

# 2000 Connecticut General Assembly Legislative History Index

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SENATE

CONNECTICUT GEN. ASSEMBLY  
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THE CLERK:

The Senate will reconvene immediately. The Senate will reconvene immediately.

THE CHAIR:

Will the Senate please come to order. Would the Senate please come to order. Is there further business on the Clerk's desk?

THE CLERK:

Mr. President, the Clerk is in possession of business from the House, Emergency Certified HB6001 An Act Implementing And Making Technical Revisions To The State Budget For The Biennium Ending June 30, 2001, as amended by House Amendment Schedule "B" introduced by Senator Sullivan of the 5th District et al. The Clerk is in possession of amendments.

THE CHAIR:

Senator Crisco.

SEN. CRISCO:

Thank you, Mr. President. Mr. President, I move for passage of the bill.

THE CHAIR:

The motion is acceptance and passage of the bill. Will you remark further?

SEN. CRISCO:

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Yes, Mr. President. Mr. President, we have before us what we historically refer to as the technical revision bill to the state budget.

But I think it's important to mention that, Mr. President, that a very integral part of our whole effort to alleviate our prison overcrowding system is the section dealing with jail diversion, probation officers and addressing the need of those prisoners who should be analyzed for mental illness, for placement into other institutions.

I think it's not an ultimate solution to the problem, but as we've all confronted ourselves with this problem of prison overcrowding, I sincerely believe that this is a right step forward.

There are some things that we would have all like to have seen in this bill, particularly with regards to more money for towns and cities and also for higher education in regards to tuition freeze. Unfortunately, we weren't able to accomplish that, but hopefully maybe in the months to come that may change.

And so, Mr. President, I move for adoption.

THE CHAIR:

Thank you, Senator Crisco. The motion before the Chamber is passage of the bill. Will you remark further? Will you remark further? Senator McKinney.

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SEN. MCKINNEY:

Thank you, Senator. I believe the Clerk has an amendment at the desk, LCO5598.

THE CHAIR:

Would the Clerk please call LCO5598.

THE CLERK:

LCO5598 which will be designated Senate Amendment Schedule "A". It is offered by Senator McKinney of the 28th District.

SEN. MCKINNEY:

Mr. President, I seek leave to summarize and move adoption of the amendment.

THE CHAIR:

Without objection, please proceed.

SEN. MCKINNEY:

Thank you, Mr. President. Mr. President, this bill, this amendment, excuse me, is familiar to all of us in this Chamber. We passed it some time before midnight at the close of session, 36 to 0, I believe was the vote.

Essentially this is the bill which establishes a nitrogen credit trading program for the clean up of Long Island Sound. This bill received unanimous support from this body as well as the Environment Committee, several other committees, and has been supported by all of the

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environmental groups as a sound and strong measure to help clean up and remove nitrogen emissions from Long Island Sound.

Mr. President, I also have a fiscal note from OFA which says, and I'll read it briefly. Passage of this amendment is anticipated to result in a savings to the state and municipalities due to the establishment of a nitrogen credit trading program by the Department of Environmental Protection.

Based on the analysis that was contracted by DEP, the program is estimated to result in the total savings of \$200 million over 15 years to the Clean Water Fund in municipalities.

Mr. President, this is a bill, an amendment clearly without controversy. It is a positive step to clean up the environment of Long Island Sound. It is a positive step in terms of savings for the Clean Water Fund and I would urge its adoption and call for a roll call vote.

THE CHAIR:

The request is for a roll call vote. When the vote is taken, it will be taken by roll. Will you remark further? Senator Cook.

SEN. COOK:

Thank you very much, Mr. President. Thank you very much. I rise in support of this amendment. I think

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it's a very important step that we ought to be taking. I was proud to have voted for it before.

I think that we need to have it on the books as part of Connecticut law. Improving Long Island Sound should be one of our most important, if not the most important environmental goal in this state.

Long Island Sound is the natural resource that is shared by the entire state. It is one that I think we will all be focusing our attention upon as Op Sail and the Tall Ships come sailing from New York all the way to New London in a couple of weeks, a very short time. That is a wonderful opportunity for this state to be able to point to Long Island Sound and say, we do have ownership of this body of water. We do have the willingness and the policy to be able to improve and upgrade waste water treatment along, that dumps into Long Island Sound.

This amendment before us would go a long way toward helping the municipalities where sewage treatment plants go into Long Island Sound. It will have the opportunity for us to be able to help those communities meet their nitrogen requirements and this indeed should be an amendment that passed at the end of last session. Unfortunately, it did not meet agreement in both Chambers, but it is certainly behooving of all of us to

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bring it forward at this Special Session, to pass it, to put it in the House and to make sure it becomes law of the State of Connecticut.

Thank you very much.

THE CHAIR:

The motion is adoption of Senate "A". Senator Sullivan.

SEN. SULLIVAN:

Thank you, Mr. President. It's been a day and it's a moment now with this amendment that reminds me why I have never thought that Special Sessions are particularly special in the best sense of the word.

The work that has gone into the last week on a bipartisan basis, I might add, has to some degree been sorely tested once already, not in this Chamber I'm proud to say, but nonetheless is in the process of being sorely tested yet again in the other Chamber even as we stand here today.

Part and parcel of what we do here is to try to contain and restrain and focus these sessions. It would be easy, and I think Senator Crisco mentioned this a moment ago. It would not only be easy, but tempting, terribly tempting to stand here today and offer an amendment that would redistribute \$7 million in the state budget for the tuition freeze, which many of us

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thought as an amendment was a very important thing.

But, we understand that having worked on a bipartisan basis with the administration for the better part of a week now, that there is a time for agreement and resolution and there is a time for statements. And we are beyond the time of statements.

Many of us, as Senator Crisco indicated in response to this amendment or any other amendment would like to be here today suggesting as we did as Senate Democrats some weeks ago, that \$30 million of this sudden \$500 million surplus, somehow ought to be shared with the taxpayers of our cities and towns.

But it was clear from the Governor that that was not to be and with due respect to my Republican colleagues, it was clear from their position that that was not to be. So it would be gratuitous for any of us to stand here today knowing that of course the only action in front of us now is to finally adopt what has come to us from the house. It would be gratuitous to simply make a statement.

I happen to think the amendment that's been offered was as smart then as it is now. I also think if it had been one that needed to see its day it might well have seen its day when this bill was before the House earlier today because I suspect there are some people who care

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there.

I hope that when we return in regular session, and I pray that we do not again return in Special Session, that we will have a chance to do many things. Perhaps we will have a chance to share more of the taxpayers' dollars that we are now holding back with our cities and towns. That would have been a good amendment today. Today's not the day for that amendment. We've made an agreement. We've worked with our Republican colleagues, House and Senate, our Democratic colleagues in the House, so we won't do that today.

Today would be a great day to share some of that \$500 million with every college student in the public universities and colleges in the State of Connecticut. But we're not going to do that today because the message has been clear that that's outside the parameters of the agreement that we have with our Republican colleagues as to what can and cannot pass in this Legislature, remembering that in order to pass the bill that's in front of us, we must vote by 60% for it to be effective and law because we are changing the budget that we've already adopted.

So, with respect to my friend and my colleague, Senator McKinney, this could have been, this should have been, a different day for the Senate and the House. One

in which we did take the steps to share the money that was found at the post office and that nobody seemed to notice the 50,000 taxpayers were missing in the middle of our last budget deliberation.

We could have done that today, but the votes aren't here. We could have a vote on it nonetheless. We could do that on tuition freeze. We could do that on the elderly. We could do that on mental health. We could do that on a hundred things and have a hundred unfortunate amendments that go around this circle and make sure everybody lights their light up one way or the other. But that's not what today is about.

So with all due respect to Senator McKinney, I regret that he has chosen this moment to offer this amendment. I hope that he will return and I even mean that. I hope that he will return because I'm confident he will, as will most of us if not all of us in this circle and return to this measure when we come back in regular session.

It is simply too late and it is simply not possible given the agreements that the two sides have been able to work out to come here today.

THE CHAIR:

The motion before the Chamber is Senate "A". Will you remark further? Senator Genuario.

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SEN. GENUARIO:

Thank you, Mr. President. Mr. President, I rise to support the amendment, and I do so with all due caution and with respect for the words of Senator Sullivan. Having been privileged to participate in a number of negotiations and a number of bipartisan agreements, I am always very cautious about the possibility of amendments that can disrupt those agreements.

I would submit that this is not such an amendment.

I think that this is different than the two or three types of suggestions that Senator Sullivan suggested were analogous, for several reasons.

First of all, let's take the attempt that somebody might make to expend new monies out of a surplus to freeze tuition. That was something that this Legislature could have determined to do in the normal budget process. But it didn't. It didn't.

The money was available during the normal budget process, but this Legislature chose to allocate higher education money in the normal budget process to additional scholarship money as opposed to a tuition freeze.

There was some sentiment, particularly those I think arising from the Democratic Party in the House that scholarship money targeted toward the needy would

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be of more benefit. And that financial decision was made. That that was a better place to put that money and that was a part, a discussed and integral part of that budget agreement.

Similarly, we at one point in the budget negotiations had anticipated a larger surplus than we actually found or thought that we had at the time we voted on the budget.

As a part of those negotiations, I can tell you that we thought that surplus was going to be about \$40 or \$50 million at the time of those negotiations than we thought it was at the time of that vote. That \$40 or \$50 million was not going to be allocated toward property tax relief for municipalities. It was going to be allocated toward special projects. And those special projects went by the board as the surplus went by the board.

Those were financial decisions that were made as a part of the budget, that we all participated in, I participated in, and we made an agreement. And I'm prepared to live by those agreements.

This is something entirely different. This is a bill that passed this Senate 36 - 0. This is a bill that passed the Environment Committee on a bipartisan basis. I believe it was unanimous. If it wasn't, it

was close to unanimous.

This is a bill that died on the House Calendar for no reason other than the lack of time. This is a bill that is not being taken up today or is being resisted in the House because somebody is afraid of other types of controversies that might arise if a vote has to be taken on this. It would be a shame if controversy arose.

Indeed, that that fear did not stop other Senators from proposing bills that were tangential to the technical revisor's bill and there was controversy in the House and the House acted. The House had the courage to act to change what was the deal in leadership. They had the courage to act.

We also should have the courage to act. This is a bill that on its merits is unequivocally good for the State of Connecticut. It is good for the environment. It cleans up Long Island Sound. Anybody here against cleaning up Long Island Sound? No question about it. Every environmental group that has studied this issue thinks that this is a good approach.

This is a bill that is good for Connecticut's financial situation. Fiscal note says that over a series of years we'll save \$200 million by the implementation of this bill. Anybody here against saving \$200 million for the taxpayers in the State of

Connecticut? I don't think so.

Is there one meritorious argument on the substance of this bill that any member of this circle can raise to say why we shouldn't vote for this. Just on the substance, not because we made a deal. Not because we're afraid it might have some controversy. Is there one argument on the merits against this amendment that Senator McKinney has had the courage to bring out here today? And the answer is no. That's why we all voted for it 36 - 0 in regular session.

It is a shame that this did not pass in regular session. It is a shame for the citizens of the State of Connecticut that the one significant failure of the General Assembly last year, or this year, a couple months ago in regular session, was our failure to pass environmental laws that protect our citizens.

It was not a good session for the environment last year. It wasn't. This is an opportunity to go a long way to correcting that record. This is an opportunity without in any way, in any way, negatively affecting the financial agreements that we have struck without in any way negatively affecting the budget surplus, the tax package, the spending package. Doesn't impact it.

This is a bill that we all know ought to pass that didn't pass for time constraints. We have an

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opportunity to do the right thing. We ought to do it.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Genuario. The Senate is considering Senate "A". Will you remark further on Senate "A"? Senator McKinney.

SEN. MCKINNEY:

Thank you, Mr. President, for the second time. As usual, I am in the position of probably making a mistake by following Senator Genuario because he has put things more eloquently than I can.

I just want to, two things. First, I don't believe I'm up here making a statement. I know there are many good people who have spent many years fighting for the protection of our environment who may vote against this bill simply because a deal has been struck.

I'm not up here to demagogue that those people are bad for the environment because they're supporting a deal and they can't vote for something they want to vote for and will help pass it next year. I don't believe that is the statement I'm trying to make.

I believe I'm up here just trying to fight to help protect the environment, to get passed, a bill that is free of controversy or should be free of controversy if we all take off our Democrat and Republican hats and be

legislators for the people of the State of Connecticut.

It is not my want to stir the pot, although my wife would disagree. And in that vein, Mr. President, I believe I need unanimous consent. But I would withdraw my request for a roll call vote on this amendment.

THE CHAIR:

The motion is to withdraw a request for a roll call vote. Is there objection to taking a vote on this amendment by voice? Is there objection? Seeing none, when the vote is taken it will be taken by voice.

Senator Scarpetti.

SEN. SCARPETTI:

Thank you, Mr. President. Mr. President, I have to follow all these eloquent speakers. I'm going to be very, very short.

To me, this is a very important bill and I agree with what Senator McKinney just said. We're not here to stir the pot. We're here to get something done that should have been done quite a while ago and I'm sorry it didn't go through before the Special Session.

So I please urge my colleagues, let's get this done because it's long overdue and I would appreciate everyone supporting this. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further?

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Senator Sullivan.

SEN. SULLIVAN:

For the second time on the amendment, Mr.  
President.

THE CHAIR:

Please proceed.

SEN. SULLIVAN:

Thank you. I fear that my friend and colleague,  
Senator McKinney misunderstood me in one particular  
respect.

I did not suggest that this was going to be about  
Democrats and Republicans. I don't think I said that,  
nor did I suggest it.

What I suggested was, that when either caucus asks  
anyone to take the responsibility of entering into a  
process, particularly in these special sessions, of  
speaking for that caucus, whether it be me or Senator  
Jepsen or Senator DeLuca or Senator Eads, both of whom  
ably participated and at times forcefully participated  
in those discussions.

The point is that whenever the body gives that  
authority in a short session like this that has no  
window, there is, I believe, some obligation to respect  
and support that leadership. Be it the Republican  
leadership or the Democratic leadership of the House or

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of the Senate.

And to rise today and suggest that this is time to do something that Senator McKinney wants to do or I want to do or Senator Kissel wants to do, or any of the 36 of us might want to do, and I suspect there is something that each and every single one of us in this circle would like to do today.

I know that despite my friend's somewhat contrary recollection, that when we were informed in the budget deliberations of this pending collapse of Connecticut's economy, that it was going to deprive us of the opportunity to have a surplus, even at the low level we originally estimated it.

On the table at that time still were tuition freeze, still were the amount of money to be shared with cities and towns and therefore, with taxpayers of our state. Those issues were not off the table.

Those issues came off the table rather quickly because we knew that we had to live with what we had. Now, as it turns out, what we were told we had was oh, I don't know, \$200 million less than what we actually have, just to use a round figure. And so the world has changed a bit, but world changing or not changing, we are here in one day of Special Session. We are here to finish. We are here to go home. We are here to make

the process work one last day.

And if I can offer one personal comment in my second time speaking, with all my heart I would love to have seen the part of the agreement that was, shall we say, undermined at the last moment this morning in the House on one side of the aisle. I would love to have hung in there all of today and all of tomorrow and all of next week and as long as it took to have a simple proposition about no guns in public buildings in the State of Connecticut. Excuse me, no loaded firearms.

But observing the process, and knowing that the important work we had to do here was truly changes needed to implement the budget and then some difficult issues having to do with the Department of Social Services, I didn't stand up and I'm not standing up now and offering the amendment that was part of the original bill that we agreed to bring out in this session. I'm not standing up here and offering that amendment today.

Could. Would love to. Believe in it sincerely, know that it passed this Chamber, if not unanimously, I believe by overwhelming vote. But I'm not doing it because it would be, in my opinion if I did it, irresponsible.

We have two tasks in front of us this evening. Both of them finish the work of the 2000 Session and

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both of us, let the people of the State of Connecticut rest easier after today because we will have finished the work of the 2000 Session.

Let us not drag it out with amendments this evening here, or on the next bill to come. For if we do, there is no amendment in this circle, whether it's tuition freeze or city and town aid, or funding for mental health, there is no amendment in this circle that isn't a good idea that someone shouldn't rise to offer this evening.

THE CHAIR:

Will you remark further? Will you remark further on Senate "A"? If not, the Chair will try your minds. The item before the Chamber is motion to adopt Senate Amendment Schedule "A". All those in favor please indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

All opposed say "nay".

ASSEMBLY:

No.

THE CHAIR:

The nos have it. Senate "A" is defeated. Will you remark further? Will you remark further on the

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Emergency Certified bill? Senator Crisco. I'm sorry,  
Senator Crisco, are you yielding to? Senator Nickerson.

Senator Nickerson, you have the floor.

SEN. NICKERSON:

Thank you very much, Mr. President. I do have a very brief and technical element to refer to and I appreciate Senator Crisco's deference when I spoke to him as the proponent of the bill and asked him if he would concur that I direct a tax oriented question to Senator Looney of the Finance Committee. He graciously agreed.

So if I may, through you, Mr. President, a question to Senator Looney.

THE CHAIR:

Please proceed, Sir.

SEN. NICKERSON:

Thank you very much. Actually, two questions, both highly technical.

I refer first to Section 28 of the bill which is relevant to the so-called canned software issue and I would like to have Senator Looney confirm if it is his understanding as it is mine, very simply, that the effect of this Section, together with PA00174 passed in the last month or two on this bill, on this subject, the affect of those taken together is very simply to confirm

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and ratify the current practices of the Department of Revenue Services as distinct from seeking to break new ground.

It is my understanding that the intention of this body is that it does not break new ground but really codifies existing practice. Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SEN. NICKERSON:

If I may, Mr. President, I was kind enough to refer to Senator Crisco's agreement that I direct the question to Senator Looney, even though Senator Crisco was the proponent of the bill. So my question would go to Senator Looney if I may, Sir.

THE CHAIR:

Senator Looney. I'm sorry.

SEN. NICKERSON:

Thank you very much, Mr. President.

SEN. LOONEY:

Thank you. Thank you, Mr. President. Just, and for clarification, I believe, Senator Nickerson said 28.

I believe he's actually referring to Section 27 of the bill that begins at line 598. Is that correct?

SEN. NICKERSON:

Yes.

SEN. LOONEY:

That deals with the --

SEN. NICKERSON:

Through you, Mr. President. Thank you very much. I do indeed mean just that, Section 27.

SEN. LOONEY:

Right. Yes, thank you, Mr. President. I believe, yes, Senator Nickerson is correct, Mr. President. The intent of this section is to clarify and to support existing policy of the Department of Revenue Services in terms of its procedures related to the taxation of what is designated in the bill as canned or prewritten software, as opposed to custom software.

THE CHAIR:

Senator Nickerson.

SEN. NICKERSON:

Thank you very much. And another even brief and even more technical question, if I may. Section 47 is the provision of the act being the traditional final section that deals with the effective date. And Section 47 indicates to the effect the act shall take effect from its passage. It has certain exceptions, not relevant, which would mean Section 27 takes effect from its passage.

My question refers specifically to line 842 which

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reads, it's very brief, Section 27 shall be applicable to all open tax periods.

Would Senator Looney agree with me, if he does and so indicate if he does, that it is not the intention of this bill that it apply only to open tax periods, but rather that it apply to open tax periods and in addition shall become future state policy without limit on time unless this Legislature of course, acts otherwise.

Through you, Mr. President.

THE CHAIR:

Senator Looney.

SEN. LOONEY:

Yes, through you, Mr. President, to Senator Nickerson. I believe that is, that indeed possibly gets us into the realm of metaphysics, what is an open tax period. Is it one that relates only to the past or is it one that relates to the periods in which we expect we will be applying taxation and securing revenue in the future.

And I think that that language should be construed as saying to all open tax periods in the sense of those looking backward and those looking forward.

THE CHAIR:

Senator Nickerson.

SEN. NICKERSON:

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Thank you very much. I thank Senator Looney for his answer for two reasons. Both, because I agree with it and secondly with his usual erudition and philosophical depth he has freed us from the concerns that we may get into a metaphysical debate.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Nickerson. Will you remark further? Senator Crisco.

SEN. CRISCO:

Thank you, Mr. President. Just for the record, when I moved for passage of the bill, I moved in concurrence with the House, Mr. President.

THE CHAIR:

Thank you, Senator Crisco. Senator Smith.

SEN. SMITH:

Thank you, Mr. President. I have a couple of questions on a couple of sections of the bill. I don't know if it's best to the proponent of the bill or to someone other than that.

In Section 6 where moving \$225,000 from the Department of Public Health to the Department of Public Education for a language arts program in a municipality.

Mr. President, my question is, what is a language arts program?

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THE CHAIR:

Would anyone care to respond? Senator Crisco.

SEN. CRISCO:

Thank you, Mr. President. Through you to Senator Smith. I believe a language arts program gets back to the three essentials of education, basically but more important, perhaps reading and writing.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Mr. President. You said perhaps. Is that, it does? So language arts refers to, is to assist in reading programs in the municipality named here?

THE CHAIR:

Senator Crisco.

SEN. CRISCO:

Yes, Mr. President, through you to Senator Smith. Yes, a reading and writing program in the Department of Education.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Mr. President. And understanding this is an emergency, I guess this is the E-Cert, right? But at any rate we're doing this in Special Session.

State aid to education is usually allocated in different ways through the ECS formula, priority school districts, or something of that nature. Is there something unique going on in the municipality here that they should be getting a special \$225,000 grant for a language arts program that no other, for example, I have a priority school district in my district that no one else should get? Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SEN. CRISCO:

Thank you, Mr. President. Through you to Senator Smith. I believe that if the suspension of rules was granted by the other side of the aisle during the regular session, it would have been taken care of at that time. But since that suspension of the rules was not granted, we had to obviously continue our work in Special Session and this was all part of the original tech revision bill, Mr. President.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Mr. President. But just going back to the integrity of the education funding system, as much as I disagree with the ECS formula and the results that

it has culminated in at this point, this sounds to me like ad hoc budgeting. We're beginning to add in hundreds of thousands of dollars here or there for this program or that, for different municipalities.

I guess I'm hoping there's some other reason why this is here, other than, oh, just because. Is there an emergency? Is there some difficulty? Some demonstrative thing we can point to so that we cannot say that really what we're doing here is we're unraveling the whole education assistance arrangement that has kind of reigned up here. Are we opening up Pandora's box here?

What's the reason that this amount, whether it was during the session in tech revisor's bill or not, that this is here? Why isn't it part of an education bill or something else. I mean, why is it, I just don't understand why it's here. What are we doing here? Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SEN. CRISCO:

Thank you, Mr. President. Through you to Senator Smith. Perhaps it's all in the eye of the beholder but if Senator Smith will look at other parts of the technical revision bill he'll see that there are other

allocations of appropriate dollars.

And basically, if one looks at the budget of the Department of Education, one will find numerous line items and this is just an addition to one of those additional line items.

THE CHAIR:

Senator Smith.

SEN. SMITH:

I would agree with the Senator that there are additional other line items of appropriations. Some call them pork. And yes, the bill seems to be replete with them. And as bad as they are, they happen and they're there.

But education, we spend billions up here trying to allocate education funds fairly. And some towns, some that I represent, feel that those formulas are not fair and now we're beginning to get additional allocations, what I might call ad hoc allocations, although you could probably say that perhaps the ECS formula itself is an ad hoc allocation.

But this Section 6, it just seems as, Senator, am I wrong? Is this just another pork or is this, language arts, whatever that means, is there something special here, there was a crisis here in this municipality, something was missed, something was overlooked, there's

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a reason why we're doing this here for this section?

Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SEN. CRISCO:

Thank you, Mr. President. Through you to Senator Smith. Yes, all of the above.

THE CHAIR:

Senator Smith.

SEN. SMITH:

So there's a crisis in this town now that we don't know about. I'll take the tongue in cheek response for what it was. A tongue in cheek response. I sense that there is no underlying policy reason for this other than, well, somebody kind of wanted it, I guess. And like I said, I guess that happens sometimes. There's other sections in the bill that do exactly that.

The idea of doing this for education though when we've got such an elaborate process that's supposed to deal with education expenses all throughout our budget.

We have committees of jurisdiction that deal specifically and only with that. It strikes me as we're beginning to make an exception here to a process that you know, some of us don't like it very much, is the one that we've all agreed upon.

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Some people were talking about process earlier and I think this is a bad example of that and I hope it's a one time example and that we don't begin funding education budgets in different municipalities on one shot deals wherever we can bring political pressure to bear to help out our given school districts.

But I have, as a matter of policy, though, I'd like to ask the proponent of the bill something about Section 40, if I could.

And my concern with Section 40 is that it's dealing with a policy of the State of Connecticut, I could be wrong about this, the alternative incarceration effort that a number of people have undertaken and one that I don't think is a particularly good one. I have significant reservations about whether or not these types of programs are appropriate and correct.

If people break laws, we have laws on the books that require them to go to jail and funding these alternative incarceration efforts I don't think is the right way to go. And I'd like to ask the proponent of the bill about this Section 40. Is this part of that alternative incarceration effort, these reallocations here?

THE CHAIR:

Senator Crisco.

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SEN. CRISCO:

Yes, Mr. President, through you to Senator Smith. Yes, it is. And may I add, Mr. President, to Senator Smith, I think every member of the circle where we all appreciate the very pressing problem that we have in our prisons, particularly to overcrowding.

I think that everyone in the circle could look at this as the glass being half filled and not half empty and that I believe this is a monumental step in regards to address the issue of recidivism, to address the issue of those people with mental illness who could be diagnosed before they are put into prison with other alternatives.

I believe with the addition of this section and other sections relating to it with the hiring of additional 60 probation officers over a 12 month period that this is a big step, Mr. President, through you to Senator Smith, in addressing a very serious problem that the State of Connecticut is confronted with.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Mr. President. I appreciate the magnitude of the problem, particularly in the prison overcrowding situation. However, I do not think that

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these diversionary programs, these alternative incarceration programs are the right response and toward that end, I'd like to call, ask the Clerk to call if I could, LC05618.

THE CHAIR:

Would the Clerk please call LC05618.

THE CLERK:

LC05618 which will be designated Senate Amendment Schedule "B". It is offered by Senator Smith of the 14th District.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Thank you, Mr. President. I would urge adoption of the amendment.

THE CHAIR:

Motion is on adoption of Senate "B". Please proceed.

SEN. SMITH:

Thank you. And the summarization of the amendment is fairly straightforward. It seeks to eliminate Section 40 for the reasons that I've just articulated. I just don't, I do not believe that the alternative incarceration effort is the right one. If we have a problem with prison overcrowding we should either change

our laws so that we don't have that many people going into the prisons, or we should have, figure out a way to have more space or to find more space.

And I don't think that this is the right way to go.

I understand there are certain people and I've heard that just recently around the circle, who think that this is the deal and that we should not be offering amendments, that there's other times and places for that.

Well, this is the bill before us and to the extent that certain people negotiated it and I happen to disagree with conclusions, I'm here to represent my district and in that context, I am offering this amendment and I urge its adoption.

I would ask for a roll call vote.

THE CHAIR:

The request is for a roll call vote. Without objection, when the vote is taken it will be taken by roll.

Will you remark further on Senate "B"? Senator Sullivan.

SEN. SULLIVAN:

Thank you, Mr. President. On the amendment. I think this is actually this and several sections that go with it, one of the most important additions made by the

bipartisan group as well as the Governor's office which has been, which was both helpful and strongly supportive of including this language.

And I think it's important to understand what it does do as opposed to what some might think that it does.

In the first case what it says is that we need, we have an alternative incarceration, series of alternatives which are presently on the books. We massively, massively, have historically underfunded the probationary staffing necessary to make those safe and secure settings. So the first thing that Section 40 and related sections do are to provide additional funding for probation officers to make sure that where the existing program places people, it does so with the security of the community foremost in mind.

Second, the step made here is first as to misdemeanors, misdemeanors.

Second, only as to a process of screening through the judicial department that will allow the identification of individuals who for reasons of mental illness or probable mental illness, for reasons of mental illness or probable mental illness would best protect the society and have the greatest prospect of not becoming part of the revolving door of prison

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crowding if they are provided something other than being forgotten and untreated behind prison doors.

This is not about not acting on criminal complaints. This is not about serious and severe offenders. This is not about people who will be turned out of prisons. It is a presentencing interdiction program which targets people who have problems of mental illness.

And if anyone doubts that we have created a terribly expensive mental health treatment program in the State of Connecticut, called routine incarceration with no treatment or cure, I suggest that they spend some time looking at a cross section of a portion of our prison population.

It's just smart. It's not weak. It's not soft. It's not dangerous. It's just bright. It's smart. It's also very cost-effective because locking people away who have a chance to be productive citizens, rather than lifetime criminals having graduated the prison system, to come back again and again and again. You can pay one way or you can pay another. You can protect society for a long time or you can protect society at high expense for a short time. And, we can start to make a principle in the state that we will pay attention to issues of mental health and we will stop treating people

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with disabilities and problems as if they were anything other than that.

Prison is a place for tough sentencing for people who are dangerous felons. We should put them there, we should keep them there and we have done a great deal historically to do that in this Legislature.

But it's also time to get smart and stop throwing money away and wasting money and wasting lives. That's all this is. Good sense.

THE CHAIR:

Will you remark further? Senator Williams.

SEN. WILLIAMS:

Thank you, Mr. President. I rise in opposition to the amendment. I concur with the words of our President Pro Tem. This does make an enormous amount of sense in terms of this transfer of funding in Section 40. It was part of the recommendation made during the budget process by the subcommittee within the Appropriations Committee for judicial and corrections.

We have approximately 18,000 people incarcerated today in Connecticut. The number that we're expected to reach in the near future could exceed 20,000 individuals.

There as a part-time solution sought in terms of transferring prisoners out of state. At best, what can

be said about that is the future is uncertain. Uncertain as to whether we will even have 500 prisoners out of state for the long term and certainly not an ideal prospect of sending additional prisoners out in the near future.

So what we are faced with is taking a look at a Connecticut problem and solving it in Connecticut and it may mean in some cases, additional jail cells where we can find them. I daresay there's a community in the State of Connecticut that's stepping up and volunteering for additional prison sites, expansions of prison cells or new prisons entirely.

And we know, from having gone through that process in years past, how expensive it is and what it cost to the taxpayers just in terms of building and maintaining, not looking at the cost in human lives if we turn our backs on those individuals who can be turned around and made into productive members of society. We know that's possible. Not with all, but with some.

And now it's more important than ever that we commit to that task and what we're talking about here is not a tremendous amount of resources, but it's a start.

And it's a good start in terms of addressing the very important issue that we have ignored in terms of mental health issues and our prison system and not creating new

programs over and above that, but taking a look at some of the alternative incarceration programs that do work.

I had the good fortune on Friday to attend a graduation ceremony of the Read First Program and was there with Representative Bob Farr to watch firsthand what happens when these programs do work. And we saw a graduation class receive their GED. And the majority of this class, former juvenile offenders, have jobs and there were some who could not even attend graduation because they are busily and gainfully employed and now productive members of society.

And additional \$4 million to create more of these slots. That's a tremendous step forward. And this is the time to do it, when we are literally bursting at the seams in our prison.

So I would urge very strongly the rejection of this amendment and let's go forward with one of, what I believe, is the best aspects of the technical revisor bill.

And I would just like to applaud Chairman Crisco for his role in it and leadership for making sure that this priority got into the revisor bill. Thank you.

THE CHAIR:

Thank you, Senator Williams. Senator Penn.

SEN. PENN:

Thank you, Mr. President. I, too, urge rejection of the amendment and thank my two colleagues for their most appropriate remarks at this time.

You know, we, there is a paper and I won't mention the name of the paper, there's a section in there where they call and they print and you read some of the most obnoxious things. Some of them are racist, the ignorant and the stupid.

And I say that with, not talking about any political sense because it doesn't make any difference to me which way they vote because of the nature of their remarks that they make. And it makes me wonder in the year 2000 how some of these people still react to a lot of the causes that most of us think needs to be addressed.

The issue before you, even with the Wallens Ridge, sometime you felt like a voice crying in the wilderness when you find out those who are mentally affirmed and just for breach of peace were spending more time in jail. Recidivism. And we found out the whole process.

And we speak a lot about if something's not broke, don't tamper with it.

But the system is broke. It needs repair. Those folks who have been locked up, and you think about the situations that occurred hundreds of years ago in olden

and evil times and locking up those who have problems and throwing away the key and not to be seen any more, don't even know if they're living or dead and living in dark dungeons. And a lot of times family just sent somebody out that way and just lost. Out of sight, out of mind. The problem was fixed.

The occasion was to move on, go on with our lives. There's a breakage in that and thank God there wasn't, but somehow we're seeing we're almost back in that same process.

If somebody's mentally affirmed, we don't want to treat them, we throw them away, don't care about what happens.

President Sullivan was absolutely correct in his remarks. Those who don't seem to care about the issue, though we may take some political astuteness around the circle that we talk about it, but we don't put our money where our mouths are.

This bill was up here in the last few seconds in the closing day of the legislative session and we didn't get to it. So I thank the President, thank those folks who made sure that we are addressing this issue.

I don't know how we can see the activities that have taken place like Wallens Ridge and still do not hold ourselves accountable for the actions that are

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taking place. And it bothers me that sometimes I hear somebody even had the audacity to try to say we're going to send 500 more or 1000 more down there before we even clear up the mess that we made. And it's our mess because we allowed it to happen.

And then you know, we have the task to try to defend an action because you're talking about a prisoner. And then somebody throws in, well, what about the victims? How come we just can't say the system is broke and fix it?

And this system again, is broke. The monies that we put in here now to address the housing and because that's the category that we threw this under, that was prison overcrowding, never addressing why or how, and I'm quite sure if I said it to my brethren from Milford that was going to build a prison in Milford, that won't work.

And I could probably name a few more towns around here and somebody will stand up awful quickly and look to put Section 40 right back in before God got the news.

But I think we're on the right track here in trying to address those issues. We won't be able to do it all in this session.

But let me thank Senator Crisco again for his hard work in putting this section in place and dealing with

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some of the things that DMHAS needs. The assessments, the process in trying to put a breakage between that revolving door that unfortunately we have created.

So I urge rejection of the amendment and passage of the bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Penn. Senator Looney.

SEN. LOONEY:

Thank you, Mr. President. Also speaking in opposition to the amendment, I would certainly support the comments of Senator Sullivan, Senator Williams and Senator Penn.

Looking at the particular language of the amendment which would strike Section 40, I think that the key provision in Section 40 that I would like to address is the provision that provides for the sum of \$1,570,240 to be transferred to the Department of Mental Health and Addiction Services for managed service systems to implement the provisions of Section 34 of this act.

And that provision, Mr. President, Section 34, I think is probably one of the, really the best and most enlightened provision in this bill, although it is certainly very, very modest in its effect. It provides that prior to the arraignment of a person charged solely with the commission of a misdemeanor, and again a

misdemeanor is a system, is a charge that leaves out the Class A, Class B, Class C, Class D and also various unclassified felonies.

So we are talking about minimal charges, the misdemeanors, someone who is charged with a misdemeanor at the stage of arraignment, the Department of Mental Health and Addiction Services will to the extent possible with the consent of the arrested person, cause a clinical assessment to be performed.

And what we find here, Mr. President, is not that this will necessarily determine what the sentence will be but will provide information to the court about the status of this person, about what is going on in his life and what the best approach might be.

And I think that we should all recognize, regardless of what our ideological perspective is, that our system functions best when courts have the best and fullest array of information available to them at the time of sentencing and that is what will be provided here because the key provisions of Section 34, which would be undermined by the amendment, would be the language, I think from line 718 to 721 that says, if the person after this clinical assessment is determined to be in need of such services and is willing to accept the services offered, the court shall be informed of the

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result of the assessment and the recommended treatment plan for consideration by the court in the disposition of the criminal case.

So it does not necessarily provide for any more lenient disposition of the criminal case. It does provide that the results of the clinical assessment will be made available to the court so that there will be a fuller and more complete understanding of the status of this defendant at the time of sentencing and I think that is something we should all applaud and all support.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Looney. Senator Prague.

SEN. PRAGUE:

Thank you, Mr. President.

THE CHAIR:

Thank you for your patience, Madam.

SEN. PRAGUE:

Well, I was running a little short.

THE CHAIR:

So I noticed.

SEN. PRAGUE:

I managed to hang on. I wanted to rise and associate myself with the remarks of my colleagues.

One of the cruelest things we did when we closed

Norwich Hospital and Fairfield Hills Hospital was to close those two facilities without any community based services in place.

We don't have supportive housing. We don't have enough community based services and what has happened to these folks is that yes, they have wound up in homeless shelters. They have wound up in doorways and they have wound up in our prisons.

This is just the minimum we could do to begin to take a look at that population and begin to effect a treatment process that will help the very people that we so-called threw to the wolves.

I am very impressed with the fact that we are beginning to move in the right direction. We're moving slowly. I'd like to see it happen faster. I'd like to see a few million dollars put into a trust fund to offer supportive housing in the community, but this is a start and I hope that year after year we will put more money into these programs and do justice to these people that we really, to begin with, put them out on the streets. Thank you.

THE CHAIR:

Thank you, Senator Prague. Senator Smith.

SEN. SMITH:

Thank you, Mr. President. For the second time.

Having heard a number of the reasons why people think this section should stay in here and this amendment should be defeated, I come to the conclusion that those are the very reasons why we need this amendment.

We already have a variety of different alternative incarceration programs, not the least of which is accelerated rehabilitation, the parameters for which things like this could be built right into.

This Section 34 as was mentioned that's undermined by the amendment also doesn't preclude someone who's had a series of violent felony arrests and convictions from using this program and thereby end running, having to face our criminal justice system again.

And it is the very idea that we're going to go back year after year and expand just this little exception that only deals with these few things here.

In the parlance of what our constituents would understand, what we are doing now is creating and funding an additional loophole to the criminal justice system. We already give people a whole variety of chances. It's not as though the first time you're ever charged with anything at all, off you go to prison. No, we give people the opportunity time and time again to right their actions, to stop doing those things which cause them to get into trouble.

And almost by definition, someone who commits criminal acts has got something wrong with them. And to suggest that we're going to try to treat every wrong of every person who commits any crime, it just, it doesn't work, the real world doesn't work that way. Our crime rates have fallen in part because we have such a large prison population.

The fact that we have these people in prison has resulted, it seems to me, from the very policies that have given us a desired end, safer streets, safer communities. And to suggest that now we begin to end run that and create exceptions to it, more and more exceptions, this being one of them, I think is incorrect, is inappropriate, is wrong.

And that is exactly why I offer this amendment. And so I would again urge its adoption on this body.

THE CHAIR:

Thank you, Senator Smith. Senator Harp.

SEN. HARP:

Thank you, Mr. President. I rise to oppose this amendment and one of the reasons that I'm opposing it is because our prison beds, as we've heard, have escalated over time. We had for centuries, a balanced number of beds that I believe was around 3600. We now have 18,000. Those beds cost anywhere, they're costing us

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about \$25,000 per bed per year.

And the interesting thing is that they cycle people in and out. And as you heard from my colleague who represents Norwich, some of what we see there is the failure of another system that we have not funded, that we have failed to fund and that's the mental health system.

And I just want to tell you a story about an inmate who lives in my district and actually happens to have parents that live across the street from where I work. His mother, he'd been in prison for many years and his mother had said that he thought that he wasn't treated appropriately and needed mental health treatment.

Well, the long and the short of it was that the system could not accommodate his needs and ultimately he was released because what we have got to remember, particularly about these lesser charges is that people come back to our communities. And the question becomes, do they come back better or do they come back worse?

And in his case I've got to tell you that I can leave my job on any evening that it's warm enough for him to be outside on his porch, howling like an animal and able to really stand and act like a normal human being. And this happened after he had been in that system which was the wrong system to accommodate his

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needs.

So in my mind, when I see a system that has failed us, I see this young man howling on his porch. And this is what we're doing if we say that people who are ill, who have diagnosable illnesses are supposed to go into a corrections system instead of a system that can actually help them and help deal with their disease.

I believe that if that's what we're asking this system to do, it's inappropriate and that we are going back to the dark ages. For that reason, again, I very much support the bill as it is and I ask that we defeat this amendment that is turning back the clock on the way that we deal with mental illness.

THE CHAIR:

Thank you, Senator Harp. Will you remark further on Senate "B"? Will you remark further? If not, there was a request for a roll call vote which has been granted. The Chair will order a roll call vote at this time.

THE CLERK:

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

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

THE CHAIR:

The machine is open.

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

THE CLERK:

Motion is on adoption of Senate Amendment Schedule  
"B".

Total number voting, 32. Those voting "yea", 1;  
those voting "nay", 31. Those absent and not voting, 4.

THE CHAIR:

Senate "B" is rejected. Will you remark further?  
Will you remark further on the bill? If there are no  
further remarks to be made, the Chair will order a roll  
call vote on the bill.

THE CLERK:

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

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

THE CHAIR:

Have all members voted? Have all members voted?  
If all members have voted, the machine will be locked  
and would the Clerk please announce the tally.

THE CLERK:

Motion is on passage of Emergency Certified HB6001

as amended by House Amendment Schedule "B".

Total number voting, 32. Those voting "yea", 32;  
those voting "nay", 0. Those absent and not voting, 4.

THE CHAIR:

The bill is passed. Senator Jepsen.

SEN. JEPSEN:

Thank you, Mr. President. I would ask that before the Chamber stands in recess that you seek points of personal privilege and announcements.

THE CHAIR:

Are there any announcements or points of personal privilege? Senator DeLuca.

SEN. DELUCA:

Thank you, Mr. President. For the purposes of an announcement, Senator Eads who was here earlier today had to leave because of illness in her family and had to leave abruptly.

And Senator Gunther also had to leave because of personal business. If the record would so show.

THE CHAIR:

Would the Journal please note. Senator Cappiello.

SEN. CAPPIELLO:

Thank you, Mr. President. Will the Journal also please note that Senators Somma and Upson were not here today because of constituent work back home in their

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district.

THE CHAIR:

The Journal will note. Are there any further announcements or points of personal privilege? Are there any further announcements or points of personal privilege? Senator Freedman.

SEN. FREEDMAN:

Thank you, Mr. President. An announcement. I believe members of the circle as well as House received an invitation to a luncheon on Thursday that will be honoring Dr. Henry Lee. The Boy Scouts of America. It's a very special occasion and we are still taking reservations. Anyone that is interested contact my office, 0428. And it's a \$50 check and it's at the Aqua Turf in Southington.

THE CHAIR:

Are there any further announcements or points of personal privilege. Senator Jepsen.

S SEN. JEPSEN:

Thank you, Mr. President. I would move immediate transmittal of the item just acted upon to the Governor.

THE CHAIR:

Without objection, so ordered. Senator Jepsen.

SEN. JEPSEN:

Mr. President, I've been informed that the House

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HOUSE

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2000

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Necessary for Adoption	71
Those voting Yea	140
Those voting Nay	0
Those absent and not voting	11

SPEAKER LYONS:

The resolution passes.

Would the Clerk please call Emergency Certified Bill, House Bill Number 6001.

CLERK:

Emergency Certified Bill Number 6001, AN ACT

IMPLEMENTING AND MAKING TECHNICAL REVISIONS TO THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2001.

LCO Number 5583, introduced by Representative Lyons and Senator Sullivan.

SPEAKER LYONS:

Representative Dyson, you have the floor, sir.

REP. DYSON: (94TH)

Thank you, Madam Speaker. Madam Speaker, I move acceptance and passage of the emergency certified bill, please.

SPEAKER LYONS:

The question before the Chamber is on acceptance and passage. Will you remark?

REP. DYSON: (94TH)

Thank you, Madam Speaker. Madam Speaker, the item

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that is before us now is an omnibus document in that it covers a number of things, but I think to the Chamber's benefit they are technical --

SPEAKER LYONS:

Representative Dyson, I can't hear. Wait a minute. Thank you, members. I don't think we can hear. We only came up here to do two more bills. I realize our attention span is short this day, but if we could give our attention to Representative Dyson.

Please proceed, sir.

REP. DYSON: (94TH)

Thank you, Madam Speaker. Madam Speaker, this bill includes a number of minor changes, technical in nature, clean-ups for things that we've done - we did during the session that we're now trying to correct and things that we were supposed to have done at the beginning of the session of this year that we did not do. So it embraces a number of items and Madam Speaker, I think every member of the Chamber has on his or her desk documents pointing out each of these changes and I think it's far too extensive for me to go into or should I, but I think it's something that is quite innocuous and I would urge the members of the Chamber to support it.

Thank you.

SPEAKER LYONS:

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Thank you, sir. Will you remark further on the bill that is before us? Will you remark further?

Representative Ward.

REP. WARD: (86TH)

Madam Speaker, I'm sure others will have questions, but I just wanted to renew a question that I asked on May 4th. So if I may, through you, Madam Speaker to the distinguished Chairman.

SPEAKER LYONS:

Please proceed, sir.

REP. WARD: (86TH)

Representative Dyson, in the bill before us there are some transfers of money. Two of the items struck me as unusual when I asked about it on May 4th and they're back again. At that time no one knew just what the money was for and I would refer to Section 7 of the bill, Environmental Programs and it transfers \$20,000 to Plainville High School for the Environmental Club and \$25,000 to Bristol Central High School for the Environmental Club.

And I commented at that time on May 4th that I thought it was unusual to give that much money to a school club. It's one thing to give it to the school. It's something else to give it to a local project and that's often in the eye of the beholder whether it's

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appropriate or not, but a school club is a bit of an unusual thing. I think a school club, you know if you raise \$800 in the car wash and you help buy a new jersey for the softball team or the soccer team or perhaps pay for a project graduation kind of program.

Through you, Madam Speaker to Representative Dyson, just what is the Environmental Club in these two high schools going to do with this much money?

SPEAKER LYONS:

Representative Dyson.

REP. DYSON: (94TH)

Through you, Madam Speaker. I have the same concerns as Representative Ward regarding the magnitude of the amount of monies that we're talking about here and I don't have the foggiest notion as to what a club at a school with this amount of money would do with that amount of money. I don't have the foggiest idea.

SPEAKER LYONS:

Representative Ward.

REP. WARD: (86TH)

Thank you, Madam Speaker. I don't mean to ask the question in some way to try to embarrass the Chairman and I know that he tries to ride herd very carefully on a lot of the items in our budget. I guess I'll ask rhetorically, not rhetorically, ask if anyone in the

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Chamber can perhaps, since I did ask the question on May 4th and it was late at night. It was approaching midnight. Just in the last six weeks I'm just curious because I think there will be some amendments, perhaps, to take some out. If there's anyone in the Chamber that can get up and tell us (a) why we're giving a school club, not the school, not the school board, not the town council, not the mayor, the club this much money, why we're giving it to them and what they're going to do with it.

Through you, Madam Speaker. I would hope someone could explain that on the floor. I view it as more than technical.

Thank you, Madam Speaker.

SPEAKER LYONS:

Representative Ward, I believe it -- was that rhetorical? So it wasn't addressed to Representative Dyson?

REP. WARD: (86TH)

It was not a question, Madam Speaker. Just a hope that the Chamber could be enlightened before we're asked to vote on the bill as to what that is. I don't want to waste the Chamber's time and ask each one of the 150 members besides myself if they know. I would just hope someone would make it clear and I would anticipate if

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there aren't any -- with or without answers, someone may suggest that some of this money ought to come out if we don't know what it's for.

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir.

Will you remark further on the bill that is before us? Will you remark further?

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Madam Speaker. Madam Speaker, I'd like to discuss Section 27 of the bill and probably with Representative McDonald.

Section 27 is essentially, as I understand it, an effort to clarify some current language with regard to customer can software and the issue has come up when you read the analysis by OLR, it kind of sends the whole issue off in another direction which is certainly different than what I think we all understand the legislation to be.

So for the record I just want to get into the record and through you, Madam Speaker to Representative McDonald, to determine whether she concurs with my feelings here. They are two specific issues.

The first one, it's my understanding that this

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language would do nothing more than codify what has essentially been going on at the Commission of Revenue Services Office and operation in the past and as I understand lines 604 and 605 of the bill before us, what we're talking about here is in-house developed software considered to be custom software for in-house use and subsequently sold or leased to an unrelated third party and would, in fact, be taxable, but it's my understanding that a program like that which is provided to subsidiaries or other related entities within that corporation would not be taxable.

Through you, Madam Speaker, would Representative McDonald care to comment on that assumption?

SPEAKER LYONS:

Representative McDonald.

REP. MCDONALD: (148TH)

Through you, Madam Speaker. I concur with you. The way I understand it is if the software was developed in-house for use of a single entity, or for the subsidiary of that entity and they developed it, it is not to be taxed. However, if they take that software package and then sell it to another entity completely outside of their company, then it would be subject to tax.

The "canned" software, is software that you can buy

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off the shelf even sometimes combining one or two off the shelf programs. That is not considered to be in-house software. That's still if you can put two or three together it's "canned" software and that is subject to the sales tax.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Belden.

REP. BELDEN: (113TH)

Yes. Thank you. The other issue I wanted to discuss there seems to be a concern in the -- as I read the last section of the bill it indicates that Section 27 is effective on passage. Then it goes further to indicate that Section 27 would be applicable to all open tax periods.

Through you, Madam Speaker. Would Representative McDonald care to comment on that interpretation, as well? Thank you.

SPEAKER LYONS:

Representative McDonald.

REP. MCDONALD: (148TH)

Through you, Madam Speaker. I would interpret that to mean that if there's a statute that says it's open for three years even if it goes retroactively for the first three years, the tax is going to be applicable.

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So I'm reading that the same way as you are,  
Representative Belden.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Madam Speaker. Representative McDonald.

SPEAKER LYONS:

Thank you, sir.

Will you remark further? Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Madam Speaker, I rise in many ways to speak against this bill. And I think a lot of it goes from my discussion earlier today when I was against expanding the call of the session.

I don't think we need to open up this session and these bills to new items we didn't discuss and that aren't necessary in the budget. I would point out that Section 43 is not necessary and it probably doesn't accomplish anything, yet we're putting in a new section of law and a new law that this Chamber has not had a chance to really study and discuss.

I would point out that we're also doing an expansion of a moratorium that never came before the Environment Committee this year. We didn't discuss it

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in the Environment Committee, but it's here.

I would also stand up opposed to it in many ways for the same reason I opposed a lot of the sections in the underlying bill that we voted on in regular session.

And that's transferring slush fund money. Let me just repeat that. That's transferring slush fund money because it was put in the wrong accounts a year ago.

It's money that's not necessary. It's money that's not necessary to make the State of Connecticut work, but we're transferring that slush fund money.

Representative Ward pointed out \$25,000 to two separate clubs. But we look at \$115,000 to an association in Hartford. The second other look at \$225,000 that's being switched around.

Those are monies that are purely going as pork items to certain towns without a lot of discussion on it.

So Madam Speaker, with that in mind, the Clerk has an amendment. It's LCO Number 5603. Could he please call and I be allowed to summarize?

SPEAKER LYONS:

The Clerk has in his possession LCO 5603 which will be designated House "A". Would the Clerk please call? The gentleman has asked leave to summarize.

CLERK:

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LCO Number 5603, House "A" offered by  
Representative Collins, et al.

SPEAKER LYONS:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Madam Speaker, what this does is take out those accounts that aren't necessary for the State of Connecticut to move forward, basically taking out those pork items and saying we don't need this, let's let the money lapse. Go back - be used to bring down the debt, be used to pay off the teachers' retirement and I move its adoption.

SPEAKER LYONS:

The question is on adoption. Would you care to remark further?

REP. PRELLI: (63RD)

Madam Speaker, I'm not going to talk a lot longer on this. I think I've explained why I would like this amendment to pass. I think I can explain that they're not necessary. It's not needed for the State and I just think we should vote in support of it and move it forward.

Thank you, Madam Speaker.

SPEAKER LYONS:

Will you remark? Will you remark further on the

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

Representative Ward.

REP. WARD: (86TH)

Thank you, Madam Speaker. I'm sure that there are some that can say why some of these spendings are important for the particular local programs. I believe, however, that what this section does is say that since on some of these programs there's been no explanation offered as to how the funds will be spent, and just what's going to happen with them that it's probably better that we take the money out. Perhaps it's someone in the Senate that knows what some of the programs are for. Maybe after we take it out they'll figure out a good explanation for why we need to spend it and send it back down to us, but it seems to me we should not be supporting carrying funds forward from one budget cycle to the other and spending it on programs that no one can explain how the money will be used.

And in particular, I again call the Chamber's attention to Section 7 which will be deleted in this. We're giving money, not a small amount of money, over \$25,000 in one case to a school club. And it's going to come out of DEP's Other Expense money and go to the school's environmental club. I don't know, I have high

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school aged kids so I don't think I'm totally out of touch with what school clubs do. I can't imagine the usual fundraisers that students are involved in coming to the State Legislature and saying cancel the bake sale, we're getting a grant from the General Assembly for \$25,000. It will go to the Environmental Club and they'll handle their project. We're not going to do that little - and I thought some of the school spirit thing maybe as the kids get together and work on the project they really care about, involve some parents in the program, involve the community in the program, raise money for something important and go ahead and do it. There's a sense of accomplishment. There's a sense of purpose. There's a sense of community. There's a sense of school spirit, but I guess they're learning something new. I guess the students are now learning to lobby the General Assembly for money and they're going to learn a heck of a lesson. They're going to learn you can get all this money and not even tell anybody what it's for. Not even tell us what it's for?

That's a lesson. It's a sad lesson that perhaps some club can lobby one or more members of the General Assembly, negotiate it into a budget process. I understand this is a carry forward and there's a sense it was promised before, but I think it's very, very bad

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policy.

Where do you draw the line? This amendment takes out some other sections and again, there maybe appropriate explanations for some of the sections. I don't think they're necessary to do now. I didn't think they were necessary to do May 4th. There can be honest disagreement over whether some pieces are necessary or not necessary. I don't think there can be more than political disagreement. I wouldn't characterize it as honest disagreement that it's a bad standard to give money to a school club. You haven't even said whose in charge of the money. I don't even know how you write a check to the club. Does a faculty member decide? The school board clearly is out. They have not much say over the club. We don't know what it's for. Let's take all of these sections out. Let's send the bill to the Senate. Let's get some answers to the questions. And I fussed about this earlier. I probably wouldn't be fussing as much now, but darned six weeks after the question is asked, somebody ought to be able to come up with an explanation. This is the taxpayers' money that we're spending and we're saying where it's going. And I admit, there are lots of things in the budget that individual members can't tell you exactly how a program works. But when you spell it out like this, there ought

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to be a bit of an explanation.

So, congratulations, I guess. If this amendment doesn't pass, the Plainville High School's Environmental Club or Bristol Central, but I bet you a lot of those students don't know what it's for either. I just don't understand what we're doing here today on this piece of it. I didn't understand it a while ago. I had hoped to have an explanation and I stood up on the floor at that time and asked it and I asked it at some other meetings, can't somebody explain it.

So this isn't to sandbag the whole bill. But let's take the special money out of the bill at this time until we know why we're spending it and what we're doing.

Thank you, Madam Speaker. Madam Speaker, I would also request a roll call on the amendment.

SPEAKER LYONS:

Will you remark? Will you remark further? Oh I'm sorry. I apologize. The gentleman has asked for a roll call vote. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER LYONS:

There will be a roll call vote at the time of the

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vote itself.

Will anyone remark further on the amendment that is before us? If not, staff and guests come to the well. Members, take your seats. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting House Amendment Schedule "A" by roll call. Members to the Chamber.

SPEAKER LYONS:

Have all the members voted? Have all the members voted? Would the members please check the board to make sure that your vote is accurately recorded? If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Amendment Schedule "A" for Emergency  
Certified Bill Number 6001

Total Number Voting	141
Necessary for Adoption	71
Those voting Yea	53
Those voting Nay	88
Those absent and not voting	10

SPEAKER LYONS:

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The amendment fails.

Will you remark further on the bill? Will you remark further on the bill?

Representative SanAngelo.

REP. SAN ANGELO: (131ST)

Thank you, Madam Speaker. If I could, a few questions through you to the proponent of the bill.

SPEAKER LYONS:

Please frame your question, sir.

REP. SAN ANGELO: (131ST)

Representative Dyson, having been on the Appropriations Committee for a number of years, I usually understand budget related matters and this is a technical bill to the budget. I have a few questions on Section 43 that don't seem to relate too much to the budget. So if I could, through you, Madam Speaker. Could you tell me what the purpose of Section 43 is with regard to the State budget?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Dyson.

REP. DYSON: (94TH)

Through you, Madam Speaker. Section 43 is an item that was of interest to some people in the General Assembly, most especially the Senate and this was the

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only vehicle by which we had at our disposal that could be used to implement this. So that is the reason for its being used.

Now, in response to your question, and I think inherent in your question was whether or not there's a fiscal impact here. And it would take quite a stretch unless we are talking about fees and any amount of monies that would ultimately have to be spent to ensure that this took place. It would be one gigantic stretch to indicate that this has a fiscal impact.

REP. SAN ANGELO: (131ST)

I'd like to thank the Chairman of the Appropriations Committee for what was a very clear answer and it seems to me it's pretty simple that this provision in the bill is not a budget bill. So I find it interesting and I have a number of questions about that section. I don't know if the good Chairman would like to be the one to address these questions or not because they simply aren't Appropriations questions because it's not an appropriations section of the bill. So I'll ask the question and hopefully the Chairman or somebody will address them.

And my first question comes to the definition of public buildings and if I could, Madam Speaker, this is the section of the bill that bans loaded firearms from

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many state facility, I guess, or state building. So my first question is, I see the public building definition here. I'm curious as to if that means things like -- Madam Speaker, I believe that Representative Dyson will be yielding to Representative Lawlor. So if I could, I'll address my questions, through you, to Representative Lawlor.

SPEAKER LYONS:

Representative SanAngelo, you have the floor and thus you can now ask whomever you choose for an answer to the question.

REP. SAN ANGELO: (131ST)

Okay. Through you, Madam Speaker. Representative Lawlor, could you tell me, the definition of public building in this case says anything that is owned or leased by the State of Connecticut. Would that include public housing? So if someone owned a firearm in a senior complex or a housing complex that was funded through DECD, would they now lose their right to be able to own firearms for self protection?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I'm not aware that the

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State of Connecticut actually owns a fee interest in any particular housing building. There may be a few and if there are such buildings, Madam Speaker, I think they'd be covered, but I think for the most part state assistance which is provided to housing is done in an indirect fashion rather than the State actually owning the building or leasing the building.

So, but if that were the case, then it would be covered clearly under the statute.

REP. SAN ANGELO: (131ST)

And then, through you, Madam Speaker, if it is true that some of them are owned by the State, wouldn't this then be unconstitutional that the citizen would no longer have the right to bear arms under our Constitution if the state law would make it a crime for them to have it within their own homes?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Well, first of all, as I said, I'm not aware that the State actually does own any housing units of that type except for, for example, the State Veterans Home. There are people who are residents there. I believe firearms are not allowed there to start

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with and obviously our prisons are state owned and I don't believe the residents there are allowed to own firearms and I think there maybe other examples, but I'm not sure college dormitories, for example. Those are all owned by the State of Connecticut, I assume and guns are not allowed there, I believe.

But if your question relates to your basic run of the mill housing stock owned by the State, I'm not sure that any of that actually exists, but if it did exist, the firearms would be prohibited assuming they're loaded and I think your question is whether or not it's constitutional. I would say if it's constitutional as other locations such as the State Veterans Hospital, then it would also be constitutional there.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Okay. Through you, Madam Speaker. Representative Lawlor, this is a special session and we didn't have any -- I guess we didn't have any public hearings on these. Did we have any testimony at public hearings during the year that showed some kind of statistics as to crimes that were committed in public buildings that would call for this legislation to be brought forward? Could you

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tell me what the problem is we're trying to develop?  
How many crimes were committed in our state facilities,  
I think would be a good start. And especially how many  
of those crimes were committed by legal permit holders?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. So I guess you could  
start with Matthew Beck who was a permit holder at the  
time who shot a bunch of people at the State Lottery.

I think there are other incidents. Ten or fifteen  
years ago people entered courthouses with firearms and  
shot up the courthouse and that led to the ban on  
firearms in courthouses. So I think there's been a  
number of incidents I think around the nation. There's  
been a lot of very high profile incidents of this type  
including the United States Capitol Building, that type  
of thing and I think there is a very real concern about  
the presence of firearms in public buildings for what I  
think are obvious reasons.

It doesn't happen all the time, but I think you  
have to balance the frequency against the interest in  
public safety and I think clearly many people, including  
myself, don't believe it's an extreme burden on anyone's

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rights that they should be told that if you want to enter a particular building you can't bring a gun. For example, I'm not thrilled that anyone would bring a gun into my house or my place of business. There are no guns allowed here at the State Capitol. I think most people feel that's a common sense rule.

So, Madam Speaker, I hope that answers the question.

SPEAKER LYONS:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Through you, Madam Speaker. Just to try to be a little bit more specific. Are you aware of any study in the State of Connecticut through any either state agency or non-profit group that has identified this as a problem, that is shown as any crime statistics as to how many of these kinds of crimes specifically or is this just the feeling of somebody that we need to do this?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Well, there were public hearings on this issue in the Public Safety Committee and the bill was referred from Public Safety to the

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Judiciary Committee. We did not take action on that bill as we did not take action on a number of bills this year.

In terms of statistics, there's a very clear nationwide trend, workplace violence including shootings and other forms of homicide. In the last five or ten years it's been clearly documented that workplace shootings are on the rise and the severity of those shootings is on the increase, as well.

So, statistics are pretty clear that workplace violence has turned into a significant problem in our country and I hope that answers your question.

REP. SAN ANGELO: (131ST)

Thank you. Madam Speaker, through you, the Chairman of the Judiciary Committee just pointed out that the Judiciary Committee did not take action in the Judiciary Committee with regard to this bill. If this bill is so important that it has to be in the special session, it has to be in a bill that doesn't - that implements the budget, then the Judiciary Committee, I would think, would have taken action on it. Could you tell me why it's all of a sudden so important now that it wasn't important enough to do it in a special session or why the Judiciary Committee wouldn't have done it at the time we actually had some hearings on this bill?

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Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. It was actually important and I know you're not a member of the Judiciary Committee, Representative San Angelo, but if you were, you'd know that on our JF deadline day there was a fire drill about 2:30 in the afternoon which kept us from our business for a little over an hour, unfortunately, on a day we had a long agenda. So, I believe the bill was on the agenda on the final day and many of the bills were not reached as a consequence of that fire drill. Who decided to schedule a fire drill on the day of the Judiciary Committee's JF deadline, I'm not sure, but I hope they'll see fit to do the same thing next year.

Through you, Madam Speaker.

REP. SAN ANGELO: (131ST)

Thank you. I find it interesting again that this particular bill didn't survive a fire drill. I, quite frankly, think that that's - if this was as important as it seems to be today to have it on our agenda today, it could have made its way through a fire drill and I know the Judiciary Committee does some real important

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business, but I'll note that a lot of those issues aren't on today's agenda.

If I could, you said in your comments that firearms should not be brought into public buildings. Does this bill ban firearms from public buildings?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Well, I think as the Representative is aware, there are a number of public buildings that already prohibit firearms, schools, courthouses, the State Capitol, Legislative Office Building, police stations and others.

This bill simply expands to all state owned or leased buildings the prohibition. It specifically applies not to firearms, but instead to loaded firearms. That's not to say -- by the way, this is just creating a criminal penalty, a relatively less serious penalty of a misdemeanor, but nonetheless, a criminal penalty for bringing a loaded firearm into such a building. There are more serious penalties which apply to bringing a firearm into other places, for example, Bradley Airport or the State Capitol. That's a felony. But, Madam Speaker, this is just a criminal statute that's being

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discussed here today. Individual buildings could also have a prohibition on the guns themselves, whether loaded or unloaded. There just would not be the accompanying criminal penalty. That's what we're discussing here today.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Through you, Madam Speaker. Just to make this clear. So what we're doing is expanding where you can bring loaded firearms into public buildings, buildings that otherwise you could bring in loaded firearms. Now certain state buildings you will no longer be able to bring in loaded firearms. But you can still bring in firearms. Is that correct?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Through you. Not exactly. This is just establishing a new criminal penalty for certain kinds of conduct. I think there are - as we all know, the Governor, Governor Rowland has issued an executive order prohibiting state employees

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from bringing firearms into the workplace. So that's already a policy of the State. There are a number of buildings which prohibit firearms, as we've already discussed.

This is adding a separate criminal penalty for people who violate that particular prohibition in buildings other than the State Capitol, schools and colleges, Bradley Airport and the others which have the existing prohibition.

Through you, Madam Speaker.

REP. SAN ANGELO: (131ST)

Through you, Madam Speaker. The penalty, as I read it under this bill, makes it a Class A Misdemeanor for bringing in a loaded firearm into a public building. So if somebody wanted to walk in - say the DEP and they brought a loaded firearm in, they would now be subject to a Class A Misdemeanor. Is that correct?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Yes, that's correct. And with your permission, I'm sure you wouldn't object to this, Representative San Angelo, it's just been pointed out to me that in the definition of a public building,

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it is limited only to buildings used for the conduct of business of a state agency. So I was in error earlier when I said that if there were a building that was actually owned by the State and used for housing, residential housing, I don't think this prohibition would apply to such a building based on the way this definition is written. So I would like to correct my earlier answer in that regard, Madam Speaker.

SPEAKER LYONS:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Okay. I'm not sure if that answers it anyway because I'm not sure exactly what conduct the business means. The Department of Economic Development - part of the conduct of their business is to put people in certain kinds of housing. So I'm not sure I understand the way you're interpreting it. I'm not sure it does that. But let me sort of stick to where I was going.

So my understanding of what you said is that if a citizen goes into the Department of Environmental Protection and brings a loaded handgun, that they would be subject to a Class A Misdemeanor. Could that same citizen walk into the Department of Environmental Protection, have the firearm in one pocket, so to speak, and the ammunition to that firearm in the other pocket?

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Would they then be okay under this law?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Assuming that agency didn't have an existing prohibition on bringing guns in already, that would be an unloaded gun. So for purposes of prosecution under this statute, I think that would be an unloaded gun. However, if there was a sign that said don't enter this premises with a firearm, loaded or unloaded, and they caught you inside, then you could be prosecuted for trespass, for example.

Through you, Madam Speaker.

REP. SAN ANGELO: (131ST)

So I'm a little confused. The purpose of the bill is to somehow protect citizens in public buildings. We're not banning firearms in the public buildings. We are allowing people to bring the gun into the public building and the ammunition and can also go into the public building. All we're saying is that they can't have it loaded. And I'm not sure how that protects citizens if the ammunition is there. My understanding is it takes about two seconds to load a firearm. So, people are still going to bring them into public buildings, but

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I don't understand why we're doing this. Could you elaborate more? If the ammunition is going to be there, the gun's going to be there, what's going to be to stop somebody from taking two seconds and loading that gun?

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Well, first of all, the purpose of the bill is to make sure that if people get caught in state buildings with a loaded gun, they're arrested. That's the purpose of the bill.

You asked a different question, that is what if they've got the ammunition readily accessible? First of all, I think when an officer or someone in authority spots the gun, then that certainly would give them a basis to determine whether or not it's loaded and I think the process of that is an important step to be taken to ensure public safety. So obviously, if you could sneak a gun into an airport or sneak a gun here into the Capitol, then certainly you could use it, but this is just another step on the road to ensure that the law enforcement has the appropriate authority to take action where necessary to ensure public safety. I think seeing someone with a firearm on their waist would certainly be an indication that maybe it's loaded and they could take the appropriate action. Under the

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current law, that's not necessarily clear even in a state building.

SPEAKER LYONS:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

So, again I guess I get lost in this debate when we say the purpose again is to allow a police officer to make sure people don't have loaded guns. I think anyone that would look at this would say a police officer would stop someone who he perceives to have a gun or not. I imagine the police officer would ask them to take the gun out, have to check to see whether it's loaded or unloaded and only if it's loaded they would be arrested. If the ammunition is in his left pocket, he's okay. So I don't understand the public safety - how we're helping public safety by allowing them to have the ammunition in the other pocket when it takes two seconds to load.

So, where's the public safety? I don't understand how we're protecting public safety. Could you explain to me how that would work?

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Through you. Maybe by analogy is the best way to answer your question. Certainly you could be stopped by the police and they

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could see a six-pack in the back seat of your car. You may not necessarily be drunk yet. So it's also possible that after you got stopped by the police or if you didn't get stopped by the police you could reach back and start drinking the beer and be intoxicated and therefore violating the law.

The purpose of this law is relatively simple. It's that if you get caught in a building with a loaded gun you're going to get arrested. That will be an important action, an important step to take under certain circumstances, but also there's an educational impact just like in the anti-drunk driving crusade by making it clear that the public policy of the State of Connecticut is you shouldn't be behind the wheel while you're intoxicated. Now there would be a new public policy, you shouldn't be in a public building with a loaded gun. I think as people understand that rule, they will be less likely to bring a loaded gun into a building. Just like you would be less likely to try to bring one into an airport. It's not to say it's impossible to do it. You could certainly shoot your way through the metal detectors in an airport. It's possible. It's not likely because people understand that if they try and they get caught, they're going to get into trouble.

Through you, Madam Speaker.

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REP. SAN ANGELO: (131ST)

Okay. I guess most citizens will look at this and say it's sort of bizarre. And I guess my concern goes like this. It's obviously against the law to use a loaded weapon in any public building. If you take out the weapon and you point it at somebody and you're threatening, the penalty is going to be a lot more significant than a Class A Misdemeanor. If you take out the gun and you shoot somebody the penalty is going to be a lot more significant than a Class A Misdemeanor. No matter what you do with that gun when you start a criminal act, the penalty is going to be much more severe than this Class A Misdemeanor.

It seems to me ridiculous that we're going to allow people to have guns, the ammunition in the other pocket and then only subject them to a Class A Misdemeanor if it's loaded or not loaded. I'm not sure how this benefits public safety.

But let's move on. I guess it has some point to it. Let me start, I guess, with the next question I have with regard to how this would work. Okay. With regard to even small public structures, one of the things that hunters regularly do is they hunt on state land, certain places state hunting would be allowed. Is this - would this bill make them unload their weapons

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even if they stopped into a simple structure such as a bathroom facility in a state park? They would have to stop, unload the weapon outside the bathroom and walk in. So does it really go to those kinds of things where even minor structures in the State that are owned by the State Department of Environmental Protection, that if they were caught in there that they could then be penalized in a Class A Misdemeanor for breaking the law?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I think it would depend in some part on the nature of the structure. I think if it was like an outhouse, as you've described, totally unoccupied, never occupied for any type of business purpose other than the obvious kind of business you conduct in an outhouse, I don't think this law would apply. But I think if it were an office or a warehouse, that type of thing, I think the law would apply.

Through you, Madam Speaker.

REP. SAN ANGELO: (131ST)

Thank you. And another question, through you, Madam Speaker. As Representative Lawlor clearly pointed out, the Governor under an executive order said there could

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be no guns brought into state buildings by public employees. That is an executive order. This new bill will have the force of law if it passed. Does that then override the Governor's executive order and allow employees to be able to bring in guns that are unloaded into the offices because now we have law versus a policy question under executive order? It seems to me that this bill will actually weaken that executive order. Is that true?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Through you, Madam Speaker. Absolutely not anymore than it would make it okay to bring an unloaded firearm into an airport or into a courthouse or here into the Capitol. This is just a separate statute to cover a very specific situation and there are other policies, the Governor's executive order being one example. By the way, this also applies to municipalities that choose to adopt such a policy. For example, in my town, East Haven, our Mayor, Joe Maturro has issued, in effect, an executive order for the town prohibiting firearms in all town owned buildings.

So, this establishes a specific criminal penalty

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for people who violate that order in East Haven because that was an action undertaken by the duly elected town government in my town. So this doesn't override any other policy existing. This just provides a new criminal penalty for a very specific situation and that is if you get caught in a public building with a loaded gun, you're going to be arrested and prosecuted under this statute.

Through you, Madam Speaker.

REP. SAN ANGELO: (131ST)

Okay. And through you, Madam Speaker, bail enforcement officers who trace down people who make arrests for people who, I guess, jump bail, they carry firearms and they're specifically licensed. Are they one of the people exempted from the bill under the definition of a police officer? Would they still be able to go into public buildings with guns or not?

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Through you, Madam Speaker. I didn't hear who you were speaking about.

REP. SAN ANGELO: (131ST)

Bail enforcement officers, it's my understanding that they would go get somebody and perhaps bring them back to a jail.

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REP. LAWLOR: (99TH)

Through you, Madam Speaker. They would not be covered.

REP. SAN ANGELO: (131ST)

Okay. Alright, Madam Speaker, I'm through with the questions. I just want to make a few comments about what we're doing here today and I'll be offering an amendment, but before I make that amendment I just want to make a few comments.

In the last four years or so this Chamber has worked together and specifically me and Representative Lawlor have worked together to pass a number of pieces of gun legislation. People from both sides of this aisle have worked together, rather they be proponents of the proper use of a firearm or opponents to firearms we've been able to go into a room and after long negotiations we've been able to come out with legislation that has passed in this Chamber literally unanimously on a couple of occasions and with strong support from both sides of the aisle.

It seems to me today we're taking a step that breaks what I think the last couple of years have done, a bipartisan approach to gun issues. So I guess I'm a little saddened that we're going to a new direction today and it seems to me that in the future what's going

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to happen is it's going to weaken the trust in the relationship that both sides of the aisle have had on this particular issue and I know that many of the proponents of using firearms in an honest manner are going to have a hard time coming back to the table to negotiate legislation when something has been jammed through the Legislature without so much as public hearings on it and a special session without so much as calling the other side to the table to see if compromises could be reached.

So I'm a little concerned about what the long term impact of this legislation is going to be. I think it's going to have ramifications that are going to be felt for many years to come and I'm truly disappointed that this is the path we're taking on a gun bill.

And with that, Madam Speaker, I'm going to - the Clerk has an amendment, LCO Number 5607. Would he please call and I be allowed to summarize?

SPEAKER LYONS:

The Clerk has in his possession LCO 5607 designated House "B". Would the Clerk please call? The gentleman has asked leave to summarize.

CLERK:

LCO Number 5607, House "B" offered by  
Representative San Angelo, et al.

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SPEAKER LYONS:

Representative San Angelo, you have the floor, sir.

REP. SAN ANGELO: (131ST)

Thank you, Madam Speaker. This amendment is a very simple amendment. It is co-sponsored by members of both sides of the aisle. It's very simple. We have a budget bill before this Chamber. This amendment simply puts it back to being a budget bill. It strikes Section 43 which is the piece of the bill that was just discussed between me and Representative Lawlor.

It's clear to I think everybody in this Chamber that this part of the bill does almost nothing. It simply, I think, makes more of a political statement than it does actually improve public safety. It's silly to think that someone could walk into a public building with a gun in his right pocket, the ammunition could be so much as in the same exact pocket. How is that going to protect the interest of the people of Connecticut? So it's a silly piece of legislation. It's in there for only one reason, for some kind of statement. I think it's more important that both sides of this issue work together in the future to work on perhaps even this section of the bill. Maybe there's a compromise here. Maybe there's a way to work together to do something that would actually improve public safety.

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So this amendment is going to pull out that section. Let's go back to just a budget bill. I think it's a good amendment that we should both agree upon. Let the Senate -- I know that they play an important role here, but let the Senate come and work with the House. Work with the members that have been negotiating these bills over the last four years. Let them come to the table and we can work out an agreement that will be better for all the people of Connecticut. Let's not them force their will upon this Chamber, Madam Speaker.

I move adoption of the amendment.

SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark? Will you remark further on the amendment that is before us?

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I urge rejection of the amendment. I just wanted to indicate since it had been raised by a number of members of the Chamber and by Representative San Angelo, the legislative history of a very similar bill that was considered during the regular session.

It was raised in the Public Safety Committee. The Public Safety Committee voted to change reference to

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Judiciary. There was a public hearing before the Judiciary Committee on March 7th. A number of people testified both for and against the bill. A number of concerns were raised. Some of those concerns have been addressed in the language today. For example, one concern I think Representative Farr and others had about having to leave a loaded gun in a car, this relates only to bringing a loaded gun into the building leaving open the possibility of unloading the gun prior to bringing it into the building.

So, that's the legislative history of the bill. It was debated a good deal during the regular session and as I said, Madam Speaker, I would urge rejection.

SPEAKER LYONS:

Representative Jarjura.

REP. JARJURA: (74TH)

Thank you, Madam Speaker. Madam Speaker, I too rise in support of the amendment which would strike Section 43 of this bill and I would also like to state from the very beginning that Representative Lawlor, I think, his other bills that Representative Lawlor, Representative San Angelo, people involved in the gun issues, have been well thought out. And in just reading this bill, this section, I don't believe it is very well thought out. I think some of the provisions are bizarre, at best. And

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it would not be within the standards of the fine work of this body to pass Section 43.

I do have a couple of questions that I would like to present to Representative Lawlor, but we'll give him a chance to get back to his seat. I would like to tell the members of the General Assembly that here in the State of Connecticut over the last couple of years we have passed some far reaching and in my opinion and not just in my opinion, but in other national opinions, some of the most restrictive provisions with regard to a permit to carry. Connecticut has been a long time permit to carry state. We require individuals who are seeking to carry a loaded firearm to go through a litany of standards and they are also required to be fingerprinted, submit background checks as well as individuals, the names, addresses, and phone numbers of individuals who have known them for a certain number of years and that information is meticulously checked by our local police departments and State Police when that person makes an application.

So I feel, through you, Madam Speaker, that this particular piece of legislation takes us so far off field from what the laws have been here in the State of Connecticut which is our permit to carry laws and if we're going to have permit to carry laws and enforce

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those laws, which we do, then the question becomes why do we need to start restricting, in a micro-sense, exactly where people -- who have obtained these licenses, can bring their weapons?

I see Representative Lawlor has returned to his seat, Madam Speaker, and through you I would like to ask Representative Lawlor a few brief questions. Brief.

Through you, Madam Speaker to Representative Lawlor.

SPEAKER LYONS:

Representative Jarjura.

REP. JARJURA: (74TH)

Thank you, Madam Speaker. Representative Lawlor, in reading on line number 793 it states that notwithstanding the provisions of Section 29-35 no person shall, alone and in concert, bring into a public building a loaded firearm. By the use of the word "shall" does that set up a strict liability under this statute or does the person have to knowingly be in - know that they're in a public building?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I think it's neither a

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strict liability crime nor a specific intent crime. In other words, what I mean is I think if you could show that there was no reasonable basis upon which to believe that this was a government building or a state building, then I think you could probably avoid prosecution, but if you're walking into the DOT or some other people where there are plenty of signs that says this is a state building and I'm assuming, should this become law, there will be an additional sign saying, as there is in the airports and courthouses, no firearms, explosives, that type of thing. But I think if it's clearly confusing what kind of building you're in and you walk in there, let's say, by accident, not knowing it was a state building and you could demonstrate that, I think it would be impossible to obtain a conviction in a case like that.

Through you, Madam Speaker.

REP. JARJURA: (74TH)

Through you, Madam Speaker. And the reason I ask, Representative Lawlor and I appreciate your responses because there are some state buildings and I've been in a few of them myself, in which the State actually leases one floor or a suite of offices in a privately owned office complex. And through you, Madam Speaker and I'm just trying to give guidance, should this pass, to our

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prosecutors and individuals out there, through you, Madam Speaker to Representative Lawlor, if the State happens to lease a suite of offices in a five or six or a ten story building, and happens to lease, say, Floor Number 7 of the building, is it from the point of entrance through the front door? Is it as you enter the elevator? Or is it as the elevator opens on Floor 7 in which the State has one floor in a multi-floored building? Would that person be considered in violation of this statute for purposes of legislative intent so that we can give some direction to those who are charged with enforcement?

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Through you. It would be my interpretation this would only apply to the portion of a building which is either owned or leased by the State. I mean, there are plenty of buildings like the DOT headquarters where the entire building is operated by the State and I think it would apply to any area of that building. But as you pointed out, Representative Jarjura, there are buildings where the State rents an individual office or a floor or something like that and I think it would only be that portion of the building that is operated exclusively by the State for state

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business.

So if there was -- in fact, there was a State owned housing building. I don't think the individual units would be covered nor do I think the common areas would be covered for residents of that building, but, for example, the building manager's office, I think, probably would be covered. That would be a state employee doing a state job in a state office.

So I think those precise distinctions are important to keep in mind and I would hope prosecutors, under future prosecutions if this becomes law, would keep that distinction in mind.

Through you, Madam Speaker.

REP. JARJURA: (74TH)

Thank you, Madam Speaker. And I thank the gentleman for his answers. I think that does clarify an issue that might come forward in the future.

And just one final question, through you, Madam Speaker to Representative Lawlor who indicated that in his hometown they have passed - the Mayor or First Selectman has passed some type of an executive order saying that citizens couldn't have loaded firearms in their city buildings. And I would ask then, through you, Madam Speaker to Representative Lawlor, is lines 817 through 822 therefore necessary and I believe they

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are and then a corollary question to that would be, because it has been asked of me and I didn't have a straight answer, can really without that section being passed, can a political subdivision pass, meaning our towns and cities, pass such an executive order? I would think not unless they had this specific authority from the Legislature which is contained in this language.

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Through you. I just want to clarify one more time. This doesn't, in any way, change the law with regard to who can prohibit guns in their buildings and who can't. This simply creates a new criminal penalty for a specific situation, that being a loaded gun in a state building or by extension, in a municipal building if that municipality has prohibited it.

However, East Haven and a number of municipalities have prohibited guns which they have every right to do just like K-Mart or Holiday Inn or anybody else can do the same thing. They just don't have access to the specific penalty that this has. Theoretically if you brought a gun into an East Haven town building, not a school, schools have their own statute, but let's say the Town Hall, they could tell you to get out and if you

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didn't get out, they could charge you with trespass. But they couldn't arrest you simply for being inside the building with a gun. They could just tell you to leave and not bring the gun in. If you were an employee, perhaps you could be disciplined. But this adds a new criminal penalty for a very specific type of conduct.

Through you, Madam Speaker.

REP. JARJURA: (74TH)

Through you, Madam Speaker. I want to thank Representative Lawlor for his response. Again, ladies and gentlemen of the Chamber, I will reiterate what I began saying. I think that this does -- obviously I think it's a very legitimate subject for a thorough discussion and a public debate. I don't really believe it should be before us here today. I think that this is something we can look at when we come back, those of us who are returning and the voters who may see fit to return us back in January. I do feel that we have the most stringent laws, as I said before, with regard to permits to carry. And if it's the decision of this body that we want to get away from that long history of our permit to carry, our laws which have protected, I believe, the people of the State of Connecticut over the last couple of hundred years and we've tightened up on those permits to carry laws, that's something we should

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talk about. Clearly we're moving in a direction now of specifying where people can and cannot have loaded an unloaded guns and I would just tell everybody it doesn't take us too long to just look at what happened in New York, another tragedy at Wendy's or McDonalds or what have you, other places where we have tremendous tragedies as what happened with the Matthew Beck situation at our lottery headquarters and I would submit to you, ladies and gentlemen, that even with this law if it were on the books, a disturbed individual like Matthew Beck would not have cared one iota whether or not the State of Connecticut said you can't bring your loaded or unloaded pistol into this building. And we've tried to deal with those situations. Representative Lawlor spearheaded those efforts and I think that this particular provision is bringing us far off field from where we should be going.

Thank you, Madam Speaker. And thanks to the members of the General Assembly for their time.

SPEAKER LYONS:

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

Representative Piscopo.

REP. PISCOPO: (76TH)

Thank you, Madam Speaker. Madam Speaker, I can't

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believe we're having a gun debate today. Regardless of how you feel on this issue, I just don't believe we should have this in front of us today.

I respect the honesty of the esteemed Chair of the Appropriations Committee's answers. He says it doesn't really have that much of a budget impact and it's here because some leader in the Senate wanted it in front of us and put it in a budget bill.

The call of the session here today was for a budget correction and social services implementers. And we just shouldn't be here having this huge gun debate right now.

I remember in the past where things have happened in the State where some people felt it necessary that we do look at our state statutes and maybe make some corrections with them and we've had special sessions just dealing with firearms and guns and sportsmen and we were able to formulate our arguments for and against. But here we are opening up hours long debate on firearms in our technical revision to the State budget.

So I believe let's just pass this amendment and just get this little section of this bill out of here so we can get on with our business regardless of how you feel.

I encourage any one of the members to check the

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back table because there are a number of amendments drawn up specifically to this section. So we could avoid all that today and just pass this and get on with our business.

Thank you very much, Madam Speaker.

SPEAKER LYONS:

Representative Cardin. I apologize, sir. It came up on the screen. So much for technology.

Representative O'Neill.

REP. O'NEILL: (69TH)

Thank you, Madam Speaker. If I may, just so I understand part of the section here, -- well, before I forget to do it, Madam Speaker, I would request that when the vote be taken, it be taken by roll.

SPEAKER LYONS:

There is a request before us for a roll call vote. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER LYONS:

In the opinion of the Chair, we have a rather full Chamber here so I do believe so that in the opinion of the Chair, the twenty percent was not reached.

REP. O'NEILL: (69TH)

Thank you, Madam Speaker. I didn't shut off my

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microphone this time. A question, if I may, to Representative Lawlor who, I guess, sort of by accident has had imposed on him to defend the Section 43 even though he is not the author of it.

Through you, Madam Speaker. I notice in Section 43 on line 796, among the places where carrying a loaded firearm is prohibited is any building in which a public hearing is conducted. So through you, Madam Speaker, I would ask Representative Lawlor if he is aware of a definition of what constitutes a public hearing for purposes of this section?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. In my opinion, the definition would encompass any public hearing provided for under state law being conducted by a state agency or by the State Legislature or by the Judicial Department.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative O'Neill.

REP. O'NEILL: (69TH)

Thank you, Madam Speaker. So to follow-up a bit with Representative Lawlor, if in a town library, for

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some reason they were using a room in a library -- I know in one of the towns in my district, the Town of Bridgewater, the public library is really the most convenient building to use for various kinds of public hearings and meetings. If in a public library which is not normally holding public hearings, but does on occasion have them, and is a town owned building or it may even be a privately owned building, it maybe owned by a private library association, but is, in fact, the public library for the Town of Bridgewater, if a hearing were being held in there by a state agency in one of the rooms in that building, then if a person walked in to return a library book and they had in their possession a firearm that they had a permit to carry and they were properly authorized to do so under our laws, would that person be in violation of Section 43?

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Through you, Madam Speaker. I think in that particular situation, I'm referring back to the interpretation I provided in response to Representative Jarjura's question, I think it would only be the room in which the hearing was being conducted and I think more importantly I think there would have to be some type of reasonable notice posted so that persons entering that

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room would be aware that there was, in fact, a state agency public hearing taking place. So I think the rational thing for the State to do, should this become law, would be to prepare a standard sign to be posted outside of any room where such a public hearing was being conducted and for that matter, outside any building or floor or suite of offices which would also be protected under this statute. I think there would be -- it would be important to have that type of notice in order to have a successful prosecution.

Through you, Madam Speaker.

REP. O'NEILL: (69TH)

Thank you, Madam Speaker. Well, I understand Representative Lawlor's interpretation, but in looking at the statute or the section that we're dealing with, in subsection (b) it says in other parts of it, "in any public building, the official office of any public official or employee of the State or any building in which a public hearing is being conducted."

Through you, Madam Speaker, I just want to clarify that Representative Lawlor believes that the explicit language that is set forth before us here in Section 43, in fact, is restricted to only one room of what could potentially be a very large building in which a public hearing of some sort is being undertaken.

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Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Not so much one room, but it would depend on the situation. As I said earlier, DOT headquarters, that's the entire building, obviously. There could be an office building with three or four floors are leased by the State for a particular agency. In my opinion, this statute would apply to all of those floors. If the entire floor was run by the State and once you step off the elevator you're in the State building.

There maybe individual offices. For example, a legislator may actually have a district office in a town hall or some other building. I think this would apply to that particular office because state officials conducting state business in an office whether or not the State is paying the lease, it's your office, the protection would extend there. But I do think that reasonableness would require some type of notice to the effect that it is unlawful to carry a loaded gun into this particular location if it's not completely obvious that it's a state building or state office of some type.

So, through you, Madam Speaker, I hope that answers

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the question.

REP. O'NEILL: (69TH)

Through you, Madam Speaker. Actually, it prompts me to think of yet another question because, in fact, I do have an office in my district. I do sometimes conduct legislative business. It happens to be my law office, but if I were to post a sign outside that said State Representative Arthur O'Neill along side of the one that says Attorney Arthur O'Neill, would that building then be off limits to someone carrying a firearm?

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I think if your office, if you consider your office to be your official district legislative office, then I think if someone brought a loaded gun into your office and if you called the police, you could successfully prosecute that person.

Through you, Madam Speaker.

REP. O'NEILL: (69TH)

Through you, Madam Speaker. Just to sort of make clear because I think that this is one of those statutes that's going to, if it passes, become potentially one of those statutes that gives legislators something of a bad reputation if it gets applied in ways that seem to be - it seems to me this language is sweeping - in a sweeping

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sort of way and I understand Representative Lawlor's desire to try to narrow the scope below what the explicit language seems to say. I guess I'd like to follow-up with Representative Lawlor's notion that the prohibition is limited only to a room in which there is some sort of notice that there is - or suite of rooms as my office consists of four rooms, just be sure. The corridor leading to my office which goes to an elevator, that corridor - a person could carry a loaded firearm up to the door of my office under Representative Lawlor's interpretation.

Through you, Madam Speaker. Is that correct?

REP. LAWLOR: (99TH)

Through you, Madam Speaker. I think just to emphasize, I think your district office, the office in which you're a public official. So the office which you consider to be your official office, district office if the sign outside is clear it is the official office of State Representative Arthur O'Neill, enter here, I think once you've entered that, that would be the type of area which would be protected under this statute.

If it's not -- I mean if it just says Law Offices of Arthur O'Neill, which you also conduct some of your State Representative business out of, but it's not obvious that this like a state official's office, then I

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think you might need to put some additional notice on the front door in order to be able to successfully prosecute someone for violating this statute should it become law.

So I think it would depend on the situation, but I think if it was perfectly obvious that you're entering a state office, official office, then I think the protection would apply.

Through you, Madam Speaker.

REP. O'NEILL: (69TH)

Through you, Madam Speaker. I guess the part that I was really focusing on was the corridor leading to the door which has my signs on it then that you actually enter into the suite that I occupy. Just to be clear, under Representative Lawlor's interpretation, from the moment an individual carrying a firearm entered into the building, went up into the elevator and walked down the corridor, during all of that period of time, the individual would not be in violation of this statute because they had not actually entered into the rooms that I have demised to me under my lease, but the moment he crossed that threshold, he would be in violation. I just want to make sure that under Representative Lawlor's interpretation that while he's in the elevator, while he's in the corridor, he is not in violation of

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this statute?

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Through you. It would depend on the situation. This is analogous to the situation that often comes up in the burglary statute which defines -- I mean the crime of burglary is if you enter or remain unlawfully in a building with the intent to commit a crime. The question of when you're in a specific part of a building often comes up.

For example, if you're burglarizing a hotel but you're legally in one room, but you go into the room of someone else in the hotel, and you're actually entering a separate building, I mean this is the kind of technical analysis that comes up a lot in a burglary prosecution. So it is very dependent on the circumstances. So I think it's hard to answer your question without seeing the exact layout of your offices, but it's possible once you stepped off the elevator you could be in your office or it's possible it may only apply to the actual four corners of the room where your desk is situated. I think it would depend on the situation and I think a prosecutor would have to be guided by a reasonableness standard under the circumstances.

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Through you, Madam Speaker.

REP. O'NEILL: (69TH)

Thank you, Madam Speaker. Representative Lawlor has raised the burglary statutes a model to perhaps be applied here. I guess the question that I would ask is are there cases with which he is familiar where this distinction is drawn and is there some sort of a rule that is understood or clearly defined that would guide someone to know when they are in violation, when they have crossed that threshold that sets them into the violation of this statute?

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Yes, I think both the trespass statutes and the burglary statutes, under some certain circumstances, require the posting of a sign that says no trespassing past this line. And I think if it's not really clear, -- for example, in a retail store, a department store. There are portions of the store that have a sign, "Authorized Personnel Only". So if they caught you in that area and you weren't an authorized person, you could be prosecuted for trespass even though you were inside, let's say Filene's. You could be in the men's department, but if you go into the manager's office, they could prosecute you for

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trespassing even though you were lawfully in the building, you're unlawfully in a part of the building and I think that's the type of analysis that might have to be applied in a situation involving your law office which also serves as your district office for constituent services.

Through you, Madam Speaker.

REP. O'NEILL: (69TH)

Thank you, Madam Speaker. Now with respect, for example, the burglary statute, that is a crime which I believe part of -- one of the clear elements that needs to be proven is a degree of intent and I don't have one of the statutes right in front of me, but I suspect that somewhere in the course of the statute there is some provision for a reference to intent in some of the burglary statutes. This statute does not contain any kind of particular language requiring that you intend to enter the office or that you intend to be in violation of this statute. Burglary is something which I think we all understand involves a notion of entering some place, doing so with an intent to commit another crime as well as make the entry that's inappropriate and unauthorized.

This statute seems to call for someone to be punished just because they walk through a door carrying something which on the other side of that door is

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perfectly legal to be carrying and yet on this side of the door is illegal to be carrying and I'm wondering if the burglary statute is, in fact, an appropriate metaphor for this particular type of statute.

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Just to clarify. For example, under the criminal trespass third degree, a person is guilty of criminal trespass third degree when knowing that he is not licensed or privileged to do so he enters or remains on a premises which are posted in a manner prescribed by law or reasonably likely to come to the attention of intruders or fenced or otherwise enclosed in a manner designed to exclude intruders. So, by extension I think in the gun situation I think if there were a sign on the door of your office that said, as you see in the airport or other buildings, you are now entering the official office of State Representative Arthur O'Neill, firearms, explosives, etc., loaded firearms are not allowed, I think then you could be prosecuted here. However, if it wasn't clear that that was the case, I don't think you could be successfully prosecuted.

Through you, Madam Speaker.

REP. O'NEILL: (69TH)

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Thank you, Madam Speaker. Again, I understand that Representative Lawlor is not the individual who is the author of this particular piece of the bill before us, but in looking and recalling his description of the purposes for this statute, it seemed as though there was a notion of a kind of education of the public not to bring firearms into public buildings. And I guess there's a question in my mind about and a distinction that I guess I would draw between a building like this one and all of the other public buildings and buildings that are usually not public buildings, but because a hearing might be going on become public buildings which now encompasses a lot of buildings across the State of Connecticut which is a thing where it changes, a building becomes public and then it goes back to not public and it can come back to being public again and the public that's out there is not necessarily going to be fully informed at all times about what the status of a given building is when they enter into it. With that as a kind of a context, I wonder if the effect of the statute is if you're thinking about and you carry a firearm for self protection because you've been threatened and for other good reasons you carry a firearm, you're thinking about going to get your drivers license renewed. You're not sure if you're going to go

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get your drivers license renewed, but if you have time while you're on the way home from the store and going about the rest of your business, you might want to stop off and get your drivers license renewed. Does this statute have the effect of saying to people never carry a loaded firearm with you because if you should forget you've got it, forget that you're going into a public building, you're on your way to do some errand on your way among many of the things in peoples' busy lives, doesn't this have an effect of chilling people's carrying of their firearms?

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Through you. Well, if you're asking my advice, I think it's a very risky thing to do to carry a loaded gun around on you. That's my personal opinion. I think a lot of bad things can happen, not many good things can happen. That's my personal advice. So I would never carry a loaded gun on me. That's the way I view the world.

Now, I'm not saying that should be the public policy of the State, but you asked me what I think. But on the other hand I do think that there are places which everyone I think agrees guns should not be allowed. And that list has gradually grown over the years. For

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example, airports. I don't think there are a lot of people out there who would claim a right to carry a loaded gun onto an airplane. And if there are, I think they should make that point today. And I think people generally agree, it's not a good idea to bring a loaded gun into a courthouse because we've seen tragedies there as we have on airplanes. And I think there's a long -- including prisons, for example, notwithstanding what's going on in Virginia, generally speaking here in Connecticut we don't like guns in prisons not for the guards, not for the inmates because it's dangerous. And I think as time goes by we realize that guns in the workplace, guns in public buildings are just a dangerous thing.

So, I think there is a public education effect going on that having a gun is a very risky decision and a lot of bad things can happen.

Earlier you raised a concern about how would people know what the rules really are even if we pass this statute? Well, the good news is our state government actually has a list of persons who have permits to carry guns in the State and should this become law, it seems to me common sense that a notice could be, a brochure, a booklet could be sent to every licensed gun owner in the State of Connecticut explaining to them how this rule

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will work, how it's enforced, what's the intent, what types of notices will be available. So I think there is the opportunity to educate people between now and October 1st about how this rule would be enforced so that no one could be taken by surprise. So, in effect, it's possible to give notice to every lawful gun owner in the state how this rule will be enforced to ensure they won't make a mistake.

So, I hope that responds to your question.

REP. O'NEILL: (69TH)

Through you, Madam Speaker. Well, Representative Lawlor has given me a good explanation of what would be a good sensible thing to do in connection with this law if it passes. Through you, Madam Speaker. Are any of those things provided for in the budget for the Department of Public Safety to send out notices to the gun owners across the State of Connecticut to give them an update of all of the new statutes that are going into effect as of October 1?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Well, first of all, on a regular basis the Department of Public Safety does

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communicate with licensed gun owners. For example, they have to renew their licenses at least once every five years, I believe it is. So, there's that opportunity. Every year one-fifth of the people who have a permit to carry have an interaction with the State Police. I believe the number is 120,000, 130,000 licensed gun owners in the State. I know virtually without cost, a relatively simple brochure can be printed in the Department of Correction. That's something that's done by state agencies all the time. So we're basically talking about the bulk rate postage for four-fifths of 130,000. So, I was a Slovak studies major. I can't figure out the numbers. But it's not that much money. I think it's the kind of thing which would be easily absorbable in the budget of the Department of Public Safety to do this and virtually without costs.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative O'Neill.

REP. O'NEILL: (69TH)

I'm not a math major either, Madam Speaker, but I think we're talking about in excess of 100,000 people and say it costs 50 cents apiece to mail the thing printed and the administrative costs of creating it in the first place. That's half of 100,000 would be about

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\$50,000 to send out a mailer to notify everyone about the applicability of this particular statute which is now going to render off limits a whole host of buildings and then I guess that statute would have to include or should include, based on the discussion that Representative Lawlor and I are having here, an explanation to that, it's okay to enter a building such as Pomperaug Office Park Building Number 2 which is where State Representative O'Neill has his offices as long as you don't enter his office you can go into the building so you can go visit your psychiatrist or whoever it is you're visiting there. And then you can leave and you're okay, but if you read the statute itself on its face, it seems to say you enter that building, any part of it, you might get in trouble. So I would hope that that explanation is worked out by the Department of Public Safety, but I think the number that we're looking for now is something on the order of about \$50,000. So I guess I would ask Representative Dyson if he is aware if there is money available in the Department of Public Safety budget on the order of \$50,000 to pay for a notice being sent to the various gun owners in the State of Connecticut that are licensed with carry permits?

Through you, Madam Speaker.

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SPEAKER LYONS:

Representative Dyson, sir, I don't believe you heard the question. So if the gentleman would please pose the question again. It's about a cost in our budget. So Representative O'Neill, could you please re-frame the question?

REP. O'NEILL: (69TH)

Thank you, Madam Speaker. Representative Dyson, the question to you, sir is Representative Lawlor and I had a discussion, an extended colloquy where we reached the point where he believed that the appropriate thing to do would be for the Department of Public Safety to send out notice if Section 43 stays in the bill and to provide notice and information to the 100,000 plus licensed permit holders, people with carry permits so that they would have knowledge of this new change in Connecticut law saying that all of the public buildings in the State of Connecticut as defined in Section 43 would be off limits, they could not enter there carrying a loaded firearm. And we had some difficulty coming up with a number, but based on around 100,000 and assuming around a fifty cent per person cost for preparation and mailing of such a notice, that my estimate is that it would be something on the order of about \$50,000 which the Department of Public Safety would have to find in order

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to provide the notice to those firearm permit holders between now and October 1.

So my question is, is there \$50,000 available within the Department of Public Safety budget to provide for that type of notice?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Dyson.

REP. DYSON: (94TH)

Through you, Madam Speaker. Did we set aside \$50,000 for the purposes of dealing with this issue? No.

Is there \$50,000 available within the Department of Public Safety? Probably yes. There are innumerable ways by which they could extract whatever amount of monies of this magnitude to do something that you have suggested and in all likelihood they could do that. But did we set aside the money for that? No, we did not.

REP. O'NEILL: (69TH)

Thank you, Madam Speaker. Perhaps this is a good idea and maybe this should be the policy of the State of Connecticut. However, it seems to me that it should be part of the regular session. It should be part of the regular budget. It should include the definition of public building as applied especially to the part about public hearings and offices of state officials as

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Representative Lawlor gave it to us because I think that's a very good definition. It's very clear. It's concise. It limits it to the places where this sort of rule should be applicable. It leaves people with the knowledge of where they are in violation of the law when they walk into a building and where they are not in violation of the law when they walk into the building and they should be given notice of something like this because this is a fairly substantial change. The Capitol building or for that matter, an airport, is a fairly unusual place for most members of the public to go. Yes, there are tourists who come here, but most of the people who come here are regulars. So they are the people who are part of the press corps. They are the people that are part of the lobbying organizations. They are the legislators. Obviously, the staff here that work at this building and other people know that when they come to the State Capitol they are coming to an unusual building, a special place and they would expect, perhaps, that there might be special rule for coming here.

The same thing is applicable to a courthouse. A courthouse is not where most people go most of the time. The people who go there are, of course, the lawyers who practice. There are people who frequently are involved

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with litigation. There are people who are frequently expert witnesses. They know what the rules are when you go into a courthouse what the limitations are and the first time you walk into a courthouse carrying a swiss army knife or something and they confiscate it and give you a little ticket to get it back, you will remember not to bring that swiss army knife the next time you come back to the courthouse, provided you don't get arrested, I guess, for attempting to bring a dangerous weapon into the courthouse.

And that's how you find out. So when you come back the following week or the following month to be a witness in another case or whatever your business is that brings you to the courthouse, you're in litigation collecting money from people, that sort of thing, you know what the rules are. All of the public buildings in the State of Connecticut, whether it's the Department of Labor which has contact with tens of thousands of people. The Department of Social Services' offices which have contact, direct physical, personal contact with tens of thousands of people. And the Department of Motor Vehicle, again which has virtually every person who drives a motor vehicle has to go there at some point during the course of their two or three or four years time period. Everyone in the State of Connecticut

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virtually is going to have to go to some public building that's now going to be covered by the terms of this statute and it's a change in the law. It is a significant change in the law. Something that was perfectly legal on September 29th is going to be illegal on the first. Something that is perfectly legal to do when you walk up to the door of my office is going to be illegal to do after October 1st. You're okay in the corridor, but you cross into my office, that's going to possibly put you in violation of the law and if you make a mistake and you're on your way to see the dermatologist who has the office across the corridor from mine and a lot of his patients do this, they accidentally walk into my door, through my door by mistake. All of those people would be potentially in violation of this statute because they walked into an office where the State says you're not allowed to carry a gun. The intent you had was to walk into an office. You did that. The intent you had was to be in possession of the firearm. You were doing that. I would see at least a potential for folks being in front of a judge or at least having a lot of explaining to do with a police officer who is then going to make a decision to use his discretion as to whether or not to charge somebody.

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The final thing that I would say is that a Class A Misdemeanor may, given the very hefty penalties we impose on people for all sorts of activities in the State of Connecticut, may not seem like very much, but a year in jail, \$1000 fine, it is a pretty substantial amount of money that we are going to be using as an educational tool to induce people to not carry firearms because it is now the policy of the United States or the State of Connecticut that people shouldn't carry these firearms into public buildings.

It would seem to me that if our purpose was to discourage people from bringing firearms into the workplace, a workplace where they don't work because the employees are already prohibited from bringing them to their workplace. So to prevent the public from bringing firearms, if they are legally allowed to carry in public, from entering a public building which seems to me the most public of places, that the educational tool should be a somewhat less heavy club that we're hitting them over the head with. Perhaps it should be a Class D Misdemeanor with a much lighter fine, certainly for a first offense. It seems to me that we're hitting them over the head with a fairly hefty fine and again, it's not the State Capitol Building, it's not a courthouse, we're talking about every person in the State of

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Connecticut, just about, especially every person that carries a firearm who has a permit to carry, at some point is going to be called upon to go into a public building and they are going to be faced with the prospect that if they forget for one minute that that public building is now off limits when for years and years that has not been the case, then they're going to be in violation of this law. And it just seems to me that it's a little bit of overkill given the mission that Representative Lawlor has, I think, set forth for this particular bill.

Madam Speaker, I will be voting against this. Thank you.

SPEAKER LYONS:

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

Representative Tulisano.

REP. TULISANO: (29TH)

Madam Speaker, for a point of clarification.

SPEAKER LYONS:

Proceed, sir.

REP. TULISANO: (29TH)

Through you to Representative Lawlor. I thought he said it, but I wasn't sure. In terms of the exemption when police might be able to carry weapons, the OLR

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report interprets it, I concur with the OLR report. It is when they are performing their official duties. I think, Representative Lawlor, you had an opportunity to look at that report and because of the way this has been written it follows somewhat what we always intended the State Capitol limitation to be when people here are on their official duties as to guard us or something it was appropriate. Just to come through was inappropriate.

Through you, Madam Speaker. Is that correct, that you interpret it the same way?

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Through you, I do concur. I think it is only limited to the enumerated officers when they are carrying out their official duties. However, I think it's important to note that what official duties consist of may vary slightly depending on the nature of the job, sheriffs, peace officers, federal law enforcement officers and others and I think that decision would have to be made on a case-by-case basis, but it's clearly limited to persons who are actually carrying out their official duties.

Through you, Madam Speaker.

REP. TULISANO: (29TH)

Thank you, Madam Speaker.

SPEAKER LYONS:

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Representative Hamzy.

REP. HAMZY: (78TH)

Thank you, Madam Speaker. I rise for purposes of questioning Representative Lawlor. Through you, Madam Speaker to Representative Lawlor. How would this bill be enforced if it became law?

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. If you got caught in a state building with a loaded gun you would be arrested.

Through you, Madam Speaker.

REP. HAMZY: (78TH)

Through you, Madam Speaker. How would someone get caught by a police officer with a loaded gun?

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. It could be going through a metal detector. It could be taking off your coat and see the gun. It could be someone saying they saw the gun, seeing it in the bathroom. I mean a variety of ways just the same way you get caught with drugs. You don't necessarily wave them around, but people do get caught with them sometimes and if you did get caught, you'd be arrested.

Through you, Madam Speaker.

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REP. HAMZY: (78TH)

Through you, Madam Speaker. I fully understand that Representative Lawlor did not write this language and I don't mean to put you on the spot, but I just want to ask some questions about it.

What would distinguish a loaded firearm from an unloaded firearm?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Well, there's already a distinction in the criminal - in other sections of the criminal statute about loaded firearms and firearms. I think the actual language is from which a shot may be discharged. In other words, an operable firearm versus a loaded firearm. There are, for example, in the robbery statute if you pointed an unloaded gun at somebody and said give me the money, that's still robbery. It's armed robbery even though the gun isn't loaded. If you are, I think, under the criminal possession of a firearm statute, I think it doesn't have to be a loaded gun. It's just a gun from which your shot can be discharged.

There are other statutes which talk about a loaded gun. In other words, there's a bullet in the chamber. There's

a magazine in the gun. Maybe another bullet in the chamber, but it would be a gun where the bullets are actually in the gun. So if you start pulling the trigger, it will discharge.

Through you, Madam Speaker.

REP. HAMZY: (78TH)

Through you, Madam Speaker. My point was if someone reports seeing another person with a firearm on them, how does anyone know if that firearm is loaded or if it's unloaded?

Through you, Madam Speaker.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I think a police officer would check. If it's loaded, you'd be arrested. If it was unloaded and you didn't have a permit, you'd be arrested.

Through you, Madam Speaker.

REP. HAMZY: (78TH)

Through you, Madam Speaker. Earlier in response to other questions that were posed you had indicated that more likely than not someone would not be arrested if there was no signage or posting indicating to them that this was a public building. Where in this language is there any requirement for posting a notice?

Through you, Madam Speaker.

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REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Well, first of all they might be arrested. I don't think they could be successfully prosecuted. I think they would be able to avail themselves of the defense of a mistake, for example, which normally is not available in strict liability crimes. But I think would probably be available under this statute because if there was no way that a reasonable person would know that it's a state building, I think you would have a hard time obtaining a conviction and as in the case in many instances, you really have to rely on the good sense of the police officer involved to not make an arrest under those circumstances.

But there's no guarantee there. So someone could be arrested, but I think it would be hard to convict them of the crime. In other words, they would make the argument I didn't know it was a state building and maybe a prosecutor ultimately would have to decide well, he's got a good point and drop the charges. That's how I think it would play out. But technically it doesn't require notice, but it does require it to be a state building and in particular, the case of an official -- like for example if you have a district office. It maybe in your law office or your business office or your home

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or whatever. That's not a state building, but it is your official office if that's how you advertise it and so the law technically would be available there, but I think you'd be obligated to put some sort of a sign that says firearms not allowed or this is an official office and you know, even in airports there's a very clear sign. It's there for a reason. So it would be hard for someone to claim after the fact they didn't know they couldn't have guns in there. The same thing of courthouses and other federal buildings, for example, where guns are not allowed.

So I think reasonableness requires some type of notice that (a) it's a state building and (b) it's prohibited to bring firearms inside.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Hamzy.

REP. HAMZY: (78TH)

Thank you, Madam Speaker. And the other question that I wanted to pose is how would this -- if this language was adopted, how would this prevent a situation that occurred in the lottery building, the reference that you made to Matthew Beck? What part of this would have stopped an incident like that from happening?

Through you, Madam Speaker.

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SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. Well, as with a lot of laws, anymore than drunk driving laws prevent drunk driving accidents. It doesn't necessarily prevent them.

It certainly makes it less likely. It raises the level of public awareness of certain types of conduct being against the law. And in the case of Matthew Beck, we do know from the investigation that there were co-workers who knew that Matthew Beck was bringing guns with him to work, but at that time there was no executive order from Governor Rowland. There was no state statute which prohibited state employees from bringing guns to work. And so even if everyone knew he had the gun, no one had the authority to tell him not to bring the gun to work.

So this may not necessarily prevent every single incident of that type, but it makes it less likely. It raises the level of awareness and it gives authority to officials, in that case perhaps his supervisors to say don't bring a gun to work and there are disciplinary proceedings that can be put in motion just as there are now under Governor Rowland's executive order. You can't do it. And I think everyone knows now it's kind of stupid to try and bring a gun into an airport because

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you're going to probably get caught and if you get caught it's going to be taken very seriously and I think if this becomes law in a year or two, that awareness will be common place in our state and I think it would help promote a sense that if you're going to own a gun - if you're going to own and carry a gun around, it's a tremendous responsibility. There are some things that are considered too risky and this is one of them.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Hamzy.

REP. HAMZY: (78TH)

Thank you, Madam Speaker. And I thank Representative Lawlor for his answers and on the flip side of that I think there is a possibility that people who are inclined to undertake these types of acts will target, will now target these areas knowing that no one owns or is carrying a gun with them. But the point that I'd like to make, Madam Speaker, is the same point that Representative Piscopo made in that this has no place or no business being before us today. What we are doing today in a special legislative session is a budget implementer bill and this piece, Section 43 has no relation whatsoever to implementing the terms of our budget and I would urge the members of this Chamber to

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adopt the amendment.

Thank you.

SPEAKER LYONS:

Will you remark further on the amendment that is before us? Will you remark further on the amendment that is before us? If not -- oh yes, Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Madam Speaker. And if I could, since I brought out the amendment, if I could just say a few closing comments.

Madam Speaker, for four years we have been able to work together on these gun bills and I'm very proud to say we've had a lot of success where other states haven't had that kind of success. We put together a bill that basically protected our state fire - our state ranges with the range protection bill. We passed legislation where people that had mental problems we were able to take away their guns. We were able to pass legislation that enabled better safe storage of firearms.

For four years we've worked together in a bipartisan spirit, both sides of the aisle and I'm very proud of the work that I've done with Representative Lawlor on this legislation.

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I don't think that we should end that work today. And I want the House Chamber to be very clear. Because of one gentleman in the Senate who really wants this legislation, four years of hard work of building a coalition is in jeopardy. In the future, Madam Speaker, if you would be a proponent of gun control or you're against gun control, in the future when other states were fighting, in the future we have the ability here in Connecticut to work together. To jeopardize that today for this bill that does almost nothing, seems to me just absolutely ridiculous.

I would urge members in a bipartisan spirit to support this amendment. Next session I'll say to you this, that I'll come back into the Chamber, I'll negotiate with those people that are in support of this legislation and we'll try to put together an agreement to pass something that works for both sides of the debate. That's the way it ought to be done. Connecticut should be very proud of where its been and let's be proud of our future. Let's adopt this amendment, send a message to the Senate that the only way that good legislation is produced is when both Chambers are in agreement.

So I would ask for your support on this amendment.

Thank you, Madam Speaker.

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SPEAKER LYONS:

Will you remark further? Will you remark further on the amendment that is before us? If not, let me try your minds.

All those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER LYONS:

Those opposed, nay.

REPRESENTATIVES:

No.

SPEAKER LYONS:

The Chair is in doubt. We're going to have a roll call.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting House Amendment Schedule "B" by roll call. Members to the Chamber, please.

SPEAKER LYONS:

Have all the members voted? Have all the members voted? Would the members please check the board to make sure your vote is accurately recorded. If all the members have voted, the machine will be locked and the

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Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Amendment Schedule "B" for Emergency  
Certified Bill Number 6001

Total Number Voting	140
Necessary for Adoption	71
Those voting Yea	69
Those voting Nay	71
Those absent and not voting	11

SPEAKER LYONS:

The amendment fails.

Will you remark? Will you remark further on the bill that is before us? Will you remark further on the bill that is before us?

If not, -- Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Madam Speaker. I was hoping that that amendment would fly and we could all go home in a short while since we would be back to a bipartisan approach.

So with that, in the past we had worked together and deals had been made and agreements had been made to put together legislation in a bipartisan way. And I have to admit that some of that legislation I was very, very unhappy with some of the agreements that were made.

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So if we're going to blow agreements out of the water, with that I'm going to offer an amendment. Would the Clerk call LCO Number 5605. Would he please call it and I be allowed to summarize?

SPEAKER LYONS:

The Clerk is in possession of LCO Number 5605. Would the Clerk please call and the gentleman has asked leave to summarize. This will be designated House "C".

CLERK:

LCO Number 5605, House "C" offered by  
Representative San Angelo, et al.

SPEAKER LYONS:

Representative San Angelo.

REP. PUDLIN: (24TH)

Thank you, Madam Speaker. Madam Speaker, what this amendment does is repeal in the turn in your neighbor provision that we had talked about in the past. We had debated in this Chamber many times, Madam Speaker, a provision in a piece of legislation that was done as an agreement and it was called "Turn in Your Neighbor" and we all heard a lot of debate and both sides of the aisle worked together for hours and hours to put together that agreement. And I must say I went to the table kicking and screaming with this particular provision of the bill. I was very unhappy when it went through but I

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agreed to it and voted for it as part of an agreement because I felt very strongly that compromise would be a good thing and there was legislation on the table where both sides could benefit, that means those people on the pro gun side of the aisle, those people on the anti-gun side of the aisle. We worked together to pass something. And I worked together to pass this in spite of my reservations about it, but what this essentially does and it's really line 115 of the amendment, it strikes and repeals Section 18 of Public Act 99-212, the famous "turn in your neighbor" provision.

My major concerns then and they still are today was that it's unconstitutional, that there's a real concern when no crime has been committed that someone can come in your house and search your house without an evidence of a crime. I was concerned then about it. I was convinced that it would be a good thing, that it would be used very rarely. In fact, it's been used quite a few times, more than I think that any of us that were in the room at the time of negotiating this bill ever thought it would be used.

But for an honest citizen, an honest citizen that has done nothing wrong, to have the police come in and search his house or search her house when that citizen hasn't committed a crime is wrong. We have protection in

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the Constitution for that. Frankly, I believe that the courts would strike it down and rule it unconstitutional. But to date that hasn't happened.

So Madam Speaker, that's what this amendment does. It protects the citizens of Connecticut against unfairness, against people searching their houses for no reason at all.

I move its adoption, Madam Speaker.

SPEAKER LYONS:

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

Representative Tulisano.

REP. TULISANO: (29TH)

Madam Speaker, without much surprise, I would think that you would understand that I rise in support of this amendment. When the bill was passed, I thought that this was a substantive violation of the Fourth Amendment to the Constitution of the United States and Article First Section 7 of the Connecticut Constitution.

Every person should be free from search and seizure and our debate in the past was on search. And we said in that bill if you had probable cause and for 200 years plus, probable cause meant a crime is or was about to be committed. And guess what? Read the OLR Reports telling you why we're searching the house. We're searching the

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house because we're afraid. We're searching the house because we believe. I got one in Rocky Hill where nine months earlier -- remember, imminent, right now. We've got to save somebody's life. Nine months earlier somebody supposedly made a complaint. The law passes. They say seize the guns. And the independent magistrate so-called signs the warrant. And they've got to cut a deal so they won't lose \$25,000 or \$30,000 worth of weapons. I got one. Last week I had to spend ten hours defending a citizen who did not -- could not afford a lawyer, not a public defender, but it's not a criminal statute. You got a prosecutor after him. Five cops testifying. The town manager testifying sitting there and guess where they searched and seized? The police department. The police department voluntarily when he was accused of something he handed the weapons to the police department for safe keeping and do you know what they did? They seized them. Unreasonable search. Unreasonable seizure. Why? Because they didn't think he should have them. The reason for this was to protect life, immediate danger to someone else or themselves. That's not what it's being used for. There is the right in this state. Article First, Section 15, to defend yourself and the State. Balance that with your privacy rights. What have we got here? What we've got is

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something that's politically incorrect and we'll use any means to take it away from you and it is being used that way.

Representative Lawlor is a firm believer in this bill. And I read one of the quotes when we were debating it year after year. Well, just think, we never thought it would be used like this. How many troubles we have. We have all these troubles and we're talking about fear. Talk about the whimpering of America. Everybody is afraid of everybody. But listen. If you really believe that a person is dangerous we go back to last year's debate. We debated this for two days. If you really believe, then have them committed. I asked the cop on the stand the other day, if you have somebody that's a danger to himself or others, what do you do? You immediately bring them to the hospital or you put them under a 24-hour watch in the prison cell when something else is happening, depending on whether a crime is going on or not.

Not under this bill. We just take their guns. We just search their houses and leave them be. By the way, how bad it is they searched the police department and didn't even ask to search his house. There are other weapons in there. Are we serious? Are we really serious or are we trying to implement some other public policy

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that constitutionally and rightfully we could never get away with?

Please vote in support of this amendment.

SPEAKER LYONS:

Representative Feltman.

REP. FELTMAN: (6TH)

Thank you, Madam Speaker. I rise in opposition to this amendment. And I'm going to do so at a lower decibel level. I hope it doesn't make me any less persuasive.

I didn't mean to say to you were not persuasive, Representative Tulisano, you certainly were. But I hope to be equally persuasive at a lower decibel level.

My reason for opposing this amendment is because first of all I think that when we had the debate on the last amendment which was about entering a public building with a firearm, I think that that was a separate issue and I really don't think that whatever we decide on that issue should effect one way or the other reopening this issue which we previously decided after a long debate in this body previously.

And secondly, with regard to the issue at hand. I got a phone call after we passed the bill this session from a client of mine. She's a mother of a child. She only has partial custody of the child. And part of the

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time the child lives in another home. And this is up in Suffield and the home where her child lives the other part of the time there were firearms that were available, they were open, they were unlocked, not secured in any way, and in addition to having these open unlocked firearms available with weapons or with ammunition around, there were bottles of alcohol all throughout the house and adults who own these firearms who were consuming this alcohol while possessing firearms in the possession of a minor and she was concerned about the situation, concerned about the safety of her minor child and she wanted to know what she could do.

And I told her that because of this underlying act, Section 49 of this bill, that she could, if another neighbor agreed with her that the situation was dangerous, and posed a direct threat to her child, that she could make a report to the police department and have the situation investigated. And if her fears proved warranted, that perhaps the weapon might be moved to a safer place.

And I think that this act -- we've heard about constitutional rights and the right to bear arms, but there are other rights in the Constitution and there are other rights in the Declaration of Independence. Among

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those are the pursuit of happiness, and believe me ladies and gentlemen, that having, believing or having a reasonable fear that your child may be shot to death accidentally by some drunk in a house, that does not leave one to pursue happiness.

And for that reason I think we should vote down this amendment as we did during the session. I think we acted wisely and there's no reason to suggest to change it here.

SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Thank you, Madam Speaker. I too would like to join in support of this amendment for the same reasons illustrated by Representative Tulisano. I have had individuals and clients that I've worked with in a very similar situation. As a matter of fact, since we passed this last piece of legislation, Representative Tulisano and I have compared notes in some of our related types of cases along these lines.

There are laws that are already in place to deal precisely with what was illustrated by our colleague on the same side of the aisle. There are laws in place, risk of injury. There are gun law violations that already address that. This particular bill that we're

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at least in support of repealing, some of us, is something that goes above and beyond that. We're dealing with a fundamental right of privacy. We're dealing with fundamental rights to safety issues within our own home. Fear is not enough to allow people to enter your house for something that is otherwise lawful.

That is the key issue here. And the reason it's more significant we talk about it now than when the bill was first passed is that we have seen how it's been implemented. We have seen how it's become used and abused. Its intent may have been good. But its process is wrong. And what it's in effect done to the public is wrong and the way police are utilizing this bill is wrong and it isn't working. There are laws in place to effectuate some of the things that have been illustrated earlier by one of the previous speakers, but this thing has gone awry and I urge you to support the amendment.

Thank you.

SPEAKER LYONS:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Madam Speaker, I also rise in support of this amendment and think that we should pass it. There was much discussion on this when it was passed and as Representative San Angelo said, we

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didn't expect it to be used very often. I can remember the debate on the floor here when people said it's not going to be used very often, it's going to be once in a while. And as soon as the bill get passed, there were three cases. And I think that what we've done is shown that this was used over-zealously. I think we've shown that there's a need to repeal this and re-think it and I would urge the body to support the amendment.

SPEAKER LYONS:

Thank you, sir.

Would you remark further? Representative Belden.

REP. BELDEN: (113TH)

Thank you, Madam Speaker. Madam Speaker, my recollection when this particular legislation that is being discussed right now was before us initially that it was a part of what I consider a package and I believe I did support it at that time because we all know about packaging here. When there are several items in the bill you sometimes have to choose which are good, which are bad and which side of the overall total bill do you want to come down on.

But it's clear that there's a lot of concern about this particular practice of allowing confiscation, if you want to call it that, seizure of weapons and Representative Tulisano has certainly made some good

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points with this regard.

And so I suppose as I see it right now, if this amendment comes to a vote, that it would be my recommendation and certainly my action that what I will do is I will vote in favor of the amendment and I think that this is very clear of what happens when we open up issues that we really don't want to open up here and germaneness takes over and believe me, there's enough in this budget, this bill before us right now to be here to next Thursday if we want to open the door to all of this. So I would hope that we could come to some reasonable resolution to this whole issue very soon and move on.

Thank you, Madam Speaker.

SPEAKER LYONS:

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

Representative Godfrey.

REP. GODFREY: (110TH)

Thank you, Madam Speaker. It will come to no surprise that I would oppose this amendment. First of all, there's been more misinformation about this particular bill, the very spin in the so-called "turn in your neighbor" title began it all when we first considered this. Recall, we went out of our way,

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excruciatingly out of our way to ensure that none of this law would take effect, would be operated, would be executed without a court, a judge, evidence, warrants, paperwork, protections, all built into it. Yes, there may have been a number of cases. I don't that enforcing the law is a bad thing. There may have been prosecutors that are over zealous. On the other side, perhaps there are those that are not. These are questions that are not legislative. These are questions that have to be dealt with in the courts by the prosecutors, by police departments, other law enforcement officials. The appropriate place to make those decisions is in those state agencies and those municipal agencies that are closest to whatever the particular problem is.

And frankly, I get concerned. As you recall, a lot of this took place in response to the terrible tragedy and the shooting that occurred at the Connecticut Lottery. All of the signs were there that the individual who was the perpetrator and wound up dying that day himself was troubled, was a problem, needed help, was dangerous, could be violent, and had the means in his hands, quite literally, to act on these difficult feelings that he was having. Yet there was nothing in place at the time and this was said over and over again as part of the debate, there was no law in place at the

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time that would have allowed law enforcement officials to intervene, to be able to help, to be able to help the family, at the family's request, deal with this very troubled and violent family member.

They were left out of being able to help their own family themselves and as part of our response with a very broad response to that we said we needed to give the law the tools that would allow that kind of intervention before the bullets started flying, before people started getting hurt and killed and that was the origin of the concerns. And while at one time in one draft there may have been this yeah, anybody who makes a complaint, the police can take action discussion we were very, very careful, very careful indeed to make sure that there was the requirement that a judge issue what is, in essence, a warrant, the same as any other warrant that would be issued dealing with a Fourth Amendment issue and the arrest issue, there would be some probable cause requirements. This wasn't oh, gee I think somebody might do something with something. There had to be a significant amount of evidence, enough to make a judge who does these things for a living who is a professional at being able to make these, quite literally, judgments had to be enough for that judge to be able to say yes, this is a very dangerous situation. We need to go in and

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we need to take the guns away. Perhaps it will give an opportunity to do some cooling off. It will give an opportunity to get other kind of interventional help into the individual. It's a way to help the families. It's a way to help the neighbors. It's a way to help the co-workers. It's a way to make Connecticut a safer place than it was before.

Remember, there were no laws that would allow this kind of intervention before this law was passed and by repealing this law, we would turn back to those days, back to not allowing law enforcement officials to be able to intervene at an early stage before the bullets start flying.

So I very, very strongly suggest, both on the merits for those reasons this be defeated, and certainly in a day and age and in a year where these gun control issues in general are taking national prominence where Connecticut has been a leader and a model for not only other states, but for the federal government to enact laws that do make our streets safer, our homes and schools safer, to make our state safer that it is not time to begin backing off of the commitments that we have made on behalf of our constituents.

When I talk to my constituents, whether it's on the street, door-to-door, mail and telephone, e-mail,

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they've made it quite clear to me that this is exactly the kind of law they wanted, the kind of intervention they want. They want to be able to stop crimes from happening rather than wait until they happen and then punish. They want a feeling of safety. They want a feeling of comfort. But they also understand and support the need and the requirement we have built into the law that a judge and a court and the paperwork and the probable cause be there before this action is taken.

I most strenuously oppose the amendment to undue and repeal this and I certainly share my good friend, Representative Prelli's and other's concerns about coming to a bipartisan, having a bipartisan discussion of this, having this discussion in a calmer atmosphere, perhaps, being able to work together. Let's be able to come up with a solution for this that will continue to protect the people of the State of Connecticut that continues to hold our commitment and our promises to them.

Therefore, Madam Speaker, I would urge that this amendment be defeated.

SPEAKER LYONS:

Representative Farr, would you care to address this amendment?

REP. FARR: (19TH)

Thank you, Madam Speaker. Madam Speaker, West Hartford had perhaps one of the first uses of the statute, the so-called "turn in your neighbor" statute in the State of Connecticut. It's important to understand the particular incident and what happened and how effective it can be.

In West Hartford there was a minor automobile case. The police were called to the scene and found that there was an elderly driver of one car who was crouched down next to the vehicle and was yelling about he had to get his guns and they were shelling him, they were shelling him.

It turned out that he was a Korean War veteran and he was having a flash back to the Korean War. They persuaded the individual to go to the hospital and then they used the provisions of the statute to enter into his apartment and they seized in his apartments a number of guns including his assault weapon. Now the interesting thing there is, of course, he was living in elderly housing. So his weapons were all contained in his apartment in an elderly housing project in West Hartford and the man, obviously, had some psychiatric problems.

Unfortunately, he was released the next day by the hospital. Apparently, once he took his medications he

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was alright, but when he didn't take them, he was in big trouble. But because those guns were not available, we were able to avoid some serious incidents which could have occurred.

That's not the only case in which this bill has been effective in terms of preventing loss of life, potential loss of life, anyway. If you remember the case of the Deputy Sheriff down in New London who chased a woman with his car into Rhode Island waving a gun out the window, making racial slurs and trapping the woman. He was arrested in Rhode Island. But because he was arrested in Rhode Island, they had no power to take his guns in Connecticut. When he was finally released, the prosecutor or the police in Connecticut were able to use the provisions of this law to go and remove the guns, the arsenal that he kept at home. So he did not have access to them when he obviously had some psychiatric problems.

I believe there's a case in Wethersfield or Newington where somebody's weapons were seized. The newspaper report, anyway, reports that among the weapons seized was the individual's flame thrower. Now I understand the need to protect your home, but I'm not sure how effective a flame thrower is in protecting your home. It certainly isn't something one would normally

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use in terms of hunting unless, of course, you wanted to barbecue the deer at the same time you hunt it. But that's what was seized.

So to describe this as a bill which has been abused or a bill under which police just randomly go through and take guns from law abiding citizens is not accurate.

And certainly in those cases that I've seen it used, it's been very effective.

Now, Representative Tulisano rightly raises concerns about civil liberties and entrances into homes, etc., but I would also point out to the Chamber, as I have before, that under existing laws, an individual, because of domestic violence, can get an ex parte order so that you can leave your home and go to go back and find out that you cannot enter your home. You can have -- the State today can seize your children on an ex parte basis for 48 hours if they believe there's probable cause.

So the existing law says that they can take your children, they can take your home. This law says they can take your guns. Frankly, I think your guns should have less protection than your home and your children do and we allow, under unusual circumstances, people to be denied the access to their children or to their home.

And I realize those laws can be abused as this one

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could. I believe this law was properly drafted. I believe it's still unique in this country. I believe it's been used with restraint. I don't think Representative Tulisano, the cases he talked about, have been completed at this point, but he always makes the point about somebody having to hire an attorney and I think that's a proper concern, but I point out that those are concerns too when someone gets a domestic violence order and is not allowed to go home, but when somebody finds themselves in a situation where DCF steps in and takes your children, those are concerns that can be addressed and I think properly so.

So while I think Representative Tulisano is right in pointing out that the balance that we have to do, I think that when you look at those cases where this law has been used and the potential for loss of life that has been avoided, the potential for serious bodily injury, that this is a very good and effective law. And I don't think we should be, at this point, talking about repealing it. And I understand that there's a lot of concerns that why are we in special session debating these gun laws and I guess I have to concur that maybe we ought not at this point. I realize that the underlying bill had a provision on concerning guns that I supported on state property, but frankly at this point

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I think maybe we ought to just take that out of the underlying bill and get on with our business and recognize that if we're going to revisit gun laws, we ought to do it in a regular session.

But for those reasons, I would urge rejection of this amendment at this point.

Thank you very much, Madam Speaker.

SPEAKER LYONS:

Representative Simmons.

REP. SIMMONS: (43RD)

Thank you, Madam Speaker. I had a couple of questions for the proponent of the amendment, but before I get into my questions, I would like to remind the Chamber that a few years ago Representative Mikutel and I stood on this floor. As it turned out, we stood in a somewhat lonely position, but we stood on this floor pursuing a bill that had to do with sexual predators. And the issue before us at the time had to do with the following. If somebody is convicted of the crime of a sexual crime and if somebody is determined to be a sexual predator and they are incarcerated and they serve their time, but the mental condition that causes them to do what they do has not been properly treated in jail or they have not been cured through counseling or through other sorts of interventions, then the question is what

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do you do when their sentence is up? Do you just simply release them back out into society or do we have some obligation to screen these individuals and maybe even hold them in some form of administrative incarceration until such a time as we can adjudicate their status?

And as I remember the debate at the time, and I will stand corrected if my memory is faulty, Representative Tulisano argued that to keep them beyond the terms of their sentence, even in anticipation of a crime to be committed, was a violation of their rights, a violation of their rights.

Now it seems to me that the issue that we have before us today has some of the similar elements. And as I recall the debate a year or so ago on the "rat your neighbor" bill, which is what they call it in my part of the State, the concern was whether in anticipating a crime and in taking an action against an individual that somebody thinks might be about to commit a crime, you're not violating their rights. And I guess my question to the proponent of the bill is, if he has recollection of the prior debate and I know he has recollection of the current debate, how would we differentiate among these two bills or, in fact, do they have some similarities?

Through you, Madam Speaker.

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Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Madam Speaker. I'm not sure of the question. Would he repeat it one more time, please.

REP. SIMMONS: (43RD)

Yes. If we look at the debate on the sexual predator bill and we consider that the civil liberties concern was that in effect what we are doing is prejudging an individual in anticipation of a crime, and if, in fact, this body sustained that point of view a number of years ago, why is it in that in this particular instance involving reporting on your neighbor, that it's different? It would seem to me that the elements in the first case involving a sexual predator and judging in advance of a crime that this person should not be released would be the same elements that we have here. What's the difference between making this judgment about a sexual predator who we're about to release out on our society and I'm told we can't do anything about it, and yet in this particular instance because a gun is concerned, a different standard is applied?

Through you, Madam Speaker.

REP. SAN ANGELO: (131ST)

Thank you, Madam Speaker. I guess the answer to the question and the best way to answer that is a sexual

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predator would be someone who has already committed a crime and is held to one standard after a crime has been committed.

In terms of this bill and repealing this section of the bill, no crime has been committed at all. Under our United States Constitution citizens have a right to basically be in their home and not be violated by a police force if they've committed no crime or if there is no evidence of a crime in their home.

So I think they're totally different in that respect that citizens enjoy the right free of somebody coming in charging into their house with a search warrant for nothing. So that's how I think that they distinguish themselves between the two separate pieces of legislation.

Through you, Madam Speaker.

REP. SIMMONS: (43RD)

I thank the gentleman for his response and his response is very interesting and intriguing to me because yes, in fact, in the case of the sexual predator, the individual ends up in jail, ends up incarcerated because the individual has, in fact, been accused and has been presumably proven to, in a court of law, to have committed the crime and the individual has been incarcerated for that crime or crimes. In some

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cases the sexual predators are involved in multiple crimes and yet this Chamber, as I recall, was not willing to take an action to protect society from this class of individuals because in so doing we would violate their civil liberties, we would anticipate a future crime and yet we had some grounds to anticipate that future crime. They had already committed a crime of this sort in the past.

Now as I understand it, under the provisions of the "rat your neighbor" bill or "report your neighbor" bill, that neighbor may not have any criminal record of any sort whatsoever and yet, his or her house can be searched and property can be seized. Is that not the case?

Through you, Madam Speaker. Is that not what the underlying bill does? Maybe the proponent of the underlying bill can answer that question.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Simmons.

REP. SIMMONS: (43RD)

Yes, I was directing my question to the proponent of this section of the underlying bill. Thank you, Madam Speaker. Since we're dealing with an amendment that the amendment is to this section of the underlying

bill, perhaps the proponent of this section of the underlying bill can answer my question.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor, I believe a question has been posed to you. Is that correct, Representative Simmons?

REP. SIMMONS: (43RD)

Yes, Madam Speaker.

SPEAKER LYONS:

I think it would be helpful, sir, if you could reframe the question so that Representative Lawlor could hear you once again, sir.

REP. SIMMONS: (43RD)

Yes. Thank you, Madam Speaker. And I apologize to Representative Lawlor if I presented the question without identifying the target of the question.

But in my previous colloquy with Representative San Angelo, I raised the issue of a sexual predator's bill which Representative Mikutel and I had co-sponsored on this body some years ago. And I remember that the bill failed because it was judged by the body that we were, if you will, anticipating a crime to be committed by a sexual predator who was incarcerated and about to be released. But in so anticipating a future crime from

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this individual, we were somehow violating his civil liberties.

And I guess my question that is if you look at a hypothetical case here, an individual who happens to own a firearm and who happens to store it legally and happens to store that firearm in his home legally and has not, at this point in time, committed any crime whatsoever, yet under certain circumstances this individual's house can be searched and his property seized. And I wonder why if this is not an invasion of civil liberties under the sexual predator proposal, why it's not an invasion of their civil liberties in this instance.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. All actions by a government are, almost by a definition, an invasion of privacy or civil liberties. The question is, under what circumstances -- how serious an invasion is it and what's the justification for it? And our Constitution is relatively clear about the standard to be employed and that is in the case of a search and seizure, which, by the way, is very different than the liberty interest

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involved in the sexual predator statute because even though I generally am supportive of that concept under certain circumstances, there you're talking about taking someone's person into custody and holding them against their will. Under the gun seizure statute we're talking about taking property into custody and holding it for a period of time.

Second, where there is, in effect, probable cause, as there is in the case of the gun seizure statute, there has to be a -- I'm trying to remember the exact language of the United States Constitution in this regard, but I think there has to be good cause plus evidence, but I'm drawing a blank on that right now.

This whole debate kind of came out of the blue this morning, Representative Simmons. So I'm kind of in my summer mode and have got to get all the sound bites back in my head here.

But in any event, I think it's a little bit different. This is seizing property. So I think given the fact that under the bill that was enacted by the Legislature and signed by the Governor last year, there was a relatively high standard that the law enforcement officials involved would have to meet before they could seize the property. And it would be based on actual events that had already occurred. Evidence of an

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imminent danger to either other persons or the subject of the seizure warrant. That, I think, is somewhat different from the analysis employed in the civil commitment of sexual predator statute that exists around the country which is no actual incident has happened. It's simply a diagnosis based on those specific incidents, but sort of a chronic condition and so I think a higher standard has to be employed there and the end result is the person is seized, not the property and in that case, for years at a time as opposed to fourteen or fifteen days in the absence of a hearing and then some indefinite period after that.

So I think it's slightly different, but I would be the first to agree that all of these steps require extraordinary attention to liberty and due process rights. And I think, if you don't mind, I just want to mention one thing which has come up over the course of the last year where I actually disagree with the law enforcement community in certain places where they have actually carried out last year's statute and that is under last year's law the extraordinary power we've given to police and prosecutors and judges to seize firearms was only intended to be used as a last resort, after every other option had been exhausted. And I know in at least two of the cases, judges have found and I

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think Representative Tulisano mentioned a few minutes ago a very recent case that he was involved in where the judge found that the police had exceeded that authority. In other words, they had other options available to them which should have been used prior to resorting to the extraordinary power vested in last year's bill. And I think in the case that was mentioned earlier, maybe it was Representative Farr about a special deputy sheriff. It wasn't New London County, it was Windham County, as I recall, who had actually started shooting at another motorist and issued racial epithets, etc., etc. That person was actually in custody in Rhode Island and the Connecticut authorities chose to use last year's law to seize that person's weapons from his home while he was in custody in Rhode Island and clearly either the Rhode Island prosecutors could have gotten a court order to deal with that or the Connecticut prosecutors could have initiated criminal charges based on the conduct as opposed to trying to use the gun seizure law. That would be the more sensible way for the police in that case to proceed and I think the court, in that particular case on appeal, found that the prosecutors and the police in that situation could not have used our law. Instead, they should have used other options first and after a showing they had exhausted those options unsuccessfully,

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then they could have applied for the seizure warrant.

So I think if nothing else, today's debate might be helpful to our law enforcement community to emphasize the point that we really meant it when we said last year's bill was the last resort. That if it's the easiest option, it doesn't mean it should be the first option. You need to exclude civil commitment and you need to exclude criminal charges. You need to exclude asking the family members if they would like to voluntarily turn in the guns. If all of those things fail and the only way to prevent imminent damage to someone, imminent injury to someone, then and only then could last year's law be used and I hope today's discussion reinforces that point because I think it is a very extraordinary power that's given to our law enforcement community and it ought to be used in very narrow circumstances in light of the fact that it is extraordinary.

So, I hope that answers your question and adds a couple of other points.

Through you, Madam Speaker.

REP. SIMMONS: (43RD)

Thank you, Representative Lawlor for your response. That was a very helpful response and I appreciate it.

I would suggest in a case of a sexual predator that

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the weapon, if you will, is in many instances, either a sexual organ or another part of the body which is engaged in the crime and on that basis you literally have to -- well, I see that my colleague, Ron San Angelo has just stood up. Madam Speaker, I thank you and I thank the Chamber for indulging my questions on this issue and I will sit down and be quiet.

Thank you.

SPEAKER LYONS:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Madam Speaker. Madam Speaker, I would ask that Amendment LCO Number 5605 be withdrawn. Obviously, it's a complicated issue that we could work more diligently on in the next session.

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir. Representative Farr.

REP. FARR: (19TH)

Thank you, Madam Speaker. And I want to thank Representative San Angelo for withdrawing his amendment at this point.

Earlier in the day we had a consideration of an amendment which would have repealed Section 43. I voted, I was on the prevailing side on voting to reject that

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amendment. I thought that Section 43 was a good provision in this bill, but I recognize that we are in special session, that this section perhaps isn't appropriate at this time, but more importantly that it's important for us not to start unravelling the bills that we've passed in previous sessions for gun control in the State of Connecticut.

And for that reason I am now willing to reconsider my position and support in opposition to repealing Section 43 and think it's in our best interest at this point to pull Section 43 from the bill.

And with that, Madam Speaker, I would move for reconsideration of LCO Number 5607. I believe I was on the prevailing side.

I move for suspension of the rules for immediate reconsideration of LCO Number 5607. I was on the prevailing side.

SPEAKER LYONS:

Thank you, sir. The question before the Chamber is on suspension of the rules for reconsideration of LCO Number 5607. Is there any objection? Hearing none, the rules are suspended. Please proceed, sir.

REP. FARR: (19TH)

And Madam Speaker, at this point I'd also move to suspend the rules so that we can immediately take action

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on this amendment. I believe that ordinarily we would wait until the next day.

SPEAKER LYONS:

Yes, sir, that is true. We have suspended the rules, sir. So you may now make a motion about reconsideration.

REP. FARR: (19TH)

So, Madam Speaker, I move for immediate reconsideration of LCO Number 5607.

SPEAKER LYONS:

The question before the Chamber is on reconsideration of LCO Number 5607. Is there objection?

Is there objection? Hearing none, before us is LCO 5607, but I recognize that Representative San Angelo, if you wouldn't mind, the reconsideration is before us once again calling the amendment.

REP. SAN ANGELO: (131ST)

Thank you, Madam Speaker. The Clerk has LCO Number 5607. Would he please call it and I be allowed to summarize?

SPEAKER LYONS:

Please proceed, sir. Clerk, if you wouldn't mind calling it and the gentleman has asked leave to summarize.

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LCO Number 5607, House "B" offered by  
Representatives San Angelo and Jarjura.

SPEAKER LYONS:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Madam Speaker. As this has really already been explained, but I want to take this opportunity to thank you, Madam Speaker, and the other members on the other side of the aisle for reconsidering this. I'm looking forward to working with Representative Jarjura and Representative Lawlor and other members of your side of the aisle on future gun legislation where we can work in a bipartisan spirit.

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir. Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. I would just like to concur with those comments. I think there was a lot of angst earlier on because there has been a good deal of good faith over the last few years in discussing these issues.

SPEAKER LYONS:

If we could just give our attention to the gentleman making a speech.

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Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Madam Speaker. And so in the last half an hour or hour or so I know there have been a number of discussions between this Chamber and the Senate and between yourself, Madam Speaker and the President of the Senate to see if there was a way that we could continue working in the future on these very important issues, guns in state buildings and last year's legislation, etc. and I think it's fair to say that everyone agrees that the best way of approaching this would be, perhaps, for those of us who are fortunate enough to be here next year for us to take that issue up in a more substantive way and work our way through the very complicated details. I think we've -- if nothing else in Connecticut, we've learned that gun control that works, it has to be a very detailed process, not a symbolic discussion and not that this bill wasn't as detailed -- wasn't detailed, but there are a lot of aspects, unintended consequences that need to be considered before we take this up for final action.

So, Madam Speaker, I agree now with the motion to strip that language out of the bill before us and I urge its adoption.

SPEAKER LYONS:

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The question before the Chamber is on adoption of the amendment that is before us. All those in favor, -- Representative San Angelo.

REP. SAN ANGELO: (131ST)

Madam Speaker, I forgot to move adoption. So to make sure it's clear, I move adoption, Madam Speaker.

SPEAKER LYONS:

Thank you, sir. The question before the Chamber is indeed adoption on LCO 5607. Once again, all those in favor of the adoption of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER LYONS:

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

Will you remark further on the bill that is amended? If not, -- Representative Collins.

REP. COLLINS: (117TH)

Thank you, Madam Speaker. I guess I'm going to have a question for Representative Dyson or whoever he delegates. I have a question on Section 14 of the bill. It starts on line 116. And I realize that this is not going to sound politically correct. My argument is not with the substance, but it's how we get there. It's on

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an advisory commission on multi-cultural health. What bothered me initially was that there was no Governor's appointment and I thought that was a little strange. But then when I read through the amendment, I see that this advisory commission on multi-cultural health is going to be chaired by the chairperson of the Statewide Multi-Cultural Health Steering Committee and there are going to be quarterly and advise the Commissioner of Public Health and the Director of the Office of Multi-Cultural Health. So we have an Office of Multi-Cultural Health in the Public Health Department, a Commissioner who oversees that, a steering committee and an advisory committee, all in Multi-Cultural Health and I'm questioning why we're doing this because one thing the people in my district get a little disgusted with is the redundancy in government and this sure seems to be one of those.

SPEAKER LYONS:

Representative Dyson, sir.

REP. DYSON: (94TH)

Thank you, Madam Speaker. Madam Speaker, to Representative Collins, I share your frustration. This is an issue that we looked at and dealt with in the last year of the Appropriations Committee. It was our view that it ought not be a separate entity, that whatever

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was to take place should take place within the Department of Health. Whatever attention is being drawn to it now is driven by a desire of whomever to have some play in this. It's an issue that I think needs some addressing, but I think that within the confines of the Department of Health is the best place for it to take place and the fact that we're talking about an additional appointment here now and who is to do it, is much to do about nothing.

SPEAKER LYONS:

Representative Collins.

REP. COLLINS: (117TH)

Thank you, Madam Speaker. And I thank Representative Dyson for his candor. I had often thought about an amendment to delete this and I thought well, no. I can only assume that whoever is the driving force is not a member of this Chamber. This is another item that we should not be doing. The public certainly does not want us having three commissions all doing the same thing. I guess that's all I've got to say.

Thank you.

SPEAKER LYONS:

Thank you, sir.

Will you remark further on the -- Representative Carter.

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REP. CARTER: (7TH)

Thank you, Madam Speaker. Madam Speaker, as I read this, this is an emergency e-cert and my question would be, what is the emergency about needing to buy alcohol on the 24th of December and the 30th of December, 2000 to the proponent of the bill?

SPEAKER LYONS:

I believe, Representative Carter, you are asking your friend next door, Representative Dyson to answer that question. Representative Dyson.

REP. DYSON: (94TH)

Through you, Madam Speaker. If I knew she had a question, I would have leaned over and given her an answer.

SPEAKER LYONS:

Representative Dyson, would you care to answer?

REP. DYSON: (94TH)

Madam Speaker, there is no emergency, not for permissiveness to secure alcohol on a certain time of the year. There's nothing of an emergency about that, but clearly it's an emergency to someone because it's here. And who that someone is, I'm not quite sure whom, but nevertheless, we have it before us and because it is here, and part of this emergency certification, I deem to be something that we need to do. But I don't see it,

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but it's something that we need to do.

SPEAKER LYONS:

Representative Carter, you have the floor, Madam.

REP. CARTER: (7TH)

The average person buys groceries for a week. If you're unfortunate, you buy groceries for two weeks. If you're on welfare, you have to buy groceries for a month. Those who drink alcohol can't buy alcohol for two days?

SPEAKER LYONS:

Is that a question you're posing to --

REP. CARTER: (7TH)

That's a question.

SPEAKER LYONS:

Representative Dyson, I think that's a question.

REP. DYSON: (94TH)

Madam Speaker, I would suspect that anyone that can purchase groceries for a week can purchase a sufficient amount of alcohol and you would not have to have a particular day set aside to do it. So I think they probably could and Representative Carter is quite correct.

REP. CARTER: (7TH)

Madam Speaker, I understand that people can survive without buying alcohol on a Sunday and to me it makes no

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sense to set a precedent of selling alcohol on a Sunday. At one time Connecticut had blue laws and we got rid of the blue laws and when I came up here, you could only play the lottery five days a week, which was Monday through Friday. And now you play the lottery seven days a week. And it seems to me you want to buy alcohol seven days a week and I see no reason for us to change the laws and start to purchase alcohol on a Sunday because I know that people who buy alcohol have the ability not to drink everything they buy in a day. And so I don't think this ought to be an emergency. Keep in mind, ladies and gentlemen, this is an emergency e-cert and I don't think it ought to be in here.

Thank you.

SPEAKER LYONS:

Thank you, Madam, for your comments. Will you remark? Will you remark further on the bill that is before us?

If not, staff and guests come to the Well. Members, take your seats. The machine will be opened.

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, please.

SPEAKER LYONS:

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Have all the members voted? Have all the members voted? Would the members please check the board to make sure that your vote is accurately recorded? If all the members have voted, the machine will be locked and the Clerk will take a tally.

Just before asking the Clerk to call the tally, for the information of the Chamber, you will notice that in two sections of the bill there is funding appropriated, Section 4 and 5 that required a three-fifths vote. Obviously, we have a three-fifths vote which is only 91. So, at this point, the Clerk will please call the tally.

CLERK:

Emergency Certified Bill Number 6001, as amended by House Amendment Schedule "B"

Total Number Voting	138
Necessary for Passage	70
Those voting Yea	109
Those voting Nay	29
Those absent and not voting	13

SPEAKER LYONS:

The bill, as amended passes.

Are there any announcements or points of personal privilege? Prior to that, Representative Pudlin.

REP. PUDLIN: (24TH)

Madam Speaker, without objection, I would ask that