

PA13-211

HB6677

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
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7971 – 8345**

DEPUTY SPEAKER SAYERS:

The bill as amended passes, in concurrence with
the Senate.

Will the Clerk please call Calendar 510?

THE CLERK:

Yes, Madam Speaker. On Page 18, House Calendar 510, Favorable Report of the Joint Standing Committee on Judiciary, Substitute House Bill 6677, AN ACT CONCERNING THE IMPOSITION OF A COMMUNITY SERVICE REQUIREMENT UPON A MINOR WHO PURCHASES TOBACCO PRODUCTS.

DEPUTY SPEAKER SAYERS:

Representative Morris.

REP. MORRIS (140th):

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

DEPUTY SPEAKER SAYERS:

The question is on acceptable of the Joint Committee's Favorable Report and passage of the bill. Will you remark further, sir?

REP. MORRIS (140th):

The Clerk has an amendment. I ask him to call the amendment, and that I be given leave -- granted

leave of the Chamber to summarize.

DEPUTY SPEAKER SAYERS:

Representative Morris, do you have the LCO number for the amendment?

REP. MORRIS (140th):

Yes, Madam Speaker. 8055.

DEPUTY SPEAKER SAYERS:

Okay. Will the Clerk please call LCO 8055, and it will -- and will be designated as House Amendment Schedule "A".

THE CLERK:

House Amendment Schedule "A", LCO 8055,
introduced by Representative Fox of the 146th, et al.

DEPUTY SPEAKER SAYERS:

The Representative seeks leave -- leave of the Chamber to summarize the amendment. Is there any objection to summarization? Is there any objection?

Hearing none, Representative Morris, you may proceed with summarization.

REP. MORRIS (140th):

The amendment is a strike-all that in effect removes accommodations provided by a school district from the definitions under the larceny statutes. And I move adoption.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is an adoption of House Amendment Schedule "A". Will you remark on the amendment?

REP. MORRIS (140th):

Yes, Madam Speaker. This is a -- a work that has been put together over more than a year, but certainly one that I am grateful to have had the opportunity to work with both the Minority Leader, Larry Cafero, and the Ranking Member of the Judiciary Committee, Rosa Rebimbas, as well as others.

It -- it is from a bill that came through the Judiciary Committee, but just ran out of time. However, what this bill does, it allows us, as a state to, in a more consistently manner, be able to rely upon the education statutes that address the issue of residency in a more consistent manner. 99 percent or more of the time those are the statutes that we use, and this amendment will allow us to do that by removing the [inaudible] larceny statutes.

Again, I move adoption.

DEPUTY SPEAKER SAYERS:

Will you remark further on the amendment?

Representative Rebimbas of the 70th.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Madam Speaker, I rise in support of the amendment. But just a clarification: I only see approximately 50 Co-sponsors on the amendment. To the kind Representative, would he characterize this as a bipartisan amendment? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Morris.

REP. MORRIS (140th):

I thank the good woman from -- for her -- for her response. I personally would consider it as such, and hope it to be so based on the work that I did with the leadership from the Republican side. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And I thank the proponent of the amendment, and I certainly want to extend my thanks as well for having reached across the aisle to make sure that this was something that was language that would be acceptable to both sides, and most importantly, that it would address the issue that

the kind Representative and the Minority Leader is addressing in one of their Districts that they certainly represent.

And just for further clarification, through you, Madam Speaker, a question to the proponent.

DEPUTY SPEAKER SAYERS:

Please frame your question, ma'am.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Through you, Madam Speaker, I notice in the language that's before us, it references pupils that are 18 years of age. Are we assuming that it is possible for children to be 18 years and still be in enrolled in a school? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Morris.

REP. MORRIS (140th):

Yes, it is possible for students who are 18 years of age or older to be in schools, and often homeless. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And through you, Madam

Speaker, just for further clarification, seeing that we're removing the criminal penalty aspect of things, would a school district still be able to collect damages in any other way such as a civil action? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Morris.

REP. MORRIS (140th):

Through you, Madam Speaker. Yes. Section 10-26 of the Connecticut General Statutes allows for a hearing process, a two-stage hearing process, and it is one that is, in the day in which we live, where we have more families that are divorced, or homeless, or facing a number of different issues where residency is difficult to be established, school districts are best to make those decisions. They would have an impartial hearing officer that would hear such a matter, make a decision upon it. It is appealable to the Connecticut State Department of Education. That local board can assess -- they can assess the penalties for what those costs would be. The formula is in 10-26. It is very specific about what those costs would be, and certainly those districts could recover those costs. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And once again I'd like to thank the Representative for his responses as well as working on the -- the amendment that hopefully will become the underlying bill, and addressing a situation that has not only occurred in Norwalk, but several other towns. And certainly the last thing we want to do for any city or municipality is prevent them from having some kind of recourse, and I certainly that that's protected through the civil action, and more often than not, especially in circumstances such as these, throwing a guardian or a parent in jail doesn't necessarily do anything but potentially create more problems. And again, the cities and municipalities, as articulated by the Representative, there is still a cause of action if necessary.

So I do rise in support of the amendment, and ask for support as well. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, madam. Will you remark further? Will you remark further on the amendment that is before us?

If not, I will try your minds. All those in favor signify by saying Aye.

REPRESENTATITVES:

Aye.

DEPUTY SPEAKER SAYERS:

All those opposed, Nay. The Ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended? If not -- Representative Morris.

REP. MORRIS (140th):

Madam Speaker, if I can, I really do want to thank the efforts -- the bipartisan efforts. I can't say enough for it, and for all the many members from both sides of the aisle that look at this as a matter of being able to treat citizens of the United States of America who are looking for fulfilling those -- one of those three unalienable rights to life, liberty, and pursuit of happiness, which happens most through education. And certainly this is a means that looks out for the best interest of children, the best interest of families, and certainly looks out for the interests of -- of tax payers. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative. Will you remark?
Will you remark further on the bill as amended? If
not, will staff and guests please come to the Well of
the House? Will Members please take your seats, and
the machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will
Members please report to the Chamber immediately?

DEPUTY SPEAKER SAYERS:

Have all the Members voted? Have all the Members
voted? Please check the board to see that your vote
has been properly cast. If all the Members have
voted, then the machine will be locked and the Clerk
will take a tally.

A VOICE:

133, 7, 10

DEPUTY SPEAKER SAYERS:

The Clerk will announce the tally.

THE CLERK:

Substitute House Bill 6677, as amended by House
"A".

Total Number Voting 140

Necessary for Passage	71
Those voting Yea	133
Those voting Nay	7
Absent and Not Voting	10

DEPUTY SPEAKER SAYERS:

The bill as amended passes.

Will the Clerk please call Calendar Number 162.

THE CLERK:

Yes, Madam Speaker, on Page 39 of today's Calendar, Calendar Number 162, Favorable Report of the Joint Standing Committee on Judiciary, House Bill 6477, AN ACT CONCERNING THE STATUTORY LIEN FOR ASSESSMENTS ON CONDOMINIUM UNITS.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Good evening, Madam Speaker. Madam Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER SAYERS:

The question is the joint -- acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark further, sir?

REP. ALBIS (99th):

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SENATE**

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SENATE

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June 4, 2013

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

The next item was an item previously marked passed temporarily and removed from the earlier Consent Calendar would now move it to the second Consent Calendar and that was a matter on Calendar Page 17, Calendar 678, House Bill 6671, move to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also, Madam President, Calendar Page 18, Calendar 686, House Bill 6528, move to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

And one additional item, Madam President, Calendar Page 19, Calendar 689, House Bill 6677, move to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

cah/gbr
SENATE

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Madam President, seeing no objection, would this item please be placed on our Consent Calendar?

THE CHAIR:

Seeing no objection, so ordered.

Senator Looney..

SENATOR LOONEY:

Thank you, Madam President.

Madam President, with that item being moved to the Consent Calendar, Madam President, there is an -- an item on the foot of the Calendar to be removed and, Madam President, on -- on the foot of the Calendar, Calendar Page 42, Calendar 648, House Bill 6660, would move to remove that item from the foot and to mark it passed retaining its place on the Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, at this point if the Clerk would list the items on the second Consent Calendar so that we might proceed to a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

House Bill 5607; House Bill 6509; House Bill 5027. On Page 4, Calendar 459, House Bill 6622; on Page 7, Calendar 536, Senate Bill 1163.

HB6591

Page 14, Calendar 651, House Bill 6565. On Page 15, Calendar 660, House Bill 6290. Page 17, Calendar 678, House Bill 6671. Also Calendar 686, House Bill 6528.

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On Page 19, Calendar 689, House Bill 6677 and on Page 24, Calendar 484, Senate Bill Number 983.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote on the second Consent Calendar. The machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call on Senate -- on Consent Calendar Number 2 has been ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be closed. Mr. Clerk, will you please call the tally.

THE CLERK:

On Consent Calendar Number 2.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Absent and not voting	1

THE CHAIR:

Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I would move for immediate transmittal to the House of Representatives of any items voted on the second Consent Calendar needing additional action by the House.

THE CHAIR:

cah/gbr
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So ordered, sir.

SENATOR LOONEY:

And also if there are any other items that were voted individually that may need additional action by the House.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Good, thank you, Madam President.

Madam President, that will conclude -- conclude our business for this evening or this morning at this point. Before adjournment I would yield the floor to any members for announcements or points of personal privilege.

THE CHAIR:

Any announcements or personal privilege?

Seeing none, Senator Looney.

SENATOR LOONEY:

Madam President, for a -- a Journal notation. Senator Coleman was -- was absent and missed votes today due to -- due to illness.

THE CHAIR:

So noted, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, one other item. On the -- the -- the items on the foot of the Calendar beginning on Calendar Page 27, beginning with Calendar 59, on Calendar Page 27 at the beginning of the foot and

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 10
3141 - 3485**

2013



STATE OF CONNECTICUT
JUDICIAL BRANCH

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Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
April 1, 2013

House Bill 6677, An Act Concerning The Imposition Of A Community Service Requirement Upon a Minor Who Purchases Tobacco Products

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in opposition to House Bill 6677, An Act Concerning the Imposition of a Community Service Requirement Upon a Minor Who Purchases Tobacco Products. The bill would allow the Commissioner of the Department of Revenue Services (DRS) or the Superior Court to impose a period of community service in lieu of a fine for minors who have been found to purchase tobacco products.

Over the past several years, a concerted effort has been made to divert children who have committed less serious offenses from the Superior Court for Juvenile Matters. This bill, perhaps unintentionally, would have the opposite effect. Additionally, if enacted, it would require the court - not merely a juvenile probation officer - to order the community service, thus making commission of this offense more serious than other criminal acts, since matters handled non-judicially (i.e. by a juvenile probation officer) are immediately erased. Other Judicial Branch concerns include

- What happens if the child doesn't pay the fine or complete community service? Is confinement in a juvenile detention facility contemplated?
- Who is the supervisor of the "community service plan"?
- What occurs if the parent does not consent to the "community service plan"?

Since the bill is counter-productive to the effort of keeping youth out of court for non-serious matters, we would respectfully request that no action be taken on it

Thank you for the opportunity to submit written testimony

EMO

Statement of Reynolds American, Inc.**Judiciary Committee Public Hearing****April 1, 2013****HB 6677****An Act Concerning the Imposition of a Community Service Requirement Upon A Minor Who Purchases Tobacco Products**

Reynolds American Inc. and its operating companies are guided by the belief that minors should never use tobacco products, and we applaud the progress made by Connecticut and other states in dramatically reducing youth smoking rates by more than half over the past 20 years. However, our companies believe that more can, and should, be done to accelerate the decline in youth tobacco use, and we fully support legislative efforts to strengthen youth tobacco control laws, such as Connecticut's HB 6677.

RAI and its operating companies believe that penalties for underage tobacco possession need to be more like those regarding underage alcohol possession. Connecticut law currently allows the Commissioner of Revenue Services to levy civil financial penalties on a minor found to have purchased a tobacco product. HB 6677 would give the Commissioner of Revenue Services the option of ordering a minor found to have purchased a tobacco product to perform community service for a period not exceeding 24 hours.

HB 6677 is a reasonable bill that gives law enforcement and others an additional tool to discourage young people from using tobacco. In addition, it sends a clear message to the state's youth that they have to take responsibility for their actions and that there will be real consequences to underage tobacco possession.

As part of their strategy to help transform the tobacco industry, RAI and its companies have intensified their own efforts to further reduce youth tobacco use, particularly in a new area of concern; the easy availability of vapor products (electronic-cigarettes), which contain nicotine.

One of our educational initiatives is to broaden awareness of the Right Decisions, Right Now youth tobacco prevention program, funded since 1991 by R.J. Reynolds Tobacco Company, the largest of RAI's operating companies. This is an evidence-based educational program aimed at preventing young people in grades five through nine from using tobacco in any form. The program is available online free of charge to educators, parents and community groups involved with youth.

The Right Decisions Right Now program was tested nationally by an independent group and was found to be successful on two key measures: (1) recent smoking levels decreased significantly in test schools, particularly for grades 8-9, and (2) the program lowered anticipated tobacco use among middle school-aged students. In addition, students' susceptibility to peer pressure and

their perception of the popularity of tobacco-using peers both showed significant declines versus control groups.

The Right Decisions Right Now program has been ordered by more than 20,000 schools across America and it is also currently used by community groups such as Big Brothers Big Sisters, the Crosby Scholars Program and the Boy Scouts of America.

At the same time, RAI's operating companies have been working with wholesalers, retailers and other industry partners to prevent underage sales to minors. R.J. Reynolds was one of the first companies to support the "We Card" retail training program. Started in 1995, the program provides retailers with training materials including easy-to-read legal age calculators, in-store signage, and turn-key forms of training -- from classroom seminars and online training to in-store guides and workbooks.

The results have been very encouraging. According to the U.S. Department of Health and Human Services' annual Substance Abuse and Mental Health Services Administration (SAMHSA) survey (as required by the SYNAR amendment), retailer compliance rates on preventing youth tobacco sales have seen significant improvement since 1997 and are at all-time lows. According to the latest survey, the retailer violation rate is 12.1 percent in Connecticut, well below the target rate of 20 percent.

Despite successful efforts in reducing youth tobacco use, as I said at the beginning of this letter of support we believe that more can, and should, be done to tackle the problem. Strong youth tobacco possession laws, along with increased education and limited retail access, are keys to accelerating the decline in tobacco use by underage youth. Connecticut is not alone in seeking to reduce underage tobacco use; currently, there are about 26 bills in 15 states that aim to regulate youth tobacco possession and the purchase of vapor products.

Please join RAI and its operating companies in supporting HB 6677.

Sincerely,

David Powers,

Vice President of State Government Relations,

RAI Services Company.