

Legislative History for Connecticut Act

SB 823	PA. 139	(FAX)	1993
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Sen: 706-707, 1386-1390
1393-1394, 2538-2539
2570-2571 (13)

Use: 5530-5541 (12)

General Law: 24-25, 117, 157-159, 200 (7)

32p. ~~11/11~~

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1993

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PART 2
346-720

WEDNESDAY
March 17, 1993

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and Development. Is there any objection? Any
objection? Hearing none, so ordered.

SENATOR DIBELLA:

Thank you, Madam President. Calendar Item No. 57,
I move that this be referred to the Appropriations
Committee.

THE CHAIR:

Thank you very much. Senator DiBella has moved
that Senate Calendar Item No. 57, Substitute for Senate
Bill No. 681 be referred to the Appropriations
Committee. Is there any objection? Any objection?
Hearing none, so ordered. Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. On Page 5, Calendar
Item No. 59 is Passed Retaining its place. Calendar
Item No. 60 is a Go. Calendar Item No. 61 is a Go.
Calendar Item 62 is a Go.

On Page 6, Calendar Item No. 63 is a Go. Calendar
Item No. 64 is a P-T, Passed Temporarily. Calendar
Item No. 65, Madam President, I move this be referred
to the Judiciary Committee.

THE CHAIR:

Thank you very much. You have before you Senator
DiBella's motion on Senate Calendar No. 65, Substitute
for Senate Bill No. 823, to be referred to the

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Committee on the Judiciary. Is there any objection?
Any objection? Hearing none, so ordered. Senator
DiBella.

SENATOR DIBELLA:

Thank you, Madam President. On Calendar Item No. 66, I move that this be referred to the Finance, Revenue and Bonding Committee.

THE CHAIR:

Thank you very much, Senator. You have before you Senator DiBella's motion on Senate Calendar No. 66, Substitute for Senate Bill No. 819, to be referred to the Committee on Finance, Revenue and Bonding. Is there any objection? Any objection? Hearing none, it is so ordered. Senator.

SENATOR DIBELLA:

Thank you, Madam President. Calendar Item No. 67 is a Go. On Page 7, Calendar Item No. 68, I move that this be referred to the Judiciary Committee.

THE CHAIR:

You have before you Senator DiBella's motion, that's Senate Calendar No. 68, Senate Bill No. 917, be referred to the Committee on the Judiciary. Is there any objection? Any objection to that motion? Hearing none, so ordered. Senator.

SENATOR DIBELLA:

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Referred to Judiciary

END SENATE AGENDA #2

THE CHAIR:

Thank you very much, Senators Fleming and DiBella.
Mr. Clerk.

THE CLERK:

Calendar Page 16, Calendar No. 238, File No. 356,
Substitute for Senate Bill 699, AN ACT CONCERNING
BICYCLE HELMETS FOR CHILDREN.

Favorable Report of the Committee on
Transportation.

THE CHAIR:

Thank you very much.

SENATOR DIBELLA:

Madam President, could we change that marking from
Go to Passed Retained?

THE CHAIR:

Thank you very much. You have a motion before you
to Pass Retain Senate Calendar No. 238. Is there any
objection? Hearing none, so ordered.

THE CLERK:

Calendar Page 21, Matters Returned from Committee,
Calendar No. 65, File No. 56, Substitute for Senate
Bill 823, AN ACT AMENDING THE LIQUOR CONTROL ACT.

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Favorable Report of the Committee on Judiciary.

The Clerk is in possession of two amendments.

THE CHAIR:

Thank you very much. The Chair would recognize
Senator Jepsen.

SENATOR JEPSEN:

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

THE CHAIR:

Thank you very much. Mr. Clerk, do you wish to
call the amendment, sir.

THE CLERK:

LC05533, which will be designated Senate Amendment
Schedule "A". It's offered by Senator --.

LOUD NOISE FROM SOUND SYSTEM

THE CHAIR:

Are you all right, Mr. Clerk? I guess that's the
proper question isn't it?

THE CLERK:

I'll try it again. LC05533, which will be
designated Senate Amendment Schedule "A". It's offered
by Senator Jepsen of the 27th District, et al.

THE CHAIR:

Senator Jepsen.

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SENATOR JEPSEN:

I was just handed a copy of the amendment. If you'll give me a moment to quickly review it.

THE CHAIR:

The Senate will stand at ease for a minute.

SENATOR JEPSEN:

As I suspected, Madam President.

THE CHAIR:

The Senate will please come to order and the Chair will recognize the suspecting Senator Jepsen.

SENATOR JEPSEN:

As I suspected, Madam President, this was the technical amendment that we had drawn up that merely cleans up the language of the amendment and there's actually nothing of substance, to my knowledge, in this amendment.

THE CHAIR:

Thank you very much. Would anybody else wish to remark on Senate Amendment "A", LCO No. 5533, the technical amendment? Is there any further remarks? If not then, please let me know your mind. All those in favor of Senate Amendment "A", LCO No. 5533, please signify by saying aye.

SENATORS:

Aye.

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THE CHAIR:

Opposed.

The ayes have it.

The amendment is adopted.

Mr. Clerk, I believe there's a second amendment.

THE CLERK:

Yes, Madam President, it's my understanding that LCO5509 is not to be called.

THE CHAIR:

Thank you very much then. Senator Jepsen, we're back to Senate Calendar No. 65, Substitute for Senate Bill 823 as amended.

SENATOR JEPSEN:

Thank you, Madam President. This bill comes to us from the Law Revision Commission, but it basically is a assemblage of our many and various liquor control regulation statutes and pulled together, regularized and brought into conformity with one another. There's very little of direct substance and here probably the most, the largest single thing is that some establishments, there was a discordance in the law where some places like restaurants that can serve liquor on Sundays were not permitted to start serving liquor until 12:00.

Other places like golf courses could start at

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11:00. This allows everyone to start at 11:00. There's not too much more of substance in here except to -- yes, it does include bowling alleys and everything else is basically just regularizing our statutes and there's not a whole lot here.

THE CHAIR:

Thank you very much, Senator Jepsen. Would anybody else wish to remark on Senate Calendar No. 65? Are there any further remarks? If not, Senator Jepsen, would you entertain the notion of placing this on the Consent Calendar if there is no objection?

SENATOR JEPSEN:

I would move this to the Consent Calendar if there's no objection?

THE CHAIR:

Thank you very much, Senator. If there are no further remarks, is there any objection to placing Senate Calendar No. 65, Substitute for Senate Bill No. 823, as amended on the Consent Calendar? Is there any objection? Hearing none, so ordered.

THE CLERK:

Madam President, that I believe completes the items that were marked Go. There were a few items that were marked Passed Temporarily.

THE CHAIR:

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items that have been placed on Consent.

THE CLERK:

The second Consent Calendar begins on Calendar Page 10, Calendar No. 202, Senate Bill No. 416.

Calendar Page 11, Calendar 207, Substitute for Senate Bill 814.

Calendar Page 12, Calendar No. 214, House Bill 6627.

Calendar Page 14, Calendar 224, Substitute for Senate Bill 38.

Calendar Page 15, Calendar No. 231, Senate Bill 891.

And Calendar Page 21, Calendar No. 65, Substitute for Senate Bill 823.

Madam President, that completes the second Consent Calendar.

THE CHAIR:

Thank you very much. You've heard the items that have been placed on the Consent Calendar No. 2. The machine is on. You may record your vote.

Senator Jepsen. Thank you very much. Have all Senators voted and their vote properly recorded? Have all Senators voted and their vote properly recorded? The machine is closed.

The result of the vote:

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36 Yea
0 Nay
0 Absent

The Consent Calendar is adopted.

The Chair would recognize Senator DiBella for purposes of explanation, as I understand it.

SENATOR DIBELLA:

Once more, Madam President, so that there is no misunderstanding.

THE CHAIR:

Wait a minute. (Gavel) Will the Senate please come to order and would you all please be quiet so we can hear what the game plan is here. All right, Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President.

THE CHAIR:

You're welcome, sir.

SENATOR DIBELLA:

The game plan is to return tomorrow at 5:00 p.m. for a session to take up the two bills that I articulated. There will be a Democratic Caucus at 4:00 p.m. tomorrow and the session will be at 5:00 p.m. and hopefully we can get out of here relatively soon. There will only be two bills taken up.

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2229-2600

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Committee on Appropriations.

THE CHAIR:

Is there any objection to referring Senate Calendar No. 460, Substitute for House Bill No. 6979 to the Committee on Appropriations? Is there any objection? Hearing none, so ordered.

SENATOR DIBELLA:

I'm sorry, Madam President. I would move to reconsider Item No. 460 on Page 39.

THE CHAIR:

Is there any objection to the motion to reconsider Item No. -- is there any objection? Hearing none, so ordered.

SENATOR DIBELLA:

Calendar Item No. 460, I'd change that to a Go.

THE CHAIR:

Thank you.

SENATOR DIBELLA:

Calendar Item No. 65 on Disagreeing Actions, Substitute for Senate Bill No. 823, I would move this to the Consent Calendar.

THE CHAIR:

Is there any objection to placing Senate Calendar No. 65, Substitute for Senate Bill No. 823, on the Consent Calendar? Is there any objection? Hearing

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none, so ordered.

SENATOR DIBELLA:

Calendar Item No. 130 is a Go. Calendar Item No.
153 is a Go.

On Page 40, Calendar Item No. 170 is Pass Retained.
Calendar Item No. 209, Substitute for Senate Bill
No. 1057, I move this be recommitted to the Committee
on General Law.

THE CHAIR:

Is there any objection? Yes, Senator Fleming, are
you objection to the --?

SENATOR FLEMING:

I would object and ask for a roll call on the
recommittal.

THE CHAIR:

There is a motion on Senate Calendar No. 209,
Substitute for Senate Bill No. 1057. There is a motion
to recommit that item to the Committee on General Law.
Does anybody wish to speak in favor or against the
motion? Is there any debate on the motion? Roll call?
There is also a request to have a roll call vote. If
there is no debate, Mr. Clerk, then you would please
make the necessary announcement for a roll call vote.

THE CLERK:

An immediate roll call has been ordered in the

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Wednesday, May 26, 1993. Would you please, Mr. Clerk,
read the items that have been placed on Consent.

THE CLERK:

The first Consent Calendar begins on Calendar
Page 2, Calendar No. 179, Substitute for Senate Bill
980, Calendar No. 228, Substitute for Senate Bill
727, Calendar 244, Substitute for Senate Bill 438.

Calendar Page 3, Calendar No. 269, Senate Bill
No. 400.

Calendar Page 8, Calendar No. 405, Substitute for
Senate Bill 425.

Calendar Page 16, Calendar No. 484, Senate Bill
969. Calendar Page 30, Calendar No. 229, Substitute
for Senate Bill 16. Calendar 245, Substitute for
Senate Bill 1029.

Calendar Page 36, Calendar No. 402, Substitute for
Senate Bill 644.

Calendar Page 38, Calendar No. 457, Substitute for
House Bill 5698.

Calendar Page 39, Calendar No. 65, Substitute for
Senate Bill 823.

Calendar Page 40, Calendar 279, Senate Bill No.
411. Calendar 317, Substitute for Senate Bill 968.

And Calendar Page 42, Calendar No. 504, Senate
Resolution No. 20.

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Madam President, that completes the first Consent Calendar.

THE CHAIR:

Thank you very much, Mr. Clerk. You've heard the items that have been placed on Consent Calendar No. 1 for today, Wednesday, May 26, 1993. The machine is on. You may record your vote.

Senator Milner. Senator Scarpetti. Senator Penn and Senator Daily. Is Senator Daily here? Have all Senators voted and have their votes been properly recorded? Have your votes been properly recorded? The machine is closed.

The result of the vote:

36 Yea

0 Nay

0 Absent

The Consent Calendar No. 1 for today has been adopted.

Mr. Clerk.

THE CLERK:

Calendar Page 8, Calendar No. 394, File No. 234, 604 and 662, Substitute for House Bill 7060, AN ACT CONCERNING THE BASIC TRAINING OF POLICE OFFICERS AND THE CERTIFICATION OF OPERATORS OF CHEMICAL TEST DEVICES. (As amended by House Amendment Schedule "A").

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CONNECTICUT
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5528-5811

kfh

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House of Representatives

Tuesday, May 18, 1993

Senate Bill 965, in concurrence with the Senate.

Total Number Voting	147
Necessary for Passage	74
Those Voting Yea	147
Those Voting Nay	0
Those absent and not Voting	4

DEPUTY SPEAKER COLEMAN:

Senate Bill 965 is passed in concurrence with the Senate.

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

CLERK:

At the bottom of Page 33, Calendar 356, Substitute for Senate Bill 823, AN ACT AMENDING THE LIQUOR CONTROL ACT. (As amended by Senate Amendment Schedule "A") Favorable Report of the Committee on Appropriations. Committee recommends passage with Senate Amendment Schedule "A".

DEPUTY SPEAKER COLEMAN:

Representative Fox.

REP. FOX: (144th)

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

DEPUTY SPEAKER COLEMAN:

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The question is acceptance and passage in concurrence with the Senate. Will you remark further?

REP. FOX: (144th)

Yes, thank you, Mr. Speaker. Mr. Speaker, back in January of 92 a Joint Committee consisting of the Department of Liquor Control, the Connecticut Law Revision Commission with the assistance of the Legislative Commissioner's Office and the Office of Attorney General undertook a study of Connecticut's liquor statutes for the purpose of proposing changes in organization, corrections of inconsistencies and some ambiguities.

This bill is the result of that study. To begin with, Mr. Speaker, there is a clarifying amendment which was proposed in the Senate. If I may ask the Clerk to call that. That is LCO No. 5533. I would ask that that be called and I be allowed to summarize.

DEPUTY SPEAKER COLEMAN:

Will the Clerk please call LCO5533, designated Senate "A"?

CLERK:

LCO No. 5533, designated Senate "A", offered by
Senator Larson, et al.

DEPUTY SPEAKER COLEMAN:

Representative Fox has requested leave to

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summarize. Is there objection? Without objection, please proceed, Representative Fox.

REP. FOX: (144th)

Thank you, Mr. Speaker. Mr. Speaker, the bill itself primarily makes a number of technical and clarifying revisions. It includes a number of provisions moved from one section to another, and really an attempt to make this entire section of the statute more readable and clearer.

This particular amendment makes a number of technical changes to the bill, and it also requires the Department of Liquor Control to adopt regulations. In particular, this amendment is an attempt, I think, on the part of the Senate to further redefine and reclarify and make more consistent the existing statute.

I think this amendment would clearly be called technical in nature, and I move adoption of the amendment.

DEPUTY SPEAKER COLEMAN:

Question is on adoption of the amendment. Will you remark further? Will you remark further?

Representative Simmons.

REP. SIMMONS: (43rd)

Thank you, Mr. Speaker. Through you, a question to

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the proponent of the bill.

DEPUTY SPEAKER COLEMAN:

Please frame your question.

REP. SIMMONS: (43rd)

Thank you, Mr. Speaker. Is there anything in this amendment that we're considering at this time which would change the action of the House earlier this session with regard to the production of eau de vie or grappa? Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Fox, if you care to respond.

REP. FOX: (144th)

Through you, Mr. Speaker, I think that's a valid question. That's a point, I believe, that was raised when we were doing that particular bill. I know I have and I believe your side of the Aisle has conferred with the Legislative Commissioner's Office on that, and I am told as I think you have been that there is no specific inconsistency in what is being done that those will be melded together, and that we will not be revamping or eliminating what has already been done.

I think the response that each side has received from the Legislative Commissioner's Office has made that satisfactorily clear.

DEPUTY SPEAKER COLEMAN:

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Representative Simmons.

REP. SIMMONS: (43rd)

And so if I could, yes, through you, Mr. Speaker, if I could summarize, it would appear to me that there is nothing in this bill before us here today which would change the legislative intent or the legislative action of this body when it acted earlier on the issue of eau de vie and grappa production. Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Fox.

REP. FOX: (144th)

Through you, Mr. Speaker, it is my understanding that your analysis is correct.

REP. SIMMONS: (43rd)

Thank you, Mr. Speaker. On that basis, I would support the bill.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Simmons. Will you remark further on this amendment? Will you remark further on the amendment? Representative Miller.

REP. MILLER: (122nd)

Thank you, Mr. Speaker. Question to the proponent.

DEPUTY SPEAKER COLEMAN:

Please proceed.

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REP. MILLER: (122nd)

In the amendment on lines 233, 234, 235, it was always my understanding that the liquor license itself governed the hours that an applicant can stay open. Are you saying now, under this amendment, are you saying that a town can limit the hours?

DEPUTY SPEAKER COLEMAN:

Representative Fox.

REP. FOX: (144th)

Through you, Mr. Speaker, that would be correct. That as I understand it is the way it is now that that can be done, and this brings this into consistency with what has been the practice of a Liquor Commission.

DEPUTY SPEAKER COLEMAN:

Representative Miller.

REP. MILLER: (122nd)

Thank you. Another question. Can a town vary a license in any way other than ours?

REP. FOX: (144th)

I didn't hear it.

REP. MILLER: (122nd)

Can a town vary a license in any way, by its council or aldermen?

DEPUTY SPEAKER COLEMAN:

Representative Fox.

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REP. FOX: (144th)

Through you, Mr. Speaker, I do not believe so.

REP. MILLER: (122nd)

Thank you.

REP. FOX: (144th)

Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Miller. Will you remark further on Senate "A"? Will you remark further? If not the Chair will try your minds. All those in favor of Senate Amendment Schedule "A", please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

All those opposed say nay. The ayes have it.
Senate "A" is adopted and ruled technical.

Will you remark further on the bill as amended?

REP. FOX: (144th)

Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Fox.

REP. FOX: (144th)

Mr. Speaker, there is a second amendment. It is LCO No. 5718. I would ask that that be called and I be

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allowed to summarize.

DEPUTY SPEAKER COLEMAN:

Will the Clerk please call LCO5718, designated House "A".

CLERK:

LCO No. 5718, designated House "A", offered by Representative Lyons, et al.

DEPUTY SPEAKER COLEMAN:

Representative Fox has requested leave to summarize. Is there objection? Without objection, please proceed, Representative Fox.

REP. FOX: (144th)

Thank you, Mr. Speaker. Mr. Speaker, House "A" is intended to correct what I believe were two grammatical errors in the amendment adopted by the Senate. In particular at or about line 24 of the amendment, you will see that there is reference to wording which says being granted to any airline. There is a comma there which had inadvertently been a period in the Senate "A", and in addition down at the very bottom, there was a mistake in wording and a typographical error with respect to the fee that was cited. This corrects that to be \$1,200 to make it in accordance with what was intended.

I would move adoption of the amendment.

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DEPUTY SPEAKER COLEMAN:

The question is adoption of House "A". Will you remark further? Will you remark further on House "A"? If not, the Chair will try your minds. All those in favor of House Amendment Schedule "A", please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER COLEMAN:

All those opposed say nay. The ayes have it.
House "A" is adopted and ruled technical.

Will you remark further on the bill as amended?
Will you remark further? Representative Chase.

REP. CHASE: (120th)

Yes, Mr. Speaker, through you, a question.

DEPUTY SPEAKER COLEMAN:

Please proceed, sir.

REP. CHASE: (120th)

Yes, through you, Mr. Speaker, line 2100, Section 37 of the bill makes reference to a special permit, a couple of questions. My first question is one in fact is this a new permit, and secondly, it appears to be drawn very specific. The annual fee for special outing facility shall be \$240. It talks about the size of the facility.

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Could you give us some information about this?
Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Fox.

REP. FOX: (144th)

Yes, sir. Under the present statutes, the present statutes define a special outing facility and allow the Department of Liquor Control to charge a fee for issuance of such a permit. The statutes do not, however, authorize the issuance of such a permit not describe the activities permitted under such a permit.

This new section proposed new section, fills what is considered a statutory gap.

DEPUTY SPEAKER COLEMAN:

Representative Chase.

REP. CHASE: (120th)

Thank you, Mr. Speaker. I believe that answers my question, but just a quick followup. This isn't drawn for a specific facility at this time? Through you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Fox.

REP. FOX: (144th)

Through you, Mr. Speaker, no.

REP. CHASE: (120th)

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Okay. Thank you, Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Thank you, Representative Chase. Will you remark further? Will you remark further on the bill as amended? If not, will staff and guests please report to the Well of House? Will members please prepare to record your vote? The machine will be opened.

CLERK:

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

DEPUTY SPEAKER COLEMAN:

Have all members voted? Have all members voted? Is your vote properly recorded? Please check the board? Please check the board to determine if your vote is properly recorded. If all members have voted, the machine will be locked. Will the Clerk please take the tally?

Will the Clerk please announce the tally?

CLERK:

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House of Representatives

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Senate Bill 823 as amended by Senate Amendment
Schedule "A" and House Amendment Schedule "A".

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

DEPUTY SPEAKER COLEMAN:

Senate Bill 823, as amended, is passed.

Will the Clerk please continue with the Call of the
Calendar.

CLERK:

On page 24, Calendar 67, Substitute for House
Bill 5199, AN ACT CONCERNING BLOOD SAMPLES IN CASES OF
DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.
Favorable Report of the Committee on Judiciary.

REP. COURTNEY: (56th)

Mr. Speaker. Mr. Speaker.

DEPUTY SPEAKER COLEMAN:

Representative Courtney.

REP. COURTNEY: (56th)

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

DEPUTY SPEAKER COLEMAN:

JOINT
STANDING
COMMITTEE
HEARINGS

GENERAL LAW
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GENERAL LAW

February 11, 1993

to be redundant, what it does stifle the American spirit. Because most of these vendors and stores started out just that way, as vendors.

REP. ROY: I don't think it will stifle them. It will be up to the town what the fees will be. We're not going to set the fees here in Hartford for the whole state. I think there will be a balance struck between what the fees are and what the local merchants need.

SEN. PENN: Thank you, Mr. Chairman.

REP. FOX: Thank you, Representative Roy. Gerald Langlois. And Commissioner Sullivan.

COMM. WILLIAM SULLIVAN: Good afternoon. Chairman Fox, my name is Sullivan. I'm the Chairman of the Liquor Control Commission and I would like to know just very briefly. I have the balance of the Commissioner's books, Commissioner Devine with me. As of lunch time when I paid the tab, everything was unanimous, (inaudible)

I also have our new director, Mr. Langlois, and it it meets with your permission, what I would like to do, is very briefly, speak to SB823. Mr. Biklen has already commented on that. I think I should proceed with that. And then yield to Mr. Langlais and let him speak on the other four acts. I may jump back in if you're agreeable for just a moment
--

REP. FOX: That's fine.

COMM. WILLIAM SULLIVAN: -- to comment on it. First of all, with respect to an act concerning the (inaudible) liquor control act, as you know, we're very proud of this bill. We're very grateful for Mr. Biklen and the Law Revision Commission that prepared it.

This act goes back many, many years and it's been amended many, many times since its original inception. I hate to demean our own working apparatus, but in many respects it's not a good act, the old act. There are some references that are now dated. There's some definitions which may be dated. There are a number of definitions which

should be combined together, there are statutes that are numbered in sequences that should not exist and you would almost need a firm of Philadelphia lawyers to pick up this act and make a lot of sense out of it very quickly.

And as many times as I've thumbed through it in the last two years, I still find difficulties finding key sections in it when I'm looking for one.

We were very interested in the proposal by the Law Revision Commission to recollate and re-edit this act. And we feel they've done an excellent job of it. And we're also grateful to the attorney general's office, particularly Attorney Kelly who had a great deal to do with it. We're grateful to your staff counsel who have worked on it over the past year and we think that it's a good bill. I've looked at it myself very carefully. I don't believe there are any substantive changes in it.

Fees have not been touched. If there's anything in it of that nature, that's an error that should be corrected. We do kind of differ with Mr. Biklen about the 6 year terms versus the 4 year terms. We think he's wrong, it should be 6, but that's a small point that can be handled.

And really, as I say, I'm prepared to represent to your Committee that there should be nothing of a substantive nature in here by way of changes. We've also had the bill reviewed by the various segments of the liquor industry, wholesale level, retail level, to make sure that their relationships, or mutual relationships with each other are unchanged and they seem to feel that they are. So I am not aware at this moment of any direct criticism of this product.

GERALD LANGLAIS: Chairman Fox and Colapietro, members of the Committee. My name is Gerry Langlais, Director of the Department of Liquor Control and I would like to speak on four bills today.

First, HB6860, AN ACT CONCERNING THE SUSPENSION OF THE OPERATOR'S LICENSE OR MOTOR VEHICLE REGISTRATION OF A MINOR WHO PURCHASES ALCOHOLIC LIQUOR OR MISREPRESENTS HIS AGE IN ORDER TO PURCHASE ALCOHOLIC LIQUOR. We feel that this

REP. FOX: The next item is SB823. George Montano.

GEORGE MONTANO: Chairman Colapietro, Chairman Fox, distinguished members of the Committee. My name is George Montano and I represent the Wine and Spirits Wholesalers of Connecticut. I'm here this evening to indicate our support for SB823, AN ACT AMENDING LIQUOR CONTROL ACT.

The Law Revision Commission and the Department of Liquor Control did a superb job in reorganizing the act in making all of the grammatical corrections. Our Association urges this Committee to vote favorably on SB823. Thank you.

REP. FOX: Thank you. Any questions? That was easy. We have Bertram Ibelle, Dr. Bertram Ibelle.

DR. BERTRAM IBELLE: Mr. Chairman, members of the Committee, I'm Dr. Bertram Ibelle, legislative co-chair for the Connecticut Psychological Association, here to speak in favor of Proposed HB5078, AN ACT CONCERNING AMOUNTS CHARGED FOR LICENSES FOR PROFESSIONALS AND SEMI-RETIRED PROFESSIONALS.

This type of bill has come up several times over the last several sessions and has never gone anywhere. I would like to take my time to explain a little bit why this now is important.

Four years ago, psychologists were paying \$25 a year for a license which was ridiculously low. I think it was either 4 years ago or 3 years ago the fee was raised to \$75 which caused no big difficulty for our profession.

However, last year the fee was raised to \$450. This is an 18 fold increase over a period of 4 years in a climate where the inflation rate is somewhere around 3% to 4%.

Now, this does now present some problems for some of our people. The bill itself addressed retired and semi-retired people, and let me tell you what they're faced with.

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Revision of Title 30 - Intoxicating Liquor
 "An Act Amending the Liquor Control Act"
Raised Senate Bill 823

February 11, 1993

Summary

In January 1992, a joint committee of the Department of Liquor Control and the Connecticut Law Revision Commission, with the assistance of the Legislative Commissioners' Office and the Office of the Attorney General, undertook a study of Connecticut's liquor statutes for the purpose of proposing changes in organization, correction of inconsistencies and ambiguities, and other necessary adjustments to facilitate administration of the statutes regulating liquor and to further legislative mandates. The review was conducted with the support of the General Law Committee of the General Assembly. The revision addresses existing statutory defects but is tailored so as not to significantly affect the legal and commercial relationships among the members of the regulated industry. Any substantive changes made are identified in this Summary.

In brief summary, the committee proposes the following:

- ◆ **Technical and clarifying legislative revisions.** The proposed bill contains a substantial number of revisions intended solely for clarification. Thus, some provisions have been moved to another section and subsections have been added to other sections. For most types of permits, the provisions that define a specific type of permit and the fee for that permit have been placed together in the specific section that authorizes issuance of that particular permit. Some provisions, now obsolete, have been deleted.
- ◆ **Revision of defined terms.** The number of definitions in section 30-1 in Section 1 of the bill has been reduced from 38 to 20. Some definitions were obsolete and a number of definitions that were used in only one section in the title have been transferred to that section.

- ◆ **Terms of office for liquor control commissioners.** C.G.S. section 4-9a provides that, except for certain enumerated commissions, a state commissioner's term in office is coterminous with that of the governor. C.G.S. section 30-2, on the other hand, calls for liquor control commissioners to serve six-year terms. Based on an opinion by the Attorney General that the term limit provisions of section 30-2 have been superseded by section 4-9a, section 30-2 in Sec. 2 of the bill has been amended to coordinate it with the paramount requirements of section 4-9a.
- ◆ **Regulation-making authority.** Five different provisions (in sections 30-6, 30-63d, 30-64b, 30-65, and 30-68d) giving the department the power to adopt regulations have been merged into a proposed new section 30-6a in Sec. 4 of the bill.
- ◆ **Witness immunity from prosecution.** Section 30-8 offers a witness immunity from prosecution based on any compelled testimony of the witness. Because a similar provision in another statute had been found constitutionally inadequate by the Superior Court, section 30-8 in Sec. 6 of this bill was amended to correct the inadequacy.
- ◆ **List of types of permits.** The portion of section 30-15 in Sec. 9 of the bill that listed the types of permits that can be granted by the Department of Liquor Control has been eliminated as unnecessary. Each type of permit the department is authorized to issue is covered in the statutory sections following section 30-15.
- ◆ **Special outing facility permit.** Present statutes define a special outing facility and allow the Department of Liquor Control to charge a fee for issuance of such a permit. The statutes do not, however, authorize the issuance of such a permit nor describe the activities permitted under such a permit. This new section, proposed new section 30-35b in Sec. 37 of the bill, fills that statutory gap.
- ◆ **Surrender of permit.** Sec. 54 of the bill contains a new provision in section 30-55 that permits the Department of Liquor Control to continue disciplinary proceedings against a permit holder who surrenders its permit in an effort to avoid administrative discipline.
- ◆ **Consumer bars.** Although section 30-62a authorizes the Department of Liquor Control to allow consumer bars in permits, the statutes do not define or describe a consumer bar. Sec. 56 of the bill fills that gap.
- ◆ **Criminal sanction for unauthorized sale.** Ancient (at least 112 years old) statutory language in section 30-74 is repealed in Sec. 63 of the bill that permits criminal conviction of a person who operates a bar with a "reputation" for illegal sales.
- ◆ **Hours and days of closing.** Section 30-91(a) in Sec. 68 of the bill has been rewritten to simplify and clarify when permittees that sell liquor for on-premises consumption must be closed. The bill also extends these limitations to museum and university permits which presently have no statutory limits in this respect.

◆ **Permit premises must be closed when liquor not sold.** Section 30-91(d) requires that taverns and brew pubs be closed for all purposes when liquor cannot be sold. An existing Connecticut regulation (section 30-6-B22b) prohibits cafes from being open in the same circumstances. Sec. 68 of the bill codifies that regulatory prohibition with respect to cafes.

◆ **Sections proposed for repeal.**

Section 30-1b. The provision references terms no longer in use in the statutes.

Section 30-41. The provisions listing the cost of various permit fees have been moved to the substantive provisions of the permit to which the fee applies. The first sentence of subsection (b) has been moved to section 30-14 in Sec. 7 of the bill, and the last sentence regarding population is redundant with section 30-21.

Section 30-63d. Some of its provisions refer to statutes (sections 30-63a through 30-63c) that have been repealed and other provisions are covered in section 30-6a of Sec. 4 of the bill.

Section 30-65. The provisions currently contained in section 30-65 have been moved to section 30-6a(b) in Sec. 4 of the bill.

Section 30-68d. The provision regarding the enforcement power of the Department of Liquor Control has been moved to section 30-6 in Sec. 3 of the bill and the regulation-making provisions have been moved to section 30-6a(b) in Sec. 4 of the bill.

David D. Biklen
Connecticut Law Revision Commission



STATE OF CONNECTICUT

DEPARTMENT OF LIQUOR CONTROL



TESTIMONY OF
GERALD C. LANGLAIS, DIRECTOR, DEPARTMENT OF LIQUOR CONTROL

PROPOSED REVISION OF TITLE 30 - INTOXICATING LIQUOR
"AN ACT AMENDING THE LIQUOR CONTROL ACT"

SB 823

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The proposed revision of Title 30 of the General Statutes "An Act Amending the Liquor Control Act" is a joint venture among the Connecticut Law Revision Commission, Attorney General's Office and the Department of Liquor Control. This bill contains no substantiative changes in the Liquor Control Act. What it does is modernize and simplify the language of the Act, while placing it in an orderly and concise format. What this act does, more than anything else, is simplify the Act so it can be read and understood by those who deal with it the most, namely: permittees and owners of liquor premises. It unifies certain sections under one general heading. It removes "legaleze" and ambiguity from other sections. In these ways, the proposed revision will better serve those who deal with it on a daily basis.

For these reasons, the Department of Liquor Control is very proud of the joint effort and requests that this bill be passed so that we may all benefit by its enactment.