE RESTRUCTURED MORTGAGE DEBT

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THE COURT SHALL ADD THE FOLLOWING TO THE EXISTING PRINCIPAL BALANCE OF THE MORTGAGE DEBT: (1) ALL INTEREST THEN DUE THE LENDER AND ANY INTEREST THAT WILL BE EARNED TO THE END OF THE RESTRUCTURING PERIOD, SUCH INTEREST OT BE COMPUTED AT THE RATE PROVIDED IN THE MORTGAGE NOTE, (2) REAL PROPERTY TAXES, (3) PREMIUMS FOR FEDERAL HOUSING ADMINISTRATION, VETERANS' ADMINISTRATION AND PRIVATE MORTGAGE INSURANCE, AND (4) COURT COSTS, LEGAL FEES AND ANY OTHER SUMS THE COURT DETERMINES TO BE DUE UNDER THE TERMS OF THE MORTGAGE INDEBTEDNESS BY THE COURT. THE COURT SHALL THEN APPLY THE COMPOSITE INTEREST RATE AS PROVIDED IN SUBSECTION (c) OF THIS SECTION TO SUCH TOTAL RESTRUCTURED DEBT OVER THE REMAINING TERM OF THE LOAN.

(b) The amount of the mortgage debt (following) AT THE END OF any period of restructuring shall in no event exceed the amount of the original mortgage debt. THE PROVISIONS FOR RESTRUCTURING THE MORTGAGE DEBT AND STAYING THE FORECLOSURE SHALL APPLY ONLY IF THE DEBT AS RESTRUCTURED WOULD NOT EXCEED THE ORIGINAL MORTGAGE INDEBTEDNESS. Any sums added to the existing mortgage debt as a result of a restructuring order shall accrue interest at prevailing market rates AFTER THE CONCLUSION OF THE RESTRUCTURING PERIOD, WHICH RATE SHALL BE EITHER FIXED OR VARIABLE DEPENDING UPON THE UNDERLYING MORTGAGE NOTE.

((c)) (c) At the conclusion of the restructuring period, the new mortgage debt shall be computed based upon a composite rate of interest. THE COMPOSITE RATE OF INTEREST RATE AS TO THE PRINCIPAL BALANCE AND THE PRE-VAILING INTEREST RATE AS TO ALL SUMS ADDED TO THE PRINCIPAL BALANCE TO ESTABLISH THE TOTAL RESTRUCTURED MORTGAGE DEBT, EXCEPT THAT IN THE CASE OF A FLEXIBLE RATE, VARIABLE RATE OR SIMILAR ADJUSTABLE RATE MORTGAGE NOTE, THE PROVISIONS OF THE UNDERLYING MORTGAGE NOTE FOR THE RE-DETERMINATION OF THE INTEREST RATE ON THE MORTGAGE SHALL CONTINUE TO APPLY AND REMAIN IN FULL FORCE AND EFFECT DURING THE REMAINDER OF THE TERM OF THE MORTGAGE.

Sec. 77. (NEW) The banking commissioner shall adopt regulations in accordance with chapter 54 of the general statutes as he deems necessary specifying (1) the manner in which a composite interest rate shall be computed for the new mortgage debt pursuant to subsection (c) of section 11 of public act 83-547, as amended by section 76 of this act and (2) the method or standard by which prevailing market rates of interest are to be determined."

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In line 2050, after "1983" insert the following:
", except that sections 71 to 77, inclusive, shall take
effect October 1, 1983"

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has an amendment LCO 8109.

SPEAKER STOLBERG:

The Clerk has an amendment LCO 8109 designated
House "B". Will the Clerk please call.

CLERK:

LCO 8109 designated House "D" offered by Rep.
Onorato.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Tulisano.

REP. TULISANO: (29th)

I wish to summarize.

SPEAKER STOLBERG:

Rep. Tulisano asks leave to summarize without
objection. Please proceed.

kss

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REP. TULISANO: (29th)

Mr. Speaker, this would allow the Department of Mental Retardation to get Criminal Justice Agency records for individuals applying for jobs for them. I move for it's adoption.

SPEAKER STOLBERG:

Rep. Tulisano.

REP. TULISANO: (29th)

I move for adoption.

SPEAKER STOLBERG:

Do you want to remark.

REP. TULISANO: (29th)

I think I explained what it does do, Mr. Speaker. I think it's necessary to help determine that those that are hired by the Department do not have a record so you do not have any problems of abuse, etc. The --

SPEAKER STOLBERG:

Will you remark further on the amendment.

If not, all those in favor of the amendment please indicate by saying aye.

REPRESENTAIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay.

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REPRESENTAIVES:

No.

SPEAKER STOLBERG:

The amendment is adopted.

House Amendment Schedule "D".

After line 2046, add section 71 as follows and renumber the remaining sections accordingly:

"Sec. 71. Section 54-142k of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Each person or agency holding criminal history record information shall establish reasonable hours and places of inspection of such information.

(b) Criminal history record information other than nonconviction information, shall be available to the public unless otherwise prescribed by law.

(c) Any person shall, upon satisfactory proof of his identity, be entitled to inspect, for purposes of verification and correction any nonconviction information relating to him and upon his request shall be given a computer printout or photocopy of such information for which a reasonable fee may be charged provided that no erased record may be released except as provided in subsection (f) of section 54-142a. Before releasing any exact reproductions of nonconviction information to the subject, the agency holding such information may remove all personal identifying information from it.

(d) Any person may authorize in writing an agency holding nonconviction information pertaining directly to such person to disclose such information to his attorney-at-law. The holding agency shall permit such attorney to inspect and obtain a copy of such information if both his identity and that of his client are satisfactorily

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established; provided no erased record may be released unless such attorney attests to his client's intention to challenge the accuracy of such record.

(e) Any person who obtains criminal history record information by falsely representing to be the subject of the record shall be guilty of a class D felony.

(f) Notwithstanding any other provisions of law to the contrary, upon request to a criminal justice agency by the department of children and youth services or by any other youth service agency approved by the department such criminal justice agency shall provide information to the department or youth service agency concerning the criminal conviction record of an applicant for a paid or voluntary position, including one established by contract, whose primary duty is the care or treatment of children, including applicants for adoption or foster parents. All information, including any criminal conviction record, procured by the department of children and youth services or any other youth service agency shall be confidential and shall not be further disclosed by such agencies or their representatives. Any violation of the provisions of this subsection relative to the confidentiality of information received by the department of youth services or other youth service agencies shall be punishable by a fine of not more than one thousand dollars.

(g) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY, UPON REQUEST TO A CRIMINAL JUSTICE AGENCY BY THE DEPARTMENT OF MENTAL RETARDATION SUCH CRIMINAL JUSTICE AGENCY SHALL PROVIDE INFORMATION TO SAID DEPARTMENT CONCERNING THE CRIMINAL CONVICTION RECORD OF AN APPLICANT SEEKING A LICENSE TO OPERATE A RESIDENTIAL FACILITY FOR MENTALLY RETARDED PERSONS OR AN APPLICANT FOR A PAID POSITION WITHIN SAID DEPARTMENT WHICH INVOLVES DIRECT CONTACT WITH MENTALLY RETARDED PERSONS. SUCH DISCLOSURE SHALL BE LIMITED TO INFORMATION CONCERNING CONVICTIONS OF CLASS A OR B FELONIES OR OF CRUELTY TO PERSONS PURSUANT TO SECTION 53-20. ALL INFORMATION PROCURED BY THE DEPARTMENT OF MENTAL RETARDATION SHALL BE CONFIDENTIAL AND SHALL NOT BE FURTHER DISCLOSED BY SAID DEPARTMENT OR ITS REPRESENTATIVES. ANY VIOLATION OF THE PROVISIONS OF THIS SUBSECTION RELATIVE TO THE CONFIDENTIALITY OF INFORMATION RECEIVED BY THE DEPARTMENT OF MENTAL RETARDATION SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS."

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SPEAKER STOLBERG:

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

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.

Have all the members voted and is your vote
properly recorded. The machine is still open. Rep. Noonan,
it's okay. You can slow the pace. Have all the members
voted and is your vote properly recorded. If so, the
machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

CLERK:

House Bill No. 8010 with House Amendments "A", "B",
"C" and "D".

Total number voting	129
Necessary for passage	65
Those voting yea	127
Those voting nay	2
Those absent and not voting	22

ktb

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SPEAKER STOLBERG:

The bill is passed.

Rep. Moynihan.

REP. MOYNIHAN: (10th)

Mr. Speaker, for the purposes of placing some items on the Consent Calendar.

SPEAKER STOLBERG:

Please proceed.

REP. MOYNIHAN: (10th)

Mr. Speaker, these are items from the Senate Calendar for the benefit of the members of the House. I move the following items to the Consent Calendar.

Calendar No. 947, Senate Bill No. 2008, AN ACT APPROPRIATING FUNDS FOR SHELTER SERVICES FOR VICTIMS OF HOUSEHOLD ABUSE AND FOR THE DEVELOPMENT OF EMERGENCY SHELTERS, File No. 11.

Calendar No. 949, Senate Bill No. 2010, File No. 114, AN ACT CONCERNING GROUP LIFE INSURANCE FOR STATE EMPLOYEES.

Calendar No. 955, Senate Bill No. 2016, Excuse me, Mr. Speaker, backing up.

Calendar No. 954, Senate Bill No. 2015, File No. 21, AN ACT CONCERNING HEALTH CARE COVERAGE FOR NEEDY PREGNANT WOMEN AND INFANTS AND ASSISTANCE TO COMMUNITY HEALTH CENTERS.