

HB 6504

PA 607

1971

Liquor Control

2-9

House

4429-4430

Senate

3090

**JOINT
STANDING
COMMITTEE
HEARINGS**

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The other bill that I see that could make it easier for the club with bookkeeping and records is 6504, House Bill No. 6504. There may be more important bills in this session, I am sure, than this particular bill but I would think that some of the technical violations that may present a problem would be eliminated with this bill and, therefore, I would think there would be some benefit for the clubs if this bill were adopted.

I also have quickly looked at Bill No. 5485, House Bill 5485. I do not feel I have studied it enough or talked to enough people on that particular bill to take a position on it and, therefore, I would look forward to speaking with people in this field, including members of the Liquor Control Commission, to find out how they feel about this particular bill.

However, I do know of a problem that exists that all of you are aware of that have been on the committee in the past and that is the problems that the club permits present for the restaurant permittees. In the past we have had this problem and I don't know if it was ever resolved to everyone's satisfaction. Maybe it will never be. However, there is one area I would like to suggest, in the spirit of trying to meet the problem of small clubs that have fine facilities but have some legal difficulty in my mind in renting that facility to anyone except a member. Towns such as Ridgefield where we have many philanthropic and civic organizations that need a large facility and can find none except possibly at a club - I think a public service could be accomplished if we would permit those philanthropic and civic organizations who need a large facility, say once a year, for a dance or a banquet, to apply for a special permit to conduct such an affair. I don't think it would be detrimental to the restaurants and I think it would perform a public service for the clubs that I mentioned - civic and philanthropic and eleemosynary institutions, that is the word, charitable institutions. Thank you.

Chairman Provenzano: Thank you for the new word Senator. Are there any other legislators who wish to be heard? Is there anyone from the Liquor Control Commission here present, representing the Commission? No one here from the Commission? All right, we will continue with the hearing on House Bill 6504. Anyone speaking in favor of 6504?

Walter Napierata: Mr. Chairman, Chairman Dupont, my name is Walter Napierata and I am an attorney at law representing the Federated Clubs of Connecticut, an organization consisting of over 350 clubs throughout the State of Connecticut. They include veterans' organizations, ethnic groups, Moose, Elks, whatever you want to have and

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we want to go on record as being in favor of House Bill 6504. Now, the present liquor laws provide a person is not considered a guest of a member until his name is entered into a guest book provided for that purpose. A guest's name and his address and the date of introduction must be entered by the member and the member must sign after it. We have experienced in the past individuals who have had a lack of education, can not read or write too well. They don't know how to spell names. They have a hearing or a sight impediment and in this situation we propose, and this is our proposal for this committee, that they be allowed to allow the guest to sign his own name into the guest book and the particular member sign his name after it. There is not going to be any change in the guest book requirement except allowing the member to have his guest sign his name; especially if he doesn't understand the spelling of the person's last name. Now, I dare say that anybody here could probably write my name to a guest book right now and write it properly. I didn't spell it for anybody here but it is N-a-p-i-e-r-a-t-a and we certainly urge you to act very favorably on that particular bill. Thank you.

Senator Dupont: I would like to ask you a question. Is there a law on the books now or is this a regulation?

Walter Napierata: It is a regulation.

Senator Dupont: And your bill - you are proposing now to make this regulation into a law.

Walter Napierata: Right.

Senator Dupont: Have you made any attempt to have the Liquor Control Commission change the regulations?

Walter Napierata: Yes, we indicated to them and they have not felt constrained to go along with the change in the regulation.

Senator Dupont: So you decided to ask the General Assembly.

Walter Napierata: Yes we did.

Representative Esposito: Is there a limit to how many guests a member can have?

Walter Napierata: At the present time, the Liquor Control Commission does not require any limitation on the number of guests although they do frown upon a bartender or somebody who signs in 50 or 60 members

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every day. Now this is usually scrutinized by the liquor control inspectors. If they see too many names entered into a guest book, they start asking questions why the names are entered into the guest book and under what conditions and if the bartender is a permittee they look into that particular position because certainly the clubs are well aware of the fact that signing too many members looks and smacks like it is a commercial operation and this is a thing which a great many clubs are on the watch for because they want to meet the requirements for the regulation and the law as it presently applies to them at the present time.

Representative Esposito: Is there a penalty?

Walter Napierata: Well there could be a penalty; there could be a hearing before the Liquor Control Commission where they could be suspended for the violation of the guest book requirements and the usual suspension has been 10 days.

Representative Dice: Could you tell us what the position of the Liquor Control Commission was in not allowing the guests to sign their own names?

Walter Napierata: No, I have no idea of what governed their thoughts on this matter.

Representative Dice: How long ago did you ask them?

Walter Napierata: Well, it was the last session I guess since we asked them. They were well aware of this particular bill at that time. Incidentally this passed, and they passed it out on the House floor to go in the Senate. In the last two days of the session two years ago, this bill was, I believe, resubmitted back to the Senate after reaching the floor.

Chairman Provenzano: To the members representing the liquor industry, whether it be restaurants, clubs, package stores, whatever it may be, next week we will be hearing new permits and regulations and many of your grievances may be within the regulations and we certainly would like to hear what you have to say on those regulations. It would be wise for you to look those regulations over between now and next week. We are going to have that hearing on the 3rd and we would like to know whether there are points in those regulations which should be changed or revised by us or disallowed by us. So please be prepared. We are going to have that hearing next week. This is very vital. You made a very important point concerning the regulation.

Anyone else speaking in favor of 6504. Please give your name and speak into the mike.

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Leo P. Flamion: My name is Leo P. Flamion. I am Chairman of the Legislative Committee of the Federated Clubs of Connecticut. We are in favor of Bill 6504. To save time at this hearing, my remarks in favor of this are about the same as Attorney Napierata's.

Mr. Sorokin: Mr. Chairmen and Members of the Liquor Control Committee, my name is _____ Sorokin. I represent the Varpas Club, the Spartans A. C. of New Britain, Connecticut. We have come to a point now where we have all the old people who belong to our clubs, the founder of the clubs, and they come in where we have them now. They can't see good. They can't write and we feel that this is a wonderful thing and we go along with 6504 and we wish you would give it a favorable feeling.

Chairman Provenzano: Anyone else wishing to speak in support of 6504?

Philip G. R. Dionne: I am Philip G. R. Dionne. I am the President of a club in Groton, Connecticut.

Chairman Provenzano: Would you mind spelling your name, sir?

Philip G. R. Dionne: D-i-o-n-n-e, and I also speak for the Submarine Veterans Club of Groton, Connecticut and they both have asked me to come over here and speak of this bill for the same reasons stated by Attorney Napierata.

Chairman Provenzano: Do any of the members have any questions? If you do, don't be afraid to ask. Anyone else wishing to speak in support of 6504? If we have no others wishing to speak in favor of it, we will hear the opposition to 6504. Will those persons wishing to oppose 6504, please come forward and give your name.

Kevin Kenny: Kevin Kenny, 75 Pearl Street, Hartford. I am attorney for the Associated Restaurants of Connecticut. This particular bill deletes from the regulations of the Liquor Control Commission that clause-by the member introducing him. Now that would be right after the name and address would be entered in the guest book by the member introducing him. Now that is being taken out. They have attempted this in the past but the Liquor Control Commission has had quite a bit of experience with the problems of the private clubs and I presume this is why they insist on this particular regulation. We feel this is an attempt to circumvent the restrictions imposed by the Liquor Control Commission and in the past when the Commission has testified, they have indicated that this can get out of line where a bartender or permittee can sign up, as the previous speaker indicated,

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50 or 60 people. Now the Commission has an opportunity to check on them and they question them on why. If you pass this legislation, the Commission will no longer have the opportunity to question the club at all so that 50 or 60 people could walk in off the street and the bartender could sign them in. That is why we are opposed to it.

Representative Esposito: Are you speaking in regard to one day, one particular instance, or are you talking about over a week's period or three days or what?

Kevin Kenny: You mean on signing them in?

Representative Esposito: On the bartender's signing them.

Kevin Kenny: Well, I think if this bill were to pass, it could happen every day in the week.

Representative Esposito: The other attorney mentioned the control the inspector would have over the guest book requirement against questioning and then when I asked him about a penalty, there would be a suspension if this was abused.

Kevin Kenny: Well if this bill were to pass, there would be no penalty. There would be no restriction. I mean that is the way I read it because the way they check on it now, it's by the member introducing him into the club, his guest. Now the Commission must tell a private club if 50 people sign up by one person who happens to be the bartender that it really isn't following the present regulation of being introduced by the friend that brought the guest.

Representative Esposito: Would you concur that maybe an inclusion in this bill eliminating bartenders or permittees from signing a guest or another member of his immediate family or relative, in other words, forbidding him to sign in these 50 strangers.

Kevin Kenny: I think that the Restaurant Association feels that when you open the door, it is as a practical matter very difficult not to have say one individual sign them in that we haven't thought of. Now let's say the caretaker or someone could be used. So I think as a practical matter that wouldn't stop the problem.

Chairman Provenzano: If I remember correctly, this was the bill that was worked over quite at length last session between the clubs and the restaurant people and I think we came up with something that was a little tolerable to both groups and it passed the House. I think that is as far as it went. If my memory serves me right, isn't that right Attorney Napierata?

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Walter Napierata: My memory is a little vague right now.

Chairman Provenzano: I see. Well, we will certainly look into it and see what we come up with this session. Do you have any questions, any of you members?

Joe Begnal: My name is Joe Begnal and I am the President of the Waterbury Restaurant Association. We would like to go on record from the Waterbury section of the State of Connecticut as being opposed to this bill for the same reasons as Mr. Kenny has stated. In answer to one thing that was brought up here about the bartender signing up the guests or not signing them up, most of the clubs now in our section of the State, all the members are bartenders at one time or another so that nobody could sign up a guest because the majority of them don't have full-time help. They have part-time help and they are all bartenders.

Representative Esposito: Mr. Begnal, just one question. What do you feel, monetary wise, if this legislation went through would injure the restaurant association? Other than the fact - I don't know the ratio of costs in restaurants, a highball against what the clubs would charge?

Joe Begnal: We believe that we would lose more customers than we are already losing because if you open up this guest book thing where nobody has to sign them in or sign them out or anything like that, they are going to be walking in and out of these places more so than they are now.

Chairman Provenzano: All right. Anyone else in opposition to 6504?

Hugh M. Neary: Mr. Chairman and Members of the Committee, my name is Hugh M. Neary. I am the President of the Bridgeport Restaurant Full Permit Association and, on behalf of my members, we would like to go in opposition to Bill 6504. We feel that any waiving of the guest book regulations would just create a situation that would allow more and more people into the clubs without the restriction that they have had in the past. Thank you very much.

Representative Hermanowski, 31st District: Do you know if any other state has the same regulation on clubs?

Hugh M. Neary: Do I know other states that have this regulation. I don't know.

Chairman Provenzano: Anyone else in opposition to 6504.

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Chairman Provenzano: Would you repeat that again, Representative Dice, as I don't think the mike was on.

Representative Dice: In the fifth line of the bill, the words "the signature of the member" and I want to know whether that is intended to be a signature different from the member whom the person is a guest of or what is that intended to mean?

Chairman Provenzano: Let's have Attorney Napierata give us this.

Walter Napierata: I think that you ought to insert in here because the word "the" signifies a particular member, if you want to insert the signature of the "introducing member." That actually is what this particular bill does is just make it as to who signs their individual guest name to the book. That is all that it does. The introducing member, in our interpretation, still has to sign after the particular guest that he introduces.

Representative Dice: As I understand the previous testimony by the member introducing him is in the present regulations, is that correct?

Walter Napierata: Yes.

Representative Dice: What is the difference in what you have here?

Walter Napierata: The present regulations say that the member himself must sign the guest's name as a way of introduction. What this proposes to do is to allow the guest to sign his name and address but the introducing member must still sign his name into the guest book. All we are doing is allowing the guest to sign his own name.

Representative Dice: What is the objection to having the guest signing his own name and the introducing member signing his name afterwards? It seems you are getting the same results that the introducing member has to be there and sign and it is only the guest that doesn't have to sign.

Kevin Kenny: We, the Restaurant Association, interprets this, and I agree with them, that if this statute were to pass any member could sign in anybody who came in a place.

Representative Dice: Why can't they do that now?

Kevin Kenny: Because the regulation requires the introducing member to sign his name. In other words, if I take you over to the Officer's Club if you weren't a member, I would have to sign you in. If you pass this, you could go over there and anybody could sign anybody in

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who happened to just be there. In other words, we feel that it wouldn't be a legitimate guest of a member. It could be a stranger.

Representative Dice: All right. What you are saying is somebody could come in and sign after everybody's name has been signed there instead of having the member be there and know the person who is signing in. Okay. Thank you.

Chairman Provenzano: Anyone else in opposition to 6504? We will continue with the hearing and we will hear all arguments for House Bill 5485, 5485 which is An Act Creating Club Permit, Class A, Club Permit B, and Club-Restaurant Permit for Retail Sale of Alcoholic Liquor.

Walter Napierata: My name is Walter Napierata, Attorney for the Federated Clubs, of 50 State Street in Hartford. Although this is not our bill, we do support this particular bill because it sets up an opportunity for clubs who have premises which are capable of being rented to the General Public, or not the general public, but the members and their guests. It provides for three categories. The first category would allow a club to remain as it is, as it presently operates. The second category makes one change in that it allows the club to rent out its premises to members or groups of members on occasion of a party or something of that nature, for allowing to rent out the premises they also extract an increase in the permit fee. Now, the third category - the second category, incidentally, the club does not supply the liquor, it must be brought by the individuals who are renting the hall itself. The third category is called a club-restaurant permit and what this does is allow the rental of the permit premises and align the club also to sell alcoholic beverages to the groups that rent the premises and these rentals are confined to groups of members or members who sponsor this particular occasion. Now, immediately after these affairs, on both Class B and Club-Restaurant permits, the club reverts back to its original status of any other type of club requiring guest book requirements and only service of alcoholic beverages to the members and the guests. The Club-Restaurant permit here entails a \$1,200.00 permit fee which is exactly what the restaurant people are paying and some of the past opposition is centered on the basis that to do so the clubs are only paying \$240.00 and the restaurants are paying \$1,200.00. I believe the introduction of \$1,200.00 permit for this type of club-restaurant is to more or less bring it in line with a restaurant permit.

As far as the Federated Clubs is concerned, we do ask that this Committee act favorably on House Bill 5485. Any questions?

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Wednesday, June 2, 1971

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THE SPEAKER:

Question is on adoption of the resolution. Will you remark?

MR. BRUNO (132nd):

Yes, Mr. Speaker. This resolution will ask the Congress of the United States to extend unemployment compensation to agricultural workers.

THE SPEAKER:

Further remarks on the resolution? If not, all those in favor indicate by saying aye. Opposed? The resolution is ADOPTED.

THE CLERK:

Page 14, Calendar No. 1243, at the top of the page, Substitute for H.B. No. 6504, An Act Concerning Guest Book Requirements Under Club Permits.

MR. MORRIS (111th):

Mr. Speaker, I move acceptance of the favorable committee report and passage of the bill.

THE SPEAKER:

Will you remark?

MR. MORRIS (111th):

Mr. Speaker, the Clerk has an amendment.

THE SPEAKER:

The Clerk will call House Amendment Schedule "A".

THE CLERK:

Offered by Mr. Morris of the 111th, Mr. Gregorizek of the 28th.

In line 9 after the word "premises" insert ", during his working hours on such premises,".

MR. MORRIS (111th):

djh

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Mr. Speaker, I move acceptance of House Amendment Schedule "A".

djh

THE SPEAKER:

Will you remark on adoption of House Amendment Schedule "A"?

MR. MORRIS (111th):

Mr. Speaker, the amendment merely exempts those individuals who are on duty at the particular time who happen to have their names in the Liquor Commission office as those individuals who are employed by a particular club. We would like to exempt those people or relegate them back to regular members when they are off duty. I move passage of the amendment.

THE SPEAKER:

Further remarks on Amendment Schedule "A"? If not, all those in favor indicate by saying aye. Opposed? Amendment "A" is ADOPTED.

MR. MORRIS (111th):

Mr. Speaker, I move acceptance and passage as amended by House Amendment Schedule "A".

THE SPEAKER:

Will you remark?

MR. MORRIS (111th):

Mr. Speaker, House Bill No. 6504 is a bill for the private clubs in the State of Connecticut to allow those individual members to have their guests sign the guest book and counter-sign by any member who is a member of the particular club. I move acceptance and passage.

THE SPEAKER:

Further remarks on the bill as amended? If not, the question is on acceptance and passage as amended by House Amendment Schedule "A". All those in favor indicate by saying aye. Opposed? The bill is PASSED.

THE CLERK:

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THE CHAIR:

There being no objection the Senate will stand in recess until approximately 3 p.m.

THE SENATE RECESSED AT
THE SENATE RECOVERED AT
PRESIDENT PRO TEM IN THE CHAIR:

THE CHAIR:

The Senate will come to Order. Senator Caldwell.

SENATOR CALDWELL:

Mr. President, I would like to take up matters on the consent Calendar. I would like to make a motion that the recommendations of the Joint Committees be accepted. And the following bills adopted.

On page 2, Cal. 960, File 1313, Substitute for S.B. 1810. An Act Permitting Towns to Charge Developers Inspection and Engineering Fees.

On page 4, Cal. 1185, H.B. 5054, File 1329 An Act Concerning the Creation of Tenant Landlord Mediation Boards.

On page 5, Cal. 1137 File 1354, Substitute for H.B. 5515 An Act Concerning Contracts for Highway Construction and Authority for Additional Construction.

Cal. 1141, File 1347 Substitute for H.B. 6206 An Act Concerning Liability of Representatives of Estates and Transfererees.

Page 6, Cal. 1147, File 1340, Substitute H.B. 7408 An Act Concerning the Duties of Registrars of Vital Statistics.

Cal. 1151 File, 1339 Substitute for H.B. 8013 An Act Concerning the Transfer of Criminal Cases from the Superior Court to the Circuit Court.

Page 7, Cal. 1155, File 1646, Substitute for S.B. 1629 An Act Concerning Limitation on Certain Contracts for Instruction or Use of Any Physical or Social Training School.

Page 9, Cal. 1189, File 1379 Substitute for H.B. 6504 An Act Concerning Guest Book Requirements Under Club Permits.