

Act Number: 09-057

Bill Number: 1028

Senate Pages: 1262, 1392-1393, 1960-1965, 2006-2007 **11**

House Pages: 3730, 3874-3876 **4**

Committee: None **0**

Page Total: **15**

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001262

Motion is on consent. Without objection, so
ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 462, House
Bill Number 6537, I move to place this item on the
Consent Calendar.

THE CHAIR:

Motion is on consent. Without objection, so
ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 463 is marked
PR.

Calendar 464 is marked go.

Calendar 465, PR.

Calendar 466 is Senate Bill Number 1028, Mr.
President, I move to place this item on the Consent
Calendar.

THE CHAIR:

The motion is on consent. Without objection, so
ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 467 is PR.

Calendar 468, PR.

Calendar 469, PR.

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001392

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Also on calendar page 17, Calendar 382, Senate Bill 841, which had been placed on the Consent Calendar, would move to remove that item from the Consent Calendar and to mark it PR.

THE CHAIR:

Seeing no objection, so ordered, even though I'm already showing it as PR.

SENATOR LOONEY:

Okay. Thank you, Mr. President. Calendar page 24, Calendar 430, Senate Bill 1014, that had been placed on the Consent Calendar, would seek to remove that from the Consent Calendar and mark it PR, also.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. And the final altered marking, calendar page 31, Calendar 466, Senate Bill 1026 had been placed on the Consent Calendar, would move to remove that item from the Consent Calendar and to mark it PR.

THE CHAIR:

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Excuse me, sir, just a correction. Is that 1028?

SENATOR LOONEY:

It's Calendar 466.

THE CHAIR:

Bill Number 1028?

SENATOR LOONEY:

Yes.

THE CHAIR:

Okay, sir.

SENATOR LOONEY:

From the Consent Calendar to PR.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Good. Thank you, Mr. President. Mr. President, returning to the markings of the calendar. I believe we had completed marking as far as page 31, beginning now on calendar page 32, Calendar 471, Senate Bill 1128 --

THE CHAIR:

Excuse me, Senator Looney --

Could you please talk your conversations outside, close the doors, we still got some work to do folks.

Thank you.

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Those Absent/Not Voting 0

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

Calendar page 10, Calendar Number 466, File Number 681, Senate Bill Number 1028, An Act Confirming and Adopting Volumes 1 to 13, Inclusive, of the General Statutes, Revised to 2009, and Considering Statutory References, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

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

THE CHAIR:

Acting on approval and passage of the bill, sir, would you like to remark further?

SENATOR MCDONALD:

Yes, Mr. President. Mr. President, the first portion of this bill is one that we normally adopt every couple of years confirming and ratifying the

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General Statutes as -- as adopted.

The second portion of this bill, however, would establish a new rule of statutory construction in our statutes which would make it clear that when a statute references another statute of this state, that reference includes any amendments to the referenced statute, unless a contrary intent is clearly expressed in the legislation. Statutes frequently incorporate other statutes by reference rather than repeating the actual language of that other statute, and most readers of those statutes that incorporate other statutes by reference would generally assume that in order to fully understand that statute they would have to make reference to the most recent version of the incorporated statute with any amendments that might have been adopted over the years. But there's a old line of statutory construction cases that occasionally have been invoked where courts have said otherwise, and this legislation would make it clear that the most recent version of the statute would control.

THE CHAIR:

Will you remark further on Senate Bill 1028?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. Through you, if I may, a couple of quick questions to the proponent of the bill.

THE CHAIR:

Senator McDonald.

SENATOR ROARBACK:

Thank you, Mr. President. My understanding is that there's a -- an old common law rule called the "cross-reference cannon" and by virtue of that old common law rule, this -- Connecticut has from time to time said that if a statute incorporates another statute by reference, the reference is made to the incorporated statute at the time the new statute is passed. And through you, Mr. President, to Senator McDonald, my understanding of Section 2 of this bill is that it's going to get rid of the common law cross-reference cannon and instead provide that whenever we incorporate another statute by reference our intention is, for if the reference statute is updated over time, that the statute which makes reference to the other statute will always incorporate the updated referred statute. That's a mouthful, Mr. President, it's kind of a strange --

THE CHAIR:

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Got it.

Senator McDonald.

SENATOR ROARBACK:

Through you, to Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Through you to Senator Roraback, that's correct.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

It's the antithesis of the question; the brevity of the answer; the clarity of the answer. And so my understanding, Mr. President, through you, one more question for Senator McDonald, is that this change will put Connecticut on a par with at least 20 other states which have codified the presumption that whenever a statute is incorporated by reference, the incorporated statute will be updated along with the statute from which reference is made? Through you, to Senator McDonald, we're joining those other states to make life simpler for practitioners, so they don't get caught in a trap and have to refer back to a statute at the time it was passed.

THE CHAIR:

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Senator McDonald.

SENATOR MCDONALD:

Thank you,, Mr. President. I'm tempted to just say that's correct again, but it is correct and I thank Senator Roraback for the question. It will, in fact, substantially facilitate the drafting of our laws and eliminate the necessity of updating all statutory references internally within legislation, so that our legislative commissioners will be very pleased with bills such as this, but more importantly, it will create clarity in our laws going forward.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. I appreciate Senator McDonald's answers and I urge everyone to support this bill. It will make Connecticut a little bit of a simpler place for all of us. Thank you, Mr. President.

THE CHAIR:

Thank you.

Will you remark further on Senate Bill 1028?

Senator McDonald.

SENATOR MCDONALD:

Mr. President, if there's no objection might this item be placed on the Consent Calendar?

THE CHAIR:

Motion is to place the item on Consent.

Seeing no objection, so ordered.

THE CLERK.

Calendar Number 468, File Number 683, Substitute for Senate Bill 1089, An Act Concerning Automatic External Defibrillators, favorable report of Committee on Judiciary. The Clerk is in possession of three amendments.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

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

THE CHAIR:

Acting on approval and passage of the bill, sir, will you remark further?

SENATOR MCDONALD:

Yes, Mr. President. Mr. President, I believe that the Clerk is in possession of LCO Number 6369. I ask that it be called and I be granted leave to

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Calendar.

THE CLERK:

Immediate roll call has been ordered in the
Senate on the second Consent Calendar. Will all
Senators please return to the chamber. Immediate roll
call has been ordered in the Senate on the second
Consent Calendar. Will all Senators please return to
the chamber.

Mr. President, those items placed on the second
Consent Calendar begin on Calendar page 2, Calendar
150, Substitute for Senate Bill 895; Calendar page 10,
Calendar Number 466, Senate Bill 1028; Calendar 468,
Substitute for Senate Bill 1089; and Calendar page 11,
Calendar 491, Senate Bill 964.

Mr. President, that completes those items placed
on the second Consent Calendar.

THE CHAIR:

You can announce the Consent Calendar sir.

THE CLERK:

The Senate is now voting by roll call on the
Consent Calendar. Will all Senators please return to
the chamber. Immediate roll call has been ordered in
the Senate on the Consent Calendar. Will all Senators
please return to the chamber.

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THE CHAIR:

Senator McLachlan. Senator Slossberg. Thank you.

All Senators have voted. Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 2.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President. Mr. President, just another change in calendar marking, an item on the foot to be removed. Mr. President, Calendar page 48, Calendar 129, Senate Bill 775, if that item might be removed from the foot and marked PR.

THE CHAIR:

Motion is to remove item from the foot. Seeing

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Thank you, Madam Speaker. It's lovely to see you up there this evening.

DEPUTY SPEAKER ORANGE:

It's always nice to see you as well.

REP. OLSON: (46th)

Thank you. I'm going to moving three items to the Consent Calendar for action later on today in today's Session, Items Number 476, Calendar Number 582 and Calendar Number 614.

HB 6493
SB 963
SB 1028

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

The motion before us is to place the following items on the Consent Calendar for action later in the day. They are Calendar Number 476, Calendar Number 582 and Calendar Number 614.

Is there objection to the motion? Is there objection to the motion? Hearing none, those items are placed on the Consent Calendar for later action today.

Will the Clerk please call Calendar Number 299.

CLERK:

On Page 38, Calendar Number 299, Substitute for House Bill Number 6466 AN ACT CONCERNING PROJECTSW OF

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I move for the immediate transmittal of Calendar Number 603 to the Governor, please.

SPEAKER DONOVAN:

The motion is for immediate transmittal of Calendar Number 603 to the Governor. Is there any objection? Any objection? Representative Cafero? Hearing no objection, the Bill is immediately transmitted.

Will the Clerk please call Calendar Number 476.

CLERK:

On Page 15, Calendar Number 476, House Bill Number 6493 AN ACT CONCERNING REGIONAL SCHOOL DISTRICTS. Favorable Report of the Committee on Education.

SPEAKER DONOVAN:

Representative Olson.

REP. OLSON: (46th)

Thank you, Mr. Speaker. We will now be voting on the Consent Calendar. There are three items that we moved to the Consent Calendar earlier in today's Session, Calendar Number 476, Calendar Number 582 and Calendar Number 614. And in fact, we can't forget Calendar Number 594.

HB 6493
SB 963
SB 1028
SB 781

Thank you, Mr. Speaker.

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SPEAKER DONOVAN:

The question before us is on passage of the Bills on today's Consent Calendar. Will you remark?

Representative Cafero.

REP. CAFERO: (142nd)

Thank you, Mr. Speaker. Mr. Speaker, unless, and may be I did not hear, those four Bills that are on the Consent Calendar, I heard Representative Olson say something toward the end there, and I didn't quite catch that.

SPEAKER DONOVAN:

Representative Olson, can you repeat what you said?

REP. OLSON: (46th)

Yes. In fact, those are the four items that we moved to the Consent Calendar during today's Session.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO: (142nd)

Thank you.

SPEAKER DONOVAN:

Thank you. Will you remark on today's Consent Calendar? Will you remark?

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If not, staff and guests come to the Well of the House. Members take their seats. The machine will be opened.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber.

The House is voting today's Consent Calendar by Roll Call. Members to the Chamber.

SPEAKER DONOVAN:

Have all the Members voted? Have all the Members voted? Members please check the board to make sure your vote has been properly cast.

If all the Members have voted, the machine will be locked, and the Clerk will please take a tally.

Will the Clerk please announce the tally.

CLERK:

On today's Consent Calendar.

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

SPEAKER DONOVAN:

The Consent Calendar passes.