

**S - 694**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2016**

**VOL. 59  
PART 4  
1033 – 1367**

THE CONNECTICUT GENERAL ASSEMBLY  
SENATE  
Monday, April 25, 2016

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

THE CHAIR:

The Senate will please come to order. Please give your attention to Acting Chaplain, Teri Gavigan of Westbrook, Connecticut, who will lead us in prayer.

ACTING CHAPLAIN TERI GAVIGAN:

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(b) 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 Minority Leader.

It is hereby moved that Senate Agenda Number 1, dated April 25, 2016, 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.

**FINANCE, REVENUE AND BONDING COMMITTEE**  
**SUBST. SB NO. 1 AN ACT CONCERNING INNOVATION,**  
**ENTREPRENEURSHIP AND CONNECTICUT'S ECONOMIC FUTURE.**

**FINANCE, REVENUE AND BONDING COMMITTEE**

**SUBST. SB NO. 11** AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES.

**FINANCE, REVENUE AND BONDING COMMITTEE**

**SUBST. SB NO. 448** AN ACT CONCERNING STATE TAX POLICY.

**FINANCE, REVENUE AND BONDING COMMITTEE**

**SUBST. SB NO. 461** AN ACT CONCERNING A SMALL MINORITY BUSINESS REVOLVING LOAN FUND.

**FINANCE, REVENUE AND BONDING COMMITTEE**

**SUBST. SB NO. 463** AN ACT CONCERNING THE PENALTY FOR VIOLATIONS OF A MUNICIPAL ORDINANCE CONCERNING THE OPERATION OF A DIRT BIKE, ALL-TERRAIN VEHICLE OR MINI-MOTORCYCLE.

**MATTER(S) RETURNED FROM COMMITTEE** - to be tabled for the calendar.

**NO NEW FILE**

**FINANCE, REVENUE AND BONDING COMMITTEE**

**SB NO. 400** AN ACT ESTABLISHING THE 7/7 PROGRAM TO ENCOURAGE THE REDEVELOPMENT OF BROWNFIELDS AND UNDERUTILIZED PROPERTY.

**FINANCE, REVENUE AND BONDING COMMITTEE**

**SB NO. 407** AN ACT PRESERVING THE INTERESTS OF PRIOR TITLE HOLDERS.

**FINANCE, REVENUE AND BONDING COMMITTEE**

**SUBST. SB NO. 470** AN ACT CONCERNING A PILOT PROGRAM FOSTERING NEIGHBORHOOD SAFETY AND CREATING A SET-ASIDE PROGRAM FOR PARTICIPANTS IN THE PILOT PROGRAM, AND AUTHORIZING BONDING FOR RELATED PROJECTS.

**PLANNING AND DEVELOPMENT COMMITTEE**

**SUBST. SB NO. 472** AN ACT CONCERNING THE ASSIGNMENT OF LIENS FILED BY A MUNICIPAL TAX COLLECTOR AND A STUDY OF THE MUNICIPAL TAX LIEN FORECLOSURE PROCESS BY THE CONNECTICUT LAW REVISION COMMISSION.

**BUSINESS FROM THE HOUSE:**

**HOUSE BILL(S) FAVORABLY REPORTED** - to be tabled for the calendar.

**AGING COMMITTEE**

**SUBST. HB NO. 5291** AN ACT CONCERNING SENIOR CENTERS. (As amended by House Amendment Schedule "A" (LCO 4359))

**ENERGY AND TECHNOLOGY COMMITTEE**

**SUBST. HB NO. 5427** AN ACT CONCERNING THE SHARED CLEAN ENERGY FACILITY PILOT PROGRAM. (As amended by House Amendment Schedule "A" (LCO 4655))

**ENERGY AND TECHNOLOGY COMMITTEE**

**SUBST. HB NO. 5496** AN ACT CONCERNING BIOMASS FACILITIES AND CERTAIN VIRTUAL NET METERING FACILITIES. (As amended by House Amendment Schedule "A" (LCO 4452))

**ENVIRONMENT COMMITTEE**

**SUBST. HB NO. 5317** AN ACT CONCERNING COMMERCIAL FEED AND THE TERM AND FEE FOR CERTAIN LICENSES ISSUED BY THE DEPARTMENT OF AGRICULTURE.

**FINANCE, REVENUE AND BONDING COMMITTEE**

**SUBST. HB NO. 5324** AN ACT CONCERNING ALCOHOLIC LIQUOR. (As amended by House Amendment Schedules "A" (LCO 4457), "B" (LCO 4559))

**FINANCE, REVENUE AND BONDING COMMITTEE**

**SUBST. HB NO. 5637** AN ACT MAKING MINOR AND CONFORMING CHANGES TO CERTAIN TAX STATUTES. (As amended by House Amendment Schedule "A" (LCO 4517))



**GENERAL LAW COMMITTEE**

**SUBST. HB NO. 5580** AN ACT ESTABLISHING A FARM BREWERY MANUFACTURER PERMIT. (As amended by House Amendment Schedule "A" (LCO 4347))

**GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE**

**SUBST. HB NO. 5228** AN ACT CONCERNING THE NOTIFICATION OF DEPARTMENT OF ADMINISTRATIVE SERVICE PROJECTS AND THE DEFINITION OF "PROJECT". (As amended by House Amendment Schedule "A" (LCO 4693))

**GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE**

**SUBST. HB NO. 5338** AN ACT CONCERNING THE DISCLOSURE OF INFORMATION OF RENTAL HOUSING PROGRAM PARTICIPANTS.

**GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE**

**SUBST. HB NO. 5513** AN ACT REVISING CERTAIN STATUTES CONCERNING THE STATE COMPTROLLER. (As amended by House Amendment Schedule "A" (LCO 4080))

**HUMAN SERVICES COMMITTEE**

**HB NO. 5438** AN ACT DELETING OBSOLETE STATUTORY PROVISIONS CONCERNING WORKSHOPS FOR PEOPLE WITH DISABILITIES. (As amended by House Amendment Schedule "A" (LCO 3626))

**INSURANCE AND REAL ESTATE COMMITTEE**

**SUBST. HB NO. 5232** AN ACT CONCERNING THE INSURERS REHABILITATION AND LIQUIDATION ACT.

**INSURANCE AND REAL ESTATE COMMITTEE**

**SUBST. HB NO. 5235** AN ACT CONCERNING SURETY BAIL BOND AGENTS.

**INSURANCE AND REAL ESTATE COMMITTEE**

**SUBST. HB NO. 5433** AN ACT MAKING MINOR AND TECHNICAL CHANGES TO DEPARTMENT OF CONSUMER PROTECTION STATUTES. (As amended by House Amendment Schedule "A" (LCO 4653))

**INSURANCE AND REAL ESTATE COMMITTEE**

**HB NO. 5444** AN ACT CONCERNING THE EXECUTION OF SURETY BONDS BY THE CONNECTICUT HEALTH INSURANCE EXCHANGE. (As amended by House Amendment Schedule "A" (LCO 4534))

**INSURANCE AND REAL ESTATE COMMITTEE**

**HB NO. 5520** AN ACT CONCERNING HOMEOWNERS AND MOTOR VEHICLE INSURANCE POLICIES. (As amended by House Amendment Schedules "A" (LCO 4017), "B" (LCO 4540))

**JUDICIARY COMMITTEE**

**SUBST. HB NO. 5256** AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR INCARCERATED OR INSTITUTIONALIZED OBLIGORS. (As amended by House Amendment Schedule "A" (LCO 3625))

**JUDICIARY COMMITTEE**

**SUBST. HB NO. 5526** AN ACT CONCERNING THE PAYMENT OF A REASONABLE FEE TO AN OFFICER OR PERSON WHO RECORDS A DOCUMENT IN THE OFFICE OF A TOWN CLERK AND SERVICE OF PROCESS OF A WAGE EXECUTION.

**JUDICIARY COMMITTEE**

**SUBST. HB NO. 5640** AN ACT CONCERNING COMPELLED DISCLOSURE OF CELLULAR TELEPHONE AND INTERNET RECORDS. (As amended by House Amendment Schedule "A" (LCO 4592))

**PLANNING AND DEVELOPMENT COMMITTEE**

**SUBST. HB NO. 5457** AN ACT CONCERNING LOCAL HEALTH DIRECTORS. (As amended by House Amendment Schedule "A" (LCO 4239))

**TRANSPORTATION COMMITTEE**

**SUBST. HB NO. 5403** AN ACT INCREASING PENALTIES FOR FAILURE TO YIELD TO PEDESTRIANS IN CROSSWALKS AND FAILURE TO EXERCISE DUE CARE TO AVOID HITTING A PEDESTRIAN OR CYCLIST.

With no further business remaining on the Clerk's desk, the Senate stands adjourned.

mc  
SENATE

6  
April 25, 2016

001038

The Senate, at 10:50 a.m., adjourned under provisions of Senate Rule 9(b), subject to the Call of the Chair.

/as  
SENATE

001039  
1

April 26, 2016

CONNECTICUT GENERAL ASSEMBLY

SENATE

TUESDAY, APRIL 26, 2016

The Senate was called to order at 4:22 p.m., the President in the Chair.

THE CHAIR:

The Senate will now come to order. Members and guest please rise and direct your attention to Monsignor Schmidt who will lead us in prayer.

MONSIGNOR SCHMIDT:

Let us pray.

Oh God our creator and sustainer. Guide the members of our state senate who assemble in session this day, as well as all who are duly elected to serve us. As these men and women face challenging issues, and momentous decisions for our state, give them the wisdom, the vision and the determination to work cooperatively so that the lives of all of our citizens will be improved. Guide our electorate on this Connecticut primary day. May the choices that are made insure that our nation will continue to be the land of the free and the home the brave. Bless our first responders, bless all men and women of our state serving in the armed forces. Protect them from all harm, bring them home safely to their families. Have compassion on those who suffer in many ways. Those who are unemployed, the homeless, those with various disabilities, emotional,

/as  
SENATE

April 26, 2016

physical, mental, and those lacking the basic necessities of life. Gracious God, bless each of us this day, the members of this assembly, our families, and all who call Connecticut their home. For you and have reigned, forever and ever. Amen.

THE CHAIR:

I will now ask Senator Moore to come up and lead us in the Pledge of Allegiance.

SENATOR MOORE (22ND):

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:

Are there, at this time, I'd ask if there's points of personal privilege, or announcements. Personal privileges or announcements. If not, Mr. Clerk, do you have anything on your desk?

CLERK:

I'm in possession of Senate Agenda No. 1, dated Tuesday, April 26, 2016.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Good afternoon.

/as  
SENATE

April 26, 2016

THE CHAIR:

Good afternoon, sir.

SENATOR DUFF (25TH):

Madam President, I move that all items on Senate Agenda No. 1, dated Tuesday, April 26, 2016, be acted upon as indicated and that the agenda be incorporated by reference in the Senate Journal and transcript.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. I have some referrals to other committees, please.

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Thank you, and for our calendar as well. On calendar page 4, calendar 170, Senate Bill 194, I'd like to move that item to the foot of the calendar. On calendar page 5, calendar 202, Senate Bill 234, I'd like to refer that to the Appropriations Committee.

THE CHAIR:

So ordered, sir.

/as  
SENATE

April 26, 2016

SENATOR DUFF (25TH):

On Calendar page 6, calendar 251, Senate Bill 175,  
I'd like to refer that to the Appropriations  
Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar page 8, Calendar 293, Senate Bill 129,  
I'd like to place that item on the foot of the  
calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar page 10, calendar 328, Senate Bill 438,  
I'd like to place that item on the foot of the  
calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar page 17, calendar 402, Senate Bill 349,  
I'd like to refer that to the GAE Committee.

THE CHAIR:

/as  
SENATE

April 26, 2016

So ordered.

SENATOR DUFF (25TH):

On Calendar page 18, Calendar 404, Senate Bill 325,  
I'd like to refer that to the Banks -- Banking  
Committee.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 21, calendar 428, Senate Bill 268,  
I'd like to recommit that item.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar page 21, calendar 429, Senate Bill 269,  
I'd like to refer that item to the Labor Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar page 21, calendar 430, Senate Bill 271,  
I'd like to refer that to the Judiciary Committee.

THE CHAIR:



/as  
SENATE

April 26, 2016

So ordered.

SENATOR DUFF (25TH):

On calendar page 22, calendar 433, Senate Bill 399 -  
- 399, I'd like to place that item on the foot of  
the calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On the Calendar page 35, calendar 72, Senate Bill  
76, I'd like to refer that item to the GAE  
Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 35, calendar 82, Senate Bill 75,  
I'd like to place that item on the foot of the  
calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

/as  
SENATE

April 26, 2016

On Calendar page 36, Calendar 127, Senate Bill 198,  
I'd like to place that item on the foot of the  
calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar page 37, calendar 140, Senate Bill 146,  
I'd like to refer that item to the Housing  
Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On the calendar page 38, calendar 151, Senate Bill  
162, I'd like to refer that item to the  
Appropriations Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 38, calendar 154, Senate Bill 164,  
I'd like to place that item on the foot of the  
calendar.

THE CHAIR:

So ordered.

/as  
SENATE

April 26, 2016

SENATOR DUFF (25TH):

On calendar page 39, calendar 182, Senate Bill 314,  
I'd like to refer that item to the Human Services  
Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 39, calendar 190, Senate Bill 321,  
I'd like to place that item on the foot of the  
calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 40, calendar 197, Senate Bill 157,  
I'd like to refer that item to the Aging Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 43, calendar 271, Senate Bill 355,  
I'd like to place that item on the foot of the  
calendar.

THE CHAIR:

/as  
SENATE

April 26, 2016

So ordered.

SENATOR DUFF (25TH):

On calendar page 43, calendar 275, Senate Bill 19,  
I'd like to refer that item to the GAE Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 43, calendar 281, Senate Bill 411,  
I'd like to refer that item to the Appropriations  
Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 44, calendar 284, Senate Bill 397,  
I'd like to refer that item to the Finance  
Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 45, calendar 307, Senate Bill 293,  
I'd like to recommit that item.

/as  
SENATE

April 26, 2016

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 45, calendar 322, Senate Bill 90,  
I'd like to refer that item to the Public Health  
Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 45, calendar 326, Senate Bill 362,  
I'd like to place that item on the foot of the  
calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 46, calendar 335, Senate Bill 354,  
I'd like to place that item on the foot of the  
calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

/as  
SENATE

April 26, 2016

On calendar page 47, calendar 361, Senate Bill 15,  
I'd like to place that item on the foot of the  
calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 47, calendar 364, Senate Bill 361,  
I'd like to place that -- I'd like to refer that  
item to the General Law Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 48, calendar 276, Senate Joint  
Resolution 33, I'd like to refer that item to the  
Judiciary Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On page 48, calendar 369, Senate Joint Resolution  
36, I'd like to refer that item to the Environment  
Committee.

THE CHAIR:

So ordered.

/as  
SENATE

April 26, 2016

SENATOR DUFF (25TH):

On the calendar page 51, calendar 144, Senate Bill 131, I'd like to refer that item to the Insurance Committee.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

And an item I'd like to remove from the foot of the calendar -- calendar page 54, calendar 363, Senate Bill 255. I'd like to refer -- take that off the foot of the calendar and mark that pass retaining.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

And, Madam President, I'd like to immediately transmit these items that I have just --

THE CHAIR:

Seeing no objection. So ordered, sir.

SENATOR DUFF (25TH):

Thank you Madam President. And, if we can mark two items 'go' --

THE CHAIR:

/as  
SENATE

001051  
13  
April 26, 2016

Please proceed, sir.

SENATOR DUFF (25TH):

The first item would be calendar page 24, calendar 443, House Bill 5262; second bill is calendar page 8, calendar 306, Senate Bill 67. And if the Clerk can call those in -- in those order please.

THE CHAIR:

Mr. Clerk.

CLERK:

On page 24, calendar 443, House Bill number 5262, an Act concerning worker's compensation coverage for current and former uniformed members of paid or volunteer fire departments.

THE CHAIR:

Good afternoon, Senator Gomes.

SENATOR GOMES (23RD):

Thank you, Madam President. Madam President, I move acceptance of the Joint Committee's favorable report, and passage of the Bill in concurrence with the House of Representatives.

THE CHAIR:

Motions on acceptance and passage. Will you remark?

SENATOR GOMES (23RD):



/as  
SENATE

001052  
14  
April 26, 2016

Madam President, the Clerk is in possession of LCO  
Amendment No. 4495, schedule a. I move of adoption.

THE CHAIR:

Mr. Clerk?

CLERK:

LCO No. 4495, House A, offered by --

THE CHAIR:

Sorry, they adopted. Senator Gomes?

CLERK: [inaudible]

SENATOR GOMES (23RD):

I move in concurrence with the House.

THE CHAIR:

Right. Then please proceed, sir.

SENATOR GOMES (23RD):

This bill -- thank you Madam President. This bill  
establishes the firefighter cancer relief program,  
which provides wage replacement benefits for  
firefighters diagnosed with the cancer as a result  
of their service.

This was a bi-partisan, collaborative effect --  
effort between elected local and state officials.  
The uniformed professional firefighters, Connecticut

/as  
SENATE

April 26, 2016

State Firefighters Association, and a representative from the Connecticut State Fire -- Fire Marshall Association. This wage replacement for firefighters will have a dedicated revenue stream separate from worker's compensation.

This bill creates a non-lapse in funds within the Connecticut State Firefighters Association, under the prevue of the Department of Emergency Services and Public Protection. Firefighters have the option to file for worker's comp, or the Firefighter Cancer Relief fund, but not both

And the revenue -- the revenue is a diversion of one cent from the E911 fee on all phones and cell phones. And that -- and in conclusion, if a firefighter wishes to apply for benefits under the Firefighter Cancer Relief Fund, they must meet all of the criteria within this Bill. There are criteria's -- we could go on and on, but that is the gist of the Bill. Thank you, Madam President.

THE CHAIR:

Thank you. Are there any remarks? Senator Hwang, good afternoon, sir.

SENATOR HWANG (28TH):

Good afternoon, Madam President. I rise in strong support of this Bill, and -- and it's particularly poignant for me because just last week, right in my neighborhood, there was a tremendous fire. And, what was remarkable was the fast that we had fearless men, running into that fire to protect the families that were living in that home. And, what was remarkable to me, additionally, is the fact that

as we sat -- stood around and watched, for perhaps maybe even fifty yards away, what was left with me was the fact that they worked with such tremendous commitment to what they were trying to do. As families were breaking out of the house, these men were running in to save. And, as I left that, it was an impression on me. That is really what it's all about.

And as -- as I kind of went home, I -- I talked to my family -- their first reaction is, 'where have you been?' I said, 'what do you -- what do you mean?' They said you're whole clothing smelled of smoke. I was no more -- no closer than fifty to sixty yards away, but during that fifteen, twenty minutes when I watched the fire, I was inundated with smoke, and had that impact on my body.

And, that's what we're talking about here. The tremendous impact -- the tremendous exposure that our men and women in the firefighting category have to endure in trying to save lives. And, I will frankly say, clearly, I hate cancer. And, that's what we're talking about here, is that we are providing a vehicle to solve a problem, of men and potential women in the firefighting force that contract cancer.

And, I want to applaud the whole legislative body, in a truly bipartisan basis, in the working group that we were able to convene. And then to incorporate different ideas and factions into these discussions. We included firefighters. We included municipal leaders from CCM as well small towns. We included experts in workmen's comp, long-term disability, the -- the -- the -- the work experience was something that we could learn from in this

/as  
SENATE

April 26, 2016

building -- that people got together to solve a problem.

And in this case, there is nothing more important than to protect and save the lives of the men when -  
- men and women who protect us. And that is, we're going to beat cancer.

And the way we beat cancer is, we pay them the respect and dignity that they need, and most important of all, we provide a haven and a pathway for them to get the cure that they need. At the end of the day, we're going to beat cancer, and we're going to beat it in a bipartisan, unified way to protect the men and women who protect us.

So, I strongly support this and I want to thank the Senator for his work. But so many other were involved in this, and they deserve a tremendous amount of credit. It'd take way too long to acknowledge them all, but with that said, I also wanted to re-emphasize, this is for us to solve a problem. And, the problem is to beat cancer. There can't be a greater purpose for what we do here, than to beat that -- beat that and beat it all. Thank you.

THE CHAIR:

Thank you. Will you remark further? Senator Crisco.

SENATOR CRISCO (17TH):

Thank you, Madam President. I want to associate myself with the remarks of my colleagues. As some of you know, my wife is now battling cancer, and anything we could do to help defeat this disease is just courageous.

/as  
SENATE

April 26, 2016

But, I also want to mention that, in my seven towns, I have two towns that are protected by volunteer and professional firefighters, and the other five are all volunteer fire departments.

And, I've seen a report in the past couple of years that outlines the millions of dollars that these brave men and women save our communities, in addition to the many lives.

So, I'm just very proud of the circle and take up the position and command our firefighters, both professional and volunteer for the contribution they make to our society. Thank you, Madam President.

THE CHAIR:

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

SENATOR KANE (32ND):

Thank you, Madam President. Good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR KANE (32ND):

I rise for a couple questions of the proponent of the Bill?

THE CHAIR:

Please proceed, sir.

/as  
SENATE

001057  
19  
April 26, 2016

SENATOR KANE (32ND):

Through you to Senator Gomes, can you tell me the funding mechanism for the underlying Bill.

Through you.

THE CHAIR:

Senator Gomes?

SENATOR GOMES (23RD):

As I see it, it's -- I see it as -- under the fiscal thing is the revenue is a diversion of one cent from the E11 and fee for -- on all phones and cell phones.

THE CHAIR:

Senator Kane?

SENATOR KANE (32ND):

Thank you, Madam President. So, as -- as per your answer, the funding for this legislation is from the E9-1-1 surcharge that is levied on all phones, whether they be wireless or wire line, and is overseen by PURA. So, we are then taking funds away -- that penny you mentioned -- we are taking money away from that fund?

Through you, Madam President. You agree with that?

THE CHAIR:

/as  
SENATE

April 26, 2016

Sen -- Senator Gomes?

SENATOR GOMES (23RD):

Madam President, through you, I -- I would have to agree with that -- looking at what I have before me.

SENATOR KANE (32ND):

Thank you.

THE CHAIR:

Senator Kane?

SENATOR KANE (32ND):

Thank you, Madam President. Just now -- have you -- in your deliberations, have you heard from PURA that they -- they come back to the state and ask for an increase to replace that surcharge, because of the -- the funds that will be lost? And if so, would that be a new tax associated with this legislation?

Through you, Madam President.

THE CHAIR:

Senator Gomes?

SENATOR GOMES (23RD):

Madam President, through you, I personally have not.

THE CHAIR:

Senator Kane?

/as  
SENATE

April 26, 2016

SENATOR KANE (32ND):

Thank you, Madam President. And, my -- also understanding that the removal of these funds could jeopardize Federal grants that the state is applying for? Is that your understanding as well.

Through you, Madam President?

THE CHAIR:

Senator Gomes?

SENATOR GOMES (23RD):

Through Madam President to you, I cannot answer that questions, because I don't know how you arrived at this understanding.

THE CHAIR:

Senator Kane?

SENATOR KANE (32ND):

Well -- let me read something for you, Senator Gomes.

SENATOR GOMES (23RD):

Thank you.

SENATOR KANE (32ND):

In 2008, concern by many states that swept the 9-1-1 funds into the general fund when budgets were under



/as  
SENATE

April 26, 2016

stress, and then claimed to have -- not have the money to implement E9-1-1 technologies. You're familiar with the next-gen 9-1-1 system that we're supposed to be implementing.

SENATOR GOMES (23RD):

[inaudible]

SENATOR KANE (32ND):

Congress -- the Federal Congress, Senator Gomes, enacted provisions to ensure that money was only spent on 9-1-1 purposes, and require an annual report that states must file with the Congress to demonstrate how 9-1-1 fees are spent. The purpose of this report is to establish information that could be used to withhold federal funding if a state sweeps the 9-1-1 funding to be used in any other way. So, that are not truly attributable to the 9-1-1 system. Is that not your understanding?

Through you Madam President.

THE CHAIR:

Senator Gomes?

SENATOR GOMES (23RD):

Through you, Madam President. My understanding as of now is that there is a federal clause of a -- if -- if we seek this money and the federal government comes back and does object to it, or has any concerns with it, we will seek other funding next year round.

/as  
SENATE

April 26, 2016

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

So there -- so there is a concern with the funding then, you -- you admit that?

Through you, Madam President.

THE CHAIR:

Senator Gomes?

SENATOR GOMES (23RD):

I didn't know I had to repeat that. Thank you, sir.

Through you, Madam.

THE CHAIR:

Senator Kane?

SENATOR KANE (32ND):

Thank you, Madam President. And if we have to come back and seek different funding, how -- how will we do that? Where will you find that add -- additional funding?

Through you, Madam President.

THE CHAIR:

Senator Gomes?

/as  
SENATE

April 26, 2016

SENATOR GOMES (23RD):

Through you, Madam President, to the good -- to the good Senator. We will work that out next year, too.

THE CHAIR:

Senator Kane?

SENATOR KANE (32ND):

Work that out next year through coming back to the State of Connecticut? Will it come through the General Fund? Will we ask municipalities? What's -- what are the ideas that we can use to -- to work that out, as the Senator put it?

Through you, Madam President.

THE CHAIR:

Senator Gomes?

SENATOR GOMES (23RD):

Through you, Madam President. There have been other states that have swept the whole fund and all we're looking to sweep is one cent.

THE CHAIR:

Senator Kane?

SENATOR KANE (32ND):

/as  
SENATE

April 26, 2016

Thank you, Senator Gomes. I appreciate that answer, but there's an old saying, 'two wrongs don't make a right.

SENATOR GOMES (23RD):

I understand.

SENATOR KANE (32ND):

Whether -- whether we take one penny or a hundred pennies, it's still in violation of federal laws. I thank Senator Come [sic] for answering my questions. I appreciate them answering them for me.

Listen, I also appreciate the hard work of the Chairs and the ranking members of both these Committees. I think they did work in a bipartisan way -- and I -- and I think that lends to great dealings in the Senate and in the House when we do that. I think we do need to work together on these type of issues.

Someone outside the Chamber said to me, that if you didn't vote for this, you'd be anti-firefighter. And, I disagree with that whole-heartedly. And, I would stand to say that that is not the case at all. I have ten towns that I represent that have volunteer firefighters in all ten of those.

And, in my hometown of Watertown, I think they get \$5.80 to every call they attend. I mean, it's actually nothing. You can't even get a Subway grinder for \$5.80, so I -- I appreciate them putting their lives on the line every, single day.

/as  
SENATE

April 26, 2016

To me, firefighters, police officers, public safety, is a core function of our government, and we should be funding it properly. Public health, educations, infrastructure -- they are all core functions of government.

So, my problem is not with the underlying Bill, as many of you have talked about. My problem, Senator Gomes, and to the members in this circle, is that we are in violation of federal law.

We can't just pick and choose where we want to take money from, when Congress -- the Federal Congress delineates specifically what these funds are to be used for. We are then going to be in violation of federal law by choosing this fund. And, if it comes back that we lose grants because we rep -- jeopardized this fund, we're going to have to look for a new funding mechanism, a new source. And that's what bothers me.

So, Madam -- Madam President, I appreciate the work that's been done. I'm not going to belabor the issue, but you can see that I have a very dear problem with raiding federal funds when we're a clear violation of the law. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator Osten?

SENATOR OSTEN (19TH):

Thank you very much, Madam President. I rise in support of this piece of legislation. It's something that we've been working towards in a bipartisan fashion, for not only the last few months, but the

/as  
SENATE

April 26, 2016

last few years. It's clear that the conditions that our volunteer firefighters and our professional firefighters face, is a different environment than it was a number of years ago.

The -- the -- the kinds of cancer that are prolific amongst the firefighters is something that we -- that -- that we need to start addressing. I -- I -- I recognize Senator Kane's position on this, but it has not been ruled as wrong for us to take that -- to sweep one cent out of the E9-1-1 funds. It's in question, so we're checking into it, in the interest of the work that has been done on a bipartisan fashion.

We are moving forward with the bill, and if there is a problem that comes up, then we'll deal with that problem. I look forward to Senator Kane supporting a true worker's compensation bill next year -- if there is a problem so that we can actually take care of our volunteer firefighters, as this is a core -- and our professional firefighters -- as this is a core piece of government.

I think that we have to start recognizing there are some things that government does, and government does well. And, what we do well is to protect our firefighters, to protect our police officers, and to do those core pieces of government.

I applaud Senator Gomes for his -- his leadership in this issue -- for bringing it forward to us. I especially applaud Representative Cook for all that she has done to bring this issue to the floor. And I wholeheartedly support us in -- in -- and I think that Senator Kane also supports this issue in protecting our firefighters from the cancers that

/as  
SENATE

001066  
28  
April 26, 2016

they face from this ever-changing environment. And I thank you very much for your time.

THE CHAIR:

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

SENATOR LARSON (3RD):

Thank you, Madam President. I rise in strong support of this legislation as well. It has already been stated by many -- it is a new environment for firefighters today. As we look to the challenges that they confront each and every day -- going to work and fighting fire and saving lives -- puts them at risk.

And it's incumbent upon us, as the General Assembly, to make sure that their families are protected -- to make sure we are backstopping those people that we rely on so heavily. I want to commend both Senator Gomes and Rep. Cook, and all those others involved in this -- tremendous legislation and I -- and I wholeheartedly support this. This is a tremendous step forward for firefighting in Connecticut. Thank you.

THE CHAIR:

Thank you. Will you remark? Will you remark? Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Thank you, Madam President. Madam President, I am very proud and pleased to have the opportunity to

/as  
SENATE

April 26, 2016

support this bill. It's a bill that I've actually been advocating for and supporting since its origination. And regardless of the funding mechanism, it's a bill that I support.

Unfortunately, my community, and my family have been affected personally by this issue. And, we know that firefighters are about 14% more likely to have certain types of cancers than the general population. What we don't often think about is at that age, and how young, so many of our firefighters are afflicted.

So, in January of 2014, I lost a very good friend of mine, and that's Greg Polanski. Greg Polanski actually was part of my first campaign -- my first run for Senate -- he was my Deputy Treasurer. He didn't make it to my campaign two years later. He died of brain cancer. He was only 52.

We currently have a member of our community -- Dave Pino -- who's a firefighter in Meriden who is actually still fighting, and in recovery. And, I -- I just want to mention that our hearts go out and -- for a continued recovery for him. But, last Friday, I attended the funeral of my cousin, Annie -- and this is a picture of Annie.

Annie was 53 years old -- the only female firefighter to ever serve on Wallingford Fire Department.

She actually grew up on our farm with me, and was one of the strongest women I've ever met. My grandfather used to say that she was the best man he had on the farm. And -- so the irony is that this woman who was just incredibly strong, physically fit, at age 53 succumbed to lung cancer because she



/as  
SENATE

April 26, 2016

was a firefighter. She was an EMT -- and a firefighter -- and she did for everyone else in the community.

But she left behind a daughter and a son -- and at 53 years old, it's just -- it's -- it's rather unbelievable to me that we continue to lose firefighters at such a young and vibrant age. So - I, on behalf of Greg Polanski and Annie Lagrastrom [sic] -- am very, very proud to support this bill, and I hope my colleagues do so as well.

THE CHAIR:

Thank you Senator. Senator Witkos. Just wait a minute. Senator Cassano? Would you like to speak first?

SENATOR CASSANO (4TH):

Yep. I just want to speak briefly, Madam Chairman. Thank you for the opportunity. I clearly rise in support of the Bill. I have a -- a great district that's made up of paid departments and volunteer fire departments, but they all fight -- same type of homes, same types of fires, that needed to be treated the same way.

I applaud the leadership of the Committee for trying to find a different resource instead of another burden on the municipalities. I think it was a -- a unique idea and I hope it holds together, because it would be important to the municipals. We also have to recognize that as we build houses today, we're using materials that never existed, even ten years ago or fifteen years ago, and those -- the fumes and toxins and everything else from these types of

/as  
SENATE

001069  
31  
April 26, 2016

materials can be very, very dangerous, as we have found. And so, I think it's a great Bill that meets a need and I'm proud to support it. Thank you.

THE CHAIR:

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

SENATOR WITKOS (8TH):

Thank you, Madam President. Good afternoon. You know, I watched this debate in the House and so far in the Senate, and I -- I certainly congratulate and applaud all those that worked so hard on bringing the different interests together, so it receives a high degree of support.

But I hear a lot of platitudes, but we don't -- we're not talking about the Bill and what it does. We're saying it's great that this chamber is supporting our firefighters, male and female, but we don't explain -- what are we doing here in the Bill, and I think we need a few minutes to explain, so the people that are watching on CTN understand what we're doing.

And, we're not using taxpayers' money frivolously, or rate payer's money. These are -- is a dedicated fund to the men and women who do interior firefighting. It's not the firefighter that's out on the street corner directing traffic, or the driver of the engine that -- that rides up upon the scene -- no, these are folks that must do interior firefighting.

And, it's so important to understand the fact that, yes, we do have a funding mechanism. And, in fact, part of that funding mechanism -- a person that sits on the board that oversees that is from the Connecticut Conference of Municipalities.

So, town government has a voice on that Committee. The funding mechanism comes, as it's been said before, by a one-cent diversion of the tax paid on every E9-1-1. Well, don't -- I think most people -- if you have to call 9-1-1 because your house is on fire, or you need an ambulance, you don't mind one penny of the tax that is collected already -- going to fund such a worthwhile cause.

And because of that, the Connecticut State Firefighters Association has a subcommittee -- and that is comprised of a -- a number of members from the Fire Marshal's Office to the IA -- International Association of Firefighters to CCM -- and they will determine as the cases come forward, whether or not the individual deems for a wage replacement.

This is not worker's compensation, because in our State Statutes, we already have worker's compensation. It's found to have been attributable to type of the job that you do because of the environment that you're in. This Bill speaks to the other classifications of cancer that are not found in our worker's compensation laws, but still provides a wage replacement.

And I will say to you -- I had the opportunity to meet with firefighters. And they said, 'you know what Kevin, it's not the fact that people think we're getting money -- getting paid for something while we're not working -- we're dealing with where

/as  
SENATE

April 26, 2016

we're going -- whether we're going to be able to live or not. We don't care about the paycheck. Will we survive and be able to provide for our families while doing so -- while undergoing the treatment.

Because as anybody knows, folks that are undergoing cancer treatment -- they don't have the strength and the stamina that is required of an interior firefighter to go in and do the work that is necessary. And in fact, we have further protections in the law, because we say that you have to go and get a physical before you are hired as a firefighter -- as an interior firefighter -- and you must be -- have a clean bill of health.

You cannot show a sign of cancer. Otherwise, this doesn't pertain to you. And then you must do that every single year that you are an interior firefighter -- every year you have to go and get a physical, to show that you are cancer-free. And then, only when it is determined because of fire that you went out -- which is documented, by the way, now -- of how long the fire was, where was the fire, who was inside, what were the materials that were burning -- do you have a case that you can go before this board to make a determination of whether or not you receive a wage-replacement.

And I think that's a lot of the Bill -- because we should be protecting these folks. In all -- I also -- also represent a community that has both paid and volunteer fire departments. And I tell the town government that those are the volunteer services -- you know what, you got to provide for these -- these guys and gals who -- who volunteer their time every day. They spend an -- an inordinate amount of time in training to get certifications to do the job that

they do, and for what? To protect each and every one of us. And now is not the time to turn our backs on them.

Lastly, if you're already receiving wages from another employer, you're not eligible to receive wage replacements. And this pertains to volunteers as well. You can't ask for a better determinate for volunteers, because imagine if you were a community that had to pay for a fire service -- the amount of money that each individual municipality saves with their volunteers is huge.

So at the end of the day, if we were concerned that we didn't have the \$200,000.00 that would -- this one-cent tax would raise -- maybe it's time the municipalities kick in a little bit. Because if they had to pay -- if we had to have a 169 paid fire services in this state, it'd be a hell of a lot more than \$200,000.00, I'll tell you that right now.

Madam President, these firefighters that are up in our gallery have been here all last year and this year, and they do that for their brethren to say, this is something we need -- it's a really -- it's a peace of mind to know that, heaven forbid, if we contract a cancer, that it -- at least we know we can provide for our families.

There's still the requirement, as you know, that the personal protective equipment that they all must wear and -- and clean, and as we -- as science improves, we're -- we're moving further and further down the road to protect them. But at the end of the day, they go in while we all go out. And that's all we can ask for.

/as  
SENATE

April 26, 2016

So I urge the Chamber's passage affirmably on the legislation. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further? Will you remark further? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I rise today to support the legislation that comes before us today.

For the last many -- well for many years, this issue has been in front of the Legislature, and really has never -- I think, gone very far. It's always been, many times, held up in Appropriations, or been fought bitterly against by municipal interests and others, who had questions about funding. And I don't think anybody comes here today -- however they vote on it, without an appreciation for the work that our firefighters do in our communities, and certainly Senator Witkos said the same thing, which is when -- when we're running out of the buildings, they're running in the buildings, and we saw that most graphically on 9/11.

And so, this Bill is extremely important -- again -- as more and more chemicals are -- are derived and used in our everyday products -- whether it's in our clothes, whether it's on our rugs, in our desks -- wherever it is -- you know, it becomes more and more dangerous for firefighters. Yes, we don't have the same kind of warehouses burning like they used to burn -- maybe fifty, sixty years ago -- but when an apartment catches on fire or a house catches on

/as  
SENATE

April 26, 2016

fire, there's TV's that have chemicals on it -- the rugs and -- and all the other things that make firefighting extremely dangerous. And while they have -- maybe have oxygen for their mouths, the chemicals are still permeating their bodies through their jackets and their -- and their pants and -- and every other way that that can happen.

And I don't think that we fully understand how that affects firefighters in their house. We are seeing firefighters get sicker. We are seeing the prevalence of disease for the jobs that they do. And, for me anyway, I think it's about time that we finally recognize that -- and we supported helping them if they do get sick on the job.

I think this Bill does go a long way towards -- towards getting to that point. I would only urge a bit of caution on the funding mechanism that has been developed here today. I'm not certain that this E9-11 fee is something that is going to pass muster with the federal government. And if it doesn't, that means we may have to come back and revisit the issue.

But I certainly hope that, by passing the legislation here today -- that we have reaffirmed our support for the bravest in our -- in our state -- for the work that they do each and every day. And that we do recognize the hard work that has happened.

I just want to take a moment to say that -- I think that for us anyway -- I want to thank Senator Gomes, Senator Osten -- for their work on this issue. Senator Hwang for his -- his work. We have staff members who have worked on it -- Courtney Coleman

April 26, 2016

[sic] and Darcy Jones, Ken Secenty [sic], who -- who have worked on it. A number of our staff as well -- our caucus staff.

This issue, I think, came to the forefront last year when we put together the PTSD and this Bill together, and sent it down to the House. Unfortunately, it was not acted upon. But I think that really gave an -- that really gave kind of the -- the next step for something to be worked out for this session.

So, I do appreciate all those who worked on it in the House, in the Senate, our firefighters and others who came together and said we need to come up with a solution on this issue.

So, Madam President, while I do believe that there are some questions that we may face on the funding issues, I think overall, this is something we need to -- we need to support. And if we do have some questions or there are issues that arise, we need to come back and fix it, because we have firefighters in this state who are counting on us. Literally, their lives are on the lines. We need to protect them. We need to show we're supporting them. And we need to recognize the fact that -- when they're running into those buildings -- what they're breathing -- what's permeating their skin -- is much more dangerous now than it ever has been. And until we have a clear understanding of chemicals and chemical policy reform, these are the steps we're going to need to take for the bravest in our state. Thank you, Madam President.

THE CHAIR:



/as  
SENATE

001076

April 26, 2016

Thank you. Will you remark further? Will you remark further? 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, ordered in the Senate.

THE CHAIR:

All members have voted. All members have voted. The machine will be closed. Mr. Clerk, will you please call a tally.

CLERK:

On H. B. No. 5262	
Total number Voting	36
Necessary for Adoption	19
Those voting Yea	35
Those voting Nay	1
Those absent not Voting	0

THE CHAIR:

The Bill is passed. Mr. Clerk.

CLERK:

On page 8, calendar 306, substitute for S.B. No. 67  
-- AN ACT CONCERNING THE AUTHORITY AND  
RESPONSIBILITY OF -- RESPONSIBILITIES OF ADVANCED  
PRACTICE REGISTERED NURSES. There are amendments.

/as  
SENATE

April 26, 2016

THE CHAIR:

Senator Tana -- Gerratana. Good afternoon, ma'am.

SENATOR GERRATANA (6TH):

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

THE CHAIR:

Motions on acceptance and passage. Will you remark?  
Ma'am.

SENATOR GERRATANA (6TH):

Yes, Madam President. The Clerk has in his possession LCO No. 4258. If he will call the amendment, I'll be allowed to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 4258, Senate A, offered by Senator Gerr --  
Gerratana.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

/as  
SENATE

April 26, 2016

Madam President, move adoption.

THE CHAIR:

Motions on adoption. Will you remark?

SENATOR GERRATANA (6TH):

Yes, Madam President. This amendment makes changes to the underlying Bill.

THE CHAIR:

Hold on a moment, ma'am. Ladies and gentlemen of the Chamber, can we keep our conversations at a lower level. It's very difficult to hear the Senator. I know a lot of people are cheering and happy, but this isn't the time. Please, Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, this amendment makes changes to the underlying Bill. We found a couple of sections that needed to be deleted. There were areas where we inserted optometrists, which is appropriate, and also made other technical corrections.

THE CHAIR:

Will you remark on the amendment? Will you remark on the amendment? Seeing none, I'll try [indiscernible]. All those in favor, please say aye?

MEMBERS:

/as  
SENATE

001079  
41  
April 26, 2016

Aye.

THE CHAIR:

Opposed? The amendment passes. Senator?

SENATOR GERRATANA (6TH):

Thank you, Madam President. The Bill allows APRN's to certify, sign and otherwise document medical information in several situations. It also allows them the authority or responsibility that currently applies only to physicians and notifications, and also in reporting requirements.

This Bill comes to us with scrutiny and work on behalf of the physicians and doctors, including the specialty units. Also, OPM and the Department of Public Health, and I urge my colleagues to support it.

THE CHAIR:

Will you remark further on the Bill? Senator Markley. Good afternoon, sir.

SENATOR MARKLEY (16TH):

Good afternoon, Madam President. I rise in support of the Bill, as Senator Gerratana has said, it had broad support -- really completes the process that began with the expansion of APRN authority last session, and I think that it -- it deserves the support of the circle. Thank you.

/as  
SENATE

April 26, 2016

THE CHAIR:

Thank you. Will you remark further? Seeing 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.

THE CHAIR:

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

CLERK:

S.B. No. 67,	
Total number Voting	36
Necessary for Adoption	19
Those voting yea	36
Those voting nay	0
Those absent and not Voting	0

THE CHAIR:

The Bill passes as amended. Good afternoon, Senator Duff, again.

SENATOR DUFF (25TH):

Thank you, Madam President. If we can start a consent calendar?

/as  
SENATE

April 26, 2016

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Calendar page 13, calendar 371, S.B. 143 -- I'd like to place that item on a consent calendar.

THE CHAIR:

So ordered. Seeing no objection.

SENATOR DUFF (25TH):

Thank you, Madam President. If the Clerk can now please call the items on the consent calendar, for a vote on the consent calendar.

THE CHAIR:

And it's a great idea. [laughter] Mr. Clerk, will you call the vote on the consent calendar -- all of the -- please -- oh you -- I'm sorry. You have to announce it first.

CLERK:

On page 13, calendar 371, S.B. No. 143.

THE CHAIR:

The machine will be opened. Mr. Clerk, will you please call for roll call vote?

CLERK:

/as  
SENATE

001082  
44  
April 26, 2016

Immediate roll call has been ordered in the Senate.  
Immediate roll call on today's consent calendar has  
been ordered in the Senate.

CLERK:

Immediate roll call ordered in the Senate, on  
today's consent calendar. Immediate roll call  
ordered in the Senate.

THE CHAIR:

All members have voted. All members have voted. The  
machine will be closed. Mr. Clerk, will you please  
call the roll call vote, please, on today's consent  
--

CLERK:

On today's consent calendar	
Total number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not Voting	1

THE CHAIR:

Consent calendar passed.

SENATOR DUFF (25TH):

Thank you, Madam President.

/as  
SENATE

April 26, 2016

Madam President that concludes our business for today. It is the intention of the Senate Democrats to caucus at 11:00 tomorrow morning.

Oh yes, I'll get there. And, to be in session tomorrow at 1:00 p.m. for our friends on the other side of the aisle. So, session at one tomorrow. Be prepared to stay long. We have a lot of business to take care of tomorrow. With that, Madam President, is Senate Agenda No. 2 on the Clerk's desk?

THE CHAIR:

Mr. Clerk?

CLERK:

Clerk is in possession of Senate Agenda No. 2, also dated Tuesday, April 26, 2016.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move that all items on Senate Agenda No. 2, dated Tuesday, April 26, 2016 be acted upon as indicated and that the Agenda be incorporated by reference into senate journal and transcript.

THE CHAIR:

So ordered, sir. Are there any points of personal privileges or announcements? Senator Hartley?



/as  
SENATE

April 26, 2016

SENATOR HARTLEY (15th):

Thank you, Madam President, and good evening to you, Madam. I rise for a point of personal privilege Madam.

THE CHAIR:

Please proceed, ma'am.

SENATOR HARTLEY (15th):

Thank you. I think perhaps all my colleagues can identify with the -- the adage that we are only as good as our staff. And in my case, my good days can be attributed to my LA, Billy Taylor, who just happened to grace into the Chamber. But I ask that the Chamber join me in wishing him a very happy and well deserved birthday on this special day. Happy birthday, Billy Taylor. Thank you, Madam President.

THE CHAIR:

Happy birthday.

[Applause]

THE CHAIR:

Thank you. Are there any other points of personal privilege or announcements? Senator Witkos?

SENATOR WITKOS (8TH):

/as  
SENATE

001085  
47  
April 26, 2016

Thank you, Madam President. For purpose of announcement?

THE CHAIR:

Please proceed, sir.

SENATOR WITKOS (8TH):

Senate Republicans will caucus tomorrow at Noon.

THE CHAIR:

Thank you. Are there any other points of personal privilege or announcements? Seeing none. Senator Duff?

SENATOR DUFF (25TH):

Thank you, Madam President. I just want to remind people that today is Primary Day. Polls are open for another two hours and forty-five minutes. I hope everybody gets out to vote, if you haven't already. And with that, Madam President, I move that we adjourn subject to the call of the Chair.

THE CHAIR:

So ordered, sir. Everybody drive safely.

cf  
SENATE

1  
April 27, 2016

001086

CONNECTICUT GENERAL ASSEMBLY

SENATE

Wednesday, April 27, 2016

The Senate was called to order at 2:17 p.m., the President in the Chair.

THE CHAIR:

The Senate will please come to order. Members and guests, please rise. Direct your attention to Reverend James Nock who will lead us in prayer.

REVEREND JAMES NOCK:

Let us pray.

Almighty Father, we ask Your blessing on our circle as we come together this afternoon with great budget concerns that we need to deal with. We ask for your guidance and direction on this journey, as we listen with hope to these words of a prayer -- a Pesach:

I walked before the Lord in the land of the living. I had great faith even though I was deeply afflicted and he always answered me. And we ask this of you, who love and reign forever and ever. Amen.

THE CHAIR:

Thank you, Father Nock. Now at this time, I'd ask Senator Kane to come up and lead us in the Pledge of Allegiance please.

cf  
SENATE

2  
April 27, 2016

SENATORS:

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'd ask for any points of personal privilege. Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President. Good morning. Good afternoon, rather.

THE CHAIR:

Good afternoon, sir.

SENATOR HWANG (28TH):

Thank you. I have the great opportunity and privilege to introduce to the circle Stuart Marcus, who is the Chief Executive Officer of Saint Vincent's Medical Center. He is also a medical physician, a cancer surgeon, and he is here for hospital day and I think it's important to put a face to all the great people in health care that make a difference in saving lives; so a round of applause for Stuart Marcus, Saint Vincent's Medical Center.

THE CHAIR:

Senators, give a warm welcome please. [applause]

cf  
SENATE

3  
April 27, 2016

Thank you.

SENATOR HWANG (28TH):

And also a follow-up, we have two young students who are shadowing us today -- Juniors at Fairfield Warde High School -- Wayne Rodriguez and Ollie Hadar. They're the brains moving into the future, so round of applause and thank you very much for coming to chambers.

THE CHAIR:

Thank you both very much for being here. [applause]

SENATOR HWANG (28TH):

Thank you, Madam President.

THE CHAIR:

Thank you. Are there any other points of personal privilege? Seeing none -- Mr. Clerk, is there any business on your desk?

THE CLERK:

I have Senate Agenda Number 1, dated Wednesday, April 27, 2016. It's been copied and is on Senators' desks.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Good afternoon.

cf  
SENATE

April 27, 2016

THE CHAIR:

Good afternoon, sir. How are you?

SENATOR DUFF (25TH):

Good, thank you. Madam President, I move that all items on Senate Agenda no. 1, dated Wednesday, April 27, 2016, be acted upon as indicated and 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. Could the Senate stand at ease for a moment?

THE CHAIR:

Senate will stand at ease.

[standing at ease]

Senate will come back to order. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I'm going to mark a couple items go.

cf  
SENATE

April 27, 2016

Right now, if we could mark -- go would be Calendar page 9, Calendar 329, Senate Bill 417, followed by calendar page 11, Calendar 360, Senate Bill 459.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 9, Calendar 329, Senate Bill Number 417, AN ACT CONCERNING THE CLAIMS AGAINST THE STATE OF JOANNE AVOLETTA, PETER AVOLETTA AND MATTHEW AVOLETTA.

THE CHAIR:

Good afternoon, Senator Coleman.

SENATOR COLEMAN (2ND):

Good afternoon, Madam President. How are you today?

THE CHAIR:

Fine and yourself, sir?

SENATOR COLEMAN (2ND):

I am doing very well.

THE CHAIR:

Good.

SENATOR COLEMAN (2ND):

cf  
SENATE

6  
April 27, 2016

I move acceptance of the Joint Committee's favorable report and adoption of -- acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motions on acceptance and passage. Will you remark, sir?

SENATOR COLEMAN (2ND):

Thank you, Madam President. Madam President, this bill represents a claim to the Claims Commissioner and the -- and against the State of Connecticut by three students who sustained lung damage as a result of the conditions at a school in the Torrington school district.

Procedurally, the claimants have provided notice to the state in a timely name, but not necessarily in conformance with the procedures of the Claims Commissioner's office.

At a point, the Judiciary Committee granted the right to sue and the claimants pursued that right and filed in Superior Court, at which time, they were met by a motion to dismiss that was filed by the Attorney General's office.

The basis of the motion to dismiss was that the claim was not timely filed with the Claims Commissioner's office. The claim is before us today and the substance of the bill is to vacate the Claims Commissioner's decision and to remand the case and the claim to the Claims Commissioner for action by the Claims Commissioner.



cf  
SENATE

7  
April 27, 2016

Additionally, the bill seeks to preclude the claim from being subject to a motion to dismiss. The members of the committee inequity and consistent with the ends of justice felt that the notice that was provided should have been sufficient with the state on notice that their claim would be filed and the consensus of the Committee is to at least have the Claims Commissioner reconsider the claim. I urge passage of the bill, Madam President. Thank you.

THE CHAIR:

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

SENATOR KISSEL (7TH):

Good afternoon, Madam President. On this beautiful Spring Wednesday afternoon. I'd like to thank Chairman Coleman for bringing this particular matter forward. I think he did a good job in describing it and I would urge my colleagues to support it as well. Thank you, Madam President.

THE CHAIR:

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

SENATOR CHAPIN (30TH):

Good afternoon, Madam President. Madam President, I rise in support of the bill before us and would like to take the opportunity to thank both Senator Coleman as well as Senator Kissel for bringing this forward and being so helpful and endeavoring to help my constituent is very appreciated, and I certainly

cf  
SENATE

8  
April 27, 2016

encourage my colleagues to support it. Thank you,  
Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you  
remark further? If not, Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, if there are no further remarks to  
be made and if there is no objection, I would move  
that this item be placed on our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered sir.

SENATOR COLEMAN (2ND):

Thank you.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 11, Calendar 360, Substitute for Senate Bill  
Number 459, AN ACT CONCERNING THE --

THE CHAIR:

Senator -- Sorry, Mr. Clerk, can you wait for one  
second, please? Senator Duff, why do you rise, sir?

SENATOR DUFF (25TH):

cf  
SENATE

9  
April 27, 2016

Thank you, Madam President. I think we're waiting for a member to come into the chamber for a point of personal privilege.

THE CHAIR:

Okay.

SENATOR DUFF (25TH):

I'd like to yield to Senator Markley.

THE CHAIR:

Senator Markley, will you accept the yield?

SENATOR MARKLEY (16TH):

With pleasure and with thanks for Senator Duff for holding on for me for a second. I just was having the pleasure of getting to know the student I'm about introduce to you, Meghana Kandarpa, who is a student from Southington, who was recently awarded a Prudential Spirit of the Community Award for a volunteer program that she started in our community when she was the in 7th grade to raise money for people in India, but putting on a talent and variety show and this year, this show raised over \$20,000 and she was singled out among 29,000 young people in the country who had -- who have done various programs that applied for recognition for -- for this honor.

So, I would ask that the circle, as I rarely do actually, to rise and give a welcome and an honor to -- to Meghana who's right here behind me. Thank you. [applause]

cf  
SENATE

10  
001095  
April 27, 2016

THE CHAIR:

Congratulations Meghana. Thank you very much for all your good work. At this time, I think we'll go back to the call of the Calendar. Mr. Clerk, would you like to recall that bill please?

THE CLERK:

On page 11, Calendar 360, Substitute for Senate Bill Number 459, AN ACT CONCERNING THE COUNTING OF INCARCERATED PERSONS FOR PURPOSES OF DETERMINING LEGISLATIVE DISTRICTS AND DISTRIBUTING STATE AND FEDERAL FUNDS. There are amendments.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

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

THE CHAIR:

Motions on acceptance and passage. Will you remark, sir?

SENATOR COLEMAN (2ND):

Madam Clerk -- Madam President -- the clerk should be in possession of LCO 4224. I'd ask that the clerk please call that Amendment.

THE CHAIR:

cf  
SENATE

11  
April 27, 2016

Mr. Clerk.

THE CLERK:

LCO Number 4224, Senate "A" offered by Senator Coleman.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. Madam President, this Amendment would remove a provision of the bill that would provide that the fund -- state and federal funding -- that the -- the count or the way that the residence of prison inmates would be treated would not be relied upon for the purposes of the formulas in connection with State and Federal funding. I'd urge my colleagues to support the Amendment.

THE CHAIR:

Will you remark? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. My first question is, does there -- is there a fiscal note to the Amendment?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

I believe there is a fiscal note to the Amendment and there is no fiscal impact.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And when the bill was brought before us, and I know we're on the Amendment, but when the bill was brought before us, I believe the provision that is now being taken out was put in there for a reason. So my first question is, why is that provision now being taken out?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

The provision is being taken out as a practical matter. I think the underlying bill -- the thrust of the underlying bill is to provide for accuracy and fairness in the county for the purpose of drawing state legislative districts and that was the way that the bill was originally put forward at some point. The provision of the bill that has to do with state and federal funding was included -- was not met with a positive reception and therefore it's being removed.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

cf  
SENATE

13

April 27, 2016

SENATOR KISSEL (7TH):

Thank you very much. And through you, Madam President. At this point in time, the way that State districts are drawn, does that affect any state funding?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President, depending on how -- who you talk to, many people would say that it does not have a great deal of impact on state or federal funding, but right now those districts where the correctional facilities are located have the benefit of counting the inmates that are held there and the population of that correctional center is included in the population of the municipality where the correction center is located for purposes of state and federal funding.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And through you, Madam President. So, if the municipality has what is characterized by Senator Coleman as the benefit of

cf  
SENATE

14

April 27, 2016

counting inmates in a particular area in -- for purposes of state or federal funds, would it be fair to state then that a municipality that currently receives funds based upon that, would lose those funds, should the underlying bill go forward?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. If the underlying bill goes forward without the adoption of the Amendment, that would be the case, yes.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. So, I'm a little confused. If we strike -- if we adopt this Amendment, does that in effect hold municipalities harmless from the effects of the underlying bill?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):



cf  
SENATE

15

April 27, 2016

Thank you, Madam President, and through you to Senator Kissel, that is the intent of the Amendment, yes.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, and I understand that we're -- we're dealing with federal revenue streams in the federal system. Do they apportion congressional districts including any inmates that may be in those congressional districts at the time of redistricting?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President, I'm not certain and part of the difficulty with that question is that we did not receive -- because the bill didn't elicit -- any response or input from people who might be affected by the drawing of Congressional districts.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. Well, I would ask for a roll call on the Amendment. I'm not quite sure this Amendment actually will hold municipalities harmless. I actually thought that the Amendment was beneficial to the underlying bill and therefore, I will be voting no. Thank you.

THE CHAIR:

Thank you. Will you remark further on the Amendment? Will you remark further on the Amendment? If not, Mr. Clerk, will you call for a roll call vote on the Amendment? The machine is open.

THE CLERK:

Immediate Roll Call has been ordered in the Senate on Senate Amendment Schedule "A". Immediate Roll Call has been ordered in the Senate.

THE CHAIR:

Senator Looney.

All members have voted, all members have voted. The machine will be closed. Mr. Clerk, will you please call the tally on Senate "A".

THE CLERK:

On Senate Amendment Schedule "A".

Total number voting	36
Necessary for Adoption	19
Those voting Yea	20
Those voting Nay	16

Those absent and not voting 0

THE CHAIR:

Senate "A" is passed. Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. Madam President, the -- the bill as amended would provide that the inmates who are being held in prisons in the State of Connecticut would be counted at the last known address attributable to them, prior to their incarceration.

So, I think the bill as amended would provide for a much more accurate and a much more fair system of counting and reporting in connection with the Decennial Census.

Additionally, it would provide for a more accurate way of drawing legislative districts and municipal districts and municipal voting districts. So I would urge my colleagues to support the bill as amended. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. My first question is as to the fiscal note, and -- is there a fiscal note to the underlying bill?

THE CHAIR:

cf  
SENATE

18 001103  
April 27, 2016

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, if we can stand at ease, I don't really recall --

THE CHAIR:

The Senate will stand at ease.

The Senate will come back to order. Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. The fiscal note that has been filed is in connection with the file copy which was modified by the adoption of Senate "A" and any cost -- the fiscal note indicates a shift in state and federal aid and that's again, in connection with the file copy which was modified by the adoption of Senate "A" so the fiscal note does not apply to the bill as amended.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. It's my understanding that the -- there is a fiscal note that indicates potential significant costs in the out years. Would that be accurate?

cf  
SENATE

19  
April 27, 2016

001104

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. Again, that fiscal note applies to the file copy which was modified by the adoption of Senate "A". The adoption of Senate "A" removed any provisions from the bill that would result in any potential significant cost in the out years.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. Well, as the underlying bill as amended now says that inmates are going to be counted in the place of their last residence, who's going to gather that information?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

cf  
SENATE

001105  
20  
April 27, 2016

Through you, the information would be gathered through the efforts of the Department of Correction.

To Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, and has anybody in the office of fiscal analysis determined how much it will cost the Department of Corrections to gather that information?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. To be accurate, I'm not aware that anyone in fiscal analysis has considered that, but I -- I would gather that in course of its regular collection of data and statistics that that could be accomplished through its computer system and through available resources.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

cf  
SENATE

21  
001106  
April 27, 2016

Thank you very much, Madam President. Does the good Chairman of the Judiciary Committee know how many inmates are in our corrections system at this time?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. There are approximately 16,000 inmates in the Connecticut correctional system.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, and is there a computer database that has the last known addresses of these inmates in it, or are these file cards, or how is this information stored?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, through you, to the best of my knowledge, the information is computerized.

cf  
SENATE

22  
001107  
April 27, 2016

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. Through you, Madam President. It's my understanding that the individuals in our Department of Corrections changes every day. Every day, there are new sentences being meted out by our criminal court system and individuals are incarcerated and every day, individuals are released from our criminal court system and then enter into our neighborhoods. What specific day does the bill contemplate to the day that this determination would be made?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. Not certain that I understand the question, if -- I'll take a stab at responding, but -- the day in question would be the day that information is provided to those who are coordinating the Decennial Census.

Through you, Madam President.

THE CHAIR:

Senator Kissel.



cf  
SENATE

23  
April 27, 2016

SENATOR KISSEL (7TH):

Thank you very much. And the last time, I recall, the census being taken, there were census takers. They would go through neighborhoods and it seemed to be conducted over a large period of time, but what we're contemplating by the bill is what would essentially be a snapshot of one particular day. Do we know from contact with the Census takers, which was federal authorities, what particular day would the magic day that this information would be gathered?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. No, we don't know and I think the determination of that would be up to the Secretary of State who would be the repository of the information.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And so, how does it work in Connecticut regarding redistricting? Does it happen every year -- every couple of years?

cf  
SENATE

24

April 27, 2016

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, through you to Senator Kissel.  
It's the Decennial Census, so it occurs every 10  
years.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. So if this bill passes, the  
effective date -- or actually, through you Madam  
President, what's the effective date of the bill?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President, I believe the  
effective date would be upon passage.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

cf  
SENATE

25

April 27, 2016

Thank you very much. And Senator Coleman, you had indicated that the Secretary of State would determine the magic day that would be chosen for the calculation of who lives where. Do we know that the Secretary of State has that information now on inmates in our correctional facilities?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President to Senator Kissel, I don't believe the Secretary of State has that information, currently, but the provision of the bill would require a report from the Department of Corrections to the Secretary of State.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. Through you, Madam President. What specific language in the bill requires the Department of Corrections to provide the information to the Secretary of State?

Through you, Madam President.

THE CHAIR:

cf  
SENATE

26  
April 27, 2016

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President, if I may have a moment so that I can point that out to the Senator?

THE CHAIR:

The Senate will stand at ease.

Senate will come back to order. Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. I would point out Section 4 and Section 5 of the bill in response to the question as posed by Senator Kissel, and I would correct a statement that I made regarding the passage of the bill. It looks as if at least Section 4 would be effective upon -- effective as of July 1, 2016.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, and I -- I certainly hope we're not here July 1, 2016. Not that I don't love being with all of you. So, back to the fiscal note, I don't understand how this information could be gathered from Corrections and then distributed to the Secretary of State's office without there being some kind of cost, even if it's a state employee

taking a computer disc and going from Wethersfield at the Department of Corrections and driving it here to Hartford. There's some cost associated with that. So in the assembling of this information and the dissemination of this information, is there an assessment as to the cost because some state employee's gonna' have to do this.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President, I would reiterate that the cost associated with -- the cost indicated in the fiscal note is associated with the underlying bill and was seeking to address the provisions in the underlying bill that would cause state grants and federal grants to be allocated in a different manner. So there would be some shifting of monies from one municipality perhaps to another municipality and that's, I think, the primary cost indicated by the fiscal note that we're referring to.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. So, to be very frank, I think there's a cost associated with assembling this

information. I don't know -- well, let me ask this question -- through you, Madam President. Does the good Senator of the Judiciary Committee have knowledge that the information we're seeking from the Department of Corrections is in a database that's easily accessible?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

According -- through you, Madam President -- according to the Department of Corrections, it would not be an onerous task at all. All that information, including last known addresses of inmates, is stored in a computerized database.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. So, does the underlying bill essentially contemplate redrawing State Senate and Representative Districts when individuals would not be in those districts?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

If I understand the question correctly, Madam President, the -- the bill as amended contemplates that the information would be relied upon in the redrawing of State legislative districts and municipal districts, even though the individuals who are being held at correctional centers may not physically be present in those particular districts. The census solicits what is known as the residence of the individuals and this bill would be very consistent with the approach that the Census takes.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. So, is what I'm hearing -- see, my understanding of a census is, you're assessing where people reside and on this magic day that will be determined by the Secretary of State, apparently, when the information regarding the prison population is gathered, wouldn't it be fair to say that on that day, not a single individual will reside -- well, maybe not a single -- that individual -- the only individuals that will be counted as residents of a community would be any inmates that are in a certain town.

In other words, let's say there's an inmate whose last known residence was Enfield and they're sitting in Enfield Correctional Center, so they would be

counted towards Enfield. But let's say 200 people from Hartford are sitting in Enfield Correctional Center on that day, would they be counted in Enfield or would they be counted in Hartford?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President, they would be counted wherever their last known address prior to their incarceration would be. If that would be Hartford, they would be counted in Hartford, and additionally, I would refer the good Senator to Connecticut General Statute Section 9-14 which, in essence, provides that no person shall lose their residence as a result of being institutionalized at a facility of the State of Connecticut.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. Let's say someone's incarcerated for life without possibility of release. There's not a lot of those folks, but we have some of those folks. Would those folks be counted in their last known address, even though there's no chance -- and you know what, let's just go to the folks on death row, 'cause those folks are



never getting released. How about those folks? Those folks ever gonna' be counted where they're sitting for the rest of their lives or are they gonna' be counted at their last known address?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President, according to the provisions of the bill as amended, they would be counted at their last known address, prior to their incarceration, and I would say that the Senator is correct in that that is a very small number of people. Approximately 60 people and wouldn't really make a great deal of difference to the drawing of legislative districts or municipal districts, and if we apply the -- the statutes Section 9-14 -- counting even those individuals in the place that was their last known place of residence, would be consistent with what is apparently a policy of the State of Connecticut.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. Through you, Madam President. Does the good Senator know the average length of incarceration of our inmate population?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President, I do not know the answer to that question.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. I -- I would estimate it to be around three years, but I -- I don't have that information either, but I think that would be critical information to have, because what this bill does, essentially, is it takes a snapshot of a fluid population and says we're just going to use this going forward with redistricting. And those inmates may get released the next day and regain their rights to vote, I don't know. But they may not be released from corrections for three years or five years or 10 years. But this says there's a magic day and then all of a sudden, we're going to count those individuals in the last residence that they had.

I think I'm just going to speak a little bit. I may have some further questions, but I'd like to speak against this bill for a variety of reasons. I know probably from some people's perspectives, this is

cf  
SENATE

33  
April 27, 2016

fair. This is not done in the vast majority of states in the United States, and the bill by its own language says, we're not even going to make it apply to congressional seats, but we're just going to apply it for state representatives and state senators.

So, four years from now when everybody gets together and they're gonna' redraw the lines, they're going to use approximately 16,000 individuals on a magic day and start placing them throughout the state but not where they're sitting.

And for a period of time, I would suggest going forward that the reality will never match that number because of the fluidity of the prison population. People may think that's fairer, but as someone who represents not one, not two, but three house communities for correctional facilities, it's not fair at all.

I have 8,000 inmates in my district. Now I don't know if I'm winning the next election. I don't know if I'm going to be on this planet a week from now, and it may all sound selfish for me to worry about what's going to happen to the 7th Senatorial district four years from now when the Census starts rolling forward. But if you take -- let's say 500 of those inmates are from my districts -- towns. You take 7,500 people out of where I am -- that's going to create a huge domino effect and you're going to be doing it for anybody who has a host -- is a host community to a correctional facility and it's not just republicans. I have representative David Kiner has tons of Correctional Facilities and inmates in his Democratic district.

This has far reaching consequences. I would pause it because I've been around long enough that I remember when -- and corrections tends to be cyclical -- I was there when we had truth in Sentencing. I actually -- with Jack -- the late Jack Bailey -- stood outside Carl Robinson as -- my understanding is inmates were stabbing other inmates. There was at least one death. Buildings were being burned. It was a full-scale prison riot. And I -- had only been in office for a short period of time, but I remember my colleague saying, as soon as you take that oath of office, you have a right to go anywhere in your district if there's an emergency.

So there were police barricades but I went out there and I parked and I asked the local law enforcement, can I go up to the facility to just see what's going on and they said, yes, sir, Senator. And then the -- then the at-that-time Chief State's Attorney, Jack Bailey, showed up and we stood there and there was no local law enforcement that was going to go near what was happening.

The correctional officers were barricaded and locked into certain areas, the inmates were running wild, and people were getting hurt. And we waited several hours until the CERT team, the Corrections Emergency Response Team went in there, 'cause they had the skill and expertise and bravery to go and put that riot down.

Now you can almost chart what happened after that. Believe it or not, at that time, Carl Robinson had a miniature golf course. Our system was extremely lenient. After that, the policy -- and it's not republican or democrat, but the philosophy of the correctional policy was truth in sentencing, because

we had gotten to a point where the time that you were sentenced to was never what you served and I know that for a fact because prior to becoming a state senator, I was a special public defender and I worked in the criminal justice system. And I had folks arrested that knew the criminal justice system like the back of their hands and they knew if I cop a plea to three years, I'm only gonna' do a bid of 18 months, and they just knew it.

So we shifted from that to a more rational, understandable, and predictable sentencing structure. And the prison population grew. And crime went down. Now, people may say there's a better way to address corrections and certainly there may be. I don't know. It's a very interesting subject to study and I have studied it. I've spoken about it. At John J. University, at their request on a panel, went down for National Council State Legislatures in Philadelphia and spoke about it on a panel. Went out to Colorado, not once, but twice to study the issue with leaders from throughout the country.

I've often said, how can a fairly conservative republican want to have reform in the corrections system because I do believe in breaking the Cycle of Recidivism. And I was in favor of the original Raise the Age. And I took a chance last year on the original Second Chance Society. These things are cyclical. But in many respects, we have to take baby steps. And then it goes too far -- pendulum goes too far in a certain direction and then has to be pushed back.

Our policy right now in Connecticut is moving in this direction. Governor Malloy and a lot of folks want to move it even faster and further and take

this position that we should be first and foremost in the country in pushing a lot of these issues.

I don't need to be first in the country. I don't think it's wrong to move in a direction, but I think it's always best and we have better results if you go incrementally and then reassess. Always reassess. Where are you going? How are you gettin' there? Do we have glitches? Do we have problems? Do we need to fix something?

So when we had the cycle where we had truth in sentencing and the prison population was increasing and I was a wet-behind-the-ears state senator from North Central Connecticut -- and by the way, my district has changed substantially in the time that I have served.

I used to have part of Windsor all the way down to Bloomfield Avenue, but Senator Coleman's district expanded and he -- he -- or -- I guess contracted so he needed to pick up individuals and so we chatted, inputted our information to the decision-makers and Senator Coleman reached into more of the town that I grew up in and yet I still retain a little bit of -- of Windsor.

Where do I find 7,500 new people? That's like a whole town. And there's a domino effect. And the reality is, the people are still gonna' be in North Central Connecticut. They're not going to be the same people, but the bodies themselves are going to be in North Central Connecticut, yet the numbers are going to be magically distributed throughout the state.

To me, that just doesn't seem fair and I'm gonna' get back to the cycle. When we had the increase in

prison population, the state was in a bind. We had overcrowded prisons. We had prisons with riots. And so the state came up to my neck of the woods and said, well, you have some prisons now, do the right thing. Be friendly host communities. We know that the families come and visit. We know that there's demands on your infrastructure. We know that the prisons use water and traffic and everything else. We'll make it up to you a little bit with pilot -- which continually gets eaten away -- but do the right thing.

And my communities did the right thing. Everybody thinks of Enfield when they think of corrections and that's properly so. There are three correctional facilities in Enfield. Guess what? MacDougall-Walker in the town of Suffield is the largest correctional facility in New England. Little Suffield. The Supermax facility is in Somers, one of my other communities.

How can I support a bill where I go to my Mayor, my town council, my First Selectman, and say these people aren't shifting unless crime goes down and the prison population as a whole decreases, the number of individuals in these communities, in these facilities will remain the same, and the demands that they impose on the community, while not exactly similar to any other residence, but substantially similar in other ways, and in some ways, more so because not only are correctional facilities residences for the inmates, but they are employment centers for the Corrections Officers and they utilize all the resources that let's say a housing development of 2,000 or 3,000, and as I said when you add them all up in my neck of the woods, it's 8,000 or thereabouts. They're all human beings. They all demand the same stuff.

I get letters from inmates all the time. Now, as you all know, if you have outreach from constituents, there's not a lot a Senator or a Representative can do for someone in the criminal justice system, and that includes in corrections. Quite often a referral to the Corrections Ombudsman. Having an excellent relationship with Commissioner Semple, and all his predecessors over the years. Having corrections officers as my constituents. If there's problems in those facilities, going and making sure that the laws are changed to address those, and I have.

Assault with bodily fluids. Yep, that's mine. I'll take credit for that. 'Cause God knows, I learned about inmates using bodily fluids to assault officers. Making sure that the designs for these facilities are not subject to freedom of information. You would think that would have been a law, but it wasn't 'til it was brought to my attention. Now you can't get the schematics for the prisons.

And I could go and on and on. How am I going to go to my towns and tell them, you have all of these individuals. You had 'em yesterday and you're gonna' have 'em tomorrow, but now they're not counted. They're counted somewhere else.

Last known address? There's no guarantee that anybody's going to the last known address. And -- and Senator Coleman, to his credit, points out this statute and says that's our policy. Change the policy.

We're here changing this huge law here. I'm sorry, we could just change that law there. This is not



being done in a majority of states in the United States, and I don't think it should be done here in the State of Connecticut either.

It sounds good until you dig down deep, and then you realize the fallacy of it all. Because it's a fluid population. You're taking a snapshot. I don't even know what the average length of time, but it's not one day. My suspicion is it's somewhere between three and five years. We would have to do a -- a deep dive research, look at what the -- what the sentences are for every inmate in the State of Connecticut and then come up with the average.

Now maybe that magical computer database in Corrections -- have you been to the -- to the headquarters at the Department of Corrections lately? I mean, I'm not saying that they don't have computer equipment and stuff like that, but the poor facility in Wethersfield was falling apart last time I visited the Commissioner.

By the way, whether it's the majority party's budget, whether it's the Governor's budget -- whoever's budget you want to look at -- all of these departments are gettin' whacked. It's my understanding that no matter which direction you go, you're gonna' be closing down on a correctional facility. And when you do that, the inmates that may still be there get redistributed amongst the other facilities.

The other side of the equation is this. If the bodies -- if the physical bodies, while the individuals may change, if the number of physical bodies remains relatively constant in the host communities, that means the numbers that you're

using in these other communities are ephemeral. Are like ghosts. They're no -- there's not people.

If on any given day -- and I'm not gonna' -- I'm -- I'm not even gonna' pick on an urban area 'cause I don't want this to turn into suburban, urban, rural -- that's not what this is about. So, I'll pick two of my own towns. If on any given day there are 200 inmates -- mostly -- let's make this even easier. If on any given day -- [off-mic sneeze] God bless you -- there are 8,000 inmates in Enfield and they all used to live in Windsor locks -- then you're going to create a Representative district and a Senate district in Windsor Locks that has the number 8,000 attached to it without a single body.

When you look at it that way, and I don't want to steal my good friend and colleague, Joe Markley's thunder, but he is a -- a fabulous student of history -- and as much as I have a -- a history degree, he reminded me of something that was -- was terrible back in the Dickensian era, where they had these things calls rotten boroughs.

What was a rotten borough? Well, the way it was set up in Victorian England, and again, I am not an expert other than reading those tales of Victorian England and studying a little bit of its history but you'd have to really, really know this issue, but a rotten borough was where -- and I'm not even clear how they actually do it because you stand for parliament -- in a certain district and I'm not even sure you have to live there -- but you would stand to run for the House of Commons from a rotten borough which meant that it had like, very little people. And then they had other folks that had London -- the poor East End with thousands of people -- and yet they would all be the same.

Now, they've reformed that so that it's fair, but essentially what you're creating is what used to be called Rotten Boroughs. See, because whoever's lucky enough to represent the seventh district six years from now is still going to have these individuals. Now, I have to tell you. Over the years, a good rapport, a good relationship has been created between the Department of Corrections and the host communities to both sides' credit. To both sides' credit. Although, there are still a substantial number of individuals in my communities that do believe that if an individual is incarcerated for a long bit of time, it tends to attract their family members if they want to be close to them. I don't know if that's true or not, and I don't know if that's good or bad or not, but many individuals don't think it's great.

There doesn't seem to be a rush of a community saying, please put a prison here. So I ask you, why are we doing this? Is this is a -- I mean, I don't want to read into it. I think that the proponents really do think it's fairer, but because you're just using a picture in time and because the physical bodies of these individuals are not moving out of the system, there's just an in-flow -- I don't think it's good policy. And I think that's probably why the Feds don't do this, and I don't know if, like, if you try to do this for Congressional districts whether you'd even be allowed. Maybe it's prohibited by Federal Government. I don't know that. Good questions down the road. Or maybe you just don't want to mess with congressional districts. I don't know. I researched this because this issue's been around for a couple of years and I think there's only -- now, granted -- some of the states are large -- think maybe New York, Maryland -

cf  
SENATE

42

April 27, 2016

- but I don't see this as being embraced throughout the country and I don't think it's fair.

I just fundamentally don't think it's fair to the host communities. Here, take our inmates, but we're not gonna' to count 'em. And by the way, at this point in time, I do have a question through you, Madam President, to the good Senator, 'cause I know --

THE CHAIR:

Senator Coleman, prepare yourself, sir.

SENATOR KISSEL (7TH):

Thank you. Is -- does this effect -- I think I heard him say municipal districts as well? 'Cause like, there's four council districts in Enfield -- would this affect the four council districts?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President, and through you, it does affect municipal districts and further, it's my understanding that the municipal districts Durham and the town of Enfield do not include the inmates that are incarcerated in the correction centers in Enfield.

Through you, Madam President.

THE CHAIR:

cf  
SENATE

April 27, 2016

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. So, this would only affect communities where they do count inmates in their municipal districts?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

That would be true. Thank you, Madam President.

SENATOR KISSEL (7TH):

Through you -- sorry.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Through you, Madam President, do we know what those communities are?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

I do not know specifically what those communities are. I do know that there are more than a couple of

cf  
SENATE

44  
April 27, 2016

communities that count the inmates for the purpose of drawing municipal districts.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. And so, would those municipal districts have to be changed prior to the next municipal election or would it all be done after the next census?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. After the next census.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you, Madam President, and through you, Madam President, does the Secretary of State help redistrict these towns or do the towns have to do it themselves?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, the Secretary of State's role is simply to report the findings of the census based upon the data that's been provided and the municipalities themselves will redraw the districts.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Is there funding for this redrawing of districts in these -- these towns that we don't know what they are, but they're out there?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, I assume that the same funding that they would rely upon to redraw their districts even without this bill, would be the same funding that they rely upon to redraw these districts with the bill.

cf  
SENATE

46  
April 27, 2016

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I have no further questions for Senator Coleman. I -- it probably would be a stretch to call this unfunded mandate on certain municipalities, but I'm guessing if you have one of these towns where your districts are drawn based upon prison population, I would accept -- I would expect that some municipal leaders are going to give some representatives and senators a call. Maybe not now, it might be five years from now, but it's gonna' happen. Again, let me just get back to my neck of the woods.

It took a long period of time, but for a while, there was a real disagreement between the town of Enfield and the Department of Corrections. I am very happy to say that even though it took -- oh boy -- three or five years -- it took a long time -- but we ironed it out. And it had to do with what you wouldn't contemplate -- it's not real glamorous or sexy, but it had to do with sewage. Sewage.

Let me tell ya'. You wanna' hear from your town, start messing up with their infrastructure. We had that bill percolating earlier where the Department of Energy and Environmental Protection wanted to have all of these onerous -- you know, we have federal regulations and they wanted to like, pile all these other things on top of it, and you all heard from your Mayors and your First Selectman and -- and your town councils. And we had to address that.



Well, in Enfield, for a while, what you do is, they would meter the sewage and there's agreements -- I mean, these aren't just a cut and dry thing -- there are agreements, they are revisited, they're hammered out by towns attorneys and the state -- but, you know, when you have facilities and they are essentially paying for use of the town's infrastructure, and all of a sudden, someone goes to the waste water treatment plant -- this is a true story -- and it's registering far in excess as to what was agreed upon, and putting that extra burden on the community, then you go back and you say, well, you're supposed to pay us x-amount of dollars per hundred gallons of refuse, and you think that it's \$3,000 a day and it's really 10. And you -- and the town has the data. And then the state comes back and says, well, we think you're recording instrument is broken. And then you have to go hire an expert and then you have to go -- we went through all of that and it took years and money and myself and my colleagues in the House of Representatives -- my good friend Kathy Tallarita was heavily involved. She now works for the State in another capacity, and is very happy and I'm happy for her -- but that took a long time and believe me, we heard from our community leaders, hey, State owes us like, hundreds of thousands of dollars.

There is a similar problem in Wallingford right now. To her credit, and I wish her the best, what a sweetheart. Mary Fritz, Representative Mary Fritz. They've been trying to iron out this problem in Wallingford for years. I don't think they've ironed it out yet.

These things happen in host communities, and so you're going to have these issues, you're going to have these burdens, and you're taking away

cf  
SENATE

48

April 27, 2016

Representation from the Senators and Representatives that have to deal with it. And what boggles my mind is you're going to say, I don't have these people and I will go in these facilities and tour these facilities and there will be bodies -- human bodies there. They won't be counted there. They'll be counted elsewhere. But there will be physical people there. And as I said, I get letters, from inmates, but it's also important that I tour my facilities.

MacDougall-Walker -- I was amazed that it's the largest correctional facility in New England. Bigger than Walpole in Massachusetts. Think about that. You don't even see it when you drive through Suffield. Purposefully. But there are super heavy duty, bad people in there and gotta' make sure we stick up for our Corrections Officers and make sure they get taken care of, 'cause that's a tough job.

And all of that is going to stay. None of that's going to go away, but we're going to wave a magic wand, pick a magic day, and change everything regarding what the magic number of inmates is for that moment. That's just fantasy. I would urge my colleagues to vote no on this bill. Thank you very much, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator McLachlan. Good afternoon, sir.

SENATOR MCLACHLAN (24TH):

Good afternoon, Madam President. I stand for a purpose of questions to the proponent of the bill, please.

THE CHAIR:

Senator Coleman, prepare yourself, sir. Please proceed, sir.

SENATOR MCLACHLAN (24TH):

Thank you Madam President. Senator Coleman, can you share with us what is the impact of redistricting Senate and State House seats in the State of Connecticut as a result of this bill?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President, to Senator McLachlan. Specifically, I don't know, but I would -- I guess -- refer back to the example that Senator Kissel used. He's indicating he's got about 8,000 inmates in his district, all of whom were counted in the drawing of his district. I'm going to guess that some of those people were from Hartford and they would otherwise have been counted in Hartford, which would have avoided the necessity of my district expanding further into Windsor, and his district -- I would not have had to have taken some of the area in Windsor that I had taken, in order to have my Senate district drawn.

Through you, Madam President.

THE CHAIR:

cf  
SENATE

50  
April 27, 2016

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you Madam President. Through you, to Senator Coleman. Senator, have you seen any report from the Department of Corrections that shows the former home address of the population of prisoners in the State Corrections facilities?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

I'd ask the Senator to repeat the question, I'm not sure I heard him clearly.

THE CHAIR:

Senator McLachlan, please.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Senator Coleman, have you seen any type of report of data that tells us or told you the home residence that would be affected -- according to the language before us -- of the population of prisoners in the Connecticut State Corrections facilities? I'm trying to get a sense of where they came from, what communities they came from, and do you have any statistics to tell us what is the result of that report, which will have to be used to affect this change.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President, and I guess the only way I can respond at the moment, is that I have not received any document or reviewed any document that would indicate home residences, but I have received reports from officials within the Department of Correction indicating that they do routinely collect information concerning the last known residence of the inmates that are incarcerated within the correctional facilities of our state. I hope that answers the Senator's question.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. I'll -- I'll go back to that perhaps later, to elaborate on it, but would you -- through you, Madam President to Senator Coleman, would you agree that this legislation before us is likely to have a significant impact in district boundaries of both the state senate and the state house, here in Connecticut?

Through you, Madam President.

cf  
SENATE

52 001137  
April 27, 2016

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, I would agree that it will have some impact. How significant it will be, I suppose remains to be seen.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President, and thank you, Senator Coleman, for answering my questions. Madam President, given the nature of this legislation before us and it's very clearly a bill that probably would have been far better suited for initial consideration by the Government Administration and Elections Committee, as this clearly is going to affect elections in the State of Connecticut. Madam President, I make a motion to refer this bill to the Government Administration and Elections Committee.

THE CHAIR:

Senate will stand at ease for a moment.

Senate will come back to order. Senator Looney.

SENATOR LOONEY (11TH):

cf  
SENATE

53

April 27, 2016

Yes, thank you, Madam President. Madam President, I would urge rejection of the motion to refer and would ask for a roll call vote on that motion.

THE CHAIR:

A roll call vote will be taken. Will you remark further on the motion? Senator Markley.

SENATOR MARKLEY (16TH):

I simply rise in strong and let me say principled support of the motion of Senator McLachlan. This bill as amended, as I understand it, has no impact on municipal funding, which was initially a large part of the bill. The entire impact of the bill is now on election districts and how we can say that a can bill whose entire impact is on election districts does not need to go to the GAE Committee, which oversees all aspects of elections is beyond me. I think in the name of -- of -- credibility of the chamber, this referral is well urged by Senator McLachlan and I would ask my colleagues to support it. Thank you.

THE CHAIR:

Will you remark further on the referral? Will you remark further on the referral? Seeing none, Mr. Clerk, will you call for a roll call vote on the referral. The machine will be open.

THE CLERK:

Immediate Roll Call has been ordered in the session  
on the motion to refer. Immediate Roll Call has  
been ordered in the Senate.

THE CHAIR:

Those of you that are coming into the chamber, this is not on the bill, this is on the motion to refer it to a committee. Just want to clarify since the board is not correct. This is a motion, this is not on the bill. This is on a motion to refer this bill to a committee.

Those who have just been to the -- the chamber, this is not on the bill, this is on a motion to refer the bill to the -- to another committee.

Those that are coming into the chamber, so that you know that this is not on the bill, this is on a motion to refer this bill to a committee.

Everybody that's coming into the chamber now, this is not -- you're not voting on the bill, you are voting on a referral to a committee.

All members have voted, all members have voted. The machine will be closed. Mr. Clerk, will you please call the vote.

THE CLERK:

On the motion to refer.

Total number voting	36
Necessary for Adoption	19
Those voting Yea	15
Those voting Nay	21
Those absent and not voting	0

THE CHAIR:



cf  
SENATE

55

April 27, 2016

The motion fails. Will you remark further? Will  
you remark further? Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Madam President, I'm -- perplexed once again that we have rules in this Senate chamber that apply some of the time depending upon who the proponent is and don't apply other times.

I -- I know that there was a time where there were mandatory referrals in this building to legislative committees and frankly, in the minority I believe that's a very important thing and -- and in the -- if I were in the majority, which I hope to be next year -- I would like to say that I would encourage that we return to that rule.

This bill is all about elections. And I opposed the bill in the Judiciary Committee because I thought it was ironic it was being proposed as some way to do away with gerrymandering, but it's exactly doing gerrymandering.

You see a resident of a prison lives in the town in which hosts the prison. That's their residence. But for some reason, our state, our legislature, and apparently four other states, New York, Maryland, Delaware, and I forgot the fourth one -- four states out of 50 states in the United States of America, have decided that they have a new creative way to gerrymander and I think that's what it is.

So here's why I believe that it's gerrymandering. What about the community that is hosting all of these people? In the case of the seventh senatorial district -- Senator Kissel's home district -- hosts 8,000 residents. Those communities provide

municipal services, fire protection, backup police protection, things of that nature, utilities, all of those things are provided to the state prison facilities. Why is it all of a sudden that that doesn't count? That they -- those communities shouldn't have the weighted representation of Senator Kissel's seventh senate district as a result of them hosting these facilities?

The city of Danbury hosts a federal correctional institution. They have a very fluid population. There's a major expansion happening there as we speak, which may add as many as 400 new full-time prisoners on that campus. Probably the nicest piece of real estate in the whole City of Danbury overlooking Candlewood Lake, owned by the federal government, has been there for a very long time. Right after World War II was when it was built and so now we'll have about 2,000, perhaps more, full-time prisoners at the federal correctional institution in Danbury.

And so, here's one of the specific problems that I have with this legislation. And through you, Madam President, a question to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR MCLACHLAN (24TH):

Thank you. Senator Coleman, the legislative narrative report talks a little bit about federal facilities, but it doesn't answer the question in my mind of what is it about the 2,000 full-time prisoners, residents of the city of Danbury in a federal correctional institution -- how will they be

treated in this new scheme of redistricting in Connecticut?

Through you, Madam President.

THE CHAIR:

Senator Coleman. Senator Coleman, please. Thank you.

SENATOR COLEMAN (2ND):

Thank you, Madam President. Through you to Senator McLachlan. There is provision in the bill for reports to be made to the Secretary of State regarding the last known residence of those who are being incarcerated at the federal facility, and that, I guess, in short, in response to your question is how they would be treated. They would be counted at their last known residence prior to their incarceration.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Through you, to Senator Coleman. The report talks about inmates with unknown or out of state addresses or inmates that are residing in federal prisons, and it says the bill requires the Office of Legislative Research to ensure that these inmates are not counted "not counted in the geographic unit of the inmates' prison. Instead, they must be counted as part of a

cf  
SENATE

58  
April 27, 2016

state unit, not tied to a specific geographical determination." Could you translate that into layperson's terms, because what I'm reading is they evaporate.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. I would interpret those lines in the bill as applying to anyone who's last known address is simply unknown and I think it would be similar to the way in which a person who is deemed to be homeless might be treated and counted for purposes of the census.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Through you, Madam President. If I'm not mistaken, homeless are counted at the homeless shelter. At least, in Danbury, they're residence for voting purposes, for state benefits, official mailing address is the city homeless shelter in the city of Danbury. So they actually do have a technical address.

What I'm referring to is, in the case of the Danbury federal correctional institution, the population of

that institution, which will grow to 2,000 or more, represents prisoners from 20 states in the United States of America. So, what happens when most of the prisoners are not Connecticut residents at their last known home address?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

I apologize to the good Senator, I'm not sure I'm comprehending the question. Maybe if he repeats it, I'll ...

THE CHAIR:

Would you repeat that, Senator McLachlan, please?  
Thank you.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. In -- in the Danbury federal correctional institution, they'll -- after their expansion -- which is underway now -- they'll have roughly 2,000 full-time prisoners residing in the -- in the facility.

Those prisoners represent 20 states in America, was their last home address. Not Connecticut. From across the country. How is that population treated in this redistricting scene that is part of this legislation?

Through you, Madam President.

cf  
SENATE

60  
April 27, 2016

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. I think I understand the Senator's question, but they would simply be treated as -- counted wherever their last known address is. Whether it be within the State of Connecticut or outside of the State of Connecticut.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. So, essentially what I'm saying is that -- that this language doesn't effectively address, in my -- my personal opinion, a federal prisoner that resides in the state of Connecticut because we're not gonna' to take credit for them anymore and I'm confused, why would we want to do that? The federal census acknowledges. I'm -- I'm confused why we are walking on these residents and I do believe that it affects the city of Danbury in a great way. Let me explain why.

The federal correctional institution relies on the city of Danbury for a great deal of city services. There's a sewer pump station that was built for the facility and -- and a nearby reservoir that helps provide utilities to the building.

The paid fire department and the neighborhood volunteer fire companies have trained specifically for search, rescue, and fire in a secure building of that nature. The police are connected very carefully -- the police department == is connected very carefully with the facility for security purposes and if a terrible event should occur.

So, my point is that if we're doing all of this as a community, it makes no sense to me that you want to take away that representation from the city of Danbury. Can you clarify for me why that's wrong?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. Through you, to Senator McLachlan. I'm not sure how the Senator's reaching his conclusions. I think that the authorities at the federal facility in Danbury can report if they choose to, to the Secretary of State regarding the last known residence of any individual whose being held as an inmate at the correctional facility in Danbury, and certainly if such a report is made, then those who have indicated their last known address to be the state of -- in the State of Connecticut, would be counted in the State of Connecticut.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Through you. So essentially, let's make an assumption because 20 states are represented now with the population and it's my understanding that it -- over 90 percent of the population is from out of the State of Connecticut.

So, those 1800 roughly prisoners who are currently counted in our redistricting calculations in the State of Connecticut, are not going to be counted here anymore because they don't -- they -- they're home of residence when they were incarcerated is somewhere else. Another state. How is that -- I don't understand what's the justification for that? Why wouldn't you just totally exclude the federal facility from your calculation if -- if -- from your calculation of this new redistricting scheme, when it's patently unfair to the city of Danbury?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. I guess, unfairness is in the eye of the beholder, or fairness is in the eye of the beholder and if there are persons who are incarcerated at the federal penitentiary in Danbury, who is reside in the State of Connecticut, I think certainly we want to know that and we wanna' count them appropriately as wherever their last known



address was. And I think this is a matter of fairness and it is a matter of equity, and I guess there are a couple of tests that you can employ, I suppose, to make it clear that it is a matter of accuracy and fairness and one is if those individuals were to have their voting rights restored, where is it most likely that they would be voting? They're not voting in Danbury. Moreover, another test that can be applied is where is it that these individuals are most likely to return upon their release? Again, I submit to you that it's probably not Danbury.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Thank you, Senator Coleman. Certainly, this is just a little twist on the same concern I believe that Senator Kissel had, that the host communities of a correction facility are those who I believe are hurt in this proposal by the majority party in the State of Connecticut and I'm -- I'm disappointed but more importantly, think it's necessary for my constituents to understand that this legislature is proposing taking away some of the representation that is currently due Western Connecticut because it is -- the thought of this majority and this proposal -- that many of the state institution residents probably reside in a major city of Connecticut and so therefore it will dramatically change those boundaries. But Danbury is sort of stuck in a loophole I believe, in this proposal, in the way that you're considering federal

prisoners, 1800 of whom will evaporate and here's why I say that.

If there's only four states in the country that currently have what you're proposing here today, then we can assume that most of those 1800 out of state prisoners that the federal correction institution in Danbury will never be counted anywhere and that is not fairness.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President, to Senator McLachlan. Again, I think fairness is in the eye of the beholder. What is clear, and I guess we should agree, that the city of Danbury is being over-represented in this general assembly. What I mean by that is that if, for example, the senatorial district is drawn around 94,000 people. If there are 2,000 people who are being held at the federal facility in Danbury, your district would probably include about 92,000 people and consequently the benefit to the city of Danbury is that they are actually over-represented here in the Connecticut state senate.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

cf  
SENATE

65  
April 27, 2016

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. And through you, Madam President, I think that that sort of crystalizes our disagreement, actually. For the residents of Danbury and the taxpayers of Danbury who are providing benefits to the federal correctional institution residents -- prisoners -- we respectfully disagree, and I believe also the residents of the Senate's seventh district -- Senator Kissel's district would probably also disagree based upon what they are providing to the State of Connecticut and the residents of the correctional facilities there. Through you, Madam President, if I may ask -- shifting a little bit -- to the city of Bridgeport.

Senator Coleman, Bridgeport has a correctional center which is not really a permanent incarceration facility as I understand. What is the population of the Bridgeport correctional center?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President, I do not have that information at my disposal.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

cf  
SENATE

66 001151  
April 27, 2016

Thank you, Madam President. And through you, Madam President, Senator Coleman, it's my understanding that the -- the population of the Bridgeport correctional center are primarily temporary prisoners. They're not a long-term -- they're -- they're generally speaking -- a short-term incarceration. Is -- is that you're understanding as well?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, I don't have any information. It is not -- my understanding that the -- if the good Senator's referring to the Bridgeport correctional center -- it's my -- my understanding that the persons that are incarcerated there are incarcerated there temporarily.

Through you.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Through you, Madam President. That -- that's always been my understanding. I could be wrong, but it's my understanding that -- that someone who is in a short-term incarceration could likely be incarcerated there and if it's a long-term incarceration, they tend to go to one of the other

facilities in Northern Connecticut, but having said that, will the Bridgeport correctional center be included in the calculation under this proposed legislation?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. Just referring back to the previous question, I guess any inmate other than someone who's serving life without the possibility of parole, I guess could be considered to be incarcerated temporarily. So I guess I'm a little confused by that question, but yes, in direct response to the current question, the Bridgeport correctional center would be included and would be subject to the provisions of this bill. Thank you, Madam President.

Through you.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Through you, Madam President. Well, the -- the reason why I -- I raise the issue of the Bridgeport correctional center is with the assumption that the majority of the -- of the prisoners in that facility are relatively short-term and this proposal takes a snapshot of the prison population at a given point

in time and then sets in stone new legislative boundaries based upon the prison population at that given point in time, and we all know the prison populations are a very fluid population.

It seems to me, that a temporary facility with such a fluid population, far more fluid, I believe, than that of the other state institutions -- which I think in earlier conversation with Senator Kissel had determined that it was a average three year stint in -- in those facilities -- that now this creates an even more unusual challenge to land, the population of -- of Connecticut prisons in a home town because in Bridgeport, it's a 90 day, six months tops kind of a facility, is -- is what I've been told in the past. And so if that's the case, that snapshot in time is not indicative of any stability of residents for calculation that's gonna' last for 10 years.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, through you, and unless I'm misunderstanding the question, I think it's all the more reason why we should rely upon the last known address of an inmate in order to determine what should be reported to the census, and I would add further, both with respect to the comments made by Senator Kissel as well as those being made by Senator McLachlan, I'm not sure -- concerning the references to snapshot in time or a magic day of determination -- because that is pretty much

precisely the way that the counts are taken now.  
Particularly with respect to prison inmates.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Well, the snapshot of course -- you are correct, a census is a snapshot in time, no question about it. Our point, I believe -- I can't speak for Senator Kissel, but I can certainly share my opinion -- is that the stability of the population of a correctional facility is not likely to last anywhere near 10 years.

I've resided in the same house for 22 -- I forgot how many years -- 22 years, I guess it is. All of my neighbors around me for the most part, have been there 10 years or more. I don't believe that's the case in the prison population and so it seems to me that this snapshot of the prison population and including that as part of legislative redistricting is misguided.

Through you, Madam President, to Senator Coleman, why are congressional districts not affected by this proposal?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. If I may, again, comment on the snapshot in time -- many of the individuals that reside in our communities throughout the state of Connecticut are characterized as transient individuals and they may not be in one place of residence for 10 years. They may be there just for a couple of months. That doesn't change. Whatever date that the census count occurs is the place of residence that they report. There's nothing different provided for in this bill. And as far as the congressional districting is concerned, perhaps at some point in the future, we ought to have a public hearing and solicit input from those individuals who may be affected by the drawing of Congressional districts, to say whether it would be a good idea or not a good idea to count prisoners in a specific way with respect to the drawing of Congressional districts.

We did not, as a Judiciary Committee, receive any information particular to the drawing of congressional districts in connection with this bill.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Through you, to Senator Coleman, is it true that federal election law doesn't allow you to do what you're doing in the State of Connecticut with congressional districts?

Through you, Madam President.



cf  
SENATE

71 001156  
April 27, 2016

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. I can't state with any definiteness whether there is federal law preclusions. I've heard arguments that there are provisions within the federal constitution that would provide for the counting of population and the drawing of congressional districts that would be different than what any provisions that would permit the drawing of legislative districts.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. So, through you, Madam President, to Senator Coleman. Then, what was the decision making process that excluded congressional districts in this proposal?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

The decision making process probably had something to do with the application of federal constitutional provisions. But also, probably with what was manageable and what was practical as at least an initial step in order to bring about a greater accuracy and fairness with respect to legislative redistricting and municipal redistricting.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Through you, Madam President. So, an amendment that we have filed to include congressional districts would be against -- if, should it pass -- which, a republican amendment doesn't have a very good likelihood of passing in this circle, but if it would pass -- would it be in violation of federal law?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. I can't say with any specificity. I haven't done any more than superficial research with regard to that and I just know that there's some indication from some that indicate that there is -- would be some conflict with federal constitutional provision, if we were to

cf  
SENATE

73 001158  
April 27, 2016

have this bill applied to the drawing of congressional districts. Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President and through you, Senator Coleman. Why don't we use New York as an example because I think it's our closest neighbor who has similar law in the books now. One of the four states in the country that currently have this type of redistricting on a -- in their state. Are you familiar with the New York redistricting law similar to this proposal?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, I am not entirely familiar with the New York redistricting law. I know that Maryland has passed a law that does involve the drawing of congressional districts and if I'm not mistaken, there may be a legal challenge to what Maryland has done.

THE CHAIR:

Senator --

cf  
SENATE

74 001159  
April 27, 2016

SENATOR COLEMAN (2ND):

Through you Madam President.

THE CHAIR:

Oh, sorry. Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. So that actually was my next question, but it -- of the four states that currently have this legislation -- have this redistricting law -- is Maryland the only one, to your knowledge, that had considered congressional district redraw as part of their proposal?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. Yes, to my understanding, Maryland is the only one. California, I understand, does not implicate congressional redistricting, nor does Delaware. Nor does New York. And Rhode Island has a bill that has passed to state senate in Rhode Island. I would say that the trend toward counting prisoners at their last known address is -- well, the trend is counting prisoners at their last known address for purposes of reporting to the census and for the drawing of legislative districts.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. So, I guess 10 percent of 50 states could be considered a trend. I -- I would say a trend probably might need to be a little further along down the road before it's considered a trend -- I'd say these are still the newcomers to the idea and I -- I'm just uncomfortable with our having different rules for redistricting in state legislative races and in municipal redistricting and then having a different rule for our congressional districts. I -- I'm just having a hard time with understanding why we would want to do something like that that is not in conformity with federal election law.

I understand the politics behind it, and this is a purely political bill -- I mean, it's all about the politics. You know, the fairness issue that I mentioned about the federal correction institution in Danbury is the fairness of the -- the host community being granted the stronger representation, if you will, based upon prisoners being in their community. We're taking that away and I don't think that's fair at all.

This bill talks about residence unknown. Could you clarify for us, please, what -- what is -- if residence is unknown -- where does that prisoner's apportionment for legislative boundary redistricting go? What -- who -- who are they? I mean, are they gonna' stay in the prison and be counted there or do they go into a lottery and be granted one of the 163

cf  
SENATE

76 001161  
April 27, 2016

towns -- 160 towns in Connecticut? One of those towns? How -- how is the unknown address handled in this calculation?

Through you, Madam President.

(Senator Hartley in the Chair.)

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

Good afternoon, Madam President.

THE CHAIR:

Good afternoon to you, sir.

SENATOR COLEMAN (2ND):

Good to see you. And through you, to Senator McLachlan. Obviously, I'm not a census expert, but my understanding and my reading of the provisions of the bill is that for any person whose address is unknown, that person would not be associated with any geographical area. They would be counted for purposes of the census, as an individual but would not be allocated to any particular geographical area.

Through you, Madam President.

THE CHAIR:

Thank you. To you, Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Through you, to Senator Coleman. Senator, do you share the concern that I have, that we have an unknown element here? We don't know, because you haven't seen reports of the population of the Connecticut prison system current population's residents before they were incarcerated, so we don't even know where they're coming from, what cities. We can imagine that many of them came from larger cities just by simple math of -- of population in those larger cities, but that may or may not be the case, so we haven't seen definitive description of what we're trying to fix and we don't really have definitive description of how the boundaries are gonna' change and now we have the unknowns. And I call it the third unknowns because the unknown, we don't know how many of them there are unless you know how many unknowns there are in the prison population in the State of Connecticut.

Through you, Madam President.

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

And through you, Madam President, to Senator McLachlan, I do not know the specific number of unknowns, my sense is that there are a vast number more knowns than there are unknowns.

Through you, Madam President.

THE CHAIR:

Thank you. You have the floor, Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Thank you, Senator Coleman. Senator, one -- when this -- when this proposal came about -- I know that -- I -- I know that it's a good idea not to reinvent the wheel and when we see in my business -- my real estate business -- we see a good idea, we like to take a good idea and apply it to -- to our business and hopefully make it successful in -- in business. And in government, we do the same thing. That's why there are organizations like National Counsel of Legislators and Women in Government and all -- all of those organizations that help legislators come up with good ideas that have worked elsewhere across the country.

And so, four other states and -- four and a half states, because Rhode Island now has made it halfway through their legislature -- have passed this idea but yet in Connecticut, I don't feel like the proponents of the bill -- and I don't know if you're personally the proponent of the bill or -- or who the proponent of the bill is -- but I don't feel like we've done our homework on what's the -- what's the end result here?

If -- if you're trying to affect change in legislative boundaries in the State of Connecticut, it seems to me that somebody would have done some research ahead of time and found out that 5,000 residents of the prison system were from Hartford and 5,000 were from New Haven, and 5,000 were from Waterbury, or whatever it is -- I mean, I'm just -- I'm not picking on those three towns by -- any



cities -- by any stretch of the imagination. But somebody must know what it's going to mean 10 years from now, in our legislative boundaries and I'm not hearing that anybody's done that homework and I'm wondering weren't you wondering what it would look like -- what the boundaries will look like or what the impact would be on the communities who are losing representation? Have we given thought to those ideas? Through you, Madam President.

THE CHAIR:

To you, Senator.

SENATOR COLEMAN (2ND):

Thank you, Madam President, and I reiterate as I've said throughout this debate -- my interest is only fairness and accuracy and I think that this bill accomplishes that. How the districts end up drawn, is not really my concern. I mean, it is my concern but that's not the primary or the main objective in promoting this bill, and I think the accuracy and the fairness of representation, getting as close as possible to the whole principle of one man, one vote -- is what this bill seeks to achieve.

Through you, Madam President.

THE CHAIR:

Thank you. You have the floor, Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. And thank you, Senator Coleman. I think I'm winding down on questions for ya' specifically, but what I've found in debate of

this nature is sometimes a question creates many more. Can you share with me, what's the population of the Connecticut prison system today?

Through you, Madam President.

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. Through you, to Senator McLachlan. It's about 16,000 individuals.

THE CHAIR:

Thank you, sir. You have the floor, Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President, and does that number include the Bridgeport correctional center?

Through you, Madam President.

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. Yes, it does.

THE CHAIR:

You have the floor, Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President, and finally, does that number include the population of federal prisoners at the federal correctional institution in Danbury?

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. No, it does not.

THE CHAIR:

You have the floor, Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. And through you, Madam President. Finally, could you share with me, 'cause I wasn't here then -- but, approximately -- just approximately, what was the population of the Connecticut prison system 10 years ago?

Through you, Madam President.

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

Approximately 10 years ago, I don't recall what the numbers were. I know that we were probably coming off of a substantially overcrowding situation in the

Connecticut correctional system. To the point where we were facing federal intervention and we were facing the prospect of exploring sending prisoners out of state and we were also exploring the notion of expanding the number of units in our correctional system, including the construction of newer prisons.

Through you, Madam President.

THE CHAIR:

Thank you, sir. You have the floor, Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. I -- I seem to recall that although, I was not a member of the senate at that time, it -- but it is my understanding that it's somewhere well over 20,000, so it was a significantly higher number than it is today, and if I'm not mistaken, it could have been in the mid-20's, somewhere around 25,000, way back when. Which I think we can agree, the prison population in Connecticut is dropping dramatically. Given the programs that -- that you Senator Coleman and others here in the legislature and our current governor have worked hard on -- the incarceration rates are dropping, which I would say is probably a good thing as long as we're properly managing that population.

So, if -- does that have any impact if the -- if this population is changing dramatically -- does that have any impact on your thoughts about the calculation of a boundary every 10 years and the boundary calculation 10 years ago would have been based upon a population of 25,000, let's say -- and today it's 16,000, which is a 35 or 38 percent

decrease. Does that sound fair to the host communities who have lost that representation with this proposal?

Through you, Madam President.

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. It's -- it sounds more than fair to me, especially considering that all of the host communities have received pilot payments by virtue of the fact that they are hosting correctional centers. Some of those host communities have received financial support for infrastructure maintenance and improvements. There have been those financial considerations that have been made in behalf of those communities that are hosting correctional centers. But I'll reiterate again, that I think the motivation behind this bill is greater fairness and accuracy, in terms of the drawing of legislative and municipal districts and as I've pointed out at least once this evening, afternoon -- the town of Enfield at the municipal level already does not count the prison population when it draws its municipal districts and I think that they are part of the trend that I referred to, and that trend is counting inmates where it is most likely that they will reside upon release, or where they resided prior to their incarceration and are likely to return to upon their release.

Through you, Madam President.

THE CHAIR:

Thank you. You have the floor, Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Thank you, Senator Coleman, for your responses to my questions. I must say that I always enjoy a debate with you. We -- we do agree a lot, but when we disagree, we disagree in a big way and this is one of those cases where we disagree in a big way because it's -- it seems so ironic that we're both using the same argument of fairness and it's clear to me and to others that I talk to about this topic that this bill set out to address an issue of gerrymandering, which I think is frankly a misused terminology because this building is responsible for gerrymandering, I mean, that's -- that's -- we designed the boundaries right here in this building -- so I -- I don't -- I don't disagree that it's a case of gerrymandering but we're both using the same argument. It -- it just seems so ironic that we both think it's fair and we both think that it is to some degree, either addressing or increasing gerrymandering, and that tells me that it needs further study.

And so, Madam President, I -- I will continue to oppose this bill, I opposed it in the Judiciary Committee, I mentioned, you may recall, in the Judiciary Committee, the point about the federal prisoners in my district, and I do believe that there are a number of people in this circle who feel that it is fairness for their constituents to support this bill, but I think they're missing some of the many unintended consequences.

And that's what worries me, is that we haven't really done enough homework on this bill to know

what the future impact can be. There is clearly a fiscal note on here that it could have significant impacts on cost to report all of this data. We seem to have tried to address the issue of federal grants to municipalities but I'm not convinced that we have with the amendment. And this is an idea that isn't ready for the big time. This bill belongs before the Government Administration and Elections Committee next year, where we can study all of those questions that I've raised today.

And the first thing I would do if it were before my committee is contact Commissioner Semple and say please tell me where your population comes from. And then I would pass that information on to the people who worked on the redistricting the last time around here in Connecticut, and ask for their opinion, what's going to happen to district boundaries neighboring the facilities that are impacted by this calculation change?

And I think Senator Kissel really zeroed in on what happens. It's a domino effect. Because the Senate districts will change and even though Greenwich is a long way from a correction facility, the domino effect means that everything that surrounds senate district seven and most of the correctional facilities in Connecticut, there are some pretty dramatic changes up there. If you're shifting population out of those facilities into Bridgeport, now you're dramatically affecting district boundaries in Fairfield County as well. So it's a very -- it's a very dramatic shift.

In Waterbury, I think you're gonna' see a very dramatic change because Waterbury is -- in the Senate -- split in two and if I'm not mistaken, each of those Senators -- I don't know the boundaries by

heart -- but I'm sort of envisioning them, Madam President, you -- you represent a portion of Middlebury, I think and -- and a big part of Waterbury and that will shift. Your concentration will be in Waterbury. You won't -- won't have the suburban area. The -- I'm not sure that people are really thinking this through. And how well does that serve the suburban communities of the State of Connecticut? So, my assessment is, this is a big city bill. And -- and here's why.

If you look at the history, and I'm not the historian, I hope our esteemed Republican senate historian will speak later on this topic, but I'm not a historian, I'm just a history buff, but I do know in the State of Connecticut there was a dramatic shift in the makeup of the Connecticut general assembly where at one time, kind of hard to believe this, but at one time, the leadership of the Connecticut general assembly tended to be suburban farmers -- farm country -- and the cities were properly represented by population but the power, if you -- will -- if you will -- was in small towns.

And there was a very dramatic shift where it -- it -- changes were made -- some would say this was a good idea -- I'm not disputing that it wasn't a good idea -- but I'm just giving you a little history lesson and I wish I had all the details at the tip of my tongue, but I'm afraid I don't. This shift was a sea change in the Connecticut State Capitol. Very dramatic. Didn't happen over a little period of time, it was one big sea change. Very dramatic impact on the government of Connecticut. Now, the proponents of this bill would probably say, yes, and that was good. And I'm not -- I'm not gonna' get into that debate because I'm not prepared for that debate. However, this bill is one of those kinds of



changes. You're dramatically affecting legislative district boundaries statewide. Not just big cities, but -- but statewide. And I don't think we're prepared to make that decision today.

I would urge rejection of this bill because I think if we study it further, in the Government Administration and Elections Committee, get answers to the questions that I've asked today, with data and somewhat projection of what could happen, what will happen, in the next redistricting as a result of this, then people would take pause and consider it in a different way than they are on a purely partisan vote today. Because today it's just a purely partisan vote.

But I would venture to guess that there are majority democrats in this circle that may get the answers to those questions and change their vote if they understood what the impact to their area of Connecticut really is. We need to do more homework on this and I urge rejection. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further? Will you remark further? Senator Markley, you have the floor.

SENATOR MARKLEY (16TH):

Thank you very much, Madam President. It's a pleasure to see you there and it's a pleasure to be on my feet in this chamber. It's funny, I -- I may as well say now as -- as any time, how as much as I enjoy speaking generally, I never rise here without feeling a little bit intimidated, I think it's the

only place on Earth I really feel that way, because I feel like everything I say should be memorable and succinct, although I may not be succinct in this particular case, and well phrased and I can't do that.

Senator McLachlan gave me a nice segue -- a little -- a little ways back in his closing remarks when he was commenting on Senator Coleman's response to questions and I thought too, as I was listening to him today, over the six sessions I've been up here with him, how much I have admired the patience and seriousness with which he's responded to questions every time that he's -- that I've seen him questioned, and sometimes I've seen him questioned at great length and I've never seen him betray any discomfort or displeasure at -- at that line of remark. I've -- I'm afraid I would have at certain points, so my admiration goes out to you, and I'll ask you a question -- a couple in due time too, but not too -- not yet, sir, and not too many.

I'll say a few things -- I'll say a few other things before I get to that. You know, I think -- and here's what I was going to say, I guess, in -- in terms of -- of respect and admiration for my colleagues in this circle -- I feel like I enjoy -- there's a lot of things we do which we agree on, and which people aren't as aware of as they should be, and sometimes I think we don't give as much credit to as we might. The committee work that we've done on human services, the committee work we've done on public health, in which virtually everything that comes out of the committee has come out unanimously in which I felt that I worked with my -- with the Committee chairs without any signs of a partisan divide on the issues that we worked on together and frequently very much in a kind of united front. Not

only in the face of the problems but sometimes resistance from state agencies.

Then there's things that divide us which I think are -- are purely philosophical. I think the budget questions fall into that category. Issues where we simply have a different idea of what government should do and what government's capable of doing. Those will come up later in this session as well, the -- the state mandated insurance fund is certainly one of those -- something of that sort. The things that have to do with contracts between employees and employers. I am reluctant to extend the power of government and interfere with personal relationships. Others see government more as a force of good and go forward.

There's a third category of things which this bill to my mind, falls into, and that's things which I think are -- involve matters of the partisan struggle that goes on between us.

I'd say that especially in the form in which this bill has arrived at -- thanks to the amendment that Senator Coleman put on it -- its impact is purely on the formation of voter districts, and to my mind, nothing could be more a matter of partisan politics than the makeup of the districts, just as the redistricting process inevitably is a struggle between the parties for advantage. Inevitably, naturally, and possibly it's beyond something to be regretted. It's something simply to be accepted because we are in a kind of a -- a permanent tussle that way.

And I can't help but feel that the motivation behind this bill -- at least in part -- is to count population back into urban districts which would

cf  
SENATE

90

April 27, 2016

increase the power of the majority party by possibly increasing the number of districts, especially in the case of house districts and forcing, as Senator Kissel mentioned, the expansion of Republican leaning districts deeper into Democratic territory.

Certainly I say that it seems to be that if that were not the case, the congressional districts would be taken up at the same time as the state legislative districts. But since all five congressional districts are in the hands of the same party, I feel like there's no incentive at that point to move forward with any changes in the lines.

The place where the -- where the struggle is going on is in the state legislative level and that is the only level which this particular bill addresses. And behind this is the premise that the cities would benefit by having more representation. I think that the majority party has done a good job of framing this question. I heard a show on public radio a couple of months ago, in which an entire hour was devoted to the question of what they called prison gerrymandering, saying that districts had been -- that the -- the counting of prisoners in the districts in which they actually reside was somehow gerrymandering because the natural thing would be to count them where they come from, and in this particular show as is so often the case in public radio, I felt like my side of the argument was not represented at all. There were -- there was heated agreement among everyone on the panel that it was an unfair practice.

I think that -- that -- that approach and that term itself is a very clever way of framing the debate. So, again, I return to the -- what I -- where I was headed, which is that the premise that the cities

would benefit from having more representation. I feel that the cities as a group have tremendous power at the state legislature already and I might say again and the -- since I'm in the mood of -- of complimenting my -- my colleagues before -- before we get into the last grim days of the session -- that I think that the cities have been unusually well represented.

I would say that my colleagues, the -- the two gentleman I serve with from New Haven, I think are exceptionally able and dedicated and intelligent legislators -- the two folks from Bridgeport are two of my very favorites, I don't know why, but Senator Gomes and I have always had a kind of a -- I think maybe in a different life [laughter] -- we might have had a relationship -- we don't in this one -- and -- and I -- I feel the same way with Senator Coleman, as -- as I said before, I think they've been extremely well represented.

My -- my disagreement is not with the quality of the representation or the amount of the representation, but the philosophical orientation of the representation. I think what the cities need is to be represented by people who have a philosophy which would create the kind of economic growth which we need in this state to lift our cities out of poverty, and I'll say again, as far as that goes, that the state cannot thrive unless these cities are brought back and I'm old enough to remember, especially in the case of Bridgeport, where I frequently went with my father for business, what a bustling city full of industry that was, and how much I would like to see that -- that restored.

And Waterbury in the days when it was a -- a retail center where if you came from Southington, that's

where you went shopping, or New Britain or Meriden. Not out to the mall, not out Queen Street. I think we should -- I think we should maintain the system that we have in terms of the counting of the prisoners and I think the idea that somehow counting people exactly where they are is gerrymandering is a -- is a very odd concept indeed.

And I will say that there is a correctional facility of -- of several parts in my district in Cheshire and I very much consider it part of my district. I've been there, I've been -- in fact, in classrooms with the youth who are incarcerated there, and found that as I do anytime I have the chance to be in a classroom, of rewarding and I would almost say, an encouraging experience, because these -- when you spend any amount of time with these young men -- they were all young men -- you realize that they're kids like anyone else and in that classroom situation, you can reach them and help them.

In fact, I hope to be back there -- I was there speaking to the history and government classes and I hope to be back there someday with the opportunity of speaking to an English class. I -- perhaps, they would be the people who would be most likely to -- to want to pursue something like -- like literature, having fewer distractions than any -- other ways of more popular choices for young men in their lives.

I think that those people are -- are part of my district, they're part of the responsibility of the town of Cheshire, which in fact, has felt in some ways burdened by them in -- in terms of the water and sewage and the other things that the prison has to take care of, and that there's nothing more natural than to count people who are permanently

housed in a single residence within a district as being part of that district.

I would also say that I don't believe that there's a guarantee that the people involved with the prisoners have the ties that we assume they would, to the communities they come from. Either that they had a long-term -- a long-term residence in those towns before they were incarcerated or that they would necessarily intend to return to those communities when they're released. And I might asking questions of -- of Senator Coleman through you, Madam President, by asking that question. If we have any information, since so much of this is tied to the idea of the relationship between the prisoners and the towns that they come from -- if we have any information about the percentage of them, which upon release actually take up residence in the towns of their last address, through you Madam President.

THE CHAIR:

Thank you, sir. Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you very much, Madam President. And through you, to Senator Markley, first of all, I guess I would want to address the premise which I think is wrong, at least with respect to me, that the purpose of this bill is to advantage urban districts. I -- as I indicated to Senator McLachlan, I have no idea what the end result would be, but in my mind, it would be a matter of fairness and accuracy for prisoners to be counted where they are most likely to return upon their release or what was their last known place of residence prior to their

incarceration and so I understand the question. I don't have a response to the question because that was not my motivation for the bill, so I -- I don't know what the outcome of this would be, but I just think as a matter of fairness, this is what we should pursue as a policy.

Through you, Madam President.

THE CHAIR:

Thank you, sir. You have the floor, Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President, and I'll -- I'll ask you another question in a moment, I guess I'd say in response to your comment on your intention, I don't doubt that. Maybe my perception was skewed by the fact that the show I was referring to was very much about the idea that by saying Judicial gerrymandering or correctional gerrymandering -- I don't remember the exact term -- the idea was that it was a way of depriving the cities of political power and that that was the intention of counting people in those spots.

Obviously, the people have been counted there for so long, I don't know what the intent of the folks who originally started to count was. I -- I imagine they just said they're -- they're living in Cheshire. I mean they are living in Cheshire, if -- in the case of the -- of Manson Correctional Facility.

So we count them there. The idea of moving them raises -- was raised as a political question by



them. Leaving aside any political aspect of it, whether that's the intent of the legislation or not, the question would be, do we know to what extent people return to the towns where they last were at?

Through you, Madam President.

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President, and through you, to the good Senator. I don't have any such information.

THE CHAIR:

Thank you, sir. You have the floor Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President, a couple -- just a couple more questions for Senator Coleman, if I may. In the bill, it talks about information that would be provided by the Department of Corrections to Secretary of State. And again, for purposes of counting somebody for election purposes it seems completely reasonable to ask for the street address where they were incarcerated, where they came from before if we're gonna' reassign them back to the original community, for the purpose of the count an indication of whether the person is 18 years old or not of course, because of where, again, I -- I suppose counting them for voting purposes, although the total population is counted.

The question of -- of the provision -- the only other thing which is specified is the person's race and whether the person is -- is of Hispanic or Latino origin. I would ask through you, Madam President, what is the purpose in this case of providing that information?

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. I would remind my colleagues that most of this bill is done in conjunction with the Decennial Census and that is the type of information that would be solicited by those who are coordinating the census and so in order to accurately respond on behalf of the inmates, that information is needed by the Secretary of State in order to make her report to those responsible for the census.

Through you, Madam President.

THE CHAIR:

Thank you, sir. You have the floor, Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President, but through you, Madam President, am I not correct that the census already would be counting these people in their -- in their normal course of taking the census in the place where they are, so they're -- that count is taking place with a -- with a great deal of information

collected beyond -- beyond what's mentioned here, is that correct?

Through you, Madam President.

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

Perhaps I misunderstood the question. If I did, I apologize, but the same information that's being solicited by this bill is more than likely the same information that would be reported if -- including the race -- the questions regarding race -- would be reported if we were continuing the current system of counting the inmates as a part of the location where the correctional centers are located.

Through you, Madam President.

THE CHAIR:

Thank you, sir. Senator Markley, have the floor.

SENATOR MARKLEY (16TH):

Thank you very much, Madam President. Thank you Senator Coleman. And I suppose I will go on with my screed and allow you to relax.

I don't have the -- I -- I never -- I've never developed the interrogatory powers that some of my colleagues here have. I'm more of a lecturer, I'm afraid. So, I'll return to that, and I will say in response to Senator Coleman's answer just now -- it was funny, I actually worked for the census in one

of those temporary roles some many decades ago now and of course there's a short and a long form of a census. Both of them ask for a great amount of information. Much more than -- than what would be provided in this particular instance. I -- that -- that's what prompted my question.

If it were a matter of saying we will recreate the census questioning or gather that information to transfer it with that individual, I could understand it. It seems like -- in -- in seizing on -- on race national origin, etcetera, they've taken one aspect -- one very limited aspect of the census information and decided to focus on that and -- again, I would say sincerely, I'm not exactly sure what the purpose is because obviously a person is a person, thank goodness for voting purposes, so it doesn't matter from district to district where they would go.

I'll say a little bit more about the bill generally and I guess what I might say about it is the rather tortured language which I see in this bill in an attempt to talk around the clear situation of determining where somebody is and trying to count somebody as being somewhere where we know for sure they're not. Since we're talking about incarcerated people, there's no one in the state whose location is -- is so clearly determined, and yet, under this legislation, we have decided to create to my mind, a kind of a legal fiction that they're not in the place where they are and simply looking at some of the language of the bill -- in Section 3, subsection B, line 1 -- ensure that all relevant population counts reported in the census are as if the purpose -- person resided at that address on the date for which the census reports population but in fact, they don't reside, that's the one thing they do -- they do not reside at that address.

One of the strangest sentences to my mind is towards the very end of the bill at the -- at the bottom of section 4. Senator McLachlan made reference to it before. Residences and unknown geographic locations within the state under sub-division 1 or 2 of sub-section C, Section 3 of this act shall not be determined -- not be used to determine the average population of any set of districts.

This is what -- what he was talking before about people who are simply not counted at all. I feel like the idea of a residence at an unknown geographic location strains -- strains the language. The very fact of the residence establishes a location. It depends on you being someplace to be a resident. I don't know how you could said -- be said to be a resident at an unknown geographic location. Certainly not of an unknowable geographic location, and once again, I would say, the people of -- with whom we are dealing are people whose location of residence is perfectly known by us and is reestablished every single day by account.

All of this, I think should cry out to us to say that we're doing goes in the face of logic and I don't -- I don't see the argument from fairness unless it is a political argument, I guess I'd say, to Senator Coleman. But I will offer at least one amendment, if I may, Madam President. I believe the clerk is in possession of an amendment LCO Number 4491, if I could call that.

THE CHAIR:

The clerk is in possession of LCO 4491. Would the clerk please call? It'd be labeled Senate Amendment "B".

cf  
SENATE

100001185  
April 27, 2016

THE CLERK:

LCO Number 4491, Senate "B" offered by Senators  
[inaudible 6:43.01].

THE CHAIR:

Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President. I've -- I may have leave. I will -- I will move the amendment and beg leave that I may summarize.

THE CHAIR:

So granted. Senator Markley, you may summarize, sir.

SENATOR MARKLEY (16TH):

Thank you very much, Madam President. I -- I haven't don't it for a while. I -- this amendment would count people who are in fact imprisoned for life at the correctional facility in which they're imprisoned and it seems to me, in the name of fairness, that if we are going to -- if we're going to say that people who have ties to the community are unlikely to return to a community should be counted in that community, the people who will not be returning to any community should be counted exactly where they are, and for that reason, I would urge passage of this bill, which I think at least improves in a small way, a bill which is in a larger way, a general mistake.

cf  
SENATE

101  
001186  
April 27, 2016

THE CHAIR:

And Senator Markley, you move adoption, sir?

SENATOR MARKLEY (16TH):

I'm sorry, Madam President, I thought I had at some point in -- in that -- but thank you for reminding me. I move adoption of the amendment.

THE CHAIR:

Motions is adoption -- Senate "B" --

SENATOR MARKLEY (16TH):

And I ask for a roll call -- a roll call vote.

THE CHAIR:

And the request is roll call vote. When the vote is taken, it will be by roll call. Will you remark?  
Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. While I appreciate the intent and the substance of the amendment, I reluctantly rise to oppose the amendment and I oppose based on two considerations. The first is we're talking about a very small number of people -- it's approximately 60 people that fit the description of the amendment. And then I would take into account and to apply the section of the statutes 9-14 which basically says that no person loses his or her residence as a result of being held at a state facility. I'm assuming such as a corrections center or a state hospital, but in any

event, it seems that we probably ought to take into consideration as unlikely as it seems that even with the people who -- I don't know where they are right now -- I know they formerly occupied death row, there are appeals that are pending in connection with those cases and although it's unlikely that those appeals would be successful, particularly in the cases of those 11 individuals, there are approximately 50 or so others who may have been sentenced to life without the possibility of parole who are also -- whose cases are also probably on appeal. We don't know the outcome of those cases and consequently, I think just for consistency's sake and in compliance with the applicable state statute, I would suggest to my colleagues in the senate that we ought to oppose this amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Coleman. Will you remark on Senate "B"? Yes, Senator Kissel. You have the floor.

SENATOR KISSEL (7TH):

Thank you very much. Great to see you up there, Madam President. I stand in support of this. We're talking about allegedly rights to vote. About a group of individuals who have no right to vote unless and until they get out of incarceration. And I do believe we're using a magic wand and a magic day to do all this.

Well, if you're gonna' do all that stuff, why do you want to also include people -- and granted there may be 60 -- but 60 is almost twice as large as the number of Senators in this circle and I don't think



we would just discount ourselves. But if they were either on death row or have life without possibility of parole, given how I know the court system works, there's no likelihood that any of these appeals will be resolved any time soon. And there's certainly individuals that we know will never leave the Department of Corrections under any scenario and we could start naming them off if we were discussing and debating the death penalty as we have in recent years.

I'd like to go just very briefly to what we're talking about. The term as used gerrymandering and my recollection is that was a term coined regarding Massachusetts governor Elbridge Gerry and that he carved up districts that a little bit like a salamander and they combined Elbridge Gerry with salamander and they got gerrymandering. And it was done deliberately to try to create districts that were beneficial to him and his party.

And to be frank, I'm not sure if he was republican or democrat. But that's where it comes from. We're saying those of who are opposed to the underlying bill that the way this has worked for decades is Connecticut is correct. We're not carving up anything. We're not tipping over the dominoes. We're not setting anything in motion. We're not being like Governor Elbridge Gerry and we're not creating districts that look like salamanders.

If you're gonna' do this at least acknowledge that there are individuals that aren't leaving the Department of Corrections and that there's no reason to magically change their residence from where they're physical body is to where their last known address is. I think we gotta' get real with this bill and hopefully as the debate progresses, we will

because I gotta' hand it to the proponents that come up with these clever terms and captions for bills but as Senator Markley just stated, prior to offering this amendment, proponents get on radio shows and there's only one side of the story told and we never hear the other side of the story. For those reasons, Madame President, I strongly support the amendment. Thank you.

THE CHAIR:

Thank you, Senator Kissel. Will you remark?  
Senator Fasano. You have the floor, sir.

SENATOR FASANO (34TH):

Thank you, Madam President. Senator Markley had indicated that he does not have the interrogation skills of folks around this circle but he does have skills that I appreciate as he spoke against this bill and brought out this amendment.

Senator Kissel you always amaze me in the facts that you know that I don't think any other human being on the planet knows, so thank you for that lecture on gerrymandering.

If in fact, we are looking at this bill at it is -- as it is purported to be -- an accurate counting and representation for those who are incarcerated in that they should have a right to have a voice in their district I suppose, or counted as a number in their district -- it has to be presumed that after incarceration they're returning to their district.

That's an underlying presumption. Absent that presumption, the argument must fall on its face. Well, if that's true, as an assumption as they say,

it must be the foundation for which the bill is being presented. If the foundation is an error, the bill fails.

In this case, for this amendment, it makes sense that those who are incarcerated for their life are not going to return by the very definition of the sentence -- are not going to return back to their district.

So why would you count them in their district if they're not going to return to their district? That seems logical and consistent at least with the proponents who put this bill forward. Now I'm going to be talking later on about the actual merits of the bill, so I won't go into that right now but it seems to me that the purpose of this bill, giving the best case scenario for those who are in favor of this bill and although I don't agree with the fundamental reasoning for those who may be supporting this bill, which is representation in their district and having a right to have a voice in their district and having a right to know that when they return to their district their voice mattered in making their district better.

Well I would argue, if they're not going to return to their district, because they're sentenced to life, that their voice are in folks like Senator Kissel, because if the budget turns around and says we have to cut prisons or reduce work force, or reduce amenities at the prison, I would gather someone who's in there for the rest of their life wants to call Senator Kissel and not Senator Fasano who can't do anything about the conditions at the prison 'cause it's not who I represent.

I would argue, therefore, in favor of this amendment to say that if I am in -- if someone is into the prison for life -- Senator Kissel's the person who should be representing them, because the rest of their life, they're gonna' be under his jurisdiction.

Changes that they want to happen or not happen to their prison is through Senator Kissel. Not through Senator Fasano, if that's where they came from. So, he is the person who is his voice. He is the person and the other representatives of his district -- republican and democrat alike -- they are the people can do the most for 'em and if you really believe this is about representation and the right to have a voice, then you must believe that if you're in prison for the rest of your life, those are the people that should count. Not from where you came from that you're never going back to. And if you don't agree with that presumption, I would argue that this bill is what it's supposed to be, a power grab. Has nothing to do with representation. Has nothing to do with counting correctly. It is a power grab in this chamber. That's what it is. At least, let's be intellectually honest about it and the key point to making it intellectually honest is the fact that the lifers who are not going to get the benefit of their representation. Now, if you vote in favor of the amendment, I may have a different glimpse on that, but I don't think that's gonna' happen. This is a power grab. It will be defined purely by this vote, because this vote is the perfect, if you would, line to determine whether the true intent of this is representation, whether the true intent of this is to have a voice heard or this is a true intent to build up numbers to create districts for political power.

This is the vote that will make that determinative. Madam President, I wholeheartedly support the amendment Senator Markley has brought out for the reasons I stated. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further on Senate Amendment "A" -- excuse me -- Senate Amendment "B"? If not, will the clerk please announce impendency of a roll call vote?

THE CLERK:

Immediate Roll Call has been ordered in the Senate on Senate Amendment Schedule "B". Immediate Roll Call in the Senate.

THE CHAIR:

Have all the members have voted? Please check the roll call machine to make sure your vote is properly recorded. If so, the machine will be locked and the clerk will please take a tally and announce the tally.

THE CLERK:

On Senate Amendment Schedule "B".

Total number voting	36
Necessary for Adoption	19
Those voting Yea	15
Those voting Nay	21
Those absent and not voting	0

THE CHAIR:

The Amendment fails. Will you remark further on the bill? Will you remark further on the bill? Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Madam President, I -- I suspect that most who read this legislation initially, probably didn't see the underlying impact. Frankly, I think I've noticed a lot of folks who have raised some questions to me personally about it since the debate began and were surprised that this had potentially such a big impact on voting districts in the State of Connecticut.

I'm troubled by the underlying bill because of the purely political sense of the bill and the proponents of the bill don't seem to want to address the politics of it or acknowledge that it really is politics.

Having said that, I don't like the idea of having separate processes for municipal state and federal redistricting. So Madam President, the clerk should have an amendment, Number -- LCO Number 4490 -- 90. I'd ask the clerk to call the Amendment and I seek leave to summarize.

THE CHAIR:

The clerk is in possession of LCO 4490 and the Senator has asked leave. Please call the amendment.

THE CLERK:

cf  
SENATE

109 001194  
April 27, 2016

LCO Number 4490, Senate "C" offered by Senators  
Witkos, Kissel, and McLachlan.

THE CHAIR:

Senator McLachlan, you have the floor.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Madam President, I move the Amendment and seek passage.

THE CHAIR:

The motion is adoption. Will you remark, sir?

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. I'd also -- would request a roll call vote on this Amendment.

THE CHAIR:

The request is for a roll call vote. When the vote is taken, it will be taken by roll call, sir. You have the floor.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Madam President, earlier discussion this afternoon, we talked about other states who have implemented similar legislation to the underlying bill and one of those states, Maryland, included in their proposal the redistricting of federal congressional boundaries. This Amendment seeks to match that so that we use the same rules across the board for local, state, and federal redistricting. Now, I did hear that

there may be some problems with this idea, but frankly that's exactly why I wanted to have this discussion again.

You see, the federal government doesn't approve of what is involved in the underlying bill, and I don't think we are being fair in the process if we treat congress differently than we treat members of this legislature and local elected officials. But the underlying bill does exactly that.

Why is it that we would have one rule for a state representative and a state senator but a very different and impactful different rule -- for a seat in congress? Where? Well, anywhere there is a correctional facility in the State of Connecticut, whether it's a state facility or a federal facility. Let us be fair in the underlying bill and equalize -- that's such a novel idea -- but to equalize the rules across the board.

Well, Madam President, I urge adoption of this amendment which will allow the process that's being proposed in the underlying bill to apply to a federal seat in congress and all of the five congressional district boundaries in the State of Connecticut. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark Senator Coleman?

SENATOR COLEMAN (2ND):

Thank you, Madam President. Madam President, there may come a time when I would rise to support this particular amendment, but today would not be the day only because of some of the things that Senator



McLachlan mentioned in his explanation of the Amendment. There are some questions that need to be resolved. There, I think, are legal challenges to what Maryland has done and I think it would be advisable for us as a state to wait and see how those challenges are resolved before we take the step that Senator McLachlan is asking us to take today.

Additionally, during the course of the debate, there was some back and forth about federal statutes that may preclude or federal constitutional provisions -- that may preclude us as a state from weighing in on how congressional districts are drawn. And then, additionally, I think I and others would be much more -- would have been much more comfortable in addressing this particular Amendment if the issue had been raised during the Committee process and we could have solicited input from individuals who would have been directly affected by the inclusion of congressional districts as a part of the bill.

So for all of those reasons, at least for today, I would ask my colleagues to oppose this Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Coleman. Will you remark?  
Senator Kane. You have the floor.

SENATOR KANE (32ND):

Thank you, Madam President. Good afternoon. Speaking in favor of this Amendment. I just found it interesting. I wasn't gonna' speak, but Senator Coleman brought up the fact that if we did something like this, we would be in contradiction or even

violation of federal law. But just yesterday, Senator Coleman, we passed a bill for workers' compensation for firefighters that was in clear violation of federal law and no one made a -- a argument against that. In fact, 35 people voted for it. So, I just think that we need to be consistent in our messaging here in this chamber to the people of Connecticut.

One day we're in violation of federal law, but it's okay, the next day, we're in violation of federal law and it's bad. I think we just need to be consistent in this chamber. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kane. Will you remark? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Briefly, clearly I've made it clear that I strongly oppose the underlying bill and part of me says I wouldn't want to spread to a congressional district. But the other part of me says, what's good for the goose is good for the gander. If you guys really believe in this, move the federal issue. But, I can only imagine why the federal part wasn't addressed. I'm looking forward to this debate continuing because I think the more we learn about the problems of this bill, the more we're gonna' realize what kind of policy it really is. And if the federal policy is different, then why do we want to wander away in this direction? I don't want to impugn the motives of the proponents of the underlying bill. I have the utmost respect for those individuals.

But if ultimately passage of this bill results in a massive power shift, then I think at the least this should have gone to the Government and Administration and Elections Committee so that all these unanswered questions could be figured out. This is premature at best. I mean, we have four years. And we're not really sure what's going on in Maryland, are we? And if there are problems in Maryland, one of the only four states that passed this, and shouldn't we figure out what's going on down there, before we even start running down this road?

So, I'm gonna' go with a what's good for the goose is good for the gander -- if you're gonna' take a deep dive on this, bring in the feds, let's see how it all shakes out. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark? Senator Fasano. You have the floor, sir.

SENATOR FASANO (34TH):

Thank you again, Madam President. I was a little disappointed in Senator Kissel because he didn't give us a historical perspective on goose and gander -- where that came from, so maybe we'll get that a little later.

THE CHAIR:

That's next.

SENATOR FASANO (34TH):

Yes, thank you, Madam President. Madam President, you know, there's a couple things that strikes me with respect to this issue. If we don't do it the way Senator McLachlan has referenced it, somebody can end up in prison in Somers and have me as their state senator and Congressman Courtney as their congressman because it -- to stop following we're doing it for one and not the other and you talk about confusing a person as to who they go to be heard on government issues, that's about as confusing as you can get from the Northern part of the state, to the Southern part of the state, which it speaks to the ill advisement of -- of going forward on a plan that doesn't have coordination. A plan that lacks the thought to say, if the feds aren't doing it because the feds say you can't and it's wrong and you shouldn't do it, then why are we doing it? At least we could be consistent.

Let's look at other areas and I'm gonna' to this when we close out but how are we ever gonna' do redistricting? We're gonna' have more maps with more confusion and more numbers -- and those of us who are on the redistricting committee four years ago know how tough that was -- I can't imagine all the numbers that we're gonna' have to compute, subtract, and add to get it done. If we think the budget was tough, wait til you see we have to do the redistricting plan.

I'm gonna' have to have Lisa Hammersley right next to me on that one as well. This is an extraordinarily -- extraordinary remedy to a problem that doesn't exist which is gonna' cause confusion. At least let's be consistent. At least let's make sure that if you're gonna' have Senator Fasano, you're gonna' have Congressman DeLauro. Or if you're gonna' have Senator Kissel, you're gonna'

have Congressman Courtney. At least let's have parallelism. It's gonna' cut the confusion, it's gonna' make more sense. So, I agree with Senator McLachlan that we should go forward with this Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further on Senate Amendment "C"? If not, will the clerk please announce the impendency of a roll call vote?

THE CLERK:

Immediate Roll Call has been ordered in the Senate on Senate Amendment Schedule "C". Immediate Roll Call has been ordered in the Senate.

THE CHAIR:

Have all the members voted? Have all the members voted? Please check the roll call machine to see that your vote is properly recorded and if so, the machine will be locked. The clerk will please take a tally.

THE CLERK:

On Senate Amendment Schedule "C".

Total number voting	35
Necessary for Adoption	18
Those voting Yea	15
Those voting Nay	20
Those absent and not voting	1

THE CHAIR:

The Amendment fails. Will you remark further on the bill? Senator Kane. You have the floor, sir.

SENATOR KANE (32ND):

Thank you, Madam President. I rise for a couple questions to the proponent of the bill.

THE CHAIR:

Please frame your questions, sir.

SENATOR KANE (32ND):

Thank you, Madam President. Earlier Senator Coleman, you had a conversation -- I don't remember if it was with Senator McLachlan or Senator Kissel -- I believe it was Senator McLachlan -- and you were talking about how some of these residents in the prison population could -- were from Hartford -- you assume they would be from Hartford. If -- even though they may be in a -- a prison somewhere else. How does this bill make those assumptions? How are we keeping track of that data?

Through you, Madam President.

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you very much, Madam President. I have no information that any of those individuals were from Hartford. I was responding by way of an example. I said if those individuals are from Hartford, it is conceivable that I would not have as much as I like

cf  
SENATE

117  
April 27, 2016

representing the people of the town of Windsor, maybe I wouldn't have had to negotiate with Senator Kissel for including more of the town of Windsor in my district because the population in Hartford would have been increased.

Through you, Madam President.

THE CHAIR:

Thank you, sir. You have the floor, Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. No, I guess what I'm saying is you used that example but let's just say the bill goes through, it becomes law, and that individual that you speak about that was from Hartford and is now incarcerated. How is that data going to be verified and quantified? I mean, we can't -- that's what I'm getting at. So how do we know that that person was from Hartford and should be in Hartford's population count rather than wherever the prison may be -- Enfield or Suffield or what have you.

Through you, Madam President.

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

I -- I guess we wouldn't know any more than we know if I respond to the census and say that I reside in Bloomfield that that is true. We rely upon the self-reporting of individuals so that when someone

cf  
SENATE

118 001203  
April 27, 2016

in this case, under the provisions of this bill, says that their last address prior to incarceration was Hartford or Enfield or Bloomfield or wherever, that is what is accepted.

Through you, Madam President.

THE CHAIR:

Thank you, sir. Senator Kane, you have the floor.

SENATOR KANE (32ND):

Thank you, Madam President. So, if we wouldn't know under your scenario and under passage of this bill, why wouldn't we just stay the way it is now because we're definitively know where that person is residing because they're incarcerated.

Through you.

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

Because assigning the residence to a prisoner based upon the place where they're incarcerated is artificial and I think it would be, as indicated throughout this debate, much more fair, much more accurate for people to -- for people's residence to be where they resided or where they indicated they resided prior to their incarceration.

Through you, Madam President.

THE CHAIR:



Thank you, sir. You have the floor Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. I thank Senator Coleman for that answer. Saying that these individuals who are incarcerated counting them at the prison where they reside would be artificial, leads me to a fix that I think can -- can help this bill. The clerk is in possession, Madam Clerk -- Madam President -- of LCO 5154. I'd ask the clerk to call the Amendment and I be allowed to summarize.

THE CHAIR:

Clerk is in possession of LCO 5154. The Senator has asked that it be called and leave to summarize.

THE CLERK:

LCO Number 5154, Senate "D" offered by Senator Kane.

THE CHAIR:

Senator Kane, you have the floor.

SENATOR KANE (32ND):

Thank you, Madam President. I move adoption.

THE CHAIR:

Motion is adoption. Will you remark, sir?

SENATOR KANE (32ND):

I will. Thank you, Madam President, and I'd ask that the vote be taken and taken by roll.

THE CHAIR:

Request is for a roll call vote, sir.

SENATOR KANE (32ND):

Thank you, Madam President. So, Senator Coleman, your response to my question said that counting these individuals who are incarcerated in the prison to which they reside would be artificial. That would fall the same then for students of universities. So, if you go to UConn, let's say, but you live in Watertown, you -- your voter registration should be in the place where you live. Whereas, if you go to Yale, and you live in Massachusetts, let's say, or another state, then likewise, your voter registration should be where you live.

So if we're claiming that it is artificial to count prisoners who are incarcerated for a number of years rather than a student who may go to a university or college for only a number of months, wouldn't that fall the same logic? Wouldn't we say that if a person true residence where they got their driver's license, where their family resides, where they register their car, where they grew up, where they have their part-time job, where they have their girlfriend, whatever -- that's the place where they should be registered to vote. But students then go to a university or college, temporarily, I would argue, and register to vote in that town.

Well, if we're going to have the same argument about prison population, then we should have the same

argument about student population. So I think Madam President, this is a good fix that will be -- if you want fairness, the word fairness was talked about very often in this debate today, I think if you want fairness this truly shows how we can be fair to all populations. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kane. Will you remark? Senator Coleman. You have the floor.

SENATOR COLEMAN (2ND):

Thank you. [throat clearing] Excuse me. Thank you, Madam President. I rise to vigorously oppose this Amendment. I think this Amendment speaks to apples and oranges and when we talk about students and colleges, they have an election to make. They can choose to be registered to vote where they go to school or they can choose to register to vote where they reside or where they intend to return to.

Residents for voting purposes is entirely different than register -- residence for the census purposes and that matter, Madam President, I urge my colleagues to oppose this Amendment.

THE CHAIR:

Thank you, Senator Coleman. Will you remark further on Senate Amendment "D"? Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, first I support the Amendment brought out by Senator Kane. I think Senator Kissel might have said that the --

some average stay -- or Senator McLachlan -- was three years or three and a half years. And I remark upon that because that's four years for college. At least, some kids may go five years, but my kids are only going four 'cause the fifth is on them, but if you use the average stay of three years, and we're saying that their residency is going to count back in the home where they came from, then for four years of college, Senator Kane's Amendment is consistent with once again, the theory behind this bill.

This is a temporary place and therefore, by virtue of it being temporary, they should not be counted at the place that they're going to school and they should be counted back home. Senator Coleman makes the observation correctly so, that they can opt where to vote and they should be given that option. People in prison can't opt. But the distinction is without a difference. Because prisoners can't vote. It's a number. It's not a question of voting here or there. It's a question of being consistent on consensus.

So when you boil this down, his Amendment is stronger when you add in the fact that there's a lack of voting that goes with prisoners. Therefore, the student population should not be included in the college and the student population should be considered where their last known address was and that's the way we should count it.

So I think the Amendment is consistent in all regards to the proposition before us and therefore, Madam President, I support this Amendment but once again, let's be clear. What we're saying is that we need to establish a power grab, so we're gonna' set the rules to make sure we achieve the power grab

status and what we're gonna' do is make different rules for different people at different times and we're gonna' make it for different jurisdictions whether it's federal, whether it's state, whether it's a kid, or whether it's a prisoner. Because we have to gerrymander this legislation to achieve it's essential purpose. That's bothersome to me. There's no consistency with the feds and now no consistency with the colleges. So I support the Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further on Senate Amendment "D"? Senator McLachlan, you have the floor, sir.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. I stand in firm support of Senator Kane's Amendment. I thank him for taking another view at -- at the big topic which we should study much more thoroughly before we make a final decision. Senator Kane's on to something. It reminds me of a similar discussion that we've had in the Government Administration and Elections Committee when a former vice chair of the Committee proposed a bill that required counting -- required the students to register in the town at the school. They wanted more voters in -- in that school. In that town.

So, you could go either way on this. That was a majority Democrat legislator that had proposal. So, it -- it seems ironic that now we're talkin' about counting them at home for redistricting purposes in this case, and it doesn't seem like a good idea to the majority party. Why do you suppose that is?

Well, here's what's sort of ironic about it. If you look at the largest student -- resident student -- population in the State of Connecticut, that's at the University of Connecticut in Storrs.

So that would have a -- this bill -- this Amendment would have a very dramatic change in the way Storrs is represented, so I suppose Senator Flexer and the state representatives of Storrs and the neighboring communities of Mansfield and so forth, would not like this idea. It would have a dramatic impact but once again, those residents of the dormitories at the University of Connecticut include a large number of out of state residents, and they evaporate. You see, because the underlying bill doesn't deal with these people who are not Connecticut residents before they go to prison or in this case, go to school.

You see the weakness in what I'm talking about in the underlying bill is we're not really recognizing the whole population. So, I don't know how many out-of-state students there are at the University of Connecticut, I'm sure -- I'm sure that the ranking member of Higher Education or the Chair -- the co-chair of Higher Education would have that number at the top of their head. I don't know that number, but I know it's a significant number of students that would evaporate in our redistricting calculations, if this Amendment were to pass.

So, my point is this is a good idea when I know that I have in Western Connecticut towns -- the 24th senate district -- 4,000 -- roughly 4,000 students who are away at school. And that would bring them back and count them in their home town versus at their college. This Amendment raises a whole new

viewpoint on the complications of redistricting. A whole new viewpoint on it.

And my point about it is why isn't the Government Administration and Elections Committee spending time studying all the intricacies of this issue? This bill belonged in GAE to begin with. With all due respect to the co-chair of the Judiciary Committee, I appreciate your -- your advocacy on this topic but the bill was misplaced in a committee that doesn't have the focus on elections and I think GAE would have done a fine job under Senator Cassano's leadership to look at all of these intricacies that we're raising now.

And frankly, if it's done in the Committee process, we have a more laser focused view of it, I believe. The testimony tends to be much more focused on the topics that advocates and opponents are used to -- to participating in as it relates to elections and we would have had far more testimony other than the four or five that -- that submitted testimony in the Judiciary Committee on this topic. I think we would have had far more participation in the process and raised many of these issues so that by the time it came here, to the floor of the Senate, maybe the bill would look very differently than it does today.

So I urge adoption of this, because I think Senator Kane raises a very good point that we need to be fair. We need to be uniform. We should be uniform. Maybe we don't need to be uniform, because that's the decision of this legislature, but we certainly should be uniform in the way that we address residents being counted for legislative district boundaries. They should be counted in their home and this helps do that beyond the prison population

and include the student population and I urge adoption. Thank you, Madam President.

THE CHAIR:

Thank you, Senator McLachlan. Will you respond? Representative Winfield. You have the floor, sir.

SENATOR WINFIELD (10TH):

It's okay. Madam President. I rise in opposition to the Amendment. I heard discussion about the temporary nature of students. I heard discussion about the fact that they are in college for a relatively short period of time, four years which is close to the three years we discussed earlier.

I represent a community where there are a lot of people who live in their residence for a temporary period of time and then they move to another residence. Everybody around this circle has run for election. If you're in a committee like that, what you often find yourself doing is trying to figure out how you get those people back into the system. And those temporary times sometimes are a year, a year and a half, two years. I don't think anybody here would say those people should not be able to vote simply because the amount of time that they lived at their residence was less than four years.

So I don't find that argument to be convincing. As a matter of fact, because of my experience, I find it to be completely unconvincing. But the other thing that resonates with me is the -- you know, we've taken away freedom from people who have committed certain crimes. So I find them completely different than people who have the ability to



participate in the political system, particularly the local political system.

And I would hope that this legislature is not engaging in what I see as disenfranchising those people from participating in a system in which they are acting. The people who are in prison are in a facility where they aren't really walking the streets. The laws that are happening in that local municipality don't directly affect them. And so, yes, they don't have the right to vote but they're also not participating as part of the -- the civil engagement that's happening in that local municipality and so, I -- I can't see how we can find the population of students in our state whether they are in-state students originally or students who come from out-of-state and a population of those who are in the prison to be congruous. They're not. And I would urge my -- the members of this body to reject this Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Will you remark further? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President, and I appreciate the remarks made by Senator Winfield and the folks in his district definitely have a strong voice here in the senate circle, that's for sure.

And for the edification of my colleagues, goose is a female goose, gander is a male goose, and I was referring to geese when I said what's good for the goose is good for the gander. It's a saying that I

grew up with. What's good for here is good for there.

If we're going to talk and I -- and I actually disagree. If we're going to talk about prisoners, I think other populations are just as applicable in this debate. And certainly college students, I mean, what the heck? Why should all of them who are basically there from September to May all consider that campus their residence when it's in many, many ways similar to being a correctional facility? I mean, I have toured many, many correctional facilities. I know people have these images in their head and certainly you know, MacDougall-Walker or Northern, which is a Supermax -- scary, scary places. But there's other, you know, low -- lower level correctional facilities that you know, there's classes going on, there's a lot of activities, there's trades being learned -- I mean it's not all doom and gloom.

I mean, the vast majority of our inmates we want to train and get back as lawful, productive, contributing citizens in our communities. That's what our goal is. But, the policy is that we're saying residency for certain groups is different than residency for other groups. And I would say, we need to have this discussion. The discussion rightfully, as Senator McLachlan has said so many times, rightfully belongs in the Government Administration and Elections Committee. We could look at individuals that are institutionalized. You know, where are they -- where are they considered for this issue? What about nursing homes? There's so many other things that we need to consider if we're gonna' start -- you know, changing around the idea of what is one's residence when it comes to this and I'm still just amazed that we're -- we're

keeping the physical people in one spot but we're going to count them in another spot and they can't vote in any -- any case.

So this applies to the young people primarily -- don't have to be young to go to college -- and for what it's worth, a young goose is a gosling, so now you learn one other tidbit of information, so I could say what's good for the goose is good for the gander is good for the gosling and I support the Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kissel. Will you remark?  
Senator Coleman. You have the floor.

SENATOR COLEMAN (2ND):

Thank you very much, Madam President. Without meaning to impugn the motives of the proponents of this Amendment, I would say that this Amendment is an effort to confuse the issue and obfuscate.

The Amendment has to do with voting and elections. The underlying bill as amended has nothing to do with voting or elections. It has to do with representation and the drawing of districts. A person who for example, is a student at the University of Hartford or the University of Connecticut can choose to claim residence in Storrs or Hartford for purposes of registering to vote. That very same person can choose when the census activity occurs to claim residence in some other place even out of the State of Connecticut for purposes of the census.

They are two different things. We're talking about apples and we're talking about oranges. One, the Amendment has to do with voting, two, the underlying bill as Amended has to do merely with representation and the drawing of districts and the assignment of a place where people reside for purposes of the census. Again, Madam President, I urge that this Amendment be summarily defeated. Thank you.

THE CHAIR:

Thank you, Senator Coleman. Will you remark further? Senator Kane, you have the floor.

SENATOR KANE (32ND):

Thank you, Madam President. In -- while staying on the Amendment, I don't know if it's appropriate, but through you, I have a couple questions to the proponent of the bill in regards to my Amendment.

THE CHAIR:

Please frame your questions, sir.

SENATOR KANE (32ND):

Thank you, Madam President. I -- I don't know Senator Coleman, if you've sat on any of the redistricting committees, but the University of Connecticut has a population. Is that population taken into consideration when the district is drawn?

Through you.

THE CHAIR:

To you, Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. Through you, to Senator Kane, I have not sat on any redistricting committees, but I do know, and I think it's true, that whether or not the population at the University of Connecticut is included in the census is a matter of where the students claim residence -- claim their residence to be, and that will determine whether or not that information is included in the redistricting process here at the general assembly.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Coleman. You have the floor, Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. I -- I guess my point is that when we're redistricting, the University of Connecticut and its population and regardless it may change -- there may be a student from Watertown and maybe he may leave, there may be a student from Hartford and they may leave, vice versa. Whatever that population is, is considered during the redistricting process. So if that population is being considered, then the prison population should be considered as well.

What you're -- what this -- what your underlying bill does, it removes that population from the redistricting process and puts them back into the district where they may have come from, but we're not doing the same thing for the college students

and that's why the reason for the Amendment. So that's -- that's -- what -- when I'm -- I'm not trying to confuse the issue, I'm trying to codify or clarify the issue because if we're counting the populations of one and not the other, then we're inconsistent and to Senator Kissel's point, what's good for the goose is good for the gander should be good for all populations. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kane. You have the floor, Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, with all due respect to Senator Kane, whether he's intending to or not, his Amendment does nothing more than confuse the issues. There is a distinct difference between voting and elections and what the underlying bill as amended does, and that is provide for the assignment of residence for purposes of drawing legislative districts and municipal voting districts.

And as I indicated, the same student can claim residence at a certain place for purposes of voting and can claim -- while at the same time claiming residence at some other place for purposes of the census. And while I have the floor, I would assert that this is not a matter within the cognizance of the GAE committee as others have asserted. Has nothing to do with the conduct of elections, it has to do with the drawing of legislative districts and municipal districts based upon the residence of prison inmates.

And also while I have the floor, if it didn't come from Senator Fasano, I might take exception to the notion of a power grab but instead I'll just say that I think it's a power grab for those who represent prisons to resist in the manner that they are resisting this initiative to change the method by which prisoners are counted for purposes of the census. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Coleman. Will you remark? Will you remark further on Senate Amendment "D"? If not, will the clerk please announce impendency of a roll call vote? The machine will be open.

THE CLERK:

Immediate Roll Call --

Immediate Roll Call has been ordered in the Senate on Senate Amendment Schedule "D". Immediate Roll Call in the Senate.

THE CHAIR:

Have all the members voted? If all the members have voted, please check the roll call machine to see your vote is properly recorded. If so, the machine will be closed and the clerk will please announce the tally.

THE CLERK:

On Senate Amendment Schedule "D".

Total number voting	36
Necessary for Adoption	19

Those voting Yea	15
Those voting Nay	21
Those absent and not voting	0

THE CHAIR:

The Amendment fails. Will you remark further on the bill? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to pass temporarily this bill, please. Pass this bill temporarily.

THE CHAIR:

Motion is to pass temporarily.

SENATOR DUFF (25TH):

Thank you, Madam President. I'd like to mark a few items go.

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 1, Calendar 458, House Joint Resolution 172, marked -- mark that as go. On calendar page 1, Calendar 459, House Joint Resolution 173, I'd like to mark that as go. On calendar page 2, Calendar 460, House Joint Resolution 174, I'd like to mark that as go. On calendar page 2, Calendar 461, House Joint Resolution 175, I'd like to mark that as go. On



**There is no testimony for page 1220. The next page is 1221.**

calendar page 2, Calendar 462, House Joint Resolution 176, I'd like to mark that as go. On calendar page 32, Calendar 64, Senate Bill 24, I'd like to mark that as go. On calendar page 33, Calendar 88, Senate Bill 115, I'd like to mark that as go. On calendar page 11, Calendar 35 -- Calendar 169, Senate Bill 266, I'd like to mark that as go. On calendar page 12, Calendar 41 -- I'm sorry. I'm sorry -- last one was calendar page 35, Calendar 169, Senate Bill 266 as a go, followed by calendar page 41, Calendar 348, Senate Bill 295, I'd like to mark that as go, followed by calendar page 41, Calendar 350, Senate Bill 351, like to mark that as go. Followed by calendar page 40, Calendar 295, Senate Bill 368, I'd like to mark that as go. Followed by calendar page 11, Calendar 354, Senate Bill 214, I'd like to mark that as go.

THE CHAIR:

So ordered. Mr. Clerk.

THE CLERK:

On page 1, Calendar 458, House Joint Resolution Number 172, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE MARK T. GOULD OF NORTH HAVEN TO BE A JUDGE OF THE SUPERIOR COURT.

THE CHAIR:

Senator Coleman. Your honor.

SENATOR COLEMAN (2ND):

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 adoption of the resolution. Will you remark, sir?

SENATOR COLEMAN (2ND):

Yes. Thank you again, Madam President. Judge Gould was first appointed to serve as a judge in May of 2008. His current assignment is with the Middlesex Judicial District in Middletown. He was educated at Lewis and Clark Law School. Prior to becoming a judge, he was involved in practice as a litigator extensively involved in civil litigation, a trial practice. He's not a stranger to public service, having served at the local level as a member of the Inland Wetlands Commission of the town of North Haven. He's received excellent evaluations during the course of time that he's been serving as a judge. In my estimation, he's deserving of reappointment. I'd urge my colleagues to adopt the resolution. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Coleman. Will you remark?  
Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I also stand in support of Judge Gould, although it would remiss of me if I did not acknowledge that there was testimony in opposition to him at the Judiciary Committee hearing. And unfortunately several individuals felt that perhaps on occasion his judicial demeanor was not what it should be. And

it's my understanding that most of those concerns and complaints arose out of family court matters. Now we have been experiencing over the last several years a lot of individuals that are upset with the family court side of the Judicial Branch.

I think a lot of that has to do with our down economy and the stresses and strains that are put on individuals that are going through either a separation or a fight over custody rights or any of these related matters. They are hugely stressful and tensions run high. There are more complaints historically about judges serving on family matters than any other area, including criminal.

I mean, if one can believe that someone's losing their liberties and there's less complaints about judges in those procedures than in family matters, where they could be fighting over a photo album and that's not diminish those -- those fights but the reality is it's a difficult job. Does not excuse bad behavior. On occasion we talk about individuals getting what we have called robitis. Sometimes being a judge might, on occasion, go to an individual's head. I don't know that to be the case here, but I will say that it's problematic when one hears members of the public testifying after waiting a long time and -- and these individuals waited pretty much all day -- but more than one individual telling the same story says that there might be a pattern of behavior.

There definitely were a lot of no-votes in the house. I believe there probably will be some no-votes here in the Senate circle. I would hope that should Judge Gould pass, he will take this to heart and go to work tomorrow striving to be the very best

and even handed jurist that we have in the State of Connecticut, because there's a message being sent.

But as Senator Coleman indicates, good evaluations and nothing has risen to the level that I feel that would disqualify him from being re-nominated to the bench. I view that as essentially firing a judge. It has happened on occasion. The folks from the public that come to the Judiciary Committee have this impression that we rubber stamp judges. We don't. I've been here long enough -- 24 years, 22 of them on the Judiciary Committee and I think, at least 10, maybe 12 as ranking -- where I have seen re-nominations come before us and they fall apart before our eyes because a particular candidate did something so egregious that either their re-nomination is pulled by themselves or it just -- a lot of no-votes here in the -- in -- in the chamber.

So, I will support Judge Gould. I don't think that his transgressions are firing offenses but when we do run into this particular issue, I hope these candidates take it very much to heart and I don't doubt that Judge Gould would as well. [cough] The last thing is, I just want to underline that -- not that we give Judges on the family side more latitude, but if the judges that work on that side of the court system have a heightened antipathy from members of the public that is not well founded, we're going to find that no judge is going to want to work on family matters. And that's gonna' be a real problem. Certainly chief court administrator can just assign people but then you might not get the best people gravitating to where their strengths are.

So, I'm mindful of that as well. So, I will support Judge Gould, I acknowledge that there have been some

issues raised, I don't believe that they've risen to a level where I would vote no for this candidate, but certainly, I would hope that Judge Gould walks away from this process a better individual on the bench serving the good people of the State of Connecticut. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kissel. Will you remark?  
Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you again, Madam President. Madam President, I appreciate Senator Kissel not only for his enlightening information regarding Elbridge Gerry, but also for his thoughtful remarks regarding what it means to serve as a judge in the State of Connecticut and how difficult that responsibility - - how difficult that responsibility has become over the last few, recent years and particularly so in family court. I admire the judges. I agree with Senator Kissel that it is not a matter of rubber stamping judges that come before us for reappointment. I think the question is incise and there's a lot of scrutiny that is -- that the judges for reappointment are subjected to when they come before the Judiciary Committee.

Part of the frustration for me and perhaps some other members of the Committee is there is oftentimes a mixture of views regarding judges. Sometimes there's a good deal of criticism on the issue of judicial temperament or the treatment and respect for self-represented individuals and at the same time there are people that complement the judge in question on demeanor and patience with pro se

individuals. So it becomes very difficult for Senator Kissel and I and other members of the Judiciary Committee sometimes to determine what is accurate and what is a good, reliable measurement of the performance of the Judge. I will say again that I admire most, if not all of the judges that are serving in the State of Connecticut and I think Judge Gould as well as others deserve the benefit of the doubt today and at future points in time. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Coleman. Will you remark further? If not, will the clerk please announce impendency of a roll call vote, sir?

THE CLERK:

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

THE CHAIR:

Have all the members voted? Please check the roll call machine. If your vote is properly recorded, the machine will be closed and the clerk will announce the tally.

THE CLERK:

House Joint Resolution Number 172.

Total number voting	36
Necessary for Adoption	19
Those voting Yea	26
Those voting Nay	10
Those absent and not voting	0

THE CHAIR:

The resolution is adopted. Will the clerk please  
return to the call?

THE CLERK:

Also on page 1, Calendar 459, House Joint Resolution  
Number 173, RESOLUTION CONFIRMING THE NOMINATION OF  
THE HONORABLE BARBARA BRAZZEL-MASSARO OF TRUMBULL TO  
BE A JUDGE OF THE SUPERIOR COURT.

THE CHAIR:

Senator Coleman, you have the floor sir.

SENATOR COLEMAN (2ND):

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

THE CHAIR:

Motion is adoption of the resolution. Will you  
remark, sir?

SENATOR COLEMAN (2ND):

Thank you again, Madam President. Judge Brazzel-  
Massaro was first appointed in May of 2008. Her  
current assignment is with the Waterbury Judicial  
District Civil Division and she is serving on an  
individual calendar assignment. Her application was  
meticulously prepared and was -- her  
conscientiousness and meticulousness was noted by  
members of the Committee. She was educated at



Western New England School of law. She was involved in private practice before becoming a judge. Her previous assignments have been with the Stamford JD and part B criminal. She's also done some service on the complex litigation docket. She is another one who has been evaluated as good as far as her comportment is concerned and subsequently as excellent as far as comportment is concerned. Good on legal ability, excellent on management skills. I also believe that she is deserving of reappointment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Coleman. Will you remark further on the resolution? If not, Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, if there are no further remarks to be made and if there is no objection, I would ask that this item be placed on our Consent Calendar.

THE CHAIR:

Without objection, so ordered, sir. Will the Clerk please return to the call?

THE CLERK:

On page 2, Calendar 460, House Joint Resolution Number 174, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE JOHN J. RONAN OF MILFORD TO BE A STATE REFEREE.

THE CHAIR:

Senator Coleman, you have the floor.

SENATOR COLEMAN (2ND):

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

THE CHAIR:

Motion is adoption of the resolution. Will you remark?

SENATOR COLEMAN (2ND):

Yes, I would, Madam President. Judge Ronan is a state referee. He was first appointed to serve as a member of our Judiciary back in May of 1984. His current assignment is with the judicial district of Ansonia, Milford. He was -- he received his legal education at the University of Connecticut School of Law. From all accounts and from his representations before the Committee, he is still very much challenged and stimulated by serving as a judge and he wants to continue to do so, I think we should afford him that opportunity. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Coleman. Will you remark on the resolution? Will you remark? If not, Senator Coleman, you have the floor.

SENATOR COLEMAN (2ND):

Madam President, if there are no further remarks and no objections, I would move this item to our Consent Calendar.

THE CHAIR:

Without objection, sir, so ordered. Will the Clerk please return to the call?

THE CLERK:

Also on page 2, Calendar 461, House Joint Resolution Number 175, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE MARY E. SOMMER OF STAMFORD TO BE A JUDGE OF THE SUPERIOR COURT.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

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

THE CHAIR:

Motion is acceptance and adoption of the resolution. Will you remark, Senator Coleman?

SENATOR COLEMAN (2ND):

I will, Madam President. Thank you very much. Judge Sommer is another judge that was first appointed in 2008. Her current assignment is with the judicial district of Fairfield in the family division. She received her legal education at the University of Notre Dame. She was regarded very favorably by the members of the committee and apparently as well by those attorneys and jurors who

evaluated her excellent as far as comportment is concerned, good as far as legal ability and good as far as management skills. I urge my colleagues to support the resolution. Thank you, Madam President.

THE CHAIR:

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

SENATOR LEONE (27TH):

Thank you, Madam President. It's good to see you up there today.

THE CHAIR:

Thank you, sir.

SENATOR LEONE (27TH):

And I stand in support of this nomination and I want to thank the good chairman for issuing some of the favorable comments on behalf of the Judiciary Committee and I just wanted to add my comments for the selection of Attorney Sommers. I can speak to her -- her career specifically, she has been a major activist in the City of Stamford in terms of supporting many non-profit organizations such as our local Yerwood Center, child guidance center, she has been adjunct professor back at her alma mater college of New Rochelle and the UConn School of Law. She's been a founding member of the Fairfield County Bar Foundation and she's also studied abroad at the United Nations while having a full course load and -- in -- and foreign study in London and she's also been corporation council for the City of Stamford for a number of years and then went on to private

practice and established a partnerships with a very well established law firm in this city so she has held a variety of leadership positions.

Just recently, both her and her spouse who is also an attorney were just nominated and awarded the 2016 Citizens of the Year award for all these efforts, both what she does on a professional level as well as her activity on the -- on the non-profit side and giving back to the community, so I wanted to mention all those things 'cause it speaks to her character and to her ability to be not just a good attorney but also a good person, a good person who returns back all the blessings that she has been blessed with and she has been someone that's always fought for everyone for justice and I think all those accolades that were previously mentioned as well as these gives her the perfect acumen and judicial temperament to be nominated for this position, so I would urge my colleagues for their full support. Thank you, Madam President.

THE CHAIR:

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

SENATOR COLEMAN (2ND):

Thank you, Madam President. I move that this resolution be placed on our Consent Calendar.

THE CHAIR:

Without objection, sir, so ordered. Will the Clerk return to the call?

THE CLERK:

Page 2, Calendar 462, House Joint Resolution Number 176, RESOLUTION CONFIRMING THE NOMINATION OF THE HONORABLE TERENCE A. ZEMETIS OF MERIDEN TO BE A JUDGE OF THE SUPERIOR COURT.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

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

THE CHAIR:

Motion is acceptance and adoption of the resolution. Will you remark, Senator Coleman?

SENATOR COLEMAN (2ND):

Thank you again, Madam President. Judge Zemetis was first appointed in May of 2008. His current assignment is with the complex civil litigation docket which is a reflection of the breadth of his experience including aviation law, commercial, and financial matters, construction law and mediation. He was educated at University of Connecticut where he received an undergraduate degree cum laude and Albany Law School of Union University where he received his jurist doctorate.

By all accounts, he's doing an admirable job. He's received impressive evaluations and it is the estimation of the committee that he should be reappointed. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Coleman. Will you remark further on the resolution? If not, Senator Coleman.

SENATOR COLEMAN (2ND):

May this item be placed on our Consent Calendar.

THE CHAIR:

Without objection, so ordered. Will the Clerk please return to the call?

THE CLERK:

On page 32, Calendar 64, Senate Bill Number 24, AN ACT CONCERNING PROGRAM APPROVAL FOR INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION. And there are amendments.

THE CHAIR:

Senator Bartolomeo. You have the floor, Madam.

SENATOR BARTOLOMEO (13TH):

Hi. Thank you, Madam President. I move acceptance of the Joint Committee's joint favorable report and I urge passage of this bill, please.

THE CHAIR:

Motion is acceptance and passage. Will you remark Madam?

SENATOR BARTOLOMEO (13TH):

Yes. Thank you. Madam President, this bill exempts non-profit independent institutions of higher education from the approval of the office of higher education for new or revised programs, providing that these institutions are eligible for financial aid as well as have been regionally accredited in Connecticut for at least 10 years. There's an Amendment that I'd like to call. The clerk should be in possession of LCO 4974, if the clerk could please call that and I be given leave to summarize.

THE CHAIR:

Clerk is in possession of LCO 4974, we'd ask that the clerk please call and the Senator has asked leave to summarize.

THE CLERK:

LCO Number 4974, Senate "A" offered by Senators  
Looney, Duff, et al.

THE CHAIR:

Senator Bartolomeo. You have the floor, Madam.

SENATOR BARTOLOMEO (13TH):

Madam President, I move adoption of this Amendment.

THE CHAIR:

Motion is adoption. Will you remark?

SENATOR BARTOLOMEO (13TH):



cf  
SENATE

150

April 27, 2016

Yes, thank you very much. What the Amendment does is it makes this exemption from program approval temporary until July 1, 2008 so that the Office of Higher Ed has time to examine its role as a regulatory agency. This is also consistent with the recommendations from the Planning Commission for Higher Education's Strategic Plan.

In addition, it adds some student protections around the US Department of Education awarding of a financial responsibility score to the institutions, and in addition to that it stipulates that any of the institutions that are exempt from this process must file a report with the Office of Higher Ed annually, giving a brief description of their new programs and -- as well as any discontinued programs and also the US Department of Ed's Financial Responsibility Composite Score needs to be filed annually with that. So with that, Madam President, this is the Amendment and I would urge adoption, please.

THE CHAIR:

Thank you, Senator Bartolomeo. Will you remark on Senate Amendment "A"? If not, I will try your minds. All those in favor, please indicate by saying "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? The ayes have it. The Amendment is adopted. Will you remark further on the bill as now amended? Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Yes, thank you, Madam President. So, the bill as amended would actually bring Connecticut in line with the majority of other states as -- as far as allowing independent institutions to do their own approval process. It also would bring it in line with our public institutions of higher education as well as for independent institutions which are already exempted based upon previous statutes. So with that, Madam President, I urge passage of this bill, please.

THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further on the bill as amended? Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. I rise for a few questions to the proponent of the bill.

THE CHAIR:

Please frame your questions, sir.

SENATOR KANE (32ND):

Thank you, Madam President. Through you, to Senator Bartolomeo. And I appreciate the work that's being done on this bill. Certainly for a lot of these institutions, I myself got my MBA from the University of New Haven and so there's -- those are the type of colleges that we're talking about in this underlying bill. I know that people on --

cf  
SENATE

152

April 27, 2016

working on this have been having discussions about for-profit institutions and I know that's not part of this bill here today and I have an Amendment that I filed in regards to that, but my question to -- through you, Madam President, to Senator Bartolomeo -- is there opportunity to continue that dialogue in regards to certain for-profit institutions, maybe not this year but certainly next year when it comes to this legislation? I know that there are institutions out there that are NEASC accredited but are for-profits, so through you to Madam President, hopefully that was clear enough as a question but if the good Chair can speak to that, thank you.

THE CHAIR:

Thank you, Senator Kane.. You have the floor, Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Thank you, Madam President, and if I have the good fortune of being and if I have the good fortune of chairing the committee, I certainly am open to any future conversations related to that.

Through you, Madam President.

THE CHAIR:

Thank you, madam. You have the floor, Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. I thank the good chair for her answer and -- and believe me I will hold you to that. Thank you very much.

cf  
SENATE

153

April 27, 2016

THE CHAIR:

Thank you, sir. Will you remark further on the bill as amended? Mr. President. Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. Thank you very much. Speaking in support of the bill as amended, first I would like to greatly commend Senator Bartolomeo for her -- her great work on this issue and negotiating both with the Department of Higher Ed, with the independent colleges and with -- with other concerned parties who had an interest in this about concern over -- or whether or not regulation was necessary in these circumstances for these private institutions of higher education.

The reality is that in most cases, they already go through a fairly rigorous process in terms of academic credentialing by the various academic bodies of which they are members and that in many ways, the state process was duplicative of that and really unnecessary.

So, what the bill will do will provide an exemption from program approval for these non-profit independent colleges but it will be something that will expire July 1, 2018, so it will be a -- in effect a two year period of experimentation with a -- a review with a sunset at that date.

The bill also requires the Office of Higher Ed to study its role as a regulatory agency and -- and what role it should be taking in supporting the implementation of the goals of the Strategic Plan that was adopted by the Planning Commission on Higher Education and based on that study at the

Office of Higher Ed is to make recommendations to the Governor and General Assembly before December 31, 2017 -- so in time for the 2018 session regarding its role moving forward and these recommendations will also, presumably encompass whether it should resume them approving academic programs for non-profit institutions if any problems or gaps have become evident in the meantime.

The bill adds an additional requirement on the institutions to be exempt from program approval and that is, they must be deemed financially healthy by the US Department of Education in terms of the -- the standards of financial health that it applies as -- they apply as a national standard. And it requires that in addition to submitting a list of all new or expired programs to the Office of Higher Ed by July 1, they also will share the approval process for new programs and their financial responsibility composite score for the most recent fiscal year for which data is available. So -- so this is in effect, a controlled experiment and for that reason, I think it makes sense. It makes sense for our institutions and it makes sense for state government. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney. Will you remark further? Will you remark further on the bill as amended? Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Madam President, if there's no objection, may we place this on the Consent Calendar?

THE CHAIR:

cf  
SENATE

155  
April 27, 2016

001241

Senator Flexer. We -- we would like to have a roll call vote.

SENATOR BARTOLOMEO (13TH):

That is fine. Thank you, Madam President.

THE CHAIR:

Will the clerk please announce impendency of a roll call vote?

THE CLERK:

Immediate Roll Call has been ordered in the Senate.  
Immediate Roll Call has been ordered in the Senate.

(The President in the chair.)

THE CHAIR:

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

Don't call it, don't call it, don't call it -- the machine will be open. Okay? Okay, Senator Winfield.

Mr. Clerk, can we place Senator Winfield on the positive? Yes. Senator Winfield, please don't leave yet, sir. Senator Winfield, stay around here. Okay, is it open? Senator Winfield you can go vote from your machine. Thank you, very much.

cf  
SENATE

156  
April 27, 2016

All -- all members have voted, all members have voted. The machine will be closed. Mr. Clerk, now call the tally.

THE CLERK:

Senate Bill Number 24.

Total number voting	36
Necessary for Adoption	19
Those voting Yea	35
Those voting Nay	1
Those absent and not voting	0

THE CHAIR:

The bill passes. Senator -- Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I'd like to have some additional markings, please.

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 4, Calendar 172, Senate Bill 151, I'd like to mark that go and place that item on our Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

On calendar page 4, Calendar 201, Senate Bill 120,  
I'd like to mark that item go and place that item on  
our Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 33,  
Calendar 90, Senate Bill 101, I'd like to place that  
item on our Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 33,  
Calendar 116, Senate Bill 26, I'd like to mark that  
item go and place that item on our Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 11,  
Calendar 354, Senate Bill 214, I'd like to mark that  
item go and place that item on our Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered, sir.



cf  
SENATE

158

April 27, 2016

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 33, Calendar 88, Senate Bill 115, I'd like to mark that item passed temporarily, please.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On calendar page 11 -- I'm sorry -- calendar page 35, Calendar 169, Senate Bill 266, I'd like to mark that item PT and --

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

And calendar page 40, Calendar 295, Senate Bill 368, I'd like to also mark that item PT.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

The clerk can return to the call of the calendar.

THE CHAIR:

Mr. Clerk.

cf  
SENATE

159  
April 27, 2016

001245

THE CLERK:

On Page 33, Calendar 88, Senate Bill Number 115, AN ACT CONCERNING MEDICAID COVERAGE OF TELEMONITORING SERVICES. There are amendments.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. [inaudible 4:58.01] marked that item PT. If the clerk can now call calendar page 41, Calendar 348, Senate Bill 295.

THE CLERK:

Page 41, Calendar 348 -- that is Substitute for Senate Bill Number 295, AN ACT CONCERNING RADIOLOGICAL AND IMAGING SERVICES. Amendments.

THE CHAIR:

Good evening, Senator Gerratana.

SENATOR GERRATANA (6TH):

Good evening, Madam President. Madam President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motions on acceptance and passage. Will you remark, Ma'am?

SENATOR GERRATANA (6TH):

cf  
SENATE

160

April 27, 2016

Yes, Madam President. Thank you. The clerk has an Amendment. LCO 4051 if he would call on and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4051, Senate "A" offered by Senator Gerratana.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. I move adoption.

THE CHAIR:

Motions on adoption. Will you remark, Ma'am?

SENATOR GERRATANA (6TH):

Yes, thank you, Madam President. This Amendment is just a cleanup to the underlying bill. Makes the underlying bill a little more straightforward.

THE CHAIR:

Will you remark further on the Amendment? Will you remark further on the Amendment? If not, all those in favor, please say "aye".

SENATORS:

cf  
SENATE

161  
April 27, 2016

Aye.

THE CHAIR:

Opposed? The Amendment passes. Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. The bill before us requires the department of social services to provide utilization data to the council on medical assistance program oversight for the next year or so. It expires in June -- June 30. The reason we're doing this legislation is that last year we did make some changes to radiological services and imaging services to their rate structure under Medicaid. This allows us to monitor and keep apprised of how that system is now working in terms of the rate restructure. I urge my colleagues to please support the bill.

THE CHAIR:

Will you remark further? Will you remark -- Oh, Senator Markley. Good evening, sir. Sorry.

SENATOR MARKLEY (16TH):

Good evening, Madam President. Yes, I rise in support of this bill. Some of you may have heard from radiologists and their offices concerned about a reduction in the Medicaid rate. The Department -- we had discussions with the Department about their rationale and about the ability of the radiologist to absorb this reduction and in light of concerns that might have a damaging effect on them, we've asked them to go ahead and keep an eye on this

cf  
SENATE

162  
April 27, 2016

situation and this bill does that and for that reason, I hope we support it. Thank you.

THE CHAIR:

Thank you. Will you remark further on the bill? Will you remark further on the bill? If not, Senator Gerratana.

SENATOR GERRATANA (6TH):

Madam President, if there's no objection, I'd like to move this item to our Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered, Ma'am.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 41, Calendar 350, Substitute for Senate Bill Number 351, AN ACT CONCERNING MATTERS AFFECTING PHYSICIANS AND HOSPITALS. There are amendments.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

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

cf  
SENATE

163

April 27, 2016

THE CHAIR:

Motions on acceptance and passage. Will you remark,  
Ma'am?

SENATOR GERRATANA (6TH):

Yes, Madam President. Madam President, I have a  
strike-all Amendment. If the clerk would please  
call LCO Number 5012 and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5012, Senate "A" offered by Senators  
Looney, Fasano, and Gerratana.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Madam President, I move adoption.

THE CHAIR:

Motions on adoption. Will you remark?

SENATOR GERRATANA (6TH):

Yes, Madam President, because this is a strike-all,  
it really describes the legislation that we will  
have here before us. The bill establishes -- or  
this Amendment establishes -- under Section 1, a

covenant not to compete. This is regarding only physicians. It establishes a framework in some parameters including covenants not to compete from this -- from effective July 1, 2016 will be a limit of one year and within 20 miles. It allows doctors -- physicians -- to go into private practice at any time if they are affiliated or work for a health system.

But it still keeps in place the covenant that they have with the health system that hires them from joining any other entity like another hospital or health entity, health system. And they cannot do that until the covenant expires.

Section 2 updates definitions to reflect current healthcare marketplace as partnership and make some other changes to our capita professional entity statutes. Section 3 is a requirement to advise patients of doctor's affiliation with a medical foundation to another doctor in that foundation, this information would go to a patient so that the patient knows there is an affiliation under our medical foundation statutes.

It also clarifies we had some complaints from Senate Bill 811 that doctors had to make a call to insurance carriers to find another physician for a patient if the patient didn't want to see another physician in that foundation.

In this case, we cleaned that up a little bit and now the patient will be advised that they have a choice and that they can call the health care carrier to find another physician.

Section 4 is the study of licensure limited service health clinics. These are what we call retail

**There is no testimony for page 1251. The next page is 1252.**



clinics or urgent care centers. They go under a variety of names. Many other states have been looking to regulate. We need to look at this and actually have our health cabinet do a study to make recommendations on this particular entity.

Sections 5 adds information that households would submit to patients on the cost charge ratio. This is again, a consumer-friendly section of the bill and sections 6, 7, and 8 are in our medical foundation statutes. They define and allow independent practice associations to set up medical foundations for business purposes and also just so we know IPAs are entities that offer and do what we call back room services for physicians and for medical practices. These entities -- they can set up a medical foundation. It can be for-profit and organize like a business and that's basically what section 6, 7, and 8 do. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Fasano. Good evening, sir.

SENATOR FASANO (34TH):

Good evening, Madam President. It's good to see you back.

THE CHAIR:

Thank you, it's great to be here.

SENATOR FASANO (34TH):

Madam President, I want to thank Senator Gerratana for bringing out this bill and the work done by Dina

from the Democratic office for Senator Looney and Jennifer from my office in working with various people to see what we can do on this.

Madam President, I think it's worth noting that covenant not to compete in many jurisdictions as it relates to the medical field have been found to be inappropriate based upon public policy. That is, we want people to have the right to see the doctor of their choice. They should not be stopped from seeing a doctor of their choice and some states have ruled with respect to medical practices of any sort, there should be no covenants not to compete.

Some states have even found that covenants not to compete as a whole should be eliminated from the law. Madam President, what this bill seeks to do is to try to find a comfort zone somewhere in between all that and as Senator Gerratana said, we've actually codified the existing language for common law that talks about covenants not to compete. It has to protect a legitimate business interest. It has to be reasonable in time, in geographic scope and restrictions and it has to be consistent with law and public policy. Those are three conditions that you always have to meet wherever you are to enforce a covenant not to compete. That's done by case law.

Madam President, we have argued that you have to establish clear and reasonable limits so we have put a limitation of one year and 20 miles. But the covenants not to compete shall not apply when a physician is terminated unless that termination is because of cause. We saw -- we also have carved out an exception. For hospitals and health care systems and medical foundations that the covenants not to

compete cannot restrict a physician's right to leave  
-- but unless it gets to another hospital.

Madam President, this is an effort to address the ever-changing medical field that we're in now which as you turn from year to year, moves at rapid paces. We did Senate Bill 811 which went downstairs and came back with a different number, but essentially Senate Bill 811 that has started down this road and I know you, Madam President have been very concerned with health care around the State of Connecticut and have a number of groups working on those efforts to get control so we can provide the appropriate and quality care to the people of the State of the Connecticut.

Madam President, this also allows other folks to get into practicing medicine where we only allowed the hospitals to create foundations. This opens up the practice from being a very narrow scope to a very broad scope. Madam President, all in all, what this bill seeks to do is to make Connecticut competitive in the medical field, make our system work better, put parenting among foundations, private practices, and allow people a quality medical attention with choice. And I hope to see passage of this bill. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further? Will you remark further? Senator Looney. Good evening, sir.

SENATOR LOONEY (11TH):

Good evening, Madam President, and thank you. Madam President, I wanted to greatly commend Senator Gerratana for her work on this bill and also for the

cf  
SENATE

168  
April 27, 2016

bipartisan effort, I want to thank Senator Fasano so much for his leadership on -- on this issue and other related issues over the last several years and -- and Jen of his legal staff along with Dina Berlin of our staff for working on all of the intricate details of -- of this bill.

As was said, it does -- it set limits - sets limits on -- on physician non-compete agreements and bans non-compete clauses in contracts of hospital employed physicians who are returning to private practice, restricts other non-compete clauses in physician employment contracts to no more than one year and a 20 mile radius from the physician's primary practice site and some might wonder whether this is necessary or not, and in fact, it is. In their research, on this bill, it was discovered that there is a -- there is one contract where a -- a physician group was presented with a proposed contract that would have barred them from -- would have contained a non-compete agreement that would have barred them from practicing in Fairfield, New Haven, Middlesex, and New London counties. Basically, a significant part -- more than half the state.

That's the kind of overreach that we believe is really impermissible as a restraint on practice, a restraint on trade, and the bill would allow -- now the amendment and the bill -- would allow independent practice associations and certain other physician controlled entities that are not affiliated with a hospital to establish a for-profit or a non-profit medical foundation and makes other changes concerning medical foundations and would also allow these foundations to employ physicians and negotiate rates for the physicians employed by the foundation.

Would also allow the governor's health care cabinet to study the possibility of licensing limited service and urgent care clinics and will update the definition of capita professional entity to better reflect changes in the health care system, and requires hospital bills to include the hospital's cost to charge ratio.

This is an important measure increasing transparency and changes the required information providers must give to patients when referring the patient to an affiliated provider and it requires the provider to advise the patient and to contact the patient's health carrier regarding other in-network providers. So, it is something that is good consumer protection, good in terms of business practices and good in terms of health care for the state and would urge passage of the Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, sir. At this time, Mr. Clerk, I'm gonna' call for a roll call vote on the Amendment. The machine will be open.

THE CLERK:

Immediate Roll Call ordered in the Senate on Senate Amendment Schedule "A". 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 please call the tally.

cf  
SENATE

170  
001257  
April 27, 2016

THE CLERK:

On Senate Amendment Schedule "A".

Total number voting	36
Necessary for Adoption	19
Those voting Yea	35
Those voting Nay	1
Those absent and not voting	0

THE CHAIR:

The Amendment passes. Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, the clerk has in his possession, another Amendment. LCO Number 5167, if he would call and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5167, Senate "B" offered by Senators  
Looney, Fasano and Gerratana.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Madam President, I move adoption.

THE CHAIR:

The motions on adoption. Will you remark?

SENATOR GERRATANA (6TH):

Yes, Madam President. This is a technical changes to the bill that we just amended. It is purely technical and the language is just for clarification purposes. Thank you, Madam President.

THE CHAIR:

Will you remark on the Amendment? Will you remark on the Amendment? If not, I'll try your minds. All those in favor of the Amendment, please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? The Amendment passes. Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. With that, I think we have a very good bill in front of us. I appreciate very much Senator Looney and Senator Fasano's work in the -- in this particular area. It's not always easy to look at a marketplace and to understand how we can compete, particularly in health care, which is a big huge part of our economy in a fair and balanced way. I also want to thank Dina Berlin and Jen Mazarowski again, we spent many, many hours working and revising and going over the language and

cf  
SENATE

172  
April 27, 2016

001259

also addressing many of the concerns that people had out in our districts in our state. I think it's a good bill and urge everyone to support the bill. Thank you, Madam President.

THE CHAIR:

Will you remark further on the bill? Will you remark further on the bill? If not, Mr. Clerk, will you please call for a roll call vote and the machine will be open.

THE CLERK:

Immediate Roll Call has been ordered in the Senate.  
Immediate Roll Call has been ordered in the Senate.

THE CHAIR:

Senator Linares. Thank you, sir. Senator Formica. Senator Formica, you want to vote, please? You're in the chamber. Thank you.

All members have voted, all members have voted. The machine will be closed. Mr. Clerk, please call the tally.

THE CLERK:

On Senate Bill 351.

Total number voting	36
Necessary for Adoption	19
Those voting Yea	35
Those voting Nay	1
Those absent and not voting	0

THE CHAIR:



cf  
SENATE

173  
April 27, 2016

The Bill passes. Senator Duff.

SENATOR DUFF (25TH):

Good evening, Madam President. Madam President, we are going to recess for a little bit of time and for purposes of caucus on our side of the aisle and I would ask that all Democratic senators please make your way to the caucus room and we'll be back in short order. Not so short order, but we'll be back in a little bit.

THE CHAIR:

I was just wondering about that. Thank you. Senate will stand at ease. Sorry, we're in recess.

Senate will stand in recess.

(The Senate reconvened, the President in the chair.)

Senator Duff, are you standing for a reason?

Oh, I guess the Senate will come back to order.  
Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Welcome back from dinner, it's great to see you.

THE CHAIR:

Thank you, I hope you had a good one, sir. It smells up the chamber, but it's okay.

SENATOR DUFF (25TH):

cf  
SENATE

174  
April 27, 2016

Thank you, Madam President. Senate will stand at ease. [laughter]

THE CHAIR:

That was the fastest session I've ever had. Now, Senator Duff, are you standing for a reason, sir?

SENATOR DUFF (25TH):

Thank you, Madam President. Standing to say good evening.

THE CHAIR:

Good evening. So nice to see you again, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Is there an agenda on the clerk's desk?

THE CHAIR:

Mr. Clerk.

THE CLERK:

I have Senate Agenda Number 2, dated Wednesday, April 27, 2016.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

cf  
SENATE

175 001262  
April 27, 2016

Thank you, Madam President. I move that all items on Senate Agenda Number 2, dated Wednesday, April 27, 2016 be acted upon as indicated and that the agenda be incorporated by reference to the Senate Journal and transcript.

THE CHAIR:

So noted, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. I have some markings for the rest of the evening.

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 8, Calendar 304 -- I think that's 304 -- Senate Bill 116 -- I'd like to place that item on the foot of the calendar.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

On calendar page 4, Calendar 172, Senate Bill 151, I'd like to remove that item from our Consent Calendar and mark that PR.

THE CHAIR:

cf  
SENATE

176  
April 27, 2016

001263

So ordered, sir.

SENATOR DUFF (25TH):

On calendar page 4, Calendar -- next -- all the next items are go's. Calendar page 4, Calendar 180, Senate Bill 223, I'd like to mark that go. On calendar page 6, Calendar 266, Senate Bill 343, go. On calendar page 7, Calendar 299, Senate Bill 375, go. On calendar page 8, Calendar 316, Senate Bill 272, go. Calendar page 9, Calendar 340, Senate Bill 423, go. Calendar page 10, Calendar 247, Senate Bill 342, go. Calendar page 11, Calendar 363, Senate Bill 255, go. Calendar page 12, Calendar 367, Senate Bill 366, go. Calendar page 20, Calendar 432, Senate Bill 304, go. Calendar page 22, Calendar 446, House Bill 5428, go. Calendar page 33, Calendar 88, Senate Bill 115, go. Calendar page 33, Calendar 115, Senate Bill 25, go. Calendar page 38, Calendar 259, Senate Bill 228, go. Calendar page 38, Calendar 282, Senate Bill 305, go. Calendar page 39, Calendar 288, Senate Bill 227, go. Calendar page 40, Calendar 291, Senate Bill 348, go. Calendar page 40, Calendar 295, Senate Bill 368, go. That is our markings for this evening and if the Senate can stand at ease a moment while our friends finish their caucus.

THE CHAIR:

The Senate will stand at ease.

Senate will come back to order. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I have an item for our Consent Calendar.

cf  
SENATE

177  
001264  
April 27, 2016

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Calendar page 22, Calendar 446, House Bill 5428. I place that item on the Consent Calendar.

THE CHAIR:

I'm sorry, could you do that one more time, sir? A little bit slower.

SENATOR DUFF (25TH):

Sure. Calendar page 22, Calendar 446, House Bill 5428. I'd like to place that item on the Consent Calendar.

THE CHAIR:

Thank you, sir. Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. If the clerk can now call Calendar page 4, Calendar 180, Senate Bill 223, and --

THE CHAIR:

Mr. Clerk. Oops, sorry. Sorry, sir.

THE CLERK:

cf  
SENATE

178  
April 27, 2016

On Page 4, Calendar 180, Senate Bill Number 223.

THE CHAIR:

Senator Gomes.

SENATOR GOMES (23RD):

Madam President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motions on acceptance and passage. Will you remark, sir?

SENATOR GOMES (23RD):

There is -- Madam President, there is a possession of LCO Amendment Number 4033. I move that Amendment and seek leave to summarize.

THE CHAIR:

Mr. Clerk. 443 -- 40

SENATOR GOMES (23RD):

4033.

THE CHAIR:

Sorry, 4033. Thank you.

THE CLERK:

cf  
SENATE

179  
April 27, 2016

001266

LCO Number 4033, Senate "A" offered by Senator  
Gomes.

THE CHAIR:

Senator Gomes.

SENATOR GOMES (23RD):

Thank you, Madam President. This bill --

THE CHAIR:

Sir, you move for adoption?

SENATOR GOMES (23RD):

I move -- I move adoption.

THE CHAIR:

Motions on adoption. Will you remark, sir?

SENATOR GOMES (23RD):

This bill -- this bill allows employees to withhold  
the pay of executive, administrative or professional  
employees for periods that are --

THE CHAIR:

I'm sorry, sir. Is -- this is the Amendment that  
you're talking about, sir?

SENATOR GOMES (23RD):

I was summarizing the bill.

THE CHAIR:

Sir, we're on the Amendment. You called for an Amendment.

SENATOR GOMES (23RD):

Yes, I have the Amendment here. It's a strike-everything bill and after the enacting clause and substitute a following in lieu thereof. Whenever the labor commission or employee has probably cause to believe that an employer failed to pay wages to such employee in violation of Section 31-60 or Sections 31-71B to 31-71E inclusive of the general statute has failed to compensate an employee in violation of Section 31-76 or dash -- 31-76K of the general statute. The labor commission or such employee shall be entitled to a lien on any property real or personal in which such employee has an interest in forced payment of such wages or compensation in any statute, statutory penalties that would be available in a civil action on Section 31-68 or 31-72 of the general [inaudible 2:10.16] -- general statutes.

THE CHAIR:

Will you remark on the Amendment? Will you remark on the Amendment? Seeing none, I'll try your minds and try your voices. All those in favor of Senate "A", please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is passed. Senator Duff.



cf  
SENATE

181  
April 27, 2016

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move that we refer this item to the Judiciary Committee.

THE CHAIR:

So ordered, sir. Mr. Clerk, will you call the next on the agenda, please.

THE CLERK:

On page 6, Calendar 266, Substitute for Senate Bill Number 343, AN ACT CONCERNING STUDENT MEMBERSHIP ON THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF CONNECTICUT. There are amendments.

THE CHAIR:

Good evening Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Hi, Madam President. I move acceptance of the Joint Committee's joint favorable report and I urge pass of the bill, please.

THE CHAIR:

Motions on acceptance and adoption -- would you pass -- on passage, rather. Would you remark, ma'am?

SENATOR BARTOLOMEO (13TH):

Yes, thank you, Madam President. Madam President, this particular bill is about increasing the student membership only to the Board of Trustees for the

cf  
SENATE

182  
April 27, 2016

University of Connecticut and Madam Clerk the --  
excuse me, Madam President -- the clerk is in  
possession of Amendment LCO Number 4537 and I ask if  
the clerk would please call that and I be given  
leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4537, Senate "A" offered by Senators  
Flexer and Bartolomeo.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Thank you, Madam President. Madam President, this  
is a strike-all Amendment --

THE CHAIR:

Ma'am would you like to adopt it or --

SENATOR BARTOLOMEO (13TH):

Oh I would love to do that, please.

THE CHAIR:

Thank you.

SENATOR BARTOLOMEO (13TH):

cf  
SENATE

001270  
183  
April 27, 2016

I move adoption of the Amendment.

THE CHAIR:

Motions on adoption. Will you remark, Ma'am?

SENATOR BARTOLOMEO (13TH):

Thank you. This is a strike-all Amendment, so the Amendment becomes the bill. Again, it is in reference to increasing student membership on the UConn Board of Trustees. Madam President, would you allow me please to yield to Senator Flexer?

THE CHAIR:

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

SENATOR FLEXER (29TH):

Yes, Madam President, I will.

THE CHAIR:

Please proceed, ma'am.

SENATOR FLEXER (29TH):

Thank you, Madam President. Madam President, I'd like to thank Senator Bartolomeo for moving adoption of the Amendment and for introducing this piece of legislation. The bill before us increases student membership on the UConn Board of Trustees. It is a measure that passed to this chamber unanimously last year. The bill that was debated in the Higher Education Committee this year had some changes. The Amendment that is before us makes the underlying bill exactly the same bill as what this chamber

passed last year to add two additional student members to the UConn Board of Trustees: one additional graduate student that will be elected by the students at the University and one additional graduate student that will be elected by the University. I hope that the chamber can support this Amendment.

THE CHAIR:

Will you remark further on the Amendment? Will you remark further on the Amendment? If not, I'll try your minds. All those in favor of Senate "A", please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" has passed.

Will you remark further on the bill? Will you remark further on the bill? Senator Flexer.

SENATOR FLEXER (29TH):

Yes. Thank you, Madam President. Madam President, I'm proud that this legislation has received such great bipartisan support both in the Higher Education Committee this year and this chamber last year. I believe it's critical that students have an increased voice on the UConn Board of Trustees. The students were given a voice on the Board of Trustees in the 1970's and since that time, the student population has more than doubled at the University.

There have been many decisions made by the Board of Trustees in the last several years that I think require additional student input, particularly the issues surrounding the University's budget and the way that debate on the budget was handled last year and decisions that were made even made earlier this morning about changing the governance of the University's bookstore from a cooperative non-profit organization to a corporate entity.

So I think it's really important that the students have a larger voice on the Board of Trustees and I'm hopeful that the chamber will once again give broad support to UConn students in allowing them to have a stronger voice in the governance of the University of Connecticut. Thank you, Madam President.

THE CHAIR:

Will you remark further on the bill as amended?  
Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. I want to thank Senator Bartolomeo and Senator Flexer. I rise in full support of this legislation. In fact, my constituent Adam Kugler who is the Vice President of the Undergraduate Student Government has been a big advocate and testified on this legislation last year as well as this year and I look forward to its passage. Thank you, Madam President.

THE CHAIR:

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

cf  
SENATE

186  
April 27, 2016

SENATOR WITKOS (8TH):

Yes. Thank you and good evening, Madam President.

THE CHAIR:

Good evening, sir.

SENATOR WITKOS (8TH):

Good evening, I also rise in support of the legislation. When the students came before the Higher Education Committee, which adopted the bill before us unanimously, I think they presented a cogent, intelligent and reasonable request based on all the comments that the previous speakers made and I urge the chamber's adoption. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further? Will you remark further? Senator Cassano.

SENATOR CASSANO (4TH):

Thank you, Madam President. Through you, a question to the proposer of the Bill.

THE CHAIR:

Please proceed, sir.

SENATOR CASSANO (4TH):

Yes, the --

THE CHAIR:

cf  
SENATE

187  
April 27, 2016

This is on the Amendment, sir.

SENATOR CASSANO (4TH):

This is on the Amendment.

THE CHAIR:

No, it's on the Bill. Sorry.

SENATOR CASSANO (4TH):

It's on the Bill. Excuse me.

THE CHAIR:

Excuse me. Sorry.

SENATOR CASSANO (4TH):

Just a quick question. Are all the students from the University of Connecticut campus at Storrs?

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Through you, Madam President. The students that can be elected to fill these positions can be at any campus at the University. Two will -- if this Bill moves forward and becomes law, two of those students will be undergraduate students from any campus and two of those students will be graduate students from any campus.

cf  
SENATE

188001275  
April 27, 2016

SENATOR CASSANO (4TH):

Great, thank you very much.

THE CHAIR:

Senator Cassano.

Thank you, will you remark further? Will you remark further on the Bill? Senator Flexer.

SENATOR FLEXER (29TH):

Madam President, if there's no objection, I move  
that we place this item on our Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered, Ma'am. Thank you.  
Mr. Clerk.

THE CLERK:

On Page 7, Calendar 299, Substitute for Senate Bill Number 375, AN ACT AUTHORIZING MULTISTATE HEALTH CARE CENTERS IN CONNECTICUT AND ELIMINATING A HEALTH CARRIER UTILIZATION REVIEW REPORT FILING REQUIREMENT. There are amendments.

THE CHAIR:

Senator Crisco. Oh, I'm so sorry. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move that we mark this item PT, please.



cf  
SENATE

189  
April 27, 2016

THE CHAIR:

So ordered, sir. Mr. Clerk. Next bill, please.

THE CLERK:

On Page 8, Calendar 316, Substitute for Senate Bill  
Number 272, AN ACT CONCERNING THE USE OF MICROGRID  
GRANTS AND LOANS FOR CERTAIN DISTRIBUTED ENERGY  
GENERATION PROJECTS. There are amendments.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Good evening again, Madam President.

THE CHAIR:

Good evening.

SENATOR WITKOS (8TH):

Under article rule 15 of the chamber, I ask to be  
recused from this vote and conversation. Thank you.

THE CHAIR:

So ordered. Thank you. Senator Kissel.

SENATOR KISSEL (7TH):

Good evening, Madam President. I would also ask to  
be recused from this vote, under rule 15.

cf  
SENATE

190  
April 27, 2016

THE CHAIR:

Please proceed. Thank you, sir. Anybody -- there we go. Senator Linares.

SENATOR LINARES (33RD):

Good evening. Good evening, Madam President. Under rule 15, I ask to be recused. Thank you.

THE CHAIR:

Please proceed, sir. This definitely will pass tonight. Senator Doyle.

SENATOR DOYLE (9TH):

Good evening.

THE CHAIR:

Please don't start until Senator Linares leaves the building -- the room, rather. Thank you. Senator Doyle.

SENATOR DOYLE (9TH):

Thank you for that guidance, Madam President. First of all, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motions on acceptance and passage. Will you remark, sir?

SENATOR DOYLE (9TH):

Yes. Thank you, Madam President. The -- the file copy before you deals with our current, existing microgrid grant and loan program -- PILOT program. This has been around for a few years and the file copy before you -- this is a grant program for our municipalities and the current law -- under the current law, we are -- the -- the -- DEEP is permitted to provide funding for the -- for design engineering services, interconnection, infrastructure only. The file copy before you now allows the funding to be used for microgrid grant and a loan program in addition to that.

And the reason why it was expanded is because DEEP has found at this point in time, now that we're into the program, more and more municipalities cannot utilize additional -- this doesn't expand any funding, it just -- it just enables more municipalities to be able to cooperate and utilize the program. But before I go further, Madam Chair, the clerk has an Amendment LCO 5136. Will the Clerk please call and I be allowed to summarize?

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5136, Senate "A" offered by Senators  
Doyle, Formica, et al.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Thank you, Madam President. I first move adoption of the Amendment.

THE CHAIR:

Motion on adoption. Will you remark further, sir?

SENATOR DOYLE (9TH):

Yes. Thank you, Madam President. This Amendment -- the first portion of this Amendment as I just described to the chamber -- first -- the file copy permits the -- DEEP to deal -- to permit municipalities -- the money to go for micro grant and loan program and this expands it to energy storage systems and that would make it more valuable. You know, energy storage systems is tied to Class I renewable. Again, the storage is important for all of our different micro grids and projects, so this would expand and make it -- make the program more viable for our municipalities.

Also, this section in -- from Line 8 on, it deals with the current ZREC program and in this program, the language here -- we're in the sixth year of the ZREC solicitation program. Sixth and last year. This language does not expand the program, it does not increase the money for the program, but simply permits LREC projects to compete in and seek funding through this -- through this sixth year or the \$8 Million. I urge the chamber to support this Amendment. Thank you, Madam President.

THE CHAIR:

Will you remark on the Amendment? Senator Crisco.

SENATOR CRISCO (17TH):

Thank you, Madam President. I rise in support of the Amendment and commend Senator Doyle for his leadership in correcting certain inequities that exist at -- in the legislation.

THE CHAIR:

Thank you, sir. Will you remark further on the Amendment? Will you remark further on the Amendment? If not, I will try your minds. All those in favor of the Amendment, please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? The Amendment passes. Will you remark further on the bill? Senator Doyle.

SENATOR DOYLE (9TH):

Yes. Thank you, Madam President. Now the bill as Amended, you're -- you're on -- Madam President. Clarifies and makes the underlying micro grid grant program more efficient and more accessible to our communities and also it makes the ZREC fund I think, more equitable and I urge the -- the chamber to support it. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Will you remark? Senator Formica. Good after -- good evening, sir.

SENATOR FORMICA (20TH):

cf  
SENATE

194001281  
April 27, 2016

Good evening, Madam President, and thank you. I rise to make a few comments in support of this Bill, please.

THE CHAIR:

Please proceed, sir.

SENATOR FORMICA (20TH):

Thank you, Madam President. This is a good bill that would encourage and improve the development of micro grids, enhancing energy, increases grid reliability in the state, it calls for matching funds or low interest loans and it will help our municipalities and I urge my colleagues to vote in support of this bill.

THE CHAIR:

Will you remark further on the bill? Will you remark further on the bill? Senator Crisco.

SENATOR CRISCO (17TH):

Thank you, Madam President. I just wanted to associate myself with the remarks of my colleagues. Thank you.

THE CHAIR:

Thank you, Senator Crisco. Will you remark further? Will you remark further? If not, Mr. Clerk. Will you please call for a roll call vote and the machine will be open.

THE CLERK:

cf  
SENATE

195  
April 27, 2016

001282

Immediate Roll Call has been ordered in the Senate.  
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 please call the tally.

THE CLERK:

On Senate Bill 272.

Total number voting	33
Necessary for Adoption	17
Those voting Yea	33
Those voting Nay	0
Those absent and not voting	3

THE CHAIR:

The Bill passes. Mr. Clerk.

THE CLERK:

On Page 9, Calendar 340, Substitute for Senate Bill  
Number 423, AN ACT CONCERNING MUNICIPAL FIRE  
APPARATUS SAFETY AND TESTING. There are amendments.

THE CHAIR:

Senator Osten. Good evening, Ma'am.

SENATOR OSTEN (19TH):

cf  
SENATE

196  
April 27, 2016

Good evening, Madam President. Madam President, I move acceptance of the Joint Committee's favorable report and passage of the Bill.

THE CHAIR:

Motions on acceptance and passage. Will you remark?

SENATOR OSTEN (19TH):

Yes, Madam President. Madam President, the clerk is in possession of LCO Amendment Number 4260. I move the Amendment and seek leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4260, Senate "A" offered by Senator  
Osten.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

I move adoption of the Amendment.

THE CHAIR:

Motions on adoption. Will you remark, ma'am?

SENATOR OSTEN (19TH):



Yes, Madam President, this -- this amendment merely strikes Section 2 of the Bill, leaving only Section 1. I would ask the support of the circle.

THE CHAIR:

Will you remark on Senate "A"? Will you remark on Senate "A"? If not, I'll try your minds. All those in favor of the Amendment, please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" passes. Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. Madam President, this bill as amended requires that municipalities and fire departments maintain their apparatus in good condition according to NFPA standards and I move adoption.

THE CHAIR:

Will you remark further on the Bill? Senator Linares. Good evening, sir.

SENATOR LINARES (33RD):

Good evening, Madam President. I rise in support of this bill. As good Senator Osten had mentioned, it will require municipal and volunteer fire departments to maintain their pump and aerial fire apparatus in compliance with the National Fire

Protection Association standards and these standards are important, number one for Safety. We want to make sure that everyone has the appropriate equipment and that they are using that equipment appropriately and effectively and so, you know, we have to always take safety into consideration when we're talking about our volunteer and municipal fire departments. I also think it would be a good way for us to make sure that we are updating and -- and consistently have the most up to date technology available for our volunteer fire fighters. So, I rise in support of the bill and ask my colleagues to support it as well. Thank you.

THE CHAIR:

Thank you. Will you remark further on the Bill?  
Will you remark further on the Bill? Senator Osten.

SENATOR OSTEN (19TH):

Seeing no objection, I would move this to the Consent Calendar. Oh, wait a minute.

THE CHAIR:

There's an objection.

SENATOR OSTEN (19TH):

I'm sorry -- there was -- I would ask for a roll call vote, then.

THE CHAIR:

Mr. -- Mr. Clerk will you please call for a roll call vote and the machine will be open.

cf  
SENATE

199  
April 27, 2016

THE CLERK:

Roll Call Vote has been ordered in the Senate.  
Immediate Roll Call in the Senate.

THE CHAIR:

Senator Kane -- Kelly, and Senator Martin. Thank  
you very much.

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

THE CLERK:

Senate Bill Number 423.

Total number voting	36
Necessary for Adoption	19
Those voting Yea	29
Those voting Nay	7
Those absent and not voting	0

THE CHAIR:

The Bill passes. Mr. Clerk.

THE CLERK:

On Page 10, Calendar 347, Substitute for Senate Bill  
Number 342, AN ACT CONCERNING ELECTRONIC FILING OF  
CAMPAIGN REPORTS. There are amendments.

THE CHAIR:

Senator Cassano. Good evening, sir.

cf  
SENATE

200  
001287  
April 27, 2016

SENATOR CASSANO (4TH):

Good evening, Madam President. I move acceptance of the Joint Committee's favorable report and passage of the Bill.

THE CHAIR:

Motions on acceptance and passage. Will you remark, sir?

SENATOR CASSANO (4TH):

Yes. This is a GAE Bill that was unanimously passed. It lowers to \$1,000 the threshold for filing for electronic statements with SEEC and it extends the requirement to a variety of our groups including statewide office exploratory committees, legislative office candidates, state central legislative caucus and legislative leadership committees. I believe the clerk has an Amendment that is a technical Amendment. I'd ask for LCO Number 4946 to be called.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4946, Senate "A" offered by Senator Cassano.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO (4TH):

cf  
SENATE

201  
April 27, 2016

This is a very technical Amendment, it's --

THE CHAIR:

Would you like to move for adoption, sir?

SENATOR CASSANO (4TH):

I'd like to move adoption of the Amendment.

THE CHAIR:

Motions on adoption. Please proceed, sir.

SENATOR CASSANO (4TH):

It's a technical Amendment that really is making word changes. A change that it makes clear the effective date. Then in Line in 47 after expenditure, we add the word State Elections Enforcement Commission. We add the word other in another line and again State Elections Enforcement Commission. Very technical.

THE CHAIR:

Will you remark further on Senate "A"? Will you remark further on Senate "A"? If not, I will try your minds. All those in favor, please say "aye".

SENATORS:

Aye.

THE CHAIR:

cf  
SENATE

202001289  
April 27, 2016

Thank you. All Opposed? The Amendment passes.  
Senator Cassano.

SENATOR CASSANO (4TH):

I would, if there's any questions. Seeing none, I  
would ask that it be placed on the Consent Calendar.

THE CHAIR:

Any objections? Seeing no objections, so ordered,  
sir. Mr. Clerk.

THE CLERK:

On Page 11, Calendar 363, Substitute for Senate Bill  
Number 255, AN ACT CONCERNING THE APPLICABILITY AND  
PROVISION OF TRAINING FOR REGISTRARS OF VOTERS.  
There are Amendments.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO (4TH):

Madam President, I have a second Bill. It's  
similar. This involves the Town Clerk's Office. I  
move acceptance of the Joint Committee's favorable  
report and passage of the Bill.

THE CHAIR:

Motions on acceptance and passage. Will you remark,  
sir?

SENATOR CASSANO (4TH):

Ah yes. I said Town Clerk's. I'm sorry, I thought the Secretary of State's office. It's a very basic bill. It reduces the training requirements for registrars from 10 hours to 8 hours [throat clearing] and that 8 hours is [throat clearing] annual to maintain the certification. It also creates an Advisory Committee made up at least four registrars, representatives from the Secretary of State's office and they will plan and work together with the Secretary for purposes of planning.

THE CHAIR:

Sir, you didn't -- this is the Bill, right? Not an Amendment.

SENATOR CASSANO (4TH):

No. It's the bill. Right.

THE CHAIR:

Thank you very much, sir.

SENATOR CASSANO (4TH):

I believe the clerk has an Amendment, however, LCO 4945.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4945, Senate "A" offered by Senator Cassano.

cf  
SENATE

204 001291  
April 27, 2016

THE CHAIR:

Senator Cassano.

SENATOR CASSANO (4TH):

I move adoption of this Amendment --

THE CHAIR:

Motions on --

SENATOR CASSANO (4TH):

And what it simply does --

THE CHAIR:

The motion -- is it -- adoption. Will you remark, sir?

SENATOR CASSANO (4TH):

Thank you, Madam President. In Line 30 after the words, Secretary of State, we insert the Registrars of Voters Association of Connecticut or a successors organization, ROVAC does much of the training along with the Secretary of State and others, and so we wanted to have them specifically named.

THE CHAIR:

Thank you. Will you remark on the Amendment? Will you remark on the Amendment? And if not, all those in favor of the Amendment, please say "aye".

SENATORS:



cf  
SENATE

205  
001292  
April 27, 2016

Aye.

THE CHAIR:

Opposed? The Amendment passes. Senator Cassano.

SENATOR CASSANO (4TH):

Are there any questions? Seeing none, I would ask  
it be placed on the Consent Calendar.

THE CHAIR:

Is there any comment? On the -- any objections to  
putting it -- placing it on the Consent Calendar?  
Seeing none, all those in -- oh never mind. Okay.  
Thank you very much. Mr. Clerk.

THE CLERK:

On Page 12, Calendar 367, Substitute for Senate Bill  
Number 366, AN ACT CONCERNING ADMINISTRATION OF THE  
CONNECTICUT GREEN BANK, THE PRIORITY OF THE BENEFIT  
ASSESSMENTS LIEN UNDER THE GREEN BANK'S COMMERCIAL  
SUSTAINABLE ENERGY PROGRAM AND THE GREEN BANK'S  
SOLAR HOME RENEWABLE ENERGY CREDIT PROGRAM.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Good evening again, Madam President. Under our rule  
number 15, I ask to be recused from the conversation  
and ultimate vote on this piece of legislation.

THE CHAIR:

cf  
SENATE

206  
001293  
April 27, 2016

Thank you, sir. Senator Kissel.

SENATOR KISSEL (7TH):

Hello, Madam President.

THE CHAIR:

Hi.

SENATOR KISSEL (7TH):

On this particular matter, I would also ask to be  
recused under rule 15.

THE CHAIR:

Senator Linares.

SENATOR LINARES (33RD):

Good evening, Madam President. Under rule 15, I'd  
asked to be recused from this vote. Thank you.

THE CHAIR:

Senator Doyle. Oh, ok. We're gonna' wait for you  
to cut out -- I mean, leave. Senator Doyle.

SENATOR DOYLE (9TH):

Good evening again, Madam President.

THE CHAIR:

Good evening, sir.

cf  
SENATE

207  
001294  
April 27, 2016

SENATOR DOYLE (9TH):

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

THE CHAIR:

Motions on acceptance and passage. Will you remark, sir?

SENATOR DOYLE (9TH):

Yes. Thank you, Madam President. This bill deals with our successful Green Bank. What it does is it kind of cleans up the -- the existing language, some of the components are for the Green Bank, it takes it out under the control -- or the supervision of Connecticut Innovation that it was under for administrative purposes and made it -- makes it a -- kind of its own entity. It also allows the Green Bank to create special purpose vehicles for some of the bigger projects. The -- the Green Projects. It creates -- it -- which is a good thing.

We have an Amendment that will clarify that in a second, Madam President. It also does a -- a technical fix to our -- our Comp -- the C-PACE program, that the Attorney General recommended in terms of the consent for mortgage holders on -- on this -- the line of the leans and also it doesn't crush into the expanded SHREC program that we passed last year. It just clarifies that the order and how the money is allocated for the -- the SHREC program. Madam President, at the present time, the Clerk has an Amendment LCO 4480. May the clerk please call it and I be allowed to summarize.

THE CHAIR:

cf  
SENATE

208  
001295  
April 27, 2016

Mr. Clerk.

THE CLERK:

LCO Number 4480, Senate "A" offered by Senators  
Doyle, Formica, et al.

THE CHAIR:  
Senator Doyle.

SENATOR DOYLE (9TH):

Yes, thank you, Madam President. I first move  
adoption of the Amendment.

THE CHAIR:

Motions on adoption. Will you remark, sir?

SENATOR DOYLE (9TH):

Yes, thank you, Madam President. As I just  
mentioned, this -- this Amendment kind of -- you  
know -- since -- since we had the file copy and  
further scrutiny was done on the bill, and it kind  
of cleans it up, for instance, it clarifies that the  
-- any of these subsidiaries or the special purpose  
entities that I prior mentioned are not -- they're -  
- they are not quasi-public entities. These are  
basically short-term entities created for particular  
projects, and that's what the Green Bank indicated  
they could be more efficient if it. But they do not  
have any -- they don't have the special powers of  
the -- of -- of any of our quasi-public agencies  
such as the parent of the Green Bank.

cf  
SENATE

209  
April 27, 2016

It also, after further review -- the Committee -- we deemed -- we wanted to tighten up the conflict of interest language for these special purpose entities. So we made it clear that any -- if -- if -- any of the members of the -- the Board of Directors of the kind of Green Bank serve on any of these entities they cannot have a conflict of interest. These are well-reasoned principles for this Amendment and I urge the chamber to approve this -- this Amendment. Thank you, Madam President.

THE CHAIR:

Will you remark on the Amendment? Will you remark on the Amendment? Senator Formica. Good evening again, sir.

SENATOR FORMICA (20TH):

Thank you, Madam President. I rise in support of the Amendment. This Amendment is the -- the main part that makes this bill work, the -- there was some opposition from some folks regarding the conflict of interest language and this -- this Amendment cleans it up as well as some of the subsidiary and the technical changes to SHREC so I urge adopt -- support of the Amendment. Thank you, Madam.

THE CHAIR:

Thank you. Will you remark further on the Amendment? Will you remark further? If not, I'll try your minds. All those in favor of the Amendment, please say "aye".

SENATORS:

cf  
SENATE

210  
001297  
April 27, 2016

Aye.

THE CHAIR:

Opposed? The Amendment passes. Senator Doyle.

SENATOR DOYLE (9TH):

Yes, thank you, Madam President. With the Bill now amended, I think it makes it a complete Bill, it clarifies and strengthens the -- our existing laws on the Green Bank. It does make the few technical corrections to our existing C-PACE and SHREC legislation. I urge the chamber to -- to approve this Bill as amended. Thank you, Madam President.

THE CHAIR:

Will you remark further? Will you remark further?  
Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. I -- I agree this is a good bill and I urge support from this -- from this body for this bill. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further? Will you remark further? If not, I would call -- Mr. Clerk, will you call -- call for a roll call vote and the machine will be open.

THE CLERK:

Immediate Roll Call has been ordered in the Senate.  
Immediate Roll Call has been ordered in the Senate.

cf  
SENATE

211  
April 27, 2016

001298

THE CHAIR:

Now that everybody has voted. If all people have voted, all people have voted. The machine will be closed. Mr. Clerk, will you please call the tally on the Bill.

THE CLERK:

Senate Bill 366.

Total number voting	33
Necessary for Adoption	17
Those voting Yea	33
Those voting Nay	0
Those absent and not voting	3

THE CHAIR:

The Bill passes. Mr. Clerk.

THE CLERK:

On Page 20, Calendar 432, Substitute for Senate Bill Number 304, AN ACT INCREASING THE THRESHOLD FOR LEGISLATIVE APPROVAL OF FINANCIAL ASSISTANCE AWARDED BY THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT AND CONNECTICUT INNOVATIONS, INCORPORATED. There are amendments.

THE CHAIR:

Good evening, Senator Hartley.

SENATOR HARTLEY (15TH):

Good evening, this early evening, Madam President.

cf  
SENATE

212  
April 27, 2016

001299

THE CHAIR:

Really? Early?

SENATOR HARTLEY (15TH):

I think it's relative.

THE CHAIR:

Okay.

SENATOR HARTLEY (15TH):

Madam President, I move acceptance of the Joint Committee's favorable report and passage of the Bill.

THE CHAIR:

Motions on acceptance and passage. Will you remark, ma'am?

SENATOR HARTLEY (15TH):

Yes, indeed. Thank you, Madam President. This bill addresses the thresholds for financial assistance awarded by the Department of Economic and Community Development and Connecticut Innovations. Current law, Madam President, says that the legislature would have to approve financial assistance and tax credits if they exceed a certain threshold, which has existed in fact, since the initiation of the programs. This bill and -- would reflect inflationary changes and change from \$10 Million for a business in a two year period to \$16 and for a bio science business, in a two year period from \$20 to



\$27 Million. For the URA, which is the Urban Industrial Reinvestment program, it would also change from \$20 to \$27.

It is important that we recognize that since the advent of the program, the landscape has changed. In order to stay competitive in trying to support small business and the economic ecosystem of the State of Connecticut, that we remain viable and competitive. This simple change would allow for that. Thank you, Madam President, and I urge passage, Ma'am.

THE CHAIR:

Will you remark? Senator Frantz. Good evening, sir.

SENATOR FRANTZ (36TH):

Good evening, Madam President, and thank you very much for that. Through you, Madam President, a very quick question to the proponent of the Bill.

THE CHAIR:

Please proceed, sir.

SENATOR FRANTZ (36TH):

Thank you, Madam President. Through you, Senator Hartley, was there an original ask by the DECD and CI for a -- an amount higher than the one that we're talking about tonight?

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Through you, Madam President, indeed there was 'and it was essentially double on each of the iterations and so we thought that it would be fair and appropriate and reasonable for it to index inflationary changes since the program's been around since the 1990's and so the answer is, yes, it's a much reduced number, sir.

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ (36TH):

Thank you. Through you, Madam President. Thank you for that answer, I think -- I think that was a very reasonable answer to a request that seemed perhaps a little over the top initially but I think it's a very reasonable thing to ask for at this point, to go up by the rate of inflation over a period nine or 10 or 11 years or whatever it was, to get to a higher threshold before having to come for legislative approval and I might just very quickly add that this Committee has done great work. It's been very successful in introducing a lot of bills. It will, in fact, help this economy and the Senator's leadership has been greatly appreciated as well as the other leaders on the Commerce Committee.

Now, having said that, I do have an Amendment through you, Madam President, and the LCO Number is 4305 and if the clerk could please pull that Amendment and I would move adoption and move to waive the reading to seek leave.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4305, Senate "A" offered by Senators  
Fasano and Witkos.

THE CHAIR:

The motions on adoption. Senator Frantz.

SENATOR FRANTZ (36TH):

Thank you, Madam President. I appreciate it. What this Amendment simply does is it says that any future bonding on behalf of the State of Connecticut to be authorized and eventually to be issued going forward after January 1, 2017, would be limited to \$1.8 Billion.

I think one of the first lessons that we all learn around this circle, we were all raised by great parents and one of the things that they taught us as we got to be 12, 14, 15 years old, was you don't want to borrow too much money. Yes, you can borrow money if you can prove that you can pay it off within a certain period of time, hopefully less than a year. A short term loan, technically speaking, and then it's okay to do so, but if you can't do that, don't do it, because what you're doing is you are imperiling your -- your future. Over borrowing has killed many companies. It's killed many countries over the last 250, 300 years. It's killed many, many countries because they could not get a grip on their appetite for borrowing.

Today, Connecticut has record levels of borrowing. We're nearly at \$23 Billion. We've never been close to that before in our entire existence and the mentality seems to be that money's free. Because interest rates are so low with the federal discount rate of close to .25 basis points or a quarter of a percentage points, it appears that money is free. The only problem is that once you borrow that money, whether it's a 10 year, 15, 20 year duration, you're putting yourself on a schedule to have to pay back that principal. Debt squeezes cash flow over the course of time going forward. And God forbid, if interest rates go up.

We got a break yesterday by the Fed and we were told that we not going to see an increase in interest rates for at least a couple of quarters, but who knows, six months or eight months from now, we might see that increase and we may be going from 11 percent of our budget, 10 percent is typically considered to be the acceptable amount of a budget to be paying for debt service if we go to 11, 12, percent or possibly even, theoretically, 14 and a half percent. We are squeezing ourselves so badly that we're going to see all of the pressure on the funding for social programs increase and -- and see that to become even more catastrophic than it is today.

So we have to -- we have to keep that in mind and I think limiting bonding going forward to 1.8 percent is the way to go. Let's not sign our death warrant fiscally going forward. Let's have some sense of fiscal restraint, at least on the debt side, nevermind the -- the budget side -- we're gonna' struggle with that over the days to come, but on the debt side, let's limit ourselves. If we don't,

we're asking for trouble. Please support the Amendment. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Hartley.

SENATOR HARTLEY (15TH):

Thank you, Madam President. And if I might comment on the Amendment before us, I appreciate this proposal, Senator Frantz and yeah, lesson's learned. I think we've all learned those lessons growing up as one of 10 children, I learned it early and I learned it well. And so, I just -- as a member of the Finance Committee, I trust that perhaps through you, Madam President, that you have had these conversations in that Committee and I would just suggest that perhaps the more appropriate time for this discussion and proposal would be as we entertain the revenue package. So I respectfully ask that we not accept this Amendment and have this conversation at that time. Thank you.

THE CHAIR:

Thank you. Would you remark further? Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Madam President, I stand for the purpose of questions to the proponent of the Amendment, please.

THE CHAIR:

cf  
SENATE

218  
April 27, 2016

001305

Please proceed, sir. Prepare yourself, Senator Frantz.

SENATOR FRANTZ (36TH):

I'm prepared.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President.

THE CHAIR:

Good.

SENATOR MCLACHLAN (24TH):

Senator Frantz, thank you for this thoughtful Amendment. I am honored to serve as your representative on the General Bondings sub-committee and appreciate that -- that opportunity to serve the state and it's been a very informative process for me and one thing that I've learned is that in recent years, bonding indebtedness has grown exponentially and I wonder, could you share with us -- we both arrived at the state capitol in January of 2009 -- could you share with us what your experience was with bonding indebtedness per calendar year with the previous administration?

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ (36TH):

Thank you. And through you, Madam President. Excellent question. We used to be at an average of \$1.2 to \$1.4 Billion per year. We eventually -- actually quite quickly snuck up to \$1.8, \$1.9 and \$2 Billion and now we're at a soft bond cap of \$2.7 to \$2.8 Billion dollars on top of already record levels of debt and I understand that the duration of most of these bond issuances is longer than before. So instead of an average of say, 13 or 14 years, it's maybe 16 or 17 years now, so you can imagine what the numbers look like over the next 5 to 7 to 8, 9, 10 years. The amount of outstanding debt -- bonded indebtedness for the State of Connecticut goes up substantially. It's -- it's downright scary.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Thank you, Senator Frantz. Downright scary, I believe it is, and certainly I wonder if there is any thought given to scaling back. Have you, as the ranking member of Finance Revenue and Bonding and a member of the State Bond Commission, does that topic come up at all?

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ (36TH):

Yes, and through you, Madam President. Indeed it does. Nearly every bond commission meeting and they're only four of us Republicans on it, it's a rubber stamp committee as we all know. Every single project that is on the agenda gets approved, and at every single one of those meetings, at the end, because I don't want to take up too much time out of respect for the Governor, out of respect for everybody's time on that committee -- on that Commission -- I -- I talk for about a minute and a half at the end, talking about how the state absolutely has to understand what kind of a financial position it is putting itself into if we continue at this rate of borrowing because if interest rates do in fact go up, and even if they don't -- we're putting ourselves on an amortization schedule that will essentially bankrupt the state in a sense that it will become insolvent. The cash flow is not there. It's been proven.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Thank you, Senator Frantz. Senator, I wonder if you could share with us your feelings about our bonded indebtedness on an annual basis and how that may affect our bond ratings.

Through you, Madam President.

THE CHAIR:

Senator Frantz.



SENATOR FRANTZ (36TH):

Thank you and -- and through you, Madam President. The rating commissions -- the rating agencies are interesting animals. They seem to be about 18 months behind the facts and I -- I don't say that lightly because there is a lot of evidence that they were not on the ball when it came to the prime mortgage meltdown back in 2008, 2009.

Are they on top of the municipal bond situation throughout the country? The answer is probably not. They're maybe a year behind at this point. And at some point, in the future, I don't know whether it's two months from now or a year from now, they'll say, oh my God, Connecticut's GO Bonds are not AA or AA-, they are something a whole lot less than that.

We had the second lowest bond rating in the country. We're tied with about three other states for that position and at some point, they'll wake up and they'll see that we do some pretty ridiculous things under this dome. We're mortgaging the future in so many ways we're adding expenses, we're adding to the regulations, we're harming the business environment, which is where the revenues come from. At the end of the day, that and individuals and families and that we know is the disaster. People are leaving the state because of the high tax environment, because they're not feeling welcome in the State of Connecticut.

So, yeah, will they realize it? At some point they will. They're smart people, they just -- it's the -- it's the business model that doesn't allow them to come out right away and say we got a problem in Connecticut. They have to wait and they have to do more analysis and yes, the state has the full faith

and credit of -- of -- of the state of Connecticut to go and -- and tax people and yes, you can do that -- but at some point, if you raise tax rates enough, people leave and -- and there's a point of diminishing returns and then you're destroyed.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Thank you, Senator. Senator, I wonder if you're getting a sense of what will the state bond market for interest rates be like in the coming few years? Not that anybody has a crystal ball, but given that there was a federal reserve meeting today and all of the rumors are that the next six -- six to nine months we anticipate increases in interest rates. How is that going to affect the State of Connecticut?

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ (36TH):

Thank you. Through you, Madam President. Again, another excellent question. There's -- there's no doubt. Even if the interest rates don't go up. We do have the problem of having to pay back an additional amount of principal which is significant. But I do believe that within the next six to nine

months, there will be an increase and say it's only 25 basis points that it goes up by -- the federal funds discount rate -- that will cost the state a lot because as a result of our current rating which could get worse -- we're paying about a 35 to 40 basis point premium just to get to where we need to be to sell the bonds. And as you know, the state will play with the coupon rate and issue bonds at a huge premium to get a upfront amount of money -- \$50, \$60, \$70 Million in some cases, to help pay for current expenses, but even if they're not doing that, if they're just doing a straight, plain vanilla bond issuance, they're looking at a 35 to 40 basis point spread -- yield spread -- which is one of the higher ones in the country. There are only two states that have had to issue at 45 or 50 basis points, so the writing on the wall is -- is not good.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Thank you, Senator Frantz. I -- I will say that the bonding sub-committee worked pretty hard this year to reduce even below what the Governor's proposal was for bonding authorizations and Senator Leone and his co-chair were pretty persistent about trying to keep that number down. I'm a little worried that it's going to creep back up on us again, but having said that, given the nature of our -- what I would say, inability to really curb spending -- and our inclination in Connecticut State Government to bond

long term bond -- borrow money for things that traditionally are annual expenditures, not 20 year bonds. I believe your proposal is appropriate, prudent, and I urge adoption. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator Kane.  
Good evening, sir.

SENATOR KANE (32ND):

Thank you, Madam President. Good evening to you. I rise in favor of this Amendment. We have seen the spending in regards to our bonding increased over the last six years immensely and having that same time, we understand that we are living in deficit each and every year and we continue to put a deeper and deeper burden on the taxpayers of Connecticut.

So, having a cap like this really makes sense for the long term structure of our fiscal state. The -- we saw in the Appropriations Committee -- having conversations about a spending cap -- well, we should have these same conversations about a firm bond cap as well. So many things are not necessarily delineated in the proper way statutorily and there seems to be a lot of gray area in these regards. But, this definitely puts a hard number on what we should be spending as a -- as a state -- as a body and as a government.

Certainly, as aforementioned by some of the previous speakers, we learn this at home, we learn this in our small businesses, we learn this in our community -- you can't spend more than you make and we're certainly charging that credit card pretty hard in

the last six years, so I think is a good Amendment. It's something that I think we all should support and I look forward to its passage. Thank you.

THE CHAIR:

Thank you, sir. Will you remark further? Will you remark further? Senator Guglielmo. Good evening, sir.

SENATOR GUGLIELMO (35TH): Thank you. Good evening, Madam President. Just a quick question through the -- to the proponent of the --

THE CHAIR:

Please. Please proceed, sir.

SENATOR GUGLIELMO (35TH):

Thank you. I -- I just would like Senator Frantz to explain what bond premiums are. He explained it to me a long time ago and some people I don't think really -- I didn't get it, I don't deal in that area and I was quite fascinated by how this works and how destructive it can be, so if you would address that for the -- for me and for the entire body, I'd appreciate it. Thank you.

THE CHAIR:

Senator Frantz.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ (36TH):

Yes, sure. Thank you. Through you, Madam President. I should have explained this before and I did not because not everybody deals in the bond markets and the financial markets, but if a state or an entity of business, for example, is selling bonds to the general public, the buyers -- potential buyers -- look at the risk situation involved and it these -- they see an absolutely zero risk situation such as in the case of a government bond, a t-bill or a t-bond, they pay 2.35 percent, call it today.

If they are now talking about a company or a state that may have some risk to it and I think we would all agree that Connecticut does have some fiscal risk to it going forward, they say in order to buy those bonds and take that risk, I'm gonna' have to have some sort of premium on top of the 2.35 percent to make me feel good and -- and be able to sleep at night. And the market all kind of gets together loosely -- they don't come together as a group, but through the machines and connectivity, they come together and say, we need an extra .35 percent or 35 basis points on top of the 2.25 percent to feel comfortable about buying these Connecticut state bonds, which we're gonna' own for 15 or 20 years going forward, which is a long time, so that premium -- that .35 percent is a significant one compared to other states in the country.

You might hear otherwise but in fact, I've done the research, we're one of the two or three worst in the -- in the country -- is necessary to be able to sell these bonds and if you get into a situation where people really don't trust the State of Connecticut going forward, you may get into a true, what they call junk bond situation where you may have to pay an extra 3 -- 3 percent or 300 basis points on top

of the 2.35 percent as of today to be able to sell those bonds to the public, so hopefully that made some semblance of sense to people. I know it did to you, Madam President. Thank you.

THE CHAIR:

Thank you, sir. Will you remark further on the Amendment? Will you remark further on the Amendment? Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. I'll be very brief and just say I support the Amendment. We talk about the fact that our state is having financial difficulties and the thing is, we've been bonding at high rates of \$2 Billion plus. Sooner or later, that credit card principal and interest payments are gonna' come due and what we've bonded for over the last two years may not hit our budget really 'til year three, four, or five, it'll be with us for a long period of time and every dollar we spend on principled interest is a dollar less we could help with Medicaid. Is a dollar less we could help with Social Services. Is a dollar less that we could help do the things we have to do in our municipalities to help them get going.

Madam President, this is a reasonable request at \$1.8 Billion. Frankly, I'd rather see it at \$1.6 Billion. I think the Republican proposal starts off at \$1.6 so we could get our debt under our feet and then goes up to \$1.8, but Madam President, I'll take what I can get and I think that this bill should go forward.

We've got to put a cap, we've got to take control, we've gotta' get serious. These are the long-term structural changes that everybody gets a chance -- and I hear them talking about it all over the capitol -- we need to do these long-term structural changes, we need to place Connecticut back on the right track. Step 1 is right here, right now. Madam President, I hope that this Amendment gets approved. Thank you.

THE CHAIR:

Thank you. Will you remark further on the Amendment? Senator Frantz, for the second time.

SENATOR FRANTZ (36TH):

Yes, could I humbly ask for a roll call on this? Thank you, Madam President.

THE CHAIR:

Okay. Will you remark further? Will you remark further? If not, Mr. Clerk. Please call for a roll call vote and the machine will be open.

THE CLERK:

Immediate Roll Call has been ordered in the Senate on Senate Amendment Schedule "A". Immediate Roll Call ordered in the Senate.

THE CHAIR:

All members have voted, all members have voted. The machine will be closed. Mr. Clerk, will you please call the Amendment.



THE CLERK:

On Senate Amendment Schedule "A".

Total number voting	36
Necessary for Adoption	19
Those voting Yea	15
Those voting Nay	21
Those absent and not voting	0

THE CHAIR:

The Amendment fails. Will you remark further on the Bill? Will you remark further on the Bill? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I rise in opposition to the bill before us. I was conferring with my friend from the 7th senatorial district and asked him what the name of the Character was and he reminded me of the name Wimpy, when he said I'll gladly pay you Tuesday for a hamburger today. And that's exactly what we're doing. We're increasing the amount of tax credits without legislative approval to allow a quasi-public agency to dole that out to be repaid over a 15 to 20 year period, and we're talking not \$6 or \$7 Million a transaction to an individual agency. We're broke. And to allow that to happen now without legislative approval when we're the ones that hold the purse strings is just wrong. Eventually they'll pay us back through the bond, but that's 15 to 20 years out. Who knows what's going to happen tomorrow or on Tuesday, as Wimpy would say. So I would urge the chamber's rejection. Thank you, Madam President.

cf  
SENATE

230  
April 27, 2016

001317

THE CHAIR:

Thank you, sir. Will you remark further on the bill? Will you remark further on the bill? If not, Mr. Clerk, will you call for a roll call vote and the machine will be open.

THE CLERK:

Immediate Roll Call has been ordered in the Senate.  
Immediate Roll Call 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, please.

THE CLERK:

Senate Bill Number 304.

Total number voting	36
Necessary for Adoption	19
Those voting Yea	25
Those voting Nay	11
Those absent and not voting	0

THE CHAIR:

The Bill passes. Mr. Clerk.

THE CLERK:

On Page 33, Calendar 88, Senate Bill Number 115, AN ACT CONCERNING MEDICAID COVERAGE OF TELEMONITORING SERVICES. There are amendments.

cf  
SENATE

231  
001318  
April 27, 2016

THE CHAIR:

Good evening, Senator Moore.

SENATOR MOORE (22ND):

President. I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motions on acceptance and passage. Will you remark, ma'am?

SENATOR MOORE (22ND):

Yes. Madam President, the clerk has in its possession an Amendment LCO 4744. I would ask that the clerk please call the Amendment and I would see leave of the chamber to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4744, Senate "A" offered by Senators  
Monroe and Flexer.

THE CHAIR:

Senator Moore.

SENATOR MOORE (22ND):

Senator Monroe. Moore.

THE CHAIR:

Senator Moore. Right? Yes. Thank you.

SENATOR MOORE (22ND):

I move adoption of the Amendment.

THE CHAIR:

Motions on adoption. Senator Martin -- no, Senator Moore. Will you remark, ma'am?

SENATOR MOORE (22ND):

Yes. I'd like to give a brief summary of the Amendment. The Amendment is a strike-all amendment. It requires the Department of Social Services with the -- with an available appropriations to provide coverage of telemarketing -- telemonitoring services to persons enrolled in Money Follows the Person. It's a demonstration project. Telemarket -- telemonitoring is the remote monitoring of data related to the health, such as blood pressure, heart rate, weight, and oxygen. It requires DSS to report by January 1, 2018 to the Human Services -- Human Services and Aging Committees on the impact of the coverage the department provides pursuant to the requirement. Under this Amendment, the department of social service and the office of policy and management are required to study the cost savings that may be achieved by providing Medicaid coverage for home telemarket -- monitoring services to all Medicaid beneficiaries with serious with serious or chronic medical conditions that may result in frequent or recurrent hospitalization and emergency room admissions.

cf  
SENATE

233  
April 27, 2016

001320

THE CHAIR:

Will you remark further on Senate Amendment "A"?  
Will you remark further on Senate Amendment "A"? If  
not, I will try your minds. All those in favor,  
please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is adopted. Senator Moore.

SENATOR MOORE (22ND):

Yes. The Amendment was a strike-all Amendment, so  
the Amendment becomes -- is now the bill. This bill  
will bring Connecticut in line with 18 other states  
that currently provide Medicaid coverage for  
telemonitoring services. Providing these services  
will allow people to live independently in their  
homes while receiving better health care at a lower  
cost to the state. I urge my colleagues to support  
the Bill.

THE CHAIR:

Will you remark on the Bill? Will you remark on the  
Bill? Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President. I rise in support of  
the Bill. Senator Moore and Representative  
Abercrombie have worked with the department to try

cf  
SENATE

234  
001321  
April 27, 2016

to come up with something that could move forward within the resources if they can commit to it and I think what we have before us is a good piece of legislation that should both help provide services and save the state money in the long run and I urge my colleagues to support it.

THE CHAIR:

Thank you, sir. Will you remark? Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. I rise for a couple of questions to the proponent of the Bill.

THE CHAIR:

Please proceed, sir.

SENATOR KANE (32ND):

Thank you, Madam President. Through you, to Senator Monroe -- I mean, Moore. The fiscal note on the Amendment is a bit confusing to me and when I -- what I mean by that is that it says that the underlying bill's fiscal impact is uncertain. So, what they're saying is that this is a service, we don't currently provide this population so there may be a cost associated with it, but there could be savings by the use of it. So, I'm hoping you can clarify the fiscal note for me. Through you.

THE CHAIR:

Senator Mon -- Moore.

SENATOR MOORE (22ND):

I am the Senator from Monroe. Through you, Madam President. So, I'll use my own mother for an example. My mother had congestive heart failure and normally she was very healthy and at home. She had a nurse for a while and she was -- did not have to go into a nursing home because they monitored her from a unit to go to her house, so that saved the cost of sending someone to actually come to her house every day to measure her blood pressure and -- and other vital systems.

So, if they're going to come in and do the services that would cost the cost of a nurse coming in and the travel, but if they can do it through these telemarketing -- telemonitoring services, no one has to be there. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. And that sounds like a good example. The cost to set up the program, and that's what's going to come out of the study? Through you, Madam President.

THE CHAIR:

Senator Moore.

SENATOR MOORE (22ND):

Through you, Madam President. The cost is -- they don't know what it's going to cost or if there's going to be a cost. They're going to do a study to

cf  
SENATE

236  
April 27, 2016

see if it -- there is a cost savings. Through you,  
Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President, and do we have a figure  
of what the study will cost us? Through you.

THE CHAIR:

Senator Moore.

SENATOR MOORE (22ND):

Could we stand at ease for a moment, while I check  
that, please?

THE CHAIR:

Senate will stand at ease.

Senate will come back to order. Senator Moore.

SENATOR MOORE (22ND):

Thank you. This is all within available  
appropriations and we don't know that the study is  
going to cost money. We see it as a cost savings.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):



Well, thank you, Madam President. Thank you, Senator Moore. Certainly there may be a cost savings down the road, but every study has a cost associated with it, whether it's within available appropriations or not, there certainly is a cost, but I -- I tend to agree with Senator Markley and Senator Moore on the underlying bill and I will support the bill because I do hope we will see a cost savings in the future, but I just wanted to clarify that fiscal note as it seemed uncertain. Thank you.

THE CHAIR:

Thank you, Senator Kane. Will you remark further? Will you remark further? Senator Moore.  
SENATOR MOORE (22ND):

If there are no objections, I ask that it be put on the Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered, Ma'am. Mr. Clerk.

THE CLERK:

Also on Page 33, Calendar 115, Substitute for Senate Bill Number 25, AN ACT CONCERNING SPECIAL POLICE FORCES ON COLLEGE CAMPUSES. There are amendments.

THE CHAIR:

Senator Barolomeo. Good evening, Ma'am.

SENATOR BARTOLOMEO (13TH):

Hi. Good evening, Madam President. Madam President, I move acceptance of the Joint Committee's joint favorable report and passage of the Bill, please.

THE CHAIR:

Motions on acceptance and passage. Will you remark, ma'am?

SENATOR BARTOLOMEO (13TH):

Yes. Thank you very much, Madam President. Madam President, this bill is actually -- stems from a resolution that the Board of Regents of Higher Education passed during its December 2015 meeting and the -- it is to add the community colleges to the list of public higher education institutions that are allowed to establish special police forces on campus. They would have the same duties and responsibilities and authority as members of a dually organized local police department with jurisdiction limited to the geographical boundaries of the institution. It would require that the community college that wishes to establish a special police force do so with gaining the approval directly from the Board of Regents, and with that Madam President, I urge passage of this bill.

THE CHAIR:

Will you remark further on the bill? Will you remark further on the bill? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I rise in support of the Bill as well. You know, I had a lot of concerns

in Committee on the bill initially. Not that I believe that we shouldn't be arming police officers that serve on our college campuses, but I thought there would be a potential cost to it because anybody who's not carrying a firearm and goes to carry a firearm certainly should be paid more in wages, in my humble opinion, and I was concerned that this would be an automatic change in working conditions which would -- could be -- grieved and would require mediation or arbitration.

However, upon further investigation, I came to find out that the colleges already hire these individuals as police officers but because our statutes don't allow them to be armed on those campuses, they weren't allowed to. They currently carry non-lethal weapons.

This would allow those colleges that seek permission to the Board of Regents to carry a firearm. We currently have the Naugatuck Valley Community College, which is an armed community college when it was part of the UConn Waterbury campus. That's how they got the carve out in the legislation and somebody in our caucus had had some concerns about -- they questioned why the Danbury campus of Naugatuck Valley Community College was not armed, but yet the Waterbury campus was, and if the Danbury Naugatuck Valley campus wanted to be armed, they could. They don't need the special legislation, it's up to the administration of the community college. So they could send one of the armed officers from Waterbury to Danbury. They would have that.

Currently, I believe there is potentially two community colleges right now that have host certified special police forces working for them and

special police forces post certified. That means that they have gone through all the rigorous training that any law enforcement certified personnel does, it's just that because of our statutes they're not allowed to carry a firearm.

The cost of the weaponry, if you will, is mitigated through the fact there will be cost-savings at the college level which now require outside services to provide the services that an armed police officer on the campuses will. Not only, I think, does this provide a peace of mind to the students, it provides a safe secure educational environment to produce a conducive learning environment so that all of our CSUs have and UConn have, but it extends that to the community college as well and we've been assured through the Board of Regents and its president that if a college approaches the President's office to obtain the ability to have a armed police force on their campus, that it would be due so with an available appropriations of that community college, so I urge the chambers' adoption of the measure. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator Cassano.

SENATOR CASSANO (4TH):

Thank you, Madam President. I rise in support of the bill. I've been an advocate for this for quite a while. As many of you know, I taught at this community college for 28 years. As part of that, I was the ombudsman for the college for -- for staff, for students, and for faculty. Just that experience alone, I've known for years that we needed to have a

cf  
SENATE

241  
April 27, 2016

security force armed, dealing with the types of issues that were so routine for the community college, particularly the size of our college. If you take the East or the River area, Manchester, East Hartford are the two largest cities. MCC probably is the third largest population east of the river. Dealing with some of the issues, seeing the threats on campus, threats on single woman, threats on those who had recently divorced and separated, threats on faculty members, 24 hour a day, round the clock, almost two months protection for one particular incident. It's a small city with small city problems. The fear on campus is real. We are located right on the East Hartford line, almost, closer to East Hartford and [inaudible 58.24] then we had the center of Manchester.

That's like Hartford Distributors. Some of you remember a few years ago, eight people were killed there. We have regional training of all of our police departments but by the time they're able to get to Hartford Distributors, people were dead. When the police came in in teams, the shooter stopped and was eventually -- he took his own life.

We have the same geographical situation that Hartford Distributors has. You can't get there quickly. We're isolated. If there is an incident, if you're a security officer and somebody with a gun sees you, they're gonna' shoot you because they assume you've got a gun. They're high risk. And so, I can tell you from -- I'm still involved with the college, with the foundation. I'm on campus often, for a -- I still have many faculty friends there and so on, and I see students often there. They want this. They want it for comfort level. It's a security issue, it's not a gun issue, and I think it's -- it's imperative that -- that we move

this bill forward and would appreciate the support of the chamber. Thank you.

THE CHAIR:

Thank you. Senator Larson.

SENATOR LARSON (3RD):

Thank you, Madam President. I rise in support of this issue. I think that frankly, this is -- provides advanced mutual aid support, should an active shooter situation occur. We're all very aware that times have changed with mass populations of college students located in these centers, it makes great sense this will provide enhanced -- an enhanced public safety response should one of these needs arise. Urge passage of the bill.

THE CHAIR:

Thank you. Will you remark further on the bill? Will you remark further on the bill? If not, Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Madam President, if there is no objection, I would ask that this be placed on the Consent Calendar, please.

THE CHAIR:

Seeing no objection, so ordered, ma'am. Senator Duff.

SENATOR DUFF (25TH):

cf  
SENATE

243  
April 27, 2016

Thank you, Madam President. Madam President, if we can PT the next bill, that would be calendar page 38, Calendar 259, Senate Bill 228.

THE CHAIR:

So ordered. Mr. Clerk. Will you go on, on the rest of the calendar, please.

THE CLERK:

On Page 39, Calendar 282, Substitute for Senate Bill Number 305, AN ACT ESTABLISHING A STATE FILM PERMITTING PROCESS.

THE CHAIR:

Senator Hartley. Good evening, Ma'am.

SENATOR HARTLEY (15TH):

Yes. Good evening, Madam President. I move acceptance of the Joint Committee's favorable report, Madam, and passage of the Bill.

THE CHAIR:

Motions on acceptance and passage. Will you remark, ma'am?

SENATOR HARTLEY (15TH):

Yes, indeed. Thank you, Madam President. So this was a proposal that we sought in fact, several days ago. It has since been to the transportation committee. It was a result of the -- of a LEAN process through the Department of Economic and Community Development where they are streamlining

the permitting process for films to make a one-stop shopping and it should create more efficiencies for the user population. I wholeheartedly urge passage. Thank you, Madam.

THE CHAIR:

Will you remark further on the Bill? Will you remark further on the Bill? Seeing not, Senator Hartley.

SENATOR HARTLEY (15TH):

Madam, if there is no objection, I would ask that this be put on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, ma'am. Mr. Clerk.

THE CLERK:

Also on Page 39, Calendar 288, Substitute for Senate Bill Number 227, AN ACT CONCERNING CECIL'S LAW. And there are amendments.

THE CHAIR:

Senator Kennedy. Good evening, ma'am -- good evening, sir.

SENATOR KENNEDY (12TH):

Good evening, Madam President. Madam President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:



Motions on acceptance and passage. Will you remark, sir?

SENATOR KENNEDY (12TH):

Yes. This bill regulates the possession and bans the sale of any of the big five species. Just to remind the chamber of the -- these include elephants, lions, leopards, black and -- black and white rhinoceros. It contains some important exemptions for fossils, museums, circuses, schools, scientific organizations, traveling through the state and the like, and I urge my colleagues to support this very important measure.

THE CHAIR:

Will you remark? Senator Chapin. Good evening, sir.

SENATOR CHAPIN (30TH):

Thank you, Madam President. Good evening to you. I think at a prior session day, we added an Amendment to this bill, so I guess my question to you, Madam President, is the bill before us as Amended?

THE CHAIR:

Yes, it is, sir. I apologize.

SENATOR CHAPIN (30TH):

Thank you very much. As the good chairman said the bill before us as amended does deal with a prohibition on importing, possessing, selling, or offering for sale or transporting in Connecticut a

specimen for five types of African animals and when we debated this before the Environment Committee, one of the concerns that was raised was over the differentiation between those five species that are taken lawfully versus those species that may be poached or illegally harvested. In light of that, I have an Amendment. The clerk should have an Amendment. LCO 4855. I ask that it be called and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4855, Senate "B" offered by Senator Chapin.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you, Madam President. As I said, the Amendment --

THE CHAIR:

Move the adoption, sir.

SENATOR CHAPIN (30TH):

I move adoption.

THE CHAIR:

cf  
SENATE

247  
001334  
April 27, 2016

Motions on adoption. Will you remark, sir?

SENATOR CHAPIN (30TH):

Thank you, Madam President. As I indicated earlier, the Amendment before us would make it so that the bill, if the Amendment were to pass, would only apply to those specimens that are harvested or poached and I would encourage my colleagues to support it. Thank you, Madam President.

THE CHAIR:

Will you remark further? Will you remark further?  
Senator Kennedy.

SENATOR KENNEDY (12TH):

Thank you, Madam President. I want to thank my colleague from the Environment Committee for working with me on this and many other issues before the Environment Committee, but I must respectfully oppose this current Amendment and ask my colleagues to do the same. What my -- my friend is proposing is to essentially gut this law by making it -- by carving out those animals that are permissibly taken under current law. That is, the situation where the -- in the countries where these animals are taken are -- is very lenient and very permissive. We have to remember that this law is called Cecil's law for a reason.

Cecil was actually -- it was a lion that a dentist from the United States paid a lot of money to go over for the experience of shooting a lion with a bow and arrow. The lion didn't die from the arrow. The animal was severely wounded and was tracked down and later shot by the hunter. This was all done --

cf  
SENATE

248  
April 27, 2016

was perfectly legal. The -- they -- the person was never charged. The permit was obtained. He was never accused of any crime. So, under the proposed amendment, my colleague would say that any of these animals that are -- where you obtain a permit from these African countries that we know have very lenient policies regarding hunting, I think would really put a -- just drive a huge hole in what we're trying to accomplish here, which is the barbaric taking of these -- of trophy animals. I just want to say that there -- of the 62 male lions that were tagged in the National Park -- the same National Park that Cecil was killed in, 24 had been killed by trophy hunters. In Zimbabwe alone, that's one country in which this trophy hunting is run rampant.

An average of 42 licensed kills every year. Now these are licensed. These -- this is permissible. And I think those of us in this state are saying, you know what, despite what another country may feel, we think that this is -- these animals that are -- some of the most endangered and -- and -- species on the planet should be offered the kind of protections here in the United States so I urge my colleagues to oppose this Amendment. Thank you, Madam President.

THE CHAIR:

Will you remark further? Will you remark further?  
Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, I support the Amendment as put forth by Senator Chapin and for these reasons. In the Cecil Lion case, as I understand it, is that was an illegal case. That

was a case in which this lion was illegally placed into the hunter's realm. The dentist did not know, but those who staged it did know.

And it seems to me that if we are concerned about illegal hunting, I agree with this bill wholeheartedly. We should protect against the illegal hunting. But it also occurs to me that if it is legal, and I love animals, don't get me wrong, I love animals, but there are legal hunting and I'm not a hunter, but there is legal hunting -- that this bill may go too far.

Because it is not the hunter that we want to say cannot go forth and -- and get the trophy that the hunter wishes, we're saying it is the illegal activity that we want to stop, which we do by laws, but you also should not be able to bring home a trophy from an illegal hunt. And I think Senator Chapin's bill goes to the heart of the matter for which is really the concern and the Cecil Lion is the concern that this case -- sorry, not this case, but this bill -- was spawned after. Is a direct result of an illegal activity and their hunter possibly getting a trophy as a result of that, is really putting salt in the wounds.

So, I think Senator Chapin narrows down the issue, makes it a bill that is not too far and too broad and gets the real heart of the matter, so I look forward to supporting this Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, will you --

SENATOR FASANO (34TH):

cf  
SENATE

250  
April 27, 2016

Can we also have a roll call vote, please?

THE CHAIR:

Absolutely. Roll call vote will be called. Will you remark further on the Amendment? Will you remark further? If not, Mr. Clerk, please call for a roll vote on Senate "B". The machine is open.

THE CLERK:

Immediate Roll Call ordered in the Senate on Senate Amendment Schedule "B". Immediate Roll Call has been ordered in the Senate.

THE CHAIR:

Senator Osten. Senator Osten. Please, thank you.

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

THE CLERK:

Senate Amendment Schedule "B".

Total number voting	36
Necessary for Adoption	19
Those voting Yea	15
Those voting Nay	21
Those absent and not voting	0

THE CHAIR:

The Amendment fails. Will you remark further on the bill? Will you remark further on the bill? Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. I rise for a couple questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KANE (32ND):

Thank you, Madam President. I know this is an amended version of the original legislation that came through the committee, but early on I received a great number of emails from a lot of antique dealers in my district and I would argue that Woodbury Connecticut is the antique capital of Connecticut. And the concern at the time was about, I think it was, the ivory and I -- I do believe it's out of this bill but if you could confirm that for me, through you, Madam President. To set some people's mind at ease in relation to that particular part of the Bill. Through you.

THE CHAIR:

Thank you. Senator Kennedy.

SENATOR KENNEDY (12TH):

Thank you, Madam President. Through you. Yes, my colleague is correct and I too was deluged with emails regarding the issue of ivory but I just wanted to point out in Lines 52 to 54, it says

cf  
SENATE

252  
April 27, 2016

nothing shall be construed to apply to the importing, possessing, selling, offering, for sale, or transporting of ivory in this state. So my good colleague is correct. Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. I thank the good chair of the Environment Committee for answering my question.

THE CHAIR:

Thank you. Will you remark further? Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. Madam President, I rise for a couple of questions for the proponent of the bill.

THE CHAIR:

Please proceed, ma'am.

SENATOR OSTEN (19TH):

Thank you very much. Through you, in Section D it -  
- there is a section that talks about a certificate of possession from the Commissioner of the Energy and Environmental Protection. Are you aware if there is such a certificate of possession already available through the Department of Energy and



cf  
SENATE

253  
April 27, 2016

Environmental Protection? Through you, Madam President.

THE CHAIR:

Senator Kennedy.

SENATOR KENNEDY (12TH):

So, to respond to my colleague. In Section 1, subsection D, it does refer to the requirement that anyone that currently has a specimen or owns one of these animals in the state at the time of passage of this bill can keep that animal or specimen provided that they have a certificate or possession from the Commissioner of Energy and Environmental Protection. But to respond directly to my colleague, through you, Madam President, to my knowledge, the -- there is no such document today for a certificate of possession for a big five animal from the Commissioner of Energy and Environmental Protections. Through you.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President, and through you, how is that certificate going to be created, which section of the Department of Energy and Environmental Protection is going to do that? Through you, Madam President.

THE CHAIR:

Senator Kennedy.

SENATOR KENNEDY (12TH):

Thank you, Madam President. My colleague raises a good point. In so far as the specifics about how the Department of Energy and Environmental Protection will issue the certificate, what the certificate says, is -- is open. It's not a resolved matter, so I would imagine that because DEEP is one of the state agencies in our state that already has broad regulatory authority, under 22A-6, it can adopt regulations regarding their operations at any time. It doesn't need specific direction to adopt regulations or rules. I would imagine that my reading of this section anticipates the DEEP will figure this out and will adopt rules to comply with this section of the law. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. While I do have great respect for the Department of Energy and Environmental Protection, I believe that this department, this -- this section of the state has experienced layoffs. Again, do you know which section of the Department of Energy and Environmental Protection will be handling this and if they have experienced any layoffs? Through you, Madam President.

THE CHAIR:

Senator Kennedy.

SENATOR KENNEDY (12TH):

To be honest with you, through you, Madam President, I cannot tell my good colleague which division specifically or which personnel specifically within the Department of Energy and Environmental Protection will be charged with implementing this section. To my colleagues second question regarding whether or not recent layoffs or even proposed layoffs that are being discussed in the state capitol may impact the ability of the Department of Energy and Environmental Protection to issue the certificates, it's very difficult for me to speak to that. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. And now, again through you, how will one identify a -- an item because many, you know, these animals are not animals any longer, they're skins and heads or other pieces of the animal that is no longer -- that -- that is a possession of somebody. How are we going to identify that skin -- are we suggesting that the Department of Energy and Environmental Protection will code it in some way, is there going to be some sort of number that is put on this? I'm confused as to how we're going to determine if somebody has their certificate of possession that that is the certificate of possession for that particular skin, through you, Madam President.

THE CHAIR:

Senator Kennedy.

SENATOR KENNEDY (12TH):

Again, I think if you read this section -- Section D -- in -- in some ways it's very specific about what the requirements will be regarding specimens of a big 5 African species. But in other ways, it -- it -- it leaves open but it's -- it's obvious through the reading of this that the intent is for DEEP to develop the rules and regulations as we go forward in the best way they see fit, regarding how to document the possession of a specimen of a big five species. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. I appreciate my colleague's answers but I find them with all due respect, to be lacking in how we're going to identify skins or how we're going to have the department handle this additional regulation and how we're going to determine that someone has a certificate of possession regarding different skins of different animals and I'm a little concerned that this legislation will not -- you know, will not be enforceable. So, for those reasons, and many others, I -- I cannot support this piece of legislation today and I would urge my colleagues to not do so.

THE CHAIR:

cf  
SENATE

257  
April 27, 2016

Will you remark further? Will you remark further?  
Senator Guglielmo.

SENATOR GUGLIELMO (35TH):

Thank you. Thank you, Madam President. Through  
you, a question to the proponent.

THE CHAIR:

Please proceed, sir.

SENATOR GUGLIELMO (35TH):

Thank you, Madam President. If an individual or  
company doesn't have the proper certificate, which  
is pretty likely 'cause, you know, if we pass this  
they may not know that they need to do that. Is  
there a penalty involved?

THE CHAIR:

SENATOR KENNEDY (12TH):

Through you, Madam President. Yes, there is a  
penalty involved. In -- in Section F, it says any  
person who violates the provision of this section  
shall be guilty of a felony and fined not more than  
\$10,000 and imprisoned not more than two years or  
both. So that is the penalty. Through you, Madam  
President.

THE CHAIR:

Senator Guglielmo.

SENATOR GUGLIELMO (35TH):

cf  
SENATE

258

April 27, 2016

Thank you, Madam President. That's a pretty stiff penalty and I just wonder how we would get the word out that we are supposed to have a certificate such as this. We don't even have an idea of what the certificate will look like at this point, so we may be a little ahead of ourselves, but thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator McLachlan. Good evening, sir.

SENATOR MCLACHLAN (24TH):

Good evening, Madam President. I stand for a purpose of questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Senator Kennedy, I wonder if you could share with us the -- how the bill before us comports with federal law as I understand the -- the federal law that touches this is the Endangered Species Act and I also understand that there is an International Treaty that would affect this topic and how would this legislation comport with both of the International and Federal law? Through you, Madam President.

THE CHAIR:

Senator Kennedy.

SENATOR KENNEDY (12TH):

My colleague asks a good question and I have to say that I am not an expert on the ins and outs of federal law pertaining to endangered species, importation of these types of specimens in the United States, I -- I will say this: I think that the main thrust of this is not to prohibit the possession of these items. In fact, it anticipates that many of these items may be some of type of -- type of heirloom, type of items that can be passed from one person to a beneficiary, for example. And that -- it -- it permits that type of activity.

What it -- it -- it seeks to really do is prohibit the sale of these items in the State of Connecticut. It allows you to possess them with documentation, but the real thrust is to prohibit the sale of rhinoceros horn, these types of other types of specimens as described in this legislation. Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. And through you, to Senator Kennedy. Is there neighboring states that have similar laws that you're proposing here today? Through you, Madam President.

THE CHAIR:

Senator Kennedy.

SENATOR KENNEDY (12TH):

I do know that there are a number of states that are in the process of proposing very similar laws as we speak right now. As I said, this is called Cecil's law as a result of this action that really sparked people's interest and understanding and quite honestly, outrage about this type of activity and so, as we speak, there are states that are debating very similar pieces of legislation that we discussing this evening. Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. I have no further questions.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? If not, Mr. Clerk, will you call for a roll call vote and the machine will be open.

THE CLERK:

Immediate Roll Call has been ordered in the Senate.  
Immediate Roll Call ordered in the Senate.

THE CHAIR:

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



cf  
SENATE

261  
April 27, 2016

THE CLERK:

Senate Bill Number 227.

Total number voting	36
Necessary for Adoption	19
Those voting Yea	27
Those voting Nay	9
Those absent and not voting	0

THE CHAIR:

The Bill passes. Mr. Clerk.

THE CLERK:

On Page 40, Calendar 291, Senate Bill Number 348, AN  
ACT CONCERNING EMPLOYMENT PROTECTIONS FOR AN  
EMPLOYEE WHO SERVES AS A STATE OR FEDERAL JUROR.  
There are amendments.

THE CHAIR:

Senator Coleman. Good evening, sir.

SENATOR COLEMAN (2ND):

Good evening, Madam President. Move acceptance of  
the Joint Committee's favorable report and passage  
of the Bill.

THE CHAIR:

Motions on acceptance and passage. Will you remark,  
sir?

SENATOR COLEMAN (2ND):

I will indeed, Madam President. The clerk should be in possession of an Amendment LCO 5123. I would ask that the clerk please call that Amendment.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5123, Senate "A" offered by Senators  
Looney, Duff, Coleman.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

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

THE CHAIR:

Motions on adoption. Will you remark, sir?

SENATOR COLEMAN (2ND):

Very briefly, Madam President. As the underlying bill was moving through the process, it was discovered that a person can serve on a federal jury and serve even as much as 18 months on a grand jury and immediately after completion of service on a federal jury or a grand jury, that same person could be called to serve on a state jury and would not be able to provide any excuse to get any relief from having to fulfill that service. This Amendment

cf  
SENATE

263 001350  
April 27, 2016

would correct that and consequently, I would ask my colleagues to support it. Thank you, Madam President.

THE CHAIR:

Will you remark on the Amendment? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. The Amendment seems sound and germane to the underlying bill and I support it and would urge my colleagues to support it as well. Thank you.

THE CHAIR:

Will you remark on the Amendment? Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. Speaking in support of the Amendment, want to thank Senator Coleman for working on this and bringing it forward and Senator Kissel for his support. This had come to our attention rather recently that this situation has arisen.

My office was contacted by someone exactly in -- in this situation when he contacted the Judicial Department was told that under our concepts of federalism, federal jury service doesn't count in any way toward your obligation to state service but as a practical matter, this gentleman had served for nearly 18 months as a member of a federal grand jury, being called in quite regularly to hear evidence and information and then when he was -- received his notice for state jury duty, the best

that they would do for him was to offer him the postponement that -- that most people are able to get for a -- you know, a date into the future, rather than giving him the -- the exemption that he would normally get if you had served a -- as a juror in an extensive trial.

So it just seems to be fair that that level of commitment -- especially for someone who not only was a trial juror, but served as a grand juror basically being on call for an extended period of time in a federal process for a long time, ought to get some consideration in our state system. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further on this -- on the Amendment? If not, I'll try your minds. All those in favor say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? The Amendment passes. Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. The bill as amended will seek to change current law. Under current law, the employees of our state would be protected from any adverse action taken by their employer as a result of service on a state jury. This bill as amended would extend those protections to service on a federal jury. Apparently, our statute is silent

cf  
SENATE

265  
April 27, 2016

in so far as concerns protection of employees who are serving on federal juries. This bill as amended would correct that. Madam President, I urge its passage. Thank you.

THE CHAIR:

Will you remark? Thank you. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. It's a good bill and to what had been previously stated by Senator Looney regarding the Amendment, holy moly, guy's on duty for 18 months and that didn't count as any credit towards the state, so this bill's even better than before and I urge my colleagues to support it. Thank you.

THE CHAIR:

Thank you. Will you remark further on the bill? Will you remark further on the bill? If not, Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, I'd like to move this item to our Consent Calendar.

THE CHAIR:

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

Oops, sorry. Senator Duff.

SENATOR DUFF (25TH):

cf  
SENATE

266 001353  
April 27, 2016

Thank you, Madam President. Could the Senate stand at ease for a moment?

THE CHAIR:

Absolutely. Senate will stand at ease.

I guess the Senate will come back to order. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President.

THE CHAIR:

Were you calling?

SENATOR DUFF (25TH):

Yes. [laughter] No one was answering.

THE CHAIR:

[inaudible crosstalk]

SENATOR DUFF (25TH):

A little like Adele. Hello.

THE CHAIR:

Hello.

SENATOR DUFF (25TH):

Thank you, Madam President. A couple markings, please.

cf  
SENATE

267 001354  
April 27, 2016

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

On calendar page 45, Calendar 149, Senate Bill 264, I'd like to take that off the foot of the calendar and mark that PR.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

And on calendar page 39, Calendar 269, Senate Bill 371, I'd like to mark that go.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

If the clerk can now call calendar page 7, Calendar 299, Senate Bill 375, followed by calendar page 40, Calendar 295, Senate Bill 368.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 7, Calendar 299, Substitute for Senate Bill  
Number 375, AN ACT AUTHORIZING MULTISTATE HEALTH

cf  
SENATE

268  
April 27, 2016

CARE CENTERS IN CONNECTICUT AND ELIMINATING A HEALTH  
CARRIER UTILIZATION REVIEW REPORT FILING  
REQUIREMENT. There are amendments.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO (17TH):

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

THE CHAIR:

Motions on acceptance and passage. Will you remark,  
sir?

SENATOR CRISCO (17TH):

Yes, Madam President. Madam President, there is an  
Amendment LCO 3688. I ask that it be called and I  
be given permission to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 3688, Senate "A" offered by Senator  
Crisco.

THE CHAIR:

Senator Crisco.



cf  
SENATE

269 001356  
April 27, 2016

SENATOR CRISCO (17TH):

Yes, Madam President. Madam President, I move its adoption.

THE CHAIR:

Motions on adoption. Will you remark, sir?

SENATOR CRISCO (17TH):

Yes, Madam President. This is basically a technical Amendment. To the bill to allow the underlying bill -- [microphone interference]

THE CHAIR:

Please proceed sir.

SENATOR CRISCO (17TH):

To achieve the department's initial intent of the bill. The Amendment is consistent with the department's intent that all health care centers, domestic and foreign, be similarly taxed as such and Section 6 through 8 have been deleted. Line 407 in Section 14 has been added to add or foreign health care center for consistency with respect to the statute governing file of annual reports. And Section 15, to expressly reference foreign health care centers doing business in a state with respect to the statute governing filing of audited financial reports. The amendment -- the amendment clarifies domestic and foreign health care centers and fraternal benefit societies.

THE CHAIR:

cf  
SENATE

270 001357  
April 27, 2016

Will you remark further on the Amendment? Will you remark further on the Amendment? If not, I'll try your minds. All those in favor of Senate "A", please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is adopted. Senator Crisco.

SENATOR CRISCO (17TH):

Thank you, Madam President. Referring to the main Bill. The Bill allows insurance department to authorize health care centers, commonly called HMOs organized outside of Connecticut to do business in Connecticut. It does this by removing from the definition of health care center a requirement that an HMO that does business here be organized under Connecticut law Section 1. The Bill generally subjects foreign HMOs -- that is those organized under laws and other states. The same laws that currently apply to domestic HMOs with certain exceptions.

THE CHAIR:

Will you remark further on the Bill? Will you remark further on the Bill? Senator Kelly. Good evening, sir.

SENATOR KELLY (21ST):

Good evening, Madam President. How are you tonight?

cf  
SENATE

271  
April 27, 2016

THE CHAIR:

Almost the morning, sir.

SENATOR KELLY (21ST):

The underlying bill -- I supported as did the Insurance Committee unanimously. This is a -- I think a good initiative that the state should indeed -- should endeavor to engage in to enable multi state HMO's to operate within our state. However, Madam President, the clerk has an Amendment LCO Number 5230. Will the clerk please call the Amendment?

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5230, Senate "B" offered by Senators  
Crisco, Fasano and Kelly.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. I move adoption and seek leave to summarize.

THE CHAIR:

Motions on adoption. Will you remark, sir? Senator -- I'm sorry -- Senator Kelly. Senator Duff.

cf  
SENATE

272  
001359  
April 27, 2016

SENATOR DUFF (25TH):

Thank you, Madam President. I move that we pass temporarily this bill.

THE CHAIR:

So ordered. Pass temporarily. Mr. Clerk.

THE CLERK:

On Page 40, Calendar 295, Substitute for Senate Bill Number 368, AN ACT CONCERNING LICENSURE OF SINGLE PURPOSE DENTAL HEALTH CARE CENTERS. There are amendments.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO (17TH):

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

THE CHAIR:

Motions on acceptance and passage. Will you remark, please?

SENATOR CRISCO (17TH):

Yes, Madam President. Madam President, this bill allows insurance department to license health care centers commonly called HMOs in Connecticut that offer only dental service. On the current law, HMOs that offer dental service must also offer an array

cf  
SENATE

273

April 27, 2016

of medical services and the Bill subjects a dental only HMO generally to the same requirements as other HMOs including network requirements. However, it specifies that a dental only HMO does not have to conduct certain activities that the law allows a medical HMO to perform. Additionally, the law requires one-fourth of a net profit HMO Board of Directors be healing arts practitioners. The bill requires instead, that one-fourth of all members of a non-profit dental-only HMO be in the dental related fields. The bill adds dental hygienists in the definition of healing arts for the purpose of the HMO statute. It also makes [inaudible 09.19] and conforming changes and gives us the opportunity to bring more companies into the state and more job opportunities.

THE CHAIR:

Will you remark further on the bill? Will you remark further on the bill? Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. The underlying -- the bill that we're discussing right now with regards to the single purpose dental health care centers, once again, is another bill that I supported in committee and it passed unanimously and I think it's an endeavor that would be good for the State of Connecticut. However, Madam President, the clerk has an Amendment. LCO Number 5194. Will the clerk please call the Amendment?

THE CHAIR:

Mr. Clerk.

cf  
SENATE

274  
April 27, 2016

THE CLERK:

LCO Number 5194, Senate "A" offered by Senators  
Fasano and Kelly.

THE CHAIR:

Senator --

SENATOR CRISCO (17TH):

Madam President --

THE CHAIR:

Senator Crisco.

SENATOR CRISCO (17TH):

Special point. Madam President, I am not on that Amendment. As I was in the other Amendment. I was on Amendment dealing with another bill but my -- that Amendment has been drafted time and time again with my name on it and I am not on -- I have not supported that Amendment for this particular bill.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move  
that we PT this bill for the evening.

THE CHAIR:

Thank you, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, will the clerk please call the items on our Consent Calendar for a vote, immediately following?

THE CHAIR:

Mr. Clerk. We'll give you a moment. Get the bills in order.

THE CLERK:

On page 1, Calendar 459, House Joint Resolution Number 173, page 2, Calendar 460, House Joint Resolution Number 174. Also on page 2, Calendar 461, House Joint Resolution Number 175, and House Joint Resolution 176. Page 4, Calendar 201, Senate Bill 120. Page 6, Calendar 266, Senate Bill 343. On page 9, Calendar 329, Senate Bill 417. Page 10, Calendar 347, Senate Bill 342. Page 11, Calendar 354, Senate Bill 214 and Senate Bill 255. Page 22, Calendar 446, House Bill 5428. On page 33, Calendar 90, Senate Bill 101, Page 33, Calendar 116, Senate Bill 26. Page 33, Calendar 88, Senate Bill 115 and also on page 33, Calendar 115, Senate Bill 25. Page 39, Calendar 282, Senate Bill 305. Page 40, Calendar 291, Senate Bill 348, and on page 41, Calendar 348, Senate Bill 295.

THE CHAIR:

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

THE CLERK:

cf  
SENATE

276  
April 27, 2016

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:

Senator Kennedy.

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

THE CLERK:

On today's Consent Calendar.

Total number voting	36
Necessary for Adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Gerratana for any personal announcements or privileges.

SENATOR GERRATANA (6TH):

For purposes of an announcement, Madam President.

THE CHAIR:

Please proceed.

SENATOR GERRATANA (6TH):



cf  
SENATE

277  
April 27, 2016

Thank you very much. Public health committee will meet tomorrow, Thursday, April 28, 15 minutes before the start of session outside the House chamber. Thank you.

THE CHAIR:

Thank you. Are there any other points of -- Senator Fonfara.

SENATOR FONFARA (1ST):

Good evening, Governor. Excuse me. Madam President. The Finance Committee will be meeting tomorrow morning to consider referred bills at 10:30 or a half an hour before the start of the first session, the house -- outside of the House chamber. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Any other announcements? Senator Flexer.

SENATOR FLEXER (29TH):

Good evening, Madam President. I rise for an announcement.

THE CHAIR:

Please proceed, ma'am.

SENATOR FLEXER (29TH):

Thank you, Madam President. Madam President, the Aging Committee will meet 15 minutes prior to the

cf  
SENATE

278  
April 27, 2016

start of the first session outside the hall of the House chamber tomorrow.

THE CHAIR:

Thank you, ma'am. Are there any other announcements? Senator Bye.

SENATOR BYE (5TH):

Good evening, Madam President.

THE CHAIR:

Good evening, I think.

SENATOR BYE (5TH):

I rise for the purposes of an announcement.

THE CHAIR:

Please proceed, ma'am.

SENATOR BYE (5TH):

Madam President, the Appropriations Committee will meet 30 minutes before the start of the first session tomorrow, outside the House chamber.

THE CHAIR:

Thank you very much, ma'am.

SENATOR BYE (5TH):

Thank you.

THE CHAIR:

cf  
SENATE

279  
April 27, 2016

Senator Crisco.

SENATOR CRISCO (17TH):

Thank you, Madam President. For the purpose of an announcement.

THE CHAIR:

Please proceed, sir.

SENATOR CRISCO (17TH):

Yes, the Insurance Committee will meet tomorrow 15 minutes before the start of the first session and we will meet in my third floor office.

THE CHAIR:

Thank you, sir. Senator Gomes.

SENATOR GOMES (23RD):

Madam President, Labor -- Labor Committee will be meetin' at 10:30 at the hall of the House. Thank you.

THE CHAIR:

Thank you. Will you remark further? Any other questions -- any other announcements? Seeing none, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, we did move an item or two off to a committee and I would

cf  
SENATE

April 27, 2016

ask that we have immediate transmittal of those items to their respective committees.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, there will be a Senate Democratic Caucus tomorrow morning at 11:30 and we will plan on being in session at 1:00 tomorrow.

THE CHAIR:

Thank you, sir.

SENATOR DUFF (25TH):

And if there's no other points of personal privilege or announcements, I move that we adjourn subject to the call of the chair.

THE CHAIR:

So ordered. Everybody drive safely. Thank you.

(On motion of Senator Duff of the 25th, the Senate at 11:35 p.m. adjourned subject to the call of the chair.)