CONNECTICUT GENERAL ASSEMBLY

2018

Senate Proceedings

Index

Connecticut State Library

Hartford, CT 06106

BILL INDEX

SENATE BILL	PAGES
4	604-630
7	2606-2611, 2620-2621
9	2064-2079
11	2593-2594, 2616-2620, 2624-2631
13	944-950, 955-956
14	2721-2723, 2737-2738
17	1791-1792, 1999-2003, 2080
104	2040-2043, 2080
105	725, 732-737
106	2044-2055, 2080
132	1445-1587
142	1661-1664, 1806-1807
145	752-754, 767-768, 774-775
150	679-688, 736-737
164	657
165	646-649, 653-654
170	644-646, 653-654
175	2197-2200, 2290, 2321-2324, 2621-2623
176	2896-2899
178	635-641, 653-654
182	2244-2263
183	1784-1790, 1806-1807
184	2603-2605, 2621-2623
185	1382-1385, 1442-1445
186	921-922, 955-956
188	1668-1673, 3004-3007
193	2200-2206, 2298-2299
194	754-756, 767-768, 774-775
195	759-761, 767-768, 774-775
196	756-758, 767-768, 773, 776-780
197	1376-1382, 1442-1445
198	726-729, 736-737
205	1779-1780, 1806-1807
206	1044-1046, 1120-1121

BILL INDEX

SENATE BILL	PAGES	SENATE BILL	PAGES
207	1792-1795, 1806-1807	258	2216-2221, 2298-2299
208	2234-2236, 2298-2299	260	1407-1408, 1442-1445
209	1124-1126, 1180-1181	261	2264-2265, 2298-2299, 3025-3030
210	750-751, 767-768, 774-775	263	2265-2267, 2298-2299
215	1774-1777, 1806-1807	265	2241-2244, 2298-2299
217	1399-1402, 1442-1445	266	1696-1701
222	2206-2211, 2298-2299	268	1798-1803, 1806-1807
226	1664-1668, 1806-1807	271	2268-2269, 2298-2299
229	1058-1060, 1120-1121	272	2221-2223, 2298-2299
231	1385-1386, 1442-1445	284	649-654
232	2283-2289	290	2223-2233
235	632-633, 653-654	295	765-768, 774-775
241	1103-1105, 1119, 1122-1124, 1127-1131, 1180-1181	302	1402-1407, 1442-1445
		303	1409-1413, 1442-1445
243	2212-2216, 2298-2299	304	2236-2239, 2298-2299
244	688-690, 736-737	309	633-635, 653-654
246	604, 924-925, 950-956	312	1063-1065, 1120-1121
247	1413-1416, 1442-1445	315	656-657, 2699-2703
256	1604-1625	318	956-1034

BILL INDEX

SENATE BILL	PAGES	SENATE BILL	PAGES
323	676-678, 736-737	384	1673-1679, 1806-1807
327	758-759, 767-768, 774-775	391	763-765, 767-768, 774-775
330	1434-1440	392	1796-1797, 1806-1807
333	1441-1442	397	2974-2980
336	1626-1661	404	1594-1604, 1806-1807
341	2031-2037	413	1075-1079, 1120-1121
343	2003-2008	414	1106-1119
345	2055-2061	417	2594-2598, 2621-2623
349	1428-1434	419	658
350	2443-2444, 2621-2623	422	1692-1694, 1806-1807
352	1386-1389, 1442-1445	424	1139-1179
357	1994-1998, 2080	426	1392-1395, 1442-1445
371	1777-1779,1806-1807	429	768-773
375	1389-1390, 1442-1445	432	922-924, 955-956
376	1703-1709, 1806-1807	433	657
377	1803-1807	436	925-927, 955-956
380	1099-1103, 1120-1121	437	730-731, 736-737
382	751-752, 767-768, 774-775	438	641-644, 653-654

BILL INDEX

SENATE BILL	PAGES
439	761-763, 767-768, 774-775
442	1395-1396, 1442-1445
443	1066-1074, 1120-1121
446	1396-1399, 1442-1445
448	2612-2615, 2621-2623
452	690-716
453	1684-1692, 1756-1767, 1806-1807, 3007-3019
455	1080-1098
456	1679-1683, 1806-1807
459	1780-1784, 1806-1807
463	1333-1337, 1442-1445
464	658
466	927-941, 955-956
467	2599-2603, 2621-2623
468	1050-1053, 1061-1062
471	716-725, 736-737
472	1134-1139, 1180-1181
479	1416-1417, 1442-1445
480	1701-1703, 1806-1807
483	1695, 1767-1773, 1806-1807
485	1418-1420, 1442-1445
489	1391-1392, 1442-1445
490	658
493	657, 2240, 2589-2592, 2621-2623
502	1924-1963, 2904-2907
508	2263, 2307-2321, 2621-2623
509	1053-1057, 1120-1121
517	941-944, 955-956
520	1976-1994, 2008-2031
521	2723-2726, 2737-2738
523	1420-1428, 1442-1445
527	2269-2283
528	1894-1923, 3020-3024
543	2947-2959

BILL INDEX

HOUSE BILL	PAGES
5028	2862-2863, 2866-2868, 2891-2893
5032	2911, 2984-2986
5041	2561-2565, 2621-2623
5129	2909-2910, 2984-2986
5130	2835-2853
5148	2576-2582, 2621-2623
5149	2965, 2984-2986
5155	2962, 2984-2986
5163	2734-2738
5169	2712-2713, 2737-2738
5170	2887-2889, 2891-2893
5171	(2902), 2984-2986, 3031-3039
5175	2708-2710, 2737-2738
5177	2910, 2984-2986
5181	2830-2831, 2891-2893
5183	2889-2891, 2891-2893
5184	2574-2576, 2621-2623
5185	2914, 2984-2986
5190	2914, 2984-2986
5191	2911, 2984-2986
5201	2885-2887, 2891-2893
5203	2913, 2984-2986
5204	2913, 2984-2986
5205	2584-2585, 2621-2623
5206	2917, 2946, 2984-2986
5208	2913, 2984-2986
5209	2650-2699
5210	2290-2297
5211	2447-2448, 2621-2623
5219	2566-2568, 2621-2623
5220	2981, 2984-2986
5229	2879-2881
5230	2549-2556, 2621-2623
5233	2918, 2984-2986
5234	2919, 2984-2986
5239	2919, 2984-2986
5241	2911, 2984-2986

BILL INDEX

HOUSE BILL	PAGES
5245	2582-2584, 2621-2623
5247	2981, 2984-2986
5252	2545-2547, 2621-2623
5253	2911, 2984-2986
5254	2912, 2984-2986
5255	2565-2566, 2621-2623, 2912, 2984-2986
5257	2912, 2984-2986
5258	2981, 2984-2986
5274	2981, 2984-2986
5283	2831-2832, 2891-2893
5290	2760-2763
5291	2877-2879, 2891-2893
5293	2915, 2984-2986
5309	2915, 2946-2947, 2984-2986
5312	2740-2745
5313	2962, 2984-2986
5314	2731-2734, 2737-2738
5321	2638-2650
5332	2918, 2984-2986
5335	2908-2909, 2984-2986
5339	2917, 2962, 2984-2986
5348	2903, 2916, 2984-2986
5354	2965, 2984-2986
5356	2729-2731, 2737-2738
5360	2944-2945, 2984-2986
5364	2909, 2984-2986
5375	2981, 2984-2986
5383	2912, 2984-2986
5384	2449-2451, 2621-2623
5386	1710-1756
5402	2710-2712, 2737-2738
5405	2713-2715, 2737-2738
5407	2873-2874, 2876-2877
5419	2893-2895, 2984-2986
5421	1812-1892
5424	2910, 2984-2986
5426	2895-2896, 2984-2986

BILL INDEX

HOUSE BILL	PAGES	HOUSE BILL	PAGES
5429	2547-2549, 2621-2623	5478	2918, 2984-2986
5433	2585-2586, 2621-2623	5481	2918, 2984-2986
5438	2908, 2984-2986	5487	2866, 2869-2871, 2891-2893
5439	2908, 2984-2986	5490	2965, 2984-2986
5440	2908, 2984-2986	5503	2915, 2984-2986
5442	2570-2573, 2621-2623	5507	2445-2446, 2621-2623
5444	2719-2721, 2737-2738, 2909, 2984-2986	5509	2946, 2984-2986
5446	2717-2719, 2737-2738	5515	2556-2561
5447	2981, 2984-2986	5517	2910, 2984-2986
5449	2715-2717, 2737-2738	5528	2910, 2984-2986
5450	2909, 2984-2986	5532	2882-2885, 2891-2893
5452	2916, 2984-2986	5534	2915, 2984-2986
5453	2863-2865, 2891-2893	5542	2452-2538
5454	2726-2729, 2737-2738,	5555	2914, 2984-2986
5460	1892	5557	2981, 2984-2986
5470	2874-2876, 2891-2893	5563	2914, 2984-2986
5471	2833-2835, 2891-2893	5574	2592-2593, 2621-2623
5475	2705-2708, 2737-2738	5575	2919-2942, 2963, 2984-2986
5477	2913, 2984-2986		

BILL INDEX

HOUSE BILL	PAGES	HOUSE BILL	PAGES
5579	2587-2589, 2621-2623		
5590	2967-2972		
5591	2853-2855, 2891-2893		
5592	466-470		
7601	17-33, 41-46		

BILL INDEX

HOUSE JOINT RESOLUTION	PAGES	HOUSE JOINT RESOLUTION	PAGES
1	451, 523-525	24	228-231
2	451-452, 523-525	25	253-389
3	226-228, 230-231	26	454, 523-525
4	507-509, 523-525	27	455, 523-525
5	568-571, 630-632	29	2855-2856, 2891-2893
6	572-574, 630-632	34	2856-2858, 2891-2893
7	509-511, 523-525	77	2858-2859, 2891-2893
9	511-520	92	2859-2861, 2891-2893
10	574-577, 630-632	130	2861-2862, 2891-2893
11	161-164, 168-169	141	597-604, 630-632
12	577-579, 630-632	142	564, 630-632
13	2917, 2946, 2984-2986	143	565, 630-632
15	579-582, 630-632	144	565, 630-632
16	582-584, 630-632	145	565, 630-632
17	453, 523-525	146	565-566, 630-632
18	584-586	147	566, 630-632
19	587-588, 630-632	148	566, 630-632
20	588-591, 630-632	149	1187-1193
21	591-593, 630-632	150	1213-1218
22	454, 523-525	151	1208-1212
23	593-597	152	1196-1206

BILL INDEX

HOUSE JOINT RESOLUTION	PAGES
153	1219-1221, 1330-1331
154	1221-1227
155	1300-1303
156	1231-1237
157	1241-1245
158	1245-1246, 1280-1283, 1330-1331
159	1246-1248, 1330-1331
160	1248-1250, 1330-1331
161	1303-1307
162	1250-1253
163	1254-1256
164	1256-1259
165	1259-1279
166	1283-1285, 1330-1331
167	1285-1288
168	1289-1294
169	1307-1311
170	1294-1299
201	3000-3002
203	3002-3003
401	7-8
402	13-14
403	14-15
404	15-16
501	37-38
502	38-39
503	39-40

BILL INDEX

SENATE JOINT RESOLUTION	PAGES
1	58-59
4	121-126, 129-131,
5	450, 523-525
6	450, 523-525
7	450, 523-525
8	451, 523-525
9	126-131
10	470-472, 523-525
11	473-474, 523-525
12	474-476, 523-525
13	476-478, 523-525
14	478-480, 523-525
15	480-484, 523-525
16	484-486, 523-525
17	454, 486-488, 523-525
18	488-491, 523-525
19	491-494, 523-525
20	494-495, 523-525
21	523-525
22	453-454, 496-499, 523-525
23	164-165, 168-169
24	165-169
25	499-502, 523-525
26	502-503, 523-525
27	503-505, 523-525
28	506-507, 523-525
29	452, 523-525
30	452, 523-525
32	452-453, 523-525
33	453, 523-525
34	453, 523-525
35	1923-1963, 1972-1976
36	521-523, 523-525
37	455, 523-525
38	456, 461-464
39	464-466
40	566-567, 630-632
41	567, 630-632
42	801-815
43	816-818
44	818-820
45	821-823
46	823-825
47	825-831
48	831-833
49	833-835
50	835-837, 914-915
51	839-876

BILL INDEX

SENATE JOINT RESOLUTION	PAGES
52	878-880, 914-915
53	880-883
54	883-886
55	886-888
56	888-892
57	892-895
58	895-897, 914-915
59	897-899, 914-915
60	899-902
61	903-905
62	905-908
63	908-911, 914-915
64	911-913
65	1312-1315, 1329
66	1315-1329

BILL INDEX

SENATE RESOLUTION	PAGES
1	59
2	60
3	61-62
4	449-450, 523-525
5	119-121, 129-131
7	200-226
8	455, 523-525
9	455, 523-525
10	1337-1376
10	916-919
51	2997-2998
101	9-10
105	40-41
186	921-922, 955-956

CONNECTICUT GENERAL ASSEMBLY

SENATE

Monday, January 8, 2018

The Senate was called to order at 10:58 o'clock a.m., the President in the Chair.

THE CHAIR:

I've been told it's okay to call you all to order. At this time, I would ask members and guests to rise, direct your attention to our Acting Rabbi again, Joel Rudikoff.

ACTING RABBI JOEL RUDIKOFF:

As we begin this Special Session of the Legislature, we ask that we always be mindful of the respect we owe to all beings, in our lives and in our work. And let us all say, Amen.

THE CHAIR:

At this time, I'm going to ask our new grandfather to lead us in prayer, Senator Looney -- not -- pledge.

SENATOR LOONEY (11TH):

(All) I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE CHAIR:

As the Acting Rabbi should have said, mazel tov, Senator Looney. At this time, I'd just ask for points of personal privilege, Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. First of all, Happy New Year to you and Happy New Year to members and staff of the Chamber, and congratulations to Senator Looney becoming a grandfather for the third time. I'm trying to catch up to him, but he keeps getting ahead of me. Madam President, I rise because last Thursday, Connecticut lost a true legend, someone who has had a remarkable career and a remarkable footprint in Connecticut's history and in New Haven. Coach Carm Cozza passed away at the age of 87. Now, I had the privilege and honor of being coached by Coach Cozza in 1978, 1979 and 1980. And in memory of him, I'm wearing the championship ring that we received in 1980 when we won the championship outright.

Madam President, Coach Cozza has a significant career that you can read about when you look him up. He was a phenomenal athlete. He played professional baseball. He was a phenomenal coach, coaching folks who played in the pros a number of years, John Spagnola, Rich Diana, just the name of Dick Duran, Calvin Hill, and the list goes on and on and on.

I was part of the team when he had his 100th victory against Air Force, someone we were supposed to lose to, but we knew he was coming up on his 100th victory and we squeaked out a win. And he had 179 wins. Most winning coach Yale has ever had. Those are records. But that doesn't tell the true story of Coach Cozza. Carm Cozza was such a gentleman, his teams played 10 to 15 percent better than what

they were statistically and that's because of who he was. He was a father to a lot of the kids on the team. He was a mentor to all of us on the team. He would follow folks who graduated and if they had a problem, or he read about a story, he would call them up and say, "Keep going, I'm with you. Do you need help?" There was a particular football player I played with who was very sick. And was on his deathbed, as it turned out, Carm made calls to specialists across the country who graduated Yale to come down to help this former player out. Unfortunately, he passed. But that's who Carm was. You just didn't just play, and you left and never saw or heard from Coach Cozza, he was always interested in you. And all the teams that he had over the 30, 35 years that he coached, he may not remember every name, although he was pretty good, he remembered what position you played, and he remembered the years that you played.

He had a saying which was, "Have no regrets." So, you went out on the football field, his argument was, "Have no regrets." Don't walk off that field and say, if I made that block, if I ran a little faster, if I did my assignment, if you lost the game, you went back, and you reminisce and said, if I did that, then we would have won. He said, "Have no regrets. Do the best you can. Play 100 percent. Win or lose, at least you know at the end of the day you could put your head on the pillow and said, I did the best that I could have done." And he would always end with, "Go out there and play with no regrets." It's something I carry with myself today. Do the best you can, as hard as you can do and where the chips fall they do, but you know inside you did what you could do.

Carm was a family man. Every game his family came to every single game, rain, cold, away, home, it didn't matter, they came to every single game. He was a very religious guy as well. He was someone that was respected not only by his team, but by the coaching industry as a whole. Just two stories, one, he had a terrific sense of humor, terrific sense of humor.

On Sundays we would meet as a team and Coach Cozza would talk to us about the game. So, there was a team, was here, there's the coach and behind him was a box. And inside the box one of the players got inside the box and hid and as Carm was talking, he would poke out like a jack in a box, look down and go back down and we started laughing. Coach Cozza was looking around, trying to figure out what we're laughing. The corner of his eye he caught the player doing that, so he casually went over and sat on the box and the player couldn't get out of the box and he kept pushing it. He knew when to have the humor to break up the intensity.

He's a phenomenal guy. I will miss him, but I will carry with him those values that he instilled in me as a player and those values that I know everybody that ever had the opportunity to play under him will continue to carry inside his soul.

He said one other thing, "When you put on a uniform, it doesn't matter what your economic strata is, it doesn't matter what your background is, it doesn't matter what your race is or what your religion is, you are a team member. And once you put on that uniform, everybody plays as one unit." And that is so, so true.

Madam President, he'll be deeply missed in this state and will be deeply missed in the City of New Haven, one place that he truly loved. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. For a point of personal privilege, just following up on Senator Fasano's comments.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY (11TH):

Coach Carm Cozza was really an institution not just at Yale, but in the Greater New Haven Community. He was so generous with his time to speak and attend sports banquets and do a lot of things at the request of the high school coaches in and around Greater New Haven, to add prestige to their events and team dinners by being a guest speaker and by just seeing his mission as going far outside the campus of Yale and his duties at Yale, per se, to be a leading citizens in the Greater New Haven community, and that was both during the 32 years that he coached and in the 30 years or in the more than 20 years since his retirement as coach that he's a loss not only to the university, but to the entire Greater New Haven community and really the State of Connecticut, because as Senator Fasano said, he was a model of what coaching and mentorship

should be in the modern age, when unfortunately, we see more bad examples than good.

Thank you, Madam President.

THE CHAIR:

Thank you. At this time, I'd ask that we all stand and give a moment of silence for a great coach and a great person.

Thank you all very, very much. At this time, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. We'll move forward on points a little bit later. The House is paralyzed until we actually move ahead on some of our resolutions. So, we want to make sure that we are continuing to move our business forward.

Madam President, does the Clerk have any business on his desk?

THE CHAIR:

Mr. Clerk?

CLERK:

Madam President, the Clerk is in possession of Senate Agenda No. 1, for the January Special Session, dated January 8, 2018.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

I thank you, Madam President. I move that all items on Senate Agenda No. 1, dated January 8, 2018, be acted upon as indicated and that the agenda be incorporated by reference of the Senate Journal and transcript.

THE CHAIR:

Seeing no objections, so approved.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, will the Clerk please call House Joint Resolution No. 401, please?

THE CHAIR:

Mr. Clerk.

CLERK:

House Joint Resolution No. 401, RESOLUTION CONVENING THE GENERAL ASSEMBLY IN A SPECIAL SESSION ON JANUARY 8, 2018.

SENATOR DUFF (25TH):

Madam President, I move adoption of the resolution and ask leave of the Chamber to summarize.

THE CHAIR:

Motions on adoption and motions on adoption, leave, please proceed, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. This is our standard boilerplate resolution convening us into Special Session and I would ask that the Chamber -- we have to actually vote this on roll call and would ask the Chamber to support it.

THE CHAIR:

Are there any other comments, any other comments? If not, Mr. Clerk, will you call for a roll call vote? The machine will be open.

CLERK:

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

THE CHAIR:

If all members have voted, if all members have voted, the machine -- let's go. If all members have voted, I'll try it again. If all members have voted, the machine will be closed. Mr. Clerk, will you please call a tally.

CLERK:

TOTAL NUMBER OF VOTING	28
THOSE VOTING YEA	28
THOSE VOTING NAY	0
THOSE ABSENT AND NOT VOTING	8

THE CHAIR:

The resolution passes. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, will the Clerk now please call Senate Resolution 101.

THE CHAIR:

Mr. Clerk.

CLERK:

Calling for Senate Agenda No. 1, Senate Resolution 101, RESOLUTION CONCERNING THE RULE OF THE SENATE FOR THE JANUARY SPECIAL SESSION, 2018.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move adoption.

THE CHAIR:

The motion is on acceptance and adoption. Will you remark, sir?

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, these are our standard rules in our Special Session. I would ask adoption.

THE CHAIR:

Will you remark further? Will you remark further? If not, Mr. Clerk, we can take a voice vote on this one. All of those in favor, please say, aye. Opposed? The motion carries. [Gavel]

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. We now can stand at ease, while we wait business from the House or you can move forward with Senator McLachlan --

THE CHAIR:

We will call on Senator McLachlan for points of personal privilege.

SENATOR DUFF (25TH):

Sure.

THE CHAIR:

Senator McLachlan.

SEN. MCLACHLAN (24TH):

Thank you, Madam President. I stand for a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SEN. MCLACHLAN (24TH):

Thank you, Madam President. Madam President, Western Connecticut lost a very special citizen, Alexander Sawchyn at age 92. Alexander was a prominent World War II, Korean War Veteran, who was very active in Veteran's affairs in the State of Connecticut.

Alexander was a Veteran of the Berlin Airlift. He took on a task of being a Veteran videographer in the State of Connecticut and interviewed over 100 Veterans, residents of the State of Connecticut, and created documentaries of Veteran's experiences over the last 35 years.

Alexander was also very active in helping to coordinate two flying museums from the Air Force, brought those flying museums to Connecticut and led school children throughout the state see the aircraft of World War II and the Korean War. We are very grateful for the dedication of Alexander Sawchyn to the lives of Veterans in the State of Connecticut and we will sincerely miss him.

Madam President, I ask for a moment of silence in honor of Alexander Sawchyn.

THE CHAIR:

Will the Senate please join us and please stand for a moment of silence, dedicated to a very strong and wonderful Veteran.

Thank you all very, very much. Are there any other points of privilege?

Seeing none, at this time, we'll stand at ease. I'm sorry, Senator Duff, Senator Duff, Senator Duff,

would you like to proceed with the rules at this time?

SENATOR DUFF (25TH):

Certainly.

THE CHAIR:

Senator, Agenda 2. Mr. Clerk, what do you have on your desk?

CLERK:

I have Senate Agenda No. 2, dated Monday, January 8, 2018.

THE CHAIR:

Thank you very much.

SENATOR DUFF (25TH):

Madam President, could we just stand at ease for a moment?

THE CHAIR:

Sure, for a moment we can.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, does the Clerk have Senate Agenda No. 2 on his desk?

THE CHAIR:

Mr. Clerk?

CLERK:

Madam President, the Clerk is in possession of Senate Agenda No. 2.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move all items on Senate Agenda No. 2, dated January 8, 2018, to be acted upon as indicated and that the agenda be incorporated by reference of the Senate journal and Senate transcript.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, would the Clerk call House Joint Resolution No. 402, please.

THE CHAIR:

Mr. Clerk.

CLERK:

House Joint Resolution 402, RESOLUTION CONCERNING THE JOINT RULES OF THE JANUARY SPECIAL SESSION, 2018.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move adoption of the resolution.

THE CHAIR:

The motion is on adoption. Will you remark, sir?

SENATOR DUFF (25TH):

Thank you, Madam President. These are joint rules for our Special Session and I would urge members to vote in favor, by voice.

THE CHAIR:

Will you remark further? Will you remark further? If not, I'll try your minds. All those in favor, please say, aye. Opposed, the motion carries. Senate Agenda No. 3 is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Would the Clerk please call House Joint Resolution No. 403?

THE CHAIR:

Mr. Clerk.

CLERK:

House Joint Resolution 403, RESOLUTION CONCERNING EXPENSES OF THE JANUARY SPECIAL SESSION, 2018.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I would urge adoption of House Joint Resolution No. 403.

THE CHAIR: Would you remark further on the resolution? Will you remark further on the resolution? If not, I'll try your minds. All those in favor, please say, aye. Opposed? The resolution is adopted. [Gavel]

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Would the Clerk please call House Joint Resolution No. 404?

THE CHAIR:

Mr. Clerk.

CLERK:

House Joint Resolution 404, RESOLUTION CONCERNING THE PRINTING OF THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES FOR THE JANUARY SPECIAL SESSION, 2018.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH): Thank you, Madam President. Madam President, I would urge adoption of the resolution.

THE CHAIR:

The motion is on adoption, will you remark further, sir? The hearing -- you don't want to remark, okay. Anybody else want to remark? If not, I'll try your minds. All those in favor, please say, aye. Opposed? The resolution is adopted. [Gavel]

SENATOR DUFF (25TH): Thank you, Madam President. Madam President, I don't think we have Senate Agenda No. 3, yet. So, we will stand at ease please.

THE CHAIR:

The Senate will stand at ease.

(On motion of Senator Duff of the 25th District, the Senate recessed at 11:14 a.m. to meet again at the Call of the Chair.)

(On motion of Senator Duff of the 25tth District, the Senate reconvened at 12:15 p.m., the President in the Chair.)

THE CHAIR:

The Senate will come back to order. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, does the Clerk have Agenda No. 3, please.

THE CHAIR:

Mr. Clerk.

CLERK:

Madam President, the Clerk is in possession of Senate Agenda No. 3, dated Monday, January 8, 2018.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Move all items on Senate Agenda No. 3, dated January 8, 2018, to be acted upon as indicated and that the agenda be incorporated by reference of Senate Journal and Senate transcript.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, would the Clerk please now call House Bill 7601, on Senate Agenda No. 3.

THE CHAIR:

Mr. Clerk.

CLERK:

Emergency Certification House Bill 7601, AN ACT CONCERNING ADJUSTMENTS TO THE STATE BUDGET REGARDING THE MEDICARE SAVINGS PROGRAM AND ELIGIBILITY THEREFOR.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to yield to Senator Osten, who will move adoption of the Emergency Certified Bill.

THE CHAIR:

Senator Osten, will you accept the yield, ma'am?

SENATOR OSTEN (19TH):

Yes, Madam President. Thank you very much and I think it's already good afternoon. It's a pleasure to see you, right after the beginning of this New Year.

THE CHAIR:

This is before the debate during the slings.

SENATOR OSTEN (19TH):

This is before the debate, yes, I have a broken arm. But having to do with a number of storms that we've had so far, this year, so. Madam President, I move acceptance and passage of the bill in concurrence with the House.

THE CHAIR:

The motion is on acceptance and passage in concurrence. Will you remark, ma'am?

SENATOR OSTEN (19TH):

Yes, I seek leave to summarize. This bill is to support the Medicare Savings Plan and it would be done in the following methodology, $19.4 million will be a reduction in the appropriation for the Teachers' Retirement. $17.8 million would be the elimination of the carry-forward from fiscal year '18 to fiscal year '19. There was a $10-million-dollar lapse in OE or other operating expenses. $1.3 million from the DAS Human Services Consolidation Savings and $6 million added to the managerial lapse and I would ask my colleagues to support this $54.5-million-dollar appropriation for the Medicare Savings Program funding.

THE CHAIR:

Will you remark further? Will you remark further? Senator Formica, good afternoon, sir.

SENATOR FORMICA (20TH):

Good afternoon, Madam President, thank you. I rise in support of this opportunity to kind of move this forward, so that we can provide some relief and some relaxation to some of the people who were affected by this program.

I just have one question, if I may, on the teachers' retirement that, that savings that were based from the actuarial. Thank you, Madam Chair.

THE CHAIR:

Senator Osten, could you --

SENATOR OSTEN (19TH):

Thank you very much --

THE CHAIR:

-- respond?

SENATOR OSTEN (19TH):

-- Madam President. Madam President, my colleague to the south of my district and I have worked on a number of these issues and this was a bipartisan realization of savings that was done through the leaders of both of our caucuses, as my understanding. And this $19.4-million-dollars relates to a new valuation that was done on November 15th, and it was determined the state could appropriate $19.396 or $19.4 million less than had been done in Senate Bill 1502, the ultimate budget that passed. It was assumed that this money could be included -- would be included in the Governor's holdback plan, it did not, so, it left that money available for this particular savings program. And that is exactly where this $19.4 comes from. Through you, Madam President.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Thank you, Madam Chair. And I appreciate that explanation, I just thought it would important to have that filled out. I stand in support of this opportunity. We know we have our work cut out for us moving forward with regard to mitigation, but this solves an immediate problem and I urge my colleagues' adoption. Thank you.

THE CHAIR:

Will you remark further? Will you remark further? Senator Winfield, good afternoon, sir.

SENATOR WINFIELD (10TH):

Good afternoon, Madam President. So, Madam President, I rise. I am someone who wants to vote for this, but I will be voting against this. I think, first I want to thank the leaders for coming together. This is a problem that I think anybody in this circle, if you walked anywhere in your district, you heard about, I know I certainly did. I happen to have scheduled to do some community meetings after we passed the budget, and it was topic number one. So, I want a fix. But when I think about the monies that are coming out of the teachers' pension, I think about the issues we talked about having with that pension system. And I know that in the future, we're going to be doing everything in our power to figure out how to deal with the problems that we have coming down the road.

And so, while understanding how you can have a conversation about an extra payment or however you characterize it, to my mind, there is no such thing as an extra payment. And the problems that we have with that system will be problems not only for the

teachers, but for everyone in this state. And I also wonder how we actually get to the additional $6-million-dollars that we're talking about in the management account. And so, for those reasons, I think that -- listen, I'm glad that the seniors will get relief. I'm sure I will have to explain my vote to the seniors in my district, but I think that we have some serious problems coming down the road and doing what we're doing here today does nothing to make those problems better and creates problems not only for our seniors or not only for our teachers, but for every single one of us in this state. So, thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Bye, good afternoon, ma'am.

SENATOR BYE (5TH):

Good afternoon, Madam President, how are you?

THE CHAIR:

Good. And yourself?

SENATOR BYE (5TH):

Good, thank you. I'd like to start by thanking the leadership for their work on this. I went throughout my town, talked to several groups of seniors. And I think I give them a big thank you for their advocacy efforts. They reminded every Senator here that Connecticut is different. We don't give the same quality healthcare to our seniors. We give better healthcare to our seniors

and they said to us, this is critical for us. I think the stories we heard, all of us heard stories, are a very important reminder about how important healthcare is, how important government is and how fragile our seniors' grip on economic security it. Because this change to their healthcare had them wondering how they were going to pay for their pharmacy bills and their heating bill. How could they get by? This is a life-sustaining benefit for seniors and it's just a reminder about the things we vote on in this circle and what they mean to people.

So, I will be voting, yes, but I will be doing it in a way where I feel frustrated. Pleased to help the seniors, but frustrated that this fix wasn't part of a broader fix. That we took this as part of the deficit mitigation plan that Republicans, Democrats, and the Governor would have sat down together and used this reminder from seniors that we need our budget balanced, that we need to provide critical services and we need to do it in a way that is Connecticut, taking care of people.

I have my frustrations about the funds coming from the teacher payments, I understand it's a lapse and it wasn't being counted on. But try telling that to the hundreds of teachers who have written me to say, you said you didn't increase taxes, but you increased my taxes. And now, we're using this to solve the seniors' healthcare problem. So, just think as a body we should have done this as a single unit, all of working together, Republicans, Democrats and the Governor and as a state said, "We fixed our deficit." Instead, we're doing a piece of it and we're fixing the MSP and I'm glad for that.

But I just wanted to say on the record that I'm concerned that by not doing the whole deficit mitigation that we may not get there on everything. And then what will we do? Rely on the rainy-day fund, instead of take care of the bigger problem. So, I will vote, yes, will all those faces of the seniors in front of me, who took time to come see me, who I went to visit, who I called at least 50 and spoke with them on the phone, who were so scared and frightened. I hope that after today, they will be less frightened.

Thank you, Madam President.

THE CHAIR:

Will you remark further? Senator Suzio.

SENATOR SUZIO (13TH):

Thank you, Madam President. I rise in support of the proposed bill. I just want to say a couple of things very quickly. In my district alone, in the City of Meriden, there were over 2,000 senior citizens who were affected by the cut-back in the support or the subsidy for the Medicare Savings Program. So, it's not an insignificant part of the population that does rely on the subsidy. I received, I don't know how many emails, countless emails and I did have a meeting with one group of seniors that was over 100 at the senior center in Meriden to discuss this with them. And the anxiety and the concern that they had was great and it's understandable because most of them are on fixed incomes that are very tightly balanced against other needs.

And also, I think this particular issue is a reminder that we're going to have to be very careful with the state's budget being as tight as it is as to what our priorities are going to be when we do decide where we're cutting because of revenue issues. And clearly, we want to mitigate any kind of harm or damage done to our most vulnerable populations, including our senior citizens as well as the disabled and other various groups of people who rely heavily on state programs or state subsidies.

So, again, I rise in support of the bill, but I hope that we learn a lesson from it that we'll be very careful the next time we meet to balance the budget and we're very careful about establishing what our priorities are and who's affected by the cuts that are necessary because of the revenue constraints.

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Flexer, good afternoon, ma'am.

SENATOR FLEXER (29TH):

Good afternoon, Madam President. Madam President, I'd like to begin my remarks on this bill by first of all thanking the seniors. Thousands of seniors across the State of Connecticut picked up their phones, picked up their computers and emailed and called us and showed up at our office hours and demonstrated how devastating it was to them to eliminate the supports in the Medicare Savings

Program. They're the ones that made the difference. They're the ones that brought us here today. For the three years that I've been privileged to serve in this Chamber, there's been debates to cut this program from many different corners. And I have been lucky to fight this proposal for years and was disappointed that in October we decided to move forward with this change.

But I am so grateful to the seniors who live on a fixed income, who came forward and said, "Hey, I make $1,500 a month, my husband and I. How are we supposed to pay these premiums?" I really appreciate the one grandmother who called me and said, "I don't know how I'm going to afford to buy Christmas presents for my grandkids now that I'm going to have to pay this?"

I don't think enough people in this Chamber and in the other Chamber understood what this support meant to so many seniors. And frankly, what it's like to live on those levels of fixed incomes. I'm proud that now it's very clear that every member of the House and every member of the Senate understands how valuable this program is to these seniors. And how, as Senator Bye said, this program is what makes Connecticut different.

We often hear a narrative that Connecticut spends too much money, but we spend money on programs like this because we value our seniors and we believe they ought to be able to afford quality healthcare and that the state should step up and help seniors on a fixed income pay these premiums so that they can maintain their healthcare coverage.

This is an example of what makes us different as a state. It's one of the most generous benefits available in the country and I'm proud that we all now agree that this benefit needs to stay in place.

I want to thank the leaders for bringing us here today and coming up with a solution to make sure that these seniors don't have to be nervous about the future of this program. But I am concerned that this solution is not sustainable. I don't believe it's fiscally sound the way that we're solving this problem and I'm concerned that we're giving seniors some security in the short-term, but what are we going to do next year? And what are we going to do the year after that?

I hope that since we've come up with a bipartisan bill before us today that we will continue to work together in a bipartisan fashion to mitigate the deficit in a responsible way, so that seniors can have confidence that Connecticut will continue to have this robust Medicare Savings Program to support their healthcare needs and I thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Leone.

SENATOR LEONE (27TH):

Thank you, Madam President, it's good to see you and Happy New Year as well.

THE CHAIR:

Happy New Year to you, sir.

SENATOR LEONE (27TH):

I rise also to support the proposal in front of us for many of the same comments that have been made around the circle. Specifically, our seniors are just too critical part of our population for us to turn our backs on them and not give them the structure that they need so that they can survive.

And given the fiscal situation that we're facing, it's nice to hear that we still have this bipartisanship to move forward on protecting our seniors. What I would hope is that bipartisanship continues going forward, as we're going to face many of the challenges going forward, specifically the Teachers' Retirement as well as many of the other endeavors. And so, we're going to have to look at all this holistically.

And what I would like for us to walk away with is to use today's example of how government has a role to play in peoples lives that when we just say we're going to cut and cut and cut and cut, there are repercussions. And when this proposal was passed, only a few weeks ago really, we have now very quickly realized the impact of that in just this one category. And we realize that it was not the right thing to do. Nor should it be the right thing to do in the future.

So, we are going to have to really tighten our belts, but we're also going to have to be open to multiple solutions to tackle the issues the State of Connecticut is facing. This is not a one-solution fixes all the problems. We cannot get away from that. And so, we're going to have to be open to the situation that there's going to be other solutions that both sides are going to have to consider. And

I sure hope that both sides do consider other solutions because otherwise we will be back here facing one issue at a time, dealing with the situation that very quickly can become political. And protecting our seniors and our most vulnerable should not be political, it should be because we do the right thing.

And so, I hope that as we move forward in doing the right thing today, that it continues down the road. Thank you, Madam.

THE CHAIR:

Thank you, Senator Leone. Senator Osten, why do you rise, ma'am?

SENATOR OSTEN (19TH):

I just wanted to make sure that we were going to have a roll call vote.

THE CHAIR:

Oh, don't worry, you will. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I stand in support of the emergency certified bill today and I wanted to also thank members of the circle here for their help and their work in getting us here today. And to make sure that everybody does understand that this is a one step in a process that we have working on our fiscal issues and challenges and ensuring that we're still taking care of the people here in the State of Connecticut.

I think many people may not have understood the importance of the Medicare Savings Program until it was changed in the state budget. Lots of times I think people look at things as numbers, but they don't always necessarily look at the impact that it may have on particular people. And then we did understand that actually, once we started hearing from seniors in our district. And that they became engaged and contacting their legislators and then we were able to make some changes to them.

Is this perfect? Absolutely not, but I think it does give people, seniors across the State of Connecticut a peace of mind when it comes to at least knowing that they would have this benefit that had, quite frankly, been on the chopping block for a number of years in various proposals that have been around the State Capitol. So, I do know and recognize that again this is part of a process. We still have a deficit mitigation that we may have to deal with, despite some of the news that we've heard earlier today from the Governor's office.

We have to make sure we're continuing to work together to meet our challenges and our long-term obligations and that that means that we all still have to sit at the table together, working side-by-side in a bipartisan way, as we have, to meet the needs for the residents of the State of Connecticut. But I also do want to again thank members of the circle, Senator Looney, the leadership on both sides of the aisle and members for their work. And again thank seniors who received the letters that they received, yet took it upon themselves to make sure that they contacted the legislators. And as I say very often that when people speak, we act. And we did, and we have to because we know that again, this

is not just a number in a budget, these are real people who rely on this program that we have, and I think everybody in this circle has realized that, if they didn't realize that before.

So, again, thank you, Madam President for your work and your leadership as well and I urge the Chamber to support the bill. Thank you.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. Madam President, I rise in support of the passage of House Bill 7601 in concurrence with the House of Representatives and I believe it is the right response for us to take today on a bipartisan basis, just as we passed the underlying budget on a bipartisan basis. I think that represented, I think, a consensus of responsible policy for the state as does this modification in the budget, as pointed out by Senator Bye and Senator Flexer and others.

What is reflected here is the fact that in many cases, the people of Connecticut and in this case, specifically, seniors, expect actually a higher level of benefit and are supportive of that more than whatever the national standard is in a particular area. What was reflected in the budget was an element from the Governor's original proposal back in February had been suggested in the Appropriations Committee over a number of years, generally on the Republican side was to make this

change. As a matter of policy to have Connecticut reflect a national standard in what the level of benefit is under this. So, the proposal in the original budget would have reflected the national consensus on what the levels of benefit should be on this issue. But as we see, the people of Connecticut expect, regardless of budgetary circumstances, a higher level of government support in this area because that the needs of seniors who are struggling with marginal levels of income. So, the 113,000-people affected by this means more than 3,000 in the average state senate district and it is a substantial concern. But I think in terms of process, the restoration that we are doing here is the responsible thing to do. It is something that was agreed to in a bipartisan way, just as the underlying budget was. And I think that is an indicator of the fact that there has been a coming together in a consensus way of trying to deal with our state's ongoing fiscal challenges in a way that reflects an effort at good governance in a bipartisan way.

And I think the change that we are recommending today reflects our responsiveness to a genuine level of public concern and anguish on the part of people whose, the impact on whom would have been severe. Obviously, there would be some people under the original proposal who would have lost a part of the benefit they had previously enjoyed, some would have lost more than a part in adopting a national standard.

I think this is, as was pointed out, really in many ways a lesson for us that Connecticut is a state that supports generally and expects more than what the national mean is in benefits in social service programs.

And for that reason, Madam President, I would urge support and I think also it's important, I think, to reflect that since the budget was adopted as a consensus act by statute, it is appropriate for us by a statutory change to make this adjustment under the Affirmative Act of the General Assembly.

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? If not, staff and guests -- I mean, okay. Mr. Clerk, will you call for a roll call vote? The machine will be open. Thank you.

CLERK:

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

THE CHAIR:

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

CLERK:

Total Number of Voting	33
Those Voting Yea	32
Those Voting Nay	1
Those absent and not voting	3

THE CHAIR:

The bill is passed. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Before we adjourn, I will yield to any points of personal privilege or announcements.

THE CHAIR:

Any other points of personal privilege? Are there any other points of personal privilege? No. Seeing none, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move that we adjourn Sine Die.

THE CHAIR:

Sine Die it is. [Gavel]

(On motion of Senator Duff of the 25th, the Senate at 12:43 p.m. adjourned Sine Die.)

CONNECTICUT GENERAL ASSEMBLY

SENATE

Wednesday, January 31, 2018

The Senate was called to order at 12:22 o'clock p.m., the President in the Chair.

THE CHAIR:

The Senate will please come to order in the reconvened Special Session, and we will begin with a prayer by our acting Senate Chaplain, Noele Kidney from Ellington.

GUEST CHAPLAIN NOELE R. KIDNEY:

Please bless us with an inner strength so our lives and our work may be a blessing on others. Amen.

THE CHAIR:

Thank you, Madam Chaplain and we will now have our Pledge of Allegiance and would call Senator Witkos to come forward to lead us in the Pledge.

SENATOR WITKOS (8TH):

(All) I pledge allegiance to the flag of the United State of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

THE CHAIR:

Thank you, Senator Witkos. We now call upon our distinguished Majority Leader, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President and good afternoon.

THE CHAIR:

Good afternoon, Senator.

SENATOR DUFF (25TH):

Thank you, Mr. President. Is there any business on the Clerk's desk?

CLERK: We have Senate Agendas No. 1 and 2, both dated Wednesday, January 31, 2018.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Mr. President, I move adoption of Senate Agenda No. 1, all items on the Senate Agenda No. 1 dated today, Wednesday, January 31, 2018, to be acted upon as indicated that should then be incorporated by reference into the Senate Journal and Transcript.

THE CHAIR:

Thanks, Senator Duff. Did you want to move Agendas 1 and 2?

SENATOR DUFF (25TH):

Yes, sir, 1 and 2 please.

THE CHAIR:

Thank you and Mr. Clerk, it has been moved that we adopted Senate Agendas 1 and 2, and try your minds on the adoption of Senate Agendas 1 and 2. All in favor, please indicate by saying aye.

(All) Aye.

Opposed? It is ordered Senate Agendas 1 and 2 adopted and will be incorporated by reference in the Senate Journal and the Senate Transcript. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Would the Clerk please call House Joint Resolution No. 501?

CLERK:

House Joint Resolution No. 501, RESOLUTION CONCERNING THE JOINT RULES OF THE JANUARY RECONVENED SESSION OF THE JANUARY SPECIAL SESSION 2018 OF THE GENERAL ASSEMBLY. LCO NO. 10598, introduced by Senators Duff, Witkos, and Representative Ritter.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Mr. President, we move adoption of the Resolution.

THE CHAIR:

Thank you. The Resolution has been moved. Is there comment on the Resolution? I'm hearing none. All in favor, please indicate by saying aye.

(All) Aye.

Opposed? Resolution is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Would the Clerk now please call House Joint Resolution No. 502?

CLERK:

House Joint Resolution No. 502, RESOLUTION CONCERNING THE EXPENSES OF THE JANUARY RECONVENED SESSION FOR THE JANUARY SPECIAL SESSION 2018 OF THE GENERAL ASSEMBLY. LCO NO. 10600, introduced by Senators Duff, Witkos, and Representative Ritter.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Mr. President, I move adoption.

THE CHAIR:

Thank you. The Resolution has been moved. Is there additional comment? I'm hearing none. All in favor, please indicate by saying aye.

(All) Aye.

Opposed, Nay. Resolution is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Mr. President, I ask the Clerk to please call House Joint Resolution No. 503.

THE CHAIR:

Mr. Clerk.

CLERK:

House Joint Resolution No. 503, RESOLUTION CONCERNING THE PRINTING OF THE JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE JANUARY RECONVENED SESSION FOR THE JANUARY SPECIAL SESSION 2018 OF THE GENERAL ASSEMBLY. LCO NO. 10599, introduced by Senators Duff, Witkos, and Representative Ritter.

THE CHAIR:

Thank you, Mr. Clerk. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. I move adoption.

THE CHAIR:

The Resolution has been moved. Is there a discussion on the Resolution? I'm hearing none. All in favor, please indicate by saying aye.

(All) Aye.

Opposed, Nay. The Resolution is adopted. Thank you. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. I would ask that the Clerk now please call Senate Resolution No. 105, please.

THE CHAIR:

Mr. Clerk.

CLERK:

Senate Resolution No. 105, RESOLUTION CONCERNING THE RULES OF THE SENATE FOR THE JANUARY RECONVENED SESSION FOR THE JANUARY SPECIAL SESSION 2018 OF THE GENERAL ASSEMBLY. LCO NO. 10602, introduced by Senators Duff and Witkos.

THE CHAIR:

Thank you, Mr. Clerk. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. I move adoption.

THE CHAIR:

The Resolution has been moved. Is there comment on the Resolution? I'm hearing none. All in favor, please indicate by saying aye.

(All) Aye.

Opposed? The Resolution is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. I believe that takes care of the technical aspects of our -- of this morning -- this afternoon. I would ask that we just stand at ease for a moment.

THE CHAIR:

Thank you. The Senate will stand at ease. The Senate will come back to order. The Chair recognizes Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Mr. President, I would ask that the Clerk call from the Agenda, January 2018 Special Session Public Act 17-1, which was House Bill 7601.

THE CHAIR:

Mr. Clerk.

CLERK:

House Bill 7601, AN ACT CONCERNING ADJUSTMENTS TO THE STATE BUDGET REGARDING THE MEDICARE SAVINGS PROGRAM AND ELIGIBILITY THEREFOR.

THE CHAIR:

Thank you and just to clarify this is from Senate Agenda No. 2. Is that right, Mr. Clerk?

CLERK:

Correct.

THE CHAIR:

Okay, thank you. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President, and having been on the prevailing side of that vote when it was passed in the Senate, I would move for reconsideration of the bill.

THE CHAIR:

The bill has been moved for reconsideration and would ask for discussion in the chamber. Anyone looking to be recognized to discuss the motion for reconsideration? If not, we will try your minds on the motion to reconsider. All in favor, please indicate by saying aye.

(All) Aye.

Opposed? I'm hearing none. The Resolution is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Mr. President, I would now yield to Senator Osten for purposes of the motion to repass 7601.

THE CHAIR:

Senator Osten, do you accept the yield?

SENATOR OSTEN (19TH):

Mr. President, yes, I do.

THE CHAIR:

Thank you, Senator Osten. You have the floor.

SENATOR OSTEN (19TH):

Mr. President, I move that the Senate repass House Bill No. 7601, AN ACT CONCERNING ADJUSTMENTS TO THE STATE BUDGET REGARDING THE MEDICARE SAVINGS PROGRAM ELIBIGILITY THEREFOR, in concurrence with the House and seek leave to summarize.

THE CHAIR:

Thank you, Senator Osten. Mr. Clerk.

CLERK:

Immediate roll call has been ordered in the Senate.

THE CHAIR:

Mr. Clerk. Please. We asked to call the bill for discussion, right.

CLERK:

Sorry about that. [Laughter]. It's House Bill 7601, AN ACT CONCERNING ADJUSTMENTS TO THE STATE BUDGET REGARDING THE MEDICARE SAVINGS PROGRAM AND ELIGIBILITY THEREFOR.

THE CHAIR:

Thank you. Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Mr. President. Mr. President, I seek leave to summarize.

THE CHAIR:

Thank you, Senator Osten. Please proceed.

SENATOR OSTEN (19TH):

Thank you very much, Mr. President. Mr. President, under current law, the decrease in eligibility would have taken effect on January 1st of this year and under the bill, the decrease in eligibility takes effect on July 1, 2018, and that way we would have time to deal with the financial impacts of the Medicare Savings Program for the next fiscal year.

THE CHAIR:

Thank you, Senator Osten. Would you remark further on House Bill No. 7601? Senator Formica.

SENATOR FORMICA (20TH):

Thank you. Good afternoon, Mr. President.

THE CHAIR:

Good afternoon, Senator. Please proceed.

SENATOR FORMICA (20TH):

Thank you. I rise to comment on the bill and ask that we consider voting in favor of this initiative. This is a compromised bipartisan effort that came to us. It was passed overwhelmingly and this will put all of the affected population at ease until June 30th and give us time in the coming session to look at a wide variety of things but especially, this particular issue moving forward in the next budget, so I urge adoption. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Formica. Any additional comment? Will you remark further on House Bill No. 7601? If not, I'm hearing no further members seeking to be recognized. We will order a roll call vote on this motion to repass and again, the -- an override of the governor's veto requires at least 24 votes to be cast in favor of the motion to repass. Mr. Clerk.

CLERK:

And, now --

THE CHAIR:

Call for roll call vote.

CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all the members voted? Have all the members voted? If so, would you please check that your vote is properly cast and if so, the Clerk will -- the machine will be closed and Clerk will please announce the tally.

CLERK:

House Bill 7601

Total number Voting	31
Those voting Yea	30
Those voting Nay	1
Absent not Voting	5

THE CHAIR:

The motion to repass the bill carries. [Gavel].
Thank you very much. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Mr. President, I will yield if there are any points of personal privilege.

THE CHAIR:

Are there any points of personal privilege? Any members seeking to be recognized for announcements or for points of personal privilege? I'm seeing none. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Mr. President, I would like to remind everybody that we shall be back here at 10:00 o'clock a week from today for the opening of our regular legislative session, so I look forward to seeing everybody then, if not, before and with that, Mr. President, I would move that we adjourn Sine Die.

THE CHAIR:

Thank you. We will adjourn Sine Die. Thank you very much, and we will see you next Wednesday for the opening of our regular session. The Senate is adjourned Sine Die. [Gavel].

CLERK:

There will be an immediate Senate republican caucus. An immediate Senate Republican caucus.

On the motion of Senator Duff of the 25th, the Senate at 12:39 p.m. adjourned Sine Die.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Wednesday, February 7, 2018

The Senate was called to order at 10:17 o'clock a.m., the President in the Chair.

THE CHAIR:

Good morning everyone. The Senate will come to order. Good morning everyone. I know we're all excited about being back even though we didn't leave. It's good to be here to right now I'd ask all of you to please rise and direct your attention to Rabbi Lazowski who will lead us in prayer.

DEPUTY CHAPLAIN RABBI LAZOWSKI:

Almighty God, as we stand in the threshold of a new legislative year, 2018; O Lord we, we invoke your all-wise presence, now and in all the days ahead. Renew our hope and replenish our understanding that we may do great things for our state. Let us work together to dispel anguish and gloom, so that our state of Connecticut will be in full bloom. Fill our hearts and our minds with wisdom and understanding and with compassion, that we may think clearly, choose wisely, and act nobly. Help those gathered in this chamber to represent their communities, districts, and state. Guide them to serve with integrity, sincerity, faith, and courage.

Banish pridefulness and self-interest from our hearts. Help us march forward together in the spirit of humility, respect, honor, and love. Bless and preserve our nation and this state. Bless our governor and our lieutenant governor. Defend our troops from harm and keep them safe from danger. Hear us as we pray and let us all say, Amen.

THE CHAIR:

Thank you, Rabbi. At this time, I am going to ask our two great leaders, Senator Looney and Senator Fasano, would you come up and lead us in the Pledge of Allegiance?

SENATOR LOONEY (11TH)/SENATOR FASANO (34TH):

(All) I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

THE CHAIR:

Thank you all very much. I'm gonna ask at this time if you will stay standing. I ask you all to join me and please stand to join me to help us recognize our military, our veterans, and their families who are at the foundation of our democracy and the freedoms we enjoy, so I'd ask for a moment of silence. [Silence]. Thank you very much, so at this time, everybody can be seated.

I'm just gonna take a point of my own personal privilege at this time and of course, want to welcome you all back and a special thanks to, of course, the leaders of the Senate. This is my 35th

opening day, 3 years of staff, and 32 years as an elected official. For the past 8 years, this Senate circle has been like a family to me. Next year, I won't be standing up here with you and some of you have decided not to seek reelection or seek other offices. For those of you who aren't running again, I want to thank you for your service and for giving back to the state that we all love. I've been fortunate to work with all of you in this chamber. Your camaraderie, your efforts on behalf of our residence, your humor during long days and nights of debate, these have gotten us all through some very tough times. There comes a time when we turn over the mantel of leadership when we teach and trust in the next generation of leaders and for me, my kids, and my grandkids, the time is now. Of course, I'm not sure about how my husband, Michael, feels about it. I think he's gonna have to go get a job. [Laughter]. This year, as the years' past, we have a lot on our plates. We all know that we haven't yet built a sustainable budget. We all support a strong economy, more jobs, and the initiatives that attract residents and commerce to our Connecticut, our wonderful state. We were elected to find solutions to these problems and I know that we can. It is our responsibility and our obligation to each citizen, the business community, and the next generation.

Despite the many challenges we face, Connecticut has a proud history of standing up for what's right. We have come together as one people during crisis and disasters and we embrace a commitment to just and equality. On healthcare, while others are fighting to rollback progress, here in Connecticut we built one of the strongest healthcare exchanges in the nation, ensuring that more than 100,000 residents

could afford healthcare coverage through the exchange and that more than 220,000 low-income working individuals would have healthcare insurance. In 2017, the United Health Foundation report Americas health rankings has Connecticut's 5th in the nation. While there is more work to be done, that is something to be proud of and we all did it together. Over the past 8 years, I've watched the people of this state come together during major challenges, through record snowstorms, hurricanes, flooding, and superstorms. Neighbors help neighbors, coming together as one to protect each other. One of the darkest days in Connecticut's history also unleashed a groundswell of love and support for Newtown families and the communities and resulted in bipartisan action to address gun violence. Our communities rose up against acts of racism, homophobia, antisemitism, and religious bias, coming together to protect the victims and speak out for unity, justice, and love. We recognized that our most important duty is to our residents.

Democrat or republican, republican or democrat, we have stood up and stood together for the people of Connecticut and to build a better future for our children and our grandchildren. I know we can show the people of this great state that we understand and embrace our responsibilities, that behind every piece of legislation we pass we are working to build a fair, more just place for all people and one that reflects our own legacy of service; so I just want to say to all of you thank you from the bottom of my heart for your friendship and your service, and I wish you the best of luck in this session. Okay, at this time, Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President and good morning, Madam President.

THE CHAIR:

Good morning.

SENATOR LOONEY (11TH):

I would just like to begin by welcoming back all of the members for this new session, although it seems increasingly the gap between sessions grows shorter and shorter and one tends to merge into the other so quickly, but it is always true I think that the beginning of every session is a sign of renewed hope and an opportunity to reflect on what an honor and blessing it is that each of us has been entrusted by the people of our district with the honor of serving in the Connecticut State Senate of whichever party we are in. That is an extraordinary blessing and a gift to be cherished. This is my 38th opening day of a session and I will tell you that every single day when I'm getting off that Capitol area exit I still get a rush in seeing that gold dome in a sense of how wonderful it is that the people of my district have chosen me to be here all of that time, so we face a lot of challenges. The last year was nothing but challenges but I think that we had came through it with something to be proud of as an example to the rest of the country about how to work in a bipartisan way to achieve something that had to be achieved and meeting our responsibilities in a way that reflected that we take those responsibilities seriously.

In times of difficulty and challenge, there was an old Irish prayer that my mother used to say. It involved a mixed metaphor, but I think it had a message and it was get down on your knees and thank God you're on your feet. [Laughing]. If you think about that, it is a little mixed but it does convey a message and I think that is that we all need to be thankful for the blessing of being here despite the challenges that we face, but it is an honor to be the ones who are selected to face those challenges and Madam President, I want to thank you especially for the extraordinary gift to the people of the state of Connecticut that your service has been since your first election to the House of Representatives in 1986. I remember when you came in, in that election, we became friends and colleagues during the 8 years that you served in the House and then, of course, for 16 years after that as the State Controller at beginning of the 1994 election and then since the election of 2010 as our Lieutenant Governor.

Your career in state government is an extraordinary example, I think, to people about what it means to be engaged in public service with the right attitude, the right temperament, the right purpose, the right motivation, and the right values and that is something, Madam President, I am -- I am sorry that you won't be here with us next year because every year your presence here is a blessing to all of us, so I want to thank you so much and also want to thank Senator Fasano for his friendship and his hard work and good faith in all of the difficult work that we have done in the last several years, the last year in particular under our unique arrangement here, and looking forward to another year where despite difficulties I think we can come

up with results the people of Connecticut will be proud of. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney. Thank you for those kind words. Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. I echo the words of Senator Looney but if I also may add, Madam President, your years of service as a legislator and your commitment to healthcare in this state is unmatched. The humor that you've brought to our circle at times when we have long hours is much needed and much thankful for because I think that lightened up a lot in this chamber and noticed that humor has a way of breaking down barriers, and I thank you for that and I have enjoyed that, and I wish you the best of luck. I know you won't be far from this building. I know you'll be doing much more for the state of Connecticut cause that's who you are on the inside. I might also add that your years of service exceeds the life of Senator Art Linares -- [Laughter] -- just for a measuring rod.

In addition to that, I just want to say a year ago, when we had the chamber and we had a tie 18/18, Senator Looney and I had made a commitment to each other and to this chamber that our chamber was not going to be a malfunctioning chamber where at 18/18 business was not gonna proceed and the Senate was going to be irrelevant to the matters in this building, and I think by having that agreement and having the people around this circle who respected that agreement and worked together to accomplishment

the betterment for the state of Connecticut we showed that this state on a bipartisan methodology can advance itself in a good way; and I'm very proud of what this chamber stood for and stands for and the work ethic by all 36 state senators in this circle, so I'm proud to be back. It's a stormy day today. I don't think that's gonna last all session. We will get through it. We do have many challenges and many ideas to go forward including this budget but last year showed the ability of each side to listen intently and substantively and appreciate each other's point of view, and that's why we had a bipartisan budget and I look forward to the same result this session. Thank you, Madam President.

THE CHAIR:

Thank you and thank you for your kind words, Senator Fasano. At this time, Senator Duff.

SENATOR DUFF (25th):

Thank you, Madam President, and good morning and good morning to members of the circle. I too just want to take a brief moment to thank you, Madam President, for your years of service to the state of Connecticut. We were never colleagues in the House of Representatives but when it came time for me to run, you were, as we've always joked about, came down in the middle of a snowstorm in Norwalk to help knock on doors with me at a time where I didn't have any grey I don't think at the time but by the end, we both looked the same because our hairs were both full of snow after knocking on doors, and from that, we have developed a deep friendship with each other and almost familial in a sense that my mom and my whole family just thinks of you as one of our own;

and I think that's how a lot of people feel about you in the state of Connecticut is that you're not just Nancy Wyman, Lieutenant Governor, you're everybody's Nancy and you're somebody who we all love to see around and be around and you do, as Senator Fasano said, bring that humor just at the right time many times when there's a little tension or maybe people aren't having a good day. You're the one who can break that very quickly and we know that how sincere and how much you care for the state and how much you've actually accomplished and many times without a lot of bragging or anything else, you've accomplished things quietly and affected so many lives in such a positive way, so we thank you for your service and I know that we'll continue to say good things about you as the rest of the session proceeds but I'd be remised if I didn't thank you right now for your good work.

Certainly, as Senator Looney and Fasano said, we have worked together in this chamber and I want to acknowledge also Senator Witkos cause we worked together on session days to move the business forward and working together as leaders, I think we got a lot accomplished year and I look forward to the same as well this year, this session, and I couldn't have had a better partner with Senator Looney and Senator Fasano and I certainly had our laughs and arguments and others during our budget session but we got through that windowless room with our -- with some of the Piccadilly and other things that we were eating and drinking until the wee hours of the night negotiating a budget together, but we've had good partnerships and good friendships together and I know that will certainly continue; so I want to welcome everybody back again today for what is our short session but I know that we have a

lot to do and we will continue to work together to move our agenda forward for the people of the state of Connecticut. With that said, Madam President, I would like to see if there's any business on the Clerk's desk.

THE CHAIR:

Mr. Clerk.

CLERK:

In possession of Senate Agendas No. 1 and 2, both dated Wednesday, February 7, 2018.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move all items on Senate Agendas 1 and 2 dated February 7, 2018 to be acted upon as indicated and that the Agenda be incorporated by reference into the Senate Journal and Senate Transcript.

THE CHAIR:

I'm seeing no objections, so ordered, sir.

SENATOR DUFF (25TH):

Thank you. Madam President, would the Clerk please call Senate Joint Resolution No. 1, please?

THE CHAIR:

Mr. Clerk.

CLERK:

Senate Joint Resolution No. 1, RESOLUTION CONCERNING PUBLICATION OF LEGISLATIVE BULLETIN, PRINTING OF BILLS AND EXPENSES. LCO NO. 351, introduced by Senators Duff, Witkos, and Representative Ritter.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move the amendment -- I'm sorry. I move the resolution.

THE CHAIR:

The motion is on movement. Is there any question on the adoption of the resolution? I'll try your minds. All those in favor please say, aye.

(All) Aye.

Opposed? Amendment is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move that the resolution be immediately transmitted to the House of Representatives.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, would the Clerk call Senate Resolution No. 1 from Agenda No. 2, please?

THE CHAIR:

Mr. Clerk.

CLERK:

Senate Resolution No. 1, RESOLUTION CONCERNING THE PRINTING OF THE SENATE JOURNAL. LCO NO. 321, introduced by Senators Duff and Witkos.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move adoption of the resolution.

THE CHAIR:

The question is on adoption. I'll try your minds. All those in favor please say, aye.

(All) Aye.

Opposed? The motion is adopted. The resolution is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, would the Clerk please call Senate Resolution No. 2 from Agenda No. 2 please?

THE CHAIR:

Mr. Clerk.

CLERK:

Senate Resolution No. 2, RESOLUTION CONCERNING ROLL CALL AND READING OF THE SENATE JOURNAL. LCO NO. 323, introduced by Senators Duff and Witkos.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move adoption of the resolution.

THE CHAIR:

Question is on adoption. I'll try your minds. All those in favor please say, aye.

(All) Aye.

That's kind of weak guys, c'mon. [Laughter]. Thank you. The ayes have it. The resolution is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I would ask the Clerk to please call Senate Resolution No. 3 from Agenda 2.

THE CHAIR:

Mr. Clerk.

CLERK:

Senate Resolution No. 3, RESOLUTION RAISING A COMMITTEE TO INFORM THE HOUSE THAT THE SENATE IS READY TO MEET IN JOINT CONVENTION. LCO NO. 324, introduced by Senators Duff and Witkos.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move adoption of the resolution.

THE CHAIR:

Motion is on adoption of the resolution. I'll try your minds. All those in favor please -- [Pause] -- now, say whoa, whoa, whoa. Let's do this together -- [Laughing] -- cause we're working together this year. We'll try your minds. All those in favor please say, aye.

(All) Aye.

There we go. The motion's adopted -- the resolution's adopted, and Mr. Majority Leader.

SENATOR DUFF (25TH):

Thank you, Madam President. We're making a committee. Would you -- I'd like to ask that you, Madam Lieutenant Governor, appoint the committee.

THE CHAIR:

I will appoint Senator Gomes, Senator Guglielmo, Senator Cassano, and Senator Markley to the committee.

SENATOR DUFF (25TH):

Thank you, Madam President. That concludes the official business that we have right now. I know we do have some points of personal privilege and certainly -- [microphone shuts off].

THE CHAIR:

Okay. What happened to -- I'm sorry. Senator did you push -- Senator Duff. Senator Duff, please speak.

SENATOR DUFF (25TH):

We have points of personal privilege I know from some members and certainly, this is the opportunity for them to be recognized. Thank you, Madam President.

THE CHAIR:

That's great. Thank you very much. Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President, and I also want to thank you for all the work that you've done for the state of Connecticut in bringing us all together in times that have been somewhat difficult, but you have always been someone that believed in working with everyone for Connecticut's best interest and I think that we should all follow your lead. I have a couple of people that I stand for a point of personal privilege, and I would like to introduce a couple of people. First, I'd like to introduce Mrs. Sinko. If you could, stand, Mrs. Sinko.

THE CHAIR:

Yes.

SENATOR OSTEN (19TH):
Mrs. Sinko is here today from Norwich, Connecticut. She is someone who always keeps the people in Norwich informed on all of the things that are going on. She is joined by her daughter, Barbara. She is the grandmother of Kelly Sinko who is former Senate dem staffer and now a member of the Governor's Budget Office. Mrs. Sinko served Connecticut by being a registered nurse at Backus Hospital in Norwich and her daughters all became registered nurses and work, at least, her daughter who is with her today works at Backus Hospital in Norwich. I'd like the circle to give a round of applause for Mrs. Sinkos for her years of bringing us all together for healthcare for all. [Applause].

THE CHAIR:

Yes. Welcome, Mrs. Sinko. It's nice to see you again. We go to the same beauty parlor.

SENATOR OSTEN (19TH):

[Laughing].

THE CHAIR:

Thanks.

SENATOR OSTEN (19TH):

I also would like to introduce Beth and Paul Hanlon, and I'd like them to stand today. We are here today to honor their daughter, Grace. Their daughter Grace went to the 4-H camp in North Franklin Since she was 7 years old. When she was 16, she was going around to view colleges. She was an active athlete, an excellent scholar, someone who any one of us would have been proud to have her fill a seat up here. Grace passed away in a tragic motor vehicle accident on the way home from viewing a college in Rhode Island. They, instead of being mired in grief and we all grieve for the loss of Grace, have been working to expand the 4-H camp in North Franklin in their daughter's name, and I cannot say enough for what they do.

I'd like you to know that Paul is a 26-year military veteran serving both the Army National Guard and regular Army. I met Paul because he takes community into his heart. I was driving home on Christmas Eve with my grandchildren's Christmas presents in the backseat and I got a flat tire. He stopped and

changed my tire and started talking to me about what all of us have done up here for veterans and how much we had done for veterans and that's why he was here. His wife, Beth, serves our country by working with special education children in the Norwich school system and when you talk about families that have given everything, they have. We miss Grace everyday and I'd like the circle to stand in a moment of silence for Grace and if you're ever looking for a way to honor a special young lady, come to the 4-H camp at North Franklin, which all of you have voted to give a small grant to honor children of veterans to let them go to camp. If you wouldn't mind, standing for a moment in silence I would appreciate it. [Silence].

THE CHAIR:

Thank you.

SENATOR OSTEN (19TH):

Thank you very much, Madam President.

THE CHAIR:

Thank you both for coming today and thank you for always giving back. Bless you two. Senator Kennedy.

SENATOR KENNEDY (12TH):

Thank you, Madam President. Madam President, I rise for a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR KENNEDY (12TH):

But, before I do, I wanted to join the chorus of your many admirers here in this circle. I really appreciate everything that you've done, Nancy, to serve the people of Connecticut and it sounded like you were almost making kind of your retirement speech up there or something. I hope that's not the case because we have a lot of work to do but I know -- I hope that you feel an incredible sense of appreciation from all of us in this chamber.

THE CHAIR:

Thank you.

SENATOR KENNEDY (12TH):

Thank you so much for everything you've done. I rise for a point of personal privilege to salute a number of Connecticut athletes who are currently on their way or in South Korea representing our nation in the world Olympics. I am very fortunate to have three such athletes from my district. I invited them all here today but they're already training for their events and their families are with them, but I think it's important that the chamber recognize their incredible accomplishments and we look forward to watching them on TV in the coming weeks. One is Mac Bohonnon. He is the 2015 world champion freestyle skier. He is the only male aerialist in the Sochi Olympics, and he is representing the United States again this year. He is joined by Kiley McKinnon who is also a freestyle skier. She started skiing when she was 3 years old. She left

Daniel Hand High School in Madison to pursue skiing full time, and we wish her luck in the upcoming freestyle skiing events. Finally, I want to just recognize Zach Donohue who is a figure skater. He actually started skiing in East Haven's Veteran's Memorial Ice Rink, so for those of us who live on the shoreline and have children, we've spent many, many hours at that ice rink and it's fantastic to know that one youngster developed the kind of skill to go on and represent our country, and I know I am bursting with pride at the prospects of all three of these incredible athletes and I would like to ask the circle to rise and recognize their achievement; but before I do, I want to yield the floor to my friend and colleague, Gayle Slossberg, because I think she too has an Olympian from her district. Thank you very much -- [microphone shut off].

THE CHAIR:

Thank you. Senator Slossberg, will you accept the yield?

SENATOR SLOSSBERG (14TH):

Yes, I will, Madam President, and thank you and thank you to Senator Kennedy for the yield. Yes, in Milford, we are also bursting with pride over our Olympian, Mark Arcobello who grew up in Milford. He played hockey at Fairfield Prep. He went to Yale, so he is uniquely Connecticut where he played hockey. After that, he played as a forward in the NHL for the Edmonton Oilers, the Nashville Predators, the Pittsburg Penguins, the Arizona Coyotes, and the Toronto Maple Leafs, so he's run the gamut; but since 2016, Mark has played professionally in the National League of Switzerland

as a right wing for SC Bern. This year Mark along with the other Olympians that Senator Kennedy has mentioned will be playing with Team USA at the Olympics in South Korea. Mark played with Team USA in the 2015 World Championships in the Czech Republic where Team USA placed 3rd. This year, we hope this Milford native leads his team, our team, to the top of the podium and brings home a gold medal, and we are very excited in Milford and before we ask for the circle to please rise and recognize these fabulous athletes, I too want to add my thank yous to you, Nancy -- or Lieutenant Governor Wyman, for your leadership, for your friendship, and for being a role model to all, especially to women. You've shown the way. This is how you get it done and now, if the circle would please rise and congratulate all of our Olympians and wish them the best success. [Applause].

THE CHAIR:

I feel like chanting GO USA, GO USA, GO USA but I won't do that. Senator Cassano.

SENATOR CASSANO (4TH):

Thank you, Madam President. It is indeed a pleasure for me to rise and before I introduce my guest, I would like to too thank you very much for your service over the years. I remember a meeting that I attended up in Tolland, Connecticut. Senator Mike Skelly, the Board Ed Chairman was Bill Dowd, and you were a member of the Board of Education and the purpose of the meeting was to convince you to run for the House. What you have done since then has been remarkable, and your friendship is lifelong. Thank you. I have indeed a very great honor to be

able to introduce to my fellow senators, staff, and guests Pam Cranford. Pamela and I both live in Manchester, Connecticut. You probably have heard recently that Manchester was named by Money Magazine as the best place to live in Connecticut and we are very, very proud of that honor, and that is because of people like Pam who have dedicated so much to the lives of others. Pamela Floyd Cranford and I both graduated from UCON with MSWs and both have been people persons. She is a passionate person about helping others and has dedicated her life to supporting children and families in Connecticut. She has worked for the Department of Children and Family Services, DCF, for 29 years. In fact, next month will be her 30th, as a social worker and a program manager. As a licensed clinical social worker, Pamela advocates daily for the care of our youth.

She is a loving parent. Her two sons went to Manchester public schools and both went on to obtain master's degrees. Most recently, Pamela was elected to the Manchester Board of Directors, which in most places is called the city council or the town council. We still haven't changed that. I know she will serve Manchester with distinction and I am very happy that she was able to take a short break from work and be my guest this morning, as I know she is eager to get back to her work at DCF, but it's important that we give her a warm welcome and a thank you for her service to the state of Connecticut, to the people of Manchester, to the children and families who need her most. Pam. [Applause].

THE CHAIR:

Thank you, Pam, very, very much. We really do appreciate all you -- I just want to know, Senator Cassano, did you go to school with Pam? Cause she looks a lot younger. [Laughing]. Now, Senator Linares and then Senator Boucher.

SENATOR LINARES (33RD):

Thank you, Madam President. I rise for a point of personal privilege and first, I'd like to thank you for your 35 years of public service. As Senator Fasano pointed out, that's longer than I've been alive and --

THE CHAIR:

Alright, that's enough of that. [Laughter].

SENATOR LINARES (33RD):

It's been an honor serving with you and thank you for your hard work and dedication to this state. Today, Madam President, we are joined in the Senate circle with the 2018 Connecticut Kid Governor, Megan Kasperowski, 5th grader at Brownstone Intermediate School in Portland. Fifth graders from across Connecticut voted for seven final candidates and Megan won on her platform of stronger than cancer, lifting spirits and changing lives. She was inaugurated at the Old State House on January 26. She will spend her 1-year term participating in public programs by the Connecticut Public Affairs Network to raise awareness of those in our state who are fighting cancer. She is here today with her mother, Lauren, and grandmother Mary Lombardo. You can follow Megan's term on CTKG, on Facebook, Instagram, and Twitter and although she's kid

governor, I did hear, Madam President, that she is considering throwing her hat in the ring for adult governor this year. [Laughter].

THE CHAIR:

Why not.

SENATOR LINARES (33RD):

[Laughing]. I would ask the Senate to join me in a warm welcome for Connecticut's kid governor. [Applause].

THE CHAIR:

Congratulations and know that the work you're gonna do in the next year is really gonna mean something. I hope you'll come back and visit us. Okay, thank you, again. At this time, Senator Boucher -- I'm sorry -- and then Senator McLachlan and then Senator Flexer. I got it down now. Senator Boucher.

SENATOR BOUCHER (26TH):

Good morning.

THE CHAIR:

Good morning.

SENATOR BOUCHER (26TH):

Our great Lieutenant Governor, I rise for a point of personal privilege but before that, I also want to share in the gratitude and thanks to you for your amazing service. You say that you came in in 1986,

and that was the year that I was elected to our local board of education and that's how I became familiar with you and your work on the education committee of the legislature at that time. We were serving at some very interesting times when we had Sheff vs. O'Neill, when we had the creation of an education cost sharing formula, so I guess we go way back but your service has been exemplary and you've treated us all with great kindness and respect on all sides of the political isle and it's greatly appreciated, and I'm sure we'll see a lot more of your service to the state of Connecticut, but we are grateful.

I am very, very delighted to introduce this chamber to a young man by the name of Bradley Harper. Bradley has just transferred to the state of Connecticut very recently, and we're very fortunate of that because not only is he bringing his talent as an attorney and soon we hope will be passing the bar here in Connecticut and he resides -- he and his partner reside here -- his husband in fact -- reside here in Hartford and we're very fortunate that your husband was able to drag you here because he is also a very talented retina surgeon that will be a great asset to our state but more importantly, he immediately became interested in our state government and he's here to learn more and we hope to see a great deal of his participation. It's always good when you get someone coming to Connecticut from North Carolina, where we lose a lot of our residents to, so welcome Bradley. We're so proud and privileged and I hope that you will all rise and give him a warm welcome and say welcome to Connecticut, welcome to our state Senate. Thank you. [Applause].

THE CHAIR:

Bradley, thank you so much. Thank you for coming to our state and so glad that you're interested in politics. Senator McLachlan, I believe you're next.

SENATOR MCLACHLAN (24th):

Thank you, Madam President. I rise for a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR MCLACHLAN (24TH):

And, I too join the circle in congratulating you for fine service to the state of Connecticut and especially to the state Senate. We are grateful for your humor, as Senator Fasano, has said because at the most important time when it seems things were tense and not moving along you put everything in perspective with your wisdom so we appreciated that very much and wish you the very best.

THE CHAIR:

Thank you, sir.

SENATOR MCLACHLAN (24TH):

I stand today with several guests from several areas of the state but beginning with Tim and Lucy Snow of New Britain, Senator Gerratana's constituents. Lucy is the coordinator of the Connecticut Capitol Prayer Walkers and so we have people here at the State

Capitol that are very interested in our spiritual welfare and spend time here at the Capitol prayer for the staff and the elected officials here at the state Capitol. Lucy and Tim were grateful for your service and I have several others, Gregg Healey and Pastor Marian McIntosh are the co-leaders of the Connecticut Capitol Prayer Network. They meet here monthly and are very concerned, along with faith's leaders from across the state of Connecticut who come here to the Capitol on a monthly basis. Again, they are here looking out for our best interests in every way and especially in our faiths wellbeing.

We have a dear friend of mine from Danbury and his wife, Joel and Cheryl Urice. Joel is the host of a community television program in the greater Danbury area. Those are unsung heroes that spend all of that time in community TV letting the residents of the towns know what's going on behind the scenes, and we're very grateful to Joel and especially to Cheryl for allowing him to spend all that time looking out for our community, and last but not least is some of my favorites to see here today. The youngest of the delegation from Western Connecticut, the Western Connecticut State University College republican president, Christy Petricone [phonetic] and also with her is the vice president of the Western Connecticut State University College republicans, Lucia Wilk [phonetic]. We are grateful that you are carrying the torch of the next generation interested in the political process. I know that we have a very engaged democratic club at West-Con and so it's always exciting to see that the debate begins early and especially that in my hometown I'm glad to see you engaged in the process, so if the circle would

join me in welcoming all of these special guests, we would appreciate it. [Applause].

THE CHAIR:

Thank you all for coming today. I appreciate it. At this time, it will be Senator Flexer.

SENATOR FLEXER (29TH):

Good morning, Madam President.

THE CHAIR:

Good morning, Senator.

SENATOR FLEXER (29TH):

I have a small suggestion for Senator McLachlan. Perhaps in the Government Administration Committee in response to what Senator Linare said a minute ago -- I rise for a point of personal privilege. I forgot that -- but perhaps we could consider a constitutional amendment in the GAE Committee since neither Senator Linares nor Kid Governor Megan would meet the current constitutional requirements for governor, maybe we could change that. [Laughter]. Madam President, I also want to rise and just briefly take this opportunity to honor you and to thank you for your tremendous service. A few moments ago when Senator Duff referred to you as everybody's Nancy I got goosebumps because that was such an accurate statement, and I cannot express clearly enough the great admiration and frankly love that I have for you and you're tremendous model of public service to the state of Connecticut. What you have done over the course of your career and the

incredible issues that you have made a huge difference on from education to healthcare and of course, the great work you've done for our veterans. You are beloved in that community. I've seen that firsthand because you have been the strongest advocate that veterans in our state could ask for. You have just been a role model to so many of us and a great mentor to us. I am grateful for your friendship and I don't know that the state of Connecticut has ever had a better Lieutenant Governor, and I'm very sad that you won't be standing in that position a year from now, but I just want to thank you, thank you very much; and Madam President, I am very privileged today to have the opportunity to share this date with students from Killingly High School, trying to be a role model for young people and letting them see the legislative process, which I know you have done so well throughout your career, Madam President.

We have students here with us today from Killingly High School who are here on a job shadow to see what it's like to be a state legislator and I would like to introduce Dylan LeDuc who is here with us and if the chamber would please give him a warm welcome. [Applause].

THE CHAIR:

Welcome, Dylan. I hope you do get involved in politics. Senator Berthel and then Senator Martin. Senator Berthel.

SENATOR BERTHEL (32ND):

Good morning, Madam President.

THE CHAIR:

Good morning.

SENATOR BERTHEL (32ND):

Madam President, I will also add my comments as one of the members of the circle who has been here the least amount of time with you. I thank you as well for your distinguished service to the great state of Connecticut and to the people, and it will be a very different place coming next year when we come back into session without you there and your humor, so thank you and I hope you -- despite what everyone else has said, I hope that you will truly take some time to retire and enjoy some time off with your extended family. Madam President, I rise for the purpose of a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR BERTHEL (32ND):

Thank you. I am blessed today to have my two sons here with me for opening day. This is officially my first opening day in the Senate as I came in, as we know, in a special election last February. My son, Matthew, 13, my son, Paul, 11, both students at Swift Middle School in Watertown. They don't have any school today thanks to mother nature. I think all of the state of Connecticut is out of class today in terms of our schools being closed, but they would have been here either way and as Senator Linares and Senator Flexer just spoke to young people truly represent the future of Connecticut and

the future of our nation. They will be future business leaders, they will be future parents, maybe future members of our military, and I don't know if I say in a good way or a bad way but possibly future elected officials -- [Laughter] -- so, at any rate, if the members would please join me in welcoming not only Matthew and Paul but all of the young people in our great chamber this morning, that would be appreciated. Thank you, Madam. [Applause].

THE CHAIR:

Matthew and Paul, you should be very, very proud of your dad. Your dad is a very special person and we're glad to have him in this circle, and I know that you are proud of him. Aren't ya? Yeah, you should be. Senator Martin.

SENATOR MARTIN (31ST):

Thank you, Madam President. Madam President, I rise for a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR MARTIN (31ST):

First, let me congratulate you and thank you also along with my colleagues around the circle here for your years of service but for taking the time specifically for when my uncles visited the Capitol, who both are military vets, you took time out of your busy schedule to say hello and take a photo with them and I know that meant a lot to them for you having done that. Also, I just want to let you

know that my wife loves your shoes and we're probably all going to miss you walking through the circle here and seeing okay what type of shoes does she have on today, so thank you.

I'd like to introduce two people. Some of you have already met my wife but for me, it's kind of special. I have two of my best friends in the chamber here today. One is my wife who is my biggest cheerleader. I've mentioned that before. Some of you have called her a Rockstar and gotten to know her and she lights up a room when she comes into it and besides being beautiful, she's my best friend, so my wife, Roxanne. [Applause].

THE CHAIR:

Please put on Senator Martin's, thank you.

SENATOR MARTIN (31ST):

And, the second person is a person that I've known longer than my wife. He and I go back to college, to our college days and became best friends there. Actually, a native of Danbury, Connecticut, transported to now Providence, Rhode Island. He is the best of the best in his field, a nurse anesthetist, highly respected at the Providence Hospital and throughout probably the region -- New England region, so I can't say enough about this person, both of them. I am so grateful for them being in my life, helping me become a better person. I'd like you to welcome my friend, Christopher Coball [phonetic]. Thank you. [Applause].

THE CHAIR:

Senator -- no problem. Senator Martin, please.

SENATOR MARTIN (31ST):

Just one last thing. Recently diagnosed with lung cancer, had surgery, went through chemotherapy and is now cancer free.

THE CHAIR:

Yes! [Applause]. Alright! Congratulations. It's nice to see you healthy. Thank you so much for being here. I have Senator Bye and then Senator Formica.

SENATOR BYE (5TH):

Good morning, Madam President.

THE CHAIR:

Good morning.

SENATOR BYE (5TH):

I rise for point of personal privilege. I know there will be much more to say later but it seems like now's the moment to remind you about how much we value you in the circle and as I've been listening to my colleagues, I would say what came to my mind, Madam President, is that you lead with love. It's no accident that your major accomplishment is healthcare. Our state had the best healthcare exchange, has the best healthcare exchange possible right now in this nation. It's saved lives, saved lives of so many, and made people's lives better and that we will remember you

for. You know what it is to be caring and you know how to be tough, and I think what strikes all of us is your humility. Listening to your comments with your head down, it's so hard for you to talk about yourself and take credit and part of that is because the way you work, is you bring people together and they all work together. It's never been about you and our state is a better place because of your service, so I want to introduce a few people if the chamber will indulge me.

I want to start with a young man that I met at church just a month ago. His name is Issam Borea [phonetic]. Issam, will you please stand? Issam came to this country to escape persecution and imprisonment for his efforts to spread democracy throughout Egypt and the whole Middle East in fact. He was an organizer on the ground helping to speak up for things like free speech, government that is a democracy, and he had just been living a middle class life before things started to fall apart in Egypt, and he is a reminder about its individuals that can stand up and make a difference and I'm so proud to call him a friend and to have gotten to know Issam and grateful that our nation has welcomed him as an immigrant, so Issam, we're so glad you're here. If the chamber can give Issam a round of applause. [Applause].

THE CHAIR:

Welcome -- welcome, Issam. Thank you for coming here and I know what you bring with you will make this country a better place. Thank you.

SENATOR BYE (5TH):

Thank you, Madam President. I would also like to introduce the Deputy Mayor of West Hartford, Beth Kerrigan, who some of you may know as Beth Kerrigan of Kerrigan vs. Connecticut. She and her family spent a decade fighting for the right for Connecticut residents to marry and I know Tracy and I appreciate it every day, Beth, and thank you for your service on our town council. [Applause].

THE CHAIR:

Yes! Thank you. Thanks, Beth.

SENATOR BYE (5TH):

I can't blame them and Madam President, I just have to take a moment to express my gratitude to the circle. My family -- Tracy is here this year -- and my family is in a very different place but last year, I wasn't even in the state on this date and it was the support of Senator Looney -- Senate President Looney, Senator Fasano, Senator Duff, and Senator Witkos, leaders were all supportive and helpful. Senator Linares, my co-chair in higher ed took extra responsibility, as did the chairs of my other committees, so this circle was just such a wonderful support last year that I can't help but take a moment to thank everybody and particularly you, Madam President. You called twice a week and checked in with us all the time and have been such a wonderful support. It's, again, back to your healthcare focus. It's about the people, so I just want to take a moment to thank people and then recognize my intern, Jimmy Boise [phonetic]who is here from Trinity and I'll close by introducing my wife, Tracy Wilson, who is a Rockstar in here. [Applause].

THE CHAIR:

Love you guys. Thank you.

SENATOR BYE (5TH):

She said I didn't have to introduce her this year but I really had to and also to celebrate the recent publication of her book, *Essays About the History of West Hartford*, over 400 pages and the focus is really on the power that individuals have to use their energy and courage and caring to build community, and so we're really proud of Tracy's accomplishment in West Hartford as our town historian. Thank you, Madam President.

THE CHAIR:

Thank you. Thank you, Tracy. At this time, Senator Formica.

SENATOR FORMICA (20TH):

Good morning, Madam President. I rise for a point of personal privilege, please.

THE CHAIR:

Please proceed, sir.

SENATOR FORMICA (20TH):

Thank you very much. First, while we're speaking of Connecticut Olympians, I'd like to add the name of Ryan Pivirotto, a speed skater, from East Lyme who will be joining those in competition over in South

Korea, so we're proud of him. Too, I echo and agree with the comments made, all of the nice comments that were made about you this morning and your legacy I believe it to be with my experience with you, your kindness and your character, and I think that should be an example for all of us who serve no matter which political affiliation we have, Madam President, and I am most grateful for having the opportunity to serve in this great circle with you and watch you in your tremendous leadership as you lead the way through some of these minefields that we have here, so thank you for that.

THE CHAIR:

Thank you, sir.

SENATOR FORMICA (20TH):

Also, I have no family joining me here today but I thought it would be important to take a minute to thank the family that's here each and every day that I get the opportunity to work with, not only the great senators but all of the staff and the interns who work so hard. Our challenges are great. Our work is long and hard and the people who get the least amount of credit are the people who do the most amount of work, and I'd like to ask the chamber to rise and thank and appreciate all of the staff in this building who work so do damn hard to make sure we get this done and I look forward to working with them all again, and I thank them for the opportunity to work with them. Thank you, Madam President. [Applause].

THE CHAIR:

Thank you. Thank you, Senator. Senator Fonfara and then Senator Suzzio.

SENATOR FONFARA (1ST):

Thank you, Madam President, and good morning. It's great to see you.

THE CHAIR:

Thank you.

SENATOR FONFARA (1ST):

Madam President, I wanted to thank you for many things here this morning, not the least of which is your service to the state of Connecticut. Way back some 30 years ago, you began your journey on the education committee, sharing that committee, doing great things for the children of this state. Your work on behalf of veterans, as well as those in active service, your many years as the comptroller overseeing the finances of this state, your great sense of humor that we will always remember about you whether you're here in our presence or otherwise, your unparalleled partnership with Governor Malloy, and your loyalty to him, a character trait that I think is in short supply these days.

Madam President, you remember we came in together in 1986 and you came, as Senator Duff said, you knocked on doors for me in a primary some 30 years ago with then Speaker Irv Stolberg and a number of our colleagues. There was nothing to gain for the House democratic caucus in coming to knock on doors for me. There was going to be a democrat in that seat

no matter what, but I've never forgotten you doing that and talking to my constituents in the south end. I can still remember it to this day and I thank you for it, Madam President, and for your friendship.

THE CHAIR:

Thank you. Senator Suzio.

SENATOR SUZIO (13TH):

Thank you, Madam President. I rise for a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO (13TH):

First of all, I would like to second the sentiments of every single one of my colleagues who have risen in the chamber recognizing your years, your decades of public service to the people of Connecticut in various capacities. You are indeed an example and an inspiration to all of us as we seek to serve the public in the best ways we possibly can, although I might admit that when I heard Senator Osten get up speaking about your departure from public office that we should all emulate your example I wasn't quite certain what she meant by that but then I understood. [Laughter].

I want to recognize several people in the audience who I would like to call to your attention. First of all, I'd like to recognize the members of my

family, my wife Kate who's been my best friend and mate for going on 47 years and my daughter, Katelyn and my son, Joshua. [Applause]. We also have in the gallery Dr. Steve Minkler and his wife Karen. Dr. Minkler is dean and acting president of Middlesex Community College, and Dr. Minkler played an indispensable role with respect to the Middlesex Community College campus in Meriden. That campus was threatened with closure because of the cost of running and the budget issues that we have, and Dr. Minkler played a key role in coordinating with the local board of education and moving the Middlesex Community College campus to the brand new Platt High School, and to me what happened in that situation, is a great example that we ought to think about and might motivate us here as we seek to deal with the budgetary problems in Connecticut because in resolving a budget problem we actually improved, I think, the educational services that are available to young folk in Meriden and the surrounding communities. The facilities at Platt High School would rival that of any college and it's a fantastic example to me of what we can do in responding to the budget crisis, not only to meet it and solve it, but to perhaps even render a better service to our communities, and I just want to personally thank Steve for the key role he played in it and of course, Dr. Minkler like all of us, his spouse is key in his life in supporting him like my spouse is to me. Thank you both very, very much. [Applause].

THE CHAIR:

Senator Suzio, please. Okay.

SENATOR SUZIO (13TH):

Sorry, just one more guest I want to call to your attention. Sitting in the gallery too is Tom Auray. Tom is president of Bridgeport Fittings and he is a very active member of the New Haven Manufacturer's Association, and Dr. Minkler and Tom were sitting at the table with me this morning having breakfast and engaged in an animated conversation about what we can do to foster collaboration between the educational community and the business community in Connecticut, and that certainly is going to be a very key component of Connecticut's recovery and I'm glad to be, I hope, a catalyst in initiating some communication between key people in the business community and the leaders in our education community. Tom, thank you for joining us today too. Thank you all very much. [Applause].

THE CHAIR:

At this time, are there any other points of personal privilege. Senator Hartley, good morning.

SENATOR HARTLEY (15TH):

Good morning, Madam President. I rise for a point of personal privilege.

THE CHAIR:

Please proceed, ma'am.

SENATOR HARTLEY (15TH):

And, if I might just very briefly join my colleagues in saying it was kind of surreal to hear your opening remarks today, madam, and as we go forward in this session, myself and all of the members in

this chamber will relish every day that you will be leading us on the Dias and of course, to always celebrate your incredible legacy with regard from the days of chairing education, to moving on to being our lieutenant governor and distinguishing this state with regard to healthcare issues, but if I might very briefly, I've just been graced with one of my colleagues, a member of the Waterbury/Naugatuck delegation, that is Representative Rosa Rebimbas and with her today she is joined by part of the Rebimbas dynasty from Naugatuck, her cousin Celeste Rebimbas and students of Naugatuck High School, Sarah, Jessica, and Melissa have also weathered the 84 traverse to be here with us on this opening day so if my colleagues would join me in welcoming them to the Senate. Thank you very much, Madam President. [Applause].

THE CHAIR:

Welcome to the chamber. Thank you for coming up and visiting. We appreciate it. At this point, Senator Kelly -- did you -- I apologize. Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. I rise for the purposes of a Journal notation.

THE CHAIR:

Please proceed, sir.

SENATOR KELLY (21ST):

Thank you very much. Senator Kevin Witkos was not here today unexpectedly for family reasons.

THE CHAIR:

Our prayers are with them. At this time, Senator Duff -- okay.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, do we have a report from our Committee? Have they discharged their duties?

THE CHAIR:

They haven't gone yet. [Laughing].

SENATOR DUFF (25TH):

Oh, they haven't gone yet. Okay.

THE CHAIR:

They -- if the Committee would like to run downstairs -- not run. Senator Guglielmo, you too. Senator Guglielmo. Tony. You're down. You're gone. Outta here. [Laughing]. We have had the report from the House ready. Senator Duff, would you like to stand at ease?

SENATOR DUFF (25TH):

Yes. Thank you, Madam President. Are we waiting for the report to come back or we assume that everything's okay.

THE CHAIR:

The House already came up and said they were ready for us, so.

SENATOR DUFF (25TH):

Oh, okay. Thank you, Madam President. Madam President, I think then we'll assume that our Committee will do its job and not get waylaid on the way downstairs to the second floor and I believe the Governor's address is at noon and we'll meet in Joint Convention at noon, and so I would move that we adjourn until the Joint Convention.

THE CHAIR:

All those in favor, please say, aye.

(All) Aye.

It doesn't matter. We're gonna do it anyway. The Senate will stand adjourned subject to the call of the chair. Senators, please proceed to the House.

On the motion of Senator Duff of the 25th, the Senate at 11:25 a.m. adjourned subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Thursday, February 8, 2018

The Senate was called to order at 10:55 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Tim Kehoe of East Hartford, Connecticut.

ACTING CHAPLAIN TIM KEHOE:

May the work that we do benefit all those we serve.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated February 8, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

REPORTS RECEIVED:

Report - University of Connecticut - Annual Report on Procurement Policies and Procedures for Calendar Year ended December 31, 2017. (Pursuant to Section

10a-151g(b) of the Connecticut General Statutes)
Date received: February 7, 2018
Referred to Committees on Government Administration and Elections and Higher Education and Employment Advancement

Report - University of Connecticut - UConn 2000 Report #45 for Calendar Year ended December 31, 2017. (Pursuant to Section 10a-109x(c) of the Connecticut General Statutes) Date received: February 7, 2018
Referred to Committees on Commerce, Finance, Revenue and Bonding and Higher
Education and Employment Advancement

Report - Office of Early Childhood - School Readiness and Child Day Care Center Slot Utilization for Second Quarter of Fiscal Year 2017, October 1 - December 31, 2017. (Pursuant to Section 94 of Public Act 16-71 of the Connecticut General Assembly). Date received: February 7, 2018
Referred to Committees on Appropriations and Children

Report - Connecticut Innovations, Inc. - Connecticut Bioscience Evaluation Framework. (Pursuant to Special Act 17-2 of the Connecticut General Assembly) Date received: February 7, 2018
Referred to Committee on Commerce

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS (#2)

The Senate at 11:00 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Friday, February 9, 2018

The Senate was called to order at 10:50 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Noele R. Kidney of Ellington, Connecticut.

ACTING CHAPLAIN NOELE R. KIDNEY:

Please bless us with an inner strength so that our lives and work may be a blessing on others.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated February 9, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

COMMUNICATION FROM THE SENATE REPUBLICAN PRESIDENT PRO TEMPORE:

REFERRED TO EXECUTIVE AND LEGISLATIVE NOMINATIONS:

February 8, 2017

To the Honorable General Assembly:

Pursuant to Connecticut General Statutes 15-31a, it is my pleasure to nominate and with your advice and consent, appoint **Mr. Grant W. Westerson** of Old Saybrook, Connecticut, to be a member of the Connecticut Port Authority Board of Directors to serve a term beginning immediately and ending June 30, 2019.

Len Fasano
Senate Republican President Pro Tempore

REPORTS RECEIVED:

Report - Department of Motor Vehicles - Connecticut Emissions Program Statistics for January 1 through January 31, 2018. (Pursuant to Executive Directive #3 and Section 14-164h of the Connecticut General Statutes) Date received: February 8, 2018
Referred to Committee on Transportation

Report - Auditors of Public Accounts - Monthly Loss Report to the Governor as of January 31, 2018. (Pursuant to Section 4-33a of the Connecticut General Statutes) Date received: February 8, 2018
Referred to Joint Committee on Legislative Management

Report - Auditors of Public Accounts - Statewide Purchasing Card Program, Enhancing Rebate Opportunities for Fiscal Year ended June 30, 2015. (Pursuant to Section 2-92 of the Connecticut General Statutes) Date received: February 8, 2018
Referred to Committees on Appropriations and Government Administration and Elections

INTRODUCTION OF SENATE AND HOUISE LIST OF BILLS AND RESOLUTIONS (#3).

The Senate at 10:55 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Tuesday, February 13, 2018

The Senate was called to order at 10:45 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Noele R. Kidney of Ellington, Connecticut.

ACTING CHAPLAIN NOELE R. KIDNEY:

For as long as space endures, and living beings remain; until then may I too abide to dispel the misery of the world.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated February 13, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

COMMUNICATIONS FROM THE GOVERNOR:

COMMITTEE ON JUDICIARY: to be referred to Joint Committee(s).

CORRECTED

February 12, 2018

To the Honorable General Assembly:

Pursuant to Article Twenty-Fifth of the Amendments to the Constitution of the State and

Sections 51-44a(h) and 51-165 of the Connecticut General Statutes, I have the honor to

nominate, for reappointment by you, the **Honorable Jack W. Fischer** of Waterford to be

a Judge of the Superior Court, to serve for a term of eight years from May 8, 2018.

EXECUTIVE AND LEGISLATIVE NOMINATIONS - to be referred to Joint Committee(s)

CORRECTED

February 9, 2018

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Sections 4-1a and 12-802 of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, appoint **Donald DeFronzo**, from New Britain, to be a member and Chairperson of the Board of Directors of the Connecticut Lottery Corporation, to

serve a term coterminous with my own, and until a successor is appointed and confirmed.

CORRECTED

February 9, 2018

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Sections 4-1 and 10a-1a of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, appoint **FELICE GRAY-KEMP** from Hamden, to be a member of the Board of Regents for Higher Education to serve a term ending June 30, 2023 or until a successor is appointed and has qualified, whichever is longer.

COMMUNICATIONS FROM THE HOUSE MAJORITY LEADER:

The following communications were received from the House Majority Leader, read and

referred to the Joint Standing Committee on Executive and Legislative Nominations.

WITHDRAWAL

February 9, 2018

To the Honorable General Assembly:

Pursuant to 4-1a of the Connecticut General Statutes, I hereby withdraw the nomination

JOSEPH RICCIO of Stratford, Connecticut to be a member of the Connecticut Port

Authority Board of Directors.

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO.4) - TO BE WAIVED AND BILLS AND RESOLUTIONS TO BE REFERRED TO COMMITTEE(S) INDICATED.

The Senate at 10:45 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Wednesday, February 14, 2018

The Senate was called to order at 10:30 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Noele R. Kidney of Ellington, Connecticut.

ACTING CHAPLAIN NOELE R. KIDNEY:

Please bless us with an inner strength so that our lives and our work may be a blessing on others.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated February 14, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

REPORT(S) RECEIVED - to be referred to committee(s) indicated.

Report - State Department of Education - Biennial Report on Establishment and Operation of School Governance Councils in Connecticut for December 1, 2015 - November 30, 2017. (Pursuant to Section 10-4s of the Connecticut General Statutes) Date received: February 9, 2018
Referred to Committees on Children and Education

Report - Department of Emergency Services and Public Protection - Division of Statewide Telecommunications Report on Enhanced 911 Emergency Telephone Service for Calendar Year ended December 31, 2017. (Pursuant to Section 28-29b of the Connecticut General Statutes) Date received: February 13, 2018
Referred to Committees on Energy and Technology and Public Safety and Security

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. #5) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 10:35 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Thursday, February 15, 2018

The Senate was called to order at 10:50 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Kathy Zabel of Burlington, Connecticut.

ACTING CHAPLAIN KATHY ZABEL:

May we be filled with loving kindness. May we be peaceful and at ease. May we be happy with the things we have.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated February 15, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

COMMUNICATION FROM THE HOUSE REPUBLICAN LEADER:

EXECUTIVE AND LEGISLATIVE NOMINATIONS - to be

referred to Joint Committee(s)

February 14, 2018

To The Honorable General Assembly

Pursuant to the provisions of the Connecticut General Statues 13b-212b, it is my pleasure to nominate and submit to you for your advice and consent the name of **Lisa Slinsky** of Waterbury, Connecticut to be a member of the Connecticut Commuter Rail Council, to serve a 4 year term beginning immediately and expiring July 31, 2012.

Themis Klarides
House Republican Leader

REPORT(S) RECEIVED - to be referred to committee(s) indicated.

Report - Department of Energy and Environmental Protection and Public Utilities Regulatory Authority - Final Resource Assessment and Determination of Economic Viability of Millstone Nuclear Generating Facilities. (Pursuant To Executive Order No. 59 and Public Act 17-3) Date received: February 14, 2018
Referred to Committee on Energy and Technology

Report - Department of Public Health and Department of Social Services - Patient Bill of Rights for Long-Term Care. (Pursuant to Special Act 17-4 of the Connecticut General Assembly) Date received: February 14, 2018
Referred to Committees on Human Services and Public Health

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 6) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 10:55 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Friday, February 16, 2018

The Senate was called to order at 10:45 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Kevin Ricciardi of Branford, Connecticut.

ACTING CHAPLAIN KEVIN RICCIARDI:

We expect to pass through this life but once. If, therefore, there be any kindness we can show, or any good thing that we can do to any fellow being, let us do it now, and not defer or neglect it, as we shall not pass this way again.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated February 16, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

SENATE RESOLUTIONS FAVORABLY REPORTED - to be tabled for the calendar.

EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE SR NO. 4 RESOLUTION CONFIRMING THE NOMINATION OF **THOMAS E. KRUGER** OF COS COB TO BE REAPPOINTED A MEMBER OF THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF CONNECTICUT.

EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE SR NO. 5 RESOLUTION CONFIRMING THE NOMINATION OF **VICTORIA L. VELTRI** OF COLCHESTER TO BE EXECUTIVE DIRECTOR OF THE OFFICE OF HEALTH STRATEGY.

EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE SJ NO. 4 RESOLUTION CONFIRMING THE NOMINATION OF **DONALD DEFRONZO** OF NEW BRITAIN TO BE A MEMBER AND CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE CONNECTICUT LOTTERY CORPORATION.

EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE SJ NO. 5 RESOLUTION CONFIRMING THE NOMINATION OF **PAMELA K. ELKOW** OF REDDING TO BE REAPPOINTED TO THE BOARD OF DIRECTORS OF THE CONNECTICUT PORT AUTHORITY.

EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE SJ NO. 6 RESOLUTION CONFIRMING THE NOMINATION OF **FELICE GRAY-KEMP** OF HAMDEN TO BE A MEMBER OF THE BOARD OF REGENTS FOR HIGHER EDUCATION.

EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE SJ NO. 7 RESOLUTION CONFIRMING THE NOMINATION OF **SAOMAI NGUYEN** OF WEST HARTFORD TO BE APPOINTED A NONVOTING STUDENT MEMBER OF THE STATE BOARD OF EDUCATION.

EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE SJ NO. 8 RESOLUTION CONFIRMING THE NOMINATION OF **JAWERIA SHAH** OF HAMDEN TO BE APPOINTED A NONVOTING STUDENT MEMBER OF THE STATE BOARD OF EDUCATION.

REPORT(S) RECEIVED - to be referred to committee(s) indicated.

Report - Office of the Attorney General - Claims Filed Against the State of Connecticut for Calendar Year ended December 31, 2017. (Pursuant to Section 4-160k of the Connecticut General Statutes) Date received: February 15, 2018
Referred to Committees on Appropriations and Judiciary

Report - Auditors of Public Accounts - Connecticut Green Bank (formerly Clean Energy Finance and Investment Authority) for Fiscal Years ended June 30, 2014 and 2015. (Pursuant to Section 2-92 of the Connecticut General Statutes) Date received: February 15, 2018
Referred to Committees on Energy and Technology, Environment and Finance, Revenue and Bonding

Report - Office of the Claims Commissioner - Annual Report for Calendar Year ended December 31, 2017. (Pursuant to Section 4-159 and 4-159(a) of the Connecticut General Assembly) Date received: February 15, 2018
Referred to Committee on Judiciary

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 7) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 10:50 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Saturday, February 17, 2018

The Senate was called to order at 11:10 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Timothy Kehoe of East Hartford, Connecticut.

ACTING CHAPLAIN TIMOTHY KEHOE:

We expect to pass through this life but once. If, therefore, there be any kindness we can show, or any good thing that we can do to any fellow being, let us do it now, and not defer or neglect it, as we shall not pass this way again.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated February 17, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

SENATE RESOLUTIONS FAVORABLY REPORTED - to be tabled for the calendar.

JUDICIARY COMMITTEE
SJ NO. 9 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE THOMAS A. BISHOP OF NORTH STONINGTON TO BE A STATE REFEREE.

JUDICIARY COMMITTEE
SJ NO. 10 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JAMES M. BENTIVEGNA OF AVON TO BE A JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
SJ NO. 11 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE SUSAN QUINN COBB OF WEST HARTFORD TO BE A JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
SJ NO. 12 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE THOMAS J. CORRADINO OF MADISON TO BE A STATE REFEREE.

JUDICIARY COMMITTEE
SJ NO. 13 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JOHN A. DANAHER, III, OF WEST HARTFORD TO BE A JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
SJ NO. 14 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE MAUREEN D. DENNIS OF SOUTHPORT TO BE A JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
SJ NO. 15 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE ROBERT L. GENUARIO OF NORWALK TO BE A JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
SJ NO. 16 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JAMES T. GRAHAM OF BLOOMFIELD TO BE A JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
SJ NO. 17 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JOHN F. KAVANEWSKY, JR. OF EAST NORWALK TO BE A JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
SJ NO. 18 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JOSEPH M. SHORTALL OF BLOOMFIELD TO BE A STATE REFEREE.

The Senate at 11:15 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Sunday, February 18, 2018

The Senate was called to order at 10:05 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Tim Kehoe of East Hartford, Connecticut.

ACTING CHAPLAIN TIM KEHOE:

May the work that we do benefit all those we serve.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

The Senate at 10:10 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Tuesday, February 20, 2018

The Senate was called to order at 12:00 p.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Carmela Balducci of Deep River, Connecticut.

ACTING CHAPLAIN CARMELA BALDUCCI:

Grant our Legislators the ability to be of reasonable mind, to form a right conscience so that all their judgments will benefit our State's welfare.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Tuesday, February 20, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 8.) - to be waived and bills

and resolutions to be referred to committee(s) indicated.

The Senate at 12:05 p.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Wednesday, February 21, 2018

The Senate was called to order at 12:56 p.m., the President in the Chair.

THE CHAIR:

Good afternoon everybody. The Senate will please come to order. Members and guests, please rise. I direct your attention to Rabbi Philip Lazowski, who will lead us in prayer.

RABBI PHILIP LAZOWSKI:

Our thought for today is from Deuteronomy 16:20, "Justice and only justice shall you follow."

Let us pray. Heavenly Father, Guardian and Keeper of Your people, watch over this circle of Senators, who are entrusted with the administration of selecting and appointing judges. The sages said, "If you see a generation drowning in the sea of troubles, appoint judges who will judge justly and truthfully." You, senators, have the joy of noble service to our state.

According to Maimonides, a judge must have seven virtues: Wisdom, humility, fear of God, disdain of profit, love of truth, love of his fellow man and a good name.

Bless these incoming judges. We also ask God to provide His loving protection for our children, protect our defenders of freedom and those who preside as leaders of our state and nation. Hear our prayers as we pray, and let us all say, Amen.

THE CHAIR:

Rabbi, thank you very, very much. At this time, I'd ask Senator Witkos to come up and lead us in the Pledge of Allegiance.

SENATOR WITKOS (8TH):

(ALL) I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE CHAIR:

Thank you very much. At this time, I would ask if there are any points of personal privilege. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I would like to take a moment of personal privilege please.

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I have two guests here in the chamber who have driven from Naugatuck, and it's probably Senator Logan's constituents, but who have been friends of mine for a very long time, Smitty Payne [phonetic] and Livie Carroll [phonetic] who are behind me -- oh, right over there, and who have -- this is their first trip up to the State Capitol. Smitty was my letter carrier back in the day when I lived in East Norwalk, before I lived in my present home right now, and way before I ever thought about running for elective office, and we hit it up and developed a really nice friendship and over the years have stayed in touch. As a mater of fact, a few years ago, we had Postal Carrier Appreciation Day, and presented him with a State of Connecticut Legislative Citation to thank him for his good work, and now he's -- he's been delivering mail in the Rowayton section of Norwalk, and he and Livie are really just wonderful people. They made another stop here before at Fox 61, which is one of their favorite channels that they watch the news on, and I'm just really proud to have them here today and proud to call them my friend, and I -- friends, and I would ask that the rest of the chamber please rise and to give them our normal warm greeting. Thank you.

THE CHAIR:

Welcome. [applause] You are braver than we are. See, we don't come out in the snow and you always do, so thank you very, very much. It's great to have you here today. At this time, Mr. Clerk, do you have anything on your desk?

CLERK:

Senate Agendas 1 and 2, both dated Wednesday, February 21, 2018.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move that all items on Senate Agendas 1 and 2, dated Wednesday, February 21, 2018, be acted upon as indicated, that the agenda be incorporated by reference into the Senate Journal and transcript.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'm just gonna move a few items on the calendar for the Go List, and Madam President we could move calendar No. 8, Senate Joint Resolution No. 9, as a Go on page 1, and then on calendar page 4, Madam President, calendar No. 2, Senate Resolution No. 5, Go, and on calendar page 4, Senate Resolution -- I'm sorry, calendar No. 3, Senate Resolution No. 4 as a Go, and Madam President, if we can move in calendar order, that would be great. Thank you.

THE CHAIR:

Thank you. Mr. Clerk.

CLERK:
On page 1, Calendar No. 8.

SENATOR DUFF (25TH)

Madam President.

THE CHAIR:

I'm sorry.

SENATOR DUFF (25TH):
Could the Clerk please call calendar page -- I'm sorry -- calendar 3 and then 4 and then 8? I'm sorry, 2, 3 and then 8?

THE CHAIR:

Okay, so, Mr. Clerk.

CLERK:

On page 4, calendar No. 2, Senate Resolution No. 5, RESOLUTION CONFIRMING THE NOMINATION OF VICTORIA L. VELTRI OF COLCHESTER TO BE EXECUTIVE DIRECTOR OF THE OFFICE OF HEALTH STRATEGY.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move acceptance of the Joint Committee's favorable report and adoption of the resolution.

THE CHAIR:

Motion is on acceptance, and will you remark, sir?

SENATOR DUFF (25TH):

Thank you, Madam President. Ms. Veltri is from Colchester. She is currently the Chief Health Policy Advisor in your office, Madam President. She is formerly the Health Advocate for the State of Connecticut Office of Healthcare, Advocate and Formal of the General Counsel for the State of Connecticut Office of Healthcare Advocate, and, Madam President, I would urge a favorable vote on Ms. Veltri's nomination.

THE CHAIR:

Will you remark? Will you remark. Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. Madame President, speaking in support of Vicki Veltri's nomination. All of us who are fortunate enough to know her know what an extraordinary public servant she is, the great job that she did as the Victims' Advocate. Many of us, of course, referred constituent cases to her during her tenure there, and she always worked with great compassion and energy and creativity to make sure, if there was anyway possible, to make sure that that person's needs were served in a fair and equitable way to help kind of thread through the minefield of opposition often thrown up in the way of people seeking coverage for their care, and of course the work that she's done in your Healthcare Cabinet, we all know, has led to this current

appointment. So, I am just so proud and happy that in this important position, we will have someone who is so skilled, so trusted, so perfect for this position, and someone whose competence inspires great confidence in all of us. So, thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further -- will you remark further? If not, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Might we start a Consent Calendar and, if so, I'd like to place this nomination on a Consent Calendar please.

THE CHAIR:

Seeing no objection, so ordered, sir. Mr. Clerk.

CLERK:

Also, on page 4, calendar 3, Senate Joint Resolution No. 4, RESOLUTION CONFIRMING THE NOMINATION OF DONALD DEFRONZO OF NEW BRITAIN TO BE A MEMBER AND CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE CONNECTICUT LOTTERY CORPORATION.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move acceptance of the Joint Committee's favorable report and adoption of the resolution.

THE CHAIR:

Motion is on acceptance and adoption. Will you remark, sir?

SENATOR DUFF (25TH):

Thank you, Madam President. The name, Don DeFronzo, should be familiar to members of the circle. He is currently the Chairholder of the William A. O'Neill Chair and Public Policy and Practical Politics at Central Connecticut State University, formerly the Commissioner of the State Department of Administrative Services. It says here, he was formerly a member of the Connecticut State Senate and formerly the Mayor of New Britain, Connecticut. We all know Don. We know that he has a tremendous record in public service and somebody who will bring all of his good work, common sense and work ethic to the Connecticut Lottery Corporation, and Madam President, I would move that we vote favorably on this nomination.

THE CHAIR:

Will you remark further, Senator Doyle? Good afternoon, sir.

SENATOR DOYLE (9TH):

Good afternoon, Madam President. It's my pleasure to rise to support the nomination of our former colleague, Don DeFronzo, to be Chairperson of the

Lottery Corporation. I found, in our work with Don in this chamber, I found him to be one of the most honorable people I served with. He's very bright. His background, going back to OPM, he really was -- and Mayor of Britain, he really is a man of high character, and I can think of no one better to go over to the Lottery and try to help us set that agency straight. There's been a lot of problems lately we've been reading about, and I really believe Don is one of the -- I think he was planning to retire and the Governor asked him to come out of retirement and help us here, so he's just a wonderful person, skilled leader, and I really look forward and glad he's gonna help us set the lottery straight. So, again, it's my pleasure to support Don's nomination today. Thank you, Madam President.

THE CHAIR:

Will you remark further, Senator Kissel? Good afternoon, sir.

SENATOR KISSEL (7TH):

Good afternoon, Madam President. Great to see you.

THE CHAIR:

Thank you.

SENATOR KISSEL (7TH):

I'd like to associate my remarks with those that preceded me, Senator Doyle in particular. I had the pleasure of serving many years with Senator DeFronzo right to my left, and you know in this chamber there's a lot of downtime, so a lot of opportunity

to chat, and I would actually like to believe that Don and I have become friends. I actually bumped into him in the LOB not too long ago, and we were chatting about various things that we had thought of in previous years. One of the issues was sports betting. You know, we had thought about that many years ago, but Senator Reid had that bottled up pretty tight in Washington, but those days may change, and I know that issue's probably going to be addressed in Public Safety with a public hearing. But, that was just one of many, many things, especially when you're in the wee hours, and we always had good discussions, comparing and fielding, and -- and I firmly believe, as Senator Doyle indicated, Don is just a great guy. He's just a great guy, great public service, keeps giving, and I can't speak more highly of him and happy to vote in his favor this afternoon. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark, Senator Gerratana?

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, I also rise to associate myself with the comments of my fellow colleagues about Don DeFronzo. I've known Don who, of course, is a New Britain native, New Britain resident. I hold his seat, if you will. I am his successor here in the Senate. But, I've known Don for almost 40 years now, and if there's a description of Don DeFronzo, it is public service. He has served so honorably in so many ways as Mayor of New Britain, but also up here in the Legislature, and it was certainly noted by all when he was

Commissioner of the Department of Administrative Services, his hard work there, and I know that he will do an excellent, not just a wonderful, but an excellent job in his new position. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further, Senator Looney?

SENATOR LOONEY (11TH):

Thank you, Madam President. I join wholeheartedly in the remarks of all of my colleagues in support of Don DeFronzo's nomination. Don and I were college classmates at Fairfield University a number of years ago, back a number of decades ago [laughter], but -- but, as we all know, Don is just a superb public servant in every way; from his tenure as a Mayor of New Britain to the years he spent with us here in the State Senate from his election in 2002. He was a beloved colleague on both sides of the aisle. His superb work, then, when appointed by Governor Malloy to become the Commissioner of Administrative Services, a great career there in a very responsible and complex job, and now being willing to undertake this new assignment. So, in every capacity in which he's served, he has really shown the positive side of what it is to be a public servant; someone who is conscientious, even tempered, tremendously thoughtful, a -- a wonderful demeanor, everything that one would want to point to when you would seek to inspire confidence in the term "public servant," and to -- to have that image of Don DeFronzo as that, I think, is the pictorial representation that would do us all proud. Thank you, Madam President.

THE CHAIR:

Thank you, and I can't believe it's decades. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I'll let that one go. Madam President, if there's no objection, I would place this item on the Consent Calendar, please.

THE CHAIR:

Seeing no objects, so ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President.

THE CHAIR:

Mr. Clerk?

CLERK:

And, on page 1, calendar 8, Senate Joint Resolution No. 9, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE THOMAS A. BISHOP OF NORTH STONINGTON TO BE A STATE REFEREE.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I move acceptance of the Joint Committee's favorable report and accept an adoption of the resolution.

THE CHAIR:

Motions on acceptance and adoption. Will you remark?

SENATOR KISSEL (7TH):

Thank you, Madam President. Honorable Thomas A. Bishop was born in New Rochelle, New York, in 1941. He graduated from the University of Notre Dame with a BA in History in 1963. Following his undergrad studies, Judge Bishop was on active duty as an Army intelligence officer from 1964 to 1966. He then attended Georgetown Law School where he was graduated in 1969 with his Juris Doctor and, upon which, he was admitted to the Connecticut and Federal Bar. Before his appointment as a superior court judge, he was managing director of the New London firm of Suisman, Shapiro, Wool, Brennan and Gray, and adjunct instructor at the University of Connecticut School of Law teaching dispute resolution and negotiations. He was appointed to the bench in 1994 and elevated to the appellate court in 2001. In addition to hearing appeals on a part-time basis and serving as a mediator in civil matters, Judge Bishop has taken on the duty of reviewing every brief at the appellate court prior to each term to recommend transfers to the Supreme Court, and I would urge my colleagues to support this resolution.

THE CHAIR:

Thank you. Will you remark, Senator Doyle?

SENATOR DOYLE (9TH):

Yes, thank you, Madam President. I, too, rise in support of Judge Bishop. He has a distinguished career as a superior court judge in appellate court. I -- when he came before us, I did ask him some questions about -- he served on the Criminal Justice Commission from 2001 through 2011. I was given -- and he gave us the patience and he answered some of my questions of background functioning of our Criminal Justice Commission, which he served above and beyond on that. So, again, I just encourage the chamber to support the appointment today of Thomas Bishop to be a judge. Thank you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. If there's no further discussion, I'd ask this be placed on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR KISSEL (7TH):

Thank you.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, our three items are completed, so if the clerk would now call our Consent Calendar please.

THE CHAIR:

Mr. Clerk, with the call of Consent Calendar, the machine will be open.

SENATOR DUFF (25TH):

Madam President.

THE CHAIR:

I'm sorry.

SENATOR DUFF (25TH):

Would the clerk read the items back that are on the Consent Calendar, please?

THE CHAIR:

Mr. Clerk.

CLERK:

Page 1, calendar 8, Senate Jury Resolution No. 9.
Page 4, calendar No. 2, Senate Resolution No. 5.
Also, on page 4, calendar 3, Senate Resolution No. 4. SJR 4

THE CHAIR:

At this time, Mr. Clerk, will you call for a roll call vote on the first and only consent calendar of the day, and the machine will be open.

CLERK:

Immediate roll call has been ordered in the Senate. Immediate roll call on today's Consent Calendar has been ordered in the Senate.

THE CHAIR:

If all members have voted -- all members have voted, the machine will be closed. Mr. Clerk, will you call a tally?

CLERK:

On today's Consent Calendar.

Those voting Yea	35
Those voting Nay	0
Absent and not voting	1

THE CHAIR:

Consent Calendar is adopted. Senator Duff, do you have any good news for us?

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, without objection, I'd like to immediately transmit those items we voted on to the House of Representatives.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, that concludes our business for today, and I will yield before we adjourn to any points of personal privilege or announcements.

THE CHAIR:

Are there any points of personal privilege or announcements? Are there any points? Seeing none, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move that we adjourn subject to call of the Chair.

THE CHAIR:

We will be adjourned subject to the call of the Chair. Have a great weekend.

On motion of Senator Duff of the 25th , the Senate at 1:17 p.m. adjourned subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Thursday, February 22, 2018

The Senate was called to order at 11:38 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Noele R. Kidney of Ellington, Connecticut.

ACTING CHAPLAIN NOELE R. KIDNEY:

Help us to be honest and true in all that we say and all that we do. Give us the courage to do what is right.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Thursday, February 22, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 10) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 11:45 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Friday, February 23, 2018

The Senate was called to order at 11:38 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Timothy Kehoe of East Harford, Connecticut.

ACTING CHAPLAIN TIMOTHY KEHOE:

May the work that we do benefit all those we serve.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Friday, February 23, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 11) - to be waived and bills and resolutions to be referred to committee(s) indicated.

BUSINESS FROM THE HOUSE:

INTRODUCTION OF HOUSE RESOLUTION(S):

EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE
HJ NO. 1 RESOLUTION CONFIRMING THE NOMINATION OF **SUSAN PROSI-JOHNSON** OF STRATFORD TO BE REAPPOINTED A MEMBER OF THE CONNECTICUT COMMUTER RAIL COUNCIL.

EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE
HJ NO. 2 RESOLUTION CONFIRMING THE NOMINATION OF **JOHN S. JOHNSON** OF NEW LONDON TO BE REAPPOINTED TO THE BOARD OF DIRECTORS OF THE CONNECTICUT PORT AUTHORITY.

JUDICIARY COMMITTEE
HJ NO. 3 RESOLUTION CONFIRMING THE NOMINATION OF THE **HONORABLE JON M. ALANDER** OF HAMDEN TO BE A JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
HJ NO. 11 RESOLUTION CONFIRMING THE NOMINATION OF THE **HONORABLE KAREN SEQUINO** OF WOODBRIDGE TO BE A STATE REFEREE.

The Senate at 11:45 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Monday, February 26, 2018

The Senate was called to order at 12:25 p.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Noele R. Kidney of Ellington, Connecticut.

ACTING CHAPLAIN NOELE R. KIDNEY:

May the work that we do benefit all those we serve.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Monday, February 26, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

COMMUNICATION FROM THE GOVERNOR:

EXECUTIVE AND LEGISLATIVE NOMINATIONS - to be referred to Joint Committee(s)

February 26, 2018

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to , Sections 4-1,4-19 and 13b-212b the Connecticut General Statutes, I have the honor to nominate, and, with your advice and consent, reappoint **JAMES GILDEA** from Derby, to be a member of the Connecticut Commuter Rail Council, to serve a term ending July 31, 2021 or until a successor is appointed and has qualified, whichever is longer.

Sincerely

Dannel P. Malloy
Governor

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 12) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 12:30 p.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Tuesday, February 27, 2018

The Senate was called to order at 11:20 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Noele R. Kidney of Ellington, Connecticut.

ACTING CHAPLAIN NOELE R. KIDNEY:

Help us to learn that to honor is to show respect; to meet another's need; to give someone encouragement; to love in word and deed.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Tuesday, February 27, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 13) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 11:25 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Wednesday, February 28, 2018

The Senate was called to order at 11:50 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Kathy Zabel of Burlington, Connecticut.

ACTING CHAPLAIN KATHY ZABEL:

Help us to learn that to honor is to show respect; to meet another's need; to give someone encouragement; to love in word and deed.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Wednesday, February 28, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO.14) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 11:55 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Thursday, March 1, 2018

The Senate was called to order at 12:55 p.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Carmela Balducci of Deep River, Connecticut.

ACTING CHAPLAIN CARMELA BALDUCCI:

When we learn someone is hurting, help us to know what to do and say. Give us compassion today for the hurting, as compassion is love in action.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Thursday, March 1, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

COMMUNICATIONS FROM THE GOVERNOR:

COMMITTEE ON EXECUTIVE NOMINATIONS - to be referred to the Joint Committee.

March 1, 2018

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Sections 4-1 and 10a-1a of the Connecticut General; Statutes, I have the honor to nominate and, with your advice and consent, appoint HOLLY HOWERY from Bristol, to be a member of the Board of Regents for Higher Education to serve a term ending June 30, 2023 or until a successor is appointed and has qualified, whichever is longer.

Sincerely,

Dannel P. Malloy
Governor

SENATE JOINT RESOLUTIONS FAVORABLY REPORTED - to be tabled for the calendar.

JUDICIARY COMMITTEE
SJ NO. 19 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE WILLIAM H. BRIGHT, JR., OF COLUMBIA TO BE A JUDGE OF THE APPELLATE COURT AND A JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
SJ NO. 20 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JACK W. FISCHER OF WATERFORD TO BE A JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
SJ NO. 21 RESOLUTION CONFIRMING THE NOMINATION OF MITCHELL M. FUCHS OF FAIRFIELD TO BE REAPPOINTED A MEMBER OF THE CONNECTICUT COMMUTER RAIL COUNCIL.

JUDICIARY COMMITTEE

SJ NO. 22 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE MARIA ARAUJO KAHN OF CHESHIRE TO BE AN ASSOCIATE JUDGE OF THE SUPREME COURT AND A JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
SJ NO. 23 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JONATHAN J. KAPLAN OF SOUTH WINDSOR TO BE A STATE REFEREE.

JUDICIARY COMMITTEE
SJ NO. 24 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JOSEPH Q. KOLETSKY OF WATERFORD TO BE A STATE REFEREE.

JUDICIARY COMMITTEE
SJ NO. 25 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE AARON MENT OF EAST HARTFORD TO BE A STATE REFEREE.

JUDICIARY COMMITTEE
SJ NO. 26 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE MARYLOUISE SCHOFIELD OF EASTON TO BE A SENIOR JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
SJ NO. 27 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE DAVID M. SHERIDAN OF MANCHESTER TO BE A JUDGE OF THE SUPERIOR COURT.

JUDICIARY COMMITTEE
SJ NO. 28 RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE EDWARD F. STODOLINK OF STRATFORD TO BE A STATE REFEREE.

JUDICIARY COMMITTEE
SJ NO. 29 RESOLUTION CONFIRMING THE NOMINATION OF GRANT W. WESTERSON OF OLD SAYBROOK TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CONNECTICUT PORT AUTHORITY.

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO.15) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 1:00 p.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Friday, March 2, 2018

The Senate was called to order at 12:05 p.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Timothy Kehoe of East Hartford, Connecticut.

ACTING CHAPLAIN TIMOTHY KEHOE:

May the work that we do benefit all those we serve.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Friday, March 2, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

SENATE JOINT RESOLUTIONS FAVORABLY REPORTED - to be tabled for the calendar.

EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE
SJ NO. 30 RESOLUTION CONFIRMING THE NOMINATION OF SCOTT D. BATES OF STONINGTON TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CONNECTICUT PORT AUTHORITY.

REPORT(S) RECEIVED - to be referred to committee(s) indicated.

State Department of Education - Contracts to Private Vendors, Sources of Private Funding and Employee Compensation for Fiscal Years ended June 30, 2014, 2015, 2016 and 2017. (Pursuant to Section 10-3b of the Connecticut General Statutes) Date received: February 20, 2018
Referred to Committee on Education

Auditors of Public Accounts - Private Providers of Special Education for School Year 2015 - 2016. (Pursuant to Section 10-91g of the Connecticut General Statutes) Date received: February 23, 2018
Referred to Committee on Education

Auditors of Public Accounts - State Department of Education's Approval Process of Private Special Education Programs and Oversight of Non-approved Programs. (Pursuant to Section 10-91g of the Connecticut General Statutes) Date received: February 23, 2018
Referred to Committee on Education

Auditors of Public Accounts - State Department of Education's Approval and Monitoring of Contracts or Other Arrangements Between Local and Regional Boards of Education and Private Providers of Special Education. (Pursuant to Section 10-91g of the

Connecticut General Statutes) Date received: February 23, 2018
Referred to Committee on Education

Department of Mental Health and Addiction Services - Feasibility of Implementing Statewide Program for Police Departments to Refer People to Services for Substance Use Disorders. (Pursuant to Public Act 17-131 of the Connecticut General Assembly) Date received: February 24, 2018
Referred to Committee on Public Health

Department of Correction - Frequency and Use of Physical Restraint and Seclusion on Children and Youth Twenty Years of Age or Younger in Custody at the John R. Manson Youth Institution, Cheshire. (Pursuant to Section 46a-13*l*(a)(12) of the Connecticut General Statutes) Date received: February 26, 2018
Referred to Committee on Children

Auditors of Public Accounts - Judicial Department for Fiscal Years ended June 30, 2012, 2013 and 2014. (Pursuant to Section 2-90 of the Connecticut General Statutes) Date received: February 27, 2018
Referred to Committee on Judiciary

Department of Public Health - Scope of Practice Review Committee Report on
Licensed Alcohol and Drug Counselors. (Pursuant to Section 19a-16e of the Connecticut General Statutes) Date received: February 27, 2018
Referred to Committee on Public Health

Judicial Branch - Foreclosure Mediation Program Report for Period July 1, 2013 through December 31, 2017. (Pursuant to Section 49-31n(d)(2) of the

Connecticut General Statutes) Date received: February 28, 2018

Referred to Committee of Banking

Office of Policy and Management - Tax Relief for Elderly Homeowners and Grants to Elderly Renters for 2017-2018 Fiscal Year. (Pursuant to Section 12-170bb of the Connecticut General Statutes) Date received: February 28, 2018

Referred to Committee on Finance, Revenue and Bonding

Office of Healthcare Advocate - Annual Report as of March 1, 2018. (Pursuant to Section 38a-1050 of the Connecticut General Statutes). Date received: March 1, 2018

Referred to Committee on Insurance and Real Estate and Public Health

Department of Insurance - Managed Care Report for Calendar Year ended December 31, 2017. (Pursuant to Section 38a-478a of the Connecticut General Statutes) Date received: March 1, 2018

Referred to Committee on Insurance and Real Estate

Department of Public Health - Scope of Practice Review Committee Report for Psychologists. (Pursuant to Section 19a-16e of the Connecticut General Statutes) Date received: March 2, 2018

Referred to Committee on Public Health

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO.16) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 12:10 p.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Monday, March 5, 2018

The Senate was called to order at 10:42 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Marty Dunleavy of New Haven, Connecticut.

ACTING CHAPLAIN MARTY DUNLEAVY:

Please grant our hearts grace as we come together for our deliberations. As we face many needs to address, give us prudence to be judicious.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Monday, March 05, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

COMMUNICATION FROM THE REPUBLICAN PRESIDENT PRO TEMPORE:

EXECUTIVE AND LEGISLATIVE NOMINATIONS - to be referred to Joint committee(s)

CORRECTED LETTER

March 5, 2018

To the Honorable General Assembly:

Pursuant to Connecticut General Statutes 22a-261, it is my pleasure to nominate and with your advice and consent, reappoint **Mr. Richard J. Barlow** of Canton, Connecticut, to be a member of the Materials Innovation And Recycling Authority as a member who has extensive high-level experience in public or corporate finance or business or industry, to serve a term beginning immediately and ending June 30, 2020.

Len Fasano
Senate Republican President Pro Tempore

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 17) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 10:47 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Tuesday, May 3, 2016

The Senate was called to order at 3:43 o'clock p.m., the President in the Chair.

THE CHAIR:

Senate, please come to order. Members and guests, please rise and direct your attention to our acting chaplain, Noele Kidney.

NOELE R. KIDNEY:

Please bless us with an inner strength so that our lives and our work may be a blessing on others. Amen.

THE CHAIR:

And a quick chaplain. Senator Larson, you want to join us up here? Lead us in the Pledge of Allegiance, please.

SENATOR LARSON (3RD):

My honor. [All] I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

THE CHAIR:

Thank you. Are there any points of personal privilege? Senator Berthel.

SENATOR BERTHEL (32ND):

Good afternoon, Madam President.

THE CHAIR:

Good afternoon, sir.

SENATOR BERTHEL (32ND):

I rise for the purpose of a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR BERTHEL (32ND):

Thank you, Ma'am. The Credit Union League of Connecticut is the only association in Connecticut advocating for Connecticut's credit unions. They work tirelessly to remove barriers in the best interests of their nearly one million members in Connecticut. Nearly one in three residents of Connecticut belong to a credit union.

Credit unions are an integral part of the economy in Connecticut and they employ thousands of people across the state. Madam President, I'm honored today to introduce two guests today, here on the

Senate floor. First, the Credit Union League President and CEO, Jill Nowacki.

Jill leads a staff of just five people plus herself in support of those million Connecticut credit union members and 99 credit unions. Also joining us today is Nick Moalli. Nick is the President and CEO of the Trumbull-based America's First Network Credit Union which has 4200 members and six branches in Connecticut.

Madam President, I would ask the chamber to please join me in extending a warm welcome to our guests today. Thank you.

THE CHAIR:

Absolutely. Welcome. [applause] Thank you. Thank you. If you stay, you can really stay cause it's gonna be very fast today. Senator Larson.

SENATOR LARSON (3RD):

Good afternoon, Madam President. I rise for a point of personal privilege.

THE CHAIR:

Whatever. Please proceed.

SENATOR LARSON (3RD):

Thank you. It's come to my attention that we have a very special birthday to a long-standing member of our chamber today. Mr. Timothy Kehoe turns the ripe old age of 55 and Tim is not only serving his -- celebrating his 55th birthday, but I think he's

celebrating his 31st year here in the -- in the Senate. He was one of the originals of the East Hartford Full Employment Act back in the early 80's but we just wanted to extend a happy and wonderful birthday to Tim Kehoe. Please join me. [applause]

THE CHAIR:

Happy birthday to you, happy birthday to -- [applause] I don't know why you get embarrassed. I sure wish I was turning 55. It's great and happy birthday, Tim. Thank you for everything. Are there any other points -- Senator Flexer.

SENATOR FLEXER (29TH):

Good afternoon, Madam President. I rise for a point of personal privilege.

THE CHAIR:

Please proceed, Ma'am.

SENATOR FLEXER (29TH):

First of all, I want to echo the comments of Senator Larson and give a special thanks to Tim Kehoe who went above and beyond this morning to help me honor the man I'm about to tell you about. A good friend of mine passed away a couple of days ago. Richard Bonneau and he was laid to rest earlier today. He was a very close friend of my family and he was a tremendous servant of Connecticut's Veterans.

He was the Commander for many years of our local AMVETS chapter. He was the State Commander of AMVETS and also served as a National Officer of

AMVETS. Richard will be greatly missed by his loving wife Ann and their three children and I would ask that the chamber please rise and honor his dedicated service to our country and to his fellow Veterans since his time serving this country in the Vietnam war with a moment of silence. Thank you, Madam President.

THE CHAIR:

Thank you. Will you all rise, please, for a moment of silence. [pause] Thank you. Please keep his family in your prayers -- in our prayers. At this time, are there any other points of personal privilege? Oh. Sorry. Senator Sommers.

SENATOR SOMERS (18TH):

Good afternoon. Thank you, Madam President. I rise for a point of personal privilege.

THE CHAIR:

Please proceed, Ma'am.

SENATOR SOMERS (18TH):

Thank you. I would like to introduce to the Senate, a young lady named Shelby Doty [phonetic]. She is a Senior at Stonington High School. She is up here shadowing today. She has been accepted to the University of Connecticut and the University of Delaware. She hasn't decided yet where she's going but she will be pursuing her studies in Political Science and International Business and I hope that the Senate would give her a warm round -- a welcome here. Thank you. [applause]

THE CHAIR:

Welcome. Welcome to the chamber and go huskies. Stay here. We need you. Thank you very much. Is there -- are there any other points of personal privilege? Seeing -- oh, sorry. Senator Kelly.

SENATOR KELLY (21ST):

Good afternoon, Madam President.

THE CHAIR:

Good afternoon, sir.

SENATOR KELLY (21ST):

I rise for a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR KELLY (21ST):

Thank you very much. We are joined this afternoon with Jamie Jones and his son, Sam, who are here to watch government in action today. They are from the famed Jones Family Farm who make tremendous -- grow tremendous Christmas trees, have all kinds of pumpkins, strawberries, blueberries and they make what I believe to be Connecticut's best wine. So I hope that we can give him and his son a nice Senate welcome and -- on their visit here, this afternoon. [applause]

THE CHAIR:

It's great to see you here. Usually it's Terry Jones is up here all the time. So thank you very much for coming and visiting us. Are there any other points of personal privilege? Seeing none. Good afternoon, Senator Duff.

SENATOR DUFF (25TH):

Good afternoon, Madam President, and I'd also like to welcome the Jones family as well. Though not in our district, I think many of us have been on their farm at one time or another with our kids and families, picking strawberries or pumpkins or anything else so we're -- we're certainly glad to highlight a nice family and a wonderful Connecticut business. Madam President, is there a clerk -- is there anything on the clerk's desk?

THE CHAIR:

Mr. Clerk.

CLERK:

Senate Agenda no. 1, dated Tuesday, March 6, 2018.

THE CHAIR:

Senator Doyle.

SENATOR DUFF (25TH):

That'd be Duff.

THE CHAIR:

Hmm?

SENATOR DUFF (25TH):

Duff.

THE CHAIR:

Duff. I'm sorry. I'm sorry. I just read his name - -

SENATOR DUFF (25TH):

He's a nice guy, though. [crosstalk]

THE CHAIR:

Okay. He is a good guy.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move that all items on Senate Agenda number -- no. 1, dated on Tuesday, March 6, 2018, be acted upon as indicated and that the agenda be incorporated by reference to the Senate Journal and transcript.

THE CHAIR:

Seeing no objection. So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, on the -- our calendar today, we have three items that are

go's. On Calendar page 19 -- I'm sorry. Calendar page 3. I apologize. On Calendar Page 3, Calendar number 19, as a go, followed by Calendar Page 4, Calendar 26, go. And Calendar Page 4, Calendar number 27, as a go. And if the Clerk can call in those -- in that order, please.

THE CHAIR:

Mr. Clerk.

CLERK:

On Page 3, Calendar 19, House Joint Resolution Number 11, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE KAREN SEQUINO OF WOODBRIDGE TO BE A STATE REFEREE.

THE CHAIR:

Senator Doyle this time.

SENATOR DOYLE (9TH):

Good afternoon, Madam President. I move acceptance of the Joint Committee's favorable report and adoption of the resolution.

THE CHAIR:

Motion is on acceptance and adoption. Will you remark?

SENATOR DOYLE (9TH):

Yes. Thank you, Madam President. The three judges we have before the chamber today are all trial

referees and all of them -- actually, at least the two I'm bringing out were first appointed in 1985 and I know all three were appointed by Governor O'Neill and I think he -- Senator Looney may have -- was in the legislature even in 1985, I think, he goes back. But these are very experienced judges.

Judge Sequino, she was a graduate of Yale Law School in 1972, University of Michigan with high honors, where she got her law degree and she became a senior judge in 19 -- in 2006. She became a judge trial referee on August 23, 2017. So, I always like to say the senior judges really provide a service to the State of Connecticut. They help us pre-try cases and even try some cases, so I urge the chamber to approve the nomination of the Honorable Karen Sequino.

THE CHAIR:

Thank you. Will you remark? Senator Kissel. Good afternoon, sir.

SENATOR KISSEL (7TH):

Good afternoon, Madam President. Great to see you. I stand in support of this nominee as well and would urge my colleagues to support the report of the Joint Committee on the Judiciary. Thank you, Madam President.

THE CHAIR:

Senator Looney. Good afternoon.

SENATOR LOONEY (11TH):

Good afternoon, Madam President and thank you. Wanted to join in the support of the -- the renomination of Judge Sequino who has had a superb, more than 30-year career on the bench. She was quite young when she was first appointed as Senator Doyle said, back in 1985 and has had a -- a very diverse career. She has been in New Haven, Milford, many other areas of the state.

Very penetrating analysis of -- of the law. Extraordinary in the pretrial setting in asking penetrating questions of lawyers to make sure they -- they stood the -- understood the implications of their own positions and those of their opponents and she has brought her intelligence to bear in a great way that has been of supreme benefit to the state in settling and resolving matters over the years and -- and getting to the heart of the equity in complex matters.

So, I'm pleased that she is obviously still young and vital enough to continue serving and it will have the continued blessing of her active service. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Doyle.

SENATOR DOYLE (9TH):

Yes, Madam President. Without objections, I move this resolution to the Consent Calendar.

THE CHAIR:

Seeing no objection. So ordered, sir. Mr. Clerk.

CLERK:

On Page 4, Calendar 26, Senate Joint Resolution Number 23, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JONATHAN J. KAPLAN OF SOUTH WINDSOR TO BE A STATE REFEREE.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Yes. Thank you, Madam President. Again, I move acceptance of the Joint Committee's favorable report and adoption of the resolution.

THE CHAIR:

Motion is on acceptance and adoption. Will you remark?

SENATOR DOYLE (9TH):

Yes. Thank you, Madam President. Judge Kaplan is another experienced judge. As I said, he was appointed in the -- also appointed in 1985. He's a graduate of UConn Law School and he got into UConn Law School using his undergrad. It was at Bryant University.

He's taught several programs at the Connecticut Judge's Institute and again he's a benefit to our court system where we have these referees assisting us, keeping the cases moving, and I urge the chamber

to approve nomination of Judge Kaplan. Thank you, Madam President.

THE CHAIR:

Will you remark? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I also stand in strong support of Judge Kaplan and would urge my colleagues to support him as well. Thank you.

THE CHAIR:

Will you remark further? Will you remark further? Senator Doyle.

SENATOR DOYLE (9TH):

Yes. Thank you, Madam President. Without objection, I refer this resolution to the Consent Calendar.

THE CHAIR:

Seeing no objection. So ordered, sir. Mr. Clerk.

Clerk:

Also on Page 4, Calendar 27, Senate Joint Resolution Number 24, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JOSEPH Q. KOLETSKY OF WATERFORD TO BE A STATE REFEREE.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I move acceptance of the Joint Committee's favorable report and adoption of the resolution.

THE CHAIR:

Motion is on acceptance and adoption. Will you remark, sir?

SENATOR KISSEL (7TH):

Thank you, Madam President. Judge Joseph Koletsky of Waterford has honorably served as a judge since his initial appointment in 1985. He's a graduate of Yale University and Yale Law School and he was admitted to the bar in 1962. He practiced law for decades with the firm of Kop, Koletsky, Barrow, and Hempstead [phonetic] until his appointment to the bench.

In addition to his service on the bench, Judge Koletsky served for years on the Connecticut Law Revision Commission, on the Waterford Board of Education, on the Waterford -- Waterford Charter Revision Commission and the Child and Family Services Board of Directors. He is honorably discharged as a retired Captain for the United States Naval JAG Corps and he has ably served our state for many, many years and I urge my colleagues to support his renomination as a State Referee. Thank you.

THE CHAIR:

Will you remark? Senator Doyle.

SENATOR DOYLE (9TH):

Yes. Thank you, Madam President. I concur with the comments of Chairman Kissel. I believe this -- this judge is worthy of our renomination and I urge the chamber to adopt the resolution. Thank you, Madam President.

THE CHAIR:

Will you remark further? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you, Madam President. Seeing no other remarks regarding this nominee, I would urge this matter be placed on the Consent Calendar.

THE CHAIR:

Seeing no objection. So ordered, sir. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. At -- those are our three items today, to bring up and I believe all three are on our Consent Calendar. If the Clerk can call the items on our Consent Calendar, followed by a vote, please.

THE CHAIR:

Mr. Clerk.

CLERK:

For today's Consent Calendar. Page 3, Calendar 19, House Joint Resolution Number 11. Page 4, Calendar 26, Senate Joint Resolution Number 23. Page 4, Calendar 27, Senate Joint Resolution Number 24.

THE CHAIR:

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

CLERK:

Immediate Roll Call has been ordered in the Senate. Immediate Roll Call on today's Consent Calendar has been ordered in the Senate.

THE CHAIR:

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

CLERK:

Consent Calendar.

Total number voting	35
Those voting Yea	35
Those voting Nay	0
Absent and not voting	1

THE CHAIR:

The Consent Calendar has been adopted. (Gavel) Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, one was final action. I believe two of the resolutions need further votes in the House, so I would move for immediate transmittal on those actions that still need House approval.

THE CHAIR:

Seeing no objection. So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I believe that this is -- this is -- we should be doing this often -- 20-minute sessions get a lot of work done on Consent. So that concludes our business for today. Senator Hartley could not be here today. She's out of state but if the journal would reflect that she would have voted in the affirmative for the three nominees for today.

THE CHAIR:

So noted, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. So, without further ado, I would just ask that everybody be safe tomorrow on our anticipated snow storm and that if there's no further business, we'd adjourn subject to the call of the chair.

THE CHAIR:

So ordered, sir. Drive carefully.

On motion of Senator Duff of the 25th, the Senate at 4:04 p.m. adjourned subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Wednesday, March 7, 2018

The Senate was called to order at 10:01 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Timothy Kehoe of East Hartford, Connecticut.

ACTING CHAPLAIN TIMOTHY KEHOE:

Please grant our hearts grace as we come together for our deliberations. As we face many needs to address, give us prudence to be judicious.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Wednesday, March 07, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 19) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 10:05 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Thursday, March 8, 2018

The Senate was called to order at 11:50 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Noele R. Kidney of Ellington.

ACTING CHAPLAIN NOELE R. KIDNEY:

As we come together for our deliberations, please give us prudence to be judicious and the ability to treat others with respect.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Thursday, March 08, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

REPORT(S) RECEIVED - to be referred to committee(s) indicated.

Report - Department of Motor Vehicles - Connecticut Emissions Program Statistics for February 1 through

February 28, 2018. (Pursuant to Executive Directive #3 and Section 14-164h of the Connecticut General Statutes) Date received: March 7, 2018

Referred to Committee on Transportation

The Senate at 11:55 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Friday, March 9, 2018

The Senate was called to order at 11:32 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Timothy Kehoe of East Hartford, Connecticut.

ACTING CHAPLAIN TIMOTHY KEHOE:

May the work that we do benefit all those we serve.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Friday, March 09, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO.20) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 11:37 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Monday, March 12, 2018

The Senate was called to order at 11:30 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Timothy Kehoe of East Hartford, Connecticut.

ACTING CHAPLAIN TIMOTHY KEHOE:

Please bless us with an inner strength so that our lives and our work may be a blessing on others.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Monday, March 12, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

REPORT(S) RECEIVED - to be referred to committee(s) indicated.

Communication - Board of Regents of Higher Education - Substantive Change Request for Consolidation of 12 Regional Community-Technical Colleges. (Pursuant to

Section 10a-6(a)(5)(B) of the Connecticut General Statutes) Date received: March 9, 2018
Referred to Committees on Education and Higher Education and Employment Advancement

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 21) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 11:35 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Wednesday, March 14, 2018

The Senate was called to order at 10:45 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Kathy Zabel of Burlington, Connecticut.

ACTING CHAPLAIN KATHY ZABEL:

May we be filled with loving kindness. May we be peaceful and at ease. May we be happy with the things we have.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Wednesday, March 14, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

REPORT(S) RECEIVED - to be referred to committee(s) indicated.

Communication - Board of Regents of Higher Education - Substantive Change Request for Consolidation of 12 Regional Community-Technical Colleges. (Pursuant to Section 10a-6(a)(5)(B) of the Connecticut General Statutes) Date received: March 9, 2018
Referred to Committees on Education and Higher Education and Employment Advancement

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 21) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 10:50 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Thursday, March 15, 2018

The Senate was called to order at 11:59 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Noele R. Kidney of Ellington, Connecticut.

ACTING CHAPLAIN NOELE R. KIDNEY:

Please bless us with an inner strength so that our lives and our work may be a blessing on others.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Thursday, March 15, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

COMMUNICATION FROM THE GOVERNOR:

EXECUTIVE AND LEGISLATIVE NOMINATIONS - to be referred to Senate Committee(s)

March 15, 2018

TO THE HONORABLE SENATE:

Pursuant to Sections 4-1 and 25-100 of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, reappoint DENISE RUZICKA from East Haddam, to be a member of the Connecticut River Valley Flood Control Commission to serve a term ending June 30, 2023 or until a successor is appointed and has qualified, whichever is longer.

COMMUNICATIONS FROM THE GOVERNOR:
EXECUTIVE AND LEGISLATIVE NOMINATIONS - to be referred to Joint Committee(s)

March 15, 2018

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Sections 4-1 and 16-2 of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, reappoint MICHAEL A. CARON from West Hartford, to be a member of the Public Utility Regulatory Authority, to serve a term ending June 30, 2021 or until a successor is appointed and has qualified, whichever is longer.

COMMUNICATIONS FROM THE SPEAKER OF THE HOUSE:

EXECUTIVE AND LEGISLATIVE NOMINATIONS - to be referred to Joint Committee(s)

March 15, 2018
To the Honorable General Assembly:

Pursuant to the provisions of section 13b-212b of the General Statutes, it is my pleasure and

privilege to nominate and submit to you for your advice and consent the name of Peter Garneau of Stamford, Connecticut to be a member of the Connecticut Commuter Rail Council, to serve a term ending July 31, 2021.

SENATE BILL(S) FAVORABLY REPORTED: - to be tabled for the calendar and printing.

COMMITTEE ON CHILDREN
SUBST. SB NO. 190 AN ACT PROHIBITING FEMALE GENITAL MUTILATION

ENVIRONMENT COMMITTEE
SUBST. SB NO. 103 AN ACT CONCERNING HYDRAULIC FRACTURING WASTE IN CONNECTICUT.

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 23) - to be waived and bills and resolutions to be referred to committee(s) indicated.

BUSINESS FROM THE HOUSE:

HOUSE RESOLUTIONS FAVORABLY REPORTED - to be tabled for the calendar.

HJ NO. 4 RESOLUTION CONFIRMING THE NOMINATION OF THE **HONORABLE LAURA F. BALDINI** OF WEST HARTFORD TO BE A JUDGE OF THE SUPERIOR COURT.

HJ NO. 7 RESOLUTION CONFIRMING THE NOMINATION OF THE **HONORABLE JOHN C. DRISCOLL** OF NORWICH TO BE A JUDGE OF THE SUPERIOR COURT.

HJ NO. 9 RESOLUTION CONFIRMING THE NOMINATION OF THE **HONORABLE DENNIS G. EVELEIGH** OF HAMDEN TO BE A STATE REFEREE.

HJ NO. 17 RESOLUTION CONFIRMING THE NOMINATION OF **ROGER CIRELLA** OF ANSONIA TO BE A MEMBER OF THE CONNECTICUT COMMUTER RAIL COUNCIL.

HJ NO. 22 RESOLUTION CONFIRMING THE NOMINATION OF **LISA SLINSKY** OF WATERBURY TO BE A MEMBER OF THE CONNECTICUT COMMUTER RAIL COUNCIL.

HJ NO. 24 RESOLUTION CONFIRMING THE NOMINATION OF THE **HONORABLE KEVIN TIERNEY** OF GREENWICH TO BE A STATE REFEREE.

HJ NO. 26 RESOLUTION CONFIRMING THE NOMINATION OF **DAVID POHORYLO** OF MILFORD TO BE REAPPOINTED A MEMBER OF THE BOARD OF DIRECTORS OF THE CONNECTICUT PORT AUTHORITY.

HJ NO. 27 RESOLUTION CONFIRMING THE NOMINATION OF **BONNIE REEMSNYDER** OF OLD LYME TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CONNECTICUT PORT AUTHORITY.

BUSINESS FROM THE HOUSE:

HOUSE RESOLUTION UNFAVORABLY REPORTED - to be tabled for the calendar.

HJ NO. 25 RESOLUTION CONFIRMING THE NOMINATION OF THE **HONORABLE ANDREW J. MCDONALD** OF STAMFORD TO BE CHIEF JUSTICE OF THE SUPREME COURT AND A JUDGE OF THE SUPERIOR COURT.

The Senate at 12:04 p.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Friday, March 16, 2018

The Senate was called to order at 11:56 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Marty Dunleavy of New Haven, Connecticut.

ACTING CHAPLAIN MARTY DUNLEAVY:

Deep peace of the running waves to you. Deep peace of the flowing air to you. Deep peace of the smiling stars to you. Deep peace of the quiet earth to you. Deep peace of the watching shepherds to you. Deep peace of the son of peace to you. Happy St. Patrick's Day, amen.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Friday, March 16, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

REPORT(S) RECEIVED - to be referred to committee(s) indicated.

Report - Connecticut Housing Finance Authority - Summary Report for Calendar Year ended December 31, 2017. (Pursuant to Section 8-260 of the Connecticut General Statutes) Date received: March 15, 2018
Referred to Committees on Banking, Finance, Revenue and Bonding and Housing

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 24) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 12:01 p.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Monday, March 19, 2018

The Senate was called to order at 11:30 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Marty Dunleavy of New Haven, Connecticut.

ACTING CHAPLAIN MARTY DUNLEAVY:

St. Joseph, protect our State. Pour forth heaven's blessings on our Legislators. Remain in our midst. Help us to live in love and harmony, in peace and joy. May the love of God strengthen us that virtue may adorn all that we do.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Monday, March 19, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

SENATE BILL(S) FAVORABLY REPORTED WITH CHANGE OF REFERENCE - to be referred to committee(s) indicated.

AGING COMMITTEE
SB NO. 152 AN ACT INCREASING FINANCIAL ASSISTANCE FOR GRANDPARENTS AND OTHER NONPARENT RELATIVES WHO ARE RAISING CHILDREN.
Referred to the Committee on Appropriations

AGING COMMITTEE
SB NO. 234 AN ACT PERMITTING A COMMUNITY SPOUSE OF AN INSTITUTIONALIZED SPOUSE TO RETAIN THE MAXIMUM AMOUNT OF ALLOWABLE ASSETS.
Referred to the Committee on Appropriations

COMMITTEE ON CHILDREN
SUBST. SB NO. 320 AN ACT CONCERNING COMPLAINTS OF SEXUAL HARASSMENT AGAINST SCHOOL ADMINISTRATORS.
Referred to the Committee on Education

AGING COMMITTEE
SB NO. 153 AN ACT CONCERNING AN INCOME TAX DEDUCTION FOR LONG-TERM CARE INSURANCE PREMIUMS.
Referred to the Committee on Finance, Revenue & Bonding

AGING COMMITTEE
SB NO. 236 AN ACT PROVIDING AN INCOME TAX DEDUCTION FOR INDIVIDUALS CARING FOR ELDERLY PERSONS, CHILDREN AND DISABLED PERSONS.
Referred to the Committee on Finance, Revenue & Bonding

AGING COMMITTEE
SUBST. SB NO. 258 AN ACT CONCERNING THE EXEMPTION OF PROBATE-COURT APPROVED CONSERVATOR AND FIDUCIARY FEES FROM MEDICAID APPLIED INCOME AND ASSET TRANSFER DETERMINATIONS.
Referred to the Committee on Human Services

AGING COMMITTEE
SB NO. 156 AN ACT ESTABLISHING A REVOLVING LOAN FUND TO ASSIST ELDERLY HOMEOWNERS.
Referred to the Committee on Planning and Development

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 25) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 11:35 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Tuesday, March 20, 2018

The Senate was called to order at 11:05 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Noele R. Kidney of Ellington, Connecticut.

ACTING CHAPLAIN NOELE R. KIDNEY:

Please bless us with an inner strength so that our lives and our work may be a blessing on others.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Tuesday, March 20, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

SENATE BILL(S) FAVORABLY REPORTED - to be tabled for the calendar and printing.

GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE

SUBST. SB NO. 176 AN ACT REQUIRING THE REPORTING OF CERTAIN GIFTS TO THE STATE UNDER THE CODE OF ETHICS FOR PUBLIC OFFICIALS.

SUBST. SB NO. 255 AN ACT CONCERNING MINOR REVISIONS TO STATUTES CONCERNING THE ADMINISTRATION OF GOVERNMENT

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT COMMITTEE

SUBST. SB NO. 145 AN ACT INCLUDING THE HIGHER EDUCATION COMMITTEE IN THE RECEIPT OF ANNUAL REPORTS RELATING TO MILITARY VETERANS AND LICENSURE.

PUBLIC HEALTH COMMITTEE

SB NO. 170 AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES' RECOMMENDATIONS REGARDING STREAMLINING REPORTS.

SUBST. SB NO. 171 AN ACT CONCERNING DOCTOR OF PHYSICAL THERAPY DESIGNATION.

SENATE RESOLUTIONS FAVORABLY REPORTED - to be tabled for the calendar and printing.

JUDICIARY COMMITTEE

SR NO. 6 RESOLUTION APPROVING THE STIPULATED JUDGMENT IN JAMES HORAN, EXECUTOR FOR THE ESTATES OF JOSEPH J. STAVOLA AND JEANNE C. SEROCKE, AND JOHN STAVOLA, GUARDIAN OF JAMES AND WILLIAM STAVOLA V. STATE OF CONNECTICUT.

SENATE BILL(S) FAVORABLY REPORTED WITH CHANGE OF REFERENCE - to be referred to committee(s) indicated.

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT COMMITTEE

SUBST. SB NO. 51 AN ACT CONCERNING THE FUNDING AND EXPANSION OF CERTAIN MANUFACTURING PROGRAM PIPELINES.
Referred to Committee on Finance, Revenue & Bonding

REPORT(S) RECEIVED - to be referred to committee(s) indicated.

Report - House Democrats - Public-Private Marketing Working Group Executive Summary. (Pursuant to Special Act 17-18 of the Connecticut General Assembly) Date received: March 20, 2018
Referred to Committee on Commerce

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 26) - to be waived and bills and resolutions to be referred to committee(s) indicated:

BUSINESS FROM THE HOUSE:

HOUSE BILL(S) FAVORABLY REPORTED WITH CHANGE OF REFERENCE
- to be referred to committee(s) indicated.

AGING COMMITTEE
HB NO. 5243 AN ACT INCREASING FUNDING FOR AGING-IN-PLACE INITIATIVES.
Referred to Committee on Appropriations

AGING COMMITTEE
SUBST. HB NO. 5242 AN ACT EXEMPTING SOCIAL SECURITY BENEFITS FROM STATE INCOME TAX.
Referred to Committee on Finance, Revenue & Bonding

AGING COMMITTEE
SUBST. HB NO. 5322 AN ACT CONCERNING REGISTRATION OF EMPLOYEES PROVIDING HOMEMAKER SERVICES AND REQUIREMENTS FOR REGISTRIES AND LONG-TERM CARE INSURERS.
Referred to Committee on General Law

AGING COMMITTEE

SUBST. HB NO. 5244 AN ACT ESTABLISHING A TASK FORCE TO STUDY BEST PRACTICES TO ENSURE A CONSERVED PERSON'S RIGHT TO INTERACT WITH OTHERS.
Referred to Committee on Judiciary

AGING COMMITTEE
HB NO. 5143 AN ACT LOWERING THE AGE OF ELIGIBILITY FOR PROPERTY TAX RELIEF FOR ELDERLY PERSONS.
Referred to Committee on Planning and Development

EDUCATION COMMITTEE
SUBST. HB NO. 5340 AN ACT CONCERNING A STUDY OF EDUCATION **SAVINGS** ACCOUNTS.
Referred to Committee on Banking

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT COMMITTEE
SUBST. HB NO. 5372 AN ACT CONCERNING DYSLEXIA INSTRUCTION OFFERED IN TEACHER PREPARATION PROGRAMS.
Referred to Committee on Education

The Senate at 11:10 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Wednesday, March 21, 2018

The Senate was called to order at 10:36 o'clock p.m., the President in the Chair.

THE CHAIR:

The prayer was offered by Acting Chaplain, Noele R. Kidney of Ellington.

ACTING CHAPLAIN, NOELE R. KIDNEY:

We ask for patience to understand those who disagree with us, sensitivity to the needs of others, and prudence to make decisions which work toward the common good.

THE CHAIR:

Senator Kissel of the 7th led the Senate in the Pledge of Allegiance.

SENATOR KISSELL (7TH):

(ALL) I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

THE CHAIR:

(AUDIO STARTS HERE)points of personal privilege. So Senator Duff, first.

SENATOR DUFF (25TH):

Thank you, Madam President, good morning.

THE CHAIR:

Good morning.

SENATOR DUFF (25TH):

Madam President, I would like to introduce Rolf Benirschke to the Senate today. Rolf played in the NFL for the San Diego Chargers from 1977 to 1986. He was an All Pro and Pro Bowl selection as a place kicker, and was the NFL Man of the Year in 1983. In the middle of his playing career, Rolf almost lost his life to ulcerative colitis, but survived and returned to play for six more years. Rolf is in Connecticut today with a large group of biopharmaceutical researchers to tell his story of survival, and Rolf credits his survival to medical innovation, much of which is carried on by companies right here in Connecticut, so we're glad to have him in the chamber with us with a few friends of his colleagues as well, and we ask that the Senate give its normal warm welcome to our guest today [applause].

THE CHAIR:

Welcome and thank you for all the great work you're doing. Thank you very much. At this time, Senator McCrory?

SENATOR MCCRORY (2ND):
Thank you Madam Governor. Madam Governor, at this time, I just want to send a huge thank you to our at this point, I can say coach of the UConn Huskies Men's Basketball Team. I want to thank Coach Kevin Ollie for being a leader of men. So many men, not that he just recruited to come to the state of Connecticut from some of the most marginalized communities, many from single family homes, but he asked them to come to the University of Connecticut to be student athletes, and I want to put an emphasis on student athletes.

Unfortunately, there's been a black mark bestowed upon the University of Connecticut years ago because our student athletes were not focused on the athletic part of their responsibilities, but Kevin made it mandatory. Not only could they perform very well on the basketball court, but he required them to be students, and unfortunately, that's missing in the conversation we're having around this March Madness stuff. So Kevin, I want to thank you for being a leader among young men. Thank you for all the happy times you brought to the State of Connecticut as a player and also as a coach, one of the few coaches who are still in this business that brought us a national championship, and I hope we, as leaders of this state, treat our own, treat our own with respect and dignity. See we don't, we don't speak highly of folks when they die. We're all happy when we win a national championship. We sing praises, we bring up and we have parades, but there's more to being a coach than winning games, and he has done everything that we have asked him to do. So on his way out, I hope we are reminded of that because eyes upon Connecticut are being watched

by everyone in this country. If we think that we are gonna bring a qualified individual to lead our state and treat our own with the lack of respect that they deserve, you will get what you pay for. With that said, Coach Ollie, hail to you. I know your future will be bright. And once again, thank you for the service that you provided our young men and all the citizens in the State of Connecticut. Thank you, Madam Governor.

THE CHAIR:

Thank you, and you're so right. At this time, Senator Suzio?

SENATOR SUZIO (13TH):

Thank you, Madam President. I rise for a point of personal privilege.

THE CHAIR:

Please proceed sir.

SENATOR SUZIO (13TH):

Thank you, Madam President. It is my privilege and my honor to introduce to the Senate, Eugene Zachary Bertrand. He was selected by the Boys and Girls Club in Meriden for its annual award given to the member who embodies the values the club tries to instill in children. He's here today with his mom as well as one of the folks that worked with the Boys and Girls Club, Wanda Carrera. I got that name right? Okay, and the Boys and Girls Club does wonderful work for decades now, and to get this award really says something special about the

recipient, and I'm just getting to meet Eugene and hopefully to get him more, but I know the values that they promote at the Boys and Girls Club are the best values that represent America and all that we stand for, and I want to congratulate Eugene on getting the award, and I want to introduce him to my fellow colleagues here in the Senate. I hope we will all give him a warm welcome, Eugene Zachary Betrand [applause].

THE CHAIR:

Thank you. Eugene, welcome to the Senate and hopefully one of these days we'll see you here as an elected official. I always try, gotta try them when we can. At this time, Mr. Clerk, do you have anything on your desk?

CLERK:

Senate Agenda No. 1. It's dated Wednesday, March 21, 2018.

THE CHAIR:

Good afternoon, I'm sorry, good morning still, Senator Duff.

SENATOR DUFF (25TH):

Good morning, Madam President. Madam President, I move that all items on Senate Agenda No. 1, all one item, dated Wednesday, March 21, 2018, be acted upon as indicated, that the Agenda be incorporated by reference into the Senate Journal and Transcript.

THE CHAIR:

So noted sir.
SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd also to, I'd like to mark that item go as our first item of business.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

And also if the clerk can mark two items on our calendar to go. The first one would be on calendar page 3, calendar 18, House Joint Resolution No. 3, and on calendar page 5, calendar 47, House Joint Resolution No. 24, both of those items as go, Madam President.

THE CHAIR:

Thank you, sir.

SENATOR DUFF (25TH):

And if the Senate could stand at ease for a moment?

THE CHAIR:

The Senate will stand at ease. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I would now like to yield to Senator, well actually

we're going to do the PCA contract first, so I'll yield to Senator Osten.

THE CHAIR:

Senator Osten, will you accept the yield ma'am?

SENATOR OSTEN (19TH):

Yes, Madam President. Madam President, I believe the Clerk is in possession of Senate Resolution No. 7 and I would ask that that Resolution be adopted. Thank you.

THE CHAIR:

Motion is on acceptance and passage. Will you remark?

SENATOR OSTEN (19TH):

I believe the Clerk has to call the bill.

THE CHAIR:

Mr. Clerk will you call the bill?

CLERK:

Senate Resolution No. 7, RESOLUTION PROPOSING APPROVAL OF A MEMORANDUM OF AGREEMENT BETWEEN THE PCA WORKFORCE COUNCIL AND THE NEW ENGLAND HEALTHCARE EMPLOYEES UNION, DISTRICT 1199, SEIU.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. Madam President, this Resolution clarifies a memorandum of agreement between the PCA or the Personal Care Attendant Workforce Council and the New England Healthcare Employees Union, District 1199, SEIU. This is something that I have been working with personal care attendants and them getting an appropriate wage and benefits that fit the, the work that they do. What they do for all of the people in the State of Connecticut is provide services, keeping many of our elderly and disabled at home, a place where it's much more comfortable, where people want to stay so that they can be in their neighborhoods visiting with their families in a better fashion, and providing them a more comfortable environment. Without the work that personal care attendants do, many of our elderly and disabled would end up in assisted living or convalescent home environments, and while those are necessary for some people, many people can stay home with this attendant care. This is something that I think is close to the heart of many people in my district and around the state, because we believe that individuals should receive are in the community and stay home.

Since fiscal year 2000, the percent of individuals receiving care in the community has increased by 20 percent from 41 percent, 36,000, almost 37,000 individuals to 61 percent, almost 46,000 individuals in fiscal year 2017. In fiscal year 2017, the long-term services and supports expenditures for individuals enrolled in Medicaid, 49 percent were

for services provided in the community, and 51 percent were for institutional care. Since fiscal year 2003, the percent of Medicaid long-term expenditures for the community has increased by 18 percent in fiscal year to 49 percent, 7,521,804,000. Many individuals receiving long-term services and supports in the community through public programs have the option to receive their support services through a home care or agency to self-direct their services, hire and train and manage their own staff. Luckily, the PCA Workforce Council, which was established in 2012 by this body at a contentious and well-debated situation and ultimately, all people saw the benefit of providing a concentrated effort for this workforce council. It's something that I think is seen today, as many people have seen the benefit of having personal care attendants. Many of us around the circle have family members that are using personal care attendants to keep their loved one's home, and many of us know many of our constituents who are personal care attendants or are the agencies for which personal care attendants work.

In 2014, after legislative approval for a collective bargaining agreement, the first wage increases occurred and they were in calendar year 2014. The second wage increase happened in 2015. The contract provided for a wage reopener in calendar year 2016, and since that time frame, there have been ongoing discussions. This agreement provides for a wage freeze for 27 months from January 2, 2016 through March 31, 2018, which is the period at issue for this wage reopener. Effective April 1, 2018, personal care attendants who are below $15 an hour shall be raised to $14.75, after which those in the

position shall receive a 25 cent increase on a schedule through June 30, 2021.

I believe that this agreement should be passed unanimously by those around the circle because of the services that are necessary for our family members, for the jobs that this creates. As a matter of fact, there's more than 8000 personal care attendants around the state who do this work each day, every day, what we would popularly refer as to first, second, and third shift, weekends, and holidays. This agreement also modernizes payments for PCA's with a phase-in of electronic funds transfer requirement and a gradual increase from bi-weekly to weekly paychecks. When someone is making a wage that these workers are making today, weekly paychecks are a lifeline for them. In addition, it also will provide people to be paid time-and-a-half for certain holidays that they work. Now this will help ensure that we have workers coming in on holidays and weekends.

In addition to that and finally, one of the most important things that this agreement does is provide some safety and security for workers hurt on the job by providing them with Worker's Compensation, something that I think is absolutely necessary. It is hard to move people who are having a hard time getting out of bed, going into a wheelchair, sitting in chairs where they all need assistance. It's extremely important that we, and I believe again that this should be done on a bipartisan basis unanimously, as a matter of fact, I'd like to see someone stand up and recommend to go on consent.

So, I heard some chuckling. The agreement increases the funding for training and orientation. Now

imagine, these people are taking care of the people we care about the most, our moms, our dads, those children that are disabled, our aunts, our uncles, our grandparents. We want them to have care from someone who is appropriately trained, and this would allow that training to be paid for and pay those personal care attendants to actually get the training that's necessary. By the way, what does training do? Training decreases the cost of Worker's Compensation because it allows people to learn how to appropriately help someone up. It is necessary that we provide tis training to people and give them an opportunity to learn how to do their job. Again, training for people who take care of those who need the most help is important.

So let's talk about the money for a short amount of time. Money is important to talk about. This is in fiscal year 2018 would cost $741,112 dollars. In fiscal 2019 this would cost $7.1 million and in fiscal year 2020, $9.6 million. Now these numbers are low in nature, but they're certainly high when we are all trying to make sure that we're covering every dollar in an appropriate way, but this is providing a living wage for, almost living wage for people who take care of our neediest and most, I would pause it, most loved people in our families, that we want to make sure that they can stay home and that we can go see them each and every day, and that we know they're being cared for appropriately at home. We know that someone's going to make sure that they have a breakfast, that they have a good lunch, that they're safe, keeping an eye on them so they don't fall and hurt themselves so that it requires assisted or convalescent care. This is extremely important for us to see this carried through and the workers need to know that the State

values their work, and I know that the people that are around this circle do value the work on a bipartisan basis. Again, I wouldn't mind seeing someone stand up and request that this be put on consent.

So holiday pay, effective July 1, 2018, employees will be paid 1.5 times their regular rate of pay for all hours worked on four holidays as follows: Our Independence Day which we all honor every single year, recognizing that this country is the greatest country, providing work for men and women in an appropriate fashion, our New Year's Day, Martin Luther King Jr. Day, and I remind people that Martin Luther King was assassinated after he attended a union organizing and pay for workers, and Memorial Day when we recognize men and women who gave their all for our country. Effective July 1, 2019, all hours worked on Thanksgiving and Christmas will be reimbursed at the holiday pay rate as well. This is estimated to result in a cost of $697,992 dollars in fiscal year 2018, and approximately $1.1 million annually from fiscal year 2019 through fiscal year 2021.

Worker's Compensation. The agreement requires the state to procure Worker's Compensation on behalf of the consumer employers for the services of their PCA's as soon as practicable after July 1, 2018, but no later than January 1, 2019. Such coverage cannot lapse after the expiration of an agreement during negotiations of a successor collective bargaining agreement. The estimated cost for Worker's Compensation coverage under the agreement is $2.5 million dollars for fiscal year 2019, and $3.3 million dollars each year thereafter. The fiscal impact assumes the State will procure a fully

insured policy underwritten at a group rate, and consumer care plans will be increased to accommodate premium costs. So, I look forward to all of my colleagues supporting this on a bipartisan basis, and I'd be happy to answer any questions, Madam President.

THE CHAIR:

Thank you. Will you remark further, Senator Formica? Good morning, sir.

SENATOR FORMICA (20TH):

Good morning still, Madam President. Thank you for the opportunity. This morning I rise for a few questions for the proponent, and then perhaps some comments.

THE CHAIR:

Please proceed, sir.

SENATOR FORMICA (20TH):

Thank you very much, Madam President. I want to thank the good Senator for laying out what we have before us today, and the questions that I have, the first would be, this is a successor agreement and not the first agreement that this union is getting? Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Yes.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you very much. And then, you outlined, Senator, the opportunity for cost moving forward, $741,000 dollars and $7.1 and then the $2.5 with regard to the Worker's Comp. That would be through available appropriations? Through you, Madam President?

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

The Executive Branch has submitted their budget which incorporates these costs through you.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President, and thank you, Senator. The Executive Branch has incorporated this cost. My understanding was that there were potential lapses in an account that would offset these costs. Through you, Madam President.

THE CHAIR:

Senator Osten.
SENATOR OSTEN (19TH):

Thank you very much, Madam President, and this has been incorporated into the budget that's been presented to us through the Executive Branch. There may be lapses which I would be happy to use, thank you.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

And through you, Madam President, the workers who most definitely are deserved of better wage pay and better conditions, I'm in favor of the Worker's Complications opportunity of this contract, but they are mostly independent contractors and not employees, so the conversation with regard to the paid four holidays, did I say that right? Paid four holidays, a bit of a tongue twister this morning.

THE CHAIR:

Done very well, sir.

SENATOR FORMICA (20TH):

Would have to be spelled out in the contract because these, these workers are not eligible for overtime. Would that? Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

I'd be happy to take a friendly amendment making them available for overtime if you would like, but it's spelled out in the contract so that it can be spelled out in their personal care plans. Through you, Madam President.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. I was just, for the record, getting on that these are independent contractors and through which, they pay their own taxes and they're not eligible for overtime on hours that they work. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

You're just stating that for the record? Through you, Madam President.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. I was asking whether that would be the case? Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Many of these people are independent workers and some of them work for the 86 healthcare agencies also. Through you, and I'm certain that one day you and I will be standing next to each other courting these very hard working people the appropriate pay on overtime. Thank you.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Well having been an employer most of my adult life, I certainly know the value of a good employee and I certainly know the value of paying them for their time served, especially if that time is served above the regular work week and they're appropriately rewarded for that so I look forward to that conversation with you, but this is not really germane to that. These are independent contractors for the most part and the good Senator mentioned the agencies that some people may work for, so while I am in favor of this contract because I think it's an opportunity for us to do the right thing for a group that is so often each and every day doing the right

thing for so many of our loved ones and for people that are in our communities and families, but I just wanna for the record state that there are 86 home health agencies throughout the state of Connecticut that are actively enrolled in Medicaid, and that the workers for those healthcare agencies are not included in this contract to my understanding, and for ten years they've been looking for the opportunity to get Medicaid reimbursement rate high enough to be sufficient to pay those employees an adequate and fair and living wage. So while I'm in favor of this particular contract because I think it's a first step, I do not think it's appropriate that we create a wage gap between this group, who is so deserving, and the home healthcare agency workers that are working so hard that are not covered on this so I look forward to the opportunity to have the discussions and I think that we must work hard to find with an available appropriations and to find a way that we can move a budget forward that would include the opportunity for those healthcare agencies as well because they provide a terrific service to DSS which helps meet the state's long-term health goals and have saved our state budget good money for a number of years. So I wanna thank the good Senator for her patience with my questions, and through you, Madam President for the opportunity to address the chamber, and I urge colleague support.

THE CHAIR:

Thank you, sir. Senator Suzio.

SENATOR SUZIO (13TH):

Through you, Madam President. I rise to ask a question or two from the proponent if I may?
THE CHAIR:

Please proceed, sir.

SENATOR SUZIO (13TH):

Through you, Madam President. Through you, it's my understanding that the agreement that we'll be voting on today is an agreement between the New England Healthcare Employees Union and on behalf of their members in the state, so number one, I wanna confirm it's an agreement between the union and the state itself. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, this is an agreement, a memorandum of an agreement between SEIU, the Service Employee International Union 1199, based here in Connecticut, and the state of Connecticut, yes.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO (13TH):

Thank you and through you, Madam President, most of the time when we contemplate a contract between an entity and a union, we think of it as benefitting the union employees themselves, but it's my

understanding that this contract will affect PCA's who are not union members as well? Is that accurate, through you, Madam President?

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Yes. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO (13TH):

And then finally Madam President, just for the record I would appreciate if the proponent could explain the mechanism by which the non-union employees participate in the benefit of the negotiated agreement between the union and the Stage. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you, this is done with the, each person's personal care plan which will incorporate the increased rate. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO (13TH):

Thank you, Madam President. I have no further questions for the proponent. I will just make a few very brief remarks. In the last few days as I've been contemplating and reflecting on this agreement, I was torn in two different directions. One direction is I know that the State itself is in a catastrophic financial condition and an agreement that would call upon more resources of the State would seem to fly in the face of that financial crisis that we're in. At the same time, I recognize that the workers that are involved here are performing incredible valuable work that they're paid very low wages as it is right now, and get little or no benefits, and in fact I know that there's potentially a lot of injuries that may occur on the job so Workman's Comp is a very valuable, potential valuable benefit to them, and within our own caucus there was a pretty vigorous debate about the pros and cons and it was really interesting because during that debate, you could see many of us were torn in two different directions as well. But to me, one of the decisive points that was made in the argument within our own caucus was that while ostensibly this might add to the State spending, at the same time what we're doing is we're encouraging people to use PCA's rather than put their loved ones into a nursing home, which could cost a lot more money and would be a drain on the State budget as well and probably far more than the cost of the PCA's.

So as I reflected on this, I thought, this makes sense, not only from the point of view of being fair to the workers themselves, but I think it actually, could actually benefit the State of Connecticut from the point of view of its budget problems as well. So having reflected on that and given deliberation to both sides, I have decided that I am going to vote in favor of this agreement because I do think it is a win/win situation for the, the PCA's, it's a win for the people they take care of, and I do believe it's a win for the State of Connecticut as well. So I will be supporting this motion and I would urge my colleagues to do so as well. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? I'm sorry, okay, Senator Moore first, I mean Senator Gomes first.

SENATOR GOMES (23RD):

I'll have him go first cause I was gonna ask for something else.

THE CHAIR:

Oh, okay. Sir? Senator Miner, would you like to address the circle?

SENATOR MINER (30TH):

Please, Madam President.

THE CHAIR:

Please do.

SENATOR MINER (30TH):

Thank you. Madam President, I've struggled with this, I'll say this population for some time. On the Labor Committee, we've dealt with wages, we've dealt with Worker's Comp, we've dealt with unemployment, we've dealt with a number of issues that these folks also struggle with. I think most of the effort that we put into the budget last year should demonstrate to everyone that we have a real concern about costs in the State of Connecticut, that we have a real concern about what we spend our money on, and the most important populations that we are trying to maintain some level of service to or quality service to.

These folks are interconnected with that group and as I drove in today, I was trying to imagine how I would vote no and how I might vote yes on this issue. As I said, many of us toiled over the last, you know probably eight months with a budget process trying to find a pathway, in that case DS, and this affects that pathway. Maybe it doesn't affect it to a great degree this year because the implications to the budget are pretty small, as a percentage of the budget, $10 million dollars is small, but all these things add up and it worries me that as we continue to reach these agreements, as we continue to say yes, we never go somewhere else and find a way to save the money. I do wanna try and provide higher wages to this population. I do think it's important for us to provide resources for Worker's Comp because absent those resources, absent a Worker's Comp policy, we then put this employee and the

people that they take care of in some conflict should something happen physically to them as an employee. And so there are some parts of this agreement that I favor. One of the concerns that I have is the escalation in the wage rate, not that they shouldn't be entitled to $14 plus dollars an hour or $15 plus or $16 plus, they go into peoples' private homes. Absent paying them a good wage, we're not gonna be able to attract people to this industry, so I get the reason why the wages are where they are, and while I may be somewhat concerned about the escalation, I understand why they are escalating. I'm concerned, Senator Formica mentioned this is not the only population that provide these services to the aged population for instance, and they're not gonna benefit from this.

I've asked before what the implications would be if we went to $15 dollars an hour minimum wage tomorrow in terms of what we spend on general assistance. Would it have an impact on what we as a State pay people for healthcare assistance and for home heating assistance and for rental assistance if everybody was moved up, as some might suggest to $15 dollars an hour. I think this bill again with the Worker's Comp does away with the implications of the 26-hour rule. The people that they care for aren't gonna have to go out and find someone else just because they bump against 26 hours and don't have Worker's Comp. So while I struggle to find a yes vote because of the cost, I can see a lot of reasons why that's probably the right vote. As I said, I struggled coming in here today trying to get myself to one way or the other, and I think it's just because many of these issues we've dealt with for years, whether it's Senator or Osten or Senator Gomes, we've had very spirited conversations about

this population and what they go through versus other people and what they don't get versus other people.

And so today, I'm inclined to support this agreement. I think it's a step in the right direction. I think it sends a message that we do care about the population they serve, that we do recognize that without a Worker's Comp vehicle in some form or fashion, it's a huge risk to property owners, it's a huge risk to the people that they're providing services to, and for that reason, I am voting yes. Through you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator Gomes.

SENATOR GOMES (23RD):

Through you, Madam President. I really don't have any more comments, I would just hope that we've exhausted all comments on this, could we place this on a consent calendar?

THE CHAIR:

I don't think so. Good try. Senator Berthel.

SENATOR BERTHEL (32ND):

Through you, Madam President. I too rise in support of this legislation today and I echo the comments that have already been made by my colleagues in the chamber. You know as I see it, as we look at the aging Baby Boomer population across the United States and in Connecticut, and the ever growing wave

of people who will rightfully choose and prefer to age in place in their homes with their loved ones, I think it is incumbent upon us as a legislative body to support the personal care industry. Yes, this legislation has a cost during arguably one of the most fiscally difficult times in the history of our State, and as Senator Formica spoke to a moment ago, it's not a perfect solution, but I believe the beginning of a solution as we look at this industry. You know personal care assistants provide the often unseen hard work of caring for our loved ones. They allow people the opportunity to stay at home. They often become an extension of our families, so again, while this legislation does have a cost, I believe that what we can do here today by bolstering this industry is to offset what would very likely be a much larger expense if we instead saw some of these same people who are receiving care from PCA's in more expensive levels of care in the future and we have the opportunity by bolstering this industry to offset that and possibly actually save some money.

So as a legislator with aging parents at home who do not have personal care assistance at this moment in time, but who may someday need their services, I believe that this is a step in the right direction of ensuring that we continue to provide care that is appropriate and at the choice of the person who needs that care in their homes. Madam President, I urge support. Thank you.

THE CHAIR:

Thank you, sir. Will you remark? Senator Bye.

SENATOR BYE (5TH):

Good afternoon, Madam President. Oh, good morning Madam President.

THE CHAIR:

Good morning.

SENATOR BYE (5TH):

It seemed like afternoon. Madam President, just to rise for a few comments related to the bill.

THE CHAIR:

Please proceed, ma'am.

SENATOR BYE (5TH):

Thank you, Madam President. I just have to take this moment as we're getting ready to vote on this bill and thank Senator Edith Prague for her work on this issue. Some of you in the chamber, I bet you Madam President, remember this debate was very long and Senator Prague brought the bill out and handed the baton to me and I finished bringing the bill out because the bill had two parts to support, homecare workers and PCA's, and also to support childcare workers who are taking care of our youngest children, nurturing very vulnerable brains.

It was a long, long debate with many questions because of the complications, but what the workers were asking of us on that day was to allow them to organize, to allow them to negotiate, to come to the table as a group, and we see the power of that today because as both the childcare workers, who I met with several weeks ago and looked them in the eye,

the hard work they're doing, and I look today up in the balcony and I see workers who are working hard every day with our seniors and people with disabilities as well, we know the important work they're doing, and I just have to give credit to the whole chamber who has over time listened to this concern, and in a negotiation there's back and forth so there's been give and take on both sides to get to a place where we going to have a bipartisan vote on this agreement. And that's where we need to move as a state. We need to do the right thing by people and I wanna also thank the patience of the workers who have been taking the hours and hours to band together and organize.

With income inequality where it is in our nation right now, I think we're setting a good precedent and showing the country that all work matters and so I'm going to enthusiastically vote yes and thank Senator Osten for her explanation and leadership on this bill this year. Through you, Madam President.

THE CHAIR:

Thank you. Will you remark further? If not, I think, Mr. Clerk, will you call for a roll call vote? And the machine, we have to wait one second. The Senate's gonna have to stand at ease, I apologize. The Senate will come back to order. Mr. Clerk, will you please call for a roll call vote and the machine will be open, hold it, hold it, hold it. Senator Duff?

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to yield to Senator Fasano please.

THE CHAIR:

Senator Fasano, will you accept the yield sir?

SENATOR FASANO (34TH):

I would, thank you Madam President.

THE CHAIR:

Please proceed, sir.

SENATOR FASANO (34TH):

Madam President, I think we're gonna see a large bipartisan support for this measure here today, and I think it's important to note that these type of services to the elderly and the infirmed and those folks who need the help, you wanna make sure that these providers can give the attention accordingly. I will say that about a month and a half ago my mom fell and broke her leg in three pieces and she, I won't say her age because I'll get in trouble, but she's older than me and she needed

THE CHAIR:

That's good, sir.

SENATOR FASANO (34TH):

That's good, yes. She needed the attention and there was a lot of comforting to know that you could count on someone who could be there during the course of the day to be company, that you could trust, that you knew would do the best for your loved one, my mom in this case, and those people

need to be paid accordingly, and when you have these individual care workers who are carrying Worker's Comp, who don't have the benefits when you work for a business, this type of contract pulls it together.

Now it doesn't matter, union, nonunion, that's not the issue before us. The issue before us is the care that we call upon these people to give to those who need it the most. So I'm very proud to stand here with the partisan support. That being said, Madam President, we do have other care workers who are not receiving an increase in their Medicaid help and I think this chamber, as Senator Formica points out, needs to take care of them as well and recognize an increase to that group as well. So, this is the first step. We have to look in the areas brought up by Senator Formica, and I look forward to this passage. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further? Senator Looney.

SENATOR LOONEY (11TH):

Through you, Madam President. Madam President, speaking in support of the resolution, I think this is a very important contract for us to be approving today, and I'm very gratified that it appears that it will be a strong bipartisan vote, as at the press conference that we had yesterday celebrating this agreement, Senator Fasano and Senator Formica participated, and it really is a matter of equity and fairness because the work that these personal care attendants do is very, very important and

sensitive work. Caring for elderly and disabled and frail people who might otherwise have to be placed in nursing homes at a huge increase in cost if it weren't for the fact that their independence in their own homes is only able to be maintained because of the care of the personal care assistants, many of whom make about $13.50 an hour as testified to by a couple of the workers who actually made very moving presentations at our press conference yesterday.

In addition, Madam President, over 90 percent of the workers in this field are women, so this is really a women's pay equity issue as well. Working long hours supporting their families and also in some cases, giving charitably out of their own meager earnings to help their clients, to help the people whom they are caring for who may fall into budget shortfalls of their own at the end of the month and going to their own pockets.

In addition, the passage of this proposal will enhance quality of care because a better wage will ensure more stability in the profession. One of the things that we know that creates sometimes problems in this area is frequent turnover in the workforce because a successful match between a client and a personal care assistant requires that there be compatibility, that there be a comfort level and a sense that the elderly or disabled person has a high degree of trust and compatibility with the person who is coming into the home to take care of them. When that is disrupted by frequent turnover, the whole system doesn't work as well as it should, and this I think will help ensure that there will be more stability, more long-term connections, and an enhancement of the kind of support for independent

living that we all I think are committed to as being a public policy goal to reduce the number of people who have to be placed in nursing homes, keep them living independently as long as they possibly can, and this measure will go a long way in that direction and provide better wages, although not by any means yet adequate wages, but certainly an improvement for the hard-working people who have made this their life's work. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further? If not, Mr. Clerk, will you call for a roll call vote and the machine will be open?

CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call has been ordered in the Senate.

THE CHAIR:

If all members have voted. All members have voted. The machine will be closed. Mr. Clerk, will you call the tally?

CLERK:

Senate Resolution No. 7.

Total number voting	32
Those voting Yea	32
Those voting Nay	0
Those absent and not voting	4

THE CHAIR:

The bill passes [applause]. Ladies and gentleman, thank you. We can't do that here. That's what they told me, sorry, we can't do that here. Okay so moving on, Mr. Clerk, will call the next thing on the calendar?

CLERK:

On page 3, calendar 18, House Joint Resolution NO. 3, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JON M. ALANDER OF HAMDEN TO BE A JUDGE OF THE SUPERIOR COURT.

THE CHAIR:

Senator Doyle. Ladies and gentleman, can you, ladies and gentleman, can we keep our voices down so that we can hear Senator Doyle bringing out the next bill? Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President. I move acceptance of the Joint Committee's Favorable Report and adoption of the resolution.

THE CHAIR:

Motion is on acceptance and adoption. Will you remark, sir?

SENATOR DOYLE (9TH):

Yes, Madam President. Judge Alander was appointed many years ago by Governor Weicker. He has a long

history of community service in New Haven County. My understanding is he was head of New Haven Legal Aid for many years. He currently sits in the, he's a criminal trial judge in the Superior Court of Waterbury. We are appointing him for a new term as Superior Court Judge, but because of his age, in the near future he will age out and to be a senior judge, but as of today we are voting for him to be a Superior Court, but within a year or so, he will age out to senior judge and I hope he will continue to serve us, keep the business moving in our courts cause he's a distinguished jurist, and I urge the chamber to approve this resolution. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Good morning once again. I stand in support of the nominee, would urge my colleagues to support this nominee as well, and wish to be associated with the remarks of my friend and colleague and co-chair, Senator Doyle. Thank you, Madam President.

THE CHAIR:

Will you remark further? Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. Speaking in support of the resolution, Judge Alander has certainly had a distinguished career on the bench, and prior to that

he was a leader in the New Haven legal community as a leading legal aid attorney and director and manager of New Haven Legal Assistance, and a strong advocate in consumer related legal issues for that period of time. During the years he has been on the bench, he has had a large range of different assignments, all of which he has performed in superbly. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? If not, Senator Doyle.

SENATOR DOYLE (9TH):

Thank you, Madam President. Without objection I move this resolution to the Consent Calendar.

THE CHAIR:

Seeing no objections. So ordered. Mr. Clerk.

CLERK:

On page 5, calendar 47, House Joint Resolution No. 24, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE KEVIN TIERNEY OF GREENWICH TO BE A STATE REFEREE.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL(7TH):

Thank you very much, Madam President. I move acceptance of the Joint Committee's Favorable Report and adoption of the resolution.

THE CHAIR:

Motion is on acceptance and adoption. Will you remark further, sir?

SENATOR KISSEL (7TH):

Judge Kevin Tierney is from Greenwich and has been a valued member of the community for many years serving on numerous boards and commissions. He is a graduate of Williams College and Fordham Law School. In addition, he is a veteran having served as a First Lieutenant in the Army, acting as a forward artillery observer from 1963 to 1971. He was first appointed to the bench in 1994 and he continues to tirelessly serve the State sitting on some 45 jury trials last year alone. Madam President, I urge my colleagues to support the resolution reappointing Judge Tierney as a Judge Trial Referee. Thank you.

THE CHAIR:

Thank you, sir. Will you remark? Senator Doyle.

SENATOR DOYLE (9TH):

Yes, thank you, Madam President. I concur with the remarks of the co-chairman, Senator Kissel. Judge Tierney has an impressive resume, served the State many years. During the reconfirmation process, no issues arose and he is going to be a State Referee. I always think State Referee's actually provide a service to the State of Connecticut. They don't

have to serve us, but what they do is they help us in our court system keep the moving in our courts and settling cases, so I'm always appreciative when our judges decide to continue to serve us as State Referee, so I urge the Chamber to approve this resolution. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. Seeing no further remarks, I would request that this be moved to the Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered. At this time, I guess we're going to call for a roll, oh, Senator Duff?

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, if the Clerk can read back the items on the Consent Calendar for a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk.

CLERK:

Page 3, calendar 18, House Joint Resolution No. 3; page 5, calendar 47, House Joint Resolution No. 24.

THE CHAIR:

At this time, I ask Mr. Clerk, call for a roll call vote on the Consent Calendar for today and the machine will be open.

CLERK:

Immediate roll call has been ordered in the Senate on today's Consent Calendar.
Immediate roll call has been ordered in the Senate.

THE CHAIR:

All members have voted. All members have voted. The machine will be closed. Mr. Clerk, will you call the tally?

CLERK:

Today's Consent Calendar

Total number voting	32
Those voting Yea	32
Those voting Nay	0
Those absent and not voting	4

THE CHAIR:

Consent Calendar passes. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, that concludes our business for today so I would

certainly urge everybody to take it easy, drive safely today, get home and enjoy. I'll yield to any points of personal privilege or announcements.

THE CHAIR:

Are there any points of personal privilege? Senator Martin.

SENATOR MARTIN (31ST):

I rise for journal notation.

THE CHAIR:

Please proceed, sir.

SENATOR MARTIN (31ST):

Senator Frantz missed the votes today due to personal business. Had he been here, he would've voted in the affirmative for the three resolutions, and also Senator Markley missed the votes today due to personal business. Thank you.

THE CHAIR:

Thank you. Any other? Senator Boucher. Senator Boucher please.

SENATOR BOUCHER (26TH):

Thank you very much, Madam President. Madam President, for an announcement that the Education Committee will be meeting immediately after both the House and the Senate conclude its business in room 1D.

THE CHAIR:

Thank you, ma'am. Any other notes or comments? Senator Boucher.

Senator Boucher (26TH):

Thank you, Madam President. I stand corrected. We're going to be meeting in room 1E.

THE CHAIR:

1E, you are corrected. Are there any other comments? If not, Senator Duff.

SENATOR DUFF (25TH):

Thank you Madam President. I move that we adjourn subject to call of the Chair.

THE CHAIR:

So ordered, sir.

On motion of Senator Duff of the 25th, the Senate at 11:39 a.m. adjourned subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Thursday, March 22, 2018

The Senate was called to order at 12:25 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Noele R. Kidney of Ellington, Connecticut.

ACTING CHAPLAIN NOELE R. KIDNEY:

Please bless us with an inner strength so that our lives and our work may be a blessing on others.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Thursday, March 22, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

COMMUNICATION FROM THE GOVERNOR:

EXECUTIVE AND LEGISLATIVE NOMINATIONS - to be referred to the Senate Committee

March 22, 2018

TO THE HONORABLE SENATE:

Pursuant to Sections 4-1 and 1-205 of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, reappoint **JAY A. SHAW** from Stamford, to be a member of the Freedom of Information Commission, to serve a term ending June 30, 2022 or until a successor is appointed and has qualified, whichever is longer.

COMMUNICATION FROM THE GOVERNOR:

EXECUTIVE AND LEGISLATIVE NOMINATIONS - to be referred to Joint Committee(s)

TO THE HONORABLE GENERAL ASSEMBLY:

March 22, 2018

Pursuant to Sections 4-1 and 10a-1a of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, appoint **JOANN M. RYAN** from Torrington, to succeed William McGurk as a member of the Board of Regents for Higher Education to serve a term ending June 30, 2024 or until a successor is appointed and has qualified, whichever is longer.

March 22, 2018

Pursuant to Sections 4-1, 9-7a, and 9-7b of the Connecticut General Statutes, I have the

honor to nominate and, with your advice and consent, appoint **ANDREW CASCUDO** to

be a member of State Elections Enforcement Commission, to serve a term beginning July 1,

2018 and ending on June 30, 2021 or until a successor is appointed and has qualified.

March 22, 2018

Pursuant to Sections 4-1 and 31-280a of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, reappoint **ROSS HOLLANDER**, from Bloomfield, to be a member of the Advisory Board of the Workers' Compensation Commission, as a representative of employers, to serve a term ending December 31, 2021 or until a successor is appointed and has qualified.

March 22, 2018

Pursuant to Sections 4-1 and 46a-52 of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, reappoint **CHERRON PAYNE** from Farmington, to be a member of the Commission on Human Rights and Opportunities to serve a term ending July 14, 2023 or until a successor is appointed and has qualified, whichever is longer.

March 22, 2018

Pursuant to Section 4-1 and 15-120bb of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, reappoint **THOMAS ANTHONY SHERIDAN** from Waterford, to be a member of the Connecticut Airport Authority Board of Directors to serve a term ending June 30, 2022 or until a successor is appointed and has qualified, whichever is longer.

March 22, 2015

Pursuant to Sections 4-1 and 46a-52 of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, reappoint **JOSEPH M. SUGGS, JR.**, from Bloomfield, to be a member of the Commission on Human Rights and Opportunities to serve a term ending July 14, 2023, or until a successor is appointed and has qualified, whichever is longer.

March 22, 2018

Pursuant to Sections 4-1, 4-4 and 46a-57 of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, appoint **ELISSA T. WRIGHT** from Noank to be a Human Rights Referee, to serve a term ending June 30, 2021 or until a successor is appointed and has qualified, whichever is longer.

SENATE BILL(S) FAVORABLY REPORTED - to be tabled for the calendar and printing.

GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE

SUBST. SB NO. 178 AN ACT DECREASING THE MEMBERSHIP OF THE COMMISSION ON EQUITY AND OPPORTUNITY.

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT COMMITTEE
SUBST. SB NO. 142 AN ACT CONCERNING ACCEPTANCE OF INSTITUTIONAL ACCREDITATION OF PRIVATE OCCUPATIONAL SCHOOLS BY THE OFFICE OF HIGHER EDUCATION.

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT COMMITTEE
SUBST. SB NO. 214 AN ACT CONCERNING COMMUNITY COLLEGE CONSOLIDATION.

SENATE JOINT RESOLUTION(S) FAVORABLY REPORTED - to be tabled for the calendar.

JUDICIARY COMMITTEE
SJ NO. 36 RESOLUTION CONFIRMING THE NOMINATION OF **NANCY A. TURNER** OF GROTON TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLE.

SENATE BILL(S) FAVORABLY REPORTED WITH CHANGE OF REFERENCE - to be referred to committee(s) indicated.

GENERAL LAW COMMITTEE
SB NO. 434 AN ACT CONCERNING CONSUMER ACCESS TO SPORT HELMET SAFETY INFORMATION.
Referred to the Committee on Education

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS AND RESOLUTIONS (LIST NO. 28) - to be waived and bills and resolutions to be referred to committee(s) indicated.

The Senate at 12:30 p.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Friday, March 23, 2018

The Senate was called to order at 12:35 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Kevin Ricciardi of Branford, Connecticut.

ACTING CHAPLAIN KEVIN RICCIARDI:

Please bless us with an inner strength so that our lives and our work may be a blessing on others.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Friday, March 23, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

COMMUNICATION FROM THE GOVERNOR:

EXECUTIVE AND LEGISLATIVE NOMINATIONS – to be referred to Joint Committee.

WITHDRAWAL

March 22, 2018

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Section 2-44 of the Connecticut General Statutes, I hereby withdraw the nomination of **THOMAS ANTHONY SHERIDAN** from Waterford, to be a member of the Connecticut Airport Authority. I intend to resubmit Mr. Sheridan's nomination during this legislative session.

CORRECTED

March 22, 2018

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Sections 4-1 and 46a-52 of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, reappoint **JOSEPH M. SUGGS, JR.**, from Bloomfield, to be a member of the Commission on Human Rights and Opportunities to serve a term ending July 14, 2023, or until a successor is appointed and has qualified, whichever is longer.

CORRECTED

March 22, 2018

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Sections 4-1, 9-7a, and 9-7b of the Connecticut General Statutes, I have the honor to nominate and, with your advice and consent, appoint **ANDREW CASCUDO** from Hartford to be a member of State Elections Enforcement Commission, to serve a term beginning July 1, 2018 and ending on June 30, 2021 or until a successor is appointed and has qualified.

The Senate at 12:40 p.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Monday, March 26, 2018

The Senate was called to order at 10:30 a.m. in accordance with the provisions of Senate Rule 9(f), and under the authority of the President Pro Tempore and the Senate Republican Leader.

THE CHAIR:

The prayer was offered by Acting Chaplain, Marty Dunleavy of New Haven, Connecticut.

ACTING CHAPLAIN MARTY DUNLEAVY:

Grant our Legislators the ability to be of reasonable mind, to form a right conscience so that all their judgments will benefit our State's welfare.

THE CHAIR:

Pursuant to Senate Rule 9(f) the Senate is called into Session, by the Office of the Senate Clerk's under the authority of the President Pro Tempore and the Senate Republican Leader.

It is hereby moved that Senate Agenda Number 1, dated Monday, March 26, 2018, is adopted, the items on said Agenda shall be acted upon as indicated and that the Agenda shall be incorporated into the Senate Journal and Senate Transcript.

SENATE BILL(S) FAVORABLY REPORTED - to be tabled for the calendar and printing.

VETERANS' AFFAIRS COMMITTEE

SB NO. 223 AN ACT ESTABLISHING A TRAINING PROGRAM FOR MENTAL HEALTH AND POST-TRAUMATIC STRESS DISORDER ISSUES IMPACTING VETERANS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM.

SB NO. 224 AN ACT CONCERNING THE ORGANIZATION OF THE CONNECTICUT STATE GUARD.

SB NO. 226 AN ACT CONCERNING STATE MILITARY UNIT BYLAWS.

SB NO. 229 AN ACT CONCERNING MEMBERS OF THE ARMED FORCES AND CIVIL SERVICE EXAMINATIONS.

SB NO. 289 AN ACT CONCERNING FUNDING OF THE DEPARTMENT OF VETERANS AFFAIRS.

SENATE RESOLUTION(S) FAVORABLY REPORTED - to be tabled for the calendar.

EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE

SR NO. 8 RESOLUTION CONFIRMING THE NOMINATION OF **DENISE RUZICKA** OF EAST HADDAM TO BE REAPPOINTED A MEMBER OF THE CONNECTICUT RIVER VALLEY FLOOD CONTROL COMMISSION.

The Senate at 10:35 a.m. adjourned under provisions of Senate Rule 9(f) subject to the call of the chair.

CONNECTICUT GENERAL ASSEMBLY

SENATE

Tuesday, March 27, 2018

The Senate was called to order at 11:45 o'clock a.m., the President in the Chair.

THE CHAIR:

Senator Flexer, please.

SENATOR FLEXER (29TH):

Good morning, Madam President.

THE CHAIR:

Good morning, senator.

SENATOR FLEXER (29TH):

I rise for a point of personal privilege.

THE CHAIR:

Please proceed, ma'am.

SENATOR FLEXER (29TH):

Thank you, Madam President. Madam President, entering the Chamber as I speak is the 2017

Killingly High School state champion undefeated football team, and as they join us here in the circle, I'd like to tell the Chamber a little bit about their recognitions over the course of the amazing season that they had last year as they earned the state championship.

Last year, Spencer Lockwood was named the Walter Camp 2017 player of the year, the Gatorade state player of the year, and was named to the USA Today First Team. He led Connecticut with 3137 yards rushing for 44 touchdowns. Chad Neal, their head coach, was named the Walter Camp 2017 high school coach of the year and New Haven register's coach of the year. He has coached Killingly High School for 13 seasons. Alex Fontaine and Spencer Lockwood were named to the 2017 Walter Camp All Connecticut First Team offense and Zach Caffrey was named to the 2017 Walter Camp All Connecticut Second Team defense. Alex Fontaine, Zach Caffrey, Spencer Lockwood, and Jake Gauthier were named First Team Connecticut High School Coaches Association All State.

The team, as I said, won the state championship. They were the only undefeated team in the state of Connecticut last year. They had a 13-game winning streak where they scored no less than 35 points in every game that they played. They were named the Eastern Connecticut Conference champions in 2017. They were named the Connecticut team of the year by the Connecticut High School Coaches Associations, were finalists for the Walter Camp All American Team and as I mentioned, they were the Class M high school champions. Now that I've listed many of the accolades that this team received, I want to tell you a little bit more about the team in general.

They've obviously brought great pride to my hometown of Killingly and I'm gonna age myself a little bit that the last time Killingly won the state championship I was in high school, so it was very exciting to watch this team not just over the past year but over the last couple of years as they've excelled on the football field and brought great pride to our community but also the great role models that these young students are in our community. They volunteer in our community. You can see them helping out with a variety of charitable efforts, both at their school and in the community.

These young students are everywhere. They are role models for their fellow high school students and they are role models for all of us in Northeastern Connecticut because of the way that they conduct themselves, and perhaps, one of the most inspiring things about this team was to see the way that they rallied around their fellow teammate, Vasileios Politis, otherwise known as VP. VP was diagnosed with non-Hodgkin's lymphoma of March of last year and he returned after his recovery for the football season in 2017 and scored a touchdown catch in the state championship. This team rallied around their teammate as he battled cancer and he was honored by Walter Camp with the 2017 You Can Inspire award.

That's just one of the many examples of why this team is so inspiring; again, not just because they had an undefeated season, but because of the young people that these men are. I cannot say enough about the pride that they've brought to Killingly and all of Northeastern Connecticut and I'm so grateful that we have the opportunity to honor them here today in the state Senate and if it's okay with

you, Madam President, I would like to allow my fellow Killingly High School Alum, Senator Carlo Leone, to make a few remarks?

THE CHAIR:

Senator Leone, will you accept the yield, sir?

SENATOR LEONE (27TH):

Thank you, Madam President and yes, absolutely. It's with honor that I accept a yield and I want to definite echo many of the comments mentioned by Senator Flexer, and she said the last time they won the state championship was when she was in high school so that was only a few years ago I'm sure. But, in any case, you know I am the state senator from Stamford and that is because I have many roots there with family but what is unknown to some people is I actually went to high school at Killingly and I graduated from Killingly High School, so my attachment to the success of this program from the coaches to the kids that have won the championship and to all the kids that have gone through the program over the years, Killingly has always had a winning tradition, has always risen to the occasion with teaching them the values of teamwork, discipline, putting hard work at play, and overcoming the odds and this team is reflective of that and they are a shining example of what we want our children to be when they're graduating, and football has been an extension to that because it teaches all those lessons and there's many adversities to overcome, as mentioned by Senator Flexer, that this team had to go through and their trials and tribulations they put it out on the

field, they left it out in the field and that is the reason why they're state champions.

So, I just wanted to give my accolades, my support, my admiration for what you all have achieved here. It is no small fee. The teams that you've had to go through -- I've always said to be a champion you have to go through champions. It's not given to you. You have to fight for it. You have to win and that's exactly what you have done, so I think you are great examples of the future of this state. I wish you all the best as you move on in your respective careers, but I also wanted to say thank you to the coaches for instilling that mentality into our students each and every year and producing the great kids that they do so thank you for all of your hard work. We couldn't be more proud. I couldn't be more proud as being an alumni of your great institution. Thank you, Madam.

THE CHAIR:

Thank you. Senator Flexer.

SENATOR FLEXER (29TH):

Thank you, Madam President. Madam President, in addition to being joined today by their head coach, Mr. Chad Neal, who I mentioned earlier, they're also joined by the athletic director, Mr. Gene Blain, who was the head coach of the team that I mentioned earlier that won the state championship in the 1990s, was an integral part of their efforts this year in this championship team, and I want to thank both of them for leading the team and bringing them here today.

And, I'd also like to thank Representative Rovero for being here to recognize the team and he and I have one special recognition for VP, who I mentioned earlier. If he'd like to -- oh there he is. If you want to come a little closer to me. I'd like to read this citation for you. It's introduced by the Killingly delegation and it reads, "Be here it known to all, the Connecticut Senate offers its sincerest congratulations to Vasileio Politis. VP, in recognition of your incomparable strength and bravery in the face of seemingly impossible challenges, your national recognition as the generation You Can Inspire award winner is only one example that demonstrates how deeply you have inspired those around you. We would like to congratulate you on all your incredible accomplishments both on and off the field and we wish you nothing but health, happiness, and success in the future. The entire membership extends its very best wishes on this memorable occasion and expresses the hope for continued success. Given this, the 27th day of March, 2018 at the State Capitol. Congratulations." [Applause] Madam President, if you would indulge me for just one more moment? If I could just ask my colleagues to give a warm round of applause for this entire team and thank you for the opportunity to recognize them here in the Connecticut State Senate? [Applause]

THE CHAIR:

Thank you all for being here today. We really appreciate it. [Applause] Congratulations to all of you and keep up the good work. Next time, be nicer to Tolland. No, I'm just kidding. [Laughter] You did a good job. Congratulations.

At this point, I'd ask if there are any other points of personal privilege. Senator Boucher -- Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you very much, Madam President. Madam President, I rise for a point of personal privilege.

THE CHAIR:

Please proceed, ma'am.

SENATOR BOUCHER (26TH):

Madam President, we are joined by one of our most beloved state senators, former state Representative Joe Mioli.

THE CHAIR:

Yes.

SENATOR BOUCHER (26TH):

Who is here today in our Chambers. With him, someone that 10 years ago interned with him in the House. His name is Francesco Salimbeni who is an attorney now with his own practice from Rome, Italy. He is here with his beautiful wife Analisa and their beautiful little boy who is sleeping soundly we hope, Marco, and right -- oh there he is. He's awake.

THE CHAIR:

He's wide awake.

SENATOR BOUCHER (26TH):

He's awake and joining us and he's here actually on official business as well in the international family court system and we're so delighted that they could stop by and say hello to the General Assembly. I hope you will welcome them all -- this wonderful family who had some wonderful experiences right here in our own Chamber and down in the House. Thank you, Madam President. [Applause]

THE CHAIR:

Welcome. [Applause] I'd like to be in Italy today [Laughing] I'd like to be in Italy any day. At this time, are there any other points of personal privilege. If not, Mr. Clerk, do you have anything on your desk?

CLERK:

Yes, Madam President. Clerk is in possession of Senate Agendas No. 1 and 2 dated Tuesday, March 27, 2018.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move that all items on the Senate Agendas 1 and 2 dated Tuesday, March 27, 2018, be backed upon as indicated and that the Agenda be incorporated by reference into the Senate Journal and transcript.

THE CHAIR:

I'm seeing no objections. So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. If we could mark our item from the Calendar as go? Madam President, if we could mark Calendar page 13, Calendar 43, House Joint Resolution No. 25 as go?

THE CHAIR:

Mr. Clerk.

CLERK:

Page 13, unfavorable report resolutions. House Joint Resolution 25, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE ANDREW J. MCDONALD OF STAMFORD TO BE THE CHIEF JUSTICE OF THE SUPREME COURT AND JUDGE OF THE SUPERIOR COURT. Committee is Judiciary.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG (14TH):

Thank you, Madam President. Pursuant to rule 15, I will be recusing myself and leaving the Chamber for this discussion.

THE CHAIR:

Thank you. Senator Doyle.

SENATOR DOYLE (9TH):

Good morning, Madam -- oh, good afternoon, Madam President.

THE CHAIR:

Good afternoon, sir.

SENATOR DOYLE (9TH):

Right after noon. Madam President, first I want to move to reject the unfavorable report of the Judiciary Committee.

THE CHAIR:

Motion is on rejection. Will you remark, sir? No comments at this time? It has been --

SENATOR DOYLE (9TH):

Yeah, Madam President. At this point, it's a self-explanatory motion. I ask the -- it appears that no one else wants to speak. I ask for a voice vote, Madam President.

THE CHAIR:

At this time, if no one else will speak, may I have a voice vote on rejecting? All those in favor, please say Aye.

(All) Aye.

Opposed. [Pause] The motion is accepted. Senator Doyle.

SENATOR DOYLE (9TH):

Yes, thank you, Madam President. I would like to make a motion to adopt the joint committee resolution in concurrence with the House.

THE CHAIR:

Motion is on acceptance and adoption in concurrence. Will you remark, sir?

SENATOR DOYLE (9TH):

Yes, thank you, Madam President. Now we have the resolution before us for a full debate of the Chamber. Madam President, the lead up to today all of us know has been heated and passionate and I would just ask in all of our colleagues of the Chamber to respect one another like we always do in the healthy tradition of our Chamber and there's passion on both sides, but I just -- all of us I hope will keep in mind the history and the integrity of the Senate and please be respectful and dignified and the important day today in the state -- in the history of the state of Connecticut. I believe that each of us -- all of us today are going to vote what their conscience tells them to do and please keep that in mind.

Now, today's vote -- the resolution before us -- it's clear that there are no explicit standards for any of us in the Chamber to vote. There's no statutory. There's no constitutional standards for us to vote. However, I -- three items that I'd like to reference, which I believe -- and others may disagree -- that should be used as guidelines in how we vote.

First stance in our state constitution Article 5th, it's the only explicit language about judicial nominees or basically that the governor nominates and we, the General Assembly, appoints so clearly, our state constitution does not get into specific standards of how we are to vote today or on any judge, so I would look to what the ABA guidelines provide.

The American Bar Association is a common -- it's a nationwide group that many lawyers look to for guidance in different legal procedures and there's a document called the ABA guidelines that assist the states in our judicial evaluation, so these are used statewide whether it's people can use it towards decisions if you have elected judges or as in the state of Connecticut, which we have appointed judges, and I'll just say I believe our system of appointing judges is a much preferable to electing judges, but it's clear the standards of the ABA -- the underlying premise is that ABA recommends that our decision should not be based on a particular judicial philosophy or case outcome. Rather than focusing on a judge's or candidates particular decision, you look on other items and the other items are more concrete such as the actual legal ability of the candidate. Does the candidate have the requisite, rationality, knowledge of the subs at law, and ability to keep current on developments in law?

The second area or component that I think any judicial candidate should have, according to the ABA, is integrity and impartiality. Basically, absence of favoritism and consideration of both sides of an argument.

Another requirement that the ABA recommends for us to consider is the candidate must have clear and logical written decisions. Does this candidate -- does he have the intellectual ability to reason and write the actual decisions for our supreme court?

The fourth recommendation from the ABA House of Delegates is that the candidate would be -- would have the requisite, professionalism, and temperament to act in a dignified manner and treat all people with respect.

And, then the fifth standard is the administrative capacity. Basically, able to really perform the day-to-day responsibilities of judge.

So, these are -- I mean, again, these are certainly not binding any member of the Chamber but this is a guideline that I look to and many lawyers look to for the American Bar Association for us to make a decision today. Now, another area that we can look to is the constitution, as I mentioned, does not have any specific guidelines for us to recommend judicial appointments and how we vote --

THE CHAIR:

Excuse me, Senator. You can't take pictures, sorry -- in the Chamber. Thank you. Sorry about that. Sorry, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. We the prior legislatures have created and many are aware we've created the Judicial Selection Commission. The Judicial Selection Commission is -- the legislature

and governor delegated our right to kind of sort and select our candidates and review our candidates before they come to each Chamber, so the Judicial Selection Commission -- the governor appoints, the names go to the Judicial Selection Commission. The Judicial Selection Commission for all of us basically does a lot of the legwork where they interview the candidate, they do background checks just to verify that the candidate actually is capable and responsible for us to represent us because, of course, for us to actually make such a background investigation would be very difficult because of our many responsibilities; but according to the regulations of the Judicial Selection Commission, there is two sections. There's minimum qualifications and then there's actually criteria for the candidates but again, they're similar to the ABA but I'll briefly run through them.

The candidate -- so, when any of our friends goes there, the candidates are subjected to these standards. For instance, any candidate that seeks to be a judge should have a reputation for truth, faithfulness, honesty, integrity, and fair dealing. The candidate also must have judicial temperament, which means the possess the qualities of patience and courteousness and demeanor, and the point is that's an issue many of us in the Judiciary Committee are always concerned about. How does a candidate handle people in our -- especially our civil courts, criminal court, but the superior court level? How do they treat people? How do they treat our fellow citizens? Another example, again, is the legal ability, professional excellence, how do these candidates -- do they possess the requisite legal ability to perform as a justice? The fourth standard for the minimum qualification is, of

course, is the person -- does that person have the physical or mental health? Are they able to actually perform physically and mentally on the job?

Now, there's another list that our Judicial Selection Commission reviews. It's a criteria. There's actually 23 standards and I won't go through them all and bore you but basically, again, these are standards that Judicial Selection -- who we delegated the responsibility -- our responsibility to them. The candidates presented by the governor -- every candidate is presented these things such is the person generally intelligent and knowledgeable? Again, is the person of honesty and integrity? Do they respect the inherent confidence of the office of a judge? Is the candidate industrious and well organized? Is the candidate courageous? Is the candidate capable to render a decision based on law and the facts and can the candidate perform these essential functions without reasonable accommodation? In other words, can the candidate be objective and not be influenced by outside third parties and basically, does the candidate have dignity and decorum of a person that we would want on the bench?

Now, I mention all these and it may seem a bit odd but basically, again, none of us really -- all of the members of the legislature do not have a particular requirement or standard to vote on our judges but I think these are reasonable standards that all of us should think of before we vote today and whenever we vote on any judges, and honestly, I think we always do that. Whether indirectly or not, we have judicial selection process but then we have the Judiciary Committee that has its own public hearing on every candidate before us. We all ask

questions. The members ask questions. Basically, you review the person. You kind of observe and see what the conduct is of the person. Of course, at public hearings, citizens can come and testify also and speak to their belief of what the candidate is before us. And, as I said, the constitution gives the governor the authority to appoint justices and I personally believe and again, others may disagree, but I think great deference should be given to the governor of the state of Connecticut, whoever the governor of whatever party, when a person -- when the governor makes the decision to nominate someone to a superior court or the supreme court or even chief justice, I think we have a duty to give due deference to that candidate, and as they said, I do believe elections have consequences and I believe Justice McDonald was properly presented to us by our current governor, Dannel Malloy. I think we certainly should have some deference to that decision.

Now, I just went through a number of the ideal standards for any candidate before us and I do believe Justice McDonald satisfies those standards, and I'll quickly go through the background of Justice McDonald. He's a graduate of Cornell University. He's a graduate of UCONN School of Law with honors. Actually, I was with him. We overlapped at UCONN Law and he had a great reputation. Certainly, a smart individual at UCONN Law School. He started his municipal career as a public service. He served on the Stamford Board of Representatives, later on the Stamford Board of Finance. He later became the Stamford corporate counsel, which basically means he was the chief legal counsel for the city of Stamford. After that, he came up here, he served in our great Chamber here

from 2003 to 2011. He was fortunate I'll admit. His first year up here, he became chairman of the Judiciary Committee and his entire tenure up here he was the chairman of the Judiciary Committee. I've spent here 24 years and this is the first year that I've served as chairman of Judiciary Committee, so it's quite a privilege to serve as chairman of Judiciary Committee; but that being the case I was on the committee with Senator McDonald during his entire tenure. I observed his intellect and his hardworking skill during his time as chairman of Judiciary Committee. After he decided not to take the oath for state senator, he became a general counsel for the office of governor Dannel Malloy. He served that for 3 years, we're all aware, as the chief legal counsel for the state of Connecticut in the office of governor. That's a big responsibility and he performed very well there. He, of course, has since been -- he's been an associate justice of our supreme court for 5 years, and now he recently was appointed chairman of the Criminal Justice Commission, so I believe without doubt certainly Associate Justice McDonald certainly has the qualifications to serve as chief justice of our supreme court.

He certainly -- many of us in the Chamber, maybe not all, but many of us who have served with him and worked with him know that he's certainly a bright person, very hardworking, ethical, and really is truly he has dedicated his life to the state of Connecticut and I appreciate him for that.

Now, as I said earlier, when we make a decision today, it's my believe that -- and when I have voted for many judges in my career, I certainly don't hold a standard to any judge that I have to agree with

all his or her decisions because pretty much any judge I voted for and may disagree with a decision or two and that's the way of the world. You really have to look -- in my opinion -- you have to look at the person's overall record, intellect, and skill. Now, I'll be honest one of the big decisions of my career and one of the controversial decisions was the death penalty case. It's been around for most of my career. I happen to support the maintenance and preservation of the death penalty. Many disagree with me and it was passed, I believe, in 2011. This Chamber decided to eliminate the death penalty in the state of Connecticut.

Subsequent to that, there was a case, the state v. Santiago, the Connecticut Supreme Court passed in 2015 was a controversial closed case. It was a 4:3 decision where basically the ultimate decision to overturn the overall death penalty -- because as you are aware, we passed a prospective death penalty. Some of us questioned the legitimacy of that statute at the time but the supreme court decided at that point to have any death penalty was an unconstitutional, excessive, and disproportionate penalty such or punishment such based upon the 8th amendment. Now, in that case, it was a 4:3 decision. Today, we have Associate Justice McDonald is before us. Two of the other individual justices that voted for that decision in the majority was Justice Palmer who came before us last year. We had a healthy discussion in Judiciary Committee. I believe approximately 5 or 6-hour public hearing. I wasn't particularly impressed with the committee at that time. Ultimately, I bet it was a close vote but Justice Palmer was approved. Justice Eveleigh came through this year. He also voted the majority. His public hearing was much shorter and he passed, I

believe, it was a very, very -- a very short public hearing in the Judiciary Committee and it was a very almost unanimous vote in both Chambers.

Today, we have before us Justice McDonald, his -- the scrutiny of Justice McDonald in this decision has been highly detailed throughout the past few months. The public hearing was a thorough public hearing. It was 13 hours. One of the big issues raised at the public hearing was should Justice McDonald have recused himself from the Santiago decision. Now, I'm not a scholar -- a constitutional scholar at this point but I've read many decisions like many people have in the Chamber, and it's clear to me that there was no need -- in my opinion -- there was no need for Justice McDonald to recuse himself from that decision and the fact of the matter was the standards presented to me by the experts are that he did not -- a true basis for a recusal would have been did he represent the victim or did he have any financial benefit in that case and of course, neither was the case. If that imposition of the recusal was imposed on Justice McDonald, then it's my belief that could lead to limiting legislator's ability to serve on our benches because many of us do act on and make decision on and vote on legislation but the fact that a particular legislator were to vote on a piece of legislation -- in my mind -- does not impose on the later justice -- the responsibility to recuse himself unless there was a much more direct responsibility by the justice on a particular case.

I'll be honest with you. There's a parallel and often times in a Judiciary Committee in a legislature people question whether individual legislators that happen to be attorneys can they

vote on a judge -- the nomination of any judge, of a superior court judge -- and, the tradition is and the law is that basically unless we have a specific case pending before a court we do not have to recuse ourselves because, again, we have to have a direct personal financial interest or personal relationship with the candidate before us, so therefore, lawyers can vote on judges in the general sense. Basically, when I look at the entire record of Justice McDonald, his career, I really believe his career and background that he is a solid candidate today. I would ask all of us to approve his nomination. I also have to think of Anne McDonald, Justice McDonald's mother. I served with her in the House. She was a wonderful woman, a courageous woman toward the end of her life with her illness but I always looked up to her. She is now looking down at us and I would just say to Anne McDonald that I am with you and your son and I look forward to a positive vote today, a straightforward vote today, ethical, and clean, and straightforward debate. So, again, thank you very much, Madam President.

THE CHAIR:

Thank you, sir. Will you remark? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Good afternoon. I rise in opposition to the nomination of Andrew McDonald to be our next chief justice and it has not come easy by any stretch but before I get into a lengthy discussion as to how I got to that decision, I just want to do a little housekeeping for some of the things that have occurred in the media and of late. First of all, I have a standing

policy. I never, ever, ever meet with judicial nominees alone -- ever. I've been on the Judiciary Committee now for 24 years. I've been lucky enough to be a senator for 26. The only times that I meet with candidates if the leadership of the committee is going in and meeting with a candidate such has occurred a couple of times in recent years and I'm in the building and I'm available I will go in with them and it was certainly, I believe, the intent of the leadership of the Judiciary Committee this year to do that. We ran out of time to sit down with Justice McDonald as a group and I just never ever meet with any nominees after the public hearing. The public hearing is where we elucidate and draw out as much information as possible and so that's just my public -- my policy.

The other thing that I've sort of gone back and forth with that my good friend and colleague, Rosa Rebimbas, downstairs started out with and I really debated this in my head for the last couple of days but I just feel compelled. She started off with stating what this is not about and unfortunately, I feel that I just have to underline that and this is not about Justice McDonald's personal views on how he wants to run his personal life. I had the good fortune to serve with now Justice McDonald, then Senator McDonald, for 8 years. For the 8 years, he was co-chair of the Judiciary Committee. I was ranking member on the Judiciary Committee. We debated some very difficult issues throughout those years. One of them was the evolving nature of same-sex marriage. First, it was partnerships and it started off with adopting children through the probate court system. It had a whole giant flow and to be quite frank, Justice McDonald and I never had any issues regarding that ever -- ever and towards

the end of his 8-year term, I was lucky enough to be introduced to his then partner, Charles, now husband Charles and I thought that was nice of Andrew to introduce me to him and it was in the Judiciary Committee. How were those years -- and some of you lived through them here in the circle -- they were good. We had rigorous debates but on the merits. I will always remember back then there was a time that my wife and I took a weekend and we went up to Province Town. It's just one of those places we love, it was spring, had to get out of Connecticut for a little bit, and just have a little different horizon and I remember walking down Commercial Street and this was -- you know, we probably were still in session so maybe it was May on a long session -- and a gentleman came up to me and he goes are you Senator Kissel. Now, the first thing that runs through my mind is how far away from Hartford do I have to go to be incognito with my wife and I don't know if there's any place that you can go, but I said, "Yes, I'm here with my wife. We're just spending the weekend" and he said, "I just want to let you know" -- he introduced himself and he says I'm with Love Makes a Family and he goes, "You have not been on our side on any of our issues" and I sort of said, "Yeah, I know. That's sort of how I represent my district and that's sort of how we feel" and he goes, "I just want to let you know. You have been the most civil, kind, and understanding opponent we have ever encountered and I just want to thank you for your respectfulness even though we don't agree on the substance of the proposals" and I thanked him and I always remember that because to me that's high praise. When your opponent can reach over to the other side and say we respect you because you're having a respectful

dialogue with us, that's what this building is all about.

So, I just want to say that to my mind I don't really care what happens outside those doors or I don't want to pick on the media or anything like that, but there's been this notion that there's like a lot of vitriol and a lot of you know over-the-top passion and all this stuff. I don't see it. I certainly didn't see it in the Judiciary Committee. We've had debates and hearings go super long. I've been there until 2 o'clock in the morning whether it was same-sex marriage, whether it was death penalty, any number of issues -- guns. Granted, this was on one individual, although there was a couple of hours during the middle of the day where we had some older nominees that we had to get in and out because it wasn't fair to them to make them stay the entire time. But, at no point during the Judiciary Committee's public hearing for 13 hours did Justice McDonald's personal life be brought in but for the fact that the governor married him and his husband, and I think that was brought in merely to show the very close relationship that he has with Governor Malloy and that was by Representative O'Neill but other than that, that's about it, so this other sort of side story that's out there, I haven't seen it from my friends and colleagues on the Judiciary Committee, both sides of the aisle. I haven't seen it from my caucus members and I haven't seen it from my friends and colleagues here in the Chamber that are Democrats, so I just, unfortunately, feel that I had to sort of take that and let's set that aside as far as part of the story and once you set that aside, the story is about a handful of judicial decisions and whether the majority of folks feel that Justice McDonald is appropriate at this time in

his judicial career to be the chief justice of the state's supreme court at the age of 51.

Whenever I talked to Justice McDonald whether he was a senator or now -- probably because of the white hair -- but, I always feel like he's my big brother and I'm his little brother, but I'm 7 years older than him. I've been practicing law that much longer than him. He's had a blessed career and he's moved through the system fast and God bless him that's all good to be plumped up at the age of 5 years ago -- so, what would that be? 46 -- Cause you're that close with the governor and you're not a superior court judge and you're not an appellate court judge and you go right to the supreme court. You can go back 5 years and look at the transcript, whether it was before the Judiciary Committee or the Senate, I was psyched for him. It was a pleasure to serve with him here in the Chamber. We did not agree often but one of the things I learned from serving with both Andrew McDonald -- Justice McDonald and Michael Lollar with Policy and Management as an undersecretary for Criminal Justice is that I had to do my homework. They did not suffer fools gladly. They were very intelligent and they knew how to operate in this building, and so I had to do my homework all the time.

I want to go back to now part of the public hearing because I sat and listened attentively for the entire 13 hours. I don't want to go back to the issue regarding then Chief Justice Sullivan but it's important because it underlines how that hearing went when Justice McDonald came before us because as it progressed and he had very laudable goals he wanted to achieve as chief justice should he win his nomination this afternoon, but as it progressed, the

way he characterized decisions and things that took place in the past became a little blurry, certainly nothing that would rise to the level of lying and I'm hesitant to even say not even completely forthright but his recollection was distinctly different than my recollection but he framed it in language such that it's my recollection or it's my believe, and so you can't argue with that because perhaps his belief is incorrect -- he framed it that way. I sort of view that as almost Clintonesque. It depends on what the word "is" is but not quite that bad, but when it came to that time when it was the whole Justice Zarella issue, he stated, "it's my recollection that the leadership of the Judiciary Committee were all in favor of issuing the subpoena to Chief Justice Sullivan and that we should not have a hearing on Justice Zarella until that matter was cleared up" -- wrong, wrong, wrong. That was never the case. Serendipitously, fortuitously, it just so happened that my former ranking member, Bob Farr, was before the Judiciary Committee just yesterday and I asked him do you recall it like I recall it, like we were pushing for Justice Zarella to have his hearing from the very beginning, and he absolutely remembered that. Totally different recollection of events than what Justice McDonald presented to the Judiciary Committee not that long ago.

It's not a fatal flaw. It's sort of old news but it's how that story has softened over the years and there's a lot of other things that took place in the past that okay I was willing and happy to overlook 5 years ago but it's still sort of out there. Justice Zarella never got his hearing. It's my understanding that he got voted out eventually but he was never called for a vote here in this Chamber.

We waived essentially by a voice vote the negative decision by the Judiciary Committee just now so that we can have a vote on the merits of this candidate. For what it's worth, Justice Zarella never got that. Back in those days, Mike Lollar and Andrew McDonald ran a tight ship. They were fair to Bob Farr and myself in brining us into the loop on some things but not everything. Unfortunately, sometimes in this building when you have numbers that are somewhat overwhelming, you talk to the other side as much as you have to. I'm not saying that Justice McDonald was a bad guy but he certainly had his opinions as to what legislation was going to move forward, not move forward, which candidates were going to have hearings and not have hearings, and when he was running the Judiciary Committee with Representative Lollar at the time, that was their committee.

What did we do just recently? The Judiciary Committee did not support this nominee. I can't recall that ever happening in the past and I've been lucky enough to be here 26 years. What typically takes place is when a nominee runs into trouble, they're pulled aside, not usually by the committee but by the judicial branch, and they're basically cajoled or disgust or -- essentially, it comes down to you may wish to withdraw your nomination to avoid being embarrassed, so it never gets to a point where a vote is forced to take place and I'm not saying we were forced to take the vote. It just shook out this way. Nobody was doing a headcount that evening. It was what it was. There was one democrat that voted no. The rest of the republicans we had an abstention when Representative O'Dea apparently has matters pending before the state supreme court, so it was a tie vote and I actually

to make sure that I understood the rules clearly I made a point of inquiry and I said, "Is a tie vote a negative vote" and that is what is was -- a negative vote, so, Justice McDonald comes to us in a way that no other nominee has in the past, at least to my best recollection.

Okay, now let's move a little bit more forward. As I indicated, Justice McDonald back when he was in the Senate was a passionate legislator and that's to be applauded. That's why our constituents vote for us, is to come up here and have their backs. One part of the state may not feel the same way as another part of the state but that's okay. Republicans don't all agree amongst republicans. Democrats certainly don't agree amongst all democrats. If you've taken the tour lately, the Senate is formed in a circle just to heighten the knowledge that this is the balancing area. Unlike the House, which is broken up democrat and republican, that's the teacup where the tea is hot. This is the saucer where it gets cooled down. We're in a circle. Democrat -- republican -- we're not broken up by party. Because our districts are larger, we're gonna have probably somewhat less passionate debates but we represent broader constituencies and this is where a lot of the details get ironed out. Sometimes House members say it's boring. They say there's no like giant debates here in our Chamber where a view is changed. That is false. It's rare but it happens and I've seen it.

One of the first questions to Justice McDonald -- and this should not be a surprise to anybody. Justice Palmer had a real hard time getting a) through the committee and b) through the process and

he wasn't nominated to be chief justice. He was just re-nominated for a term that won't even go a full 8 years, but the committee has changed makeup and there's a heightened concern about "activists" decision making from across the street. There also was a concern regarding sort of poisoned pen footnotes and antipathy between justices and what kind of message that sends to the public at large that looks to the Judicial branch as the dispassionate arbiter of justice in our state. So, when Justice McDonald was asked about this sort of concern about activism, he sort of leaned back and he said, "well, it's in the eye of the beholder if you ask me." He said, "if you have someone that leans conservative and it's a decision that leans in the other direction, that person's gonna say that decision was written by activist justices. If the decision leans in the conservative direction and it's written and argued by the other side, they would say oh no it's a conservative activist justices. In other words, where did they land? But, I believe that those whom I've spoken with on the committee that has that concern believe that's the direction that the court is going in now, and quite frankly, one of the large concerns that I have and others is that we don't want an activist chief justice driving this branch of government, that a nominee who might be more even-handed in their view of the issues and I don't want -- I mean part of what makes Justice McDonald a difficult decision is his wonderful political background has given him experience but at the same time, it's a dyed in the wool democratic background that he has.

My friend and colleague, Chairman Doyle, talked about Anne McDonald. I also had the pleasure of serving with Anne McDonald and she did not suffer

fools gladly. I was vice-chair in the 90s when she was co-chair of the Public Health Committee, along with the late Doc Gunther -- George "Doc" Gunther, and they fought like cats and dogs. I mean they just butted heads and I forgot who my other vice-chair was but that person from the democrat side seemed to not be there in these meetings and so I ended up being in the middle trying to like, you know, bridge the waters and I think I did a pretty good job most of the time but you know, both of them were tough cookies, so I respect the history that Justice McDonald brings to the entire process but that history is also replete with you know just avidly fighting. I mean I think he was not even in his teens when he was working on his first campaigns, so to say -- and, I believe that he can set that aside but he certainly has opinions and strongly held opinions.

I've also witnessed him in action on CTN and I -- recently and I was a little concerned. I'm not going to say that it rises to hubris or rebitus but he was aggressive. He was aggressive with the litigants before him across the street. Is that always bad? Not always bad but is it one more thing that sort of goes into the scale? Yes, it is. Bringing facts that are not part of the record to bear. That's another thing that I have concern with and this is not new to Connecticut. Amazingly, I read about in the last month that our United States Supreme Court is sort of fighting with one another on that exact issue. That recently regarding looking at a case Justice Kennedy discovered that Justice Sotomayor was on the web getting in some ancillary facts about a certain issue and he felt that was completely inappropriate, so this whole thing about how much do I go outside the record or

not is not unique to Connecticut and it's a worthwhile debate to have. We're sort of behind the curve when it comes to stuff like that because teachers have been grappling with that for the last you know -- as long as the web has been up there. It used to be in the day when I was going to school you give out a test and if the -- or a paper -- you bring it home. If you go to the library and get the Encyclopedia Britannica, maybe your parents have a nice set of books in their house you can dig into, but it's about the universe, right? Now, you know, I have you know an 8th grader and there's certain parameters because if he gets a -- if he has to do a report on Ronald Reagan or Vietnam War, he can just -- he's so smart, go o that Google, boom, boom, boom, boom, boom. There's -- the whole world is there and so you as the teacher you have to weed out like what did you actually do here that's your own work product and what did you just gather from the web. Well, courts are now sort of stumbling into that now too because we have certain very strict rules as to what can be entered as evidence or not and if all of us -- you can like hopscotch over that, that's not a good thing, and there was a decision where Justice McDonald joined with another justice and basically, it was a wholesale indictment as to our criminal justice system saying it is essentially unfair and racist.

Well, I'm gonna be honest. We have a long way to go on our criminal justice system. We just had an excellent meeting not long ago with the head of the NAACP and our Judicial Committee leadership. We're going to have an informational hearing on some of these issues going down the road, but when Justice McDonald went and took his new job, I was with at that time Senator Coleman and I said, "well, let's

really try to get to some of the roots of this criminal justice system" and so I suggested to Eric and he agreed, why don't we just get out of the building and go to one of the high schools here in Hartford and get a bunch of kids and ask them what's going on in the Capitol city and are you being treated fairly? Quite enlightening. We had a great turnout. We had African American young people, Latino young people, some teachers, some parents, and we had some people -- Hartford officials that wanted to joint in because they wanted to hear and Senator Coleman and myself we had like an hour and a half meeting with these young people. What they said was this. That the Caucasian police officers men and women basically treated them let's say level 5. Okay, let's say 5 is the middle. You sort of knew what you were gonna expect, not too lenient, not too strict. They said but if you get an African American police officer, now it's like an 8. I don't know the reason but they got treated way tougher and it's like was that individual trying to prove himself to his colleagues, wanted to send a statement you can't mess up in the neighborhood. I don't know because the last piece of the puzzle they said was but if you get an African American woman police officer, she's like a 3. She'll bend over backwards to help us out and make sure we don't go into the criminal justice system. This is from these young high school kids. Well, that's a bunch of information I didn't have, Senator Coleman didn't have, but it informs as to how complicated the criminal justice system is and how many steps there are and to paint it with a brush that it's just racist and deplorable and horrible, that sort of eviscerates all the good things that we're trying to do, so why Justice McDonald would you go and join in that concurring opinion that basically blasts the

entire state of Connecticut, a state that has tried mightily to broaden its diversity on the bench and to broaden it's diversity in police departments and to try to look at different areas in the criminal justice system and try to make it better?

I know a lot of folks want to talk and I don't want to belabor this. Let me just touch bases on one other issue that -- and, I'm not going to go into the Senator Slossberg issue and the failure to recuse. She has recused herself from this debate and I don't feel comfortable going into that matter. Maybe one of my other colleagues would or feel more comfortable but on that one, I don't feel good about it, but I want to not leave this debate without touching upon the issue or recusal where I know that Justice McDonald parched the rules and you're always supposed to keep a case unless there's certain things that are met -- certain criteria -- that would almost compel you to recuse yourself from a case. I think those elements were firmly there when we got to Santiago and the death penalty. See because this isn't just an isolated incident. When Justice McDonald was Senator McDonald he was adamant in opposition to the death penalty. There was just no two ways about it and in fact, I believe there was a bill that passed and I believe Governor Rell vetoed it and so this was a really big, big ongoing issue.

And, then you had the triple homicide in Cheshire and that changed everything and all of a sudden you had people that may have been on the fence saying no, no, no, no, no. You know, if I hadn't made my mind up before, I made it up for these two guys. These guys of all the guys. They're horrible and I won't go into those facts. It's just deplorable and

the fact that Dr. Petit has got the fortitude to be here as a state representative joining us and I listened to his remarks in the House and he was as even-handed as a human being can be regarding this nominee, but then all of a sudden rather than repealing the death penalty, the notion that it could be prospective, championed by Governor Malloy, I went and did my homework because I learned you have to do your homework and every bit of research I did said that would undermine our death penalty construct and would not be appealed and it has to do with the evolving standards of societal views regarding these issues and it's a whole giant theory that's imbedded in these decisions but it was bright as day to me and so I'm trying to tell people hey listen you vote for this. There's gonna be an appeal and no one's getting the death penalty. Whether you believe in it or not, it was the law of the land. To this day, I don't know why they said oh this respective appeal is unconstitutional but what you have on the books remains. I haven't been able to exactly parse that out, why everything got thrown out -- the baby with the bathwater -- but, there's a part of me that just believes that those that wanted to get rid of the death penalty knew that the prospective repeal wouldn't actually get us there anyhow and I hate to think that they -- I don't want to be so jaded as to think that they knew this all along but the handwriting was on the wall and the research was there if you wanted to just open a book and look at it.

Well, in this instance, if you were against the death penalty as a senator and supported and championed a bill that got through, that ultimately was vetoed, if then you become counselor to the governor's office and you were there championing

this respective repeal issue -- and I know that he said, "you want to know what it's like to be counsel to the governor's office go stand under a firehose and try to drink from it because you just get hammered with it, all this stuff all the time" but I would have thought that would have been a bill that you would review very carefully. He said that he didn't even have a chance to review it and that ultimately was the foundation for having the laws that people felt very strongly about thrown out. I want to commend Representative Butler for his remarks on that in the House. He did a brilliant job. He used the term bait and switch. I won't go that far but it really for those that thought they were making a decision that would not undermine the current system -- well, that wasn't the way it turned out is it? And, to my mind, I'd rather have an individual who would err on the side of recusal. Okay, I was a champion in the Senate, I was counsel to the governor, I may be the deciding vote on this issue. Gosh, this is the one where I really should take the high road and recuse myself and he did not. He did not and there are other areas where he should have recused himself and he did not, and there are other areas where as counselor to the governor's office he meticulously reviewed the potential constitutionality or unconstitutionality of bills that we passed, and in the same breath, in a colloquy,I believe, to Representative Rebimbas, he stated that he took time in a GAE bill to review it in detail regarding its potential unconstitutionality. Where -- I mean it's either the firehose or not the firehose and someone's in there making a decision review this, don't review that. I really on a personal level like Justice McDonald. Folks in this Chamber need to know this was not an easy decision for me to make. Indeed,

when Justice McDonald was sworn in as a justice to our Supreme court on a Saturday morning, my son and I piled in the car -- my oldest son, Nathaniel -- and we came and we wanted to be there a) because he was always super kind to me and my family but b) I was very proud of him. Forty-six years old on the supreme court like flying out of the air and landing there, wow! And, to this day, I am honored that after he was sworn in he actually acknowledged the presence of me and my son by saying -- and I also see in the audience and this is a big audience, right? Like 200 people. "I see Senator Kissel and his son and Senator Kissel asked some of the tough questions to keep us on our toes." That was my job as ranking member and I'd like to think that I earned a little bit of respect by doing my homework over those years because I'll be the first to admit when I was first there working with Justice McDonald -- or Senator McDonald and Representative Lollar, I did not do the amount of homework I should have and if I didn't know my issues front and back, they would just steamroll me and my fault, not theirs, but that was an 8-year learning experience like two bachelor's degrees back-to-back and by the end, I think we had a healthy respect for each -- all of us, so this isn't like to me 20/80 but there's enough that I have concern with because it's the history of this building that if Justice McDonald becomes our next chief justice my guess is that would be for about 19 years.

He's got a whole career ahead of him. He's been incredibly blessed to be where he is right now and as I told him on the hearing night, unlike anyone else that comes before us, a no vote does not mean you don't have a job. A judicial nominee, a magistrate, a judge trial referee if they don't get

through the process they're back home without a job. If for whatever reason the vote comes out and it's not favorable to Justice McDonald to become the next chief justice, he's Justice McDonald. He still has a vote on the state supreme court. He still, according to his own testimony, will be writing an equal number of decisions as every other justice on that bench and maybe his time will come at some point in the near future or maybe it'll be on the federal bench in the future. I don't know what the future holds, but at this point in time, my sort of judicial balance -- you know blind justice holding the scales of -- it's tipped in opposition. Not by a huge amount, by enough that I have concerns that I cannot support his nomination to become chief justice of our state supreme court at this time. Thank you very much, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, unfortunately, I cannot support Justice McDonald to be the chief justice of our court and I might reiterate that some of the things that Senator Kissel said but let me start by saying that where Senator Kissel left off Justice McDonald is an associate justice of supreme court, which is the all-star team of lawyers, if you would, reach that pinnacle of their career and now he seeks through Governor Malloy to be the captain of that all-star team but not only is he a captain of that team, he'd be in charge of the entire judicial branch,

everything that goes on. That's why when you make this determination you have to do a much deeper dive than you do when someone is just up for associate justice, 1) you have a more expansive record and 2) because of the obligations a captain has for his teams, you need to do a little deeper dive. Is there a question whether or not Justice McDonald has the intellect to be the chief justice? He obviously does. He is intellectually qualified to handle this job but the analysis can't stop there. That isn't where the analysis should stop. We know Justice McDonald has the intellect. We put him on the supreme court -- most of us in the Chamber. That passed overwhelming so that's not the issue before us. The issue is as chief justice what is his vision of the role of the supreme court? Does he see a limitation in the supreme court? Does he see that the supreme court has a role which is powerful but limited? If you don't limit that power, the court of last resort can take over the judicial system, so you have to look at those issues. That's what is before us and as Justice -- or I should say as Senator Kissel said, today he is an associate on the supreme court. If this nomination goes down, tomorrow he will be an associate on the supreme court. Today, he has one vote on the supreme court if this vote does not end up in the affirmative. Tomorrow, he will have one vote on the supreme court. Many of us put him on the supreme court because his voice needed to be heard. He had an important voice that was not on that supreme court. That's why many of us wanted him there. It was an important input. It was important aspect. He looked at things differently in terms of the way he fought of a legal analysis. We saw that when he was on judiciary. I'll say it then and I'll say it

again. He's a talented lawyer, but that's not enough for this position.

This is a position that runs the system and for those of us who understand and been involved in sports, it is the captain's persona that takes over the team, how that captain perceives the role, how that captain perceives what the organization does emanates from the captain. That's what we're talking about, so we have to look at some cases to understand that line of thinking, that way to think, and I'll tell you what is critical. Looking at these cases, it's not the result of the case. In many of the cases I'm going to talk about, I agree with the result of the case. It's not the end product. It's how do they get there? What did they look at? What are the items that are important?

So, first, we need to start with Santiago as I think both Senator Doyle and Senator Kissel talked about Santiago. As you recall, that's the case of the death penalty. In 2012, this body in extraordinarily closed vote voted to respectively end the death penalty. When the court reviewed it in a majority decision for which Justice McDonald agreed with, the issue was whether or not you would make it retroactive. In other words, the death penalty was prospective but for retroactive, people remain on the death penalty and in all accounts, even those who are proponents for removing the death penalty, have said that the slight of hand by the court, not to invalidate the law because that would put the death penalty back into play and not to do severability, that is to say in a complicated fashion would could do away with this portion of the law and this other portion can remain. They know that analysis would fail. What they did was they

came up with a clever way by using the state constitution so it couldn't go to the supreme court to argue that it was cruel and unusual punishment and therefore, they got rid of it retroactively.

There are many of us in this Chamber who had a problem with that majority decision. Many of us in the Chamber that when the majority said that is the feeling that out there society has changed, contemporary values have changed and as we're listening to that as a court and therefore, we're going to get rid of the retroactivity of it, many of us had a problem with that and that was really the reason why Justice Palmer barely made it out of this Chamber in a 19:16 vote and I would argue -- not that I would argue, I would tell you the only reason why Justice Palmer got out on a 19:16 vote was that two republicans who'd rather vote in the Senate against Justice Palmer felt if he voted against Justice Palmer you would end his career with 3 years left. Is that fair? That's not fair. That's not fair. We need to let him end his career even if we disagree. That's not the case with Justice McDonald. He still remains a justice of the supreme court, so two republicans who normally would have not supported it for the reasons stated about the death penalty, majority voted in favor of Palmer to get him out in a very close vote, so no one should be shocked that those who are associated with this majority would have an issue.

So, then you say well what about Justice Eveleigh. Justice Eveleigh was a retired status judge -- retired status. Only called up when need be. There wasn't much thought given to that and by the way, neither one, Palmer or Justice Eveleigh, was appointed by the governor to be the supreme court

justice so all of those play different factors, so it should not be a shock that since Justice McDonald joined that majority those of us who had a problem with that majority decision would not be consistent in their vote on a no today. It's logical progression and makes sense. That's analysis number one on Santiago.

Let's go to analysis number two. Analysis number two is whether or not Justice McDonald should have sat on that decision in Santiago. Now, there's been talk out there well the law says that if you are a legislature you are entitled if you become judge to sit on bills that you voted on. I agree -- I agree but the analysis does not end there on this case. Let's talk why. We do have to go back in 2009. 2009, Justice McDonald -- then Senator McDonald -- put forth the exact bill almost verbatim that is before us in 2012 -- almost verbatim. He talked about the fact that the death penalty was unfair. He talked about the death penalty was racially unbiased. He talked about it is unworkable. He has made those statements to the press. He talked about it in the floor debate. He had a definite opinion with respect to the policy of the death penalty. I respect that. Reasonable minds can differ on that issue.

It got approved in 2009, vetoed by Governor Rell, done. 2011, Justice McDonald becomes the attorney for the governor, makes sense. He then assumes that role. The governor made a promise during his campaign that death penalty -- extinguishing the death penalty was a goal and in 2012, as the number one bill for the governor was getting rid of the death penalty, a bill that is a identical to the 2009. Every debate in 2012 in Judiciary, in this

Chamber and in the House Chamber challenged the constitutionality of the death penalty that was prospective, leaving it intact for any crimes committed before that date. Everybody talked about in this building that that's a constitutional challenge. In addition to that, virtually every media outlet, paper, electronic, radio, all of them talked about the questionable constitutionality of this law, whether it passes muster. Editorial boards wrote various opinions on whether it would pass muster but yet, when we had the hearing, Justice McDonald said he didn't really pay much attention to that, didn't really read the bill, wasn't on his radar screen. I take him for his word -- I take him for his word but he was counsel for the governor, pushing along the governor's agenda, which included this. One would argue implicitly he had the obligation of reading that bill to make sure it was constitutional. He would argue back I got what the governor wanted and it passed. I had him sign it, which is what he said, and it was done. That's what the governor wanted. Well, in that case, it was your role as a lawyer advocating for a client is the reason why you can't sit on the supreme court in my view. It isn't that you're a legislature. That's 2009. You switched hats. You became the legal counsel for the governor; therefore, you review the law as a lawyer. You opined in conversations as a lawyer. You can't separate the governor's staff in this building running around and we all saw it in 2012, isolating Senator Prague running around advocating for this law. You can't isolate that from the rest of his clients, which is the governor's office. So, to argue that you could sit on that case because he was a legislature is missing the point. He wasn't the legislature. He was a lawyer. He was an attorney.

He gave an opinion, even implicitly by not saying anything, having his client sign it, he gave an opinion.

There's also a part that says you can't prejudge if you're a judge sitting on a case, if you're already predetermined. We know what he said about the death penalty. Right or wrong, whether you agree with him or not, you know what his perspective was. He had already opined what he felt about the death penalty so he was an advocate, he was a lawyer, and he gave his opinion. It raises in my mind whether he should have sat and it's not like if he didn't sit on this case the case wouldn't have been done. Maybe the outcome would have been different. I don't know that in a 4:3 decision but it's not like it could not be done. Why would you risk that? Why would you say with all this background, with all this connection, as close as I am to the issue, I am still going to put that all away, sit on this case so that people can question whether or not it was right for me to sit on it? Why? You can't put yourself before the very court that you now seek to be the chief justice. So, that was another issue in my mind that I think came to be on the issue of judgement.

Now, there was an ethics lawyer I understand. Attorney Horton, I believe, if I got his name correctly, who said he didn't see a problem but as Rosa Rebimbas -- Representative Rosa Rebimbas questioned Andrew McDonald on the issue, she said did he know you were a lawyer? Did he know what you said in 2009? Did he know -- did you have a conversation with him? We don't even know what he based that opinion on other than a news reporter calling him up and saying do you see a problem. We

don't know what information he had so the basis for that actual opinion nobody knows. Just walked up and they asked him what do you think and he said what he thought based upon the facts that he never, whatever those facts were, so I don't give that a lot of credibility, not that the individual was not credible. He is. I just don't know what he knew when he made that opinion so to me, that's a critical issue.

The third issue with Santiago -- so, you got the first one we talked about, which was if you weren't happy with the majority decision, you might question it on a vote for chief justice. Second one is the conflict. The third one is a little deeper dive. For folks who may be non-lawyers, this is going to be kind of dry but folks who are lawyers, who understand or who have read these cases and maybe you're not lawyers but have read these cases, will understand the principle. Justice McDonald and I believe Justice Norcott wrote a concurring opinion that is to say we agree with the majority opinion but we have something else to say and what they said in the concurring opinion was as follows; they basically said that the death penalty is racially biased. That's their assertion. They talk about they go back through the years and obviously, there are many problems with the death penalty being racially biased as we go on through the years. Connecticut has done its best to correct as we've gone on.

He goes through the story and he says, towards the end of the historical narrative of the death penalty, "We have been reluctant to accept the conclusion that our capital punishment system is incurably infected with racial and ethnic bias."

That's what he says -- to Senator Kissel's point. Abundant historical and statistical evidence, however, now currently today strongly -- he didn't say currently today. I'm parenthetically saying -- now strongly suggests that racial disparities in the capital punishment system exist in Connecticut. Now, whether that's true or not, that's a statement but to proffer the evidence to support that he talks about Dr. Donahue's report and he says, "This report by Dr. Donahue clearly demonstrates racial bias" so you have to look at Dr. Donahue report. Where did that come from? How did it exist? What does it stand for?

So, back in 2003, we had a case of State v. Reynolds and in that case the supreme court said you know what we got to put the racial issue on death penalty to bed one way or the other. If it is, it is. We'll join everybody who's on death row on this case and if it is, then we need to know that and we need to stop it. And, if it isn't, it isn't, so they created a case name In Re Death Penalty Disparity Claim, and the supreme court said we're going to create this docket, we're going to send it to the trial court for a fancy term of habeas court. We're going to send it to them and let them get their evidence together, bring it to the trial court because we don't determine facts -- trial court does -- bring it to the trial court and let the trial court hear all the evidence on whether or not the death penalty is a racially biased document or punishment and we will let them decide on that and then they'll send it back up to us for review.

So, a study was done in 2003 and showed no evidence of racial bias -- some new study -- and, they said let's scrap that study. We want another study done

so they did a second study and that's where Dr. Donahue came in -- is in the second study. Dr. Donahue's study came in to the habeas court on October 11, 2013. The habeas court ruled that there was no racial bias for a variety of different reasons in the death penalty. Whether you agree with that or not, that's what the trial court said. When you read Justice McDonald's concurring opinion, he says, "What I just told you about we now have new statistical data", holds up this very Donahue report and says, "This Donahue report was published in a peer review magazine" -- thus, implying its credibility -- "and therefore, we need to look at that." Well, go pull the peer review magazine. It is an article written by Dr. Donahue himself that he had published in the magazine that talks about the report and the last 25 pages talk about how the trial court got it wrong. That's the report that Justice McDonald points to to indicate that there's racial bias -- in a peer review magazine written by the very guy the court said was wrong. That's a problem for me -- that's a problem for me.

If a trial court that is set up by the supreme court was given a task by the supreme court to make a factual determination and that factual determination, whether you agree with it or not, relative just to the death penalty wasn't racial bias, that is a conclusion of a lower court which you would think someone on the supreme court would give due consideration to and not look to circumvent it with a peer review article. In fact, to the case written by Justice McDonald, he in the State v. Stoke where there was a supreme court case that was being used and the advocates argued "well the academic world challenged that case; therefore, it's not good law." Justice McDonald wrote, "No, we

don't care what the academic world says. The court's the court." He wrote that and there's no difference here. The court is the court and if we have a justice who's going to look at it in a decision that perhaps fits his rationale that he doesn't like the death penalty, which I appreciate, we are going to find a way to get there and this is the way to send that message. That to me is scary -- that to me is scary. This was the last word and if you read that concurring opinion, he said, "This is going to be the last word on the death penalty. Because the majority found it unconstitutional, we're not going to do anything more. Everything else is mute." This is the last word and we have to tell a story and the accurate story, not something you believe when you have the facts that contrary to what you believe to what the facts are.

So, now I want to move to another case. I want to move to Lapointe case. I might add the decision -- ultimately decision to send it back for a new trial is the right decision -- is the right decision. The Lapointe case dealt with a fire and a death and the question was the person who lit the fire, an elderly woman died. They arrested the person. He had a lower -- he was an adult but he had a mental capacity of a -- like an 8th grader or 7th grade something like that -- and, perhaps I would agree that during integration was extraordinarily wrong and he admitted to the crime that that is a problem -- agreed. So, what happened was the issue in that case came out to be that there was a note that was not given to the defense team where the fire marshal said the fire was short in duration. If it was short in duration, then the defendant had an alibi where he was but if it's long in duration, there was no alibi, so because the defense never got this

note, they never knew about that potential evidence so they went to habeas court and the habeas court said, well, we'll listen to the experts and the habeas court said even if you got the note in, the experts for the defense when weighed with the state, I'm going for that the defense was not strong enough in their evidence and therefore, he denied the note to come in. the Appellate Court said, sorry, we think the note should come in. It's relevant, it goes to the supreme court. Well, what they did was -- in a very closed voted -- what they did was to analyze the supreme court -- for which Justice McDonald agreed with the majority opinion. What they did was, to analyze the expert's testimony, they went in and they said this expert for the defense said da, da, da, da. We don't believe this. We believe this. We blah. The state said that we don't think they're right. The trial court does that, not the supreme court. The supreme court doesn't have a right to weigh the -- unless it's clear convincing that it's absolutely wrong -- you don't have a right to change the facts as found by the trial court. You can't do that.

It always reminds me of *My Cousin Vinny*. For those who saw that move, right. You have the police officer says to the kid -- gets frustrated, throws the pen down and said, "You killed the clerk" and the kid said, "I killed the clerk?" and the police officer said, "You killed the clerk" and the kid said, "I killed the clerk." When they're in trial, they said, "Did he admit he killed the clerk?" Yes. "Well, what did he say?" I asked him, "Did you kill the clerk and he said I killed the clerk." But, it's the inflection of the tone. It's the hesitation. That's what's critical to why we let the trial court and the jury to determine the

credibility of the experts, not somebody reading a transcript and trying to figure out was there a pause because transcripts don't pick up pause. Did he flinch? Did he or she pause for a considerable amount of time? You can't pick that up from a transcript. That's the reason why the trial court is the ultimate finder of fact.

Justice McDonald said in several decisions that the supreme court will not change the facts as found by the lower court. Well, at one point, they did. They actually came out and said that the defense is more believable than the state experts. In fact, Espinosa said this was activism by the majority -- activism by the majority. If you allow the court of last resort to determine facts in law, as a lawyer, there isn't anybody who could go to court and I could tell you you won, you're good because it could go up to the supreme court and they could say you know what that witness I'm not sure that credibility should be given to that witness. We're going to change the facts and say it wasn't credible and send it back. That to me is scary.

I want to turn to another case -- Skakel case. Michael Skakel was found guilty for killing Martha Moxley. The case, in the complicated fashion, went to a habeas court on ineffectiveness or counsel. Counsel was a fellow by the name of Mickey Sherman, lawyer, and at the end, they came up with I don't know 14 or 15 -- it may have not been that many but anyway -- a lot of reasons why he was ineffective counsel. The habeas court said that, sent it to the appellate court and the appellate court went through each one and said, you know what, here's the issue I find that he was ineffective on. What Mickey Sherman did was he felt rather than blaming 5

different people who possibly have committed the murder for Martha Moxley, I'm blaming 1 and that one was a tutor that happened to be hired by the Skakel family to tutor the kids and it was his first night in that house cause he stayed there as part of the deal for tutoring the kids. It happened to be his first night and they found a hair on Martha Moxley's body, as I understand it, that matched this caretaker or this tutor and that's why he tied it together, and the appellate court said you know what you've thrown all your eggs in one basket. It's not appropriate. We think it's ineffectiveness of counsel. We should send it back. The supreme court looked at it and said, no, we're confirming the conviction and we're done. The dissent for which included Justice McDonald said, I disagree, and they talk about the case at length, but then they did something to me that bothered me as a person, not as a legislature, maybe as a lawyer, but as a person. What they said was this. It was a long decision so it went on for quite a bit but towards the end, they said, this is what Mickey Sherman could have testified to or this is what Mickey Sherman could have argued to the jury if he didn't -- if he used everybody that could possibly be a suspect. He could have said this, he could have argued that at 9:25 Tom Skakel saw Martha Moxley at the end of the driveway. Proven fact? Yes. That Martha Moxley had to be home at 9:30. According to the mother, that's also true. That Tom Skakel offered to walk Martha Moxley home. Nobody knows that -- nobody knows that. That Tom Skakel walked into the house at 9:30. That's true because the sister for Tom Skakel saw Tom Skakel in the house so we know that. That Tom Skakel either went to the bathroom because he drank a lot or he grabbed the jacket. Either way, he left the residence, grabbed the golf club as

he customarily did, walked out of the house, made advances on Martha Moxley. Either she rejected those advances or accepted those advances and then rejected him later and he kills her with a golf club. That's a tv-made movie. Who are you? Who are you to point to a person and make them a murderer? What right do you have? You're not CSI. You didn't do the investigation. You could have said it so many other ways. Like other people could have been blamed just like the habeas court did. There were other people who had the possibility, were in the area, were found at different locations but you made a tv-movie and said, you committed the murder. I don't know whether he did or didn't. I haven't got a clue but what I do know is that this guy has a family, that three justices came out and made him a murderer. He didn't testify. He wasn't interrogated. I find that appalling. Just something inside of me says you can't do these things.

Now, what's really strange about this whole thing is that decision was in December 2016, a 4:3 decision. A motion to reconsider was made. Those of us who are lawyers in the room know a motion we consider pretty much routine. We had the biggest case, I think, in this state regarding education and whether it was constitutional. The folks who wanted to make it unconstitutional were not funding it according to constitutional levels, lost the case, filed a motion for reconsideration. In 5 days, the supreme court said, nope, not gonna do that. We are now on 13 months at a motion to reconsider -- 13 months. I don't know of another person in this state whose conviction for murder's been upheld by the supreme court, who's not in jail -- not a person, not in jail. So, it scares me to think that the court had

the ability to sit there and say we think this is the path you should follow to convict this individual of a murder, although we didn't do any investigation, which brings me to another case -- Edmonds case -- Edmonds case.
This was a case decision written by Justice McDonald. This case was a search and seizure case. It's a case about an individual standing in front of -- it was either Bridgeport or West Haven, I can't recall -- but, standing in front of a subway, the police see him. They call it in as someone suspicious or whatever it was. They corral him. The question was when was he stopped for the purpose of search and seizure? Clearly, what happened is when they came around him, he went for his waistband and the police officer said freeze. Clearly, that's a moment in time that he's under arrest if you would. They search him. No weapon is found but the found drugs, so the motion was to suppress the search and seizure because it was invalid. He had no reason to detain the individual in the first place. That was the issue. In that decision, a couple of things have come up.

First of all [Phone Ringing] I'm terribly sorry. I thought that was off. I apologize. A number of things have come up. First of all, in the dissent, the noticed there were 15 facts that were added to this case that were not found by the trial court -- 15 facts. In addition to that, it's odd because we heard Justice McDonald's concurring opinion. Really, they don't have much merit or precedent but in Edmonds, in writing that decision, for the majority, Justice McDonald cites a dissenting opinion by Palmer, which says that a court -- supreme court -- can take into account any undisputed evidence that does not support the trial

court's ruling in favor of the state but that the trial court is not discredited -- cites that as authority. It's a dissenting opinion, so basically, what it does is he believes that gives them the ability to look at evidence that the trial court say but didn't discredit it and say it's probably true. That's where you get a court picking evidence. Lawyers don't know what they're looking at. Lawyers representing either side have no idea. If they're going to do that, how do I know as a lawyer what I'm gonna argue and what I'm not gonna argue. I don't even know what the supreme court's gonna look at to make a ruling. That's unfair. Once again, it talks about a court that is getting beyond the limits -- the constitutional limits of the supreme court -- and my I say in the dissents in those opinions, that's the language dissenters use. You are going beyond the constitutional limits of the supreme court.

Now, Senator Kissel did not want to talk about the Slossberg issue. I do and there's a reason for that just for way of background. So, David Slossberg, the husband of Gayle Slossberg, represented a company that had fired Charles Gray who at that time was Justice McDonald's life partner and so rightfully, Charles Gray sued the company claiming you fired me wrongfully and the reason why you fired me was because I was about to make some stock options, you didn't want me to get the stock options, so you let me go early so I could not get my money. That was the argument. It was, as most litigations can be, somewhat tenacious back and forth and Andrew McDonald then lawyer McDonald represented his life partner through the law firm Pullman and Comley, represented his life partner, and David talks about how Andrew approached him and

said this is how you practice law. This is the way you do it. Is that who you guys are or something to that affect. The affidavit in there recites that the partner, Scolnick of David's law firm says he felt that -- and rightly so -- this was Andrew's lifetime partner, became husband, how there was some emotional -- obviously, because it's your life partner involved in the case. There's some emotion. It would be if it was my wife. Certainly, there would be that emotion in there. No question about it -- and, questioned whether or not -- it got very heated and questioned that issue. Rightfully so, I guess based upon the evidence, Andrew McDonald won that case for Charles Gray. The case is over.

The second case that comes along is a case that Dave Slossberg represents, Artie's Autobody -- Artie's Autobody -- and, Artie's Autobody David won the case. It was a big case -- big judgement -- ended up in the supreme court, so David writes a letter to Justice McDonald and says I think you should recuse yourself -- as I understand the letter. I never saw it -- but, I think you should recuse yourself. No reply. He writes another letter. I think you should recuse yourself. No reply, so he does a motion. In the motion, the three affidavits as I mentioned, one by David saying he felt that Andrew could not sit because of that Charles Gray case and there seems to be some animosity. David Scolnick sort of agreed with that summation by David Slossberg, and then Gayle Slossberg talks about an encounter with that attorney McDonald for the governor's office where she felt she was besieged with a verbal attack. That motion is before them. Now, in the decision, Andrew did a written decision and he did decision basically saying these are subjective feelings by the Slossbergs that I don't

believe their subjective feelings have merit and they haven't proven to me their case; therefore, I can sit. That's what his decision says.

Now, in my way of thinking, litigants have to feel when they come in front of a judge, the supreme court, appellate court, or trial judge, that they are getting the fairest treatment possible -- the fairest treatment of possible and in my way of thinking, if I was in Andrew McDonald's position, I would have recused myself. There's no reason for me to sit on this case -- no reason. I have affidavits of people who really feel that this system, if I sit there, is against them. Why would I sit there? Why would I take that risk? The court matters more than me. I am second to the court because the litigants must feel they got a fair deal and if I'm there and they can't feel they got a fair deal, I need to sit away. I don't care what happens to the case. It is what it is. I need to sit away.

Now, what's interesting is Justice McDonald in 2017 wrote an opinion regarding recusal by a judge and the issue was that there was this judge on a case. It was a criminal case and the defendant was arrested for trespassing at a hospital. They asked him to leave a bunch of times. He didn't leave and I don't know he got belligerent -- whatever. He ended up being arrested and the judge in that case had a prior life as the risk manager for that hospital, so they said I think you got to recuse yourself. There's a hint of impropriety in terms of you have a conflict and I think you need not to sit on it. The judge said, no, I can sit. In the opinion that Andrew went through the analysis of this case, Andrew says this -- Justice McDonald. I apologize if I call him Andrew. It's not

intentional -- "Thus, the question is not only whether the particular judge in fact impartial but whether reasonable person would question the judge's impartiality based upon the circumstance" and I agree. Three affidavits and you're not gonna question. The first guy says you know what maybe -- maybe it's not 100% there but you know it's close enough. Secondly, he says because the appearance and existence of impartiality are both essential elements for the fair exercise of judicial authority. Agreed. He points to the very principles I'm talking about for which I came to the conclusion he should recuse himself, but here's the final note. The mere fact that this judge used the first person when he stated, "I don't believe it's going to be a conflict" and "I don't see any reason why I need to recuse" does not establish that he considered only whether subjectivity believed he could remain impartial (i.e. - when the judge said, "I could sit"). He believed I could be impartial but never looked at the objective whether someone would find him to be impartial. Now, in this case, the lawyer for the defendant failed to file an affidavit so Justice McDonald writes basically in lieu of filing, since the defendant failed to file an affidavit or seek an evidentiary hearing, the only evidence before me is the affidavit by the judge. I have nothing to look at. Now, we know as lawyers if that was the sole reason why he would find that the judge could sit there, he wouldn't have done the other analysis. The other analysis is to say what is the analysis a judge should think of in making this decision? Well, look at the decision that Justice McDonald wrote on his recusal from the Artie's Autobody. He says, I believe the Slossbergs subjectively believe they need to recuse themselves. He never says anything about his impartiality. He

never says, I believe I could sit fairly. Exactly what he claimed that this judge did in the decision that he wrote. So, you have to walk away after reading this decision implying it to Gayle Slossberg's issue that he should have recused himself and that's where I sit on that issue, and that goes to a whole slew of factors when you determine whether or not he should be chief justice. It goes to a whole slew of factors.

A couple of other things I want to -- and I'm finishing up -- a couple of other things I want to just mention. There's obviously been a lot going on with respect to this nomination in and around this court and I had gotten some indication that some sitting judges were called to ask to speak to legislators. I became concerned. I then asked Justice McDonald a question. I sent him a letter asking him to say yea or nay whether or not -- yes or no -- whether or not he had reached out to these sitting judges to ask to talk to legislators. That was on March 22, in the morning 8 o'clock. No, not 8 o'clock, 10 o'clock, sorry. On the 26th, yesterday at 3:45 I got an answer. It wasn't no. it wasn't yes. It didn't really address the questions. That gives me concern. Five days later, 3:45, before the hearing. That gives me concern. There has been a lot going on in this case, in this matter. I am just gonna very, very briefly -- because it doesn't even deserve consideration -- of the labeling and name calling that I've heard out there in the media world, not just media but other folks saying it, advertisement on tv's, phone calls. The reason I'm leaving it for last cause it doesn't deserve much attention to that is what I'm about to say. This Chamber has always had an intellectual, forthright, substantive conversations, many of which

I'm very proud to be involved in. other people can say what they want. We didn't push back or fight it because to me it's just noise and most people make those arguments -- make them because they have not analyzed the case and it's an easy fallback position. That's all I'm going to say about that issue. I believe in my obligation to the circle. I also believe that the governor has an absolute right to name who he believes should be chief justice. I have said that, I'm saying that today, now in the circle. He puts up somebody that I believe, in my view -- I'm not talking for the rest of my colleagues -- but my view can do the job as chief justice. We can get that person in and out of the process within a week. I like Andrew McDonald. This is not easy for me [Crying]. This is not who I am. I like the guy. I came in the same year with him as he sat over here, sworn in the same year. I like Andrew and Andrew and I have plenty of conversations about a whole slew of things nonlegislative items. This is tough for me but I have to do what's right -- that I feel is right for the judicial system. I have to do what I think is right for where the court needs to go. I am bothered by what I've seen in the last several cases that have gone through. I am troubled and I can't sit back. Once again, Andrew McDonald is going to be the justice of the court today and tomorrow, and I really wish we didn't have to take this vote today. I sincerely mean that because I like the guy. He may be mad at me and maybe irrevocably so. I hope that's not true. I think he has a bigger character than that, but it bothers me that I have to vote no. It gives me great trouble but I know inside it is the right vote. It is the right thing to do for the reasons I so suggest. So, Madam

President, I will be voting no when this comes up. Thank you.

THE CHAIR:

Thank you. Will you remark? Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. Speaking in support of the nomination, I think that we should all listen closely to the comments of Chairman Doyle in bringing out the nomination and pointing out the standards that are traditionally applied to a nomination for the supreme court or to be a chief justice and Justice McDonald meets all of those standards with flying colors. In fact, his qualifications really are unique in the fact that he has served at the highest level of all three branches of government within the last 15 years. Eight years not only in the state Senate but as Senate chair of the Judiciary Committee, 2 years as governor's counsel, and 5 years as an associate justice of the state supreme court. That gives him the most broad-based unique perspective I think that anyone could have to bring to the leadership of the court.

In fact, he came to speak at a class that I teach on legislative process at Quinnipiac Law School last year and he pointed out how he has had to help educate his fellow members of the court of some issues related to legislative process. For instance in a debate once on a -- on interpreting a statute, one of his fellow members of the court he said was citing a J.F. report from the committee as authoritative legislative history, and he pointed

out that is not necessarily the case because a J.F. report is often very often repaired by a very junior staff member, sometimes even an intern and the purpose of it is just to basically give a cliff note version of the bill for the chairman bringing out the bill who may have a stack of 15 bills on his desk to bring out and that should be taken as a minor thing, not something with true legislative history intent, so he has I think been helpful in helping to instruct his fellow justices about properly appreciating the role of the legislature, and one of the important things in his career occurred in his very first term in the General Assembly in his first term as chair of the Judiciary Committee and that was in which he aggressively defended the legislature and was very concerned about the supreme court possibly going too far afield in finding reasons to interpret a statute in ways that might suit the court's purposes but might not reflect the plain meaning of the legislature in adopting a statute and in 1-2z, which he was instrumental in arguing getting passed in the General Assembly that year, that statute really is something that embodies the principle of judicial restraint.

In that case, the Courchesne case, that then led to then Senator McDonald's proposal of that statute, the court basically had argued that it could be flexible and could look beyond the plain language of a statute basically any time it wanted to and could consult other sources beyond statutory language even if there wasn't any clear and -- or if there wasn't any definitive ambiguity that needed resolution, and he said, no, that is a dangerous, dangerous thing to do. The court should be bound by the plain meaning rule unless there is clearly an ambiguity that

requires the court to look to other sources and at that, I think he stood up for the primacy of the legislative branch as the lawmaking branch and his views on that have not changed since he's been a member of the supreme court for the last 5 years, so I think that statute more than anything else I think stands as a permanent testimony of someone who is acutely sensitive to the role of the court, interpreting the acts of the legislature, and making sure that the court did not have undue flexibility in shaping statutory interpretation to suit a particular purpose and should be held to the objective standard of the language if indeed that language is clear, and I think that was -- that is something that I think should stand out as a ringing principle of his true views in these matters.

Also, I think that on the issue of the Santiago case and the issue of the whether or not he should have recused himself I think it is clear that there was no obligation for him to do that. We had communication from Leslie Levin, professor of Legal Ethics at the University of Connecticut School of Law, and wrote that there seemed to have been a view that Justice McDonald had strong preexisting views about the death penalty and she quotes from a treatise written by Richard Flamm on judicial disqualification, recusal, and disqualification of judges, which is the major standard work in that field. It said the fact that a judge has formed opinions about matters of law and policy is not ordinarily considered to be a legitimate reason for seeking to recuse as a judge even if her views on such matters are strongly held and as Justice William Rhenquist famously noted, "Since most justices come to this bench no earlier than their middle years, it would be unusual if they had not by

that time formulated at least some tentative notions, which would influence them in their interpretation of the constitution, and it would be not merely unusual but extraordinary if they had not given their opinions in their prior careers" and he added that proof that a justice's mind at the time he joined the bench was a complete tabula rasa in the area of constitutional adjudication would be evidence of lack of qualification and not lack of bias and that was from the supreme court -- U.S. Supreme Court case of Laird v. Tatum in 1972.

Also, it was argued that because Justice McDonald had participated as a legislator in the pass -- legislator in the Passage of Public Act 09-107, which occurred when he was chair of the Judiciary Committee and it was a death penalty repealed bill that was ultimately vetoed by Governor Rell and that is resembled Public Act 12-5 in many respects but again, as the professor argued this is not a basis for disqualification because in fact even if he had authored that Public Act, it would not require his recusals and some have asked also whether Justice McDonald had opined on the constitutionality of Public Act 12-5 in his capacity as counsel to the governor, of course, when he was no longer in the legislature by 2012, he stated that he had not and explained that was the case and even if he had, according to this article by the professor on ethics, it would not require disqualification because the Connecticut code of judicial conduct in Rule 2.115b requires disqualification when in the judges prior employment the judge participated "personally and substantially" as a public official or lawyer concerning the "proceeding" that is the particular case involved or had "publicly expressed" an opinion concerning the merits of a "particular

matter" in controversy so that if Justice McDonald had previously been involved in the Santiago litigation as a litigator himself or had publicly expressed an opinion while he was a public official, that -- his disqualification was not required in this case as not meeting those standards. So, I think it's clear that his participation in that case was a reasonable one and did not require recusal and as to his dissent in that case in which he judged adjoined with then Justice Norcott, his dissent or rather his concurring opinion in that case with Justice Norcott specified at the very beginning that the consideration of the racial disparity elements in capital punishment in Connecticut, he knew it was not going to be dispositive in this case. It was being decided on other grounds and he clearly acknowledged that at the very beginning but in order to create a complete record wanted to bring in the research and history on that issue. Justice McDonald and Justice Norcott at the beginning of that concurrence said, "specifically, we cannot end our state's nearly 400-year struggle with the macabre muck of capital punishment litigation without speaking to the persistent allegations of racial and ethnic discrimination that have permeated the breath of this state's experience with capital charging and sentencing decisions.

We recognize that this particular challenge to our state's capital of punishment regime has not been raised or briefed in the present case and therefore, cannot serve as the basis for the majorities holding today, nor do we report to resolve conclusively these allegations because they have been a powerful undercurrent running through virtually all of our death penalty jurisprudence; however, we feel compelled to analyze them." So, from the very

beginning, they established the framework under which this analysis of the impact of racial considerations and imposition of the death penalty as have occurred. It was a historical review. One that they acknowledged from the beginning was not the grounds for decision in the case but it was added in as a historical addendum to what was a very historic and significant case and so it was not anything more than that and it was the strongly held view of Justice Norcott who had been on the court for years and had heard and considered many of these cases over the years in which Justice McDonald joined with and co-wrote that it was something that needed to be part of the record but they were not in any case trying to in effect hijack or redirect the majority opinion of which they acknowledged was decided upon other grounds, so I think that's the whole issue of the concurrence here is being blown out of proportion because it's absolutely clear that what they did was an effort to provide some additional historical context sort of thing that has been done in many ways in appellate cases going back to the famous Brandeis Briefs that would often be filed by U.S. Supreme Court Justice Brandeis, in many cases bringing in social research and other things as a significant basis to provide context to an opinion that might be often decided on other grounds. So, I think that it has to be seen in that way as something that was brought in as an additional basis to be looked at as part of a historical record but not in any way something that they were trying to make into more than it actually was, so I think that was very clear and disregarded.

And, also I think deciding of the opinion by professor Donahue in that also should not be seen as anything more than it was. It was in fact a peer-

reviewed article. It is something that was cited as having substantial merit and often again in the social context of broad-based analysis of cases, social research is often brought in and is acknowledged to provide additional context, so that a recent letter from Professor Dennis Curtis of Yale Law School, that he directed to Senator Fasano an email yesterday and sent a copy to me. He indicated that a review of Justice McDonald's and Justice Norcott's concurrence in Santiago demonstrates that 1) that the Donahue study was cited as only one of several pieces of information concerning possible racial disparity of the Connecticut death penalty system and 2) that justices McDonald and Norcott explained the outcome of the habeas action, which while technically on appeal was muted by the majority opinion in Santiago. 3) That justices McDonald and Norcott noted that the Donahue study had been published as a respected peer review journal and thus, had been found scientifically credible by independent academic reviewers and 4) that justices McDonald and Norcott were not asserting a final determination that there was in fact racial disparity in Connecticut's death penalty system but only that there was a basis for legitimate concern. So, again, this I think clarifies that the nature of the citing of that study regarding the racial disparity and the application of the death penalty.

Also, the Professor Curtis, who was the professor of clinical law emeritus at the Yale Law School said there was nothing improper about this careful use of the Donahue study in a concurring opinion. Indeed, it should be noted that the same Donahue study was cited and discussed by United States Supreme Court Justice Briar in Glossip v. Gross. Also, in 2015, a

capital case in which Justice Briar dissented a case decided by the U.S. Supreme Court in June 2015, 2 months before the McDonald/Norcott concurrence in Santiago, and Justice Briar's discussion and reference to the study is further evidenced that justices appropriately read and engage with published scholarship on issues relevant to the case that they are deciding, so I think the citation of the Donahue opinion is -- or the Donahue study is no more and no less than that. I think that, again, Justice McDonald's record is entirely one of a moderate justice with great respect for the other branches of government. In fact, among the cases that he decided, some may have read the one where there was a case that a judicial marshal serving papers and an attachment where there was a tremendous amount of money involved, basically collected a huge fee of about $300,000 dollars for serving one or two papers, but the statute said he was entitled to that 15% fee and there was an objection to it as being disproportionate to the work he put in on the case, namely walking to an office and filing a paper, and Justice McDonald said, "Well, it may be that statute cries out for change but it's not the position of the court to change that statute. It's the role of the legislature to change that statute if they see fit but in the meantime, we have to award in accordance with the statute as it stands now" and I think that is the hallmark of a reasonable and moderate justice who has exactly the right balance and mind and an understanding and a great overview of the other branches of government, more so than others who don't have his experience in that field.

Senator Fasano cited the Skakel case and obviously, there is a great deal -- there is tremendous history

in that going back to 2002 when Mr. Skakel was convicted, sentenced to 20 years to life in prison. It was 11 years later in 2013 that Judge Thomas Bishop, whom we just recently reapproved, an extraordinary judge, very gifted jurist for many years, now is a referee. In 2013, Judge Bishop granted Mr. Skakel's rid of habeas corpus, vacating the conviction, thus resulting in his release. Then, in 2016, in December of that year, the supreme court reinstated the conviction in a 4:3 decision that was authored by Justice Zarella, who then retired upon that decision's release. Justice McDonald joined in the dissent. In January 2017, Mr. Skakel's attorneys filed a motion for reconsideration and/or re-argument and a request for an on-bank hearing, and this motion triggered the automatic stay of the supreme court's decision until 20 days after the motion's disposition and if granted, until the appeal is finally determined. That motion is still pending as Senator Fasano pointed out, but there was also -- there was more action involved in that case and procedural motions that I think in large measure account for the fact that it hasn't been decided yet because during a significant part of 2017 the court only had six justices with Justice Zarella's retirement until Justice Gregory D'Auria was sworn in some considerable time later, and then in 2018, this year, on January 29, the state -- that is the commissioner of correction -- filed a motion to terminate the stay that had been entered at the time of the decision and then on February 7, Mr. Skakel's attorneys filed in opposition to the commissioner of correction's motion to terminate the stay and then on February 21, the supreme court denied the motion to terminate the stay and so now Mr. Skakel's motion is still awaiting decision and so there has been

action -- at least motion practice -- on this issue since the decision was rendered in December 2016, so I think there is more of a history and more of a context to that.

So, I think on balance, everything about Justice McDonald as a state senator, as governor's counsel, and for 5 years of experience on the state supreme court, there is everything about his performance that indicates that he would be a superb chief justice, especially, I think his particular sensitivity and respect for the legislative branch in which he so extraordinarily starred and performed here for 8 years as chair of the Judiciary Committee during his entire tenure here. I think that historically some of our outstanding supreme court justices are people who have had legislative experience prior to coming to the court, and that is something that has happened. The last supreme court justice who had prior experience in the legislature was Justice Sandra Day O'Connor who was the majority leader of the Arizona State Senate and also, of course, served on the Arizona Supreme Court, and she was quoted many times as saying that her legislative experience gave her the kind of judgement that she thinks in many ways made her a much better appellate judge in her later life.

Also, there have been other extraordinary members of the U.S. Supreme Court who have come directly from political and legislative careers to serve. Justice Hugo Black, a former U.S. Senator, Justice James Byrnes also a U.S. Senator at the time of his appointment so we have the sense then of the kind of diversity experience that makes for a more vital judiciary is something that I think we don't have enough of, either at the state or the federal level,

and Justice McDonald has helped bring that level of important experience to the supreme court and I think it's very important to recognize that his leadership skills will make him an extraordinary chief justice of that supreme court and help lead it in a direction that will even improve upon it's already stellar performance down through the years, so I think that in fairness anyone who looks at credentials fairly, objectively, and not only credentials but also looks at capacity, intelligence, legal scholarship, and seriousness of mind and brilliance of mind would find no legitimate reason to oppose the nomination of Justice McDonald to be our chief justice, and thank you very much, Madam President.

THE CHAIR:

Thank you. Will you speak -- Senator Bye. Good afternoon.

SENATOR BYE (5TH):

Good afternoon, Madam President. Madam President, I rise and very proudly support the nomination of Andrew McDonald to be the chief justice of the Connecticut Supreme Court. Madam President, Senator Doyle started our conversation today talking about the history and integrity of the Senate is very important to us here, as is in our state the history and traditions of our Judiciary to make sure that our state is a fair place to live. Madam President, I have several questions for the good chairman of the Judiciary Committee.

THE CHAIR:

Senator Doyle, please prepare yourself, sir. Please proceed, ma'am.

SENATOR BYE (5TH):

Senator Doyle, for me and maybe members of the circle and people watching at home, can you describe how long it usually takes to ask questions of a judicial nominee and in particular of a supreme court justice who is before the Judiciary Committee for questioning?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President. In my experience, I would say the typical supreme court justice or even chief justice is probably an hour or two I would suggest.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President, and through you to the good chairman, how long was the confirmation hearing of Justice McDonald?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, the full meeting was about 13 hours. For about an hour, as Senator Kissel indicated, we did recess to deal with some senior judges, so I would say about 12 hours. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President, and through you, how long have you served on the Judiciary Committee, Senator Doyle?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, I have served 22 of the last 24 years. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President, and through you, Madam President, is it unusual for hearing on a single judge in the state of Connecticut to go on for 13 hours?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, yes. It was a very long public hearing and was highly unusual. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Through you, Madam President, Senator Doyle can you think of another hearing on a supreme court justice or for that matter any judge that has taken that long?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, the answer is no. I think probably to the best of my ability, last year Justice Palmer was probably the longest I would guess of my career. That was probably 5 or 6 hours. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you for those answers, sir, and through you Madam President, I happened to be in the room that day and listened for the afternoon and in fact fell asleep to the hearing and it seemed to me that I heard the same questions again and again. Would you agree Mr. Chairman that the questions were repeated multiple times?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, the answer is yes, several, and when you have public hearings, members of the committee often ask questions and in this situation a lot of similar questions were asked by different members, not by the same member but there were repetitive questions by different members of the committee. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam president, so these are my comments and then I have another question but based on your answers, I would say this hearing was unlike any other and this nominee was treated differently than other justices and other supreme court justices in particular who come before the Judiciary Committee. While I was in the room, many of the questions that

were asked were about the justice's relationship with the governor. Madam President, through you to the chair of the Judiciary Committee. Is that accurate, Mr. Chairman?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, yes. Some questions were directed in the personal friendship relationship between the governor and the candidate before us at the time, Associate Justice McDonald. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Yes, I agree with that. That seemed to me that many of the questions were about Justice McDonald's friendship with governor Malloy, so that issue clearly being friends with the governor was an issue here. Through you, Madam President, to the good chairman, did they raise questions specifically about Justice McDonald's marriage to his husband by the governor?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Yes, through you, Madam President. I believe one member of the committee, a House member, did ask questions about who performed the wedding ceremony of the Associate Justice of the supreme court. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President. Mr. Chair, were you or any other members of the Judiciary Committee on the committee when governor Rowland nominated Justice Sullivan or Justice Frank Donald to be chief justice of the supreme court?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President. I was on the committee. I believe others -- I think others of the Chamber were also but I'll just answer for myself. The answer is yes. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Do you recall that during those hearings there might have been questions related to those justice's friendship with Governor Rowland?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

To the best of my memory, I don't believe similar questions. It could have happened but I don't remember. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President, and these are just my comments, not necessarily question for the good chairman but clearly, history will show that these justices were good friends with governor Rowland, were from his hometown of Waterbury, and as I understand it, they socialized regularly. That was not raised at the confirmation hearing and these two justices were overwhelmingly approved by a democratic legislature at that time when democrats held a large majority, so this hearing and this line of questioning to Justice McDonald was different. It was unlike others and this nominee was treated differently from how other justices had been treated and how supreme court justices have been treated in the past.

Another question for the good chairman. I apologize, Senator Doyle.

THE CHAIR:

Please proceed, ma'am.

SENATOR BYE (5TH):

Through you, Madam President, Mr. Chair, do you recall a supreme court nomination hearing and process that was this controversial and this dramatic in your time up here in the legislature? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, in my tenure, I believe this was the most controversial. We did have another one years ago that was controversial but not to this extent and I would say not to the extent the public got involved outside of the Capitol -- outside of the Capitol dome. I've never seen a process this controversial. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Mr. Chair. Thank you, Madam President. Mr. Chair, would you agree that some of the questioning, actually much of the questioning, much of what we talked about today and some of the rancor has centered around Justice McDonald's vote on the death penalty case? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, yes, certainly there's been a lot of talk about Santiago case. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President. Through you to the good chairman, have other justices who ruled in that case come before your committee for confirmation since that ruling on the death penalty?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Yes, Madam President. Two justices have.

SENATOR BYE (5TH):

And, who would those be? Through you, Madam president.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Justice Palmer and Justice Eveleigh. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you for those questions and through you, Madam President, did they have extra long hearings about their ruling on the death penalty and questions about their views on the death penalty before they had joined the court? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

No, I would say Justice Palmer's there was -- it was a fairly lengthy hearing. I said like 5 or 6 hours. There was a lot of discussion and questions of Justice Palmer about the actual State v. Santiago decision in 2015, but I don't remember a lot of discussions about Justice Palmer's pre-court

opinions on death penalty. In connection with Justice Eveleigh, that was a very short reconfirmation process. I believe the public hearing was less than 10 minutes and the debate in each Chamber was very brief also. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President. So, the good chairman is saying that one of the nominees got through the committee in less than 8 minutes. Through you, Madam President, were there favorable votes for both of these nominees?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, yes. Both Justice Palmer and Justice Eveleigh both were confirmed by -- approved by the committee and approved by both Chambers. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President. And, again, my comment that this nominee is being treated differently than any other and very differently from other justices and other supreme court justices in particular. Mr. Chair, as I read many accounts of the hearing and commentary from legal scholars and members of the Connecticut Bar Association, they were concerned about the tenure of the hearing and politicizing this nomination. That it was very different and could set a bad precedent for Connecticut. Would you agree with that sentiment? That that was a sentiment of these legal scholars? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, yes, there was a lot of outside legal scholars, attorneys, and members of the public, especially in the legal community. It did raise concern that this particular judicial selection process and approval process was -- politics was a large part of it. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President and to the good chair, I'm done with questions for the moment. I would like to followup on his answer to say that certainly

I was on the Judiciary Committee for 10 years and lived through many hearings on justices and I would argue that the tenure, the length of time, the party line vote all working to oppose Senator McDonald began a very dangerous precedent in this state for politicizing the bench. Now, there was an article in the New York Times that summarized the support for Senator McDonald. I ask permission to read that summary from the floor, Madam President.

THE CHAIR:

Please proceed, ma'am.

SENATOR BYE (5TH):

Okay. Here is what it says in the New York Times, "Still Justice McDonald's nomination has been backed by newspaper editorials across the state, as well as by law school deans, the state bar association, and dozens of lawyers including democrats and republicans who wrote letters of support. Some have vouched for his intellectual rigor and a sense of fairness that he displayed as a jurist. Many also expressed fear of political incursion threatening the Judiciary's independence. In a letter to the Judiciary Committee, James Horowitz, President of the Connecticut Trial Lawyers Association, suggested a rubric for weighing court nominees. Does he demonstrate patience, calmness, and attention? Does he demonstrate courtesy, civility, open-mindedness, and compassion? Is he committed to professionalism and proving availability of justice to all? Is he skillful in the administration of justice? These are the standards by which Justice McDonald and frankly all judicial appointments should be measured. This whole process is so unusual and so

different that it is now national news. That's where we've come, Connecticut. There are objective editorials from across the state from The Day, from the Journal Enquirer, from the Hartford Courant, from the Connecticut Bar Association, from a republican lawyer, from the Connecticut Law Tribune. I would love to read what each of these says but let me say in summary, they're saying this is a dangerous precedent that we're setting in Connecticut, politicizing the bench, and I would argue that having this many editorials when both sides can go make their case to the editorial boards but we have newspapers and opinion sections that listen to all sides and make up their mind. They're very clear that this is a dangerous precedent for Connecticut. I am left to wonder -- standing here -- why so different? This nominee is being treated differently than any other and very differently from other justices and supreme court justices in particular.

Another question for the good chairman, through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR BYE (5TH):

Through you, Madam President, Mr. Chair, would you agree that the opponents to Justice McDonald's chief justice appointment generally accept his standing as a skilled jurist?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, yes, I have heard -- to the best of my knowledge, I have heard no other criticism of Justice McDonald based upon his intellect or his judicial skill. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President. And, as I have listened both in the Judiciary Committee and since, what I'm hearing is what the republicans are saying is that their main objection isn't that he be on the supreme court. It's that he be the chief justice. Through you, Madam President, is that accurate, Mr. Chairman?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Yes, I -- a distinction has been made by the opponents of this resolution that it was fine for Justice McDonald to be an associate member of the supreme court but differentiated to be the chief justice of the supreme court. Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President. And, through you, Madam President to the good chairman, how many votes does the chief justice have on any case that's before the supreme court?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, one vote.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):
Through you, Madam President, how many votes does an associate justice on the supreme court have?

THE CHAIR:
Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, one vote.

THE CHAIR:

Senator Bye.

SENATOR BYE (5TH):

Thank you, Madam President. I'm glad that this is out there. It may seem like a small point but it's actually a very big point because republicans are arguing about his decisions and worrying about will he be turning the court left and what about the death penalty and about his rulings. Yet, Chief Rogers had a strong dissent to the ruling in the death penalty and she was chief justice. Her sitting there did not change the outcome, so chief justices have an administrative role but their influence on decisions is equal, so if the concern is on the decisions, how can the concern be about just being the chief justice? I have to pause just to make this point. They say they'd vote for him to be on the supreme court. Yet, you will hear in the comments and you've heard today an overwhelming reliance on his decisions to be the reason they're opposing him. They say they'll vote for him but not as chief justice. Yet, during the Judiciary Committee hearing -- and maybe I missed it. I can check with my colleague -- I did not hear one question about the role as chief administrator. They were very focused on his rulings and his friendship with the governor. It just doesn't make sense.

As Anne Richards used to say, that dog just won't hunt. It just doesn't make sense. This nominee is being treated differently than any other and very differently from other justices and supreme court justices in particular. Madam President, I have more questions but for now, I want to make some points and challenge my colleagues on the other side of the aisle to reconsider both their strategies and

their position on Justice McDonald, and I am not alone as I have shown the overwhelming opinion writers in the states have suggested that he is qualified.

I want to bring us back to the good ole days, the days before this was politicized, the days when Connecticut had a proud history of applying one test to a judicial nominee. Is he qualified? Is she qualified? Because even the strongest opponents have said he's qualified. In 2008, Justice Zarella had a dissenting opinion in Kerrigan v. The State of Connecticut. It wasn't a simple decision. I disagreed with it. I will tell you that as a gay person reading that decision was difficult. Some of the things that Justice Zarella said went like this, "I conclude there is a rationale basis for limiting marriage to one man and one woman." Here's another line from his dissent, "Children do best when they're raised by a mother and a father. A belief that finds great support in life experience and common sense." Another one, "I disagree with the majorities conclusion that redefining marriage to include same-sex couples takes nothing away from the institution; thus, the majority has abused the court's power to interpret the constitution in order to mandate a vast and unprecedented social experiment." This is what Justice Zarella wrote in his dissenting opinion on Kerrigan. I am the only person in this Chamber who is gay and is out and I can tell you publicly that these sentiments are so offensive if you are gay, offensive to us in loving relationships, who have children and families. It's tough, tough stuff to take. Yet, in January 2009, then Senator McDonald who is gay, who worked on these issues, who probably had a lot of similar feelings that I had, voted for Justice Zarella to go

on the supreme court and brought him out on the Senate floor, and Madam President, can I read some of Chief Justice -- I'm sorry -- Senator McDonald's comments?

THE CHAIR:

Please proceed, ma'am.

SENATOR BYE (5TH):

"Mr. President, I know we have a lot of important business before us today but I have to say that whenever we have an opportunity to confirm an associate justice of the Connecticut Supreme Court, this is an exceptional day." He went on to emphasize his legal skills and he said of Justice Zarella, "He's an extraordinary scholar who's writing is crisp and persuasive. I may not have always agreed with his decisions but there is no doubt there is logic that's thorough and well researched. He's been a leader not only in Connecticut but I know many across our country share with me a deep admiration for his service on the bench." This was months after that marriage decision was written and Senator Kissel followed up with the following comment in 2009, "We have stated time and again how a judge does on the bench in a particular case cannot be second guessed, not by us. That's the job we assign them." The good ole days, the test we used to apply in this Chamber and in the House -- are they qualified? One of the critiques that I've heard of Andrew, which I find really breathtaking after watching him comport himself for 13 hours of repeated questions, knowing he was being treated differently than anyone else had ever been treated in that committee was how calm he stayed but

the way he used his judgement to bring out Justice Zarella was really admirable. He demonstrated that he can separate his personal views from what the law requires. Again, you'd have to be in my shoes to know exactly how offensive those comments were and Andrew did, and he did the right thing. He brought out Justice Zarella and he complimented his skill. The criticism of him on those points just doesn't hold up. He was gracious and supportive because he understood full well that the alternative to be political because he didn't agree with that ruling would be a very, very hazardous path to go down for the state of Connecticut. He understood how important the separation of powers is. He understood that the role of the legislature was to confirm qualified candidates, not to dictate how they needed to rule on tough issues, and I am afraid that today we are not following his very gracious example and sadly we are not following generations of graciousness in this circle with what's going on.

After today, what would happen of Justice Zarella came up after a ruling like that on a divisive issue? Do we want to go back to a time in the early 1800s before we had separation of powers, where we had a general court, not a general assembly? I don't think so -- I don't think so. As legislators, it's not our job to be Monday morning quarterbacks of the courts. We don't have their training. We don't have their skills. We don't have all that they have behind them when they're making decisions. As Senator Kissel so eloquently said in 2009, "how a judge does on the bench in a particular case cannot be second guessed by us. That's the job we assign them." I couldn't agree with Senator Kissel's sentiment more. Not with the death penalty or any other case. Today's opposition to Senator McDonald

is almost completely a party line vote as it was in committee. That is highly unusual with judges and certainly, in my time on the Judiciary Committee.

Today's Senator Kissel began his comments by saying this has nothing to do with his being gay, who he loves, or us being homophobic. I would like to address that issue because it's been so prevalent in the comments. There's no doubt that the very extreme arm of the Connecticut republican party is very upset about Andrew's nomination as chief justice. I've seen the blogs and probably some have you. Just as there's some extreme national leaders who this week have been trying to take away the rights of people who are transgender, but that's not everyone. It's not even most. Much has been made of republicans saying this has nothing to do with Andrew's being gay and as was clear from my questions and from my perspective, which is different, this process has been so different than other justices. It simply has been. I know there is not just one reason why this process has been different, but I think we have to all agree that it's been different. He's close to an unpopular governor. Is that part of it? Likely but again, as the only out gay member of this Senate, I want to give you a little perspective about why there's some tension and why we might feel as a group who's faced discrimination again and again that this could be a factor.

I'm gonna start with a story of why I ran for the House of Representatives and it's not one that I tell. I often tell it to LGBT groups but I don't always tell it in public but when I was still in the closet because I had met an attorney and knew I could lose my job if I came out and I had a job that

I loved at the time. I came down late at night -- and this was not a place that I came -- but I came down late at night to hear the debate going on in the House about civil unions and I met my partner then and now wife in the hall of the House and we were -- not in the hall of the House -- up in the gallery. I wasn't allowed in the hall back then at all -- [Laughing] -- and I sat down with a group of gay women and advocates and we were watching the debate and the ranking member of the Judiciary Committee at the time was my representative and he stood up and I can feel what it felt like, but it was like he was standing down here and I was up there and he said, "These people won't stop until they have marriage" and I -- I was up in the gallery and I can't think that in my whole life I've ever been or felt like "these people" because I was closeted, I was upper middle class white girl from Greenwich. I didn't know what that was. At that moment, it hit me like a bolt and I turned around to the women who were with me and I said, "I'm blanking running. I'm running" because I knew at that moment that we needed a different kind of representation in the House and I knew there weren't enough people who were out in the House or the Senate and could bring that perspective and it came a great personal -- it took a lot of personal courage to be out. I had to leave my job, get a new job, but I felt that strongly. That was my first interaction with this building and who was voting for civil union and who was not and though it was not a perfect line, for the most part, the democrats were voting for civil union and the republicans were voting against civil union. That's where it started.

Since that time, several other bills have come through. The first bill I ever spoke on in

committee was the marriage bill coming through the Judiciary Committee and again, I wasn't that out, had to call my father to tell him I had told the story that I was gay and tell my parents I was gay in order to do that and be really out, but that vote in that committee was again very much a party line vote. In this Chamber and downstairs, there are people who supported civil unions and people who did not, but I would say one thing that speaks to today in the supreme court is that in 2009, after the supreme court had ruled that the constitution of the state of Connecticut said that marriage equality was the law of the land, after the court had ruled that, members of the circle voted no to codifying that, to accepting that was the job of that branch of government because of the idea of gay marriage and the statutes just was not acceptable. Six of the 7 no votes on that day were republican votes. Our job as legislators is actually to uphold the constitution. We swear to do that and so standing in the circle, I was in that debate.

I've had several long debates here but one of them and one of the most difficult I've ever had to bring out was the transgender bill of rights. It was a very challenging bill vehemently opposed by many of my republican colleagues. There were a total of 11 republican amendments filed and 14 of the 16 no votes were from republicans. Again, it wasn't 100% party line votes but my experience here as a gay person is that democrats mostly supported these bills and republicans were the ones who mostly opposed them. You just can't deny that there's significant party differences in the history of gay rights in the state and across our nation.

Every step along the way, we have faced opposition and each time, there was another reason for that opposition other than it's a gay thing. It was a religious liberty thing, which there's a little irony today because often -- and I was raised Catholic and I know the teachings of my church were that it was not okay to be gay and I know that my church that I was born into opposed gay marriage vehemently and so that was a reason for some people -- it went against their religion but some of the same people here are arguing that Senator McDonald worked to get rid of the death penalty, which is just as strong a belief of the Catholic church, that they are strongly opposed to the death penalty, so to be very clear, I am not in any way saying that all of those who opposed Senator McDonald do so only because he is gay but it is also obvious that Justice McDonald has been treated and evaluated in an unprecedented way and in an unequal way in tone, in substance, and process. At the same time, there's just an undeniable track record in the gay rights movement so forgive my skepticism that this has nothing to do with Senator McDonald being gay.

This has been a very difficult week for the people in my community because we have been making progress but the new administration in Washington, when they this week put in a policy that is literally designed to take away rights of people who are transgender, that's a difficult week and today makes it a more difficult week to be honest. Our LGBT communities know what the history is but we also know the fight is far from over. People who have opposed us along the way they have their own legacy and their own voting record and live with that and I've seen many people evolve over the years. I am just so sorry that today this vote -- what could have been another

step forward for the LGBT community -- does not look like it's going to be and a vote that would continue our great legacy of independence and judging lawyers on their skills, not on their politics is also going away. I am so sorry for my good friend Andrew that he has had to go through this very different and very unusual confirmation process to be chief justice of the supreme court, but I know what it felt like when I went to UCONN at True Colors and told those students that a gay man had been nominated to be chief justice of our supreme court. They went wild so he's still a role model for many of those students.

When you grow up and come of age as a gay man, as Andrew did or a gay woman as I did, unfortunately, we get used to being different. Trust me we understand that there is explicit bias, that there is implicit bias, as do all groups who have consistently faced discrimination in their careers. My friend Andrew has been an incredible public servant. No one knows better than Senator Kissel and others who have worked alongside of him on the Judiciary Committee. They know what a great mind he has and many have stated that today. He also has an incredible work ethic. They also know that he has always been able to comport himself in a distinguished way. I'll never forget sitting on the Judiciary Committee with Michael and Andrew leading a committee hearing and having Peter Wolfgang from the Family Institute sit down and say how could I ever get a fair hearing here in front of two practicing homosexuals? Andrew and Michael just sat there, nodded, and when he was done, they said thank you for your testimony. Let me tell ya, that's not easy. That takes a great deal of courage and an ability to comport yourself in those moments is very

difficult. I sat on the Judiciary Committee for more than a decade and I was always impressed by the dialogue and that difference that committee showed to all. Nobody here is claiming that Andrew is not qualified. Senator Fasano said it's important that Andrew's voice is heard, that his perspective is heard. It has to be heard but the big but is but he can't be the leader. Today is different in Connecticut. Today is different. I have tried to explain and lay out to you why it feels different to me, and I will tell you it's a sad day for many of us in Connecticut and we're lucky to have each other and we'll keep marching forward, and in the end -- I want to be clear, Madam President, that I'm not questioning any individual Senator's vote or their motivation for the vote -- I just had to lay out what it feels like from my perspective and from my perspective, it's a sad day for Connecticut and I want to thank Andrew McDonald for putting himself out there even if he doesn't get over the finish line, he's been a role model for so many kids for so many years and adults as well. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President. I rise with a few questions for the chair of the Judiciary Committee after which I'll have some comments on this nomination.

THE CHAIR:

Senator Doyle, prepare yourself. Senator Markley, proceed, sir.

SENATOR MARKLEY (16TH):

Thank you, Madam President. If I may ask through you, Senator Doyle, were you on the Judiciary Committee during the Rowland administration when judges Mengacci and Robertson had hearings?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, the answer is yes. Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President. May I ask through you if they were questioned about their friendship with governor Rowland?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, that's an interesting question. My memory is not crystal clear but I believe there was some mention with candidate Mengacci but I'll be honest I'm not certain of that. My memory is not crystal clear. Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President, and I sympathize with the Senator. It is a little while ago. Let me ask if his memory includes this, through you, Madam President. Senator Doyle, do you remember what the disposition was of those nominations?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Through you, Madam President, the answer is yes.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY (16TH):

And, may I ask, through you, Madam President, what it was?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Both candidates were not approved. Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President. That's all I wanted to ask the chair and I appreciate his responses. I do want to say a few words about something that I think is a very vexed issue, which is our proper role in confirming judicial nominations. Senator Doyle, again, did an excellent job at the beginning of this debate in summarizing the guidance that we have in our state constitution, from the American Bar Association, and other places. I can't really speak to this as a state issue. I guess I know it a little bit as a federal issue and viewed historically, I'd say the executive -- our oversight of executive nominations generally is something that has changed over the years but not necessarily evolved. I think it's safer to say that it's oscillated.

There's a story that when George Washington brought his very first nominations to the U.S. Senate, some diplomats that he was going to appoint. He came in person to the Senate Chamber and handed them to the president and then stood there waiting for them to vote on them so he could just go back to the White

House with the nominations approved and when in fact the president of the Senate assigned the nominations to a committee for further review, President Washington left in a huff insulted that his nominations weren't taken up and approved immediately. Because it wasn't clear what the relationship was supposed to be and it's a relationship, again, that I have said that's changed over the years. You know, Chief Justice Marshall is probably the most respected jurist in our nation's history but he was one of the midnight appointments of President John Adams shortly before he left office. I think within 2 months of the end of his term after he had already lost election and President Thomas Jefferson, a man one would have to say has great respect for the constitution and the function of government as anyone, having had a hand in so much of the formation of our government did all he could to encourage the impeachment of Justice Marshall. Not for anything he had done in office but merely because of the political positions that Marshall held and the disagreement that he had with Jefferson.

There have been moments in our history of contention like that over these sorts of appointments. There's also been long periods of years of good feeling one might say. I think I was born into one. I can remember in the 60s and the 70s that judicial nominations, absent ethical questions, as occurred occasionally, or questions of competence generally went through by overwhelming votes. That changed, if it changed at any point, with Robert Bork back in 1987 when he was appointed by Ronald Reagan. Democratic Senators previously had said things very favorable about Robert Bork based on his superb intellect and his faultless record but in the end,

they opposed him and rejected his nomination because of his judicial philosophy and let me say I don't disagree with them doing so. I think that we all have to work our way towards finding the grounds on which we make these judgements, that it's not something that's predetermined for us.

Five years ago when I spoke on this nomination, I said I felt that there were three criteria by which I would judge Andrew McDonald's fitness for this spot. The first one I'll take up is experience and certainly, that situation has changed in the intervening 5 years. At the time he first came before us, he was beginning his judicial career at the very top as a supreme court justice. That's not unique but I did not think it was an advantage for him as a nominee and I question that. He has now had 5-years-experience on the supreme court and I think that question on one hand is less pointed. On the other hand, as Senator Fasano pointed out, as chief justice, Andrew McDonald would become the chief administrator of the entire court system and I think it could only be held to be an advantage to have moved up through that system as almost every chief justice and almost every justice of the supreme court has, so although I don't think his experience is disqualifying, I don't consider it a recommendation.

A second criteria, as I said at the time, is judicial philosophy. I think that on that ground I have always been troubled by the nomination of Andrew McDonald because he has a long record as a legislator to tell us even before his nomination what his judicial philosophy was. Senator Fasano has spoken on this more expertly than I can and I expect that others may do so as well but let me

mention two issues that particularly concern me and not in great depth, but one is the death penalty. Justice McDonald's involvement in this issue is tangled and fraught to my mind. As a legislator, he was an aggressive proponent of repeal of the death penalty. Then, he served as chief counsel to Governor Malloy at the time that a repeal of the death penalty was being drafted, and then he was appointed to the bench and he was one of the majority, which on reviewing that legislation, found it unconstitutional, and in defiance of the clear intent of the General Assembly, eliminated the death penalty in our state altogether. Given his history of advocacy on this issue and given the reasonable question of his possible involvement in the creation and in the passage of the legislation, which repealed the death penalty, it seems clear to me that he should have recused himself from that decision and not participate in a decision, which not only struck down the bill that was before him for review but the entire possibility of a death penalty in Connecticut, going far beyond what was required for the court to do at that point.

Worse to my mind was the bill which was raised by the Judiciary Committee when Senator McDonald chaired it, which would have changed the govern and structure of the Catholic church. I am not now and I never have been a Catholic, but I'm deeply offended by any assault on the free operation of a religious institution in the state of Connecticut. As a member of the Judiciary Committee, I had the chance to question Justice McDonald on this issue and he dismissed the bill as a request that came from a constituent with language in it, which he himself had not closely examined. I don't disbelieve him but frankly, I find it difficult to

believe him. I have sat myself in many bill screenings over the years and I don't think on the drowsiest afternoon a bill concerning the governing structure of the Catholic church would have passed by me without review, and I certainly find it hard to believe that a man with as sharp of mind and as good political instinct as Andrew McDonald has would not have looked at the language of a bill which tread on so sensitive a topic. John McKenney said at the time that happened that it was a mistake that a first-year law student would be ashamed to make. We have to assume that either it was through indifference or ill feeling that that was mistake was made.

The third criteria and again, that Senator Doyle mentioned explicitly, is temperament and 5 years ago when I spoke about Andrew McDonald I said I knew and had heard nothing against him on those grounds. The affidavit, which was sworn by one of our Senate colleagues concerning the behavior of Andrew McDonald was disturbing news to me and the purpose of that affidavit was to create grounds for Justice McDonald to recuse himself from a case which was before him. Again, there is no question in my mind based on what was in that affidavit that the recusal would have been appropriate but I have to say it's the behavior which was described itself which horrifies me. I may be naïve. I don't feel naïve but maybe I am naïve or maybe I've been lucky, but in nearly a decade that I've been in this building, I have never seen behavior like that and I've never even heard behavior like that reported. A verbal assault, which was so alarming to the people who witnessed it, that they came up to the Senator afterwards and asked if she was all right. I don't know what the people watching -- the people outside

of this building thing about how we do business here but thank goodness, that's not how we do business here and that a man acting on behalf of the governor of Connecticut would treat anyone like that in public, whether it's a legislator or a lunchroom worker, amazes me and that the governor would accept such behavior from somebody acting on his behalf and reward it with nomination to the highest post in our judiciary astonishes me.

And, for these reasons, which I have stated, I am convinced that this nomination was a mistake and I think that this Chamber does right to reject it. Thank you.

THE CHAIR:

Will you remark? Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, I rise to proudly support the nomination of Andrew McDonald for chief justice of our supreme court. You know, I did call Justice McDonald just this past week and had some conversation, rather long conversation with him, and we talked about and I asked him some questions about why he would put himself through this whole process and go for this nomination and one of the things that we talked about, of course, was his mom. I know Senator Doyle had mentioned Anne McDonald who was co-chair of the Public Health Committee back when I was serving in the House in the 90s. Anne, I always considered to be a mentor and of course, we had conversations about our children including her son, but the one thing that I learned from Anne and the one thing that was really

something that stuck with me is her call to public service and when I talked to Justice McDonald this week, it was the one thing that he said when I asked him well why are you going through this? Why are you putting yourself through this whole process? Certainly, this is all after our Judiciary Committee meeting and he said, "Because it's in my DNA, that call for public service" and that so resonated with me because I understand that. I understand that we do this, it's not for fame, it's not for money. We do this because we want to be able to answer that call and that call is so strong that I tell people we are compelled to do this, to run for office, to offer our services, and I understand completely what he was saying.

One of the criteria that I look at are qualifications of the candidate and I was up in my office working on public health issues and bills, of course, while Judiciary Committee was going through the process and asking questions of Justice McDonald during that whole 13 hours, but his qualifications, you know, a number of those qualifications are based by an actual questionnaire that goes out to candidates for the position of judge and I read every one of them whether it's for the supreme court, the Superior Court or whatever it is, and I was reading through Andrew McDonald's qualification and I was stunned by the breath, the expanse of his experience and I knew all about his legislative experience in the past being a member of the circle, of course, and his work on the Judiciary Committee, but his work in the case law that he has been involved in is not just extensive, it is impressive. He has taken on the challenge of dealing with so many different issues that are -- that affect us all in society and I'll talk a little bit about the

death penalty in a minute but truly in this instance there is nothing that his facile mind cannot take up and adjudicate appropriately -- very, very qualified. In fact, I told him in our conversation I said, "Andrew you're qualified to be a nominee for the United States Supreme Court" based on that questionnaire and of course, also knowing his past history doing a little research there.

You know, that brings me to being on Judiciary Committee. I am not an attorney. People know me in my role as an advocate for people with disabilities, working in the public health sector and that sort of thing, but I look at attorneys of course -- and I'm so glad when they're on my committees, other than Judiciary, also to help give advice and counsel -- and one of the things -- or one of the reasons I should say -- I decided to serve on Judiciary Committee is that I learned about the process, not just in selecting our judges but also how we deal with talk about, discuss, and vote on legislation in that committee. It is truly amazing the amount of work that the committee takes up but also, it's an education. We are certainly deliberative and we do focus all the time on policy in Judiciary Committee but that's where I really learn that we look at not just policy but we look at the substance of an individual and that individual's qualifications and certainly, when it becomes to being a judge, that substance is so very important and important to me and looking at Andrew McDonald and actually looking at any of the judges that come before us or even the policy, to me it's not you know a question of what are the politics of it and anyone who knows me knows that that's where I come from but rather what is the values -- what are the values of the person. What is the values that are inherent in that policy and

what does that say and do for my constituents and for the state of Connecticut and without a doubt, after this man -- this very intelligent man, so well versed in the law went and endured 13 hours -- 13 hours of grilling basically on past policy. I call them perhaps past battles whether they were won or lost by individuals. It still is something that I feel after 13 hours was inappropriate.

Based on that behavior, why would anyone -- anyone want to put themselves up or run or be nominated to be a judge in this state certainly after that spectacle. I was very appalled by that but regardless, you know that we went ahead and of course, the report came out of the Judiciary Committee and the House voted but something that I want to say is that to my colleagues that oppose this nomination let your energy be used to build, not to destroy. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Winfield. Senator Leone -- Senator Leone.

SENATOR LEONE (27TH):

Thank you, Madam President. Thank you for giving me the privilege to speak on this nomination and I want to thank the Chamber for indulging me, as well as for us all indulging each other for this very important issue that we are contemplating and as we stand here debating the issue of Justice Andrew McDonald and his ability to be nominated for the chief justice of the supreme court for Connecticut, it strikes me that some of the issues that we're

talking about seem to be that we're re-debating some of the past rulings. If you dislike the death penalty, that's one thing. We had that long conversation. It was a tight boat. All justifiable in the reasonings of the people that voted the way they did but in the end, it passed and here we are it seems to be we're re-debating that very same issue and it's going against Justice McDonald because he was part of that when he was here in the Senate Chamber but if we want to talk about experience, how do you -- how do you say to someone who has put 5 years on the bench, was nominated at an early age as was mentioned but even that was questioned by some, which I don't think would be fair considering I think the chief justice of the supreme court of the United State, Justice Roberts -- excuse me -- was nominated when he was 46 years old so I don't see how age should be an issue, but Justice McDonald's experience from the time that he was serving as counsel to the city of Stamford, from the time as him being a lawyer and a partner at a premier law firm for the state of Connecticut, at the time of him serving in the legislature with distinction, to his time serving with the governor in the administration, and now in his 5 years on the bench.

You have someone who has experience in every branch of government at almost every level and has put in the effort with distinction as been stated by so many here today and also in the past and also publicly through many opinions and through other legal scholars, so I don't know when experience became something not to be proud of. We're saying that his experience in this multiple areas is a detriment or how he is using that experience to his appointment on the bench, so I think that's just a

different of opinion. It doesn't hold weight for me, that you have all this experience, you have this relevance to interpret the law in a variety of ways and to apply that in a judicial manner.

Now, we can argue against how he may rule and there's been quite a few cases that have brought up on how he interpreted the law or how he weighed in on the law, but he interpreted the law just like any other justice would in a judicial manner with a legal mindset and weigh down on an opinion that some people agree with and some people don't, and that is what the judiciary and the supreme court is for -- to tackle the very most difficult issues knowing that they are unpopular in many cases and yet, they have to apply the law, they have to apply the legality of the law in a way that can hold muster. It doesn't mean we have to agree with it but it has to uphold the principles of the law. I believe he has done that.

As far as his temperament, the temperament that you would want someone on the court, I think he has shown an even temperament. For anyone to sit through 13 hours of questioning, many times with redundancy, many times very probing, very personal and yet, maintain a level of decorum, an even temperament, that is what you want in a chief justice. I think he proved that even with the unprecedented amount of exposure that he has put himself through. Again, we are relitigating issues that have already been decided. We don't like them but there they are. He was not the only person to rule against the death penalty. There were other justices. Should we hold them to the same high standards? Can they not be the chief justice because of that vote? Chief justice is not about

how you interpret one vote or even a number of votes. It's how you apply the law.

Now, to have 5 years on the bench and to say you're not experienced to be in an administrative capacity, makes me wonder. We here in the Senate Chamber we are chairmen of many, many committees. Some two, some three, some even maybe more. The House Chamber they are in the same situation. Does a person's ability to be a chair is predicated on not having experience as a legislator? You want some experience before you become a chairman so how could someone who's had 5 years on the bench not be qualified to be in an administrative role. It doesn't make sense. I don't understand it. Now, we as legislators, we weigh in on many, many bills. Many of them controversial. Many that we just philosophically disagree with and that's okay. That' what the debate is for -- to flush out all of the issues, to hear all the arguments but at some point in time, you have to come down with a ruling. You have to have a vote and sometimes those are controversial, even difficult for some of us to weigh on some things that you may even question some of your beliefs and by listening to the debate, you may even rethink some of those attitudes and that should be allowed. You should be able to grow as a person to hear the other side of one's view and either stick to your guns or change your decision making. It shows you are able to listen, you are able to evolve but in some cases, that's used against you. You either can't evolve, you can't change an opinion, or you can only go one way and not the other. I think we are doing a disservice when we hold those kind of standards to what we have to do here for the state of Connecticut, so I think we're on a dangerous precedence when we're applying

this kind of -- in my mind -- faults logic to what we do here that you may have to contemplate an issues, maybe not support it, but then somehow because you contemplated it that's gonna be held against you for another position down the road. That can be very dangerous indeed. We shouldn't be retrying supreme court decisions. You may not like the issue but no laws were broken. There's always the perception issue. I understand that but sometimes you have to apply the law because you're in a position to do so.

Now, our system of government as we -- as a legislature, we create the laws. We then hand it off to the executive branch. They enact the laws. They enforce it. If there's any confusion, it goes to the courts for litigation and the courts then make an adjudication and they either come down on the positive or on the negative of how one has interpreted that. That is the law of the land. That is the constitution. If we don't like that ruling, we then go back to the legislature to change that and the circle begins again. That is how we hold our checks and balances. One relies upon the other and one should have no more power than the other. It's an equal division of power. If we're going to decide future justices based on their relationships with a particular governor or any governor, you are now taking away why someone should be appointed and now you're basing your opinions on a dislike or a like for another person. That is a dangerous, dangerous precedence because if we continue to go down this path future nominees are going to be held to that standard and not to the standard of the law. It will become so political that it will become vitriolic. This Chamber does not deserve what is going on in Washington. We

should not aspire to hit the lowest common denominator. We should aspire to the highest ideals. That is why we are here. That is why we should weigh in on this nomination and I understand it's a conscious but base it on real logic, not flawed logic. Thank you, Madam President.

THE CHAIR:

Thank you. Senator -- I'm sorry. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President, so I rise. I support Andrew McDonald. I've known him for a while. We even share the same birthday, which is not way I'm supporting him. I've been listening to the debate today. I think it's an important debate but honestly, after listening to this debate, I'm confused as to how I'm ever supposed to judge as a person who sits in front of the judges that come in front of us at the Judiciary Committee, judge them. I have absolutely no idea what I'm supposed to be doing. This debate has taken me backwards and forwards, and I actually wish that this body would be as intentional about what we do with every judge that comes through here as we seem to be about Andrew McDonald. I think everybody in the circle now knows that there have been many times that I have come in front of -- whether it was down in the House or up here in the Senate -- come in front of these bodies talking about issues with the judges we have, not every judge and not even close to every judge, but the judges we have in the state of Connecticut. And, what I've been told is what you've heard a little bit about you can't second guess the judgement of the judges on the cases and

even when it's not about that because I moved off of that years ago. That's how long it's been going on. Even when I moved off of that and looked at the comportment of the judges. I've looked at transcripts. We get told about the careers that these judges have. We don't get talked to about what happens in the court and how it affects the people of the state. Today, during the debate, we heard about two judges and one had 3 years left to go and one had become a JTR, a judge trial referee, and that's why we voted for them to keep going forward. That had nothing to do with what happens in the court and somehow today we come here today and we have Justice Andrew McDonald in front of us and Justice Andrew McDonald is in front of us and there's a lot of talk about why Justice McDonald should not be sitting there as the chief justice.

Quite frankly, I don't understand this because I haven't heard anything to this point which says to me he should not be the chief justice. I've heard things that say I don't agree with Andrew McDonald's decision. I've heard things that say I might have a couple of questions about Andrew McDonald but we have had people who have come before us and yes, they're not the chief justice, who don't deserve to be on the bench no matter where they currently sit. That's the decision this body has made but we're going to stop this man from being a chief justice because um you know I don't like what he said there. I don't like the fact that by keeping his mouth shut -- he said some things about the death penalty. By keeping his mouth shut, he kept his mouth shut. I don't like the fact that Andrew McDonald -- some people in this Chamber have put themselves forward as seers. They knew what the future was going to be. They knew that when we made the decisions that

we made that the death penalty would ultimately be rendered unconstitutional. I don't like the fact that Andrew McDonald sitting there ruled on the constitutionality and agreed with me because I said that was the thing that would happen because the courts would have to do it because that's the only way you can interpret the constitution.

I don't understand what we are saying here today and I want to talk about the death penalty because I know a lot about the death penalty because as many people in this circle know I came here in 2009 and when I came here in 2009, I had a mentor. His name was Bill Dyson. He was the person sitting in a seat in the 94th district and I succeeded him and Dyson had worked a long time on the death penalty, and the thing I decided was I'm gonna pick up that issue, I'm going to talk about that issues, and I'm going to take that issue and move it over the goal line. Now, if you were here at the time, you know people actually laughed in my face. It had never gotten out of the committee and passed through one of the floors but we did it that year, and I think it's interesting that we heard earlier one of the knocks on Andrew McDonald was that he couldn't quite recall some instances that happened but I heard Senator Kissel, the vice chair of the Judiciary Committee, talk to us about what happened with the death penalty and he told us in 2009 we had the death penalty bill come before us and you know, that bill went to the governor and it fell because the governor vetoed that bill.

And, then the Petit issue happened and in 2012 -- but that's not what happened. That's not what happened, and so we're knocking Andrew McDonald because he can't recall the facts but one of the

most important things that has happened in this state, particularly with us sitting in the legislature, cannot be recalled by the person who's knocking him for that. What actually happened was in 2009 I showed up here, we did a lot of work, and we had a bill that got out of the House and out of the Senate for the first time in the history of the state of Connecticut. It went to the governor. I sat down with the governor. I had conversations with her. She agreed with everything I said. Some people may not believe that but some reporters asked her and she would not answer. She agreed with everything I said but decided she was still vetoing the bill, and so we came back trying to figure out what were we going to do. We had a bill in 2011. We knew we weren't going to move that bill so we pulled off the bill. In 2009, Andrew McDonald was the chair of the committee -- Judiciary Committee for the Senate. Michael Lollar was a chair for the House. My conversation was really with Michael Lollar and my leadership. In 2011, my conversation was with Andrew McDonald on doing a bill and with Mike Lollar again about the contents of that bill. We pulled back. In 2012, my conversation wasn't really with Andrew McDonald because it just wasn't how it worked. It was with Mike Lollar and the conversation also took place with the governor's office and the conversation also took place with another person. A person that was the president at that time of the Senate because we were trying to figure out how we were going to get this done because it was obvious that because of what happened with Petit, not in 2009, 10, or 11, but in 2007 -- but, what happened with Dr. Petit's family many members here who might otherwise vote to abolish the death penalty would not, and so we came up with a strategy which said maybe we could do this

prospectively. That's how that came about. Andrew McDonald wasn't the architect of that. He wasn't. Didn't have conversation with Andrew McDonald and as we've heard earlier, he didn't have any public pronouncements. So, he didn't have any public pronouncements. He did what people who were the seers and this Chamber said we should do -- as somehow we are saying Andrew McDonald you shouldn't be the chief justice.

You want to talk about time. Chief justice of the supreme court. How long was he on the supreme court? We don't have to ask that question. His time on the court was about 2 years -- D.C. Circuit Court and then he went to the supreme court and became the supreme court justice so the time to me is completely irrelevant, and what I'm hearing from some of my colleagues is well you know maybe he doesn't really need to be the supreme court -- the chief at the supreme court but he can stay on the supreme court. Somehow, we're trying to make the argument that he operates in an unconstitutional way and he doesn't regard when he should recuse himself, but maybe he should stay on the supreme court. To me, that seems to be an argument that says that you don't want him on the supreme court. I don't understand how we do that. We have turned ourselves into pretzels so that we can oppose Andrew McDonald. I don't understand what we're doing here and I don't care whether you're democrat or republican. That really matters not to me. What matters to me is what do we do with our justice system? What do we do when any judge -- and yes, the supreme court and the chief justice of the supreme court matter -- but what do we do when any justice comes in front of us? What do we do? And, I can't figure out what it is we do. I can't figure out what the through line is

here. This makes no sense to me and I sit in this building. I can only imagine what it means to the people outside of this building. You might as well just throw it up in the air and wherever it falls that's what happens. I'm passionate about it because I sit as an outsider in many ways. One of the people who I respect the most in historical context is James Ballwin and James Ballwin said, "Precisely at the point when you begin to develop a conscious, you must find yourself at war with your society." I would tell you this -- those who are outsiders always have that conscious. They're always awake. They're always finding themselves there and the issue with being the outsider often times is that when you realize that the people with the power are not taking into account the reality of the other, you realize that they're not taking in account in your reality. Yeah, we can talk all we want about the reasons why there's a good reason to oppose Andrew McDonald. I still haven't heard it. There's a very good reason -- there are several very good reasons why we should support Andrew McDonald. One, he's qualified. That's the first reason. But, two, those people who see themselves as outsiders who no matter what we say unless we give them some really good reasons, those people look at this process and say I'm never going to be able to be in that position.

So, I would say to you that if you're voting against Andrew McDonald, you had better come up with a really good reason, not a kind of reason, not a maybe reason. You had better have a really good reason, not I don't agree with Andrew McDonald. Many people here know that there's a saying about politicians. We all want to move up. You want to know one of the reasons why that's not something I'm

looking at currently? Cause, I'm one of the others and even in the year 2018 as one of the others, as someone who's traveled around this state that thinks of itself often as a very progressive state, I know better. It's my reality. I've been in this building for years talking about the reality I see and people tell me that the things that I've seen -- I'm 44 years old -- for 44 years of my life are not real. All of that matters today. Every last bit of that matters. I have four children, an 18-year-old, a 12-year old, and two newborns and I don't know what they turn out to be. I know they're black, right. We know that but I don't know what they turn out to be in terms of their sexual orientation. I hope someday they look at the state of Connecticut and they say in the state of Connecticut I can be anything and I hope that when we're finished here today what we do has nothing to do with the potential for them looking at the state of Connecticut and saying well that's something I can't be. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark? Senator Cassano.

SENATOR CASSANO (4TH):

Thank you, Madam President. I really had no intention of speaking. As I sit here and listen, I want to relate an experience. Last night, I was watching the UCONN girls game -- women's game I should say -- and half time I went up to kitchen and my wife, my daughters, my granddaughter were sitting at the table talking and they never know what we do up here. For most of us around the circle, our

families don't know how we vote, when we vote. All the know is we leave early and we get home late. That's what they know about us and my granddaughter says to me, "How are you voting on Andrew McDonald?" I was floored -- I was floored. How does she know who Andrew McDonald is and the four of them looked at me and said, "What are you going to do?" I said, "Well, I knew him when he was in the Senate. There were many time I came up here representing mayors and representing (inaudible - 3:32:23) and he was always just tremendous to work with. He knows how to get things done and he showed me great leadership" and so on, and I said, "I think he would be good at this position." "That's not the point gramp. You're gonna vote for him?" -- my granddaughter.

I always loved history and what I found in most of my history courses is that over the course of time nations, countries, regions were run by church groups, by religious groups, and so on and I say that because Senator Markley here earlier was talking about Washington -- George Washington -- and others, Adams, Madison, Monroe, Ben Franklin -- great minds. They wrote a constitution that was meaningful. It was a constitution that said we will have a separation of church and state. It was a constitution that said we will have individual rights and those individual rights will never be taken away from us as part of this country, the United States of America. I think we're jeopardizing some of that. I know there are many reasons that many people have for being against this position, against Andrew being confirmed, but I can't understand how that can be done in a party line vote. I've been part of party line votes since I've been here, since I was in public office since

1977, but there are some votes that are personal votes, not party line votes and I thought this was one of them.

I'm concerned that focus has been placed on an argument with an attorney that none of us were present to witness and was it what is was? Even Judge Judy would say that's hear say, but I'm not an attorney so I wouldn't know. And, then I heard the last of the questions and I've never been questioned about a vote from my family. Is he an activist judge? I know the president wants to get rid of the "activist judges." I've never looked at Andrew McDonald as an activist judge. I've looked at him as a competent judge, a bright person who thinks and tries to do things the way he's supposed to do. So, I'm going to support Andrew McDonald because of his role on the bench, because of his history in this body, because of his concern for the state of Connecticut and quite honestly, because of the concern of my own family. A couple of generations sat there and for the first time in my political career, literally asked me questions about what I'm doing. That's meaningful. Thank you.

THE CHAIR:

Thank you. Will you remark? Will you remark? Senator Flexer.

SENATOR FLEXER (29TH):

Good afternoon, Madam President.

THE CHAIR:

Good afternoon, ma'am.

SENATOR FLEXER (29TH):

Madam president, I rise today in strong support of the nomination before us and I do so today with a heavy heart. In thinking about what I would say today, I thought about how I often talk to young people about how in many points in American history it's been judges that have been in the forefront of advancing civil rights but how I've been proud of the fact that in my time in the Connecticut legislature it's been different, that we've been at the forefront of advancing so many civil rights over the course of the last decade in particular, and I'd ask my colleagues here in the Senate today to pay very careful attention to the words of my colleague, Senator Winfield, and in particular, my colleague, Senator Bye, and I'd like to associate myself strongly with her remarks. I'm very concerned about the precedent that this sets forward today. For the better part of a decade, I've been privileged to serve on the Judiciary Committee and I have been proud of the fact that we have reviewed all judicial nominees based on their temperament, on their judicial acumen, on their intelligence until today and I think it's important as legislators that we always look back to history, both for the reasons I mentioned a moment ago, to look back at the opportunities were previous legislative bodies have failed to advance our society but also to look back for precedent and the precedent that judicial nominees in the Senate and the House in Connecticut would be judged by their judicial acumen, their intelligence, and their temperament has been there for a long time. And, I think that today a double standard is being applied, one that nominees under republican governors were never held to.

Previous governor Rowland was very close with Justice Sullivan and Chief Justice McDonald before they were appointed to serve on Connecticut's Supreme Court. At the time of their appointments, no one ever suggested that their close relationship with Governor Rowland was a disqualifying factor for their service on the supreme court. In fact, when a special committee was investigating governor Rowland for corruption, I'm not aware of anyone, including the people who still serve in this legislative body today, questioning the fact that those justices -- when they reviewed the committee -- the special committee then investigating then Governor Rowland -- their subpoena compelling Governor Rowland to testify. I'm not aware of anyone questioning that relationship at the time that those justices voted against compelling Governor Rowland to comply with the subpoena or that coming up when those justices were up for re-nomination. The bodies in this building did not question the decisions that were made by the justices in their capacities. Those justices were judged based on their judicial temperament, their intelligence, and their judicial acumen.

I don't recall this body, the Judiciary Committee, or the House of Representatives questioning the close relationship that Governor Rowland had with Justice Christine Vertefeuille, who before her nomination and 4 days before the gubernatorial election in 1994 was the deciding judge in a police report on a domestic disturbance that involved Governor Rowland. Those issues were not brought forth in questioning that justice's decision regarding Governor Rowland later as a member of the supreme court. Justice McDonald has demonstrated

over and over again as he did in the Judiciary Committee in the 12 to 13-hour hearing that we had that he does have a close personal relationship with Governor Malloy but he would continue to recuse himself from any case where Malloy was a named party. Just like he has in over 80 cases where he has recused himself that have involved Governor Malloy or any attorneys -- or any attorneys at his former law firm.

I'm very concerned that the precedent that we're setting here today is going to make it very difficult for justices to move forward and not be political in the future. I've always been proud of the fact and I've always told people that the state Capitol works differently than the Capitol in Washington D.C. One of my favorite parts of this job, as many of you saw earlier today in the circle, is spending time with young people and we were privileged to have students here from Killingly High School earlier today and I always tell them that it's different here in Connecticut. It's not the same as Washington. We have relationships with each other and we disagree from time-to-time but everything is in partisan gridlock and I'm deeply concerned that moving forward, after this decision is made, I believe what will be the wrong direction today, that we will see partisan gridlock over far too many judicial nominees. That judicial nominees will become political footballs just like this one has and that we will, unfortunately, then have to question the politics that have invaded our court system and the decisions that will come out of not just the supreme court but of all of our courts. I think this is a very dangerous road that we're heading towards. I think it's been very clearly demonstrated that Justice McDonald has the judicial

acumen, the temperament, and the intelligence to serve proudly as chief justice of our state's supreme court and we're making a very big mistake today if we do not move forward with his nomination and instead change the appointment process for all judges in the state of Connecticut forever. I encourage my colleagues to please think long and hard about this decision because I'm afraid we won't be able to ever turn back. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Hartley.

SENATOR HARTLEY (15TH):

Thank you, Madam President. Regarding the nomination before us, the nomination of Andrew McDonald to be the chief justice of the state of Connecticut, I should start by saying I have nothing but the highest regard for Andrew as a person, as a former colleague, a legislator, as the chairman of the Judiciary Committee, and then as he oved on as an associate of the supreme court of the state -- associate justice of the Supreme Court of Connecticut. In fact, I joined colleagues in this Chamber and it was just about 5 years ago to support Andrew's nomination to the supreme court. Madam President, much of the debate surrounding this nomination today and through the course of this nominee goes back to some history, which I personally witnessed. I recall in 2009 then Chairman McDonald was the advocate and crafted legislation, which passed the Judiciary Committee and ultimately, both houses, which would have prospectively abolished the death penalty. That

legislation was vetoed as we know, and then 2012, the exact same bill in fact was brought before us and this time Andrew was the chief counsel in the governor's office and was an advocate and spent a lot of time with regard to the legislation. In fact, we talked about close votes today. That was a close vote and I do recall the determining votes in that particular proposal of the 2012 prospective abolition of the death penalty were unequivocally based upon the fact that it was in fact prospective and that it would not affect those who currently sat on death row, and as it has been stated today and I clearly recognize the fact that Justice McDonald did not have to recuse himself from what has -- what then was the recently passed legislation and as we now know the Santiago case. However, in view of his involvement as a chairman of Judiciary Committee, followed by being counsel to the governor, it would have in my mind and I think in the minds of others have been prudent not to sit on that case. In fact, it would have obviated much of the discussion here today and the discussion in the Judiciary Committee as well.

Madam President, in my tenure both in the House of Representatives and here in this Chamber in the Senate, I have had a longstanding and consistent position regarding the death penalty. I believe that Andrew McDonald as a legislator and as a member of the supreme court has voted his conscience. I do not question that and I believe that every member in this Chamber votes their conscious and today I too will vote my conscience and for me my longstanding history will be no different. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. Today, we cast two important votes. One to disregard the unfavorable report of the Judiciary Committee regarding the elevation of Justice McDonald to be chief justice of the Connecticut Supreme Court. That vote is very significant. In my tenure in the legislature, which expands 16 years, we as a body have never rejected an unfavorable report from the Judiciary Committee to move forward on any nominee or any legislation for that matter. Some members may say that the committee report should be the final step as it reached its unfavorable report. However, many members believe that it was important to discuss and debate the merits of Justice McDonald's elevation to chief justice, which has unfortunately become political. As recently as last night, the governor spoke to Justice McDonald's qualifications to be elevated as chief justice. During those comments, the governor referenced letters from deans of law schools from three Connecticut colleges and various editorial boards. I respectfully disagree with the open letter from the three law schools, which urges the legislature to keep politics out of the judicial confirmation process because their letter implies that anyone opposed to Justice McDonald is doing so for political advantage or payback. I have a deep commitment to the integrity of the judicial system and the rule of law and I hope that those personal unvetted and without merit comments are not shared with the students to whom they instruct. I believe that Justice McDonald has the proper legal credentials of chief justice. My beliefs are not

swayed by the incessant phone calls, inflammatory remarks by members of this circle who may share a different viewpoint, or the sexual orientation of Justice McDonald as many news outlets and political hacks will lead you to believe.

Yes, I have served with Justice McDonald in the General Assembly. In fact, I also was a member of the freshman class with Andrew McDonald when he entered the legislature in 2003. I always knew Justice McDonald to be an ardent, tireless advocate as role as a senator and the issues he verily believed in, often times in direct oppositions I sought. When Governor Malloy nominated Andrew to become a member of the supreme court with no tenure on the bench by the way, are argument of suitability was had in this very Chamber. Could Andrew McDonald serve on a court in an unbiased, fair, and impartial role given his strong convictions of public policy that became law under his time in the General Assembly and later as a chief legal counsel to Governor Malloy? My answer to that very question was yes, and I cast my vote in the affirmative to confirm the nomination of Andrew McDonald to be a justice of the supreme court. Andrew's many attributes that I just spoke of gave me solace that he could create -- separate and remain unbiased in his role as a jurist versus that of a legislator. Many strong arguments were made in the Judiciary public hearing and again in the House floor debate regarding the case of State v. Santiago. Should Justice McDonald have recused himself from that case? An appropriation question to be posed; however, I find that question to be inconsequential in my mind.

You see, my angst began on the decision of the rendering of State v. Santiago. I do not believe in judicial activism and have never supported a justice at any level who has shown themselves to be a judicial activist once appointed to the bench. I know the term judicial activism is contravening to many members of the circle, representatives of the House, and even Justice McDonald himself. I watched many of the hours of the Judiciary public hearing. I confess I didn't watch all 13, but I watched enough to know that Justice McDonald was making a case as to why he was not a judicial activist. In fact, I believe Justice McDonald said -- testified that there was no such legal term as judicial activist. Soon, I became aware that Justice McDonald was asking for meetings with individual legislators. In an effort to give him the benefit of the doubt, I extended that meeting opportunity with him. Justice McDonald and I met in my office for over an hour. Included in that meeting was Melissa Farley, legislative liaison from the judicial branch, and I asked Justice McDonald to share with me -- I said I have three specific areas of concern regarding his elevation to chief justice and I'd like him to elaborate on.

The first being the now very well-known case of State v. Santiago. I asked Justice McDonald why had the court chosen to eliminate the death penalty for all 11 inmates that were currently on death row. Justice McDonald offered that the courts were following Public Act 12-5 and that all 11 inmates could be sanctioned -- my words -- within the administrative segregation unit in the facility that housed them but I countered the following proposal -- why didn't the high courts strike down Public Act 12-5 if they believed it to be unconstitutional and

make recommendations back to the legislature to correct of fulfil its desired outcome? I referenced the case of State v. Courchesne to which Justice McDonald replied he remembered that very case and in fact, wrote the plain meaning statute in response to that court case, which was previously discussed here I think by Senator Looney. That to me was the divergent path in the road to judicial activism versus judicial interpretation. The latter would have been my preference.

However, I decided to read the majorities opinion in that case and much to my surprise I was a little perplexed and actually angry in the majority's opinion. The majority writes -- Madam President, if I may quote? Chief Justice Rogers stated that "The legislature continues to believe that death is the appropriate punishment for certain crimes but that for financial and other pragmatic reasons our elected officials were forced to accept a less severe form of punishment for the future." More importantly, the voluminous legislative history of Public Act 12-5 simply does not bear out Chief Justice Rogers interpretation of that Act. "During the legislative debates of the three dozen Senators and Representatives who spoke in favor of Public Act 12-5, nearly ever legislator stated that he or she came to oppose capital punishment as a matter of conscious or principle, not withstanding the solely prospective application of Public Act 12-5. Numerous legislators declared that they categorically oppose state sanction killing when a few cases that they concluded that life imprisonment without the possibility of release as a more appropriate punishment for capitally offenses." And, finally, the only plausible reading of the legislative history then is that "The legislature

made a principle determination that capital punishment should no longer be the policy of Connecticut."

And, I say to you how could the majority reach that decision when Public Act 12-5, which passed in 2016 or passed in 2012 with a vote in the Senate of 20:16 and in House of Representatives by 86:62? So, I delved a little bit deeper into legislative history and one could find a vote in the House of Representatives on March 30, 2005, a bill which would have replaced the death penalty with life imprisonment. That bill was defeated on an 89:60 vote. Public polls in 2000 showed that 63% of the population supported the death penalty. Again, in 2009, 61% of the population in Connecticut supported the death penalty and when we refer to the Ceshire home invasion murder cases, 73% of the population in Connecticut said they supported the death penalty, and it's important why I reference the Cheshire home invasion case because that is the case that brought for the language in 12-5 regarding prospective language. The media was in a frenzy because it believed that certain Senators held a balance of the bill's future in their hands -- in their votes -- and allegedly with all the activity surrounding the death penalty, debates, caucus meetings, committee meetings, floor debates, it's hard to believe that Andrew McDonald, then the governor's chief legal counsel, was nowhere to be found, which brings me to by second point.

When asked during the Judiciary public hearing under oath, Chief Justice McDonald stated that he never talked to or met with a single legislator, lobbyist, co-worker, or the governor about the repeal of the death penalty. In fact, Justice McDonald testified

that he never even read the bill, not a summary, not a paragraph, merely a word. How does the governor's chief legal counsel, the former chairman of the Judiciary Committee of the state Senate who at least twice before sought to repeat the death penalty in the state of Connecticut not have a conversation with anyone and worse say that he never even read the bill? Well, Justice McDonald looked around my office and he focused on a picture hanging on my wall, thought for a moment. He said, "This is the best way to describe this to you in my role as chief legal counsel. Imagine if you were to take a drink of water from a firehose and somebody turned that hose on you" -- and I think Senator Kissel referenced this very scenario -- "You would not be able to drink all of the water that's coming at you. A lot of water would be flowing by you and take your sip of water and you move on" and that is what Justice McDonald said it was like working as chief legal counsel in the governor's office and asked that I reach out o former members that served as chief legal counsels to someone in the governor's office.

Once again giving Andrew the benefit of the doubt, I contacted and spoke to a former governor's chief legal counsel. Absent the fact that neither of us were present in Andrew's daily activities, there was no way to confirm or deny that Andrew spoke with or read the bill's text. However plausible that may be, the former counsel shared their absolute involvement in possible legislation that may be unconstitutional and when the governor would be asked by the press to comment on. Quite analogous to the death penalty where in a single Google search will unearth a gaggle of articles in which Governor Malloy is quoted therein. Again, extremely hard to

believe that counsel didn't speak to a single person even in a casual conversation or read the text of the bill in solitude. Well, the fervernish of that time and the jockeying of legislators, there will be at a party line vote to abolish the death penalty, to the uncommon advocacy of the judicial nomination of unvetted and unabsorbed lobbying, which brings me to point number three.

Remember, I told Justice McDonald there were three points I wanted to cover with him and my third point was my disappointed in his silence while others slander a political party for no other reason than for political gain. I asked Justice McDonald if he actually silenced, if he actually believed that republicans were opposed to his elevation to chief justice because of him being gay. He truthfully replied that certainly not all legislators but he felt that maybe some republicans and some democrats were not supporting him due to his sexual orientation. I asked him why he remained unabashed when he knew that the labeling of political parties, the robocalls, the news stories presented a false premise. Justice McDonald says, "I'm not allowed to say anything." So, of course, that begged the question to me to probe a little deeper -- Well, why aren't you allowed to say anything? And, Justice McDonald explained that according to the judge's code of ethics he's only permitted to do two things; 1) To meet and discuss his elevation with appointing authorities. That's why he was meeting with individual Senators and 2) To seek endorsements from an organization that is advocating for elevation to higher office. Now, not being a member of the bar, not being a member of a jurist myself, I took it upon myself to read the entire judicial code of ethics and I found a very interesting one particular

section, which says, "It is never acceptable to seek an endorsement of an advocacy group or a group whose interest have or are likely to come before the judge" so now I understand that Justice McDonald's former law firm or partner thereof was the principle of the incessant robocalls made to Connecticut residents for the past month or so. The creation of this advocacy group by the former law firm and principle, in my opinion, now renders Justice McDonald ineligible to be seated on a case wherein a causable inference can be determined under the code of judicial conduct rule 4.2 Sub b. Justice McDonald claimed that his prohibition against demeaning, false, and basely accusations in the press are defined in rules 4.2 of the code. I looked to the very first rule of the code, 1.2, which stated that a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety in the appearance of impropriety.

Well, the silence of Justice McDonald who has a duty to act has eroded the public confidence and integrity of the very judiciary in which he asks to lead. Thousands of robocalls were made to individuals with certain instructions to follow. People unknowingly were directed to dial into legislative offices and leave voicemails to confirm "Judge Andrews or Judge McDougall or various other names who they had no idea what they were advocating for or advocating for who. One day, one of my constituents called and said he got 15 calls on the subject matter and wanted to be "taken off the damn list." Well, many were angered by the call and the politicization of advocates for a supreme court nominee. This unchecked and silently supported

measure certainly doesn't promote public confidence in the independence, integrity, and impartiality of the judiciary in my opinion.

And, in conclusion, Justice McDonald's ruling in State v. Santiago, State V. Lapointe, State v. Edmonds, as previously discussed by Senator Fasano and others and many other decisions have shown a propensity to living constitutionalism, a judicial philosophy that empowers those to gradually transform the meaning of our state constitution and laws to be more in line with the justice's vision of a better society. Senators who share Justice McDonald's expansive undertaking of the a judicial role should and can be expected to support him for that very reason but by the same token, Senators who think that justices should interpret the constitution and statutes, not transform them, in that living constitutionalism is a misguided canonization of the judiciary at the expense of the people's freedom to govern themselves have good and principle grounds for voting against his nomination. If it is legitimate to vote for a nominee because of his or her judicial philosophy, it must be equally legitimate to cast an opposing vote for that very same reason. I respectfully but emphatically disagree with the judicial activism and living constitutionalism philosophy and will continue to oppose justices who can be expected to advance and entrench it. To do so is to not politicize the confirmation process. It is to recognize and on behalf of the people, respond to the reality that the Connecticut Supreme Court has increasingly used its power of judicial review to constitutionalize outcomes that our state constitution leaves to the realm of democratic politics. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President, and good afternoon. In 2005, when the state Senate began to debate the issue of legalizing civil unions in the state of Connecticut, then Senator Andrew McDonald said, "We stand today before a portal to history and I ask you to pass through it and lead Connecticut in its legacy of protecting equal rights for all of her citizens." In 2018, 13 years later, we have the opportunity to pass through the portal of history once again and confirm now Justice Andrew McDonald as the first openly gay chief justice of the supreme court in the nation. A positive vote would continue Connecticut's strong history of progressive actions and lift up the values many of us hold closely. We've always been a trailblazer for other states to follow and today would be no exception. However, Justice McDonald's nomination is more than that. His nomination is about qualifications and whether or not this body will hold up this nominee to the same standard we have held up for virtually all judicial candidates as is the tradition of the Connecticut Senate. As a non-lawyer who doesn't spend time in the courtroom, I appreciate how our judicial branch has always been protected by the -- from the influence of politics. I'd like to remind lawyers who sometimes think of themselves as superior or above those without a law degree that a system which is equal and even is important to everyone, not just those in the legal club. Connecticut has a long and proud tradition of

nominating and approving candidates to the bench with varying degrees of judicial philosophy. One must pass through the Judicial Selection Committee, wait to be nominated by the governor, sit in from the Judiciary Committee, and then be confirmed by the House and the Senate. In order to meet such a high bar, one must be more than qualified and it is a system that has always produced good jurists, taking the politics out of the courtroom, and brought confidence to the public when they might have had to face their day in court and other states look to us as a model.

If Justice McDonald has made it through all of those hoops as an associate justice and now sits here as a nominee for chief justice, is there really anyone who can say that he's not qualified. If we can reason that he is qualified, what are the other issues that could possibly hold up a positive vote? Over the years of my legislative career, I've voted for probably hundreds of judges. I imagine some of them are liberal, conservative, and moderate in their political views. I don't know because I've never asked. The benchmark for me was if the nominee was qualified. I've never witnessed "judicial activism" by some of our judges but maybe I should look a little more closely in the future. I've voted for judges nominated by republican governors and by our current governor. Never was there a mention of anything other than qualifications.

Let's go back in history to 1999 when then Governor Rowland nominated Justice Francis McDonald of Middlebury as chief justice and William "Taco" Sullivan from Waterbury as a supreme court justice. All three men were from Waterbury, which Governor

Rowland used to refer to as the center of the universe. According to the Hartford Courant, McDonald was considered conservative but former Representative Mike Lollar, who was co-chair of the Judiciary Committee at the time, said this about the candidates, "Every one of them is about as distinguished as a judge can get." He expected the governor's nominees to be approved easily from Judiciary Committee.

Fast forward to today, and it seems like history will be rewritten on how we treat our nominees. It's not just me thinking it. It seems like others are feeling the same way too. According to a headline in today's Connecticut Law Tribune, Associate Justice Andrew McDonald who would be the nation's first openly gay chief justice, if confirmed, has faced an unprecedented partisan war since his nomination by the governor. We are better than this.

Let's just listen to those outside of the political world. Law school deans from our three major law schools have all endorsed Andrew. Over 70 managing partners from Connecticut's largest and smallest law firms have endorsed Andrew. Republican and democratic attorneys inside and outside of our government have endorsed Andrew and editorial boards across our state have endorsed Andrew and have so many others in op eds. This process has gone down a path we've never travelled before and once we cross the bridge, I fear we can never turn around. I hope that before my colleagues here in the circle cast their vote, they will think long and hard about the ramifications of their vote. Their vote is their right and duty and we will all be held accountable for it. Andrew is qualified -- period. We should

confirm Andrew because of that and only that. Politics, innuendo, dislike of the man who appointed him should not disqualify Justice Andrew McDonald from serving as the next chief justice of the Connecticut Supreme Court. We should not sacrifice the process and/or tradition we have here in the state of Connecticut that produces a judiciary, which is envied by many across the country. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, since I already spoke, I'm going to keep my remarks rather brief. I think I covered a lot the first time and I think perhaps at least one branch of this government was not happy with my conversation earlier today. Madam President, I just want to talk about -- just to reiterate. There's been a lot of talk about the number of hours that Justice McDonald went through and I do commend him for his perseverance through that and I did listen to all 13 hours. Actually, I listened to all 13 hours twice, so I appreciate what Justice McDonald went through. Justice Palmer did go 6 hours but he was not nominated for chief justice. He was nominated for his regular position as associate justice, not chief justice. Usually a routine matter and that went on for 6 hours. Number two, Justice Eveleigh, as I said was a retired judge. We don't spend that much time after a judge has done their service to the state and retire. Number three, Madam President -- and also Justice Eveleigh was not up for chief justice. I would also

like to add where people say, particularly with respect to Justice McDonald, he's been treated uniquely. You know, when you look at the universe, we gotta really look at the universe. There has not been a judge before this body who received an unfavorable report from the Judicial Committee -- period. Never before as a judge, at least in recent history, been voted on who received an unfavorable report from Judicial Committee until today. It hasn't happened, so you say we treat him unfairly and blaming maybe republicans. We could have done a procedural vote and we would never have the debate. We said we need to have the debate. That's healthy for our Chamber. We respected that but no judge has been before us either as a superior court judge, appellate court judge, supreme court judge, or chief justice who got an unfavorable report in Judiciary. However, I will tell you for those who seem to have forgotten this in the past.

We had a judge put forth, Justice Zarella, under Governor Rell, as chief justice of our court. Justice Zarella got a favorable ruling from the Judiciary and there was a refusal to bring his name up in this Chamber, a refusal to have a debate, a refusal to put him out there so we could all talk about it like we did for Justice McDonald. So, when you want to look at unfavorable treatment, please look at the universe. You can't cherry pick and make that argument to me, so I'd just like to say I appreciate people are going to vote from their heart and their soul what they believe is best for the judicial system. That is all one could ask. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. Speaking for a second time in support of the nomination. First of all, I do want to thank Senator Fasano for his agreement not to support any procedural move that would have prevented a full-scale debate on the merits of this resolution. I think it was appropriate that we've had this debate today, but I want to thank him for his interest in making sure that happened. Just a couple of clarifications and loose ends, Madam President.

First of all, in terms of the unfavorable report, of course -- and the issue about party line -- the vote in the Judiciary Committee with one exception was also a party line vote. It was -- it was a tie. It failed on the tie and it was with the exception of one -- one member crossing lines. It was entirely a party line vote so we were confronted with the same kind of thinking and procedure in the committee itself. Just a couple of final points briefly on Santiago. First of all, it's important to remember that no request was ever made in that case for Justice McDonald to recuse himself. As the state's attorney could have done or perhaps others, but no one made that request so all of the principles in the case were comfortable with him at the time participating in that decision despite his prior roles as a state Senator and as governor's counsel leading up to that. Also, in that case, Madam President, the state's supreme court did not overturn the statute passed in 2012, 12-5, providing for respective repeal of the death penalty but decided the issue on separate 8th amendment grounds

and that was the majority opinion authored by Justice Palmer and signed onto by Justice McDonald and Eveleigh and Norcott, and in dissent, of course, were the chief justice along with Justice Espinosa and Justice Zarella. But, it was decided on separate 8th amendment grounds as cruel and unusual punishment finding the death penalty no longer reflecting a sense of decency and community values and that was the basis of that decision and to refuse to consider Mr. Santiago's appeal would have been to say that not only did we repeal the death penalty in 2012 respectively but also would say we were going to retroactively cut off existing appellate rights of the 11 members -- 11 people on death row.

So, while the statute was a perspective repeal, at that same time, there was still appellate rights existing and habeas rights existing for those 11 members that would most likely still be going on today and thereafter, and just as a side note to remember that the death penalty, given the reality of the appellate process and the habeas process, it was really in many ways only a theoretical death penalty because as you recall Michael Ross, the last one to be executed in Connecticut, would not have been executed except for the fact that he volunteered to in effect waive all future appeals and habeas petitions available to him and even at that time, when he wanted to fire the public defenders who were advocating for his continued opposition to his execution and secured an attorney to advocate for him to be executed. On the night when he was supposed to be executed, the proceedings went off the rails again because a federal judge, in effect, threatened his attorney and said if it ever turns out later that there were any grounds to

indicate that Mr. Ross might not be mentally sound, I will hold you accountable. At which point, of course, a timeout was called and an entirely new proceeding was held before Judge Clifford at the state level to determine Mr. Ross' competence and when that finally was determined and the affirmative, the execution went forward. So, that points out that there is process in process and the reality was that the death penalty was not ever likely to be imposed in Connecticut. It existed really only in theory but what would have happened, I think, in that case where Mr. Santiago's appeal to be summarily rejected, that would have meant that appellate rights were being, in effect, retroactively cut off for those who had been previously been convicted and that would have been in and of itself an untenable result.

Madam President, in Washington, of course in recent years, there has -- nothing -- there's been nothing going on there that any state should want to emulate and no -- no recent example of bipartisanship to emulate but that was not always the case. Going back to the appointment of Chief Justice Earl Warren in 1953 by President Eisenhower after the death of -- sudden death of Chief Justice Fred Vinson. At that time, it was 1953-1985 83rd congress was one of the most unusual and lethal sessions ever of the United States Senate because at the beginning of the session there were 48 republicans, 47 democrats, 1 independent. The republican party organized the Senate in January 1953, making committee assignments and so on. But, during the course of that congress, 9 senators died and 1 resigned in a 2-year period. There were deaths of U.S. Senators on June 26, July 24, and July 31, 1953 and on April 12, May 12, June 19, July 1, and September 28, 1954, as well as a

resignation on December 31, 1954 and the majority actually kept flipping back and forth during that 2-year period depending in the death -- depending on the party of the Senator who died and the party of the Senator who replaced him or her and they weren't always of the same party but despite that, when the vote on Chief Justice Earl Warren -- perspective Chief Justice Warren came up -- he had been entirely his whole life an active politician, had never served as a judge at any level before. He had been an elected prosecutor, an elected district attorney, elected attorney general to California, and then elected governor of California. He had been the republican candidate for vice-president in 1948, had thought about seeking the presidency himself in 1952, and wound up supporting general Eisenhower over Senator Taft of Ohio, which is one of the Senators who died in 1953, but despite his status as an active partisan all his life and despite the turmoil in the membership of the U.S. Senate during that term with flipping sometimes monthly in terms of majority, he was approved on a voice vote, so there was a sense of bipartisanship that, of course, is certainly foreign from Washington today but unfortunately, seems to be receding here as well, which is I think unfortunate.

And, this nomination of Andrew McDonald to be our next chief justice and as I said earlier, it's one I think he is uniquely qualified. I, in fact, think he is the most qualified person to be nominated to be chief justice in Connecticut in the entire 38 years that I've been in the General Assembly, so I find it ironic that his is the most contested nomination we have seen in that time, and that nomination is -- really, it's not an inside issue of concern only to the governor and to Justice McDonald

and to the 187 members of the General Assembly but there is a much more broad public concern as well as Senator Duff cited that there have been comments from distinguished attorneys, law professors, deans of the three law schools in the state. Grave concern about what this nomination -- the rejection of this nomination might mean.

And, Madam President, if I might quote just briefly from a letter from the -- from the Connecticut Chapter of the American College of Trial Lawyers. All distinguished trial attorneys in Connecticut said, "The American College of Trial Lawyers strongly supports and seeks to promote and protect the independence of the judiciary trial by jury, respect for the rule of law, and access to justice" and individually and as a group, these attorneys support the nomination of Justice Andrew McDonald as chief justice of the Connecticut Supreme Court. They are all concerned that failure to name Justice McDonald to this post based on disagreement with positions he has taken and decisions in which he has participated is a challenge to the independence of the Connecticut Judicial Branch, so we urge the General Assembly to approve Justice McDonald as chief justice and that's signed by 40 distinguished trial attorneys in Connecticut. And, it is, I think, a grave moment that we face, Madam President, because we have always had a system of appointing our judges that has been a national model in many ways. We have not had the kind of bare knuckles political battling that many of the states have who have elected judges, the kinds of system of which in the state of Alabama you have a Roy Moore winning an election to become chief justice in Alabama. A system in West Virginia where a few years ago a well-funded campaign knocked off a chief justice who

had been unfriendly to the interest of the mining industry in West Virginia and thereby, opposed his reelection. We have always prided ourselves on being well above that. However, I think that a negative vote today on a candidate who is so well qualified, what I think diminish Connecticut standing as a model in the judicial selection process. So, I urge our colleagues, Madam President, to rise above the issues of the moment this afternoon and consider the potentially damaging and polarizing consequences of a no vote and the effect it might have for decades to come, so I would urge approval of the nomination. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further? Will you remark further? If not, Mr. Clerk, I call for a roll call vote and the machine will be open.

CLERK:

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

THE CHAIR:

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

CLERK:

Total Number Voting	35
Those Voting Yea	16

Those Voting Nay 19
Those Absent 1

THE CHAIR:

The resolution fails (Gavel). Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, that concludes our business for today. I would yield for any points of personal privilege or announcements, please.

THE CHAIR:

Are there any points of personal privilege or announcement? I'm seeing none. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move that we adjourn subject to call of the chair.

THE CHAIR:

So, ordered.

CLERK:

There will be an immediate Senate Republican caucus. There will be an immediate Senate Republican caucus. Will all Senators report to the caucus room?

On motion of Senator Duff of the 25th district, the Senate at 4:18 p.m. adjourned subject to the call of the chair.