

HB 5958

PA 246

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Senate 3493-3495

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House 4910-4911, 8359-8392

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CONNECTICUT
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3345-3632

WEDNESDAY
May 9, 1990

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abs

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Pass temporarily, Mr. President. We will go on to
Calendar 541.

THE CLERK:

Calendar page 16, Calendar 541, File 501,
Substitute HB5958, AN ACT ADOPTING THE COMPREHENSIVE
CONNECTICUT FAIR HOUSING STATUTE CONFORMING TO THE
FEDERAL FAIR HOUSING ACT. (As amended by House
Amendment Schedules "A", "B" and "C"). Favorable
Report of the Committee on Planning and Development.

THE CHAIR:

Who is reporting this?

SENATOR O'LEARY:

Senator Blumenthal is reporting this bill out, and
I think he is outside in the hall. He should be in
momentarily, if we are prepared to wait. If not--

THE CHAIR: (Senator Scott of the 14th in the Chair)

We will stand at ease a moment, Senator, for
Senator Blumenthal. Senator Blumenthal.

SENATOR BLUMENTHAL:

Thank you, Mr. President. I move adoption of the
Joint Favorable Report and passage of the bill, in
conformance with the House.

THE CHAIR:

Will you remark?

SENATOR BLUMENTHAL:

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Yes, thank you. This is landmark legislation, Mr. President, that sets out a separate fair housing act with all the standards and assurances that exist under federal law. Indeed, it incorporates the federal standards into our state statute and creates not only a remedy on behalf of the Connecticut Human Rights and Opportunities Commission, the Commission on Human Rights and Opportunities, but also on behalf of private litigants. It raises the criminal penalties, the civil penalties, punitive damages to \$50,000 in the event that private action is brought. It raises the potential penalties that the Commission may seek and obtain and provides additional definitions to clarify our current law.

It was passed in the House with three amendments, all of which improve the bill that came out of the Judiciary Committee and which provide assurance that steering, blocking, all the discriminatory practices against which the federal legislation is directed will also be the object of state legislation that hopefully we will adopt today. Thank you, Mr. President.

THE CHAIR:

Will you remark further? Clerk, please announce the roll call.

THE CLERK:

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Immediate roll call has been ordered in the Senate.

Will all Senators please return to the Chamber.

Immediate roll call has been ordered in the Senate.

Will all Senators please return to the Chamber.

THE CHAIR:

We re voting on Calendar 541, HB5958, File 501. The machine is open.

Senator Upson. Has everybody voted? Senator Avallone. The machine will be closed. Clerk, please take the tally.

Calendar 541, Substitute HB5958, File 501:

The result of the vote:

36 Yea

0 Nay

The bill passes.

THE CLERK:

Calendar page 19, Calendar 204, File 347,
Substitute SB185, AN ACT CONCERNING THE TESTING OF CONSTRUCTION MATERIALS AND STRUCTURES. (As amended by Senate Amendment Schedules "A" and "B"). Favorable Report of the Committee on Public Safety.

The House ruled that Senate Amendment "B" was not germane.

THE CHAIR:

Senator Herbst.

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4591-4994

House of Representatives

Wednesday, April 25, 1990

5915, AN ACT CONCERNING THE APPLICATION OF THE
CONNECTICUT UNFAIR TRADE PRACTICES ACT TO THE
CONSTRUCTION INDUSTRY.

Favorable Report of the Committee on LABOR AND
PUBLIC EMPLOYEES.

REP. FRANKEL: (121st)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Frankel.

REP. FRANKEL: (121st)

Yes, I move this bill be referred to the Committee
on Appropriations.

DEPUTY SPEAKER POLINSKY:

The question is on a referral to the Committee on
Appropriations. Is there objection? Seeing no
objection, so ordered.

CLERK:

Page 21, Calendar 399, Substitute for House Bill
5958, AN ACT ADOPTING A COMPREHENSIVE CONNECTICUT FAIR
HOUSING STATUTE CONFORMING TO THE FEDERAL FAIR HOUSING
ACT.

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

REP. FRANKEL: (121st)

Madam Speaker.

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DEPUTY SPEAKER POLINSKY:

Representative Frankel.

REP. FRANKEL: (121st)

Thank you, Madam Speaker. I move this item be referred to the Committee on Planning and Development.

DEPUTY SPEAKER POLINSKY:

Question is on referral to the Committee on Planning and Development. Is there objection? Without objection, so ordered.

CLERK:

Page 21, Calendar 400, Substitute for House Bill 6021, AN ACT CONCERNING THE PROCEDURES FOR IMPLEMENTING JUST CAUSE DISMISSAL OF POLICE CHIEFS.

Favorable Report of the Committee on PLANNING AND DEVELOPMENT.

REP. FRANKEL: (121st)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Frankel.

REP. FRANKEL: (121st)

I move this item be referred to the Committee on Labor.

DEPUTY SPEAKER POLINSKY:

The question is on a referral to the Committee on Labor. Is there objection? Without objection, so

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Saturday, May 5, 1990

Representative Ward.

REP. WARD: (86th)

Mr. Speaker, after consultation with my leadership and I understand with leadership on the other side, I request to withdraw my Point of Order at this time.

ACTING SPEAKER LAVINE:

The gentleman seeks leave to withdraw his Point of Order. The Point of Order is withdrawn.

REP. FRANKEL: (121st)

Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Frankel.

REP. FRANKEL: (121st)

At this time I'd move that this item be passed temporarily.

ACTING SPEAKER LAVINE:

The motion is to pass temporarily. Is there objection? Hearing no objection, the matter is passed temporarily.

Will the Clerk please call Calendar 399.

CLERK:

Calendar 399, Page 22, Substitute for House Bill 5958, AN ACT ADOPTING A COMPREHENSIVE CONNECTICUT FAIR HOUSING STATUTE CONFORMING TO THE FEDERAL FAIR HOUSING ACT. Favorable Report of the Committee on Planning and

Development.

REP. COLEMAN: (1st)

Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

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

ACTING SPEAKER LAVINE:

The gentleman has moved acceptance and passage. Will you remark?

REP. COLEMAN: (1st)

Thank you, Mr. Speaker. This particular bill provides for a comprehensive fair housing statute for the State of Connecticut.

Section 1 of the bill reflects the removal of housing discrimination provisions from the public accommodations section of the general statutes.

Section 2 further reflects removal of references to housing in the public accommodations definition in the general statutes.

Section 3 of the bill removes certain exemptions that would apply to housing discrimination violations and actually relocates them in a different section of

the general statutes.

Section 4 provides for a number of definitions, including discriminatory housing practices. Housing for older persons, defines the fair housing act, the terms family and familial status and incorporates them into the general statutes of the State of Connecticut.

Section 5 of the bill delineates certain discriminatory housing practices. Among those are included, refusal to sell or rent on the basis of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income of familial status. Also, discrimination in terms of conditions or privileges in renting or selling of property.

It also delineates discriminatory housing practices such as blockbusting and steering and makes references to, in addition to the protected class that I've already mentioned, discrimination on the basis of mental and physical disability.

Also in that section, the exemptions that I referred to earlier in my remarks are relocated in another section of the general statutes, and those exemptions very briefly, touch upon a general exemption of one and two-family owner-occupied dwellings and rooms that are part of a unit or part of a dwelling that is occupied by the owner.

There is an exemption from the provisions of prohibiting discrimination on the basis of marital status with respect to a man and woman who are unrelated and not married.

There is an exemption with respect to age for elderly housing projects, and there are some other exemptions.

It also provides that violators of the provisions of this act would be subject to a fine of not less than \$25 nor more than \$100, or imprisoned for not more than 30 days, or both fined and imprisoned.

Section 6 further reflects separation of the public accommodations provisions and the housing discrimination provisions as they relate to the commissions duties. When I say commissions, I'm referring to the Commission on Human Rights and Opportunities.

Sections 7 and 8 reflect technical revisions to the statutes.

Section 9 requires that after a person files a complaint, the Commission on Human Rights and Opportunities must acknowledge their receipt, must acknowledge to the person that they have received a complaint and must advise a person of the time frames and the particular forms which are available under the

provisions of the statutes with respect to housing discrimination complaints.

Section 10 provides that the complaint must be served on the respondent within ten days after it's filing, along with notice of the alleged discriminatory practice and an advisement of the procedural rights and obligations of the respondent. The respondent may file an answer to a housing discrimination complaint within ten days of its receipt.

Section 11 provides for allowance of a reasonable attorney's fee and costs in connection with a housing discrimination complaint.

Section 12 provides for the imposition of punitive damages not to exceed \$50,000 and a civil penalty not to exceed \$10,000 or in certain instances, \$25,000 or \$50,000 and it also provides for injunctive relief.

Section 13 involves further technical modifications.

Section 14 provides that any complainant may bring a civil action in superior court for violations of housing discrimination within one year of the alleged discriminatory practice and may also bring such an action for breach of a conciliation agreement.

Such civil actions must be initiated prior to an agreement reached as a result of conciliation or it

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must be brought before a hearing at the Commission on Human Rights and Opportunities is provided.

Section 15 merely provides for the appeal of Section 46a-64a the families with children section of the Connecticut General Statutes.

That provides an explanation of the bill, Mr. Speaker. There are, however, some necessary amendments and with your permission, I'd like to call LCO5114.

ACTING SPEAKER LAVINE:

Will the Clerk please call LCO5114 designated House Amendment "A".

CLERK:

LCO4114, House "A" offered by Representative Coleman.

ACTING SPEAKER LAVINE:

What is your pleasure, Sir.

REP. COLEMAN: (1st)

I seek permission to summarize the amendment, Sir.

ACTING SPEAKER LAVINE:

The gentleman is seeking leave to summarize. Is there objection? Hearing no objection, you may proceed.

REP. COLEMAN: (1st)

During discussions of this particular bill at the Committee level, there was some consensus reached that at least with respect to families with children or what

is now being referred to as familial status, existing law should be continued.

Existing law calls for an exemption --

ACTING SPEAKER LAVINE:

Sir, do you want to --

REP. COLEMAN: (1st)

I'm sorry, I move adoption, Mr. Speaker.

ACTING SPEAKER LAVINE:

The gentleman has moved adoption. Will you remark?

REP. COLEMAN: (1st)

Existing law currently provides an exemption for families with children from a housing discrimination violation if the property concerned is a 4 family, a 4 unit dwelling that is owner-occupied.

Consensus is that that, that existing law should be continued and that is the purpose of this amendment. I'd urge the ladies and gentlemen of this Chamber to adopt the amendment.

ACTING SPEAKER LAVINE:

Will you remark further on House Amendment "A"? Representative Emmons from the 101.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. I really didn't quite understand the explanation of the amendment, so, through you, a question to the proponent.

pat

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ACTING SPEAKER LAVINE:

Will you proceed.

REP. EMMONS: (101st)

Representative Coleman, in reading the amendment, is it my understanding correct, that if you have a dwelling unit in which there are 4 independent units and the owner dwells in one of the units, then you can prohibit, or the owner can not rent to a family with children?

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Through you, Mr. Speaker, that is correct.

REP. EMMONS: (101st)

Thank you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Will you remark further on the amendment? Will you remark further? If not, I'll try your minds. All in favor will signify by saying aye.

REPRESENTATIVES:

Aye.

ACTING SPEAKER LAVINE:

Opposed, nay. The amendment is adopted and ruled technical.

pat

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House Amendment Schedule "A"./

In line 350, after "act" and before the period insert "or to a unit in a dwelling containing units for no more than four families living independently of each other, if the owner of such dwelling resides in one of the units"

ACTING SPEAKER LAVINE:

Will you remark further?

REP. COLEMAN: (1st)

Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

The Clerk has an amendment, LCO4773. I'd ask that the Clerk call that amendment and I be permitted to summarize.

ACTING SPEAKER LAVINE:

The Clerk has an amendment, LCO4773. Will the Clerk please call, designated House Amendment "B".

CLERK:

LCO4773, House "B" offered by Representative Coleman.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Permission to summarize, Mr. Speaker.

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ACTING SPEAKER LAVINE:

The gentleman is seeking leave to summarize. Is there objection? Hearing none, you may proceed.

REP. COLEMAN: (1st)

This amendment would permit organizations and associations that provide housing exclusively for one gender to continue to do so without violating the provisions that would be a result of this bill's passage.

I move adoption of the amendment, Mr. Speaker.

ACTING SPEAKER LAVINE:

Have you moved adoption?

REP. COLEMAN: (1st)

I moved adoption, Mr. Speaker.

ACTING SPEAKER LAVINE:

The gentleman has moved adoption. Will you remark further? Will you remark further? If not, I will try your minds. All in favor of the amendment will signify by saying aye.

REPRESENTATIVES:

Aye.

ACTING SPEAKER LAVINE:

Opposed, nay. The amendment is adopted and ruled technical.

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House Amendment Schedule "B".

In line 355, after the period insert "(6) The provisions of this section with respect to the prohibition of discrimination on the basis so sex shall not apply to the rental of sleeping accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex."

ACTING SPEAKER LAVINE:

Will you remark further on the bill?

REP. COLEMAN: (1st)

Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

The Clerk has an amendment, LCO4192. I'd ask that the Clerk call that amendment and I be allowed to summarize.

ACTING SPEAKER LAVINE:

The Clerk has an amendment, LCO4192 designated House Amendment "C". The Clerk will please call.

CLERK:

LCO4192, House "C" offered by Representative Coleman.

ACTING SPEAKER LAVINE:

What is your pleasure, Sir?

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REP. COLEMAN: (1st)

Summarization, please, Mr. Speaker.

ACTING SPEAKER LAVINE:

The gentleman seeks leave of the Chamber to summarize. Is there objection? Hearing none, you may proceed.

REP. COLEMAN: (1st)

Mr. Speaker, this amendment makes modifications in one of the terms of the protected class explanation. Throughout the human rights section of the general statutes, there is reference to creed. And the bill before us in certain places reference is made to religious creed.

This particular amendment in the first section of this amendment, conforms the terms to be consistent with what exists in the general statutes.

The second part of the amendment is an amplification on the explanation and definition of steering.

I move adoption of the amendment, Mr. Speaker.

ACTING SPEAKER LAVINE:

The gentleman has moved adoption. Will you remark? Will you remark? If not, I will try your minds. All in favor of the amendment will signify by saying aye.

REPRESENTATIVES:

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Aye.

ACTING SPEAKER LAVINE:

Opposed, nay. The amendment is -- Representative O'Neill.

REP. O'NEILL: (69th)

Mr. Speaker. Just a quick question if I may, through you, to the proponent of the amendment.

When the phrase, the word in 23, line 23, the word substantially populated, through you, Mr. Speaker, could the Representative --

Mr. Speaker, could the proponent of the amendment define for me, or tell me otherwise somewhere else in the bill it is defined, the word substantially? Through you, Mr. Speaker.

REP. STOLBERG: (93rd)

Mr. Speaker, are we not in the process of a vote? Has the vote been completed, Sir?

ACTING SPEAKER LAVINE:

We are in the process of a vote, Representative Stolberg, you are correct. Representative Krawiecki.

REP. KRAWIECKI: (78th)

Mr. Speaker, while you were beginning, before you began to place the question to the Chamber, Representative O'Neill was in fact seeking the Chair. I believe you looked in that direction in that way

without looking in this direction, Sir.

So I believe, under Mason's, he was in fact appropriately trying to get the floor.

ACTING SPEAKER LAVINE:

Representative Krawiecki I had called for the vote but had not hit the hammer, and I will entertain Representative O'Neill's remarks.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker.

REP. O'NEILL: (69th)

Perhaps I can reframe my question. In line 23, the word substantially is used to modify populated and it's also throughout the rest of the amendment, less than a majority is mentioned as well. And perhaps if we could have a definition, through you, Mr. Speaker, of the word substantially.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Thank you, Mr. Speaker. Substantially in this particular instance is used just to indicate and make clear that it does not, that the particular area does not have to be populated by a majority of people in a particular protected class in order for this provision to apply.

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At this time there are no cases in Connecticut that would further define substantially in this context. On the federal level there is one case, I believe there have been more than one case that reflects that, an area populated to the extent of 45% of black individuals, for example, would constitute a substantially populated area. So that a black person seeking to purchase residence or purchase property in that particular area, could not be influenced to look elsewhere when the housing criteria is met in that particular area.

REP. O'NEILL: (69th)

Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

You have the floor, Sir.

REP. O'NEILL: (69th)

Mr. Speaker, the federal case that you're mentioning, could you tell me at what level, what federal court ruled that way? Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

That is a Tenth Circuit case. Through you, Mr. Speaker, it's a Tenth Circuit case. It's not, my

understanding is that there are no cases in the Second Circuit that touch upon this particular phrase. Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker. If I could ask, is there anywhere else in our law here in Connecticut, the use of the word substantially in housing context or other context that would help guide our courts in terms of defining what it means? Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Thank you, Mr. Speaker. Through you, I'm not aware of any cases. I can't say whether such cases exist, but I am not aware of any cases that would further amplify on the definition of substantially. Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative O'Neill.

REP. O'NEILL: (69th)

Through you, Mr. Speaker, well for purposes of legislative intent should any judges or attorneys briefing cases choose to look at the transcripts of our

debate here, would Representative Coleman perhaps be able to give me his understanding of the word substantially. Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Mr. Speaker, I think the purpose of the word being used in this context is just to indicate that it doesn't matter if an area is populated by less than a majority so long as there is a substantial number of people of a particular class residing in that area.

I think that is probably the best I can do as far as an explanation or a definition is concerned. I think substantially would probably be determined by a trier of fact if the matter were brought to litigation.

ACTING SPEAKER LAVINE:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Will you remark further? Will you remark further?

Representative Nania.

REP. NANIA: (63rd)

Thank you, Mr. Speaker. I apologize if I may be covering the same ground, or some of the same ground,

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but I guess I don't understand some things.

Through you, Mr. Speaker, under item b sub 1, is that word to supposed to be in?

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Pardon me, Mr. Speaker, through you to Representative Nania. I'm not sure exactly what he's referring to. If he could recite the line, where the word in question is located.

ACTING SPEAKER LAVINE:

Representative Nania.

REP. NANIA: (63rd)

Mr. Speaker, I'm referring to line 22, the third word from the end. The sentence says, it shall be a violation to restrict --

REP. COLEMAN: (1st)

Okay, I see it.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

The word appears as it should appear. It's to and it should be to, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Nania.

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REP. NANIA: (63rd)

If that should be two, I would ask the gentleman to explain to me how the English sentence works. The sentence says, it shall be a violation to restrict choices to an area. The real estate agent is not renting an area or selling an area. He's renting or selling a dwelling. And the dwelling is not to an area, it's in an area.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Thank you, Mr. Speaker. The reading makes perfect sense to me. It's a violation for a real estate agent to restrict the choices of a black individual, prospective buyer, for example, to an area which is substantially populated by black individuals. Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

(Gavel) Ladies and gentlemen. It's a little hard to hear this dialogue. Representative Nania.

REP. NANIA: (63rd)

I'm having trouble. I'd be delighted if someone could explain to me why I don't understand. Dwellings generally are in an area, not to an area. The prepositional phrase to an area has to modify dwelling.

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If it modifies something else, I'd be happy to hear how. It's, the sentence says, it shall be a violation to restrict choices of a dwelling blank an area.

Through you, Mr. Speaker.

REP. COLEMAN: (1st)

Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Hopefully this can help the Representative.

Through you, we're referring restrictions to an area in which a dwelling is located. Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Nania.

REP. NANIA: (63rd)

Mr. Speaker, from the Representatives own mouth, an area in which a dwelling is located.

REP. COLEMAN: (1st)

Pardon me, Mr. Speaker, I said to. Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Nania, you have the floor.

REP. NANIA: (63rd)

I'm going to just let that one go by. Next, I'd like to ask, in the conditions subsequent that are

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labeled one, two and three, the way it's written is, there is an and between the second and the third, and I read that to mean that all three have to be satisfied. I ask the Representative, are those conditions seriatim to be, do you have to satisfy all three to be in violation or is any one a violation?

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Thank you, Mr. Speaker. Through you, all three must be satisfied.

ACTING SPEAKER LAVINE:

Representative Nania.

REP. NANIA: (63rd)

Okay, then I guess, I don't give up on the two and the in. I'm just going to say that it's wrong and I think it should be corrected. I don't think it's substantial and I'm not going to oppose it on that ground.

So now I'd just like to ask about intent. Is the intent of this that if we have two houses that are identical and within the buyer's means, and one is in a white area and one is in a black area, does this, and the proposed buyer is a black, does the real estate agent have to show the white area only, or the white

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and black? I understand you don't want them to show the black only. What is your intent here, given that fact situation?

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Through you, Mr. Speaker, the amendment is attempting to provide that all of the range of choices which fall into the criteria that the prospective buyer, black or white, has indicated to the real estate agent be made available to that prospective buyer.

Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Nania.

REP. NANIA: (63rd)

Mr. Speaker, I understand that, but I'd like to try to apply the intent to some facts and I'll try it again.

We have one black purchaser that can buy a \$100,000 house, take your pick, a \$200,000 house, and the real estate agent has in his listing, a \$200,000 house in an all white area, and a \$200,000 house in an all black area. Now, what is the duty of the real estate agent under the amendment as your propose it? To show only the black house? Only the white house? Or both

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houses? Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Through you, Mr. Speaker, I believe that the real estate agent should show both houses. If the real estate agent would not necessarily be precluded from showing the black house. Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Nania.

REP. NANIA: (63rd)

Through you, Mr. Speaker, is there anything in this statute that would discourage the real estate agent or limit him in any way from showing the black house as well as the white house?

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Through you, Mr. Speaker. In my understanding, no, there's nothing that would limit the showing of the black house unless the prospective buyer specifically indicated that he did not want to move in Representative Nania's example, to a substantially populated black area. Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Nania.

REP. NANIA: (63rd)

Okay, so that this statute neither, well, let me say it another way, so long as the prospective buyer says that he wants to look in this particular neighborhood, black or white, the agent must show him what he's got listed in this particular neighborhood, black or white.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Thank you, Mr. Speaker. Through you, that is my understanding.

ACTING SPEAKER LAVINE:

Representative Nania.

REP. NANIA: (63rd)

And through you, Mr. Speaker, this doesn't in any way discourage the agent from showing houses in a "black neighborhood" as opposed to a white neighborhood, to a prospective black purchaser.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Through you, Mr. Speaker, for at least the second time, no.

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REP. NANIA: (63rd)

Thank you.

ACTING SPEAKER LAVINE:

Representative Nania.

REP. NANIA: (63rd)

One moment please, Mr. Speaker. Thank you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Will you remark further? Will you remark further? If not, I will try your minds. All those in favor of this amendment will signify by saying aye.

REPRESENTATIVES:

Aye.

ACTING SPEAKER LAVINE:

Those opposed, nay. The ayes have it. The amendment is adopted and ruled technical.

House Amendment Schedule "C".

In lines 214, 221 and 229, delete "religious"

In line 234, after "(4)" insert ("A")

In line 235, delete "religious"

After line 240, insert the following:

"(B) It shall be a violation of this subdivision for any person to restrict or attempt to restrict the choices of any buyer or renter to purchase or rent a dwelling (1) to an area which is substantially populated, even if less than a majority, by persons of the same protected class as the buyer or renter, (2)

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while such person is authorized to offer for sale or rent another dwelling which meets the housing criteria as expressed by the buyer or renter to such person and (3) such other dwelling is in an area which is not substantially populated by persons of the same protected class as the buyer or renter. As used in this subdivision, "area" means municipality, neighborhood or other geographic subdivision which may include an apartment or condominium complex; and "protected class" means race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, or physical or mental disability."

In lines 245, 302, 313 and 370, delete "religious"

ACTING SPEAKER LAVINE:

Will you remark further on the bill?

REP. COLEMAN: (1st)

Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Thank you, Mr. Speaker. Just briefly, and hopefully in conclusion. I believe that this Chamber should support this bill for two reasons. First of all, it provides for a comprehensive approach to addressing housing discrimination in this State. But secondly, and perhaps more importantly, passage of this bill would result in a per case reimbursement from the federal government to the State of Connecticut, and presently that per case reimbursement

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is at the rate of \$650 per case.

In 1991, that rate will increase to about \$750 per case and I think these are two good reasons why we should support this particular bill as amended. Thank you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Will you remark further on the bill? Representative Fleming.

REP. FLEMING: (16th)

Yes, Mr. Speaker, if I might, a question to the proponent.

ACTING SPEAKER LAVINE:

Will you please pose your question?

REP. FLEMING: (16th)

Yes, Representative Coleman, in line 34 where you are talking about protected class, can you tell me what familial status means?

REP. COLEMAN: (1st)

Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Thank you, Mr. Speaker. In the present statutes, sections 46a-64a is entitled families with children. The Fair Housing Act, federal legislation, addresses

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the same concept, but they termed it familial status. Familial status in that particular legislation has to do with a unit consisting of at least one adult and one or more dependents. Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Fleming.

REP. FLEMING: (16th)

So this is intended to prevent someone from discriminating against somebody because they happen to have children. Is that what you're saying, Mr. Speaker, through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Fleming, you're on the amendment, still?

REP. FLEMING: (16th)

No, the amendment was adopted, which would make it part of the bill, yes.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Through you, Mr. Speaker. The Representative's, the answer to the Representative's question is yes.

ACTING SPEAKER LAVINE:

Representative Fleming.

REP. FLEMING: (16th)

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Thank you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Will you remark further on the bill? Will you remark further? Representative Belden.

REP. BELDEN: (113th)

Mr. Speaker, through you to the gentleman bringing out the file.

ACTING SPEAKER LAVINE:

Will you proceed, Sir.

REP. BELDEN: (113th)

If the reverse situation were to occur where there were no children, and you are single, would you be, would the familial status that we just defined, preclude or allow discrimination from a person that does not have children. For the record, through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Through you, Mr. Speaker, the familial status becomes a protected class so that discrimination could not occur on the basis of familial status.

There are about 12 protected classes on this particular bill so that if an individual for example sought to rent a unit in a dwelling, rental of that

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particular unit could not be denied to that individual on the basis of the individual's race, creed, color, national origin, ancestry, age, marital status, physical or mental disability, legal source of income, and familial status is among those protected classes. Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Belden.

REP. BELDEN: (113th)

Through you, Mr. Speaker to Representative Coleman, could I construe familial status to mean with or without children? Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Through you, Mr. Speaker with or without children would fit into familial status. Familial status also means an adult and a dependent parent, or a dependent nephew, any other kind of dependent. Through you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Representative Belden.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. I just wanted to make sure for the record that particular definition was talking

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about the entire family status and not just limited to a parent with children, because I think then we would have discrimination of another nature. Thank you.

ACTING SPEAKER LAVINE:

Will you remark further on the bill? If not, Representative Emmons.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. I did have one question that I would like to ask Representative Coleman.

ACTING SPEAKER LAVINE:

Will you proceed, please.

REP. EMMONS: (101st)

Thank you. Through you, Mr. Speaker, Representative Coleman, on line 188, there is a definition of physical or mental disability, and for, which then goes on to say, includes but is not limited to mental retardation as defined in another section and physical visibility as defined in some other section.

The question I have is in the term mental disability. Would you believe that that would include somebody that is mentally ill, such as a schizophrenic or, pardon me, but someone who has, I don't know how to describe it because I don't know too much about mental illness, but who has had a history, like the man that came out of Middletown.

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ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Through you, although I can't refer the Representative to any case citations, it would be my understanding that the condition that she describes would be included under mental disability.

ACTING SPEAKER LAVINE:

Representative Emmons.

REP. EMMONS: (101st)

So you could not discriminate in the rental of a unit to someone who is, has a known mental illness problem?

ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

That would be correct, Mr. Speaker, through you.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. Not that I agree with that but, the other question I had in the back, when they discussed elderly housing. I was trying to understand when you talk about prohibiting age discrimination against the elderly in elderly housing.

What type of discrimination goes on under that, that we're being, prohibiting.

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ACTING SPEAKER LAVINE:

Representative Coleman.

REP. COLEMAN: (1st)

Through you, Mr. Speaker, two specific situations come to mind. One would be when a person who is a minor applies to rent a unit in an elderly housing complex. Or for that matter, probably more realistically, a person who is less than say, 62 years of age, applies to reside in an elderly housing complex.

The other would be when, well, this may not fit entirely into the thrust of your question, but a person that was above the age of 62 years of age applies to reside in a unit in an elderly housing complex that is owned and operated by a particular religious faith or sect. In that instance, the housing facility would be exempt from violating the discriminatory practices provisions of this particular bill if that situation existed.

ACTING SPEAKER LAVINE:

Representative Emmons.

REP. EMMONS: (101st)

Thank you, Mr. Speaker.

ACTING SPEAKER LAVINE:

Will you remark further on this bill as amended?

Will you remark further? If not, staff and guests will please come to the well of the House and the machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members please report to the Chamber. The House of Representatives is taking a roll call vote. Members to the Chamber, please.

ACTING SPEAKER LAVINE:

Would you please check the board to see that your vote is properly cast. If so, the Clerk will please lock the machine and the Clerk will please take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill 5958 as amended by House Amendments "A", "B" and "C".

Total number voting	149
Necessary for passage	75
Those voting yea	149
Those voting nay	0
Those absent and not voting	2

ACTING SPEAKER LAVINE:

The bill is passed. (Applause)

SPEAKER BALDUCCI:

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: Right through Avallonia.

SEN. AVALLONE: I'm not going to -- I'd like to talk about some dumping, but I won't.

REP. SCHLESINGER: But it's a pleasure again to appear before you. If anyone has any other questions, otherwise I'll leave you to your lengthy agenda.

SEN. AVALLONE: Thank you very much. I would just like to make it very clear. I understand there are items on this agenda that are very important to all of us. As chairman, I will not tolerate outbursts either in support or in opposition to any individual's testimony. The rules of this committee and the courtesies extended to those people who testify are well known. People who come and testify before this committee know they will not be subjected to cheers or jeers. We're all adults. We're going to stay here until we hear what you have to say, but I would appreciate if you would hold down any support or opposition to any individual's testimony. Thank you. Attorney General Clarine Riddle.

ATTY. GEN. CLARINE NARDI RIDDLE: Good afternoon or almost good evening. Honorable Members of the Judiciary Committee, Honorable Chairman, my name is Clarine Nardi Riddle and I'm your attorney general. I appreciate to speak before you on six bills, so I'm going to abbreviate my testimony for the sake of you all, but they are very important bills.

HB5958, AN ACT ADOPTING A COMPREHENSIVE CONNECTICUT FAIR HOUSING STATUTE CONFORMING TO THE FEDERAL FAIR HOUSING ACT: As you know, my office enforces housing discrimination laws through our representative of CHRO at administrative hearings and on appeals to the courts. In 1988 Congress passed federal fair housing amendments which mandate that states must have fair housing laws that are substantially equivalent to the federal fair housing laws as specified by the regulations of the Department of Housing and Urban Development.

(cass.2)

Failure to obtain this equivalency will result in the loss of federal reimbursement funding. This

House Bill accomplishes the requirements through technical and substantive amendments to our current laws to make it conform with the federal law. Some of the key changes include a new blockbusting statute, a provision of graduated civil penalties for repeated violations of housing discrimination laws, a private right of action by the complainant within one year of the discriminatory act and eliminations of several exceptions to our housing laws which were not allowed under federal law.

I'd like to make a proposal of two additional amendments to this very, very fine bill. One is related to steering. We currently do not have a specific provision in our housing discrimination laws that prohibits steering. In the past, we have relied on federal case law to prove that steering takes place. Federal courts, however, have been using different tests, depending upon which circuit you are in the country, including one that does not recognize steering unless, for example, a black person is steered into a neighborhood which is more than 50% populated by a minority group.

The need for the anti-steering law has been supported by both, and I'm very pleased about this, the Fair Housing Associations of Connecticut and the Connecticut Association of Realtors. I strongly urge your committee's support of this amendment so that the Attorney General's Office can continue to aggressively pursue and punish acts of anti-steering with a clear message in Connecticut statutes.

I would also offer a small second amendment to this bill that will address a concern about the impact of recent cutbacks on federal civil rights legislation by the United States Supreme Court. In housing cases we have relied upon a federal law, 42USC, Section 1981 when prosecuting racial discrimination.

The U.S. Supreme Court's recent interpretation of that statute signaled a narrowing scope to that statute. Therefore, I am proposing a very simple statute in Connecticut that would prohibit any discrimination on the basis of race, color or national origin, no exceptions, and we would

therefore no longer have to rely on that federal statute and how it has been interpreted by the federal courts.

Would you like to do all the civil rights bills in one package and then you ask questions?

SEN. AVALLONE: Whatever you please.

ATTY. GEN. CLARINE NARDI RIDDLE: Okay. The second bill is HB5960, AN ACT CONCERNING EXPEDITED PROCEDURES FOR DISCRIMINATORY PRACTICE INVESTIGATIONS AND HEARINGS. Basically, what this bill tries to do is to refine what you passed last year through PA89-332 which had established an expedited schedule for the Commission on Human Rights and Opportunities to resolve discrimination complaints. There are basically two deficiencies with that procedure right now.

One, there is no specific requirement right now that the parties, when they have a hearing set down, that the respondent is required to answer the complaint put forward by the examiners at CHRO. That has the ability of delaying the procedures further because they have not answered the specific complaint that has been put before the hearing.

We believe that this further delays what has been attempted to be an expedited procedure for discriminatory practices and it's very important that we close that loophole.

The other amendment that I'm offering deals with interrogatories. We have had respondents delay the whole process by refusing to answer interrogatories. Because there are no penalties for failure to answer the interrogatories of the commission, there is really, quite frankly, no incentive to comply. At best, my office can obtain a Superior Court Order to comply with the request and if there's no compliance, then we go back into court and obtain the contempt action.

This process can take many months. This amendment would allow the Superior Court to impose a civil penalty of up to \$1,000 if the court determines that the person has failed to answer the interrogatories without just cause.

The third bill is in the civil rights area, SB427, AN ACT INCREASING FINES FOR VIOLATIONS OF CIVIL RIGHTS LAW. I'll be very brief. This bill is based procedurally on the federal housing and employment discrimination statutes. This bill allows the attorney general to bring a civil action against any person who has engaged in a pattern or practice of discrimination.

The federal courts have not strictly defined pattern or practice, rather they determine it on a case-by-case basis. The acts, though, cannot be isolated or accidental. This bill establishes a minimum of three violations to be defined as a pattern or practice.

Under this bill a person who is guilty of a pattern or practice of discrimination can be fined up to \$25,000 per act of discrimination. These penalties, combined with any damages received by individual complainants should serve notice that the State of Connecticut will not condone these repeated actions. This bill anticipates that most of the pattern and practice complaints will be based on individual complaints before the Commission on Human Rights and Opportunities though it does authorize the attorney general to act upon any information that comes to it that alleges a pattern or practice.

And finally, HB5959, AN ACT PROHIBITING RETALIATION BY OPPOSING ANY DISCRIMINATORY PRACTICES. In essence, this proposal will expand protection against retaliation to include people who oppose other forms of discrimination, not just employment discrimination, such as housing discrimination. It's simply good public policy to encourage citizens to oppose civil rights violations and to protect them from retaliation to the extent that we can under the Commission on Human Rights and Opportunities. Those are the four civil rights bills that we support this session, so if you wanted to ask any questions, I have -- with me I have David Tieg of my office who he and a half of another person work in this area in housing discrimination.

REP. GRABARZ: Clarine, you said on HB5958 that you would encourage an amendment to prevent against --.

ATTY. GEN. CLARINE NARDI RIDDLE: Steering.

REP. GRABARZ: Steering. And then you mentioned a second one really quick before you finished.

ATTY. GEN. CLARINE NARDI RIDDLE: Right, the second one was related to closing -- you know that -- you've read about the United States Supreme Court Decisions this last term that, quite frankly, cut back on the ability to advocate certain civil rights causes of action. What we're trying to address in this is an interpretation that was the Supreme Court Decision of Patterson v. McLean that is a federal statute that's commonly known as Section 1981 and what the court did is it cutback on the interpretation of that statute.

Sometimes when we're in court on a housing discrimination case, we use that statute as a way to bolster our claim in court of housing discrimination. What we're proposing here is to adopt our own statute, close the loophole that the federal courts gave to this statute and not have to rely on it any further.

REP. GRABARZ: You mentioned as the category, sex, race and religion, I think?

ATTY. GEN. CLARINE NARDI RIDDLE: Well, no, I said race, color, national origin. This is always a question that gets asked and the reason it gets asked is that that's what 1981 protects. We already have protections for sex and disability. We've already got that covered by --.

REP. GRABARZ: So this would just be to cover the 1981 and the --?

ATTY. GEN. CLARINE NARDI RIDDLE: Right, provisions that are covered which is race, color and national origin.

REP. GRABARZ: The other question I had and perhaps the person you brought with you could ask, in this you brought up in HB5960, you talked about the

ATTY. RAPHAEL PODOLSKY: Thank you, Mr. Chairman. I'm Raphael Podolsky from Connecticut Legal Services. I want to speak to you on four bills.

The first is HB5958 which deals with conforming amendments in the discrimination area to the Federal Fair Housing Act. We support the bill and the reason I want to call it to your attention --.

REP. TULISANO: What was that number again?

ATTY. RAPHAEL PODOLSKY: HB5958. In my written testimony, I've suggested several changes in the language that you should make in the bill, but I want to call a couple of them to your attention.

One in is line 304 to 308 of the bill, Section 5E, I suggest you should delete that --.

REP. TULISANO: (inaudible, mic not on).

ATTY. RAPHAEL PODOLSKY: Okay, I'm sorry. Yes. HB5958. Let's go back to that. Lines 304 to 308, there's a section in there that attempts to disclaim. It says, "Nothing in this section prohibits a person engaged in the business of furnishing appraisals to take into consideration factors --." Oh, I see. Wait a second here. I'm sorry, I think I read that incorrectly.

REP. TULISANO: Other than --. You didn't read it other --?

ATTY. RAPHAEL PODOLSKY: I did not read that it was referring only to appraisals of real property. My initial reading of it was that it seemed to invite discrimination on a basis that was in a sense a guide. Let me pass on that because I'm not sure that's correct anymore.

The second comment I wanted to make specifically is, under existing Connecticut law, the Public Accommodations Act prohibits discrimination among a number of grounds. One of them is creed. In this revised version it refers to religious creed. I suggest you should delete the word "religious" so that you cover all forms of creed. That's the existing law and in effect this narrows it.

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The third thing is I think you should move the definition -- there's a definition of this called covered multi-family dwelling. Because of its placement in line 127, it may lead people to believe that this bill does not apply to one- to four-family houses.

REP. TULISANO: What is current law?

ATTY. RAPHAEL PODOLSKY: I'm sorry.

REP. TULISANO: What is our current law?

ATTY. RAPHAEL PODOLSKY: Our current law is essentially it covers everything except owner-occupied one- and two-family buildings.

REP. TULISANO: What happens if (inaudible, mic not on)?

ATTY. RAPHAEL PODOLSKY: That leaves it intact. It just stays the same. There's no change. But the way the thing is put together, it would be -- my suggestion is you should move the definition that appears in line 127 to line 246.

REP. TULISANO: Do you have it all written out?

ATTY. RAPHAEL PODOLSKY: Yes. Okay. Because it is important to protect the coverage of the existing act. The second bill I want to mention is SB415 which deals with eviction protections for the disabled. That's a bill I also support.

Essentially, what it does is it includes in the just cause eviction statute mental as well as physical disability. As you know, both the Public Accommodations Act and the Connecticut Constitution prohibit discrimination on the basis of either physical or mental disability, so I think that you really need to do this to conform that to the constitutional law.

I also think that you should add something to this bill and my written testimony includes some proposed language so that is clear that where you have a household that has a disabled child in it, that is also covered. If you look at the just

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And finally, HB5980, which deals with child support. There's a subsequent witness who is going to testify to that in more detail. I just wanted to say in regard to it that when a family leaves the AFDC program, it's important that the priority of the state should be on promoting the self-sufficiency of the family and not in seeing how quickly the state can get repaid from an arrearage from the obligor.

What this bill attempts to do is make sure than when the issue of arrearage payments for someone who used to be on AFDC comes up in terms of the obligor that the need for current support is considered.

REP. TULISANO: Do you have language to that, Rafie?

ATTY. RAPHAEL PODOLSKY: Well, the attorney general has testified to a proposed revision and a speaker coming after me will testify on the specific language.

REP. TULISANO: The answer is yes --.

ATTY. RAPHAEL PODOLSKY: The answer is yes. Thank you.

REP. GRABARZ: Rafie, were you here when the attorney general testified recommending steering language?

ATTY. RAPHAEL PODOLSKY: Oh, that I didn't -- I was here, but I'm afraid I did not hear exactly what she said.

REP. GRABARZ: She recommended that we amend it to also on HB5958, also include steering as a prohibited practice.

ATTY. RAPHAEL PODOLSKY: That sounds like a good idea.

REP. GRABARZ: Is there -- that's got to be a little bit more difficult than some of the other things that are already in here to come up with language, I would imagine.

ATTY. RAPHAEL PODOLSKY: I would assume that if she has recommended something be included, I would assume

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and they should be protected in some sense from unlimited exposure to some indefinite period in the future.

SEN. AVALLONE: Thank you, sir. Are there any questions? If not, thank you very much.

ATTY. KEVIN RANDOLPH: Thank you very much. Geraldine Roberts.

GERALDINE ROBERTS: Good evening. I'm testifying on three bills. I'll keep it short and sweet. I'm with the Department of Mental Health. We support SB412 and HB5958. Other speakers after me will address those in more detail, but we want to be on record as supporting those.

We also want to on record as opposing HB5769, AN ACT CONCERNING SUBSTANCE ABUSE TREATMENT FACILITIES. The reason we oppose this bill is that we feel it's unnecessary. The Law Review Commission has drafted HB5693, AN ACT CONCERNING ALCOHOL AND DRUG ABUSE CIVIL LAWS, which we feel is a more appropriate and comprehensive bill.

The Law Review Commission bill was given a Joint Favorable by the Substance Abuse Committee and referred to the Judiciary Committee, so we're asking that you give a Joint Favorable to the Law Review Commission Bill and take no action on HB5769. Okay.

SEN. AVALLONE: Thank you. Al Smith.

ATTY. AL SMITH: Good evening, Senator Avallone, Members of the Committee. My name is Al Smith. I'm an attorney with Mertha, Kliner and Pinney here in Hartford. I have with me Mr. Robert Snyder who represents the Intercon Gas Company and he has some comments on Raised HB5981.

ROBERT SNYDER: Senator, other Members of the Judiciary Committee. I appreciate the opportunity of making testimony before you today regarding Raised HB5981. My name is Robert S. Snyder. I am testifying on behalf of my company, Intercon Gas, Inc., which is proposing to build the Thames River Pipeline, a pipeline which will provide natural gas to Southeastern Connecticut.