

Legislative History for Connecticut Act

HB 6695 (PA 195) 1995
Senate 4581 - 4582, 4636 - 4638 (5)
House 3587, 4113 - 4134 (23)
Gen. law: 798-801, 830-832, (8)
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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
1995

VOL. 38
PART 13
4505-4901

Calendar. Without objection, so ordered.

THE CLERK:

Page 10, Calendar 536, Substitute for HB6695, An Act Abolishing the Department of Liquor Control and Transferring Its Duties to the Department of Consumer Protection, as amended by House Amendments "A", "B" and "C". Favorable Report of the Committee on General Law, Finance, Appropriations and GAE, File 705, 857.

THE CHAIR:

Senator Kissel.

SEN. KISSEL:

Thank you very much, Madam President. Madam President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

The question is on passage in concurrence. Will you remark?

SEN. KISSEL:

Thank you very much, Madam President. What this bill does is, it essentially is the General Law Committee's small effort toward helping alleviate some of the budgetary problems in the State of Connecticut.

What we've attempted to do is abolish the Liquor Control Commission and sub-assume its responsibilities

and authorities under the aegis of the Department of Consumer Protection.

One of the amendments that was proffered by the House and passed would make sure that there are three liquor control commissioners now within the Department of Consumer Protection, rather than originally thought of as two, but still there is substantial savings realized by this bill for the State of Connecticut, totalling \$297,000 and that may not sound like a lot of money when we talk about savings to the state, but that's without changing programs at all. That's simply a consolidation savings and still getting the job done.

So, we're moving along the right track as far as consolidating state agencies and if there is no objection, Madam President, I would move this bill to the Consent Calendar.

THE CHAIR:

The question is on moving this to the Consent Calendar. Without objection, so ordered.

SEN. KISSEL:

Thank you very much, Madam President.

SEN. FLEMING:

Madam President.

THE CHAIR:

Senator Fleming.

personal privilege or announcements. Senator Fleming.

SEN. FLEMING:

Madam President.

THE CHAIR:

Senator Fleming.

SEN. FLEMING:

Yes, Madam President, for purposes of an introduction. I'd like to introduce a gentleman that's no stranger to this Chamber, former State Senator from Eileen Daily's 33rd District, a Congressional candidate of some note, Senator Ed Munster who I had the privilege of serving with here in the circle.

(APPLAUSE)

THE CHAIR:

Thank you, Senator Fleming. Senator Munster, it's always a pleasure to see you.

At this time the Chair will entertain other points of personal privilege or announcements. Seeing none, would the Clerk continue with the Call of the Calendar.

At this time would the Clerk please call the Consent Calendar.

THE CLERK:

We're about to vote on the Consent Calendar in the

Senate. Will all Senators return to the Chamber.

We're about to vote on the Consent Calendar. Will all Senators please return to the Chamber.

Page 3, Calendar 346, SB1001.

Page 4, Calendar 384, HB6997.

Page 5, Calendar 455, SB77.

Page 7, Calendar 518, HB6906.

Page 7, Calendar 522, HB6970.

Page 8, Calendar 527, HB6132.

Page 8, Calendar 528, HB6694.

Page 8, Calendar 530, HB6914.

Page 9, Calendar 531, HB6857.

Page 9, Calendar 532, HB6892.

Page 9, Calendar 534, HB6737.

Page 10, Calendar 536, HB6695.

Page 10, Calendar 538, HB6600.

Page 10, Calendar 539, HB6788.

Page 10, Calendar 540, HB5046.

Page 14, Calendar 86, SB110.

Page 15, Calendar 151, SB996.

Page 15, Calendar 163, SB117.

Page 16, Calendar 322, SB892.

Page 17, Calendar 361, SB10.

THE CHAIR:

Senator Fleming.

SEN. FLEMING:

Yes, Madam President. I wish to remove two items from the Consent Calendar. Calendar 86, I'd like to mark that pass temporarily. Calendar 86.

THE CHAIR:

Without objection, so ordered.

SEN. FLEMING:

And Calendar 322, mark that pass retain.

THE CHAIR:

At this time the machine will be open. We will be voting on the Consent Calendar.

Have all members voted? Senator Gunther? Have all members voted? If all members have voted, the machine will be locked. Clerk please take a tally.

THE CLERK:

Total number voting, 35; necessary for passage, 18. Those voting "yea", 35; those voting "nay", 0.

THE CHAIR:

The Consent Calendar is adopted.

THE CLERK:

Page 19, Calendar 264, SB898, An Act Concerning State Purchasing, as amended by Senate Amendment Schedule "A" and House Amendments "A" and "B" and "C". Favorable Report of the Committee on GAE, file 459,

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House of Representatives

Wednesday, May 17, 1995

AND TRAINING IN SATE EMPLOYMENT. Favorable Report of
the Committee on Appropriations.

DEPUTY SPEAKER HARTLEY:

Representative Godfrey.

REP. GODFREY: (110th)

Thank you, Madam Speaker. I would move that
Substitute for House Bill Number 6469 be referred to
the Committee on the Judiciary.

DEPUTY SPEAKER HARTLEY:

Without objection, so ordered.

CLERK:

On page 22, Calendar 466, Substitute for House
Bill Number 6695, AN ACT ABOLISHING THE DEPARTMENT OF
LIQUOR CONTROL AND TRANSFERRING ITS DUTIES TO THE
DEPARTMENT OF CONSUMER PROTECTION. Favorable Report of
the Committee on Appropriations.

DEPUTY SPEAKER HARTLEY:

Representative Godfrey.

REP. GODFREY: (110th)

Thank you, Madam Speaker. I would move that
Substitute for House Bill Number 6695 be referred to
the Committee on Government Administration and
Elections.

DEPUTY SPEAKER HARTLEY:

Without objection, so ordered.

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House of Representatives

Tuesday, May 30, 1995

call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please. Voting to overturn the unfavorable report.

SPEAKER RITTER:

Have all members voted? Please check the roll call machine to make sure your vote is properly cast. If everybody has voted, the machine will be locked and the Clerk will please take a tally.

And the Clerk will please announce the tally.

CLERK:

On the motion to overturn the unfavorable report

Total Number Voting 150

Necessary for Adoption 76

Those voting Yea 142

Those voting Nay 8

Those absent and not voting 1

SPEAKER RITTER:

The motion passes. Just for the membership, what this will do now, it will go back to the Calendar for action at a later date, presumably tomorrow.

The Clerk will please call Calendar 466.

CLERK:

On page 35, Calendar 466, Substitute for House Bill Number 6695, AN ACT ABOLISHING THE DEPARTMENT OF LIQUOR CONTROL AND TRANSFERRING ITS DUTIES TO THE

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DEPARTMENT OF CONSUMER PROTECTION. Favorable Report of the Committee on Government Administration and Elections.

SPEAKER RITTER:

Once again, the Honorable Representative from Stamford, Representative Fox.

REP. FOX: (144th)

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

SPEAKER RITTER:

The motion is on acceptance and passage. Please proceed, sir.

REP. FOX: (144th)

Thank you, Mr. Speaker. This bill would make the Liquor Control Commission a part of the Department of Consumer Protection. It abolishes the Department of Liquor Control and transfers its powers and duties to DCP.

That is the basic thrust of it. There is -- there are, I should say, a number of amendments that we feel are necessary. The first one being LCO Number 6957. I would call that, Mr. Speaker and ask that I be allowed to summarize.

SPEAKER RITTER:

The Clerk does indeed have LCO Number 6957. If

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you may call and Representative Fox would like to summarize.

CLERK:

LCO Number 6957, House "A" offered by Representatives Bysiewicz and Powers.

SPEAKER RITTER:

Representative Fox.

REP. FOX: (144th)

Thank you, Mr. Speaker. Mr. Speaker, this changes the membership of what would be the equivalent of the existing commission from two back to three. And I would move adoption of the amendment.

SPEAKER RITTER:

The question is on adoption. Will you remark further?

REP. FOX: (144th)

Thank you, Mr. Speaker. It seems to be the consensus of all involved that for a number of reasons for purposes of various hearings that would be held by what would be this new body, that three as opposed to two would be the appropriate number. To the best of my knowledge, it has brought support and I would support its adoption.

SPEAKER RITTER:

The question is on adoption. Will you remark

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further? Representative Powers from the 151st.

REP. POWERS: (151st)

Thank you, Mr. Speaker. I rise and urge support for this amendment. Quite simply, when you read the bill, the way it was in your file, it created a commission of two which does not make a whole lot of sense. So using basic common sense, you will see two women sponsored this amendment. Thank you, Mr. Speaker.

SPEAKER RITTER:

I must note, one from both sides of the aisle, Madam.

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker. If I may, a question for Representative Fox?

SPEAKER RITTER:

Please proceed.

REP. O'NEILL: (69th)

Through you, Mr. Speaker. Is there a fiscal note associated with this amendment?

SPEAKER RITTER:

Representative Fox.

REP. FOX: (144th)

Through you, Mr. Speaker. There is in fact a

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fiscal note which would indicate that there would be a cost of \$40,000 for that individual person or that additional entity, that additional person. I would indicate to you that I have had discussions both with Representative Dyson and Representative Concannon who chairs the subcommittee and it is my understanding that a commitment has been made through the Commissioner's office that the cost of the additional person would be assumed as part of their budget and would not require any additional funding.

In conjunction with that, to better answer your question, I might yield to Representative Concannon.

SPEAKER RITTER:

Representative O'Neill has the floor. Would you like to --

REP. O'NEILL: (69th)

I would pose that question directly through you, Mr. Speaker to Representative Concannon. Yes.

SPEAKER RITTER:

Representative Concannon, would you answer that please, Madam?

REP. CONCANNON: (34th)

Yes, Mr. Speaker. Through you, Mr. Speaker. In the subcommittee for Regulations and Protection, we actually deleted the third person from the hearing

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panel and then it became evident in a subsequent conversation with the commissioner that it would be very difficult for them to proceed with just two hearing officers. And as a result, I assured them there was no money in the budget for extra personnel to take care of this and he assured me that he could work within the existing appropriation to accommodate this third person, this third hearing officer and with that understanding, that third person has been put back into the Liquor Board Hearing Panel and clearly, they are within the appropriations plan for next year.

SPEAKER RITTER:

You still have the floor, sir.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker. If I may, at looking at the fiscal note, it indicates that the \$40,000 to the Department of Consumer Protection, the cost represents the amount of reimbursement which the commissioner would receive. Through you, Mr. Speaker to Representative Concannon, does this commissioner have a secretary, office space, and some sort of equipment that has to be utilized, car allowance, mileage, anything like that in addition to the \$40,000 salary? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Concannon.

REP. CONCANNON: (34th)

Through you, Mr. Speaker. All the clerical work and so forth is already provided. I think there is a mileage allowance that some claim and some do not and beyond that, I don't believe there is any other expenditure. Through you, Mr. Speaker.

SPEAKER RITTER:

You have the floor, sir.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker. I would indicate to the Chamber that in addition to the \$40,000 because my understanding of the fiscal note process is that they do not, for example, include fringe benefits, pensions, health insurance, things that appear on other lines other than just the straight salary and those numbers are typically about 39% - 40% of the salary so we would be looking at something of a real cost here of perhaps \$56,000. Perhaps I should pose that as a direct question to Representative Concannon.

Is my understanding correct that when you add in the other expenses associated with this position in terms of pensions and other fringe benefits that it is going to be in addition to the \$40,000? Through you, Mr. Speaker.

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SPEAKER RITTER:

Representative Concannon.

REP. CONCANNON: (34th)

Through you, Mr. Speaker. To my knowledge, these people work two days a week. And I did not understand that there were benefits associated with this. I would like to defer, possibly to Representative Dyson.

SPEAKER RITTER:

Representative Concannon, Representative O'Neill has the floor. I think what you need to do is just give the answer to the best of your ability and if Representative O'Neill would like to ask anybody else a question, it would be up to him.

So you have the floor, Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker. I guess I would then pose my question to Representative Dyson. In regards to the fiscal note, it indicates and I understand it is my understanding the way fiscal notes are written, that the \$40,000 does in fact merely represent the actual salary for this individual who are talking about and that things like fringe benefits, pensions and so on, which typically represent about 40% of the -- the equivalent of about 40% of the salary are not included in this. So to get a true picture of what this is

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going to cost the state is a number closer to perhaps \$56,000. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Dyson.

REP. DYSON: (94th)

Through you, Mr. Speaker. Thank you. This was a given. The commissioner had an interest in making sure that he be able to get another position that he would not be able to do it himself. And what he requested of us, make sure we get the position, I will eat the cost. Meaning that he is going to find some way within his agency by somebody retiring or moving on or somehow or another that he would be able to do it.

So, I don't have any reservations about his being able to do it. We, in a sense, are kind of forcing him to do it because he said that he could do it. So in reference to the cost associated with this, some of those things that you mention come out of the comptroller's office, a fund there to pay for things such as that. But any other cost, the commissioner is going to eat it, himself, within his budget.

SPEAKER RITTER:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker. I guess I go back to

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Representative Concannon because she raised a point that I was a little surprised by. And that is the number of days per week this person works. Through you, Mr. Speaker. When you say he is working two days per week or this third person would be working two days per week, does that translate into two full days of eight days each, sixteen hours of work per week or does he just show up for a lesser period of time on two separate days per week? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Concannon.

REP. CONCANNON: (34th)

Through you, Mr. Speaker. My understanding is on those two days, they have hearings and virtually, it is a full day of work. It is just not the hearings. It is also some reports and so forth. I assume he is working the same as all the other hearing officers. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative O'Neill, you have the floor.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker. Again, a question for Representative Concannon. Am I to understand then that the three people who would be working in this capacity would be working between them, each of them would work

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two days per week? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Concannon.

REP. CONCANNON: (34th)

Through you, Mr. Speaker. One of these three people is the commissioner, himself. And there are two other, I mean the Commissioner of Consumer Protection and the other two are the commissioners as were present on the Liquor Control Board.

The hearings are two days of the week, but they also work on other days apart from the hearing process.

SPEAKER RITTER:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker. A question for Representative -- well, I will direct it to Representative Concannon. Perhaps she can help me with this. At the present time, are these hearings now being held by three people at a time? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Concannon.

REP. CONCANNON: (34th)

Generally the hearings are with two people. There are two, one with administrative hearings and there are

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hearings requiring infractions. I am trying to think of the expression. And basically, it is only when they have a tied vote that there is need to refer to a third hearing officer.

SPEAKER RITTER:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker. Perhaps I could get a clarification. So that right now if there were a hearing being held by the Liquor Control Commission, there would be two people sitting in the hearing room hearing this complaint and only if they had a tie vote would the third person, being the Liquor Control Commissioner, be asked to sit in, in order to break the tie. Is that my understanding? Through you, Mr. Speaker. Is that correct?

SPEAKER RITTER:

Representative Concannon.

REP. CONCANNON: (34th)

Yes. Through you, Mr. Speaker. It was formerly the chairman of the board, now it will be the commissioner of Consumer Protection. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative O'Neill.

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REP. O'NEILL: (69th)

Thank you, Mr. Speaker. It would seem to me that perhaps the way that we ought to approach this whole situation is to have one person sit there and hear the complaint, rather than have two people and now three people sitting there and listening to all of this and end up with splitting the thing up. Through you, Mr. Speaker. Was any thought given to, since we have to have a way of breaking the tie and that is what causes the need for a third person, was there any thought given to having only one person sit and be the hearing officer for a particular hearing? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Concannon.

REP. O'NEILL: (69th)

And this is directed to Representative Concannon, to start.

SPEAKER RITTER:

Representative Concannon.

REP. CONCANNON: (34th)

Through you, Mr. Speaker. That was not the case. I don't think, at this point, that we wanted to tell the Department how to run this. Clearly, they have precedence and clearly the commissioner has a very

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clear idea of where he wants to go and how he wants to run his department. And he certainly does not give me the impression that he plans to waste a single dollar in the process.

Through you, Mr. Speaker.

SPEAKER RITTER:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker. That's encouraging, I guess, that we want to try not to waste any money. Just looking at this seemed that we were making some progress in reducing the size of government by consolidation and that progress is going to disappear because when we consolidate now, we end up creating a new position for someone to fill. And it is a relatively attractive position looking at the \$40,000 a year salary and apparently two days a week, although maybe they do work a five day week.

I guess I have some doubts about whether I would be supporting this, but it is unfortunate that we are not sticking with the file copy. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, sir. Representative Norton.

REP. NORTON: (48th)

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Thank you, Mr. Speaker. I rise in support of the amendment and I think it is really fixing just a textural mistake. The savings to be had in this change of the Liquor Control Commission is that there will still be a three-member board, but we are going to utilize the services of an existing state employee to be one of those commissioners. So instead of retaining the services and paying three men or women to be commissioner, we are going to pay two men or two women, or what have you, and utilize the Commissioner of Consumer Protection, whose role and whose job description is very similar and he is involved in very similar aspects of state government as the Liquor Control Commission, Consumer Service, regulation, and so we are saving money. We are saving the price of a full commissioner by making the DCP Commissioner work a little extra harder and take on more responsibility.

But I think it should still be a three-person commission. I think a two-person commission would be awkward. So I rise to happily, gladly, infatically, support the amendment. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, sir. Will those remarks, I think we are ready to vote. If not, I will try your minds. All those in favor, signify by saying aye.

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REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed, no. The ayes have it. The amendment is adopted. Will you remark further on this bill, as amended? Representative Fox.

REP. FOX: (144th)

Thank you, Mr. Speaker. I believe there is a second amendment for which I would yield to Representative Prelli.

SPEAKER RITTER:

Representative Prelli, do you accept the yield, sir?

REP. PRELLI: (63rd)

Yes I do, Mr. Speaker.

SPEAKER RITTER:

Then the floor is yours, sir.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, 6476. Would he please call and I be allowed to summarize?

SPEAKER RITTER:

The Clerk has amendment LCO 6476 which will be designated as House "B". If he may call and Representative Prelli would like to summarize.

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CLERK:

LCO Number 6476, House "B" offered by
Representative Prelli.

SPEAKER RITTER:

Representative Prelli.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker. Mr. Speaker, this is an amendment that was pointed out in the comments of the bill where we missed one place where the Liquor Control Commission was -- the Department of Liquor Control was identified in the statutes and forgot to transfer it into the Department of Consumer Protection and I would move its adoption.

SPEAKER RITTER:

The question is on adoption. Will you remark further on the adoption of House "B"? Representative Fox.

REP. FOX: (144th)

Thank you, Mr. Speaker. This is, in fact, a correction which is necessary and I would support that proposed amendment.

SPEAKER RITTER:

I think we are ready to try these minds. Whether you are ready to vote or not, it is up to you, but I will try your minds. All in favor of House "B",

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signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

All opposed no. The ayes have it. House "B" is adopted. Will you remark further on this bill, as amended? If not staff and guests -- Representative Prelli.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker. Mr. Speaker, the Clerk also has an amendment, LCO Number 6653. Could he please call and I be allowed to summarize?

SPEAKER RITTER:

The Clerk has amendment LCO Number 6653. If he may call and Representative Prelli would like to summarize.

CLERK:

LCO Number 6653, House "C" offered by Representative Prelli, et al.

SPEAKER RITTER:

Representative Prelli, you have the floor, sir.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker. Mr. Speaker, in the bill when we are talking about some employees not falling under the ethics provisions, we took out the Liquor

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Control, but we never added them back in under that section. And what this bill does it keeps the current status of that section of Consumer Protection that will now be Liquor Control under the ethics law and I would move its adoption.

SPEAKER RITTER:

The question is on adoption of House "C". Will you remark further on the adoption of House "C"?

Representative Fox.

REP. FOX: (144th)

Thank you, Mr. Speaker. That too, is a beneficial amendment. I think it is appropriate and I would support the amendment.

SPEAKER RITTER:

Thank you, sir. Then why don't we try your minds. All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed, no. House "C" is adopted. Will you remark further on this bill, as amended by House "A", "B" and "C"? If not, staff and guests will please come to the well of the House. I am sorry. Representative Simmons.

REP. SIMMONS: (43rd)

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Thank you, Mr. Speaker. One question with regard to LCO 6476, which I believe is now part of the file copy.

SPEAKER RITTER:

House "B"?

REP. SIMMONS: (43rd)

It was introduced by Representative Prelli.

SPEAKER RITTER:

Yes. Representative Prelli.

REP. SIMMONS: (43rd)

In reading lines 41 through 47, it appears to extend to the Department of Consumer Protection, substantial authorities to enter upon the premises of any permittee to ascertain the manner in which such persons conducts his business and to preserve order and I focus on the term "to preserve order". Does this extend any particular additional powers to agents of the Department of the Consumer Protection that we are not otherwise extended to them? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Prelli.

REP. PRELLI: (63rd)

Thank you, Mr. Speaker. Through you, I don't believe it extends them any further than the Liquor

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Control currently had and it is those agents that belong with the Liquor Control and Consumer Protection. Those would be the only agents they would have had -- it would have been the liquor control officers so there would be no extension. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Simmons. You have the floor.

REP. SIMMONS: (43rd)

So if I understand the gentleman, the extension of powers would be limited only to the Liquor Control personnel. They would not be extended more broadly to all agents or all employees of the Department of Consumer Protection. Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Prelli.

REP. PRELLI: (63rd)

Through you, Mr. Speaker. The intent of this was only for the agents that are now in Liquor Control. I don't believe Consumer Protection has any other agents defined that way. So that was the intent. Through you, Mr. Speaker.

REP. SIMMONS: (43rd)

Thank you, Mr. Speaker. I understand the intent. I am concerned, however, that the language itself will do otherwise. Thank you.

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SPEAKER RITTER:

Thank you, sir. Will you remark further on this bill, as amended? If not, staff and guests will please come to the well of the House. 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.

SPEAKER RITTER:

Have all members voted? Please check the roll call machine to make sure your vote is properly cast. If it has, the machine will locked and the Clerk will please take the tally.

The Clerk will please announce the tally.

CLERK:

House Bill 6695, as amended by House "A", "B" and "C"

Total Number Voting	150
Necessary for Passage	76
Those voting Yea	138
Those voting Nay	12
Those absent and not voting	1

SPEAKER RITTER:

The bill passes. Clerk, please call Calendar 172.

JOINT
STANDING
COMMITTEE
HEARINGS

GENERAL LAW
PART 3
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GENERAL LAW

March 7, 1995

to keep private, but in fact feels so aggrieved that they are willing to go public in making these complaints.

REP. FOX: Can you provide us with a breakdown of the nature of the complaints, and (inaudible - microphone off) any investigation that you have determined whether (inaudible - microphone off), home improvement contractors, whatever it is...

COMM. GLORIA SCHAFFER: Be happy to do that.

REP. FOX: Questions, other comments?

DEP. COMM. MARK SHIFFRIN: Thank you Mr. Chairman. The, I'd like to testify at this point on HB6695, an act concerning liquor control and transfer of its duties. The Department of Liquor Control is responsible for the protection of public health and safety through the regulation and control of liquor.

Specific responsibilities that directly are analogous to those of the Department of Consumer Protection, are determining the suitability of applicants and premises upon which, upon the receipt of liquor license applications.

The investigation and adjudication of alleged violations, and preventing fraud and unfair trade or illegal trade practices. Now, because similar functions to the Department of Liquor Control are performed by the Department of Consumer Protection for a wider range of product services and activities.

This is a sensible consolidation of functions. As you know, the actions of the legislature in this consolidation would achieve a \$337,000 reduction in administrative savings each year of the biennium by this transferral.

In addition to administrative savings through the elimination of the Department of Liquor Control as a separate function, the, both businesses and consumers would have a simpler and more unified route to trans, to complete their transactions with

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state government. The licensing and regulation, inspection of many businesses would be better consolidated, I think of in this circumstance, the situation of the pharmacy that my uncle had for many years in New Haven.

Where he had a liquor license and had to go to the Department of Liquor Control for that license. At the same time had to go to the Department of Consumer Protection for the pharmaceutical license.

REP. FOX: Where is the savings. (inaudible - microphone off) same number of investigators....

DEP. COMM. MARK SHIFFRIN: The proposal at this point, Representative has two, instead of having three commissioners, there would be a, there would be one commissioner handling that function, which would eliminate, Mr. Chairman, gubernatorial appointees, two commissionerships. And that would be a significant result, that would be a significant element of savings.

We do not anticipate in this consolidation any kind of, we do not anticipate any kind of significant change of the function or process other than to make this a more convenient, sensible, administrative process.

REP. FOX: Tell me where the other savings are coming from, you're getting rid of the commissioners.

DEP. COMM. MARK SHIFFRIN: That is a significant element of the savings, Mr. Chairman, and we can respond in writing with greater detail.

REP. FOX: I'd like that as detailed.

DEP. COMM. MARK SHIFFRIN: We will provide it, we will provide it to you forthwith, Mr. Chairman.

REP. FOX: Other questions, (inaudible - microphone off).

SEN. KISSEL: Yeah, I just wanted to follow up on that, and before I proceed I see almost before me a changing of the guard, I guess. And I just want to

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say to Commissioner Schaffer that in the short time that I have co-chaired this committee with Representative Fox, and in the two years that I have served on this prior to this session, it's been a pleasure working with you.

COMM. GLORIA SCHAFFER: Thank you.

SEN. KISSEL: You've done a good, in my opinion. As well as cost savings and where they may come in this consolidation. I'd also like, when you send that along to us, perhaps what I would call a nutshell's version of any procedural changes.

Or changes in hierarchy that may accompany this consolidation. And if you can just include that with the itemization of the cost savings, I would appreciate it. Thank you.

DEP. COMM. MARK SHIFFRIN: Certainly, Senator. Thank you.

REP. MARTINEZ: In addition to that I'd like just some response to the following. How objective can one person be who's going to make all the decisions as a Commissioner. I, you know, I think that there's, leaves some room when you have three commissioners versus one. And I'd like to know, if you can let me know about that.

DEP. COMM. MARK SHIFFRIN: Representative, that is a, there are the standards under the administrative procedures act for the appropriate exercise of discretion in hearings for any, for any individual sitting in a hearing officer kind of capacity, and those, those would not change with the single individual there.

It would be analogous to the question of an individual being a hearing examiner or an individual sitting who is a judge handling a case with a court trial, as opposed to a jury trial, and making a finding of fact.

REP. MARTINEZ: Yeah, thank you, but I guess that goes back into what Chairman Fox was talking about in regards to what does the hierarchy then look like.

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How's that insured. How's the accountability going to be maintained?

DEP. COMM. MARK SHIFFRIN: The accountability would be the same as the accountability that now, that now exists in terms of review, in terms of review from in court, in court appeals on the proper exercise of discretion.

I am, I admit at the moment that I cannot, that this, since this still seems to be, I can't give you a detailed answer on that issue at the moment, other than the review of administrative discretion that would exist for any such determination.

REP. MARTINEZ: Thank you. Thank you Mr. Chairman.

REP. FOX: Any other questions?

REP. SCIPIO: Thank you Mr. Chairman. Mine is not necessarily a question. It's just a record of congratulations to you Mark, or soon to be less the Deputy Commissioner. Good luck.

DEP. COMM. MARK SHIFFRIN: Thank you very much. Representative Scipio is an old friend, and I thank you very much.

REP. FOX: Any other comments?

COMM. GLORIA SCHAFFER: Well, I would like to make an appeal to the committee. You gave us our bakery license legislation last time, and this is really a very small point. However, the language which still set the fees was locked into the statute, so I would just appeal to you, please finish the job of revising the bakery statute fees.

Also, I would point out to you that in HB6802, which also is involved in the bakery license, that there is also an increase in the practitioner's fees from ten to \$25. We currently charge practitioners who administer or prescribe controlled substances \$10. That doesn't begin to cover the administrative and the regulatory costs.

And it seems to me that people who hold those

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REP. FOX: (inaudible - microphone off) I'm curious to find out...the alcohol content...

ALAN WILENSKI: Each particular product contains a slightly different degree of alcohol. I'm not a brewer, but I've been in the retail business long enough to know, the average mainstream, if you will, popular beer, runs approximately 5% by volume.

Stouts typically are higher in alcohol. Porters, they're are some, excuse me, some ales that run fairly high. You get into things as high as barley wine, which can be extraordinarily high in alcohol. It's a matter of what you're making and the type of beverage and the particular brew master.

REP. FOX: (inaudible - microphone off) what I would need to make my own brew, I mean that alcohol content...

ALAN WILENSKI: Oh, it wouldn't necessarily be above the regulations. It, a malted product can get up fairly high alcohol. There are some beers sold at retail that approach 16, 17% alcohol. Those are typically, they're categorized by alcohol level, typically, and by the nature of the products in them. Those high alcohol malt products are typically called barley wine.

REP. FOX: We'll move on to bill HB6695...

ALAN WILENSKI: Sure.

REP. FOX: Abolishing liquor control and transferring its duties to (inaudible - microphone off).

ALAN WILENSKI: Yes, I'd just like to touch on that briefly. The Package Store Association is opposed to the transferring of the duties to...

REP. FOX: Tell us why.

ALAN WILENSKI: The liquor industry is an extraordinarily unique business. It is the only business that has been wiped out of existence by constitutional amendment, and then resurrected by

the same. The intricacies of the industry are such that we feel that a separate well-educated governing body, which oversees specifically and only liquor law, is a necessary product of the state government.

It is a industry which has had layer upon layer of history. And laws built upon laws, and the history of knowledge of that, we feel is best served through a separate body governing our industry.

REP. FOX: Questions? I don't see Mr. Ward here in the room, but I will say, to my mind when he comes and he talks about drugs, drug laws, drug pricing, things of that matter, he strikes me as an extraordinarily well-educated, well-versed individual.

And it seems to me, and I'm not making a judgment, but it seems to me that individuals within the Department of Consumer Protection can come up to speed regarding almost anything. And, really that's a department that handles so many and various different matters of concern to consumers. And they're very well versed.

While I acknowledge the fact that you folks want what is best for consumers throughout the State of Connecticut, it seems to me that the criticism regarding the ability of the Department of Consumer Protection to do the job, may not be the best argument you can make.

ALAN WILENSKI: I meant no disrespect to Mr. Ward or to the Department of Consumer Protection.

SEN. KISSEL: Oh, no I...(inaudible - microphone off).

ALAN WILENSKI: I just, we feel that a, an agency which oversees our industry, liquor control has served this industry and this state well over the years.

And they have an understanding of why and where and how, and we don't feel at this point, the extraordinary need for change.

SEN. KISSEL: Okay, thank you sir.

ALAN WILENSKI: Thank you very much.

REP. FOX: Well, then we'll move on to (inaudible - microphone off)...confidentiality of pharmacy records, and we have....

DANIEL LEONE: Good afternoon Representative Fox, Senator Kissel, members of the General Law Committee. My name is Daniel Leone. I'm Executive Vice President of the Connecticut Pharmacists Association.

We represent over 1,200 pharmacists in the State of Connecticut. I have some brief comments on three bills, Mr. Chairman. Is it permissible if I do that within the three minute.

REP. FOX: If you do it in three minutes.

DANIEL LEONE: Okay, the first bill is HB6801, which is AN ACT CONCERNING THE CONFIDENTIALITY OF PHARMACY RECORDS. Just want to go on record as supporting that bill. However, we are submitting some language for subsection of section A, regarding third party payers, so that it's clear that we can submit information to third party payers when we submit our claims.

The second bill I want to speak about is HB6851, an act concerning revisions to certain drug laws. I would align myself with the remarks of Bill Ward regarding the electronic prescriptions. The sections having to do with non-controlled substances are in the other bill as he indicated. And the one on controlled substances we would support that section.

We also support the section which would allow pharmacies to distribute medications to licensed physicians as long as it's listed 5% of their, of the amount they sell each year.

Finally, the last bill is HB6862, and I'd probably like to take a couple of minutes on that, this one. This is AN ACT CONCERNING CERTAIN BOARDS AND COMMISSIONS IN THE DEPARTMENT OF CONSUMER PROTECTION.

JOINT
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HEARINGS

GENERAL LAW
PART 4
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STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

001136

TESTIMONY OF THE DEPARTMENT OF CONSUMER PROTECTION
GENERAL LAW COMMITTEE PUBLIC HEARING
MARCH 7, 1995

House Bill 6695, An Act Abolishing Liquor Control and Transferring Its Duties to the Department of Consumer Protection

The Department of Consumer Protection supports House Bill 6695 as proposed by the Governor. The bill would merge two agencies who are engaged in similar regulatory activities of different sectors and would result in cost savings by merging the administrative operations of the agencies. The Governor's two-year budget proposes the elimination of 7 positions as a result of the merger which is projected to save \$337,000 in each year.

In addition to the administrative savings to be realized through the merger, businesses and consumers will have a simpler and more unified route to complete their transactions with state government. Licensing, regulation and inspection of many businesses will be better consolidated.