

PA13-22

HB5117

House	2148-2161	14
Senate	1780-1788, 2068-2070	12
		26

H – 1156

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
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2024 – 2369**

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May 1, 2013

THE CLERK:

Bill Number 6235.
Total Number Voting 146
Necessary for Passage 74
Those voting Yea 146
Those voting Nay 0
Absent and not voting 4

DEPUTY SPEAKER BERGER:

The bill passes.

Would the Clerk please call Calendar Number 408?

THE CLERK:

House Calendar 408, favorable report of the Joint Standing Committee on JUDICIARY, HOUSE BILL 5117, AN ACT CONCERNING INCREASED PENALTIES FOR FAILURE TO STOP FOR SCHOOL CROSSING GUARDS.

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. RITTER (1st):

Thank you, Mr. Speaker.

I mover for acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER BERGER:

Motion before the chamber is acceptance of the Joint Committee's favorable report and passage of the bill.

Will you comment further, Representative?

REP. RITTER (1st):

Yes. Thank you, Mr. Speaker.

This bill comes out of actually some school crossing guards in the City of Hartford who contacted me before session began last winter. We've had a couple of crossing guards hit in the City of Hartford or had some close interactions and closed calls and so we went to the Public Safety Committee.

I appreciate Representative Dargan and Senator Hartley's assistance with this and then it passed the Judiciary Committee to try to stiffen the fine for when you run through a school crossing guard's stop sign.

The reason I find this bill important is that when a school bus stops and extends its stop sign, that fine in State statute is automatically \$450, but when a human being, putting their life on the line to help our kids in every municipality in the State has the same stop sign, it was not that automatic fine.

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There was a lot more leeway in what that fine could be.

So I believe this is a good bill that will make, I believe, students' lives safer, as well as for -- make their parents have a little bit more peace of mind as they go to school.

I do believe that the Clerk is in possession of an amendment, Mr. Speaker. LCO Number 6308.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Will the Clerk please call LC Number -- LCO Number 6308, which will be designated House Amendment Schedule A.

THE CLERK:

House -- House Amendment Schedule A, LCO 6308,
introduced by Representative Ritter.

DEPUTY SPEAKER BERGER:

Representative seeks leave of the Chamber to summarize the Amendment.

Is there objection to summarization? Is there objection.

Hearing none, Representative Ritter, please summarize.

REP. RITTER (1st):

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Thank you, Mr. Speaker.

Basically, what this Amendment does is look at Subsection C and essentially if you're wondering where this language comes from, well it's the same thing that a school bus driver has the ability to do.

Sometimes what happens is they run through the stop sign and we allow, in State statute, for a bus driver who witnesses the person run through the stop sign when a cop cannot be there, they can write down the license plate, they can report this to a police officer, who would then have some options to at least follow up.

This legislation is the same thing for school crossing guards, but in working with colleagues here in the House, we decided the word "shall" should be changed to "may" and I agree. We always want to let law enforcement make the decisions they feel they need to make and putting the word "may" gives them a little more discretion. And that is the amendment summarized.

Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

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Will we comment further on the amendment before us? Will we comment further on the amendment before us?

Representative Alberts of the 50th.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

If I may, a -- a question to the proponent of the amendment.

DEPUTY SPEAKER BERGER:

Representative Ritter, please prepare yourself.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

Looking at the language in line 10 of the amendment, it appears to make reference -- well in combination of line 9 and 10 -- it seems to make reference to the school crossing guard will specifically direct the operator to do so. How would that happen?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. RITTER (1st):

Through, Mr. Speaker. Thank you.

In the amendment -- what will the bill will do is, and again, it's just -- the police officer -- what would happen is, again, let me give you the example. School crossing guard's out there. It's a beautiful sunny day. Here comes Joe Schmoe going 75 miles an hour, runs around him.

She or he happens to catch a license plate, a make, or model. They have the ability to go to the police officer and say, "This is the license plate I wrote down. This is the color and type of the motor vehicle."

And the school crossing guard can let the police officer know. And that officer then has, not mandatory, but has the ability to issue a warning -- a written warning or summons to the owner of that vehicle.

Through you, Mr. Speaker.

I hope that answers your question.

DEPUTY SPEAKER BERGER:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

I think the -- the proponent may be speaking to the bill. The amendment that's before us, LCO 6308,

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looking at lines, the end of line 7 through line 10 suggests -- it's worded, "Any motor vehicle so stopped for a school crossing guard shall not proceed until the school crossing guard specifically directs the operator to do so." And I'm looking for guidance as to what would the proponent believe constitutes specifically directs the operator to do so.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. RITTER (1st):

Yeah. Thank you, Mr. Speaker.

And my apologies for misunderstanding your previous question, Representative. I believe that when the stop sign goes down and they walk back to their place off of the crossing walk, I believe that would be when you are specifically directed to move on with your operating your motor vehicle.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And that would be my understanding as well. I guess I'm wondering if there's a string of cars that are stopped, typically I would think that the school crossing guard would probably wave or do some type of signal to the first vehicle that's stopped.

Would that, for purposes of legislative intent, if we were to pass this, would that constitute specifically directing the subsequent operators, perhaps who've already stopped their car to move through the intersection or move through the traffic situation?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. RITTER (1st):

Through you, Mr. Speaker.

I think the answer there would be yes.

DEPUTY SPEAKER BERGER:

Representative Alberts.

REP. ALBERTS (50th):

I thank you, Mr. Speaker.

I appreciate the clarity.

Thank you.

DEPUTY SPEAKER BERGER:

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Thank you, Representative.

Will you remark further on the amendment before us? Will you remark further on the amendment before us?

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BERGER:

Opposed.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER BERGER:

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?

Representative Giegler of the 138th.

REP. GIEGLER (138th):

Thank you, Mr. Speaker.

I have a question for the proponent of the bill.

DEPUTY SPEAKER BERGER:

Thank you. Representative Ritter, prepare yourself.

Representative Giegler

REP. GIEGLER (138th):

Thank you very much.

My question is how are we going to enforce this bill before us? We're relying on the school crossing guards' to jot information down. I mean, do we know that they have -- are they carrying paper with them or pads with them and if -- if a car does go through, how -- is there somebody else observing that they can see that they did not follow through with reporting the incident?

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. RITTER (1st):

Through you, Mr. Speaker.

And it's -- it's a good question and I would again -- I would use the parallel right now, because I think -- so people don't think we're reinventing something in State statute, I really would use the comparison of bus drivers and what they can currently do under State statute.

Obviously, in a perfect world, the bus stops, the stop sign is extended, or the school crossing guard's out there and the stop sign is up. In a perfect

world, a cop is there. And when that scofflaw runs around that person, endangers our kids, and endangers that crossing guard, they give them a ticket right there.

Unfortunately, it doesn't happen a lot. So what we allow currently in State statute, is we allow a school bus driver, if they want to, if they catch the motor vehicle license plate or the make of the vehicle, they can write it down.

Now obviously, if you're a police officer and someone comes to you with this the first time and they give you sort of sketchy details, that's where the word "may" comes in.

There is still the evidentiary burden of proof and things that have to be worked out, but what we're trying to do is give our school crossing guards the same powers that we give our bus drivers to say that, particularly for these people who do it a lot, it tends to be repeat offenders from when you talk to them and what you hear, this gives you one more tool at your disposal to alert the police of a possible problem.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

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Thank you, Representative.

Representative Giegler.

REP. GIEGLER (138th):

Thank you and I appreciate your answer. I just know that in -- in our city, the -- when you look at the school crossing guards, you know, there are a number of really retired individuals that are actually out there acting as the security guards and I just wondered, or the crossing guards, and you -- you allude to police officers and I don't know if the City of Hartford uses police officers as their crossing guards or if they use retired individuals as well.

DEPUTY SPEAKER BERGER:

Representative Ritter.

REP. RITTTER (1st):

Through you, Mr. Speaker.

Now the City of Hartford may have retired police officers I suppose, but no, we have school crossing guards like every other town. It's not police officers. I think what I was saying, to clarify through Mr. Speaker, was the reason you have these -- this legislation -- you have the school -- the same one for school bus drivers is we cannot have a police officer there, unfortunately, every time someone runs

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around a stop sign of a school crossing guard or
exiting from a school bus.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Giegler.

REP. GIEGLER (138th):

Thank you, Mr. Speaker.

This bill did pass the Public Safety Committee
unanimously. I think it will reduce some of the
incidents that may surround our schools and protect
our children and I do urge my colleagues' support of
the bill.

Thank you.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you mark further on the bill as amended?

Will you further on the bill as amended?

If not, will staff and guests please come to
the Well of the House? Will the members please take
your seats? The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representative is voting by roll. Will
members please return to the chamber immediately.

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DEPUTY SPEAKER BERGER:

Have all the members voted? Have all the members
voted?

Will the members please check the board to
determine if your vote is properly cast.

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

Will the Clerk please announce the tally.

THE CLERK:

Bill Number 5117.

Total Number Voting 146

Necessary for Passage 74

Those voting Yea 146

Those voting Nay 0

Absent and not voting 4

DEPUTY SPEAKER BERGER:

The bill as amended passes.

Will the Clerk please call Calendar Number 169?

THE CLERK:

Yes, Mr. Speaker.

House Calendar 169, Favorable Report of Joint
Standing Committee on EDUCATION, SUBSTITUTE HOUSE BILL
6502, AN ACT CONCERNING THE MEMBERSHIP OF THE
PARAPROFESSIONAL ADVISORY COUNCIL.

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THE CHAIR:

Thank you.

Mr. Clerk.

THE CLERK:

On page 25, Calendar 507, House Bill Number 5117,
AN ACT CONCERNING INCREASED PENALTIES FOR FAILING
TO STOP FOR SCHOOL CROSSING GUARDS, Favorable
Report of the Committee on Public Safety.

THE CHAIR:

Senator -- Senator Hartley.

SENATOR HARTLEY:

Yes. Good afternoon, Madam President.

THE CHAIR:

Good afternoon, ma'am.

SENATOR HARTLEY:

I -- I move acceptance and passage of the Joint
Committee's Favorable Report and passage of the
book -- the bill, madam.

THE CHAIR:

As amended, ma'am.

SENATOR HARTLEY:

As amended.

THE CHAIR:

Thank you.

Motion is on passage.

SENATOR HARTLEY:

As amended by House "A".

Thank you, madam.

THE CHAIR:

As -- motion is on passage, please proceed.

SENATOR HARTLEY:

Yes. Thank you, madam.

The -- the bill that we have before us is essentially to increase the minimum and to -- to set a definitive number on the fine that we will assess on the failure to stop for a school crossing guard. And so, when there was previously a range of \$100 to 500, this would set a definitive number of \$450.

And it also provides for a school crossing guard to submit a -- a written report to the local PD upon observation of a motorist who violates the law. And at that point, the -- the local police officer, police department, can make a decision whether or not they will issue a summons.

And I urge passage, madam.

THE CHAIR:

Will you remark? Will you remark?

Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you, Madam President.

I -- I just returned to the Chamber, but I noticed that -- it's -- through you, Madam President, to the chair lady of the Public Safety Committee -- I know this involved increasing fines. Is that correct? Is my recollection correct?

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

I -- I'm so sorry -- through you, Madam President, to Senator Guglielmo, your question, please, again, sir?

SENATOR GUGLIELMO:

Oh, yeah.

THE CHAIR:

Senator --

SENATOR GUGLIELMO:

I -- I was out of the Chamber, but I -- I couldn't recall whether this bill included increase in -- in fines for the -- for violations?

SENATOR HARTLEY:

Through you --

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Thank you, madam.

And through you, Madam President.

It -- it basically defines within the existing range which is -- we haven't changed the range. Initially, it was a hundred dollars to 500, and therefore, there was discretion. What this does is set a definitive penalty within that range, so the range hasn't changed. In fact, it is \$50 lower.

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Thank you, Madam President.

THE CHAIR:

Senator Guglielmo.

SENATOR GUGLIELMO:

Yeah. Thank you and thank you, Madam President.

And also just want to -- one of my concerns always is when you increase fines is that, at some point, police officers are reluctant to -- sometimes if it's a minor violation to give the violation because the fine is too high. But here we have a range, and I had forgotten that. So I appreciate the answers from the chair lady.

Thank you.

THE CHAIR:

Thank you.

Will you remark?

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

Similar to the comments from the previous speaker, although there's a range defined in the statute of a hundred dollars to \$500, it's generally set by the courts and then there is additional fees added on top of that. So maybe if it's at the hundred dollar range, it's a \$175 ticket. So now we're saying it's a \$450 fine and then you're going to have additional court costs and fees on top of that. So that is one hefty fine. And I -- and I have a feeling that you'll see more written warnings than an actual infraction being given out to folks.

Sometimes folks that are given the ability to go to the police to report somebody, they want

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action taken. And now, this statute says you have to fall -- stop ten feet prior to it. And I just think of the circumstance where the school crossing guard, all of a sudden, rather than hold the student on the sidewalk for a minute and wait until the car is safe, just marches right out there and puts the stop sign out, and maybe the person didn't stop ten feet away, then they're out filing an affidavit with the police department saying you've got to fine this operator. And -- and while it may not have been intentional, you know, it's possible that the -- the operator could see a \$550 fine. That's -- that's huge.

So I'm -- I'm hoping that calmer minds prevail when -- when we're adding additional authority to folks to go to the police to seek penalties that have been increased by this General Assembly.

I'm going to support the bill, but I -- I just hope that we -- we don't abuse some of the power that's been given to us by the General Assembly.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President. I appreciate that very much.

Notwithstanding the comments of the previous two speakers, I'd like to support the bill by stating that we're talking about the safety of our children, of our youth, primarily. It's not just youth who use the crosswalks, but, you know, it's implied that these are school crossings. And you have a school crossing guard who's out there, presumably, who's well practiced at avoiding the

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exact same situation that Senator Witkos was just referring to. And perhaps they should be better educated if, in fact, there are abuses of the 10-foot rule, in fact that is a rule. I don't know if that's an arbitrary number or not.

But, again, we are talking about the children -- children's safety. And when there is a large fee, it is typically talked about. Yes, there does have to be a balance between reluctant officers, with respect to a large fee, and actually making a public statement in the interest of safety going forward for younger folks.

When you put a big fine like that out there as statute, it is talked about. And I've given this example once or twice before in the Transportation Committee. And I don't want to give anybody any ideas here in the Circle, but what they've experimented with in -- in Europe, in Switzerland in particular, is if you're speeding by an inordinate amount over the speed limit, what they do is they take a portion of your personal income. People don't speed in Switzerland anymore.

Please disregard that idea. Throw it away. That was just to drive the point home here today that when you do have a large fine, people do talk about it. You will recall, two years ago in session we passed another bill, which I sponsored, which had to do with protecting that rectangular area on the right side of a school bus when the boom is out, when the stop sign is out and the red lights are going, people run through there with their cars, a very, very dangerous situation. That fine is \$550, and so far, so good. The numbers are looking like the safety record is -- is much, much better. Fortunately, no one has been hurt or killed and there are far fewer infractions.

So, again, I respect the previous two speakers and what they had to say, but there has to be some kind of a balance in there.

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And, Senator Hartley, thank you for bringing this up. We appreciate it.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Hartley.

SENATOR HARTLEY:

Thank you, Madam President.

With regard to the -- the amendment which is before us, I should just like to say, first of all, I have for many, many years observed school crossing guards, dismissal of school, school parking to pick up children, because I live right next door to an elementary school.

And some of the things that I have witnessed are just so outrageously egregious, and sometimes it's in the middle of a heavy rainstorm, and so it's with reckless abandon that parents or whomever are trying to pick up their children, other times it's just simply, maybe, the urgency of the day in trying to cut through the crowd, or whatever. So I feel very passionate about this subject.

And I -- I would view this as a friendly amendment, Senator Witkos. So in that regard, Madam President, I am supportive of this addition. However, the -- my other footnote is that, in view of the fact that we still have some time on the Legislative calendar, we have the opportunity to do this without jeopardizing the underlining bill.

THE CHAIR:

Senator Hartley, there is not an amendment in front of us at this point --

SENATOR HARTLEY:

Had -- you didn't -- oh --

THE CHAIR:

-- that I know of.

SENATOR HARTLEY:

-- oh, you just --

A VOICE:

(Inaudible.)

SENATOR HARTLEY:

Oh, okay.

THE CHAIR:

Yeah. He's on -- he's on -- he's -- he's with
you.

SENATOR HARTLEY:

Oh, all right. So I -- no. I'm seeing something
that was handed to me in the form of an
amendment.

THE CHAIR:

Okay.

SENATOR HARTLEY:

But obviously it's not.

THE CHAIR:

Okay.

SENATOR HARTLEY:

But thank you all for your comments.

I understand, also, the -- the conversation about the fee. But once again, I feel very strongly about the message that's -- that's being imparted here. And, quite frankly, somehow that's the only way you get the attention.

THE CHAIR:

Consent.

SENATOR HARTLEY:

Thank you, Madam President.

THE CHAIR:

Consent.

SENATOR HARTLEY:

And if there is no objection, I would offer this for the Consent Calendar.

THE CHAIR:

Thank you.

Seeing no objection, so ordered.

Thank you.

Mr. Clerk.

THE CLERK:

On page 26, Calendar 510, House Bill Number 6007, AN ACT CONCERNING "BLUE ALERTS," Favorable Report of the Committee on Public Safety.

THE CHAIR:

Senator Hart -- Senator Hartley.

SENATOR HARTLEY:

Thank you, Madam President.

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The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk might now call the items on the Consent Calendar before proceeding to a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 1, Calendar 545, Senate Resolution Number 27; also on Page 1, Calendar 546, Senate Resolution Number 28. On Page 2, Number 547, Senate Resolution Number 29. On Page 2, Number 549, Senate Resolution Number 31. On Page 5, Number 184, Senate Bill 1026. On Page 7, Calendar Number 253, Senate Bill Number 763. On Page 16, Calendar Number 412, Senate Bill Number 962. On Page 17, Calendar Number 436, Senate Bill Number 673. On Page 18, Calendar Number 438, Senate Bill Number 761. Also on Page 18, Calendar Number 443, Senate Bill Number 1056. On Page 19, Calendar Number 449, Senate Bill Number 828. On Page 20, Calendar Number 461, House Bill Number 6540.

On Page 21, Number 469, House Bill Number 6574. On Page 23, Number 480, Senate Bill Number 238. On Page 25, Calendar Number 501, House Bill Number 5799. Also on Page 25, Number 507, House Bill Number 5117. On Page 26, Calendar Number 508, House Bill Number 6571. On Page 26, Calendar Number 509, House Bill Number 6348. Also on Page 26, Calendar Number 510, House Bill Number 6007 and on Page 26, Calendar Number 512, House Bill Number 6392.

On Page 40, Calendar Number 48, Senate Bill Number 519. On Page 40, Calendar Number 60, Senate Bill Number 859. Also on Page 40, Calendar Number 104, Senate Bill Number 833.

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On Page 41, Calendar Number 107, Senate Bill Number 917. On Page 42, Calendar Number 123, Senate Bill Number 434. On Page 43, Calendar Number 129, Senate Bill Number 898. Also on Page 43, Calendar Number 139, Senate Bill Number 158. On Page 43, Calendar Number 167, Senate Bill Number 879.

On Page 45, Calendar Number 195, Senate Bill Number 816. Also on Page 45, Calendar Number 204, Senate Bill 652. On Page 47, Calendar Number 241, Senate Bill 1040. On Page 48, Calendar Number 269, Senate Bill 1003. Also on Page 48, Calendar Number 270, Senate Bill Number 1007.

On Page 50, Calendar Number 304, Senate Bill 1019. Also on Page 50, Calendar Number 310, Senate Bill 903. And finally on Page 53, Calendar Number 399, Senate Bill 1069.

THE CHAIR:

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

THE CLERK:

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call vote in the Senate.

THE CHAIR:

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

THE CLERK:

On Consent Calendar Number 1.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and not Voting	0

THE CHAIR:

Consent Calendar is passed.

Are there any points of personal privilege?

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

Yeah for a point of information for the Chamber.

THE CHAIR:

Please proceed, sir.

SENATOR DOYLE:

Yes, thank you, Madam President.

Tomorrow the General Law Committee will be meeting at 11:15 outside the Hall of the House. The bulletin said 15 minutes before the early session so now we're making it definitive. Tomorrow at 11:15 outside the Hall of the House the General Law Committee will be considering one bill that was referred to us.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Duff next.

SENATOR DUFF:

Thank you, Madam President.

For the point of announcement please.

THE CHAIR:

Please proceed, sir.