

**PA12-204**

SB0335

|                             |   |           |
|-----------------------------|---|-----------|
| House                       | 8366-8369                                   | 4         |
| Labor & Public<br>Employees | 908-909                                     | 2         |
| Public Safety               | 569-570                                     | 2         |
| Senate                      | 3546-3548, 3646-3647,<br><u>(3832-3833)</u> | <u>7</u>  |
|                             |   | <b>15</b> |

**H – 1147**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2012**

**VOL.55  
PART 25  
8215 - 8555**

mr/ch/rgd/gdm/gbr  
HOUSE OF REPRESENTATIVES

507  
May 9, 2012

Please proceed.

REP. BERGER (73rd):

Thank you. Thank you, Madam Speaker.

I'd like to notify everyone in the Chamber that if you don't already know her, the LCO attorney who's been dedicated to commerce and other committees including transportation, with my good friend Anthony Guerrera, Jenna Padula is going to be leaving us and going to work at the Department of Construction Services.

She's going to be sorely missed at our committee and others. She's been competent, efficient and effective and we're going to miss her greatly. So if we could please recognize her in the Chamber.

Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, and good luck to you, Jenna.

Will the Clerk please call Calendar Number 536.

THE CLERK:

On page 31, Calendar 536, Senate Bill Number 335, AN ACT CONCERNING THE LEGISLATIVE COMMISSIONER'S RECOMMENDATIONS FOR TECHNICAL AND MINOR CORRECTIONS TO THE PUBLIC SAFETY STATUTES, favorable report by the Committee on Public safety.

DEPUTY SPEAKER ORANGE:

Representative Dargan.

REP. DARGAN (115th):

Thank you very much, Madam Speaker.

I move for acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

Will you remark, sir?

REP. DARGAN (115th):

Thank you very much, Madam Speaker.

This bill makes technical corrections to the public safety statutes. And once again, I'd like to thank my ranking member, Representative Giegler.

Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further?

Representative Jan Giegler.

REP. GIEGLER (138th):

Thank you, Madam Speaker.

I rise in support of the bill before us. It's

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basically the LCO's technical revisions. It's a good bill, ought to pass.

And thank you, Chairman Dargan.

DEPUTY SPEAKER ORANGE:

Thank you, madam.

Will you care to remark further on the bill before us? Care to remark further on the bill before us?

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

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted?

If all members have voted, please check the machine to determine if your vote has been properly cast.

If so, the machine will be locked and the Clerk will take a tally.

Representative Butler.

REP. BUTLER (72nd):

I would like to be recorded in the affirmative.

DEPUTY SPEAKER ORANGE:

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The transcript will so note Representative Butler in the affirmative.

Representative Miller.

REP. P. J. MILLER (36th):

Yes, Madam Speaker. I would also like to be recorded in the affirmative.

DEPUTY SPEAKER ORANGE:

Representative Miller in the affirmative.

Anyone else?

Representative Villano.

REP. VILLANO (91st):

Madam Speaker, in the affirmative.

DEPUTY SPEAKER ORANGE:

Representative Villano in the affirmative.

Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 335 in concurrence with the Senate.

|                             |     |
|-----------------------------|-----|
| Total Number Voting         | 145 |
| Necessary for Adoption      | 73  |
| Those Voting Yea            | 145 |
| Those Voting Nay            | 0   |
| Those Absent and Not Voting | 6   |

DEPUTY SPEAKER ORANGE:

The bill passes in concurrence with the Senate.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**LABOR AND  
PUBLIC EMPLOYEES  
PART 3  
606 – 958**

**2012**

I am Gregg Marchand from Willimantic I agree with S.B. No. 335 (RAISED) AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL AND MINOR CORRECTIONS TO THE PUBLIC SAFETY STATUTES. **Should also include AN ACT REQUIRING ALCOHOL AND DRUG TESTING OF POLICE OFFICERS. INCLUDING FOR THE ANABOLIC STEROID USE.** To protect the public by ensuring that all police officers are alcohol and drug free while being on duty. Just as any other public service driver that is being randomly drug tested under the High Risk Safety Sensitive Occupation Clause. As we all know peace officers physically and mentally fall under this category more than most that get the random test.

- 1) Regular delivery drivers get randomly tested. Police are from being a regular drivers they have many other responsibilities besides them being held to a higher authority therefore must partake in random drug testing.
- 2) They carry guns.
- 3) They have the option to drive faster than most, its part of the job sometime.
- 4) They have power of arrest.
- 5) They are upholding the law.
- 6) Many work double shifts.
- 7) They must be alert at all times during to what could be a dangerous job.

Many may be taking steroids to muscle themselves up. Anabolic Steroids is a most dangerous drug, when the person/s who consumes it, their adrenaline flow makes , the person mean almost vicious. As a tax paying citizen the belief I have is, it borders being corrupt and it undermines the Motor Vehicle Department and Public Safety's regulations, when the police are not obligated to partake in these random tests.

Especially for the reasons listed above. The people that par take in the random drug test do not have all of these other powers, responsibilities and other obligations police have, they are just drivers.

It's totally unfair. Are we not equal in the eyes of the law? When it becomes law unions cannot supersede the law. You being the Public Safety and Security Committee representatives and the voice for the people, of the people I would expect you to do what is right for our publics' safety and trust. Protect us and the police from this loop hole. This must become a rule and police are not protected by the fourth amendment to be randomly drug tested as I show proof and case law on the second page. Thank you. Gregg Marchand p.o. box 244 n. windham,ct.06256

The current law of public employee drug testing began with the Supreme Court's decisions in *Skinner v. Railway Labor Executives' Assn.*, 489 U.S. 602 (1989), and *National Treasury Employees v. Von Raab*, 489 U.S. 656 (1989). In these companion cases, the Court held that the government is allowed to conduct drug tests without individualized suspicion when there is a "special need" that outweighs the individual's privacy interest. In *Skinner*, the court found that public safety was such a special need. In *Von Raab*, the court found a special need in relation to customs agents who carry firearms or are directly involved in drug interdiction.

The federal courts spent the next decade defining which government interests qualified as "special needs" and defining the scope of those that qualified.

It soon became clear that "special need" meant little more than that the nature of the employee's job was extremely important, and that a great deal of harm could be done if the job was not performed properly. The courts did not require public employers to demonstrate that employees who used drugs were likely to create this harm, nor that there was any special difficulty with preventing the harm through normal supervisory methods. Courts generally resisted, however, attempts to push the *Skinner/Von Raab* envelope to encompass large sections of the workforce. The result was an unprincipled, but relatively small and well defined exception to normal Fourth Amendment principles.

Much of the information above is copied directly from:

<http://workrights.us/?products=public-employee-drug-testing-a-legal-guide>

You can find additional information about the case at:

[http://www.oyez.org/cases/1980-1989/1988/1988\\_87\\_1555](http://www.oyez.org/cases/1980-1989/1988/1988_87_1555)

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PUBLIC  
SAFETY AND  
SECURITY  
PART 2  
318 – 658**

**2012**

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2012**

**VOL. 55  
PART 11  
3330 – 3654**

jf/pat/med/gbr  
SENATE

14  
May 7, 2012

THE CLERK:

On Page 3, Calendar 131, Senate Bill Number 335 AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL AND MINOR CORRECTIONS TO THE PUBLIC SAFETY STATUTES. Favorable Report of the Committee on Public Safety.

THE CHAIR:

Good afternoon. Senator Hartley.

SENATOR HARTLEY:

Good afternoon, madam. Thank you very much. I move acceptance and passage of the Favorable Report and passage of the bill, madam.

THE CHAIR:

The motion is on acceptance and passage. Will you please remark?

SENATOR HARTLEY:

Yes, thank you, madam. This bill is now having come back to the Floor from the Judiciary Committee, deals with the standards that the Department of, DESPP, Emergency Services and Public Protection is attempting to bring into uniform standards all of their licensing criteria, and this one happens to be on the professional bondsmen, which basically says that bondsmen and enforcement agents shall be at least age 21 and have a high school diploma or an equivalency education.

It also, as we spoke about, as it was being sent to Judiciary, would require the Department to suspend or revoke a license in the event that the agent happened to be the subject of a restraining or a protective order.

It also calls for bails enforcement agent badges to be approved by the Department in an effort to be certain that badges are in compliance and that they in no way are replicating, for example, a law enforcement officer.

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SENATE

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May 7, 2012

And then lastly, it requires that there be a refresher training for those professional bondsmen who are issued a firearms permit.

Thank you, madam.

THE CHAIR:

Will you remark? Will you remark? Senator Guglielmo.

SENATOR GUGLIELMO:

A question, just a quick question, Madam President.

THE CHAIR:

Please proceed, sir. Senator Hartley.

SENATOR GUGLIELMO:

Are we on Calendar 331?

THE CHAIR:

Oh, I'm sorry. We're on Calendar 131.

SENATOR GUGLIELMO:

131. Right. Okay. According to what we believe here, this one is only a technical bill and has not been amended. Are we correct?

THE CHAIR:

We have not amended it. It had to go back to Judiciary and it's been sent back. It has not been amended. I think.

SENATOR GUGLIELMO:

The bill that we're looking at, Madam President, at 335, at least on what we have on the computer here has not been to Judiciary.

THE CHAIR:

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May 7, 2012

Excuse me. Was that, Senator Hartley. The question was, when did it go to Judiciary?

SENATOR HARTLEY:

Madam, if we might stand at ease just to be certain about the progression here.

THE CHAIR:

The Senate will stand at ease.

(CHAMBER AT EASE.)

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. If it might be passed temporarily.

THE CHAIR:

Not a problem, sir. Mr. Clerk.

THE CLERK:

On Page 3, I'm sorry, Page 7, Calendar 327, Senate Bill Number 378 --

THE CHAIR:

Do you want to wait on that, sir? Senator Looney is that a bill that you wanted called?

SENATOR LOONEY:

Oh no, no.

THE CHAIR:

I didn't think so. Mr. Clerk, it's 331.

THE CLERK:

331.

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SENATE

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May 7, 2012

Thank you, Madam President. Madam President, would ask that the Clerk return to an item passed temporarily earlier, Calendar Page 3, Calendar 131, Senate Bill 335.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page number 3, Number 131, Senate Bill Number 335, AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL AND MINOR CORRECTIONS TO THE PUBLIC SAFETY STATUTES, favorable recommendation of the Committee on Public Safety.

THE CHAIR:

Senator Hartley, good evening, Ma'am.  
Senator Hartley, please.

SENATOR HARTLEY:

I was waiting for my mic.

THE CHAIR:

I know.

SENATOR HARTLEY:

A little slow on the -- the green light there.

Good evening, Madam President.

THE CHAIR:

Good evening.

SENATOR HARTLEY:

I move acceptance of the joint committee's favorable report and passage of the bill, Ma'am.

THE CHAIR:

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SENATE

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May 7, 2012

I believe we did that, Ma'am.

SENATOR HARTLEY:

That's right it was PTd earlier in the day and I should --

THE CHAIR:

(Inaudible).

SENATOR HARTLEY:

-- just like to -- for the edification of the Chamber, this is a clearly technical bill and I ask for passage, Madam.

THE CHAIR:

Will you remark? Will you remark? Will you remark?

Senator Hartley.

SENATOR HARTLEY:

If not, Madam President, I would ask that this would be considered for the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

Senator Looney -- Senator Looney please.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would next call calendar page 33, Calendar 129, Senate Bill 324.

THE CHAIR:

Mr. Clerk.

THE CLERK:

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

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SENATE

300  
May 7, 2012

Consent calendar, on page 1, Calendar 491, House Joint Resolution 39; also on page 1, Calendar 492, House Joint Resolution Number 40; on page 2, Calendar Number 493, House Joint Resolution 51. On page 2, Calendar Number 494, House Joint Resolution Number 83; page 38, Calendar 399, House Bill 5455; on page 2, Calendar Number 495, House Joint Resolution Number 84; on page 10, Calendar Number 380, Senate Bill 311; on page 32, Calendar Number 58, Senate Bill Number 220; on page 32, Calendar Number 79, Senate Bill 29; on page 38, Calendar 348, Senate Bill 291; on page 35, Calendar Number 234, Number -- Bill Number 436; and on page 3, Calendar Number 131, Senate Bill Number 353.

(SB 335)

THE CHAIR:

Thank you, Mr. Clerk.

The machine will be open.

Please announce the pendency for a roll call vote.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. All senators please return to the Chamber.  
An immediate roll call vote has been ordered in the Senate.

THE CHAIR:

Senator Gomes.

Have all members voted?

If all members have voted, if all members have voted, please check the board to make sure your vote is accurately recorded.

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

THE CLERK:

On the Consent Calendar,

Total Number Voting

35

jf/pat/med/gbr  
SENATE

301  
May 7, 2012

|                             |    |
|-----------------------------|----|
| Necessary for Passage       | 18 |
| Those Voting Yea            | 35 |
| Those Voting Nay            | 0  |
| Those Absent and Not Voting | 1  |

THE CHAIR:

The consent calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I would move that all items acted upon thus far today requiring additional action by the House of Representatives be immediately transmitted to the House.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, would yield for any announcements or points of personal privilege before calling for a -- a recess for a Democratic caucus.

THE CHAIR:

Thank you, Senator Looney.

Are there any announcements or points of personal privilege? Announcements or points of personal privilege?

If not, Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, would move the Senate stand in recess