

SA 11-014

SB0458

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 1
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**2011
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Good morning, gentlemen.

JAMES STRILLACCI: Good morning, Senator, (inaudible), members of the committee. I'm Jim Strillacci, Tony Salvatore, we represent the Connecticut Police Chiefs Association, and we're here to speak on several bills on behalf of all municipal police departments and university police departments. Among our Department's duties are the enforcement of liquor laws and investigation of crimes that have to do with alcohol abuse, so these are near and dear to our hearts.

HB 5229
(HB 6264)
SB 864

There are two bills before you which would -- require police approval of liquor permits. Senate Bill 258, applies to renewals, and House Bill 5739, applies to new and renewed permits. We support the concept.

(SB 458)

Currently, we get to sign off on temporary permits, but not permanent. A new bar, or restaurant that serves liquor comes in, they need to get zoning approval, building approval, fire department approval. But law enforcement has no say in the issuance of this permit. But we're the ones who get the calls at 2:00 in the morning when the permit premises serve drunks or minors, have fights in their premises, send their clientele out to drive drunk, to litter, to urinate on people's front lawns, and otherwise disturb the neighborhood. So I'd just be anxious to get those calls, not zoning or -- or building, as the chiefs who get the calls in the morning from the neighborhood that's irate.

The ability for us to renew, or review these permit applications, will allow us a chance to avert these quality of life issues by looking at the record of the permittee. The authority to deny a renewal to a -- location that proves to

be a nuisance will let us nip these problems in the bud and we'd appreciate your support on these.

We oppose House Bill 5229 which will authorize the sale of alcoholic sales on Sundays. The best argument for this bill is that it may, just may, increase tax revenues. Increased revenues will require more liquor sales which would require more drinking which we think is detrimental to public safety, but thankfully, those increased sales are not a certainty. We're not sure whether it actually just spread those current sales out over seven days rather than increase them.

(HB 6264)

What we are certain about is that allowing Sunday liquor sales at grocery and package stores will increase the workloads in the police departments. The retail outlets need police attention to prevent after-hours sales to minors and to drunks. Retail crimes as well, like robbery, fraud, shoplifting, we need to protect these premises against those. It will cost police agencies additional and unbudgeted funds to allot extra officers to pay attention and patrol these locations for an additional day.

Further, Sunday sales will make alcohol available to minors more easily. Sundays are nonschool days. More kids are available to work in grocery stores and be pressured by their peers to pass beer along to them. They're available to hang around package stores looking for a cooperative adult that might go in and buy for them. They're available to try out their phony IDs in a package store or grocery store. We think that these will make it easier for kids to get what we do not allow them to get.

Now the same objections would apply to Senate Bill 864, AN ACT CONCERNING GROCERY STORE BEER

plants are the biggest part of agriculture in Connecticut. We're more than half of all (inaudible), what we produce in flowers and plants, and it's -- and most of agriculture is not subject to the six percent sales tax, but what we produce is. When you buy flowers or plants, you have to pay six percent on it.

REP. BARAM: And just one last question. Is a Connecticut company currently allowed to ship a basket with wine outside the state with the current law as it is? (Inaudible.)

BOB HEFFERNAN: Not that I'm aware of. I don't think so.

REP. BARAM: Thank you.

BOB HEFFERNAN: Certainly my members are not.

SENATOR DOYLE: Thank you.

Any other questions from committee members?

Seeing none, thank you.

BOB HEFFERNAN: Thank you.

SENATOR DOYLE: Next speaker is Attorney Dan Silver. Then, again, Paul Jahnige, and I apologize if I -- mispronounce your name. Then Tim Devanney, Carroll Hughes, Jack Malone.

DAN SILVER: Good morning, Senator Doyle, members of the committee. My name is Dan Silver. I'm an attorney in New Britain with the law firm of Silver and Silver. I'm here this morning to speak in opposition to H.B. 5739, and S.B. 458.

To begin my discussion, I would indicate that as a good part of my firm's practice is in the area of representing permit holders in all various

categories in the state of Connecticut, both in the (inaudible) and disciplinary proceedings before the Department of Consumer Protection.

The three basic reasons that I'm speaking here this morning in opposition of this bill is, number one, that this bill constitutes a duplication of existing policies and statutes what are now on the -- on the books in the state of Connecticut.

And two, that it would constitute a costly local mandate to local communities in putting this into effect.

And three, it would constitute an additional level of regulation to small business holders which are already one of the -- one of the top regulated industries in the state of Connecticut.

As to the duplicate of what we have on the books now, I would like to refer you to Section 30-394c of the Connecticut General Statutes, which allows citizens of a community, including public safeties, municipalities, to petition by way of remonstrance to the Department of Consumer Protection Liquor Control Commission, before the -- during the application process, both for new applications and for renewals. And a petition can be brought to the Department of Liquor Control, and upon receipt of a petition, the Department can hold a hearing based on the suitability of the person in the place of operation.

Those remonstrance hearings are regularly scheduled procedures. I've been involved in dozens and dozens of these remonstrance hearings myself; some I've won and some I've lost. The Department at a remonstrance hearing has the right today to either revoke a license, suspend

a license, or not grant a license, based upon a remonstrance coming from the local communities.

Two, the State of Connecticut presently has an excess of 6,000 liquor permits. That figure was given to me recently by the Director of Inspectors at my office at a meeting, and what I'm presenting to you this morning is, if this bill were to go into effect, it would be a very, very costly local mandate to the communities. You can see every application on a renewal would have to be renewed on a regular basis.

And summing up -- my time is up -- I think that this is a bill which was maybe well-intentioned, but at the same time is not needed and it was going to act as a very costly mandate, local mandate, for something which is already regulated by our professionals at the Department of Consumer Protection Liquor Control Commission.

Thank you very much.

SENATOR DOYLE: Thank you, Attorney Silver.

Any questions?

Seeing none, thank you very much

DAN SILVER: Thank you.

SENATOR DOYLE: Next speaker is Paul Jahnige.

Tim Devanney, Carroll Hughes, Jack Malone, Bob Dorr.

I apologize, Paul, if I mispronounced your name.

PAUL JAHNIGE: Good morning, Chairman Taborsak, Chairman Doyle, and members of the General Law Committee.

HB6264



CONNECTICUT POLICE CHIEFS ASSOCIATION

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Testimony to the Committee on General Law

February 8, 2011

Chiefs James Strillacci and Anthony Salvatore, Connecticut Police Chiefs Association

Senator Doyle, Representative Taborsak, and members of the General Law Committee, we are speaking on behalf of the Connecticut Police Chiefs Association (CPCA), which represents all municipal police department in Connecticut as well as police departments at private and state universities. Among other duties, these police departments enforce liquor laws and investigate crimes associated with alcohol abuse.

Two bills would require police approval of liquor permits. SB 458, AAC Municipal Police Departments and Alcoholic Liquor Permits, applies to renewals, and HB 5739, AAC Municipal Approval of Alcoholic Liquor Permits, to new and renewed permits. We support the concept.

Currently, a new bar or restaurant serving liquor needs local zoning, building, and fire department approval, but law enforcement has no say in issuance of its liquor permit.

But when the permit premises serves drunks or minors, sends its clientele out to drive drunk, litter, urinate on lawns, or otherwise disturb the neighborhood, it's our dispatchers who get the calls at 2 A.M., and the chiefs who get the complaints in the morning.

The ability to review permit applications will allow us a chance to avert quality-of-life problems. The authority to deny renewal to a nuisance location will let us nip problems in the bud.

We oppose HB 5229, An Act Authorizing Sale of Alcoholic Liquor on Sunday. The best argument for this bill is that it *may* increase tax revenues. But increased revenue requires more liquor sales and more drinking, which we believe is detrimental to public safety. Thankfully, the increased sales are not a certainty. (HB 6264)

It is a certainty that allowing Sunday sales of alcohol at grocery and package stores will increase the workloads of police departments. Retail liquor outlets need police attention to prevent after-hours sale and sales to minors or to drunks, as well as retail crimes like robbery and shoplifting. It will cost police agencies additional, unbudgeted funds to allot extra officers to patrol these sales locations on an additional day.

Further, Sunday sales will make more alcohol available to minors. Sundays are non-school days, when more kids are available to work in grocery stores and pass beer to their peers, to hang around package stores looking for a cooperative adult, to try out their phony ID cards.

The same objections apply to SB 864, AAC Grocery Store Beer Permits, which would allow convenience stores to sell beer. In addition, convenience stores are more likely to employ minors than package stores, have fewer supervisors than grocery stores, tend to be open longer hours and are far more numerous than either.

Were this bill to pass, hundreds of gas station/snack shop combinations would become beer outlets. Police would have to drastically increase their supervision of these stores or abandon hope of keeping alcohol away from minors.

CONNECTICUT
Restaurant
ASSOCIATION

Connecticut Restaurant Association Testimony
Before the General Law Committee
February 8, 2011

SB 458 An Act Concerning Municipal Police Departments and Alcoholic Liquor Permits
and
HB 5739 An Act Concerning Municipal Approval of Alcoholic Liquor Permits

The Connecticut Restaurant Association represents over 600 restaurants and hospitality industry businesses across Connecticut. We support government initiatives that help create a strong business climate, create new jobs, promote a vibrant state economy, and restrict government interference in the daily conduct of our businesses. We believe that lower taxes, pro-business legislation and reasonable regulations support our businesses' ability to prosper and make Connecticut more desirable for future business growth.

SB 458 and HB 5739 would expand the role of municipal police in the liquor permitting process. Currently, municipal police only approve temporary liquor permits. The process by which restaurants obtain a renewal of their liquor permit requires detailed information, including providing financial statements, indicating whether they or their backer have been convicted of any crimes, compliance with state and local building, fire and zoning requirements, and a public notice of the type of liquor permit. While the standards for permit approval are high, we recognize that specific problems may arise with applicants and that current law does not allow local police to make recommendations during the renewal process.

The Connecticut Restaurant Association stands willing to work with the General Law Committee and the sponsors of these bills as you draft language to ensure the process for liquor permit renewals maintains the highest standards.

Thank you for your consideration.



TESTIMONY
of the
CONNECTICUT CONFERENCE OF MUNICIPALITIES
to the
GENERAL LAW COMMITTEE
February 8, 2011

CCM is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population. We appreciate this opportunity to provide testimony to you on issues of concern to towns and cities.

Senate Bill 458 AN ACT CONCERNING MUNICIPAL POLICE DEPARTMENTS AND ALCOHOLIC LIQUOR PERMITS.

This bill would allow local police personnel to be involved in the renewal process of alcoholic liquor permits.

House Bill 5739 AN ACT CONCERNING MUNICIPAL APPROVAL OF ALCOHOLIC LIQUOR PERMITS.

This bill would require local police chiefs to approve new and renewed local alcoholic liquor permits.

CCM **supports both S.B. 458 and H.B. 5739.**

Current law only requires local public safety officials' approval for granting temporary permits - S.B. 458 and H.B. 5739 would therefore, ensure such local officials are included throughout each crucial step of the alcoholic liquor permitting process. Both proposals would be reasonable means of enhancing the quality of life that our dedicated public safety officials strive to protect on a day-to-day basis.

CCM urges the committee to **favorably report** both S.B. 458 and H.B. 5739.

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If you have any questions, please contact Mike Muszynski, Legislative Analyst of CCM
via email mmuszynski@ccm-ct.org or via phone (203) 500-7556.

**TESTIMONY FOR THE GENERAL LAW COMMITTEE
HEARING DATED FEBRUARY 8, 2011 IN OPPOSITION TO PROPOSED
H.B.No. 5739 ENTITLED "AN ACT CONCERNING MUNICIPAL APPROVAL
OF ALCOHOLIC LIQUOR PERMITS
PROPOSED S.B. No. 458 "AN ACT CONCERNING MUNICIPAL POLICE
DEPARTMENTS AND ALCOHOLIC LIQUOR PERMITS**

My name is Daniel A. Silver and I am an attorney in the law firm of Silver & Silver LLP with offices located at One Liberty Square, New Britain, Connecticut. A good portion of my firm's practice is involved with representing liquor permit holders in the application and renewal process. As such, I feel qualified to express my views concerning these proposed bills which are before you today. Each of these proposals, although they may be well intended, sponsored by legislators who I have personally come to respect, in my opinion, are unnecessary, create additional ????? of governmental regulation upon businesses struggling to exist in a difficult economy would clearly establish an additional mandate on local communities without funding from the State of Connecticut. The purpose of these bills would require the Chief of the Municipal Public Safety Department, or designee, to become involved in the approval of both new and renewed liquor permits throughout the State of Connecticut.

At the present time the responsibility for approval of new and renewed liquor permits has been placed under the Department of Consumer Protection Liquor Control Commission. This is a professional organization which is led by a highly professional Director, John Suchy, who has a long background in public safety as a member of the Norwalk Police Department. Under the direction of

Mr. Suchy there is a staff of highly trained liquor agents who take great care in the investigation of proposed permits. To now pass new legislation which would add a second tier of investigation by local public safety officials only duplicates the length in the period of time which would be required for permits to be granted. At the present time the investigative process conducted through the Department of Consumer Protection Liquor Control Division goes on for many weeks. In fact, it is not unusual for the length of time between submission of a permit and the granting of a final permit to last in excess of ninety (90) days, which makes it difficult for parties to negotiate purchase of businesses and dealings with prospective landlords due to the length of time for the approval of permits to sell alcoholic beverages. This new bill would only exacerbate continued delay and would further only duplicate the efforts of the investigation of the State Department.

Under the existing State legislation, citizens and public safety departments do have statutory rights to raise objections to either the granting or renewal of an alcoholic permit. I bring your attention to Section 30-39(4C) of the General Statutes which provides for a remonstrance hearing which can be brought by ten (10) persons who are at least eighteen (18) years of age and reside in the Town in which the permit or renewal has been applied for. This procedure allows citizens to object to the suitability of the Applicant or the proposed place of business. Upon the filing of such remonstrance the Department is[^] required to give written notice to the Applicant and a hearing will be held on the remonstrance before the Liquor Control Commission. The Commission then has

the right, under the present statutory scheme, to grant the remonstrance and deny either the permit or the renewal. As a lawyer for permit holders, I have conducted many remonstrance hearings – some of which I have won and others which I have lost as a result of allegations made by the public, including local public safety departments.

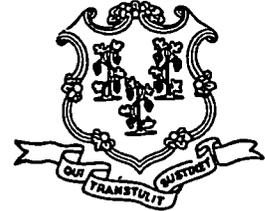
The enactment of this legislation would further establish an additional mandate to the municipalities which would be required to have their public safety departments investigate liquor applications and renewals. There is presently in excess of five thousand (5000) liquor permits in the State of Connecticut which need to be renewed on a yearly basis. The amount of time which would be required to be devoted to this process by the local safety departments would be enormous. This bill does not contain any promise of reimbursement to the local communities for this additional work. These bills further fail to address the level of discretion which would be involved in the approval process by the local public safety departments and could raise serious constitutional issues.

In conclusion, I would ask that these proposed bills be rejected as they both duplicate existing approval structure and constitute an additional mandate upon our municipalities which are presently overburdened by mandates enacted by this legislature.

In addition, each public safety department is required to report to the Liquor Control Commission criminal activity at the permitted premises which reports can be and are used in disciplinary measures against liquor permit

holders. The police reports themselves are admissible in disciplinary hearings without the required attendance of local public safety officials.

Department of Consumer Protection



Testimony of John Suchy
 Director of Liquor Control Division
 Department of Consumer Protection

SB 462 HB 6267
HB 5739 SB 458

February 8, 2011

Sen. Doyle, Rep. Taborsak, Sen. Witkos, Rep. Rebimbas and Honorable members of the General Law Committee, I am John Suchy, Director of Liquor Control in the Department of Consumer Protection. Thank you for providing me the opportunity to offer written testimony regarding a number of proposed bills on your agenda today.

I would begin my testimony by noting that none of the bills before you today are proposals introduced by the Department. As such, the purpose of my testimony is not to seek your support for any of these bills. Nor is it for me to speak in opposition to them. Rather, I offer the following testimony to provide information to committee members regarding the impact these bills would have on the current resources of the DCP.

I am aware that we are at a relatively early stage in the legislative session and that some of these proposals may be amended as the committee sees fit. As such, please note that my comments address the bills as they are currently drafted. Should there be changes considered at some later date, please know that the Department is happy to continue to provide you with additional information and to answer any questions you may have of us.

With that in mind, I respectfully provide comments on the following 5 bills on your agenda today.

SB 864 AN ACT CONCERNING GROCERY STORE BEER PERMITS

This bill as drafted would greatly expand the number of retail stores that would qualify as grocery stores and thus allow them to obtain a permit to engage in the sale of beer. We note that while the stated intent of the bill is to include "convenience stores" within the definition of "grocery stores," the bill would further expand that meaning to include many other retail stores engaged in the sale of groceries such as department stores,

HB 5739 AN ACT CONCERNING MUNICIPAL APPROVAL OF ALCOHOLIC LIQUOR PERMITS

SB 458 AN ACT CONCERNING MUNICIPAL POLICE DEPARTMENTS AND ALCOHOLIC LIQUOR PERMITS

Both HB 5739 and SB 458 seek to require an additional step in the initial application and/or renewal process for liquor permit holders within their respective municipalities. The Department acknowledges the critical partnership that exists between the State Liquor Control Division and local police departments and welcomes continued dialogue and cooperation between these partners. These bills as drafted do not yet contain the detailed language to allow us to ascertain how they may impact the Department's resources. For instance, it is unclear what the requirements would be for permit applicants and renewals to obtain or to be rejected for municipal approval. The Department looks forward to working with proponents of these bills in an effort to craft language that satisfies their intent while not adding a burden to department resources. At this time, we would simply note that under current law applicants that are denied a liquor permit are afforded, and in some cases required to have an administrative hearing conducted by the Department. Consequently, any legislative change that could significantly increase the number of administrative hearings held would further impact agency resources.

Again, thank you for the opportunity to provide testimony. The Department stands ready to provide you with any additional information you may request on these proposals, or any other on your agenda today or in the future.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

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pt/tj/lxe/gbr
HOUSE OF REPRESENTATIVES

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June 8, 2011

Those voting Nay 3

Those absent and not voting 5

SPEAKER DONOVAN:

Bill is passed. Clerk, please call Calendar 489.

THE CLERK:

On page 44, Calendar 489, substitute for Senate
Bill Number 458, AN ACT CONCERNING MUNICIPAL POLICE
DEPARTMENTS AND THE RENEWAL OF CERTAIN ALCOHOLIC
LIQUOR PERMITS. Favorable report of the Committee on
Public Safety.

SPEAKER DONOVAN:

Representative Roland Lamar.

REP. LAMAR (96th):

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

SPEAKER DONOVAN:

Question is on acceptance and passage. Will you
remark?

REP. LAMAR (96th):

Mr. Speaker, the Clerk has Amendment LCO 5628,
designated Senate "A". I would ask that the Clerk
please call the amendment and that I be granted leave

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HOUSE OF REPRESENTATIVES

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of the Chamber to summarize.

SPEAKER DONOVAN:

Clerk, please call LCO 5628.

THE CLERK:

LCO Number 5628, Senate "A", offered by Senator

Meyer.

SPEAKER DONOVAN:

Representative, you may summarize.

REP. LAMAR (96th):

Thank you. What this bill does, it's a strike-everything amendment and establishes a two-year pilot program for the City of New Haven. It requires all renewals of liquor permits to be evaluated by the police chief before approval. Thank you. I move adoption.

SPEAKER DONOVAN:

Thank you, sir.

Care to remark further on the -- move adoption. Care to remark further on the amendment? If not, try your minds, all those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

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Opposed, Nay? The Ayes have it. The resolution is adoption. Remark further on the bill as amended? If not, staff and guests come to the Well of the House, members take your seats, the machine will be open.

THE CLERK:

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

SPEAKER DONOVAN:

Representative Sharkey. Oh, sorry. The bill as amended is passed.

Machine will be locked. Clerk, please announce the tally.

THE CLERK:

Senate Bill Number 458, as amended by Senate "A",	
Total Number Voting	147
Necessary for Passage	74
Those voting Yea	117
Those voting Nay	30
Those absent and not voting	4

SPEAKER DONOVAN:

The bill as amended is passed.

Representative Olson.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

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SENATORS:

Aye.

THE CHAIR:

Opposed? Seeing none, the amendment is adopted.

Okay, Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

With that amendment adopted, this amendment becomes the bill, and without objection, I'd like to refer it to the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

Madam President, the next item that was marked go is on page 39, Calendar Number 112, substitute for Senate Bill Number 458, AN ACT CONCERNING MUNICIPAL POLICE DEPARTMENTS AND THE RENEWAL OF CERTAIN ALCOHOLIC LIQUOR PERMITS. And the Clerk is in possession of amendments.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

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I move adoption of the -- the Joint Favorable Report and passage of the bill.

THE CHAIR:

Acting on approval of the bill, will you remark?

SENATOR DOYLE:

Yes. Thank you --

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

-- Madam President.

Again, the Clerk has an amendment, LCO 5628. May the Clerk please call and I will allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, the Clerk is in possession of LCO Number 5628, which shall be designated Senate Amendment "A," and copies of which have been distributed.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

I first move adoption of the amendment.

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THE CHAIR:

The question is on adoption.

Will you remark?

Senator --

SENATOR DOYLE:

Yes.

THE CHAIR:

-- Doyle.

SENATOR DOYLE:

Thank you, Madam President.

This bill is -- this amendment -- sorry -- is a strike-everything amendment. It's similar to the file copy but it -- it has a few additional tweaks. But the general concept is a pilot program is created for, simply, the City of New Haven.

When all liquor permits are approved, this imposes the duty of the applicant to seek a new permit or created that they give notice to the police chief or his designee of New Haven, whereby giving the police chief or his designee the opportunity to comment on the -- the liquor application. Then -- then the -- the bill goes on to say that the Department of Consumer Protection Commissioner shall consider any written comments by the chief law

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enforcement officer or police chief, and also, later, it says, this one year pilot, at the end of the pilot, the DCP Commissioner shall present a report to the Legislature of the impact, the number of requests and -- and how, overall, this plan works.

So, again, this is a pilot just for the City of New Haven. The City of New Haven was interested in this and the committee determined it was a reasonable proposal, especially the fact that it's a pilot program, we can see how it works and maybe someday consider it for statewide; but, again, this is just for New Haven.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President.

And hopefully this won't be a habit today, but through you, a couple of questions to the proponent of the amendment.

THE CHAIR:

Senator Doyle.

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Please proceed, sir.

SENATOR MCKINNEY:

Thank you, Madam President.

Senator Doyle, I think you mentioned -- and I appreciate your good description of the amendment -- but you mentioned that in reviewing an application for a liquor permit, the Department of Consumer Protection shall consider written comments by the chief law enforcement official or -- or his designee. Does the department now not consider written comments or are people like the chief of police in a municipality not allowed to submit written comments on a proposed application for a liquor permit? Through you.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, I think the question has a two-part answer. The first one is a lot of time the police chiefs do not get notice of the application, so they don't even, you know, have the knowledge or the ability to present any testimony or comments. Now, if they did have knowledge, I believe they could submit it, you know, but this is the -- the first thing here, we're providing notice to the -- the

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police chief or his designee to be able to -- with knowledge of it, they can now comment.

Under current law, I think they probably could comment but the -- the problem in New Haven was that they did not really get knowledge of the applications. And without getting the notice in the -- the life of a busy police -- city police chief, you know, he was frustrated after the fact when they'd -- he'd hear about them. Through you, Madam President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you. And -- and certainly I appreciate separating the two parts because I think the two parts are important. One is who in a municipality should get notice of potential liquor permits, and I'm assuming, through you, Madam President, right now there's no requirement on an applicant for a liquor permit to notify anyone in the municipality, the application simply goes to Department of Consumer Protection? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

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Through you, Madam President, I think there is a duty under current law to go to the fire chief. I think it does currently; under current law, it goes to the fire chief. Through you, Madam President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

- Okay. So fire chief, police chief, there's a lot of -- that makes a lot of sense to do both public safety officials.' So then the next question is -- and I guess we don't know the answer -- but if -- because if people aren't aware, they can't comment on something they're not aware of. But I would be very concerned if the Department of Consumer Protection -- of passing an amendment, ordering them to consider evidence that they should be considering as part of their job concerns me a little bit. So that's why I asked the second question. My hope is that the Department of Consumer Protection is already doing this, should they get -- if they get a letter from a police chief saying we have concerns about this bar or this restaurant and their liquor permit application, maybe they have a prior record, maybe they've served, you know, the owners have had a record or serving, you

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know, underaged drinkers, I would -- I would hope that the Department of Consumer Protection would take that very seriously. So I was just wondering if this came about as, you know, an incident in New Haven -- I'm assuming, since it's just a pilot for New Haven -- where the department ignored comments by the police chief or someone in the police department from New Haven. Through -- through you, are you aware of that?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, I am not aware of any department, you know, ignoring any letters. I think it's the genesis of the interests of the City of New Haven is that there were certain, you know, certain establishments that have issues, that the permits were renewed without the knowledge of the police chief. So it's really, I think, the notification is the important part.

Now, your -- your point is well taken. I would hope and assume they already do consider them, but I think that fact that once we've -- we have the bill before us, the committee thought it was appropriate to clarify that they shall consider them. Now, of

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course, it doesn't go further than that and say they shall consider and reject. At this point it just says "consider," and we thought, the committee, there was some discussion in the committee level, we don't want to give a veto at this point to the police chief. So, you're -- you're right; they probably already would consider it. But this -- this makes it crystal clear; police chiefs should consider it. Through you, Madam President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you.

And -- and just two more, very brief questions. The first is: Are applicants for liquor permits or people renewing a permit, obviously there must be somewhere on the permit the requirement to submit it to their local fire chief. Is -- is the application going to now state their obligation to submit it to the local police department? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

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Yes, it does. It says "any liquor permit," application, so I would think that's an application and/or renewal. So whether the -- you know, Senator Witkos has an issue, too, of notification, making clear that the -- the New Haven entity is aware of this requirement. That's another issue, but that -- I don't know if you were driving at that.

SENATOR MCKINNEY:

Yeah, no -- excuse me -- through you, Madam President. That -- that is the issue. I -- I assume if the law requires them to give notice to -- currently to the fire chief and they don't give notice, that, I would assume, might be grounds for denying the permit or the renewal.

So I just -- I want to make sure that the Department of Consumer Protection is prepared to make sure that any applicants or people renewing an application in New Haven are aware of their obligation under what will be a new law. Is that -- is that your understanding, that they will, this will be clear to any applicants? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

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Yes. Through you, Madam President, yes.

It's the -- it's our, my concern, and the committee -- and Senator Witkos raised it a few minutes ago to me, privately -- that we want to make clear so that the Department of Consumer Protection provides notice to these New Haven people.

Now, the problem is it's not really -- to amend the current forms may not make sense because this deals just with New Haven. If this was a statewide policy, that would be different. So they're going to have to -- I'm sure through their computers they can somehow provide notice to simply the New Haven liquor holders when their permits are due and maybe they mail out the applications. But we're hoping DCP will provide some notice just to the New Haven people of this new responsibility. Through you, Madam President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you.

And that was my concern. Since it is just a pilot program, obviously they're not going to change the forms --

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SENATOR DOYLE:

Right.

SENATOR MCKINNEY:

-- statewide that -- hopefully they won't. That
would --

SENATOR DOYLE:

Right.

SENATOR MCKINNEY:

-- be a cost that probably is not worth bearing.

I guess I won't ask my last question. My -- my
next comment would be it makes a lot of sense to
notify the police chief as well as -- as the fire
chief. And I'm just -- maybe we'll see how this pilot
works, but this may be something that instead of just
doing for one municipality, we should have considered
doing for all.

So thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will -- will you -- Senator Doyle.

SENATOR DOYLE:

Sorry; just one, quick follow-up.

And the committee did consider that, Senator
McKinney, and it was the wish of the committee to

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limit it to New Haven, because at the time the thought is well, do we make it statewide, and there wasn't a consensus. The bipartisan committee, at this point, wanted to do the pilot, to see how it works. Down the road, maybe it's expanded.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Doyle.

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

I also rise in support of the amendment. You know, I -- I was concerned when I first saw the bill in committee, and then I realized that reading the newspapers and seeing on TV that New Haven is having some difficulties with a certain section of town and some of the nightclubs that are down there. And they need every tool that's available to them to fight the problems that they're having, and this is one of those tools that will enable them to get a better handle on some of the situations that may be going on.

You know, you can imagine at a police-department level where maybe an officer is responding to a local establishment or a nightclub for a rowdy person, and

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maybe the person is too intoxicated because they were served too much alcohol. Well, that necessarily wouldn't rise to the level of awareness of a chief of police so he would notify DCP; or maybe that officer is so busy that he's going from that call to the next call, to the next call, that he doesn't notify or she doesn't notify the Department of Consumer Protection that there was a rowdy person or that they found somebody underage in the -- in the bar. But this will allow them and maybe steer some focus towards the chief saying, now that I have that power, now that I know either they're up for renewal or somebody's asking for a permit, I might delegate to one of my staff members, well why don't you go back and you look and see if we've had any incidents at that location where maybe we want to comment on, because it's gotten by us in the past and we want to make sure that the Commissioner determines that --

A VOICE:

(Inaudible.)

SENATOR WITKOS:

-- that these people that are asking for this permit are doing their due diligence in making sure that they abide by the laws by not serving drunkards,

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making sure that they don't serve underaged alcohol, making sure that they close at the hours that they're supposed to be closing. But that won't happen unless there's notification.

And I had some concerns of a legislative intent. The language of the bill says that the applicant shall simultaneously give written notice to the chief law enforcement official; and, Madam President, through you to Senator Doyle, am I correct in saying that "simultaneously" means within a reasonable period of time, so it doesn't have to happen exactly at the same time or that specific day? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, yes, it should be within reasonable time, especially following up the discussion I had with Senator McKinney regarding, at this point in time, since it's a pilot, there might be a little confusion with DCP. The forms won't be crystal clear on this, so we want to make sure that the -- the applicant has a reasonable amount of time,

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you know, not weeks but a reasonable amount of time.

Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

And then, you know, I -- closer reading on the amendment, Madam President, I understand it looks like there's an application, which is current, that somebody would have to apply to the Commissioner for, but then they just have to give a written notice. It doesn't necessarily mean they have to submit another form to the chief law enforcement official, they could just send him a note saying -- on letterhead -- saying, be advised, we have applied to the DCP for an extension or for renewal of our liquor permit. Is that correct, through you, Madam President?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, yes. It says given -- given written notice, to me, would be simply -- it could be the form of a -- or it should be a form of a letter, whether they enclose the -- the copy of the

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application, it's up to them, but in the letter it should be clear, just line -- delineate specifically what -- what permit they own, the facility, the location, and what they're actually seeking in addition. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

So it's not as onerous where you would have to -- with the state it has to or the City of New Haven has to develop a whole, new form, it's just making sure that you include in some written notification what you're doing and what you're proposing. Through you, Madam President.

THE CHAIR:

Thank you.

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, the answer -- I agree a hundred percent with the Senator.

Thank you, Madam President.

THE CHAIR:

Thank you.

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Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

I urge the Chamber's adoption of Senate Amendment
"A."

THE CHAIR:

Thank you.

Will you remark?

Senator Kissel.

SENATOR KISSEL:

Thank you, very much. I just wanted to stand up and -- and also voice my support of the amendment. I recall the public hearing very distinctly. Senator Looney came with the chief of police, I believe, of the City of New Haven and testified in favor of this. But at that public hearing, there was opposition from a lot of other municipalities and some other folks, and so I think even during the public hearing, the notion of a pilot program was -- was thrown out. And I really want to commend the leadership of the General Law Committee, both Senator Doyle and Senator Witkos, for crafting a solution that will address the concerns of the City of New Haven while at the same time holding other municipalities harmless and then maybe

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-- God bless you -- at the end of this two-year cycle, we can revisit the issue and see what we've learned from this pilot. And so I think it's the best of all worlds. And, again, my compliments to the leadership of the General Law Committee.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark?

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, a person who frequents New Haven quite often, I understand the purpose of this bill. And I think that, as I understand it, the local administration, as well as the police department, as well as, obviously, the State Senator and other Representatives are supportive of this bill. And for that reason, I believe, we should allow, in a very parochial sense, this bill to pass with respect to those concerns, if that's the way is best to handle the issues that New Haven is having.

That being said, I understand there's a pilot bill, and based upon some statements by Senator Doyle,

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I'd be extremely concerned if this bill was broadened to the State of Connecticut. The reason being -- and it's extraordinary difficult to get liquor licenses in the state; there are a number of procedures. And you can have a situation where you could have a disturbance in front of a particular establishment which could yield a police report and perhaps then cause you, if the police officer or the police department were then to say there's a problem, there'd have to be a hearing. On a renewal, that could cause the establishment to be closed pending the outcome of that hearing to determine the validity of your permit. And those concerns I raise in a global sort of view.

I understand the -- the purpose of this is just for New Haven, and I understand the point of this for being New Haven, and I'd like to see how it's going to work in New Haven. I only raise this issue because if it were to be a statewide, I'd be extraordinarily concerned.

That being said, I know Senator Looney has been the champion of this cause. And New Haven is a wonderful city and has many different establishments in which to visit and enjoy. And I would urge people

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to get to New Haven, because one of the best
restaurants around Connecticut is in New Haven.

Thank you, Mr. -- Madam President.

THE CHAIR:

Thanks, Senator. Thank you for the commercial.

A VOICE:

(Inaudible.)

THE CHAIR:

I like this commercial, Senator. Thank you, very
much.

Will you remark? Will you remark? If not, all
those in favor, please say, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? The amendment is adopted.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Speaking in support of the -- of the bill as
amended, since the amendment was, in fact a -- a
strike-all, it becomes the bill. I certainly want to
-- want to thank Senator Doyle and Representative

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Taborsak, Senator Witkos, and others who've worked on -- on this issue.

And the -- the problem that came to our attention, that there were a number of -- of locations in New Haven that might have had a -- a checkered record in terms of their -- the community impact of their -- of their operations, and the complaint was that the New Haven Police Department said that in some cases it had never become aware of when the permit was coming up for renewal. This will change that for this pilot for New Haven.

It also -- in researching this, we discovered that there was somewhat of -- of an anomaly because local police departments are, in fact, notified of applications for temporary permits but not in the case of an ongoing business or -- or a renewal permit or a transfer of a -- of a permit, and this will provide for that notice.

As we said earlier, currently the -- the local fire marshal does get notice, because they have to verify that the premises are -- are safe and meet the fire code before there is a permit granted or -- or renewed. But it is sort of happenstance as to whether or not the police department becomes aware and has an

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opportunity to -- to weigh in, and this will remedy that for -- for New Haven for the next two years.

As pointed out, in terms of being a pilot, what is required under the bill is that no later than February 1, 2014, under the bill as amended, the report will have to be provided by the Consumer Protection Commissioner that will include but not be limited to the number of written comments submitted by the chief law enforcement official in the City of New Haven under the subsection exactly how many times the -- the chief weighed in with comments on -- on permit applications or -- or renewals, copies of those written comments, a summary of actions taken by the Department of Consumer Protection regarding the granting or denial or any permit application subject to the provisions of this, and also the Commissioner's conclusions and recommendations after consultation with the chief as to the continuance of the notice requirement contained in this.

So it truly is a -- a pilot responding to the particular concerns raised in New Haven. Very thankful to the committee for bringing this forward to help the city address this challenge, this problem, and to have it be renewed -- have it be reviewed after

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two years to see whether it is working as intended to make sure that there are no abuses or accesses in -- in the oversight that will go on during this -- during this pilot.

I wanted to thank Senator Fasano for his -- for his advertisement for New Haven and promoting the restaurants in downtown New Haven. Of course his -- his law office is also located in New Haven, so we know that he is there every day.

So thank you, Madam President, and would urge passage of the bill.

THE CHAIR:

Will you remark?

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

At in point, if there's no objection, I'd like to refer this to the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

Madam President, returning to the Calendar, Calendar page 40, Calendar Number 141, Senate Bill

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Madam President, if the Clerk would now call those items placed on the Consent Calendar.

THE CHAIR:

Yeah, it's (inaudible).

THE CLERK:

Madam President.

THE CHAIR:

Please proceed, sir.

THE CLERK:

I'm going to try to call it off the screen; I've never done this.

THE CHAIR:

Okay.

THE CLERK:

Calling --

THE CHAIR:

Just take your time.

THE CLERK:

-- off the screen, Calendar page 1, Calendar Number 394, Senate Joint Resolution 42; Calendar page 1, Calendar Number 427, House Joint Resolution Number 111; Calendar page 2, Calendar Number 428, House Joint Resolution Number 112; Calendar page 2, Calendar Number 436, Senate Joint Resolution 43;

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Calendar page 2, Calendar Number 437, Senate Joint Resolution 44; Calendar page 2, Calendar Number 438, Senate Joint Resolution 45; Calendar page 2, Calendar 468, Senate Resolution Number 26; Calendar page 3, Calendar Number 469, Senate Joint Resolution 46; Calendar page 3, Calendar Number 484, House Joint Resolution 113; Calendar page 3, Calendar Number 485, House Joint Resolution 114; Calendar page 3, Calendar Number 486, House Joint Resolution 115; Calendar page 3, Calendar Number 487, House Joint Resolution 116; Calendar page 4, Calendar Number 488, House Joint Resolution 117; Calendar -- returning to Calendar -- Calendar page 4, Calendar Number 488, House Joint Resolution 117; Calendar page 9, Calendar 177, substitute for Senate Bill Number 1110; Calendar page 10, Calendar Number 192, substitute for Senate Bill Number 983; Calendar page 16, Calendar Number 305, Senate Bill Number 897; Calendar page 17, Calendar Number 319, substitute for Senate Bill Number 944; Calendar page 17, Calendar Number 326, substitute for House Bill Number 6297; Calendar page 18, Calendar Number 331, substitute for House Bill Number 6358; Calendar page 20, Calendar

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Number 360, Senate Bill Number 1155; Calendar page 35,
Calendar Number 42, substitute for Senate Bill
Number 866; Calendar page 36, Calendar Number 60,
Senate Bill Number 888; Calendar Bill Number 105, on
page 38, substitute for House Bill Number 5266;
Calendar page 39 --

THE CHAIR:

So that --

THE CLERK:

-- Calendar Number 1112 --

THE CHAIR:

Mr. Clerk, can you wait for one moment, please.

Senator Looney.

SENATOR LOONEY:

Madam President, there is one item that the Clerk
read that I believe should not be on the Consent
Calendar -- I don't believe I placed it there -- and
that was Calendar page 35, Calendar 42, Senate
Bill 866. That item needs to be amended before it
will be taken up.

THE CHAIR:

Sir, okay. We will take that. Will you remove
that from the Consent Calendar, please?

SENATOR LOONEY:

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The next item after that, Madam President, to be on the Consent Calendar is Calendar page 36, Calendar -- Calendar 60, if the Clerk might pick up on that one.

THE CLERK:

Okay. Calendar page 36, Calendar Number 60, Senate Bill Number 888; Calendar page 38 --

SENATOR LOONEY:

Okay.

THE CLERK:

-- Calendar Number 105, substitute for House Bill Number 5266; Calendar page 39, Calendar Number 112, substitute for Senate Bill Number 458; Calendar Number 39 -- I mean page 39, Calendar Number 123, Senate Bill Number 1041; Calendar page 40, Calendar Number 132, Senate Bill Number 868; on page 40, Calendar 141, Senate Bill Number 985; on page 43, Calendar Number 199, substitute for Senate Bill Number 1068.

I don't know if there's any other pages here.

THE CHAIR:

Page 18?

A VOICE:

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THE CLERK:

Madam President.

THE CHAIR:

Yes.

SENATOR LOONEY:

Yes. That --

THE CLERK:

I yield to the Majority Leader.

SENATOR LOONEY:

Yes. That --

THE CHAIR:

Mr. Majority Leader.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I apologize. That item that we had removed from the Consent Calendar actually should be put back on. That was Calendar page 35, Calendar 42, Senate Bill 866. The amendment that was adopted on that bill is the -- was the only amendment that was -- that was needed, so there is not a need -- not a need for an additional amendment.

THE CHAIR:

Thank you.

SENATOR LOONEY:

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Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Mr. Clerk, if you want to --

THE CLERK:

Madam President, someone pointed out to me that on Calendar page 18, Calendar Number 331, substitute for House Bill Number 6358, that I missed it, but that's supposed to be on the Consent Calendar.

THE CHAIR:

That's correct, sir.

Any corrections?

Okay. At this time, I would ask that the Clerk please open up the -- the machine and may announce a roll call vote, and the machines will be open.

THE CLERK:

An immediate roll call vote on the First Consent Calendar has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote on the First Consent Calendar has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

You don't have the Consent Calendar up,

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Mr. Clerk?

THE CLERK:

(Inaudible.)

THE CHAIR:

A ready vote.

Senators, we're having a little problem with the machine, if you'll just wait one moment, please.

Okay. It's -- I'm going to close the machine and reopen.

Mr. Clerk, are they resetting the -- the title?

Mr. Clerk?

THE CLERK:

I'm sorry.

THE CHAIR:

Is somebody resetting?

THE CLERK:

He's trying --

THE CHAIR:

Okay.

THE CLERK:

-- to do that. Okay.

THE CHAIR:

Thank you.

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Do you want to announce again? Mr. Clerk, will you announce a roll call vote again, please, and we will open the machines.

THE CLERK:

An immediate roll call vote on the First Consent Calendar is taking place in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote on the First Consent Calendar is taking place in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members voted, the machine will be locked.

Will the Clerk please announce the tally.

THE CLERK:

Madam President:

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Absent	0

THE CHAIR:

The Consent Calendar is adopted.

Senator Looney.

SENATOR LOONEY: