

Legislative History for Connecticut Act

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002457

Senate

Tuesday, May 7, 2002

Amendment Schedule "A")

5/1 Senate Passed with Senate "A"

5/7 House Passed with House "A" I/T

5/7 House Rejected Senate "A"

End of Senate Agenda #3

SEN. JEPSEN:

If the Clerk could call the Consent Calendar at this time.

THE CHAIR:

Mr. Clerk, would you announce -

SEN. JEPSEN:

Hold on one second. We're going to hold on running the Consent Calendar. If the Clerk could call tonight's Calendar.

THE CLERK:

Calendar Page 10, matter previously marked order of the evening. Calendar 455, File No. 431 and 642, HB5763, AN ACT AUTHORIZING THE DESIGNATION OF A PERSON TO ASSUME OWNERSHIP OF A MOTOR VEHICLE UPON THE DEATH OF THE OWNER AND AUTHORIZING THE DESIGNATION OF A PERSON FOR CERTAIN OTHER PURPOSES. As amended by House amendment schedules A, B, C, and F. Favorable report of committees.

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THE CHAIR:

Senator Coleman, before we begin, let me just once again remind our guests who may be in the Chamber that cell phones are not permitted. If you look guilty, you might be guilty. And I would hate to embarrass anyone, so make sure they're turned off, please. Senator Coleman, you have the floor.

SEN. COLEMAN:

Thank you, Madam President. I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the House.

THE CHAIR:

Question is on passage in concurrence. Will you remark?

SEN. COLEMAN:

Yes, Madam President. This bill would do a number of things. Firstly, it would allow the owner of a motor vehicle to designate in writing on a motor vehicle registration form, a beneficiary who will assume ownership of the motor vehicle after the original owner's death.

And then within 60 days the person that is so designated can apply to the Commissioner of Motor Vehicles for a certificate of title, and a certificate of registration. If the person so designated fails to

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apply within the 60-day period, then the beneficiary will lose the ownership interest that was created under the original designation.

Secondly, the bill allows an adult to designate another person to give certain rights around illness and death, and requires third parties to honor that designation. A person who's 18 years of age or older can execute a document under the bill that would authorize another person to, among other things, give consent for certain medical decisions when the maker of the document is incapacitated.

It would also authorize the designee to make a decision about anatomical donation upon the death of the maker of the document. Additionally, the designee would have the right to receive notification and be consulted by a nursing home or long-term care hospital before such person is transferred from one room to another.

Also, the person designated would be entitled to have private visits in a nursing home or long-care hospital with the maker of the document. Additionally, the designee would have the right to meet in the nursing home or long-care hospital with families of other patients.

And additionally, the designee would have the right to be told by an employer when an emergency telephone

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call is received from the maker of the document. Additionally, the designee would be entitled to receive coverage as an immediate family member under the Crime Victim Statute.

And would be accorded the right to job protection while attending court proceedings. Would also be eligible for the crime victim compensation and victim services that are provided for by statute. And would have the right to attend and express a view concerning the proceedings relating to the crime.

Finally, the bill would direct the Judiciary Committee to meet and deliberate the policy regarding permitting or prohibiting same sex marriage or civil union in the state of Connecticut. And the committee, Judiciary Committee, would then be required to report recommendations to the General Assembly by January 1st of the year 2003.

Madam President, this is obviously a significant bill in that it would authorize certain rights and create certain relationships between any two parties who are adults in the state of Connecticut.

Obviously, there must be some relationship, and some interest on the part of the maker of such a document in order to be motivated to make such a document. And, unfortunately, Madam President, we heard

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in the Judiciary Committee over the course of the last two years a number of unfortunate stories concerning individuals who are involved in close relationships but who were at very critical times denied access to a loved one or a partner.

And those critical times oftentimes, according to testimony before the Judiciary Committee, had to do with incidents, or instances at the time of illness or death. The second portion of this bill attempts to address and correct those particular kinds of situations. It's obviously important to many people in the state of Connecticut and I urge passage of the bill Madam President.

THE CHAIR:

Thank you, sir. Question is on passage. Will you remark? Senator Kissel.

SEN. KISSEL:

Thank you very much, Madam President. As Ranking Senator on the Judiciary Committee I have enjoyed serving over the last two years with Senator Coleman. And I know that he's worked hard on this particular piece of legislation, along with others on the Judiciary Committee.

And indeed it's a far cry from the proposals that originally came before us at the beginning of this

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legislative session, or indeed last legislative session. I know that many of the proponents of this particular piece of legislation, and I'm speaking to the part affecting individuals' capacity to make agreements regarding themselves.

A lot of proponents of this particular portion of the bill have stated that it has nothing to do with same sex marriages, domestic partnership or civil unions. And as much as I believe everyone in good faith, I have a hard time reconciling that with the other portion of the second section which clearly commands the Judiciary Committee over the next several months to meet regarding the specific public policy issues regarding same sex marriage.

Why would I be concerned with this particular piece of legislation? Well, as Senator Coleman indicated, during the last two years there were significant amounts of individuals that came to the Judiciary Committee who had engaged in same sex relationships for many, many years, who found themselves at odds with certain institutions in the state of Connecticut, most notably nursing homes and hospitals.

Upon questioning though, as to whether these individuals could avail themselves of certain rights already on the books, indeed, the ability to enter into

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powers of attorney, living wills, and things such as that, privately contract with one another, to dispose of these rights and command these rights into another person.

Nobody really had an answer to that. In other words, it's a solution looking for a problem. I don't have any doubt that should this legislation pass, that there may be nursing homes and hospitals and other institutions that may look at these individuals when confronted with an unusual situation, and take those individual agreements more seriously.

Nonetheless, I don't feel that this particular piece of legislation is necessary. And I feel that it brings us one more step closer along a path that the proponents of this particular legislation clearly have articulated.

Soon as you go into the hallway, whenever this legislation passes, it's another victory for same sex marriage advocates. It's another victory for gay rights. It's another victory for the aspiration that they have to have in Connecticut same sex marriage.

THE CHAIR:

Senator Kissel, just a moment, please.

SEN. KISSEL:

Now, indeed, my critique of this particular piece

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of legislation and the notion of same sex marriage has nothing to do with a moral or philosophical feeling that I have regarding individuals of the same gender that wish to engage in relationships of this nature.

In fact, it is quite offensive to me to have the detractors of this legislation come to public hearings and essentially on very narrow grounds, sort of blast away at members of this clear minority group. On the other hand though, I think there are several legitimate and sound reasons why we must be very cautionary when exploring these avenues.

First of all, there is no state in the United States that I am aware of that has same sex marriage in the United States. There are two states that have a variation, Vermont and California.

One of which is domestic partnership and the other one, I believe, is civil unions. But again, the ultimate goal of these lobbyists and proponents, and groups that are pushing this one issue, is same sex marriage.

Something that has not been passed in any of the states of the United States heretofore. And I would say to you that if you want to stand here and vote in favor of this, and believe that it has nothing to do with attaining that ultimate goal, that I don't think that you're being honest with yourself.

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And I don't think that you're being honest with the plain language of this bill. If all this bill said is we're going to create these other statutory rights, to allow individuals to be able to visit one another in a nursing home or a hospital, to dispose of one's remains, and things such as that, you could almost believe it.

But that's not what the whole bill says. The other portion is a command. A command to the Judiciary Committee to meet during the next eight months to grapple with this issue. And to come up with measures, proposals.

My guess would be, given the tenor of some of those on the Judiciary Committee, probably advocating that we take another step. But where have we gone heretofore? Well I know just a few years ago, we had the proposal, and it was brought out before us saying, do it for the kids.

Do it for the children. We want to allow same sex couples to be able to adopt. Because you know what? At least a loving family relationship would be better than none at all. It would be better than not having any home to go to.

And we will vest this right in the good sense and sound judgment of the probate judges of the state of Connecticut. And don't worry. This is not one small step

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along the path towards having the state of Connecticut be the first state in the United States of America to have same sex marriage.

That's how it was sold to us. At least that's my recollection. I voted, no, at the time. Thought it was a slippery slope. You know all that, that old song, slippery slope, the nose of the camel underneath the tent. Well, two or three years later when we've had these public hearings, extensive public hearings over the last two years.

Again, it's incrementalism. How did we go about it last year? We had a public hearing that was not quite a public hearing. It had all the accoutrements of a public hearing. It had a formalized date and time. It actually was tilted to have the first probably hour-and-a-half of time given to proponents of same sex marriage.

Which was unusual, I thought. But because it was three panels of four, it seemed like the first hour-and-a-half got gobbled up by proponents before anybody on the committee heard one negative voice.

But that was a public hearing that wasn't quite a public hearing because there were no bills raised. It was concept. And the promise at that time was, we're just going to have this discussion, but we're not going to move forward on anything.

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This year we had another public hearing. Not as contentious as the one last year. And there were specific proposals regarding unions, civil unions, domestic partnerships, same sex marriage brought out before us that we could debate.

Now, when we finally got to the end of the process, I think either enough people had cold feet, or were opposed to the proposals, such that on the very last day the Judiciary Committee formally met at about 4:30 in the afternoon.

A half hour before we were supposed to end a proposal was voiced regarding this that was never written down. Had never been before us prior. And was simply a concept that was very difficult to respond to because we had no language before us.

I don't want to use the word "railroading" but let me tell you, this concept has a distinct set of processes all leading to one conclusion. Whatever your personal beliefs, I would at least say this, it's a very divisive issue.

There are a lot of people depending on how you frame the question either in a poll, or just going door-to-door. That depending on how you frame it you will get a different response.

And there are certain facts, and certain

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considerations that flow through this natural push towards embracing the concept of same sex marriage. If, indeed, three or four, or five years from now, or sooner, this legislature for whatever reason by a majority vote of both chambers and signed by a Governor is the first state in the United States to have same sex marriage, then I would then ask you these questions.

Would that then avail an individual to march into any school board and say, I want the textbooks change, particularly with health and family courses. I want the curricula changed because it always points to a man and a woman and a family, and that is, now that we have these new statutes on the books, unconstitutional, a biased infringement of my rights.

And at least if you don't want to take out the man and woman relationship, then you at least have to have an equal exposition of the other relationships. My suggestion to you, is ultimately when this set of laws is passed down the road, and when this state gets to its inevitable conclusion, which we've seen three or four years coming, and the train continues to roll down the tracks, that yes indeed.

People will be able to march into their local school boards and demand that. And point to our statutes and claim constitutional infringements of their rights.

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And I think that would be simply the tip of the iceberg.

That many other things would flow from this as well. Indeed, even in a state such as Vermont, where their state supreme court basically punted. Where they said, in our constitution there are these specific rights delineated, but we are not going to fashion a remedy.

Our legislature happens to be in session, so we're going to defer to you. They didn't embrace the full same sex marriage concept. They had it reduced to something less than where the proponents and the advocates of this legislation want to go.

All I offer to you is this. Where the bill has come from. And where the bill is going. Where the advocates have come from. And where they want us to go is very clear. I think they raise a multitude of issues.

I don't think that we have fully come to terms with all the ramifications. Both as far as public policy, as far as how we want our children to be raised. As far as the issue that many people believe, and scientific research is pointing out that a family structure that has a man and a woman actually is beneficial to a child, if for no other reason that there's two different role models to look to. To gather information from. To craft their own personality.

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So, it's difficult to be in a position in opposition to this because you don't want to be beaten down and called a bigot, or a homophobe. And I would put to you, I don't believe that I'm either of those. But I have strong concerns with the underlying legislation.

They have been greatly articulated to me by my district. Whether they are Catholic or some other religious denomination, or not religious whatsoever, have very strong feelings regarding family matters. And for that reason, and all the other reasons that I have articulated, I would oppose this.

Even though it may seem innocuous and fairly inoffensive, again, we all know where the train has come from and where the train is going. And I would urge members of this Circle to vote in opposition to this bill. And Madam President, if I may, I would like to yield at this time to Senator Smith.

THE CHAIR:

Senator Smith, do you accept the yield?

SEN. SMITH:

Yes, I do, Madam President, thank you. Madam President, building on Senator Kissel's comments there, and noting the unique provisions in this bill mandating one of our standing committees to conduct certain activities that it would be most rare and unusual for us

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to mandate in a bill. For purposes of an amendment I would like the Clerk to please call LCO-5132.

THE CLERK:

LCO-5132, which will be designated Senate Amendment Schedule A. It is offered by Senator Smith of the 14th district.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Madam President. I would urge passage of the amendment, adoption of the amendment, and seek leave to summarize.

THE CHAIR:

Question is on adoption, please proceed.

SEN. SMITH:

Thank you, Madam President. The amendment merely strikes out that section dealing with the study provision. For all the reasons already articulated by Senator Kissel, I would urge its adoption on the Chamber and ask for a roll call vote.

THE CHAIR:

Roll call vote will be ordered. Will you remark further? If not, would the Clerk please announce – Senator Jepsen.

SEN. JEPSEN:

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I rise in opposition to this amendment. I think that the study is balanced and long and needed. And furthermore, at this late stage of the legislative session any amendment to this bill, it's a great bill, would likely kill it.

THE CHAIR:

Thank you, sir. Senator Coleman.

SEN. COLEMAN:

Thank you, Madam President. I also rise in opposition to the amendment. And I would cite Senator Kissel's remarks that we haven't come to terms with the public policy of same sex marriages or civil unions.

It is certainly a subject, both those are subjects that are of great interest to a significant portion of the population in the state of Connecticut. And there are certainly a wide spectrum of viewpoints regarding those subjects on the membership of the Judiciary Committee.

I think we can do a service to the state of Connecticut as a legislative committee just by our debate and our deliberation regarding whether or not, whether or not to permit or prohibit same sex marriages in the state and civil unions in the state of Connecticut.

And, therefore, I think the provision of the bill

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is a good provision. It ought to remain in the bill. And I would urge rejection of the amendment. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further? Senator Cook.

SEN. COOK:

Thank you very much, Madam President. I rise in support of this amendment and I would note for the Chamber that when the Human Services Committee had this bill referred to them, the majority, a large majority of the members of the Human Services Committee recommended, although we were not allowed to amend the bill as a referral to the committee from the House, the majority of the Human Services Committee members recommended striking of Section 16 on this bill.

That was a bipartisan and lopsided vote from the members of this committee. And I do believe that we should strike Section 16. It does create an unusual precedent. One that I don't know that we've ever done before. Taking away the power of the chairman to decide what they want to study as a legislative mandate.

Chairmen have that power at any time to be able to take on a discussion and a study. This is not a, the other kinds of study bills that we do which have all

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kinds of outsiders, designees from different members of leadership in the Governor's office to take on a subject matter.

This is a command to a committee within, you know, the whole, just the committee to do a study. That's not something that we mandate typically. And I would urge that we adopt this amendment and follow the request of the Human Services Committee.

THE CHAIR:

Thank you, Senator. Will you remark further?
Senator Handley.

SEN. HANDLEY:

Thank you, Madam President. I rise to speak against this amendment as I spoke against it in the Human Services Committee. I would point out in, when we discussed this issue in the Human Services Committee, the House Chair, Senate Chair, House Vice-Chair and the Senate Vice-Chair of the committee voted against this same amendment.

And I think this is important to understand that the leadership of the committee, on the Democratic side, was strongly opposed to this amendment. It is an amendment which is, the direction to create a study is well within the purview of the legislature. And this legislation it seems to me is perfectly proper.

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THE CHAIR:

Thank you, Senator. Will you remark further? If not, would the Clerk please announce a roll call - Senator Coleman.

SEN. COLEMAN:

Madam President, just in response to Senator Cook's suggestion that the direction for a legislative committee to study an issue is unprecedented, there have been a number of occasions in this legislature when we have, in fact, directed committees to study certain issues.

As a matter of fact, as recently as the year 2001, the Finance, Revenue, and Bonding Committee was directed to study the causes of the financial emergency affecting Waterbury. And as far back as 1973, the Energy and Public Utilities Committee had been directed by legislation to study the takeover of the Division of Consumer Council by the Department of Public Utility Control.

This is not new. It's been done on a number of occasions. And, Madam President, I think it's certainly appropriate in this particular instance. And again, I urge rejection of the amendment. I think the provision should stay in the bill. Thank you, Madam President.

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Thank you, sir. Will you remark further? If not, would the Clerk please announce a roll call vote, the machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

An immediate roll call has been ordered in the Senate.

Will all Senators please return to the chamber.

THE CHAIR:

Have all members voted? Please check the machine to make sure your vote is properly cast. Have all members voted? If all members have voted the machine will be locked. Clerk, please announce the tally.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule

A.

Total Number Voting	36
Those voting Yea	13
Those voting Nay	23
Those absent and not voting	0

THE CHAIR:

The amendment fails. Will you remark further on the bill? Will you remark further? Senator McKinney.

SEN. MCKINNEY:

Thank you, Madam President. Quickly, I rise in

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support of the bill. Madam President, we've heard a lot about things that this bill's not about. Perhaps we'll just hear quickly what this bill is about.

This bill is about giving certain people basic human rights. And I think is just a matter of common sense. It's about giving people in various relationships the decency to see one another in the hospital, or to inherit certain property, or to participate in decisions of a loved one when they are ill.

That's what this bill is about. It's not about gay marriage, or civil unions. I always am somewhat troubled when people say I'm not going to vote for this bill because in a year or two we might have a completely different bill before us.

That bill may come before us one day in the future. And people are free to vote, if I'm here or someone else, on that bill. But that's not what this is. This is a matter of basic human fairness, human decency, and common sense. And that's why I'm supporting it strongly. Thank you.

THE CHAIR:

Will you remark further? Senator Sullivan.

SEN. SULLIVAN:

Thank you, Madam President. I agree with all that Senator McKinney has said, but would clarify one part of

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it. This is not about certain people. This is just about people. It's just about people who want to care for one another.

THE CHAIR:

Thank you, sir. Will you remark further? Senator Cappiello.

SEN. CAPPIELLO:

Thank you, Madam President. I just have one question, if I can, through you to Senator Coleman.

THE CHAIR:

Please proceed.

SEN. CAPPIELLO:

Senator Coleman, does this bill specify that the two people involved are of the same sex, or in a same sex relationship? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SEN. COLEMAN:

Thank you, Madam President. No, it does not. Any adult person can enter into such an agreement. Through you, Madam President.

THE CHAIR:

Senator Cappiello.

SEN. CAPPIELLO:

Thank you, Madam President. Just to clarify. So

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that means if one person wants to designate their brother or their sister, or their best friend, or it could be two people in a same sex relationship. It doesn't matter. It could be any two adults. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SEN. COLEMAN:

Thank you, Madam President. That is correct. Through you, Madam President.

THE CHAIR:

Senator Cappiello.

SEN. CAPPIELLO:

Thank you very much for your answer, Senator Coleman. For many reasons I stand to support this legislation. As Senator McKinney said, this is about giving to adults some basic human rights with regards to medical visits, nursing home visits.

Decisions on another's medical care, medical treatment, treatment or even care or decisions to be made after someone dies. And I don't see any reason to stand here and vote no on this bill.

I do appreciate the concerns from some people who are concerned about same sex marriages. And I would say to you who are concerned about that, that that is the

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reason why you should want to vote for this bill. Because I believe that this bill takes away certain reasons that you may be concerned about in the future for people who are trying to push for same sex marriages.

You can then say next year, and we do have a separate vote next year, to say no to that if you like. That we already allow those provisions in state statute. So maybe now you can say to them, next year who's ever asking for this, that legislation, I can't but I supported you on these, this piece of legislation last year.

And I think that's a very good reason if you so choose. In regards to the study, I am not afraid of studying any issue up here. Whether it be about the issue of marriage or any other issue.

I think it's healthy to have a debate whether I agree with the issue or not. So I, for one, am not afraid of studying that issue, or any other issue. So for those reasons, Madam President, I would be supporting this bill. Thank you.

THE CHAIR:

Thank you, sir. Will you remark further? Senator Cook.

SEN. COOK:

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Thank you, Madam Chairman. Through you, I'd like to ask a question of the Chairman of the Judiciary Committee.

THE CHAIR:

Please proceed.

SEN. COOK:

Senator Coleman, you mentioned that the testimony, I'm not a member of the Judiciary so I wasn't part of the, didn't hear the hearing. You mentioned that some of the testimony in the hearing was about someone who had a partner who died, or a friend who died, and wanted to be able to have someone else make a medical decision for them during the death process, or be consulted on the medical issues, and they were not able to.

Did you ask them? Or did someone on the Judiciary Committee ask if they had prepared a living will or a medical guardianship to allow those rights?

THE CHAIR:

Senator Coleman.

SEN. COLEMAN:

Thank you, Madam President. Through you to Senator Cook. My reference was actually to an individual who's involved in a partnership with another individual, a domestic partnership. One of the partners became ill, was hospitalized.

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And the partner who was not ill could not even visit his partner in the hospital because of the rules of the hospital, and because of the feeling of the family members of the ill partner toward sexual orientation, and toward this particular partner.

And I would suggest then that that result is not a result that the ill partner would have wanted. And certainly wasn't the result that the loving partner who was trying to visit and comfort that ill partner would have wanted.

But there was considerable information and testimony that was provided that could have been subject to your question. Was there a living will prepared? Was there a power of attorney prepared? And I would only respond that there are a number of legal instruments that might cover aspects of the nature that this document would cover. But there are no legal instruments out there whether it's a living will, whether it's a designation of health care agent, whether it's power of attorney that would cover all of the various rights and obligations that this particular document will cover. Through you, Madam President.

THE CHAIR:

Senator Cook.

SEN. COOK:

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Thank you, and that is the reason I oppose this legislation. That we do already have legal instruments available for any two people to designate being able to be a decision maker for another person, or any of those other issues. Power of attorney, living will.

Normally, a regular will, legal guardianship, health care agent, any number of those things. And, you know, I don't think that we need to take on the obligation by the state to create redundant law when people aren't taking up their individual responsibility to execute the appropriate documents.

So I, you know, I don't think this is necessary. I have not found any cases in the situations that have been presented in the bill before us that are not already covered by legal instruments that we have created in the past in the state of Connecticut, and which are valid legal documents.

I will submit to you that I was surprised when my disabled son turned eighteen, and I needed to go to the probate court to become his guardian. I'm still his mother. But that wasn't enough. I needed to take on the personal responsibility to go and get to the probate court and make, create a plenary guardianship for him.

That was a responsibility that I had in our relationship to make sure that he was cared for and that

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I would be able to help make his decisions because of his inability to make certain kinds of decisions.

That's only one kind of document. But it certainly educated me during that process that two people can create any kind of legal contractual arrangement, and that we can do that now.

This legislation is redundant. And it is not necessary. We already have the ability to do any of these items in current law. And I would submit that if two people are interested in having these rights, that they go and do the legal execution of documents that is within their power to do today, yesterday, and a year ago. We don't need this legislation, and therefore I oppose it.

THE CHAIR:

Thank you, Senator. Senator Prague.

SEN. PRAGUE:

Thank you, Madam President. Madam President, I rise to support this legislation. Who are we to tell other people who to care about? And if somebody cares about somebody, why shouldn't they have the right to be where they need to be in times of emergencies in life or at any time in life?

Maybe because I have lived so long that I value every day of life. Maybe it's that I realize you only

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have one chance to go this way. And if you only have one chance to go this way, why shouldn't you have the right to love somebody, to care about somebody, and to be there and share with that somebody's who's important to you?

I think this legislation is very important. I look forward to the day when I can support same sex marriage. Or I can support a civil union. Because I believe that every human being has the right to happiness, to love, and to choose with whom to have that happiness and that love. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further? If not, would the Clerk please announce a roll call vote, the machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

An immediate roll call has been ordered in the Senate.

Will all Senators please return to the chamber.

THE CHAIR:

Have all members voted? Please check the machine to make sure your vote is properly cast. If all members have voted the machine will be locked. Clerk, please announce the tally.

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THE CLERK:

Motion is on passage of HB5763 as amended by House
Amendment Schedules A, B, C and F.

Total Number Voting	36
Those voting Yea	30
Those voting Nay	6
Those absent and not voting	0

THE CHAIR:

The bill is passed. Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. I have a couple of changes in our markings for our Calendar. We've been joined in the gallery by some young amateur lobbyists on behalf of the bullying legislation. I would ask that we take up Page 5, Calendar 421 next.

And I would also, a couple of other quick changes, then we'll vote the Consent Calendar. From Senate Agenda No. 3, I move for suspension of the rules so that we might take up from Disagreeing Actions, Substitute for SB190.

THE CHAIR:

Motion is for suspension of the rules. Without objection, so ordered.

SEN. JEPSEN:

This item should be marked Go.

H-872

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GEN. ASSEMBLY
HOUSE

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2002

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If all members have voted, please check the board to be sure your vote is accurately recorded. If all the members have voted, the machine will be locked and the Clerk will take a tally. The Clerk will please announce the tally. The tally has yet to be announced so how would you like to be recorded?

REP. STRATTON: (17th)

In the affirmative, thank you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Stratton in the affirmative. Will the Clerk please announce the tally.

CLERK:

HB5456 as amended by House "A" and "B."

Total Number Voting 142

Necessary for Passage 72

Those voting Yea 142

Those voting Nay 0

Those absent and not voting 9

DEP. SPEAKER FRITZ:

The bill as amended passes.

SPEAKER LYONS:

Will the Clerk please call Calendar 270.

CLERK:

On page 31, Calendar 270, HB5763, AN ACT CONCERNING
A TRANSFER UPON DEATH OPTION IN THE MOTOR VEHICLE

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REGISTRATION FORM. Favorable report of the Committee on Appropriations.

SPEAKER LYONS:

Representative Lawlor, you have the floor.

REP. LAWLOR: (99th)

Thank you Madam Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER LYONS:

The question before the Chamber is on acceptance and passage, will you remark?

REP. LAWLOR: (99th)

Thank you Madam Speaker. This bill, the file copy emerged from the Judiciary Committee unanimously, it was the brainchild of Representative Stone who is a relatively new but of course a very active member of committee. He had, this bill, the file copy proposed an innovative solution to a complicated problem. At this time if there is no objection Madam Speaker I'd like to yield to Representative Stone to explain the intent of the bill.

SPEAKER LYONS:

Thank you sir, Representative Stone will you accept the yield? Representative Chris Stone.

REP. STONE: (9th)

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Yes Madam Speaker.

SPEAKER LYONS:

Proceed.

REP. STONE: (9th)

Thank you Madam Speaker. And thank you to my colleague Representative Lawlor. The underlying bill which will be hopefully amended shortly upon motion by Representative Lawlor to reflect some of the changes that were suggested by the Department of Motor Vehicles and their staff. The underlying bill provides for a survivorship option on motor vehicles. Whereby an individual owner of a motor vehicle during his or her lifetime is able to designate right on the registration form who he or she would like to be the beneficiary or the surviving owner of the motor vehicle.

It's similar to the way that we've handled stock certificates in a bill that was passed I believe four or five years ago. Where we actually enabled the owner of the stock to name a surviving beneficiary so that the transfer can take place immediately upon the death of the individual owner of that stock. Similarly with this bill, upon the death of the owner of the motor vehicle the person named as the beneficiary will be able to take the registration form, a copy of the death certificate, identification and go to Motor Vehicles within days to

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effect the transfer of ownership and registration of the vehicle from the now deceased owner to himself or herself.

It provides a way to effectively provide for the transfer of property, which has a tendency over time to depreciate in value and to avoid the probate court on the transfer of that asset. That's the underlying purpose of the bill. It, as I've said, has been modified substantially and hopefully modified through an amendment that will be adopted shortly to reflect changes that were requested by the Department of Motor Vehicles to address fiscal impact. And with that before I yield back to Representative Lawlor, I would like to thank the staff at the Motor Vehicle Department, in particular Heather Donaldson, Peter Grasso and John Yacavone for working with me on this bill. Which was I feel, a good product to begin with and hopefully will be a better product when the amendment is passed. And with that Madam Speaker I yield, with your permission, back to Representative Lawlor.

SPEAKER LYONS:

Representative Lawlor you have the floor.

REP. LAWLOR: (99th)

Thank you Madam Speaker. Madam Speaker the clerk has LCO 3894, I'd ask that the Clerk read and I be given

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leave to summarize.

SPEAKER LYONS:

The Clerk has in his possession LCO 3894, which will be designated House "A." Will the Clerk please call the gentleman has asked leave to summarize.

CLERK:

LCO 3894. House "A" offered by Representatives

Lawlor and Stone.

SPEAKER LYONS:

Representative Lawlor you have the floor.

REP. LAWLOR: (99th)

Thank you Madam Speaker. First of all let me explain the amendment very briefly. This amendment incorporates the solution to the fiscal issue, which arose in the file copy that Representative Stone eluded to one moment ago. And adds to that particular solution the allowance of transferring the title to someone else upon the death and individual without going through the elaborate probate court process. A series of other designations of other persons for this purpose and other purposes in the General Statutes. Madam Speaker, should this amendment be adopted it is my understanding that it will be necessary to have a referral to the Public Health Committee. And it's my understanding that the normal procedure would be that that referral would take

place immediately and I know that a number of people have a variety of questions on the substance of this amendment which would certainly appropriate to be asked during the debate which will follow.

But I just wanted to assure everyone that should the amendment be adopted that it's my understanding that this would be immediately referred to Public Health, they'll take action on it at a meeting next week and if they recommend it successfully it will come back here and then there will be an opportunity for further discussion and potentially additional amendments. Madam Speaker, at this time with your permission I would like to yield back to Representative Stone who can explain the solution to the fiscal note problem and then I will be happy to explain in more detail the balance of the amendment.

SPEAKER LYONS:

Representative Stone, do you accept the yield?

REP. STONE: (9th)

Yes thank you Madam Speaker.

SPEAKER LYONS:

Please proceed.

REP. STONE: (9th)

Thank you Madam Speaker. And again thank you for the yield from Representative Lawlor. When we initially

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proposed this bill in the Judiciary Committee and when it finally reached the floor there was a fiscal analysis that was prepared by OFA, which indicated at least initially there would be a cost to the Department of Motor Vehicle, primarily administrative and computer costs to accommodate or to facilitate a change in the certificate of title registration for those individuals who wanted to name a beneficiary of a motor vehicle.

That cost as represented in the fiscal note was approximately \$95,000 for fiscal year 03 and indeterminate for fiscal year 04. With the help again from the staff of Motor Vehicle Department we have found a way to effectuate the same result. That is to provide for an individual motor vehicle owner to maintain ownership and control of an asset during his or her lifetime but also to facilitate an almost immediate transfer of the asset upon his or her death to a named beneficiary.

By using the registration form from the Motor Vehicle department rather than using the actual certificate of title issued by Motor Vehicle Department. What would happen would be that the individual who wished to name a beneficiary would do that on the registration form that would be filed with the Motor Vehicle Department. When that individual owner passed

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away the named beneficiary would then take that registration form with identification, with a copy of the death certificate, pay the same fees that would otherwise be due if that person were a joint owner of the motor vehicle, pay those fees to the Motor Vehicle Department and have the registration and subsequently the certificate of title issued in his or her name.

Again it effectuates a clean expedited transfer of the asset. It avoids the possibility of additional probate costs, storage fees and perhaps most importantly a further depreciation of an otherwise rapidly depreciating asset. It gets the motor vehicle on the road and in use by the person named as beneficiary. The changes are reflected in lines 18 through 46 of the file copy, there are some technical aspect of those changes in terms of how administratively that process would work.

I would certainly be happy to answer any questions, which any of my colleagues might have on that. As Representative Lawlor indicated if this bill were to be amended my understanding is that it will be referred to the Public Health Committee. Hopefully come back to the full body and further discussion would be had at that time. Again, thank you for the yield. I now, with your permission Madam Speaker, yield back to Representative

Lawlor and would be happy to answer any questions.

SPEAKER LYONS:

Thank you sir. Representative Lawlor you have the floor.

REP. LAWLOR: (99th)

Thank you Madam Speaker. Following sections one and two of the amendment, which Representative Stone just described -

SPEAKER LYONS:

Representative Prelli for what purpose do you rise?

REP. PRELLI: (63rd)

Thank you Madam Speaker. I believe the gentleman brought out the amendment and I have a parliamentary inquiry for you. I did not hear him move adoption, and yet he yielded prior to the adoption, I believe he'd have to move adoption prior to yielding or I just missed that he moved adoption. So the parliamentary inquiry would be, did the gentleman move adoption?

SPEAKER LYONS:

Representative Lawlor, just for the record to clarify if you would repeat the adoption request.

REP. PRELLI: (63rd)

Madam Speaker I believe the gentleman who called the amendment would have to move the adoption prior to yielding. And I believe Representative Stone called the

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amendment.

SPEAKER LYONS:

Pardon? I believe Representative Lawlor called the amendment.

REP. PRELLI: (63rd)

My apologies. Thank you Madam Speaker.

SPEAKER LYONS:

Thank you. Sir just to clarify if you would again just move adoption.

REP. LAWLOR: (99th)

Thank you Madam Speaker. I move adoption of the amendment.

SPEAKER LYONS:

Thank you sir now you may proceed.

REP. LAWLOR: (99th)

Thank you Madam Speaker. I'd like to explain in -

SPEAKER LYONS:

Representative, pardon me. Representative Dickman for what purpose do you rise?

REP. DICKMAN: (132nd)

Thank you Madam Speaker. Madam Speaker I rise to a point of order.

SPEAKER LYONS:

Please proceed.

REP. DICKMAN: (132nd)

In that the amendment is not germane in that it
does not follow the logical sequence as defined in
Mason's 402.

SPEAKER LYONS:

Thank you sir. If the House would just stand at
ease. If the House would please return to order. I
believe Representative Dickman had raised a point of
order on the amendment that is before us. His point of
order had gone to Mason's Section 402 suggesting that
the amendment did not flow in a natural and logical
sequence. Representative Dickman, in reviewing both the
bill and the amendment I noticed that the bill is in
Chapter 246 of the DMV Statutes, Title 14-2, which deals
with registration and ownership. The amendment that is a
strike everything also is in chapter 246 of the DMV
Statutes in, in part it is, but it is in there. It also
deals with Title 14-16, which does have to do with
transfer of ownership and 14-49, which once again as
does the bill deal with registration. It is in the same
Title, it is in the same Chapter and that sir I would
rule at this point that your point is not well taken.
That the amendment is indeed germane to the underlying
bill. Representative Dickman.

REP. DICKMAN: (132nd)

Thank you Madam Speaker. I just want to thank you

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for giving me the time to do it. Thank you.

SPEAKER LYONS:

Absolutely sir. And with that I believe that Representative Lawlor you did have the floor. If you would continue.

REP. LAWLOR: (99th)

Thank you Madam Speaker. Representative Stone has explained the first two sections of the bill. I'd like to continue with the following sections. Following on the line of the underlying bill, which is the ability to designate others to take your place under certain circumstances. Section 3 creates a procedure whereby persons can designate other individuals to make decisions or take their place under certain circumstances.

The procedure here is relatively simple and straightforward. Any person 18 years of age or older can execute a document. It will relate to rights and obligations and decisions, which can be made pursuant to and then there's a list of statutes. The document must be signed and dated by the maker and be witnessed by at least two persons. Furthermore, Madam Speaker, any person presented with the document is obligated to abide by the wishes of the maker assuming the document is in order and is normally the requirement that the person is

of sound mind and body when they made the decision.

Following then is a list of existing State laws, which are amended very slightly to accommodate this new designation. I should point out at the outset Madam Speaker that this designation allows for the designation of any person regardless of the relationship with the other person as long as they're over 18 to take advantage of this. There needs to be no special relationship between the two persons. Anyone is allowed to designate any other person to exercise these decisions.

In Section 4 the decision involved here is that the person whom a medical provider is allowed to consult with to make a decision regarding the medical care of an individual if the individual is not able to make the decision themselves. This is not in any particular order. These are just four separate individuals who are allowed to make a decision, none trumps the other so to speak. An individual physician can consult with any four of the individuals and added to this list as the fourth individual would be a person you designate by this document. And the decisions we're talking about are the ordinary type of health care decisions. And again, only when the person is unconscious. For example in the aftermath of an auto accident, or something along those

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lines.

Section 5 is, who can participate in the decision and authorize an anatomical gift following the death of a person. So in other words the document we've authorized in Section 3 would allow another person in effect authorize the donation of an organ following the death of an individual. Section 6 is a rather lengthy section. I should point out Madam Speaker that it contains the entirety of the nursing home and chronic disease hospital patient's bill of rights, which is in our existing set of statutes. In a number of places Madam Speaker, new language has been inserted to correspond with this new designation that we've allowed for in Section 3 of the bill.

Very briefly I just mentioned where these are. First of all with the involuntary transfer of a patient from one room to another, there's an existing procedure whereby notice has to be given ahead of time that this involuntary transfer is going to take place. Normally the patient, him or herself, or the patient's legally liable relative or a guardian or a conservator must be notified at least 30 days prior to the transfer. Added to that list now is a person designated pursuant to Section 3 of this bill. Following on page 10 of the amendment there are two additional areas where this new

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language is being inserted.

You'll see in line 291 in terms of the existing law which requires private visits in effect between married persons, added to that list now is a person designated by the patient in accordance with Section 3. Now I should point out Madam Speaker, that this is existing law. The only thing that's being added now is the designation of another person. There needs to be no special relationship between the two individuals. So for example a best friend, a next door neighbor, an aunt or an uncle or a same sex partner for example.

The privacy definition here is not being changed at all. The law is not explicit in what the nature of this privacy has to be. I assume that hospital, nursing homes, and long term care hospitals in our state have an existing practice based on this requirement. This would not require them to change their practice when they are required to provide privacy in any way.

Further down the page Madam Speaker added to the entitlement to have a member of your family meet with the other families in the facility, now you would also have the right to have the other designated person meet with other staff and members of the hospital. On the following page, I'm sorry, on page 12 it's an addition of that same language in terms of interaction with the

staff of the facility. A person designated by the patient in effect is allowed to communicate with the staff and this is necessary in light of the rather strict confidentiality rules that exist today. One could authorize another person to communicate with the staff and the staff would be obligated to honor that designation.

On the following page, page 13 again in terms of the notice for involuntary transfers or transfers between a private or a non-private room, simply allowing notification to the designated person. The next section is Section 7 Madam Speaker. That's a long-standing provision in our existing state law regarding to living wills. The provision here simply allows a physician to consult with a person designated in Section 3 in addition to the existing law, which explains that a physician in making a decision consistent with a living will can consent with the attending physician, the patient's health care agent, the patient's next of kin, the patient's legal guardian or conservator, or any person designated in accordance with Section 3. A similar provision in Section 8 also with regard to the living will. In Section 9 another revision of the living will, simply indicating here who are the person who must be notified or where there must be a reasonable effort

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to notify them, added to the list now is the designated person.

In Section 10, this is in a far different part of the existing State law, this was a provision added a number of years ago, which requires employers to allow an employee to take an emergency phone call while they're at work. Even if in general employees are not allowed to take phone calls. Added to the list, the current list, which includes only a member of the immediate family calling to communicate the emergency, now being added is the person designated pursuant to Section 3.

In Section 11, 12, 13 and 14 these make changes in the existing crime victim's rights and crime victim's compensation laws to add the designated person. In Section 11 there is a definition of a crime victim. In the event of a homicide, an illegal killing. Obviously the victim is dead so someone else has to stand in the victim's stead to make certain decisions. Added to the list now besides immediate family members is the designated person. Section 12 is modifying existing law, which prohibits employers from depriving employees. Employment rights based solely on the fact that they're attending court proceedings in the event of a homicide that protection would extent. I'm sorry in the event

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that any crime that protection would extend to a designated person.

In Sections 13 and 14 there are similar changes being made in the victim compensation statutes. I want to emphasize here that the existing law on victim compensation is not like workers' compensation. Under the existing law there is very very limited compensation provided to the victims of crime. In every case it is limited to only actual out of pocket expenses. That's only in cases of injury sustained - in other words violent crimes - in the event of a homicide there is an additional benefit not to exceed \$25,000. Which typically is used to pay for reimburse the cost of the funeral. With the addition of this designation if another person was the designated person who was making the funeral arrangements, that person in effect would coordinate the compensation for the cost of the funeral. Again, only in the case of a homicide involving an innocent victim.

I should also point out in homicide cases innocent victims, in other words surviving family members are entitled up to six counseling sessions and the designated person would be so entitled as well as family members if any. In Section 15 another change is being made in the crime victim statute. Again in terms of

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entitlement to that very modest crime victim compensation which flows from a homicide case, funeral expense, out of pocket costs and counseling sessions.

And finally the final section, Section 6 mandates that the joint standing committee - the Judiciary Committee shall meet and deliberate the public policy reasons to permit or prohibit the marriage or civil union of persons, of two persons of the same sex. Madam Speaker that's what the bill actually does. And if I could just beg the indulgence of the Chamber just for a moment I'd like to put a broader context on this.

Because I think this is very important. You know in the past few days I've ended up explaining to many many people how proud I was to be a member of the Connecticut General Assembly. Because I don't know about you, but if you've had the opportunity to see how other states and the federal congress operate. More often than not any kind of controversial issue things become very partisan, people engage in very personal mean spirited attacks, the kinds of things that are said in political debates in other legislatures is really sort of embarrassing for those states. I've always said that Connecticut has an extraordinary reputation. I think this is really true. For when you put aside the truly partisan issues involving taxes and spending and relatively few issues

besides those, on the sort of general philosophical let's say moral or social policy issues, our general assembly has a very proud tradition of open discussion respect for other people's views. And more often than not you can't predict how people are going to vote on these types of issues based on their party affiliation.

Especially in the Judiciary Committee Madam Speaker, we are very proud and take that tradition very very seriously. And earlier this year on a couple of other issues that had the potential for a very very nasty fight - and I'm quite confident if these issues had been deliberated in other states or in Washington you would have very mean spirited attacks. One involves the question of assault or homicide on a pregnant woman. And the other involved the statute of limitations of sexual assault on children.

Members of our committee and members of the General Assembly had very very strong feelings on both sides. Both sides very concerned about the so-called slippery slope argument. And we took great pain to figure out a solution to both of those problems, which solved the problem at hand without triggering the legitimate concerns that people on both sides of those issues had. I'm very proud to say that one of those two issues passed this Chamber on consent the other night and the

other will be taken up soon I think and I think it will be a relatively non-contentious discussion based on a very thoughtful reasonable compromise.

I have to say Madam Speaker, the same has been the case with this particular issue. This started out with a very significant change in public policy being proposed. Last year and this year before our committee we had a very elaborate discussion of the pros and cons of the two proposals. And in the end the members of the committee put their heads together, decided what was reasonable and doable this year, and what would be an appropriate process to consider the more contentious aspects of this issue. And that was the genesis of this bill. Madam Speaker, even though you're on the phone I'd like to pay a special thanks to you because I think at a very important moment you entered the picture and came in it with an unbiased point of view I think. And said, I think there's something that's doable this year without triggering all the concerns that people have and allow for discussion next year. And your colleague from Stamford, a long-standing member of our Committee Representative Fox did essentially the same. He said, you know I think that perhaps what we need to do is figure out a way to discuss this in more detail so that whatever the outcome of people's deliberations

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individually and as a General Assembly, at least we can have the benefit of very thorough and thoughtful process. And that's what got us here today.

Along that road there was a little pothole that emerged and inadvertently, which was after the Judiciary Committee voted overwhelmingly to adopt this very thoughtful compromise -- I don't mean to interrupt your phone call Madam Speaker -- that through no fault of anyone, I think really my fault because I answered a question in more detail than I probably should have at like two seconds before 5:00 p.m. The bill didn't get where it had to be. Very soon thereafter members of the committee agreed that since it was really a consensus or true compromise that we could find a way to consider it later in the session. I thank you Madam Speaker for allowing this to take place today.

I know it's going to take a little bit of time at least but I think the outcome will make us all proud. So I just wanted to put that on the record and kiss up as much as I can under the circumstances. I think that's important and appropriate today. In terms of the big picture on this bill. Obviously people have very strong emotions. But I think what this does, is it responds to what everyone seemed to concede were the legitimate problems explained before the Judiciary Committee by

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people actually affected by these different circumstances.

I know one case in particular there was, she'll probably not be happy that I say this, but there was an elderly woman who has had a long time partner who was a professor at Southern Connecticut State University now retired. The nicest, smartest, most sensible down to earth every day kind of person that you can imagine who sort of explained that she and her partner were getting into later years and anticipated that it wouldn't be too long before some of the kinds of issues that are outlined in this bill would start to come into play.

Medical decision, hospital decisions, nursing home decisions, after death decisions. And they said that they weren't exactly confident even though they had all the paper work that you can possibly imagine. There really was no obligation on the part of many people to actually honor those documents. That was the thing that we thought we could address immediately without getting into the very controversial issue of same sex relationships. To sort of act as a placeholder as we continue to deliberate the bigger more fundamental long term issue of the legal status of same sex relationships. So that's basically the bill that we have here today.

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I think that on both sides people presented very compelling and legitimate concerns before the committee. And many of these need to be discussed in great detail in the months to come. Should this legislation be successful, I know I speak on behalf of Senator Coleman and myself, Representative Farr, Senator Kissel, Representative Feltman and Senator Looney, the leadership of our Committee saying we are committed to insure that every conceivable point of view is heard in a process not governed by the usual timelines that we have during the session.

By this time next year those of us who are chosen by our constituents to come back here and any new members can really take a look at this relatively new issue for us as a state and make a reasoned decision. Who can predict what the outcome will be. But I think enough people have expressed the concern. It is timely, it is in many ways urgent that we decide one way or the other how to sort of address this issue. We're not really addressing the issue today, but we're beginning the process of giving thoughtful consideration to what at least by the last census, 7,500 couples in our state are directly affected by and that is the laws of the State, which sort of sort out their rights and responsibilities under a whole assortment of different

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circumstances. That seems like a reasonable request. That seems like a goal that we can accomplish as a group, not Democrats, not Republicans, not liberals, not conservatives, not Catholics, not Protestants, not Jews, not agnostics, not whatever.

This is a reasonable decision that we can consider over the course of a year and come to a conclusion next year. And I think other states can maybe take a lead from us. If you're going to do it, do it in a thoughtful and deliberate way. And for all those speakers Madam Speaker, I urge adoption of this amendment.

SPEAKER LYONS:

Thank you sir for your discussion and it was a very good discussion, so thank you. Will you remark on the amendment that is before us? Representative Fox.

REP. FOX: (144th)

Thank you Madam Speaker. I recognize as the Chairman has indicated that we are not here today to debate the issue, we anticipate that this will be sent off to Public Health and then hopefully return to this body for further deliberations and discussions. I did feel it appropriate without taking too much of the body's time to make a couple of comments.

Number one, I do sincerely thank Chairman Lawlor for the leadership that he has shown with respect to

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dealing with what can be and quite frankly is a very difficult and very controversial issue. We have had Representatives on both sides of the underlying issue, Representative Fritz, Representative Feltman, Representative Cafero on the other side of the aisle that have actively participated in the discussion and the debate on the topic at hand.

I do think that it is also important for the body to recognize, and we will discuss it again, that the underlying bill what it is and what it isn't. It is not a civil union bill. It is not a gay marriage bill. It is not a document, which supports civil unions or anything of that nature. But it is a bill that recognizes the rights of all individuals. As the Chairman indicated we have had a series of public hearings on the topic, which I think have evidenced the need to treat all people fairly and equitably. And see that all people have certain rights with which they can live and exist in our society.

I think at this point the Chairman has had discussions with a number of us but I think at some point we may need to tweak possibly the legislation that is before us. I think there will be some further discussions, possibly some additional amendments. But in terms of what the committee wished to achieve, I think

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we're pretty much there. I also think as the Chairman has indicated, there will be a further study of the underlying issue of gay rights and civil unions, which is appropriate for this body and the Judiciary Committee to undertake.

So I do and we will hopefully have further discussion on this when we get to vote on it in the final form, after the Public Health Committee has had a take a look at it. But I do think that we have made some definite strides and advances in terms of dealing fairly with all people. I think this bill addresses that I think and hope that eventually we can get to vote on it as a body. Thank you Madam Speaker.

SPEAKER LYONS:

Thank you sir, will you remark further on the amendment? Representative Sawyer. Representative Newton? Will you remark further on the amendment that is before us? Representative Dandrow.

REP. DANDROW: (30th)

Yes Madam Speaker, through you may I ask questions please of Chairman Lawlor?

SPEAKER LYONS:

Please frame your question madam.

REP. DANDROW: (30th)

Chairman Lawlor in discussing and listening to the

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documents requiring a designated person I was wondering if you could answer a few questions regarding the designee of these people within this document. Number one is, first of all are these documents required to be filed anywhere in a legal status outside of the medical facility?

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Madam Speaker. No, they're not required to be filed. As is the case with the other similar documents living will, etcetera. They're simply presented to, under the appropriate circumstances to, just as any type of authorization living will, power of attorney, they're simply presented to somebody and they act according to the guidance contained in the document. Through you Madam Speaker.

SPEAKER LYONS:

Thank you sir.

REP. DANDROW: (30th)

Through you Madam Speaker, then I would assume that would be part of the intake admission requirement that you go through with all the medical and insurance forms, is that correct? Where you would be designating this person.

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SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

I'm not 100 percent familiar with what those procedures are, let alone what is required. I assume beyond what the law may require. I'm not sure what the law requires. There's probably a variety of questions that you're asked. I think any time you apply for a job or anything along those lines people usually ask you who is your contact person. So I think there was a Seinfeld episode about being the contact person is like a very significant thing. So I guess, you know, presumably if you're designating someone beyond what the law already calls for like a spouse or family member, that would be like your significant person, your contact person and so I guess you could do that. But the law certainly doesn't provide any guidance on that one way or the other. That's the option of the facility I presume. Through you Madam Speaker.

REP. DANDROW: (30th)

Through you Madam Speaker. Then at any time, not necessarily when you go in, but at anytime during your stay at the nursing home facility or the convalescent home you could designate a person, is that correct? I mean it doesn't have to be as you said when you're

admitted. It could be during the duration of your convalescence.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Madam Speaker. The proposal is actually silent on when you would do it. The operative moment would be that when presented with such a document it would authorize and in most circumstances in essence allow for this person who has been designated. Saying I've been designated, I'd like to - in the case of the crime victim for example say - the rights that keys into are the right to be able to let's say object to a plea bargain, that type of thing. So they would appear in court and say I've been designated and I'd like to exercise the rights that a crime victim would normally have under these circumstances. So I think you'd present it and then go from there. I don't think there's any requirement to file it ahead of time or have it recorded in any particular fashion. Through you Madam Speaker.

REP. DANDROW: (30th)

And through you Madam Speaker, also can you have only one designee or could you have a few?

REP. LAWLOR: (99th)

Through you Madam Speaker, one person.

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REP. DANDROW: (30th)

And the next question through you Madam Speaker if I may. Suppose I wish to change my designee person or suppose when I enter the convalescent home my relationships are different than after I've remained there a while. What would be the process of changing a designee and dropping one person and adding another?

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Madam Speaker. It would be identical to the existing process for example with wills. Whatever is the most recent controls. Through you Madam Speaker.

SPEAKER LYONS:

Representative Dandrow.

REP. DANDROW: (30th)

Thank you Madam Speaker. And through you also, suppose we found throughout this process that someone had falsified their age, frequently it's extremely difficult who is 18 or not. Would it be required at the time of the designee that they give proof of their age? Through you Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Madam Speaker. Well to falsify it would be a crime called forgery for one thing. So I think, I'm not aware of any procedure with documents of this type for example living will or anything like that where you have to, I mean it's authorized by the person doing the designation, there's two witnesses and you go from there. If anyone thought that the person who signed it wasn't of age when they signed it they would contest the legitimacy of the document or refuse to honor it for example.

But this procedure is not new or unique or anything like this. This is a very commonplace type procedure. For example the living will type designation. And the laws that govern that, the common sense that governs that would govern this as well. Through you Madam Speaker.

SPEAKER LYONS:

Representative Dandrow.

REP. DANDROW: (30th)

Yes, and through you Madam Speaker, if I may ask another question please. How would the privacy visitations be handled within the nursing homes? Do they have policies right now that do allow private visits and how are they handled and what is their procedure.

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Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Madam Speaker. As I said earlier this does not change in any way the existing law with what constitutes privacy. I assume facilities have existing procedures that govern that. This wouldn't change those. I think privacy means privacy. I think we can all understand what it means in the context that people who are in a hospital or in a long term care facility or nursing home as with the case with the particular proposal before us. I think a private moment together uninterrupted by hospital staff is what we're talking about and this does not in anyway change what constitutes privacy under existing policies.

I assume each facility has the ability to define what they feel obligated to provide under this type of thing. But I think a period of time not interrupted by staff is probably what we're talking about. It means privacy, nothing more than that.

REP. DANDROW: (30th)

And through you Madam Speaker then these would not be conjugal visits? Is that correct? They would just be private visits or I'm not too clear on this private visit. How it is going to be defined. Particularly where some of the nursing homes are rather crowded and

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understaffed. I'm not sure how the facility would have the guidelines to handle this procedure.

SPEAKER LYONS:

Representative Lawlor.

REP. DANDROW: (30th)

Thank you Madam Speaker. I don't think that current law with or without this amendment requires anything beyond privacy. I don't, conjugal visits I don't think have ever, it doesn't appear anywhere in the statute and I'm not even sure I know what that means what I think it means. But if what you're asking do they have to rent a room at the Hilton for somebody, no I don't think they'd have to rent a room at the Hilton for somebody. Through you Madam Speaker.

SPEAKER LYONS:

Representative Dandrow.

REP. DANDROW: (30th)

Thank you Madam Speaker. I certainly thank the Chairman very much. I can understand his desire to equal out here what I must say that from a very personal standpoint last year right here we had a little old lady who was a very dear friend of mine die in Southington. I finally had to -- on the floor of the House, she had family and I was designated, how I really don't know but I had to find someone here and with the good friends and

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my colleagues here we signed the do not recessitate orders and whatever. And I handled all of the things that we're so told here today by just a little attorney in Southington who said, she named you Ann and you're it. And I managed to get rid of 125 Beanie babies which she liked and many other things and plan all the services and I'm not sure. Though I certainly can sympathize with those who have these feelings that this is necessary at this time. And that I certainly understand your willing to have the committee go forth and review and investigate.

But if I could do all these things by a simple little legal document I really don't understand why others can't. And thank you so much.

SPEAKER LYONS:

Thank you Madam. Will you remark further on the legislation that is before us? Will you remark further? If not, let me try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER LYONS:

Those opposed nay. The ayes have it the amendment is adopted. Representative Godfrey.

REP. GODFREY: (110th)

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Thank you Madam Speaker. With the adoption of that amendment I would move that this item be referred to the Committee on Public Health.

SPEAKER LYONS:

Hearing no objections it will be so referred. Will the Clerk please call Calendar 335.

CLERK:

On page 33, Calendar 335, HB5734, AN ACT DESIGNATING CERTAIN "FUNDS" AS "ACCOUNTS". Favorable report of the Committee on Finance, Revenue and Bonding.

SPEAKER LYONS:

Representative Nafis you have the floor.

REP. NAFIS: (27th)

Thank you Madam Speaker. I urge acceptance and passage of the bill.

SPEAKER LYONS:

Question is on acceptance and passage, will you remark?

REP. NAFIS: (27th)

Thank you Madam Speaker. This is a technical bill that was submitted by the comptroller. It very simply undertakes some statutory reference changes where we're changing activity funds and welfare funds and two trustee accounts. It's basically being done to put our terminology in line with the general accepted accounting

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CLERK:

On page 30, Calendar 270, H.B. 5763, AN ACT
CONCERNING A TRANSFER UPON DEATH OPTION IN THE MOTOR
VEHICLE REGISTRATION FORM, as amended by House Amendment
Schedule "A". Favorable Report of the Committee on
Legislative Management.

DEPUTY SPEAKER CURREY:

Representative Lawlor of the 99th.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Good evening. Madam
Speaker, I move acceptance of the joint committee's
favorable report and passage of the bill.

DEPUTY SPEAKER CURREY:

The question before us is on acceptance and
passage. Please proceed, sir.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. When we last considered
this bill we had adopted what's now House Amendment "A",
which had added a number of provisions keyed into a
designation contained in Section 3 of the bill.

It was referred to a variety of committees and now
has returned to the Chamber. Madam Speaker, I actually
took the opportunity to follow the bill and listen to
the concerns raised by members of the other committees
and with some of those concerns in mind, Madam Speaker,

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I'd like to offer two amendments.

First, Madam Speaker, the Clerk has LCO number 4770. I would ask that the Clerk call and I be permitted to summarize.

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 4770, designated House "B".

For what purpose do you rise, sir? Representative Prelli.

REP. PRELLI: (63RD)

Madam Speaker, it appears that this side of the aisle does not have the amendment.

DEPUTY SPEAKER CURREY:

We are looking for it. We will stand at ease while we look for it, sir. Thank you.

(Chamber at ease.)

DEPUTY SPEAKER CURREY:

Representative Newton.

REP. NEWTON: (124TH)

Thank you, Madam Speaker. I move that this item be passed temporarily.

DEPUTY SPEAKER CURREY:

The bill will be passed temporarily, without objection.

Now, if we will return to the Call of the Calendar.

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CLERK:

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

DEPUTY SPEAKER CURREY:

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

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

The Clerk will please announce the tally.

CLERK:

H.B. 5672, as amended by House Amendment Schedule "A"

Total Number Voting	141
Necessary for Passage	71
Those voting Yea	141
Those voting Nay	0
Those absent and not Voting	10

DEPUTY SPEAKER CURREY:

The bill, as amended passes.

Will the Clerk please call Calendar 270.

CLERK:

On page 30, Calendar 270, H.B. 5763, AN ACT
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VEHICLE REGISTRATION FORM, as amended by House Amendment Schedule "A". Favorable Report of the Committee on Legislative Management.

DEPUTY SPEAKER CURREY:

For the edification of the Chamber, prior to this when the bill was called, we had adopted House "A". I had called "B". However, the Clerk had not read it in. So "B" is out before us. "A" is the only amendment that has been before us.

Representative Lawlor of the 99th.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER CURREY:

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

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. First of all, I apologize. Earlier I called an amendment which was the wrong amendment, actually. The correct one the Clerk does have. So I spent my time in the penalty box and I would like to call the correct amendment now.

It's LCO number 4773. I would ask that the Clerk call and I be permitted to summarize.

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DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 4773, designated House "B".

CLERK:

LCO number 4773, House "B" offered by Representative Lawlor.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. As I mentioned earlier this evening, once the first amendment was adopted, this committee was - this bill was referred to a number of committees and I made it a point to visit those committee meetings and listen to some of the discussion of the bill and a number of legitimate points were raised.

This amendment takes care of several of them. In this particular amendment, it makes some changes to Section 3, which is the portion of the bill which provides the mechanism by which people would designate another person to exercise decisions on their behalf or represent them under certain circumstances.

It makes basically three separate changes. First of all, it requires that this document be notarized after it is witnessed by two persons. It specifies that the

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designee, the person being designated must also be at least 8 years of age, and it provides a procedure by which this document can be revoked.

I point out that revocation procedures are identical to the procedures used for wills and those are three things that people pointed out and suggested be added to the bill and this amendment does so.

I would urge adoption, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir. The question before us is on adoption. Would you care to remark further? Would you care to remark further on the amendment before us?

If not, I'll try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All opposed, nay. The amendment's adopted.

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. The Clerk has LCO number 4757. I ask that the Clerk call and I be permitted to summarize.

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 4757, designated

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House "C".

CLERK:

LCO 4757, House "C" offered by Representative
Lawlor.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. This changes the portion of the bill which referred to the nursing home or long term care hospital patient's bill of rights. One of the portions of the bill modified the specific right to have your spouse be your roommate, in effect, assuming you were both patients in the same facility and there was a vacancy in your room.

This amendment eliminates that portion of the bill. It retains the privacy assurance, but it eliminates the roommate or so-called cohabitation portion of the bill and let me just explain for a moment, if I might, Madam Speaker, the reason for that.

It turns out that there were a number of potential unanticipated consequences that might flow from this. For example, if persons - if patients in a nursing home could designate and change the designation, theoretically they could reek havoc with the room assignment process of a nursing home and I don't think

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that was anyone's intention.

So this eliminates that problem and I would urge adoption, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

The question before us is on adoption of the amendment. Would you care to remark on the amendment that is before us? Would you care to remark on the amendment before us?

If not, I'll try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, nay. The amendment's adopted.

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I just want to point out, very briefly, the thrust behind this bill as it's been amended now.

This grows out of an initiative which began before the Judiciary Committee this year. On the final day of our committee's deliberations there was a good deal of discussion among the committee members and at the suggestion of a number of committee members, we agreed

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upon basically the content of the bill as it stands now, which is to immediately address certain basic rights that anyone might want to have under the unfortunate circumstances that the bill described, in other words, death of serious illness or emergency phone calls at work, that type of thing.

It is not, in any way, restricted to gays or lesbians or same sex couples or anything of that nature.

It is simply a mechanism by which any person can designate any other person to act on their behalf or to be with them in special times. And I think it does solve the problem on a temporary basis.

And the second part and final part of the bill, calls for the Judiciary Committee to convene after the session ends and deliberate the public policy reasons for and against the two principal questions that the earlier bill gave rise to, which was whether or not we should provide some type of civil union mechanism or whether or not we should amend our marriage statute to provide marriage as an option for same sex couples, as well as opposite sex couples.

Now, as I said the other night, it certainly is the case. This is very, very controversial and extremely complicated and as we heard in testimony before the Judiciary Committee, people have very passionate views

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and very legitimate questions that they would like to see discussed and answered and debated and researched, etcetera and it is our commitment, the leadership of the Committee, Senator Coleman, myself, Representative Feltman, Senator Looney, and the ranking members, Senator Kissel, and Representative Farr to ensure that there's a full and fair discussion of this issue before our committee. This is not a new option for the Legislature to exercise. Many times in the past the General Assembly has required a standing committee to undertake indepth discussion during the off session of a topic that has come up as recently as last year we did the same thing in that case with the Waterbury bankruptcy situation.

I think it's appropriate. I can only commit that it will be done in fair and full fashion and our goal is that since this is a policy issue that is sure to be before the Legislature in the years to come, to have all of the available information on every side of the argument available to members of the General Assembly and for that reason, I urge passage of the bill.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Fox of the 144th.

REP. FOX: (144TH)

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Thank you, Madam Speaker. I rise to support the bill, as amended. I'll try not to repeat too much of what I commented on when this bill was last before this body.

But I think there are a couple of points that are worth making.

First of all, I would again commend the Chairman for his hard work, for his willingness to listen, for his willingness to discuss all issues on the matter.

I think it's also important to recognize that no matter what anyone, not matter what the press might like to refer to in talking about this legislation, it is my opinion that it is not a gay rights bill.

It is not a bill which supports gay rights or civil unions. It doesn't call for a contract with respect to individuals which would suggest or imply that one is supporting civil unions.

I think it is important for purposes of legislative history to repeat what is the public policy of this state and this body as evidenced in Public Act 228, in which we indicated that the public policy of the State of Connecticut is limited to a marriage between a man and a woman. This bill does not change that. This bill, quite frankly, doesn't even discuss that.

This bill talks about rights for all people. And

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the right to designate another individual to act on behalf of that person.

I know in speaking with people as this bill made its way through the process, that there was some concern about Section 16 and the study that it calls for. I think this study is appropriate. It's an issue that is before the public. We study all kinds of issues, pros and cons, ups and downs, that's all it does. It doesn't endorse anything, it simply indicates that we're looking at it.

Whether that section was in this bill or not, it is my opinion that the Judiciary Committee, as well as any other committee, has the right to study a topic.

So if, in fact, you are inclined to vote against it, it is my opinion that it ought not to be because of that section.

Quite frankly, when we had public testimony on the issue over the last several years, the most compelling presentation we had was from individuals who had lived together. There was a woman from southern Connecticut, a professor from southern Connecticut who quite frankly was very impressive, I thought, who talked about a partner that she had for 30 odd years, but was concerned about the ability to act on behalf of that person, to go to the hospital to visit that person. I think this bill

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addresses that concern. It addresses it for that woman and for other people, homosexual, heterosexual, whatever they may be. It gives people certain rights.

Quite frankly, if I was a proponent of civil unions, I would be concerned about this legislation. I would be concerned about this legislation because I think it takes away one of the strongest arguments that the proponents would have. It takes away the concept and the argument of fairness. It takes away the argument of human decency in the way some of these folks, some of these individuals felt they had been treated.

So if anything, in my opinion, for what it's worth, the legislation we are passing today makes it less likely that the State of Connecticut would or should adopt a concept of public policy of civil unions or gay marriages.

I think the bill is a good one. I think it's been well thought out. I think it's reasonable. I think there are sufficient protections for those religious groups that have a concern about it.

And I urge adoption, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Cafero of the 142nd.

REP. CAFERO: (142ND)

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Thank you, Madam Speaker. Madam Speaker, I rise in support of this bill and I would join Representative Fox in congratulating Representative Lawlor and all those who worked so hard to forge a compromise on what is, without a doubt, a very controversial issue or at least started as such at the beginning of this session.

I want to highlight what Representative Fox said. There are many people in this Chamber who are not comfortable at this moment with the concept of civil union, domestic partner registration, or same sex marriage.

This bill does not address those things other than referencing it in a study. But regardless of how you feel on those issues, I trust that everyone in this room has, as I do, an internal sense of fairness. You know what's right.

And I think the best test as to the fact that this bill before us is fair, is to list all of the various elements of the bill and give it to someone who has absolutely no knowledge of the debate or the history of this bill this session.

I've done that. And you watch that person read down each one of the contract rights that this bill enforces, if you will, and as they read each one and if they happen to be reading it aloud, they say, gee, that

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seems fair. That seems right. That seems just. They actually start to look at you as if what's the big deal here?

These are basic human fairness issues, human, not heterosexual or homosexual. Human beings. And then they get to the last section, which talks about a study regarding civil union or same sex marriage. And they say, wait a minute, let me go back to the beginning and they start reading it again, maybe with a different point of view or perception.

And that in itself for me is proof that the bill is fair because before you get to that end section, people scratch their heads, who again, are not aware of this debate and say, this is common sense. This is human decency. This is basic fairness.

And it's only when we get to that last section and we see those words, those magic words of "same sex marriage" or "civil union". Civil union, I don't think, was a term that was even in existence more than four years ago. But all of a sudden, it conjures up certain notions and emotions in people.

So I think it is a fair bill. I think it does something that we, in our hearts feel is right to allow people to have these basic rights and their personal decisions honored.

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And I would urge that we look at it in that sense and remind ourselves that with regard to that issue of same sex marriage, with regard to that issue of civil union or domestic partner registration, the law has not changed. As Representative Fox very aptly put, the law and public policy of the State of Connecticut is and will be, after the passage of this bill, that a marriage is a union between a man and a woman.

So before we actually get into that debate, and let's face it, folks, it ain't far ahead of us, but right now, let's do what is right and let's do what is fair for all human beings regardless of their sexual preference.

I hope that you join me in supporting this bill.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Shea of the 112th.

REP. SHEA: (112TH)

Thank you very much, Madam Speaker. Madam Speaker, the Clerk has an amendment, LCO 4322. Would he please call and may I be allowed to summarize?

DEPUTY SPEAKER CURREY:

I don't believe this side of the aisle has the amendment.

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Will the Clerk please call LCO 4322, designated House "D".

CLERK:

LCO number 4322, House "D" offered by Representative Shea, Representative Clemmons, et al.

DEPUTY SPEAKER CURREY:

Representative Shea.

REP. SHEA: (112TH)

Thank you very much, Madam Speaker. This is a very simple amendment that strikes Section 16 of the bill. This strike was the recommendation of the Human Services Committee when the bill was voted out of that committee and I move adoption.

DEPUTY SPEAKER CURREY:

The question before us is on adoption. Please proceed, Madam.

REP. SHEA: (112TH)

Thank you, Madam Speaker. Section 16 of the bill says that the Judiciary Committee shall meet and deliberate public policy reasons to permit or prohibit the marriage or civil union of two persons of the same sex.

Deliberation is, as I understand the term, discussion and consideration by a group of persons for the reason for and against a measure. I would

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respectfully submit that deliberation is what a committee does as part of its regular and usual operation. And I see no reason or precedent for putting this requirement in statute.

As a member of the Human Services Committee I am constantly reminded that our job is to discuss and deliberate policy. That is what we are there to do. Many of us have served on task forces, studies. I served on one summer with you, Madam Speaker, a braille literacy task force that was put together at the request of the Committee Chairman. It could be put together by any number of different people. A committee to study this issue could certainly be initiated at any time with or without dictating it in statute.

Section 16 is unnecessary. The Human Services Committee recommended this section be deleted and I urge adoption of this amendment to make that deletion.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, Madam.

Would you care to remark further on the amendment?

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. This, as was just stated, this amendment would simply take out the language in the

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bill which directs the Judiciary Committee to conduct deliberations on this topic, reasons for and against, public policy reasons for and against.

And I would just like to -- and I was at the Human Services meeting and I did listen intently to what was being said and I would just like to point out a couple of things. It was suggested at the time that this would be in some fashion unprecedented and certainly if that were true, it would be a legitimate consideration for us to make, but it turns out that many, many times the General Assembly has directed standing committees to undertake discussions of what, at the time, seemed like a very controversial or complicated topic and report back the following year. In fact, we asked the Office of Legislative Research to take a look back and see if they could find a number of examples of this in different context and they did prepare a report. I'm sure it's available to everyone, but basically it has a whole litany of precedent for this, including just last year, as I mentioned earlier, the General Assembly directed the Finance, Revenue and Bonding Committee in the off session to consider the causes of the financial emergency effecting the City of Waterbury and before that in 1998, a review of the Sunset Law and then before that, community reinvestment alternatives by the Banks

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Committee and so on it goes.

And you can see if you review the topics, what the General Assembly was doing each of those times was saying look, we've stumbled across a topic that seems to be a little bit more complicated than we had thought and we would like to spend some additional time and in each of these cases, the direction to do further study was part of a sense of resolution of an issue for that session. And I think anyone who was at the Judiciary Committee meeting that day felt that same sense, that we could have been forced then and today to kind of vote up or down on a whole series of measures and I'm sure each of us could have cast votes today. That wouldn't have been a problem, but there was a sense that we needed more information, we needed more time to think, that there were issues that were being brought out for the first time that people really hadn't had an opportunity to let sink in.

So, actually it was Representative Fox's wisdom that recommended how about this, why don't we agree to take the time to discuss this in some detail so that we'll be ready next year, assuming this issue, in some form, will be before the General Assembly.

So that's what gave rise to this. And I would point out, Madam Speaker, on this very issue, the Judiciary

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Committee, which will undertake the discussion, voted 29 to 11 in favor of doing just that and will all respect to the Human Services Committee, their jurisdiction really isn't that aspect of the bill as it was referred to them. That is a proper consideration of the Legislative Management Committee which did overwhelmingly approve this bill containing this provision just yesterday.

So, the Human Services Committee has every right to obviously make the recommendation, but it's a little bit outside of their expertise and since we're the ones who are going to do the work, we're more than prepared to do it and we have the support of the committee to do so.

But Madam Speaker, what I would like to do for just a moment, I beg the committee's indulgence, to give you a sense of why, as Representative Cafero said a moment ago, this is an issue, regardless of your feeling on it, that's sort of on the horizon and we're going to have to confront it and debate it in the years to come. And I'd like to quote, for a moment, briefly from the transcript of last year - almost two years ago now, the Vice Presidential debate because to me, this was a discussion by two men whom I think everyone in this committee has enormous respect for, the Vice President of the United States and our own junior United States Senator.

Because in the midst of that debate, the question was posed, almost the same question we're discussing here tonight. And you know, we're all politicians and we all understand what it's like to be posed an off the cuff question in a live forum just a week or two before the election and we can imagine on that level, the Presidential campaign, which we know is the closest of all time, where the main issues were really sort of social issues, you know the red states versus the blue states, the crux of the campaign, the persuadable voters were in the category that were listening for the answer to questions just like the one that was posed of these two candidates and we know they came in with all of the polling information and all of the pressure and they knew no matter what they said, they run the risk of stepping on a political land mine.

And so in that context, they were asked the question and I think their answers are as thoughtful a discussion and as honest a discussion as you're going to get on this question and it's very short. I'd just like to read it.

Bernard Shaw was the moderator and he said, "Senator, sexual orientation, should a male who loves a male and female who loves a female, have all, all the constitutional rights enjoyed by every American

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citizen?" And Senator Lieberman said, "Well, a very current and difficult question and I've been thinking about it and I want to explain what my thoughts have been. Maybe I should begin this answer by going back to the beginning of the country and the Declaration of Independence, which says right there at the outset that all of us are created equal and we're all endowed, not by any bunch of politicians or philosophers, but by our Creator with those inalienable rights to life, liberty, and the pursuit of happiness. And at the beginning of our history, that promise, that ideal was not realized or experienced by all Americans, but over time since then, we have extended the orbit of that promise. And in our time, at the frontier of that effort, is extending those kinds of rights to gay and lesbian Americans who are citizens of this country and children of the same awesome God, just as much as any of the rest of us are. But I must say and I'm thinking about this because I have friends who are in gay and lesbian partnerships who have said to me, "Isn't it unfair that we don't have similar legal rights to inheritance, to visitation when one of the partners is ill, to health care benefits and that's why I'm thinking about it. My mind is open to taking some action that will address those elements of unfairness while respecting the traditional religious

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and civil institution of marriage."

And then the question to Cheney, Vice President Cheney. "Well, this is a tough one, Bernie. The fact of the matter is we live in a free society and freedom means freedom for everybody. We don't get to choose and shouldn't be able to choose and say you get to live free, but you don't. And I think that means that people should be free to enter into any kind of relationship they want to enter into. It's really no one else's business in terms of trying to regulate or prohibit behavior in that regard. The next step then, of course, is the question you asked whether or not there ought to be some kind of official sanction, if you will, of the relationship or if these relationships should be treated the same way a conventional marriage is. That's a tougher problem. It's not a slam dunk. I think the fact of the matter, of course, is that the matter is regulated by the states. And I think different states are likely to come to different conclusions and that's appropriate. And I don't think there should necessarily be a federal policy in this area. I try to be open minded about it as much as I can and tolerant of those relationships and like Joe, I wrestle with the extent to which there ought to be legal sanction of those relationships. I think we ought to do everything we can

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to tolerate and accommodate whatever kind of relationships people want to enter into."

And I think that's basically our dilemma. It's not a slam dunk. It's complicated. We're thinking about it for the first time. And we would like, in the Judiciary Committee to have the opportunity in a full and fair way to discuss this over the months to come. And as I said earlier, I can only commit that every side will have a fair shot. People have said we can do this with or without legislation. I suppose it's true. But it allowed us to emerge from our deadline with a compromise, so to speak, address immediately the basic rights that everyone should be entitled to regardless of whether they're gay or straight or what have you. But also begin the process of preparing the ground work for us to make an informed decision, pro or con, on civil union or marriage or partnership or a prohibition of all of those.

That will be our option as a General Assembly. It's only proper for us to do it in a thoughtful and complete way.

And for those reasons, and respectfully and I understand the motives of the people who have offered this amendment, but I would simply respectfully say on behalf of the Judiciary Committee, please give us this

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opportunity in a formal way and we will deliver a product that we can all be proud of and use as a guidance tool next year when this issue emerges again.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Prelli of the 63rd.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Madam Speaker, I rise to support the amendment. And Madam Speaker, I guess I have one question, through you to Representative Lawlor.

As he was reading those debates, what did the Vice President say about legislative committees evaluating or studying something? Because that's what this amendment does, not how they feel on the issue.

So through you, Madam Speaker, did they have any comment on that in the debate?

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Madam Speaker, he said it's a tough one and because it's a tough one, I think we have an obligation to think it through carefully and obviously, things we say in this discussion could be a political land mine. We could trigger a very heated discussion. We can question all

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kinds of religious views. We can get into a religious debate and I think it's our goal, as we've done so many times to avoid that, to steer clear of that. That's not our role. Our role is to make public policy.

And you know, we're a part-time legislature. Unlike the federal Congress and our colleagues in other states, we have better things to do starting next week, but I think some of us, the members of the Judiciary Committee feel that this is a legitimate issue to discuss and we're prepared to take the time necessary in the next seven or eight months to do it and I think we ought to follow the guidance provided to us by Senator Lieberman and Vice President Cheney. They said states have to figure it out. It's not a lay up and we're --

DEPUTY SPEAKER CURREY:

Excuse me. Representative Belden, for what purpose do you rise, sir?

REP. BELDEN: (113TH)

Madam Chair, I rise because the gentleman is suppose to be answering the gentleman who has the floor question. He is debating the issue again.

DEPUTY SPEAKER CURREY:

Representative Lawlor, will you finish with your answer?

REP. LAWLOR: (99TH)

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Thank you, Madam Speaker. I'm finished with my answer.

DEPUTY SPEAKER CURREY:

Thank you.

Representative Prelli.

REP. PRELLI: (63RD)

Madam Speaker, thank you and I did somewhat ask the question to lighten the debate, but I guess it wasn't a very good question and for that, I apologize.

Madam Speaker, the reason I rise to oppose this is the same reason that I usually rise to oppose the studies no matter where they're put in bills. Because we don't need this legislation and we don't need to put this into legislation to do it.

The committees can study anything they want at any time they want. It says in our rules they can do that. It says in our rules they can study them in the interim. So, this is not needed.

If Representative Lawlor, in his argument brought forward the parts that we should be emphasizing in this bill and that's Sections 1 through 15, then we don't need Section 16 in here because I think a lot of people are looking at this and the only reason they're going to vote against this piece of legislation is because of Section 16.

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So I believe by deleting this and supporting this amendment, we're going to make the bill a cleaner bill.

We're going to make the bill a bill about the rights of individuals to say what they can do at certain times and not a study that some people might feel they don't want to see.

Now, I'll tell you what. If we voted this down, if we voted this whole bill down, I believe and I'm sure Representative Lawlor believes that the Judiciary Committee could still study this in the interim.

That by voting this down, we're not telling the Judiciary Committee we can't study it. So it's a one way street here. By putting this in, you're only saying you can do something. I guess we could put an amendment in to say no, no Judiciary, you can't study it, but do you know what? I'm not even sure that's legal and I'm not even sure that would hold up because our rules would allow them to study it with a minor change in the wording and they could say they studied something different.

So we don't need to put this in statute. We've had this argument before. We just did I don't know how many obsolete statutes. And when a lot of those obsolete statutes were that the committee - that a report was going to be made back to the General Assembly by a

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certain date. And then we had to take them out of statute.

So, it's not needed here. It's not necessary and it's probably going to effect the votes of a lot of people. A study that the committee can do or not do at their own desire.

So Madam Speaker, I support the amendment and I think we should pass it.

Thank you.

DEPUTY SPEAKER CURREY:

Representative Nystrom of the 46th.

REP. NYSTROM: (46TH)

Thank you, Madam Speaker. Speaking to the amendment, I may actually retract and go back a little bit because I feel I need to do that for the record and I hope I have the leeway.

When this bill came out of committee, the process in voting for that began -- I'm going to estimate about seven minutes before 5:00 o'clock, p.m.. It was a rushed moment for all of us. Concepts were presented to us by our Chair, but we didn't have a document in front of us, which is not the normal practice. The end result of that was a concept was passed and it was then ferried to LCO, did not make the 5:00 o'clock, p.m. deadline, but in truth, I never thought anything went upstairs anyway

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since there was no bill in front of us.

There was some confusion during the discussion and since at that time I didn't have anything to read other than a proposed JFS substitute language that dealt with domestic partners, which was not being voted on, I voted no at that time.

Since that time, I've discussed this issue and I think my position on this issue is pretty well known. I support marriage as marriage between a man and a woman.

That is not anything different than now or ever.

Having said that, this bill has changed. It deals with issues that we heard about at the public hearing that I think we need to address and the bill does that.

Section 16 deals with a study and I know for a number of years now, studies in general have not been passed or adopted or they've found their way to Legislative Management only to disappear. The language of Section 16, I believe refers to whether or not a finding would be made by the Judiciary Committee to either approve or not approve same sex marriages. I don't think it prejudices the issue. It acknowledges that there are two different opinions and I think you're hearing that tonight.

When you get elected and you serve in the House, and when you decide not to run again, and you leave, you

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leave with your name and you probably leave with a reputation. For me it comes down to did you keep your word?

I'm going to keep my word. So I'm going to vote against striking Section 16 because I am not threatened by a study because I will tell you that there are other studies that I think we ought to be doing, such as the impact to the impoverished in our state that we're not doing. I was in Norwich this morning at a meeting that I set up that deals with tragedy in my community, the deaths of two small children. We had invited about twelve people to the room to meet with us, some state agencies, some local agencies. We had about 29 people show up. People who came who weren't even asked because they care. I think that demonstrates a great statement about my city of Norwich and the people who work and live there and who care a great deal about those at risk.

But I would hate to think that we are now going to put the kibosh on the concept of studying issues because it's a study. I'm not threatened by the Judiciary Committee. I know how Chairman Lawlor feels about the issue. He knows how I feel about the issue. But I also know that Chairman Lawlor has conducted himself with a great deal of fairness, not just on this issue, but

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every other issue and I can say honestly I think he's worked at anyone in this room whose ever asked to work with him on an issue. They may not have come to the same resolution, but I have always found he's been accessible.

So I'm going to ask that we do not pass this amendment. It's part of democracy.

DEPUTY SPEAKER CURREY:

Representative Flaherty of the 68th.

REP. FLAHERTY: (68TH)

Thank you, Madam Speaker. Madam Speaker, I've often talked about how one person's - what one person says in debate in this Legislature can make a difference and the one person who preceded me almost caused my to turn off my mic and my request to speak in favor of this amendment and I agree with just about everything that Representative Nystrom said. I also agree with what was said by Representative Cafero, Representative Lawlor and Representative Fox as they were describing this legislation.

But I support the amendment and here's why. I won't repeat what Representative Prelli said about the committee process. I remember when I started here in 1989, it was before task forces. I know we passed task forces -- we got in the habit for a while of passing

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bills loaded with task forces. That was back when it was very clear that a committee had the power to decide what it wanted to study and when. It still does.

But I think about the remarks that were said about what this bill would do and what it doesn't do. And I think Representative Cafero laid it out quite well that if you showed this legislation to someone and asked them to look at it, not knowing all of the debate that's gone on, they would gain an understanding through what they read. For me, I agreed with that up until Section 16.

I think in 1991 this Chamber first debated the so-called gay rights bill. And I listened. I didn't really have an thorough understanding of the issues or let's say at that time I voted against the bill. And in a year's time, when the bill came back again and after more debate and more discussion in committees and on the floor of the House, I voted for it.

It took me a while to gain the understanding that at least that I as an individual member of this body gained that led me to believe that it was the right thing to do and I believe that today.

But there is, Madam Speaker, some confusion over what this bill would do. And I do believe that the confusion is caused by the language in Section 16 which says there will be a study. If it were necessary for a

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bill to direct a committee to do a study, then I probably would agree with it. But as we engage our constituents in debate, as we engage our constituents in explaining what it is that we're doing here, as I think and this is -- the underlying bill is very important. I think having Section 16, if it isn't necessary for a study to happen, throws it into a little bit more disarray because there is, as Representative Lawlor said, at certain times there's a sense of resolution on an issue in a session and then the Legislature does something. I don't believe there is a sense of resolution on the issue that Section 16 addresses. In fact, I'm sure there is no sense of resolution in this Chamber on it because I think then we might actually be voting on it.

I think the Legislature does need to gain a further understanding. I know that will happen partly through the study that the Judiciary Committee will conduct with or without this legislation. But I do believe, Madam Speaker, that in terms of our constituents gaining an understanding of what this underlying bill does, and so that we are very clear in saying there is no sense of resolution on the issue of civil unions that having it in this bill is the wrong thing to do. I'll say that again. Having it referred to in this bill is the wrong

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thing to do. The next Legislature will then decide, as Legislatures often do, what the policy is and should be for the State of Connecticut.

So, I stand in support of the amendment, Madam Speaker. I also stand in support of further study on this. But I don't think we're doing any help in understanding the very important rights and the very important things we're doing in this legislation by having this in there. I believe in democracy as well, as much as anyone in this session. It's just a kind of difficult thing for me to stand up, but I really believe, Madam Speaker, this is a good amendment. That study will go forward, but let's have a focus on what this bill does and not what begin that debate already and have people thinking we've already decided what's going to happen in the future.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Diamantis of the 79th.

REP. DIAMANTIS: (79TH)

Thank you, Madam Speaker. I've heard the question being posed that or the suggestions being made that we do not need to have this study done. And through you, Madam Speaker, if I can, to the Chair of the Judiciary

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Committee, I'd like to ask the question a different way.

I guess not. Madam Chair, may I pose a question to the Chairman of the Judiciary Committee?

DEPUTY SPEAKER CURREY:

I apologize. Representative Lawlor, prepare yourself. Please proceed, sir.

REP. DIAMANTIS: (79TH)

Thank you. Is there a reason, through you, Madam Speaker, that the Chairman and those who drafted this particular section, feel that there is a need to put the language in there that is not already covered in our rules or in statutes that would preclude you from doing that study without this section? And if there isn't, why to use Representative Dyson's terms sometimes relating to the budget, why is it necessary that you would want individual legislators's fingerprints on that particular section if your key interest is the underlying bill?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I think I tried to explain this earlier and I'll try again. You know, this issue was before the Judiciary Committee. We had a bunch

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of options. Obviously, you had - there's a spectrum from sort of like same sex marriage all the way to doma and in between in civil union and domestic partnership and some, but not all rights or this sort of neutral language that got before us on a few of the rights, all the way over to prohibitions of certain things. I suppose you can go back fifty years and start outlawing all the kinds of conduct that was formerly outlawed in this state.

So, we had a range of options available to us. And we were prepared, on the final day, as Representative Nystrom pointed out, we had a proposal that had a list of things and a process for registration, that would have been controversial. It may or may not have passed that day. But there was a proposal that emerged to say that -- and you know, we do this all the time here. This is not new stuff for a Legislature to figure out how can we, in essence, allow for a process to keep moving, people have some sense that they have put an issue on the map, taking care of some immediate problems, and sort of reserve the right to discuss this in more detail down the road? And so the compromise, as is often the case, I mean how many studies have we approved in various committees just to say, okay, you've got a legitimate issue here, it's not clear what the

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resolution is, but we'll do that so that people will understand that we at least think it's serious enough to acknowledge it.

So I think this what the proposal represents here, which is we could be debating very different issues right now on this topic, we're not. We're going to take the time to look at it. One way of allowing everyone to move forward with that process is to put it right in the bill that it's a legitimate issue, people disagree on what we should do and there are many people sort of undecided in the middle and I think that's where we are.

I can't tell you how many times people have come to me in the Judiciary Committee, many people in this Chamber, saying exactly that thing, look, can we just get a study? Can we just get it tagged? Can we just keep the process moving? I need to identify this so I can explain to people that at least people are taking this seriously and I think that's what this does.

I think it does make a difference to have it as part of the bill. I think it will heighten the interest of members of the committee, members of the public in this process. There were many complaints for a variety of reasons. The public hearing wasn't long enough, not enough people got to speak soon enough, etcetera. We didn't have enough time to focus on this specific issue

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or that specific issue. My sense is this language will allow a very elaborate, very fair, very thoughtful discussion on this issue and we can only benefit from that.

So, I don't think it's new. There's plenty of precedent for it. I think it's the right thing to do and it was a proposal that was offered and I'm one of those people that sticks with a deal once I make it and there's plenty of evidence of that and I think many of us feel the same way and that's what this is.

So, I just ask you to help us honor an agreement that got us through a complicated moment and it will help us get through complicated moments in the future.

I mean, we try and work together. I think Connecticut has a very, very enviable record of working through complicated problems without partisan or ideological warfare on the floor of the House.

Once in a while we depart from that, but for the most part we do a pretty good job and it's agreements like this that allow us to help get through that process.

And so, I hope that answers the question.

DEPUTY SPEAKER CURREY:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

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Thank you, Madam Speaker. That particular response as opposed to the original one I heard, is one that I understood far greater, a compromise in order to not deal with a particular issue this year, move it to next year. In exchange, we'll do this other piece that most folks can agree on.

That I can understand, which falls consistent with the fact that you can have a committee to do exactly what you want to do without legislation and most of the studies, as I understand, and that's probably what got me involved in this debate because I wasn't - it was the response to Section 16 and the answer to it, that I suppose didn't make sense to me.

If you're inviting other folks to be on a committee, on a study committee with you, that are not members of the Legislature, in a standing committee, then it makes sense that you would need a language to include the Commissioner, outside lay people, outside experts, but in this particular case, Section 16 is limited specifically to the committee of cognizance.

So you don't need the legislation or Section 16. But I understand compromise and I can respect compromise as that being the reason.

Thank you, Madam Speaker.

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Thank you, sir.

Representative Cafero of the 142nd.

REP. CAFERO: (142ND)

Thank you, Madam Speaker. Ladies and gentlemen of the Chamber, I rise to oppose the amendment before us. And I say that with some hesitancy because it was brought out by not only a member of my caucus, but somebody who I have an enormous amount of respect for. It was spoken in favor of by my dear friend and colleague, Representative Flaherty.

But I am not concerned with this clause in the least bit. I'm not concerned with the clause because as I stand here before you, if there was a vote on civil union or same sex marriage or domestic partner registration, I would have to vote no. I haven't arrived at that point yet and I might never where I am in agreement with that concept to become the public policy of the State of Connecticut.

But you know, there's something that I do know, every single day I come to this Legislature is that we don't know everything. There are so many issues that we debate here, especially these last days, that I look forward to people asking questions on because we don't know everything. I learned so much on the debate with regard to teachers retirement benefits that we had

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yesterday. I learned so much on all the various bills, be they environmental, educational, judicial, energy related. And we learn that based on our experience in committee, the public hearings that we have, studying the issue. If we just ignore it and put it away, we're not doing anyone any good.

I've been here ten years. We have had studies on anything you can imagine. Condoms for deer. The effect of natural light in public buildings. The effect of gamma rays on man on the moon marigolds. You name it, we've had it. We pass studies and task forces and you know what every single day and to be honest, I'll plead guilty, a lot of times when I press the green to support that study, I have no idea what the hell they're talking about.

But this issue, whether you're for or against, this issue is real. People we love and work with and are related to and see every day feel that this is an important issue to be debated and by God, as a Legislature if we can't say we're going to study the issue, and say it in a bill, then what are we here for?

I don't think there's anything to be afraid of. I think the benefit is that we will learn something and maybe it might either change our minds one way or another, or confirm our feelings even more, but there's

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nothing to be afraid of about learning more about a very, very real issue in this state, in our communities, in our districts, in this world that effects everybody.

So it's with reluctance, Madam Speaker, that I speak in opposition to this amendment.

Thank you.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Boucher of the 143rd.

REP. BOUCHER: (143RD)

Thank you, Madam Speaker. A question for the proponent of the amendment, through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Please proceed, Madam.

REP. BOUCHER: (143RD)

Yes. Through you to the proponent of the amendment. Was the amendment brought forward through your understanding as a ranking member of a committee that the co-chair of the committee have this ability to create a task force study, a working group, on any subject at any time, including whatever members they need, either from inside the Legislature or outside? And therefore, the language was not necessary in this particular bill?

Through you, Madam Speaker.

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DEPUTY SPEAKER CURREY:

Representative Shea.

REP. SHEA: (112TH)

Here we go. Through you, Madam Speaker. The discussion in the Human Services Committee more or less centered around the issue of study versus discussion and deliberation. There is nowhere in this language in Section 16 that references a study. It does say they will deliberate and discuss and as I mentioned originally, that basically is discussion and consideration by a group of persons for the reason for and against a measure. There is nothing in there that mentions study and I appreciate you bringing that particular point out because this has been referred to as a request for a study and one of my intents was to ask the distinguished Chairman of the Judiciary Committee where in this language a study was to be undertaken.

So, hopefully that answers your question.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Boucher.

REP. BOUCHER: (143RD)

Yes, further to explore that question, through you, Madam Speaker. Then did you believe then that this

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discussion would or could take place during the normal course of a Judiciary hearing or a meeting in the next legislative session under normal conditions where a bill might be brought out so that a public hearing could commence and individuals will come forward on both sides of the issue?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Shea.

REP. SHEA: (112TH)

Thank you. Through you, Madam Speaker. Yes. Most of our issue is simply that this is normal business of a committee. A committee's responsibility really is to discuss policy. We have many conversations in the Human Services Committee meetings. Unfortunately, many of them are around the subject of dollars that we do not have. So, a particular program cannot be put in place. We always come back to the issue that we are there to discuss policy and it is not our concern, necessarily, to figure out how to fund it. Our concern is the policy that we are setting as committee members.

So, I would say yes, this is something that any committee, I would hope, would be engaged in, in the normal course of their activity.

Through you, Madam Speaker.

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DEPUTY SPEAKER CURREY:

Representative Boucher.

REP. BOUCHER: (143RD)

Thank you, Madam Speaker. This helps somewhat to clarify what seems to me to be somewhat confusing. You can see just by the discussions, either within in our own side of the aisle in our differences of opinion and obviously there are others on the other side. There's no question that this is an important issue. What I'm confused about is that with the stature that our co-chairs have, on all of our committees, why this issue cannot be brought forward in either this session or in the next session and give it the kind of attention it deserves.

I can tell you from my own experience in the Education Committee the chairs a couple of years ago wanted a thorough study because one had not been done since 1974 on bilingual education and they asked us, in a bipartisan way, to convene a working group that quite literally worked for a year to two years on end and had many meetings, had many public hearings, brought forward individuals from every side of this issue, stakeholders and also held meetings and public hearings in some of our major cities in Connecticut and a great deal of work did go into that working group that produced a very

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comprehensive package that was later accepted by the General Assembly and was put into law.

And this is why I'm very confused because this issue seems to have been battered around a couple of years now and I don't understand why a formal working group of this type hasn't already been put in place.

And I am confused about why the statement had to be made that the individuals that lobby in support of this issue couldn't get the kind of agreement by someone that is so respected in the General Assembly that is the Chair of this committee, to put a process like this in place.

And for that reason, I would have to support this amendment tonight, although I do struggle with it because I also would like to make sure and I would feel very comfortable if I were the lobbyist on this. If Representative Lawlor told me he would commit to me to have a meeting on this next year, to convene a working group and expected results from it, I would trust his judgment and feel very satisfied to agree to let the legislation go through, as been done countless times on many other issues.

Thank you for your indulgence, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, Madam.

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Representative DelGobbo of the 70th.

REP. DELGOBBO: (70TH)

Thank you, Madam Speaker. I guess when we come to the General Assembly, each of us as members, we all sort of automatically begin to have labels ascribed to us where we're republican and democrat, some of us are considered liberal and conservative, and right from the beginning, a lot of times that, I guess, pretty neatly puts us in a box on where we think where, even in ourselves, where we're supposed to stand on issues. Perhaps that's unfortunate for all of us in our understanding of where we should come from on issues and maybe in respecting our colleagues' positions.

I carry, as a member of my caucus, I carry sort of the label as being pretty darned conservative on fiscal or certainly other social issues. Yet I rise to associate myself with the remarks of, particularly of Representative Cafero and those who would oppose this amendment.

And the fundamental principle that has to be for me, as a conservative, as someone who has sworn an oath to this Constitution, that I agree with the proposition that there is certainly nothing, certainly nothing to be afraid of for any of us to explore any question of our society, no matter what our personal opinion is on that

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subject.

Like Representative Cafero, I have certainly not reached the conclusion that civil unions or any of the similar legislation is anything that I could vote for, but I do think it is my responsibility as a legislator to understand the question before us today is, in this legislation, is in part, this question that the Legislature is going to further evaluate.

I think that's our responsibility. The question has been debated around and I think it's not unfair that it gets a fair debate, squarely and fully.

As a Christian, I have a sense of the feeling of love and understanding that there are many different ways and approaches, different viewpoints on lifestyle and I can't personally make judgments on that. And I think for some people in this Chamber, maybe they're afraid that to allow any specific examination to be on a bill that they vote on, that they're endorsing something. And I don't see it that way.

So I would rise and respectfully ask for rejection of this amendment. And perhaps as somebody who has had the label of being conservative and maybe afraid to go down this road and have these questions discussed, understand that that's not what I feel my responsibility as a legislator is and as a conservative, I feel - and

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someone who believes in the Constitution and the principles of equal protection to all elements of our society, race, creed, color, that, in fact, we have an obligation to face and to really look at any of the issues that confront and whether we like it or not, are a real part of our society.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Googins of the 31st.

REP. GOOGINS: (31ST)

Thank you, Madam Speaker. We all know that in a legislative body and in government, without process, there would be chaos. And we also know that with too much process, there will be no progress. So we sometimes get in our own way.

In this case, it's a situation where I think both sides are right, but we have to make a decision coming down on one side or the other. The one side I would like to win in this case, with all due respect to my colleague who brought out this amendment, I think we could be in danger of missing the target of accomplishing the goal and the goal is to offer an opportunity to do the study.

Let's not miss where we need to go with this. The

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study, the discussion, the debate can be helpful to all of us in this Chamber if it goes forward. There is no harm, I think, in naming it in the legislation that it should go forward of what it is we're trying to accomplish.

I also respect the attention to detail that it took to make this point. And it's a valid point. But as I said, one or the other has to win and when both are valid, you have to shoot for where you're going and I regret that I cannot support this amendment and feel that we need to accomplish the goal.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Would you care to remark further on the amendment before us?

Representative Shea of the 112th.

REP. SHEA: (112TH)

Thank you very much, Madam Speaker, for the second time.

I appreciate the chance to just make a couple of very quick remarks.

Number one. No one in this Chamber, I don't believe, is really afraid of this issue. I think and I would hope sincerely that we all would welcome the open discussion, whatever is the result of any, be it study,

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deliberation, discussion, whoever does it, wherever it comes from, it's a very important thing, something we must do.

That was never the issue and please understand that. I've heard some of my colleagues and others say we might be afraid of this. I don't think that's the case. I certainly am not. I would welcome that kind of discussion.

So I think that's an issue that I'd like to put to bed.

The other point I'd like to make is if we deleted Section 16, I think it's very clear that we are not missing any opportunity. The original premise for bringing forward this amendment was simply that we did not need it. We can do this anyway. I did put that question to the member of Human Services who is the, I believe, co-chair of Judiciary from the Senate and asked him directly and he said he would prefer it was in the legislation, but on a second questioning, yes, it would probably happen anyway.

So I would just like to make it quite clear that this is not a question of whether this will happen or not. This is simply of a question of the process, the way in which we're going about doing it and I feel very strongly that the committee process in this Assembly is

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a very important part of what we do. I'd like to see them actually be stronger than they are and when we have an opportunity to do something like that, I'd like to preserve the committee's ability to do things. That's where we deliberate. That can happen without being required in statute.

Thank you very much, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you.

Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us?

If not, all those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER CURREY:

The amendment is defeated.

Would you care to remark further on the bill before us? Would you care to remark further on the bill before us, as amended? Would you care to remark further on the

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bill?

Representative Rowe of the 123rd.

REP. ROWE: (123RD)

Thank you, Madam Speaker. I rise in opposition to the bill, as amended. I view this legislation both as unnecessary and unwise.

I think it's unnecessary because what we're doing here is by and large already attainable by contract, be it a will, a living will, a health care power of attorney, what have you.

Under present law, should two unmarried people wish to mutually inherit, they can have a will drawn. Should they wish to serve as the health care agent for one another, they can execute a health care agent power of attorney. In fact, legal documents are - legal forms enabling individuals to do this are very accessible these days. They can even be found on the Internet, at Staples, for example, although as an attorney, I wouldn't recommend that. But I think also when we look at this legislation, we ought not look at it in a vacuum. With due respect to Representative Fox, I think that this is more than just changing a couple of things and making it a bit easier for unmarried individuals to do certain things.

I think this is, indeed, the first and the next

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step to civil unions, same sex civil unions.

One provision of the bill, which I think is objectionable, perhaps more than others, is with regard to the nursing homes and that portion of the bill which assures an unmarried person who has executed this document, this affidavit, call it what you will, privacy for visits. Current law allows spouses to have these private visitations. The difficulty here is that this privacy can cause problems for certain nursing homes if they have a conscientious, a religious objection to certain privacy visits.

I think that the legislation, as written, could very well result in a situation where nursing homes are put in an uncomfortable position where they need to provide privacy visits for unmarried people, be they same gender, or heterosexual.

It is for that reason, Madam Speaker, that I ask the Clerk to call LCO 4487 and I be allowed to summarize.

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 4487, designated House "E".

CLERK:

LCO number 4487, House "E" offered by
Representative Rowe, Representative Clemmons, et al.

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DEPUTY SPEAKER CURREY:

Representative Rowe.

REP. ROWE: (123RD)

Thank you, Madam Speaker. This has to do with the issue I just brought up, privacy in the nursing home and it's very simple. It eliminates that section of the bill which gives privacy to unmarried individuals that execute this document.

Under this or the underlying bill, if a resident has this affidavit, this document and is a resident of a nursing home, presented to the nursing home, then the residents, the resident would be assured of these privacy visits. The visits may be entirely unobjectionable to the nursing home, however, they may be objectionable. And if they are objectionable, whether it's religious, moral, ethical, conscientious grounds, the nursing home still has to require them.

We, as a state, ought not do that. We ought not require that nursing homes that have objections to potential problems, which may happen, and I grant you, it is hypothetical, but it certainly has a clear potential, nursing homes ought not be compelled to assure these "privacy visits".

This amendment doesn't force nursing homes to do anything. If a nursing home wants to allow private

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visitations, it certainly can do that. And if unmarried people want to enter into a contract so that they can have a private visitation and the nursing home wants to grant it, so be it. All this amendment does is retain current law and makes sure that we don't put nursing homes, be they religiously affiliated or otherwise, in an uncomfortable position where we should not put them.

And Madam Speaker, with that I move for adoption.

DEPUTY SPEAKER CURREY:

The question before us is on adoption. Would you care to remark further? Would you care to remark on the amendment before us?

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I oppose the amendment and I'd like to explain why for a moment.

First of all, this concern has been floating around for a while, so we've done our best to try and figure out whether, at least in my opinion, it's a legitimate concern or not. Does it warrant a modification of the bill? I don't think it does and this is why.

The language we're modifying is in the existing state statute which provides certain rights to patients in nursing homes and I think they're called long term care health facilities, something along those lines, you

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know, chronic hospitals where people tend to stay for long periods of time.

The patients' bill of rights for those hospitals, one of the rights it provides is privacy when your spouse is visiting. Now, people first ask what I think is a relatively legitimate question. What exactly does that require? And people mention the concern about conjugal visits. And so to try to get to the bottom of this question, I asked a number of the nursing home personnel, some of whom are represented by lobbyists out in the corridor and others that are available around the State. We attempted to have our research office figure out what, in fact, privacy means. And I think it's fair to say the answer is privacy means a variety of things interpreted by the individual nursing homes or hospitals affected.

And so I think for our purposes, we ought to just conclude privacy means privacy. It means time alone with another person.

Now, when you look at this existing statute, it provides what I think we would all agree is an appropriate thing. In fact, I can't imagine there would be a hospital in the State that would deny a private visit to a spouse.

But aside from the sort of underlying topic we're

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talking about here today as same sex relationships, it seemed to me and a number of people that maybe when the Bill of Rights was drafted in the first place, forgetting about the whole debate about gay and lesbian couples, what about those situations where people aren't married? Let's say a widow or a widower that's in an nursing home. And they're in a room which often the case with two beds or four beds and they would just like to have a right to some private time with somebody that they feel is a soul mate, perhaps it's a grandson, or a long time friend or next door neighbor, what have you and it seems like there might actually be some nursing homes or hospitals that would say we're too busy, we're too crowded, we can't do that and it doesn't seem like an unreasonable request, even before we got to the discussion that leads to this bill tonight that anybody in any nursing home should have the right to some private time with any person they feel is someone they need to talk to in private about -and you can just imagine the assortment of topics that would lead one to believe they needed some privacy to discuss them, especially, as is often the case, in the waning years of someone's life in a nursing home when the sense of being alone is such a huge problem.

And so, I don't think that adding this designated

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person to the list of people entitled to a little bit of privacy when they visit a patient in any way effects religious concerns. I would assume a religious hospital would provide privacy, perhaps in a different way than a secular hospital might. I'm actually pretty confident most religious hospitals would honor a request for privacy regardless of who was making it or who was visiting. I think, based on discussions I've had, almost everybody, with a few exceptions, but almost everybody has that very human sense that look, in someone's final years is it too much to ask for a little bit of privacy, forget about who they want to meet with?

Privacy just means quite time in an isolated area for a short period of time. Not overnight, necessarily.

Not a hotel room somewhere, not a hot tub, nothing like that, just a little private time. And for all the people, same sex couples or otherwise, who would just like to know that there's that special person in the world, comes to visit them, they can have a right to a little bit of privacy. I think this bill protects them too.

And so, with all due respect to the people who fear the worst, this bill doesn't change the definition of privacy and I would urge rejection of the amendment for that reason.

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DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Sayers of the 60th.

REP. SAYERS: (60TH)

Thank you, Madam Speaker. I rise in opposition to this amendment. Right now currently, most of the nursing homes, in fact, I would probably say all the nursing homes in the State of Connecticut participate in the Medicaid-Medicare Program. And as part of that program, they have to meet federal regulations. Those federal regulations have a list of residents' rights. Those rights are that the patients, the residents in those homes needed to be treated with respect, dignity, and consideration.

It also says they may associate and communicate in privacy, including visits with anyone of their choice in or outside of the facility. It also goes on to talk about in terms of mail, telephone services, participating in a resident council. Resident council is a group of residents getting together and making rules and regulations to govern themselves within the nursing home.

In order to receive those federal and state monies, I might add, and a great deal of state monies, those homes must adhere to those residents' rights. And, in

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fact the federal government looks at any home that does not honor residents' rights and ensure that they are enforced with the residents in those homes as abuse.

So by not providing those rights to associate and communicate in private with the people of their choice, they would actually be resident abuse.

And so this is why I oppose this amendment.

Thank you very much.

DEPUTY SPEAKER CURREY:

Thank you, Madam.

Representative Wasserman of the 106th.

REP. WASSERMAN: (106TH)

Through you, Madam Speaker. Thank you very much. A question to Representative Lawlor.

In lines 292, 293 -- I don't know if this is the same amendment, --

DEPUTY SPEAKER CURREY:

Representative Wasserman, we are - I just want to be sure that you are on the proper amendment.

REP. WASSERMAN: (106TH)

Yes, I know. We are, but I'm referring to the original document in which it refers to sharing a room.

DEPUTY SPEAKER CURREY:

Okay, I'm sorry.

REP. WASSERMAN: (106TH)

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Sorry about that, Madam Speaker. Representative Lawlor, you mentioned the words "sharing privacy". As I read this, the original language, and please correct me if I'm wrong, it says, "to share a room". Through you, Madam Speaker. I happen to be a member of the Board of Directors of Pope John Paul II Center for Health Care in Danbury and one of the members called me up. I had not seen this and asked my why this was in here. Perhaps I'm misreading it, but I would like clarification.

Thank you.

DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Actually, earlier tonight we adopted House Amendment "C", I believe it was, which rewrote that portion of the bill to eliminate the reference to the language that Representative Wasserman is concerned about. In other words, the right to be a roommate has been deleted from the bill by virtue of the earlier amendment, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Wasserman.

REP. WASSERMAN: (106TH)

Through you, Madam Speaker. Is that LCO 4757?

Through you to Representative Lawlor.

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DEPUTY SPEAKER CURREY:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Yes, that's correct.

REP. WASSERMAN: (106TH)

Thank you very much for the correction.

DEPUTY SPEAKER CURREY:

Thank you.

Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us?

If not, I'll try your minds. All those in favor, please signify by saying aye.

Oh, I'm sorry. Reverend Clemmons, if you would push the button for your microphone.

REP. CLEMMONS: (140TH)

Thank you, Madam Speaker. I too rise in opposition to this bill as amended for a number of reasons. But let me say first of all that in 47 of the 50 states, all of the preambles to the Constitution refer to the word that we seem fearful of talking and using here.

Let me just read the Preamble to the Connecticut State Constitution very briefly.

DEPUTY SPEAKER CURREY:

Reverend Clemmons.

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REP. CLEMMONS: (140TH)

Are we not on the bill, as amended?

DEPUTY SPEAKER CURREY:

We are not, sir. We are on an amendment at this time. I think you would like to speak on the bill, when it's appropriate. We'll come back to you at that time.

Thank you.

Would you care to remark further on the amendment before us? Would you care to comment further on the amendment before us?

If not, I'll try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER CURREY:

The amendment fails.

Would you care to remark further on the bill before us, as amended?

Reverend Clemmons of the 140th, if you would press your mic.

REP. CLEMMONS: (140TH)

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Thank you, Madam Chairman. I was about to read the Preamble to the Connecticut Constitution and 47 of the 50 states have a similar preamble.

I might begin by saying yes, indeed I do rise in opposition to the bill, as amended.

"The people of Connecticut acknowledging with gratitude, the good providence of God, in having permitted them to enjoy a free government; do, in order to effectually to define, secure, and perpetuate..." and there are a couple of more and it goes on. But the referral is the fact that our liberties and freedoms are derivative, they are derivative, they just don't exist, they are derivative.

When you look at the seal or the memorial bearings of the State of Connecticut that we wear on our lapels, "Qui Transtulit Sustinent", he who transplants also sustains. Here again, it's derivative, which means that - and we talk about forming public policy. Well, public policy does not exist in a vacuum. They too are derivative. They have their source, their roots in something. And all of our system of juris prudence is rooted in that source and I think we have forgotten if our policy, if our laws are derivative, well derivative from what? We seem to be afraid to use it.

It says in our Preamble, let us derivative from

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God. And so when you look at that, for example, the Ten Commandments and I would like to look at this, if I may, Madam Chairman, Madam Speaker, I choose to look at this from the aspect of our children and our family because even with this legislation, we talk about the destination of same sex and civil unions that we'll be discussing just around the corner and that this is a stop along the way.

There are children involved even at this level, not only when you arrive at the destination of same sex marriages and civil unions, even at this level children may be involved and that's certainly my concern here.

The children that maybe involved. And it so happens when you look at that derivative source, for example, the Fifth Commandment that says, "Honor thy Father and thy Mother". Well, it seems to me that you're going to have to have a whole new pedagogy if, indeed children are going to honor their father and their mother. For example, where you have same sex unions. If you have two women who have children or a child. Tell me, who is the father? You're going to have to have a new protocol. You're going to have to develop a new paradigm to try to understand that.

And that is what's being presented here, a new paradigm that would alter forever the genealogical

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structure of human kind. And I'm trying to approach the question here not theologically, but sociologically, if you will.

You have to develop an academic structure for the offspring of such - I'm talking about the destination now of such marriages would be required to make a cultural and sociological shift, if you will. If both parties to the union are female, where does the child get the male perspective on life? If, indeed, the offspring is the adoptive child of male couples, where does that child get the female perspective for life? How are they to be trained? What is the nature of the family for which that child is to develop an appreciation and is that structure the real world?

Unfortunately, for the children who are involved in same sex unions, a whole new range of psychological difficulties emerge and how are these psychological problems to be treated and who is it that is equipped to treat them?

Here again, an entirely new paradigm for the treatment of psychological - of these psychological pathologists. I mean, who counsels these children when problems surface and when problems arise?

The structure of the family is different in such cases from what is deemed to be the normative structure.

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How is the male child taught, trained to be a husband, to love and cherish and care for a wife? And when that is not provided, what are the psychological adjustments that must be made? Who helps these children to bridge the psychological gap and what is the re-tooling that would be required?

Even by this legislation, what are the problems and the difficulties and the pathologies would we be exposing our children to and how much harm are we willing to inflict upon these children?

I would suggest that enough harm has been done to our children without the attempt to codify the continued harm represented by this legislation.

Finally, as has been mentioned, that even the President himself, in dealing with an unmarried person with a child, the President himself suggested that the thing that would be desirable in that case would be for such a person to marry, if you will, a person of the opposite sex. That's the President.

Now, if we want to abrogate the President's recommendation and do something else, that's - and please, I believe that a person has the right to be with whoever they choose to be with, to live with whoever they want to, to have whatever kind of relationship they have to, but for us to codify it by law, I think that's

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a little bit much to try to codify that behavior by law. I mean, it's already in coming law and to codify it by this legislation, I think is highly undesirable.

And so Madam Speaker, like others, I rise and arose in opposition to this legislation and I would urge my colleagues to vote no on it.

Thank you very much.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Flaherty of the 8th.

REP. FLAHERTY: (8TH)

Thank you, Madam Speaker. Madam Speaker, I rise in support of the bill, as amended and I do think it's important that we remember what this bill is really all about.

My partner Miles, contracted HIV in the early 80's and by 1993 he was very sick. And I spent a great deal of time with him in the hospital. And the hospital was gracious enough to grant us privacy. I sat by his bedside. I held his hand. I read to him from the Bible.

I consider that the sufferings of this present time are not worth comparing with the glory about to be revealed to us.

I changed his diapers. The staff of the hospital were always willing to do it. They were much better at

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it than I was, but he always wanted me to do it. I think he had been poked and prodded and cut open by strangers enough that he just wanted someone he knew to perform that our act that our parents performed for us when we were young.

One of the things he did while we were alone was complain about the hospital. Now, he was getting excellent care. And he was enough of a southern gentleman that he would never have complained about them if they had been in the room, but when they left, all he kept saying was get me out of here. And so some weeks later, I did, I brought him home. He died in our home. I was sitting by his bed when he passed, but if we hadn't had that privacy, if we hadn't had that time alone, I would have been afraid to bring him home because I would have felt that I wouldn't have been able to take care of him.

So, that's why we need this bill, Madam Speaker. And I hope the Chamber will support it.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Fritz of the 90th.

REP. FRITZ: (90TH)

Thank you, Madam Speaker. I rise in opposition to

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this bill. I sit on the Judiciary Committee and I was one of the eleven who voted against it.

We all here hear in this Chamber and in committees about the nose of the camel under the tent. I think this is the whole head and probably part of the body.

A year ago there was a forum on this subject. And that's what was supposed to happen. And this year, the agreement was there would be a public hearing. And low and behold, tonight we have a bill.

And I understand what our friend Patrick Flaherty just talked about, about the privacy. But this bill goes beyond that. I understand, as well, about claiming of the body. But this bill goes beyond that. I've heard over and over again it's only about couples, but it doesn't mention couples, but it's really only about anybody who is together, taking care of, associated with in a relationship with. And it gives them equal rights in the law.

However, how many of us in this Chamber have already done and participated in living wills with people that we care about? This bill talks about that, but we already can do it, any and all of us.

How many of us have been involved being medical conservators? This bill talks about that too. And any and all of us can and have done that.

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How many of us have been involved with powers of attorney for friends, relatives? This bill talks about that, as well.

There's even a little part that talks about donation of organs. Your driver's license allows you to do that right now.

And then we get to Section 16, which Representative Shea tried so unsuccessfully to remove. Now Sections 1 through 15 is about actually things we already can do, do on a regular basis.

And all of a sudden you get the hammer because now we're talking about civil unions and marriages between same sexes. If the whole document was not about that subject, why was it necessary to put Section 16 into this bill?

It troubles me greatly, as I said, that we've taken this path. So much of it could be done and is done on a regular basis. And it troubled me in the public hearing when I heard so many people who were so well educated that had not chosen to take and use the legal system of the State of Connecticut to protect their partners, to be associated with their partners in medical decisions, or in life decisions without taking the path of civil union or of same sex marriage.

I don't believe that Connecticut is ready to take

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this path and I urge the members of the Chamber to vote against it.

DEPUTY SPEAKER CURREY:

Thank you, Madam.

Representative Dillon of the 92nd.

REP. DILLON: (92ND)

Thank you very much, Madam Speaker. I rise in support of the bill before us. I want to thank the members of the Judiciary Committee and, frankly, of the Chamber tonight for the tone of the discussion that we've had. I think it's been very positive. I was very impressed with the public hearing. And given that we had a debate tonight about whether or not we should have a study, I felt that the - because I had friends on both sides of the bills before us, that we heard a lot of testimony that exposed some of the problems, but it wasn't clear to me that we were directed in a way that we had clear remedies for all of those problems.

So I understand there may be some people that believe this is simply a stop on the way to another destination. I'm not really sure what the destination would be, but it was very clear that there's a problem.

In a world without bureaucracy, we wouldn't really have to think about this sort of thing, that a bid idea that people are so afraid of should be reduced to

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talking about visiting hours in a nursing home. And yet, that's how real people live.

I want to particularly thank Mike Lawlor because I went to him over a year ago now when someone that I knew when she was a very little baby was killed out in California. She was attacked by a vicious dog. And she was a lesbian. And I went to Mike and if you remember, Mike, and I said, "Michael, if Diane Whipple had been murdered in Connecticut, would her partner had been able to sue for loss of consortium?" Because all of the ideas that even my parents, certainly my father and maybe a little bit my mother, might have had about people who were different from us, really fall away when you have a human being who lives down the street from you who has died in a vicious way that no one could have predicted. There was no way that a woman who was 32 years old was going to be preparing her documents as if she was going to be attacked by a vicious dog and prepare for her death. It simply was impossible.

And Michael said that he would try to do something that would change the definition of a crime victim to permit that kind of an action. And it turned out that it was a much more and much bigger issue than that and there were a lot of other people looking at many other parts of the statute. And so for that reason, this is

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really just a very tiny piece, but for me, a very important piece and a very human one.

When the jury out in Los Angeles found the individuals who owned the dog that killed her guilty, my mother, who doesn't attend mass every single day, but tries, called me in tears because she has been besides herself ever since this happened to this person that we knew who as a child and said, "Well, I think they killed her because of what kind of a person she was, but at least she's in heaven now."

And I think that's the way some people react. We start out with big ideas and big fears and then we start looking at how it works on the ground and then we have a human face and then we know how people interact and we realize that everything we do does involve children, but those children are not all the same. There's a lot of different children out there and they should all be part of the institutions that we build.

This is a very level headed little bill. It's not full of a lot of big ideas. There is a process going forward. I'm not sure what the remedy should be for some of the problems we've discussed. I had asked some of the proponents of civil union in committee because I'm not really sure the law should ever get ahead of the people. It breeds instability. I don't know that we should rush

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in with remedies if the people haven't identified it and we need to air what are all the problems and then we need to look and see how can we fix this.

I'm not sure what the remedy should be. But I trust this process tremendously and I want to thank the people who have participated here for the way that we've conducted ourselves. I think it's a credit to the robust democracy that we're a part of.

Thank you.

DEPUTY SPEAKER CURREY:

Representative Walker of the 93rd.

REP. WALKER: (93RD)

Thank you, Madam Chairman. Madam Chairman, I rise in support of this bill and I also first want to thank Mike Lawlor and the Judiciary Committee for bringing this bill out.

Madam Chairman, when I heard my colleagues across the aisle, it made me feel very good to hear that we are all willing to deal with change and things that are going to happen.

It's very important that we all understand that past is past and we must keep moving forward.

When I sat in the - I am also a member of the Human Services Committee. And I take discrimination very, very seriously. I get very upset and very emotional behind

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it.

I've been discriminated against and I'm sure a lot of people have, but to deny people the right of a partner, to decide what a family really is. Families are designed and developed and put together by love. Families and unions are things that we cannot critically defined as one way or another. Families are changing and we are changing and we must always understand that. And we must always be willing to study those things and be willing to accept them.

Discrimination and fear are very, very dangerous things. And when we run away from them, they effect many, many people. We, as elected officials here come to represent a lot of people. We come up here to represent many people from our neighborhoods that look like us and some that don't, some that live like us and some that don't. Some that love like us and some that don't.

So when we have an opportunity to embrace all people of Connecticut, I think that's important. Connecticut is a wonderful state. We have wonderful people and I think we should always be willing to accept and embrace everybody, no matter who they are.

And I want to again thank Mike Lawlor for this because unions are not defined by gender. Unions are defined by love and I think that's important because we

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are all families.

Thank you.

DEPUTY SPEAKER CURREY:

Thank you, Madam.

Representative O'Neill of the 69th.

REP. O'NEILL: (69TH)

Thank you, Madam Speaker. Representative Sayers is not in the Chamber at the moment, but her comments earlier about the visitation requirements that exist within federal regulations, apparently under the Medicare and Medicaid law were something of news to me. And if I could, perhaps I would put a question to Representative Lawlor, through you.

DEPUTY SPEAKER CURREY:

Please proceed, sir.

REP. O'NEILL: (69TH)

Thank you. I was not in attendance for all of the public hearing and I gather there were discussions essentially privately that brought about the compromise that was voted on at the Judiciary's JF deadline.

But was it your understanding that federal regulations essentially require what this legislation purports to accomplish?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

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Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Actually, it was news to me when Representative Sayers said it tonight. I'm glad there's such federal regulations and as always, we seek to conform ours to the federal law where the federal laws are, in fact appropriate and not inconsistent with ours, but it was news to me.

REP. O'NEILL: (69TH)

Thank you, Madam Speaker. Because certainly federal regulations would always supersede our laws. The supremacy clause guarantees that. And our existing law that has a provision that says if married, apparently is, in fact, in conflict with existing federal law.

And I guess I'm surprised that after the forum last year and I believe a seven or eight hour long public hearing this year, that we never stumbled across anyone who would tell us what Representative Sayers was able to bring to our attention this evening, which is that one of the sections of this bill, in effect, isn't necessary or if it is necessary, it's simply necessary to bring our law into conformity with the existing federal law.

And I guess I wonder, I'm not going to try to go through the bill section-by-section hoping that we have an expert somewhere in the Hall to tell us how much of

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it is really just surplusage, but I wonder, as we go through the process of the deliberations that we are going to do over the interim period, how much of the complaint that we have received on the specific issues, not perhaps the final conclusion that's looked at in terms of a report, but I wonder about some of the information that we've kind of worked on the assumption of which is that we have a lot of impediments in our statutes that we're taking some of these down to help deal with specific individual problems that people have because in what must be close to 16 or 17 hours of public hearings, this never - this one particular piece, which I think is something that a lot of people feel strongly about and it's the privacy of someone in a nursing home, particularly someone who maybe dying to be able to spend time with people they care most about, to find out that all this time it's been allowed to be done by federal regulations and it's been an important part of federal regulation and that we've been sort of ringing our hands and worrying about this when, in fact, our law was either out of sync or irrelevant to what the federal government requires because I know enough about the nursing home industry to know what they have to look at is the Medicaid reimbursement rules and regulations because that's what really drives them.

So, I would hope that as we go forward that we will look at, perhaps take a second look at some of these specific types of details here that have come up during the course of the deliberations that we've had so far in the Judiciary Committee.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Sawyer of the 55th.

REP. SAWYER: (55TH)

Thank you, Madam Speaker. The weighty issue that we have been discussing for these many hours and the other evening has shown the craft, the care, that was taken to consult with so many members of this Chamber failed to put together something that would actually have quite broad support on one of the hottest topics that we've dealt with in perhaps my ten years here and I would like to congratulate the makers.

But actually, I would like to talk about the underlying bill for just one moment, if I may.

Madam Speaker, I have an amendment, LCO 4990. That actually addresses the underlying amendment and may I please be allowed to summarize?

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 4990, designated

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House "F".

CLERK:

LCO number 4990, House "F" offered by
Representative Sawyer, et al.

DEPUTY SPEAKER CURREY:

Representative Sawyer.

REP. SAWYER: (55TH)

Thank you, Madam Speaker. All this does is in the -
actually, from the original bill, just changes the days
from 45 days to 60 days that after the death of the
owner, the beneficiary may make application to the
Commissioner to be able to obtain the certificate of
title and the certificate of registration.

And I move adoption, Madam Speaker.

DEPUTY SPEAKER CURREY:

The question before us is on adoption. Please
proceed, Madam.

REP. SAWYER: (55TH)

The reason for the extension, I believe, after
discussing with the makers of the original amendment was
to give grieving families a little bit more time to be
able to handle the needs of their families.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, Madam.

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Representative Stone of the 9th.

REP. STONE: (9TH)

Thank you, Madam Speaker. And before I speak to the amendment, I do want to commend Representative Lawlor for his hard work on this bill and really taking the lead in what some might consider the more controversial part of the bill that's before us.

I did have discussions with Representative Sawyer on this amendment and as is the case in many issues before the Legislature, we were able to reach a compromise and agreement on extending the 45 days to 60 days. I appreciate her willingness to work with me on that and I think it's a good bill made better.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Would you care to comment further on the amendment before us? Would you care to comment further on the amendment before us?

If not, I'll try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, nay. The amendment's adopted.

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Would you care to remark further on the bill before us, as amended? Would you care to remark further on the bill before us, as amended?

If not, staff and guests 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 taking a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER CURREY:

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

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

The Clerk will announce the tally.

CLERK:

H.B. 5763, as amended by House Amendment Schedules "A", "B", "C", and "F"

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	94
Those voting Nay	51
Those absent and not Voting	6

DEPUTY SPEAKER CURREY:

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The bill, as amended passes.

Will the Clerk please call Calendar 178.

CLERK:

On page 25 Calendar 178, Substitute for H.B. 5627,
AN ACT CONCERNING THE DISCLOSURE OF SECURITY INFORMATION
UNDER THE FREEDOM OF INFORMATION ACT. Favorable Report
of the Committee on Judiciary.

DEPUTY SPEAKER CURREY:

Representative O'Rourke of the 32nd.

REP. O'ROURKE: (32ND)

Thank you, Madam Speaker. I move acceptance of the
joint committee's favorable report and passage of the
bill.

DEPUTY SPEAKER CURREY:

The question before us is on acceptance and
passage. Please proceed, sir.

REP. O'ROURKE: (32ND)

Thank you, Madam Speaker. This is yet another
important piece of our efforts to bolster security here
in the State of Connecticut in the wake of the 9-11
terrorist attack on our country.

The Legislature today has passed a number of
important pieces of legislation that will make
Connecticut a safer place in the years to come.

The bill before us sets up a procedure by which