

S - 696

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2016**

**VOL. 59
PART 6
1704 – 2057**

/je
SENATE

1
April 29, 2016

CONNECTICUT GENERAL ASSEMBLY

SENATE

Monday, Friday, April 29, 2016

The Senate was called to order at 12:21 p.m., the President in the Chair.

THE CLERK:

The Senate will convene immediately. The Senate will convene immediately.

THE CHAIR:

Good morning. The Senate will come to order, please. Members and guests, I will ask the Archbishop, we're going to ask the Most Reverend, Leonard P. Blair, the fifth Archbishop of the Archdiocese of Hartford, to really be giving us a special prayer today, and it is really on my part, my honor, to have you here in our Chamber, and I thank you for all the work that you've been doing since you've come to Hartford. Please come up.

REVEREND LEONARD P. BLAIR:

Let us pray. Almighty and Eternal God, to You belongs all glory and power. You are the author of life, the source of all that is honorable and good, beautiful and true. Those who govern on earth only do so because it has been given to them by You, from above. Only with reference to You is earthly authority wisely administered, just laws enacted, and right judgment decreed.

/je
SENATE

2
April 29, 2016

So we ask You to grant these, our elected representatives, the spirit of courage and wisdom, of unity, charity, and harmony, in discerning and promoting the common good, for the benefit of all in Connecticut so that the citizens of our state may live in liberty and peace, justice and prosperity, based on fidelity to Your law and Your will.

May we be blessed with officials in every branch of government who guard our political welfare with integrity, with honesty and with ability.

To You be all praise and glory, Lord God, forever and ever. Amen.

THE CHAIR:

Amen. Thank you, Archbishop. It's wonderful to see you. At this point, would you mind having a seat in the wishing chair?

REVEREND LEONARD P. BLAIR:

That one?

THE CHAIR:

In the wishing chair, please.

REVEREND LEONARD P. BLAIR:

That one? Oh, my goodness.

THE CHAIR:

/je
SENATE

3
April 29, 2016

At this time though I'm going to ask, you know what, why don't we have Senator Fasano come up and lead us in the Pledge.

SENATOR FASANO (34TH) AND 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. At this point, I'd ask if there are any points of personal privilege? Senator Kennedy? Senator Looney, I'm sorry.

SENATOR LOONEY (11TH):

Yes, thank you, Madam President. Madam President, I would like to welcome and a point of personal privilege, would like to welcome the Archbishop to our Chamber. I think this may be the first time, at least in my memory of 36 years that we've had the Archbishop of Hartford here to say the opening prayer for a Senate session. I don't know about the House during all that time, but certainly Archbishop Blair is, in the Archdiocese he is a visible presence in the many parishes. He has wonderful pastoral style. Very supportive of the priests in all of the parish, the Archdiocese, and very supportive of the parish communities in looking to build and expand the operations of the Church and its witness to the so many good works. His Archbishop's annual appeal has raised so much in the way of funding for good causes throughout the state for those in need, for those who are homeless, for those who are in need of assistance of a charity and

/je
SENATE

4
April 29, 2016

assistance both public and private, so it's a great honor to have him here with us today, and I'd like to yield to Senator Kennedy.

THE CHAIR:

Senator Kennedy, will you accept the yield, sir?

SENATOR KENNEDY (12TH):

Yes, I accept the yield, Madam President. I just too want to echo the thoughts and sentiments of my colleague, Senator Looney, to welcome you to the Chamber, Archbishop. I concur that I think we all get spiritual nourishment from our faith, and especially in this time, I'm hardened by your words of praying for wisdom, praying for harmony, praying for understanding, and I take that to heart and will carry that with me as we finish our deliberations this legislative session, but thank you, and we wish you and your work success as I know that you will achieve your goals in our diocese here in the Hartford area. Thank you so much.

THE CHAIR:

Thank you. Are there any other? Senator Martin.

SENATOR MARTIN (31ST):

Thank you, Madam President. Your Excellence, thank you for coming here today. I just want to say thank you for the prayers that you and all the priesthood and all the priests of the Archdiocese say for us on a daily basis, and I'd like you to know that we have, we have you in our prayers as well for the ministry that you've been charged to do in leading the flock. So, thank you so much.

/je
SENATE

5
April 29, 2016

THE CHAIR:

Will you remark further? Will you remark further?
The Senate can stand at ease for one second.

(Chamber at ease.)

The Senate will come back to order. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I move
that we stand in recess for the purposes of caucus,
and it is our intention to come back around 2
o'clock.

THE CHAIR:

The Senate will stand at ease, and this is one --
I'm sorry, the Senate will stand at recess, and I
hope the Archbishop's prayers helps us get here at 2
o'clock.

(Senate at recess.)

The Senate was reconvened at 5:03 p.m., the
President in the Chair.

THE CHAIR:

The Senate will come back to order.

Mr. Clerk, do you have anything on your desk, sir?

THE CLERK:

/je
SENATE

6
April 29, 2016

The Clerk is in possession of Senate Agenda No. 1.
It's dated Friday, April 29, 2016.

THE CHAIR:

Thank you, sir. Senator Duff, good afternoon, sir.

SENATOR DUFF (25TH):

Thank you, Madam President, good afternoon. Excuse
me.

I move that all items on Senate Agenda No. 1 dated
Friday, April 29, 2016 be acted upon as indicated,
and that the Agenda be incorporated by reference
into the Senate Journal and transcript.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I have
a few markings, please.

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. I'm going to put a few
items on the foot the bill -- Calendar.

THE CHAIR:

Okay.

/je
SENATE

7
April 29, 2016

SENATOR DUFF (25TH):

All right. On Calendar Page 3, Calendar 227, S.B. No. 316, I'd like to place that item on the foot of the Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 3, Calendar 229, S.B. No. 381, I'd like to place that item on the foot of the Calendar. On Calendar Page 4, Calendar 253, S.B. No. 177, I'd like to place that item on the foot of the Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 6, Calendar 312, S.B. No. 318, I'd like to place that item on the foot of the Calendar, please.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 44, Calendar 82, S.B. No. 75, I'd like to place -- take that item off the foot of the Calendar and mark that PR for the day.

/je
SENATE

8
April 29, 2016

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On Calendar Page 36, Calendar 278, S.B. No. 178, I'd like to recommit that item. And on Calendar Page 4, Calendar 252, S.B. No. 176, I'd like to recommit that item as well.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. And I would like to mark our Go List, please?

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On Calendar Page 6, Calendar 311, S.B. No. 445, go. Calendar Page 1, Calendar 75, S.B. No. 81, go. Calendar Page 5, Calendar 290, S.B. No. 248, go. Calendar Page 6, Calendar 315, S.B. No. 344, go. Calendar Page 7, Calendar 353, S.B. No. 142, go. Calendar Page 8, Calendar 373, S.B. No. 363, go. Calendar Page 12, Calendar 409, S.B. No. 458, go. Calendar Page 31, Calendar 59, S.B. No. 40, go. Calendar Page 31, Calendar 65, S.B. No. 74, go. Calendar Page 32, Calendar 72, S.B. No. 76, go. Calendar Page 39,

/je
SENATE

9
April 29, 2016

Calendar 402, S.B. No. 349, go. Calendar Page 41,
Calendar 463, H.J. Resolution No. 37, go. Calendar
Page 35, Calendar 242, S.B. No. 326, go. Calendar
Page 7, Calendar 352, S.B. No. 247, go. And
Calendar Page 16, Calendar 447, H.B. No. 5450, go.

And Madam President, I believe some of these will be
marked in a -- momentarily as consentable items; so
if the House can stand at ease for a moment.

THE CHAIR:

The Senate will stand at ease.

SENATOR DUFF (25TH):

The Senate will stand at ease.

(Pause in proceedings)

THE CHAIR:

Senate is -- I'm so sorry, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. This is the Senate,
right?

THE CHAIR:

For now, sir.

SENATOR DUFF (25TH):

I'd like to -- Calendar Page 8, Calendar 373, S.B.
No. 363, I'd like to place that item on our Consent
Calendar.

/je
SENATE

10
April 29, 2016

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar Page 32, Calendar 72, S.B. No. 76, I'd like to place that item on our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar Page 39, Calendar 402, S.B. No. 349, I'd like to place that item on our Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

On Calendar Page 41, Calendar 463, H.J. Resolution No. 37, I'd like to place that item on our Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. And if the Senate -- if Mr. Clerk, if you can start with Calendar Page 75 --

/je
SENATE

11
April 29, 2016

Calendar Page 1, Calendar 75, S.B. No. 81, as our first item of business, please.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 1, Calendar 75, S.B. No. 81, AN ACT CONCERNING THE DESIGNATION OF CERTAIN AREAS OF THE HOUSATONIC RIVER AS A WILD AND SCENIC RIVER.

THE CHAIR:

Good afternoon, Senator Kennedy.

SENATOR KENNEDY (12TH):

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

THE CHAIR:

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

SENATOR KENNEDY (12TH):

Yes. This bill seeks to designate the Housatonic River as a wild and scenic river.

There is a 41-mile section between New Milford and the Massachusetts border. We all know in Connecticut that the Housatonic is an environmental jewel of our state. It's visited by thousands of people our state, and really from around the world.

/je
SENATE

12
April 29, 2016

And I know that there is an amendment that -- I'll keep talking until somebody offers an amendment.

THE CHAIR:

Yeah, I know.

SENATOR KENNEDY (12TH):

It's -- it's the home of many incredible species. And this designation will ensure that the future development of the river is done in a careful, considered and coordinated manner so it is protected in perpetuity, and I urge my colleagues to support this measure.

THE CHAIR:

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

SENATOR CHAPIN (30TH):

Good afternoon, Madam President. I rise today to support the -- the legislation before us, and to take the opportunity to thank the good Chairman of the Environment Committee for helping with this bill.

This bill -- bill request came to us last year and at the time that 41-mile stretch -- and by the way, 41 miles north, if you go another 12 miles or so south, that's the length of my district; so I always love to hear that it's 41 miles.

/je
SENATE

13
April 29, 2016

Last year our reservation had to do with all seven towns being on board. This year, all seven towns have supported the idea.

One of the concerns that has been raised since the bill got JF'd out of Committee involved whether or not there would be any negative impact on agriculture. We've been assured that there's not, but nevertheless, I have some clarifying language.

If the Clerk would call LCO 5104 and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO No. 5104, Senate "A", offered by Senators Kennedy, Chapin, et al.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you, Madam President. I move adoption.

THE CHAIR:

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

SENATOR CHAPIN (30TH):

Thank you, Madam President.

/je
SENATE

14
April 29, 2016

As I said, the agricultural community is a robust part of Litchfield County, and they wanted to be sure that the activities that are lawful that they presently engage in, that they would still be allowed to if this designation were both sought, as well as granted.

So the amendment clarifies that that is in fact the case. I would certainly encourage my colleagues to support it.

THE CHAIR:

Will you remark on the amendment? Will you remark on the amendment? Senator Kennedy.

SENATOR KENNEDY (12TH):

Yes, I -- the -- the -- the only thing I would like to add, I -- I rise in support of the amendment. And I also want to thank my friend and colleague, Senator Clark Chapin.

Because when I think of the Housatonic River, I think of northwest Connecticut. And when I think of northwest Connecticut, I think of Senator Chapin. And I just want to say that he -- Senator Chapin; it's been a real pleasure and honor to serve with Senator Chapin on the Environment Committee. I know this is a bill that is enormously important to him, and therefore it's enormously important to me.

So, I -- I just want to say I'm going to miss my friend and senator in the circle. Senator Chapin has made an extraordinary contribution to the environment of the state of Connecticut, and I urge my colleagues to support this amendment and underlying bill.

/je
SENATE

15
April 29, 2016

THE CHAIR:

Thank you. Will you remark further on amendment?
Will you remark further on the amendment?

If not, I'll try your minds. All those in favor of
the amendment please say Aye.

SENATORS:

Aye.

THE CHAIR:

All those against? The amendment has been adopted.

Will you remark further on the bill? Senator
Kennedy.

SENATOR KENNEDY (12TH):

If there is no objection, I'd ask that the -- that
we place this item on our Consent Calendar.

THE CHAIR:

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

Whoop, sorry, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I'd like to mark
Calendar Page 6, Calendar 311, S.B. No. 445; PT for
the moment. And if we can stand at ease for a
moment, please.

/je
SENATE

16
April 29, 2016

THE CHAIR:

The Senate will stand at ease.

(Pause in proceedings)

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Madam President?

THE CHAIR:

Senator Duff, yes.

SENATOR DUFF (25TH):

Thank you, Madam President. The Clerk can now please call Calendar Page 31, Calendar 65, S.B. No. 74.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Page 31, Calendar 65, Senate -- substitute for S.B. No. 74, AN ACT CONCERNING SECOND PARENT ADOPTION.

THE CHAIR:

Senator Bartolomeo, good afternoon, ma'am.

SENATOR BARTOLOMEO (13TH):

/je
SENATE

17
April 29, 2016

Good afternoon, Madam President. 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 on acceptance and passage. Will you remark, ma'am?

SENATOR BARTOLOMEO (13TH):

Yes, thank you, Madam President. Madam President, this bill is a reference to something called second parent adoption, also referred to as a co-parent adoption. And what we are asking is that the same rules that apply to a stepparent adoption, apply to a second parent adoption.

And by that I mean, in a stepparent adoption, the protocol is to automatically waive something referred to as a home study, which can be a very onerous process. It is requested by Probate Court; it is implemented by DCF. But if you were in a situation where it's a stepparent, this is automatically waived, unless there is sufficient reason to conduct one.

We are asking that this be the case for second parent adoptions. Second parents are persons who are seeking to adopt and to share parental responsibility with one of the child's biological parents. We feel that it is reasonable to ask that they be waived, unless there is reason to proceed.

And with that, Madam President, I would ask and urge passage of this bill.

/je
SENATE

18
April 29, 2016

THE CHAIR:

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

SENATOR MARTIN (31ST):

Good afternoon, Madam President. I rise in support of this -- of this bill. And Senator Bartolomeo's done a great job of describing what this bill does.

I, you know, to -- to allow a -- to allow a second parent adoption I think is a great idea, and I hope that my colleagues will support this bill. Thank you.

THE CHAIR:

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

SENATOR KISSEL (7TH):

Good afternoon, Madam President. Great to see you once again. It seems like we were just here just five hours or so ago.

THE CHAIR:

Yeah, we were.

SENATOR KISSEL (7TH):

I just have a couple of questions, through you, to the proponent of the bill.

THE CHAIR:

/je
SENATE

19
April 29, 2016

Please proceed, sir.

SENATOR KISSEL (7TH):

When we're talking about waiving this, do -- is this intended to effect same-sex couples?

Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Thank you, Madam President. You know, in fact it actually, because our laws are now acknowledging same-sex marriages that is already a situation that is primarily covered by current law.

So, through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. So, in those situations, that's covered. Step-parenting, that's covered. So what is the fundamental definition for -- I mean, can it be a roommate? What -- what -- what is the definition of these -- the -- the arrangements here?

Through you, Madam President.

THE CHAIR:

/je
SENATE

20
April 29, 2016

Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Thank you, Madam President. Through you.

So there -- it has to be a situation where the second biological parent is no longer exhibiting parental responsibility.

And it could be a situation where you have two people who have been in a long-term relationship. They may have chosen not to marry, but very possibly they've been living together for many years, that have been co-parenting, and now they have decided that they want to legally, officially have the adoption go through so that each of the parents would be responsible legally again for the child.

The other situation I think that we could have heard about is if you have a same-sex couple who is married, and thinks that there might be an opportunity where they're moving out of the United States, abroad or elsewhere, into a country that they may not be acknowledged, that as a precaution, that they also would go through with the adoption, even though it wasn't necessary per the laws of the United States.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

/je
SENATE

21
April 29, 2016

Thank you very much. And through you, Madam President.

So I guess the only aspect -- and we discussed this a little bit when this bill was referred to Judiciary was who makes a determination as to whether this is a -- a warm, lasting, supportive relationship, appropriate for this, or some sort of roommate relationship that may not be an appropriate relationship, such that we don't want this investigation conducted?

Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Thank you, Madam President. Well the way that it works is that the Probate Court would have to make a referral to DCF to ask for the home study.

So, if there were reason to believe that the -- through the Probate Court, if they believed that they wanted a home study in this case, they still could ask for that to be done.

So, I believe the answer to your question would be the Probate Court felt that there was need to go further.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

/je
SENATE

22
April 29, 2016

SENATOR KISSEL (7TH):

Thank you very much. So just to clarify, through you, Madam President.

So, the -- there still would be an initial review of the relationship to make sure that the appropriate relationship -- and I think like, you know, long term, supportive, for the child would exist, it -- it's at least going to be reviewed by a probate judge?

Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Through you, Madam President.

So the -- the application for adoption would go to the Probate Court. And as I said, the Probate Court determines if they feel that there is sufficient reason to require the investigation. So therefore, I -- I will -- I do not know exactly what they review to determine whether or not they feel there is need for the home study.

However, I will tell you that it would make sense to me that they would be considering things like physical, mental, genetic, educational history of the child; physical, mental, social and financial condition of the adopting and biological parents. And I say that because those are the things that are looked at and reviewed in the home study.

/je
SENATE

23
April 29, 2016

So knowing that, if the Probate Court thought that one of these areas, there might be a reason for concern, then they would refer it on to an in-depth home study by DCF.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. So, essentially the application is made to a Probate Court, the probate judge would essentially look at the criteria that DCF would, but the intent of this is rather than an automatic referral to a state agency, the probate judge could check these criteria on his or her own much more expeditiously, less costly, and make a determination if there was something where there was a question mark, there could always be the referral, but this sort of gets that automatic referral out there, but there's still an individual checking these criteria?

Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Through you, Madam President.

/je
SENATE

24
April 29, 2016

That is absolutely my understanding and the intent of this legislator.

Through you.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. I wasn't looking to create legislative history, but hopefully the -- the colloquy between myself and the -- the good Chairman, will form a legislative history, and with those assurances, I'm happy to support the bill as well. Thank you.

THE CHAIR:

Thank you. Will you remark further on the bill? Will you remark further on the bill? Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Thank you, Madam President. If there is no objection, may we place this on the Consent Calendar, please?

THE CHAIR:

There is an objection? No objections. So ordered.

UNIDENTIFIED SPEAKER:

(Indiscernible - away from microphone)

/je
SENATE

25
April 29, 2016

THE CHAIR:

Oops, there is an objection. Sorry. Mr. Clerk, will you please call for roll call vote? And the machine will be open.

THE CHAIR:

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

If all members have voted. If all members have voted. The machine will be closed.

Mr. Clerk, will you call the tally, please?

THE CLERK:

S.B. No. 74

Total Number of Voting	36
Those Voting Yea	36
Those Voting Nay	0
Absent and Not Voting	0

THE CHAIR:

The bill has passed. (Gavel)

The Senate will stand at ease.

Senate come back to order. Senator Duff.

SENATOR DUFF (25TH):

/je
SENATE

26
April 29, 2016

Thank you, Madam President. Madam President, would the Clerk please call Calendar Page 5, Calendar 290, S.B. No. 248?

THE CHAIR:

Mr. Clerk.

THE CLERK:

Substitute for S.B. No. 248, AN ACT CONCERNING REVISIONS TO THE STATUTES AFFECTING THE TITLE TO REAL PROPERTY.

THE CHAIR:

Senator Coleman, good afternoon, sir.

SENATOR COLEMAN (2ND):

Good afternoon, Madam President, how are you?

THE CHAIR:

Fantastic and you?

SENATOR COLEMAN (2ND):

I'm not quite fantastic, but I'm doing well in any event.

THE CHAIR:

Good.

SENATOR COLEMAN (2ND):

/je
SENATE

27
April 29, 2016

If I could do as well as you all the time, I'd be in really good shape.

THE CHAIR:

You can. You can.

SENATOR COLEMAN (2ND):

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

THE CHAIR:

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

SENATOR COLEMAN (2ND):

Madam President, would the Clerk please call LCO 5242?

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5242, which will be designated Senate Amendment Schedule "A".

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

/je
SENATE

28
April 29, 2016

Thank you, Madam President. I move adoption of this amendment.

THE CHAIR:

Motion is on adoption. Will you remark further, sir?

SENATOR COLEMAN (2ND):

Madam President, this amendment strikes Section 5 of the underlying bill which has to do with granting certain priorities to private water company liens.

There's a little bit of hesitancy about proceeding in this manner, and it probably deserves a bit more research and study.

I'd ask my colleagues to adopt the amendment.

THE CHAIR:

Will you remark further on the amendment? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I rise in support of the amendment.

Frankly, when I looked at this part of the bill, I was surprised that water company liens would, by virtue of this proposed legislation, be second only to tax liens, as opposed to anything else out there, and would certainly change the priorities when one looks like a chain -- at a chain of title.

So, happy to support the amendment, thank you.

/je
SENATE

29
April 29, 2016

THE CHAIR:

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 Senate "A" please say Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is adopted. Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. On the bill as amended,
this bill would make various changes concerning
title to real property, and including specifying
that unrecorded disclaimers of certain real property
interests are effective against people who have
actual knowledge of the disclaimer.

It also validates any conveyances of interest in
land made to a trust rather than to the trustee.

And finally, the bill makes minor clarifying changes
concerning affidavits related to real estate;
certain mortgage releases, mechanics' liens and real
property judgment liens arising from Small Claims
cases.

I urge passage of the bill, Madam President.

THE CHAIR:

/je
SENATE

30
April 29, 2016

Will you remark on the bill? Will you remark on the bill? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I'm happy to support this legislation and commend Senator Coleman for bringing it forward.

It's my understanding that practitioners would appreciate this legislation, and that the Real Estate Bar of the Connecticut Bar Association is in full support of this proposal as well. Thank you.

THE CHAIR:

Thank you. Will you remark further on the bill? Will you remark further on the bill? Senator Coleman.

SENATOR COLEMAN (2ND):

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

THE CHAIR:

Seeing -- seeing no objection, so ordered. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. If the Clerk can now please call Calendar Page 7, Calendar 353, S.B. No. 142.

/je
SENATE

31
April 29, 2016

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar Page 7 -- oh -- Calendar 353, substitute
for S.B. 142, AN ACT CONCERNING REVISIONS TO THE
CONNECTICUT UNIFORM POWER OF ATTORNEY ACT AND
ADOPTION OF THE CONNECTICUT UNIFORM RECOGNITION OF
THE SUBSTITUTE DECISION-MAKING DOCUMENTS ACT.

THE CHAIR:

That's a mouthful. 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:

Motion is on acceptance and passage. Will you
remark?

SENATOR COLEMAN (2ND):

Thank you, Madam President. This bill represents
the continuation of work on the issue of powers of
attorney, which was conducted last year. The bill
contains an extension of the effective date of some
of the changes that were made last year, moving that
effective date to October 1, 2016.

The power of attorney is an instrument which allows
one person to act for another; and particularly in

/je
SENATE

32
April 29, 2016

instances where health care decisions are to be made, or financial transactions are to be made.

The bill also contemplates portability so that those instruments that are executed outside of the state of Connecticut will be recognized in the state of Connecticut and effective as long as the execution in other jurisdictions conforms to the requirements for execution in the state of Connecticut.

I urge support for the bill. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Again, I commend Senator Coleman for bringing this matter forward.

It's been reviewed and supported by the appropriate members of the Connecticut Bar Association. And indeed, last year we passed major reforms to our power of attorney laws and what this does is makes some minor changes. It's not unusual that when we make major changes in our statutory structures that in the following year or two we tweak them a little bit and modify them a little bit to get them appropriately in line, and that's what this bill does. And I would urge my colleagues' support of the bill. Thank you.

THE CHAIR:

/je
SENATE

33
April 29, 2016

Thank you. Will you remark further on the bill?
Will you remark further on the bill? Senator
Coleman.

SENATOR COLEMAN (2ND):

I move that this bill be placed on our Consent
Calendar.

THE CHAIR:

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

SENATOR DUFF (25TH):

Thank you, Madam President. Let's see here. Madam
President, if the Clerk can now please call Calendar
Page 352, S.B. No. 247 -- Calendar Page 7, Calendar
352, S.B. No. 247.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar 352, substitute for S.B. No. 247, AN ACT
CONCERNING A CAUSE OF ACTION FOR LOSS OF CONSORTIUM
BY A MINOR CHILD WITH RESPECT TO THE DEATH OF A
PARENT. The Clerk is in possession of amendments.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, can we stand at ease momentarily?

/je
SENATE

34
April 29, 2016

THE CHAIR:

The Senate will stand at ease.

SENATOR COLEMAN (2ND):

Madam President?

THE CHAIR:

Senator Coleman. The Senate will come back to order.

SENATOR COLEMAN (2ND):

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

THE CHAIR:

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

SENATOR COLEMAN (2ND):

Madam President, the Clerk is in possession of LCO 5099. I'd ask that the Clerk please call that amendment.

THE CHAIR:

Senator -- Mr. Clerk.

THE CLERK:

/je
SENATE

35
April 29, 2016

LCO 5099, will be designated Senate Amendment
Schedule "A".

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, I move adoption of the amendment.

THE CHAIR:

Motion is on adoption. Will you remark, sir?

SENATOR COLEMAN (2ND):

Thank you, Madam President. This amendment would strike Sections 1 and 2 of the bill.

And in striking Sections 1 and 2, the bill -- the amendment makes clear that any action for loss of consortium would have to be derivative to a death -- a wrongful act -- a wrongful death action.

I would ask my colleagues to support the amendment.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Just a question, through you, to the proponent of the amendment?

THE CHAIR:

/je
SENATE

36
April 29, 2016

Please -- please proceed, sir.

SENATOR KISSEL (7TH):

Just by way of clarification, in Sections 1 and 2, while now it's precluded to wrongful death actions, if those sections had remained in there, what other types of actions would this bill pertain to?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, if I understand the question correctly, what the amendment attempts to do is to make clear that a law of consortium action could not -- could not proceed independent of a wrongful death action.

In a wrongful death action, loss of consortium would be considered -- loss of consortium by a child would be a consideration insofar as a determination of damages is concerned, as well as loss of consortium -- spousal loss of consortium may also be an aspect of a wrongful death determination of damages.

There may be other components that may be included in the determination of damages in connection with the wrongful death action, but those are at least two examples. And I hope that is responsive to the Senator's question.

Through you, Madam President.

/je
SENATE

37
April 29, 2016

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much to the good Senator of the Judiciary Committee. And again, through you, and this is in part for legislative history.

Through you, Madam President.

So, by way of example, a man married to a spouse, two children; the man is struck by a negligent driver of an automobile and killed. Suit is brought for wrongful death. For there to be loss of consortium claims for let's say the wife and the two children, that they would have to be separate counts included in the wrongful death complaint. If one of those counts -- or specific to this bill the loss of consortium claim of the two children, inadvertently were left out, and then the suit resolved itself, let's say it was settled, and then somebody goes, oh, there's loss of consortium for these two children.

By way of this amendment, there could not be a second suit brought for the loss of consortium, because that would be a stand-alone suit, and the intent after this amendment passes, is to make sure that practitioners understand that that loss of consortium for the children can only be brought as a separate count in an underlying complaint for wrongful death.

Through you, Madam President.

/je
SENATE

38
April 29, 2016

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President.

The -- in the example that Senator Kissel cites, he is essentially correct.

If the wrongful death action proceeds to judgment without inclusion of consideration for loss of consortium of a parent by a minor child, that action would be lost; it would be precluded from taking place at any time subsequent to the disposition of the wrongful death action.

And, in any event, the loss of consortium would only be -- loss of consortium claim by a minor child would only be until the child reaches the age of 18 years.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I appreciate that clarification by the good Chairman of the Judiciary Committee.

I would say that the amendment slightly narrows the underlying bill, but certainly clarifies the underlying bill for practitioners, and I

/je
SENATE

39
April 29, 2016

wholeheartedly support the amendment and urge my colleagues to support it. Thank you.

THE CHAIR:

Thank you. 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 Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. On the bill, as amended, the Supreme Court has decided that a claim for loss of consortium will lie in the circumstance where a parent is injured, and by virtue of the parent's injury, a child loses the companionship and the guidance and the love and affection of that parent.

There's also, as was indicated in the dialogue between Senator Kissel and I, a claim for spousal consortium, which is recognized in the state of Connecticut. At least to this point loss of consortium claims by minor children are not recognized in the state of Connecticut. This bill, as amended, would recognize such a claim and put Connecticut in a posture consistent with that of 34 other states in the country.

/je
SENATE

40
April 29, 2016

And consequently, I would ask the senators in this circle to support this bill, as amended.

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam Chairman. I do have a couple other quick questions for the proponent of the bill --

THE CHAIR:

Please proceed, sir.

SENATOR KISSEL (7TH):

-- by way of legislative history, and I appreciate the fact that the -- the good Senator and Chairman of the Judiciary Committee has pointed out that this is the law of the land in 34, the vast majority of other states in the United States of America.

If we did not pass this legislation, in light of the recent -- well first of all, let me take a step back.

The court decision referenced by the good Senator, was that a Supreme Court decision?

Through you, Madam President.

THE CHAIR:

/je
SENATE

41
April 29, 2016

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. Through you to Senator Kissel. Yes, it was.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And did I hear correctly, through you, Madam President, that the Supreme Court of the state of Connecticut indicated that there was a right to claim loss of consortium by minor children?

Through you, Madam President.-

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

To be precise, the Supreme Court in that decision recognized that there was a right on the part of a minor child to claim loss of consortium for injuries to a parent.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

/je
SENATE

42
April 29, 2016

SENATOR KISSEL (7TH):

Thank you very much. So, if we didn't pass this legislation, in light of the United States -- I mean State Supreme Court decision, could the practicing bar still include claims for loss of consortium by a minor child?

And indeed if that was the case, does this proposed bill merely put into statute and formalize the process so that it's clear for the practicing bar, and clear for everyone else as to what the law of the land is in Connecticut, as determined by our State Supreme Court?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. This is the objective and the purpose of the bill.

Through you to Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And I appreciate the answers of the good Senator of the Judiciary Committee.

/je
SENATE

43
April 29, 2016

In light of the fact that the vast majority of states in the United States do support this notion, that our Connecticut State Supreme Court has already determined that a minor child has a claim for loss of consortium, in light of the fact that the practicing bar could file as part of a wrongful death action subordinate to that, or as part of that, other counts for this cause of action, or this claim of damages, I think it behooves the legislature to codify this and formalize this in a process such that the practicing bar can not only avail themselves of it, which they will in any event, but that there's a formalized process that is clearly delineated, as the amendment did, for both plaintiffs and defendants going forward in the state of Connecticut.

And also, it is longstanding -- it has been a longstanding policy of the state of Connecticut that a spouse -- a spouse; and I would -- I would pause at that clearly extends to same-sex marriages, it's not gender specific, but a spouse can claim loss of consortium for the loss or death -- the death rather, of their partner.

And so we have this -- and -- and I would almost say that the loss of a parent could be far more devastating than the loss of a spouse. An adult, as heart-wrenching as it may be, can pick themselves up and proceed with their lives and have gainful employment. A child -- and that could be quite devastating, both financially and emotionally, and in many other ways.

And it would be up to the claimants, the plaintiff, to demonstrate the damages, and if it was, for example, an infant that never had a relationship, the indicia of what those damages were might extend

/je
SENATE

44

April 29, 2016

to financial, but non-emotional because there was never an emotional tie. Conversely, a 17-year-old may have had strong emotional ties, and yet financially, being much older, they would consequently be probably far less on a financial measure, and those young children in that middle range, it might be a very serious combination of both financial and emotional for a 10-year-old or a 12-year-old.

So we already have this policy for spouses. We already have this policy, as articulated by our State Supreme Court, and I really do believe that we should codify this so that folks on both sides of any litigation know exactly what criteria needs to be met to proceed with these related actions or claims for damages that need to be specifically part of a suit for wrongful death.

And for those reasons, I urge my colleagues to support the bill. Thank you very much, Madam President.

THE CHAIR:

Thank you. Will you remark on the bill? Will you remark on the bill? Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, if there are no further remarks to be made, I ask that this be placed --

THE CHAIR:

Senator Kane, I guess there's -- Senator Kane.

SENATOR KANE (32ND):

/je
SENATE

45
April 29, 2016

You weren't getting off that easy, Mr. Chairman. I rise for some questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KANE (32ND):

Thank you, Madam President. I don't serve on the Judiciary Committee, and although I try to listen to Senator Kissel and yourself explain the underlying bill, I do know in this building that we've seen this a couple times, and -- and we know that there's a -- a bit of a division between certain people in Connecticut on -- on both sides of this bill.

So I was hoping that you can give me an overview for -- from a layman's perspective what change in law we are producing here with this legislation?

Through you.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. As Senator Kissel indicated, we're trying to bring about some clarification concerning the establishment of a cause of action for minor children whose parents are killed by virtue of an act of negligence on the part of another individual.

/je
SENATE

46
April 29, 2016

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. And under current law, this is not possible?

Through you.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. Through you, under current law it is not -- there is no such cause of action concerning loss of consortium for the death of a parent.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. What is loss of consortium -- how is that defined, through you?

THE CHAIR:

Senator Coleman.

/je
SENATE

47
April 29, 2016

SENATOR COLEMAN (2ND):

Through you, Madam President.

Loss of consortium has to do with the relationship, the companionship, love, affection, guidance, support, all of those things that are characteristic of a relationship between a parent and child in this case.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. So under current law, if this scenario occurred, what would the child or -- or the parent's estate be able to cause suit for?

Through you.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, I'm not certain I understand the question. I'll respond in this way.

There would be, in a case involving the loss of parental consortium, a dollar value attached as damages to the loss that the child incurs from the point of the death of the parent, to the point where

/je
SENATE

48
April 29, 2016

the child reaches -- reaches the age of 18, and has lived without the guidance and support, love and affection, companionship, et cetera, of the deceased parent.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. So, if a -- a parent is -- loses their life in a negligent situation -- well first, what -- what would that situation be?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, in the case of *Campos v. Coleman*, the situation was the parent, Mr. Campos, was killed by virtue of being struck by an automobile operated by a driver under the influence.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

/je
SENATE

49
April 29, 2016

And the parent was killed by a driver under the influence, and was there another parent?

Through you.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

In this case there was another parent.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

I'm sorry, did -- did he say is or is not?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

In this case there is, or was, another parent.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

/je
SENATE

50
April 29, 2016

So in this case, was the surviving parent able to sue for damages?

Through you.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

The surviving parent did have a cause of action; it could have been loss of spousal consortium. It could have been for wrongful death.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. So, are we now saying that the child gets to sue, as well as the parent? Is that what this bill is attempting to do?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam Parent -- Madam -- Madam President --

THE CHAIR:

/je
SENATE

51
April 29, 2016

I am a parent, yeah, yep.

SENATOR COLEMAN (2ND):

Which is probably your more cherished title.

THE CHAIR:

No, grandmother.

SENATOR COLEMAN (2ND):

Madam President, I think what I heard from Senator Kane is accurate. There would be a cause of action available to the surviving spouse, as well as a cause of action available to the minor children -- minor -- in this case it was children, but all of that would be under the umbrella of a wrongful death action.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

So then -- see this is where I'm not following.

So, the child has a cause of action under wrongful death, but not under parent consortium? Is that what it -- is that what it is?

Through you.

THE CHAIR:

/je
SENATE

52
April 29, 2016

Senator Coleman.

SENATOR COLEMAN (2ND):

That is correct.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

But the parent, or surviving spouse, can sue for wrongful death and spousal consortium?

Through you.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

What is -- my understanding is that a child's action for loss of consortium could not survive independent of a wrongful death action.

I'm not sure that the -- that is the case with respect to spousal loss of consortium.

Through you, Madam President.

THE CHAIR:

Senator Kane.

/je
SENATE

53
April 29, 2016

SENATOR KANE (32ND):

I -- I guess what I'm trying to understand is the scenario that you've put forward states that there was a parent who -- and spouse, who was killed in a motor vehicle accident. The family was able to sue for wrongful death. The surviving spouse, in addition, was able to sue for consortium, but the child was unable to sue for consortium.

So we are looking to change the law so they can sue for that scenario, is that -- that my understanding?

Through you.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Again, I -- I apologize, I'm not sure I follow completely. Let me respond in this way, however.

The -- a wrongful death action probably most typically is brought by the estate of the deceased person. In the wrongful death action, if there is a judgment, the proceeds of the wrongful death action would go to the estate of the decedent. It is not necessarily the case that the children would benefit from any proceeds that ended up in the estate of the decedent.

The spouse, surviving spouse, may take all of the -- those proceeds, and it would be, I suppose, the children would be left to his -- not his, but the surviving spouse's generosity; they would be left to

/je
SENATE

54
April 29, 2016

the mercy of the surviving spouse's generosity concerning whether or not they'd participate and benefit from any of the proceeds from the wrongful death action.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

But couldn't the children be heirs to that estate?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

They could be.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. In this case, they were not?

Through you?

/je
SENATE

55
April 29, 2016

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

I don't clearly remember the facts, or whether or not that aspect was discussed in the case.

The point that I'm trying to make is that the children do not automatically, or are not necessarily guaranteed to participate in the distribution of the proceeds from the estate.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. It's becoming clearer for me. Thank you, I -- I appreciate that.

But I guess what I'm trying to understand, or wrap my arms around is, in this case for example that you mention -- I'll stick with that one because it's what we've been talking about. The one parent is killed. The surviving spouse -- and -- and the parent -- that person's estate are able to sue for wrongful death. The surviving spouse has a spousal consortium ability to sue for those damages, but the child does not.

So, in this case, the child would be able to sue for those damages, and wouldn't that be double damages in that scenario?

/je
SENATE

56
April 29, 2016

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President.

That would not be double damages, as I'm trying to make clear, and apparently not succeeding. But --

SENATOR KANE (32ND):

It's probably me.

SENATOR COLEMAN (2ND):

What I'm trying to make clear is that the loss of parental consortium would be derivative of a wrongful death action. So, it would be a component of the wrongful death action. And I think we should probably bear in mind that the recovery would be no greater than whatever the limits of an insurance policy is.

And so, loss of consortium brought by a child would be a mere component of the calculation of damages in a wrongful death action.

Through you, Madam President to Senator Kane.

THE CHAIR:

Senator Kane.

/je
SENATE

57
April 29, 2016

SENATOR KANE (32ND):

Thank you, Madam President. And I thank Senator Coleman for answering my questions. Maybe -- I'm sure I don't understand it the way Senator Coleman does; first of all being the Chairman of Judiciary, but also being an attorney, but maybe I just don't quite see it the same way.

Madam President, I'll let you take your picture.

THE CHAIR:

Senator Kane, thank you. Please proceed, sir.

SENATOR KANE (32ND):

And I'd -- the Clerk is in possession of an amendment, LCO 5153. I'd ask the Clerk to call the amendment and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5153, will be designated Senate Amendment
Schedule "B".

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. I move adoption.

/je
SENATE

58
April 29, 2016

THE CHAIR:

Motion is on adoption. Will you remark, sir?

SENATOR KANE (32ND):

I will, thank you, Madam President.

So, this amendment, Madam President, pretty much in layman's terms, states that the amount of any award or damages for a wrongful death claim should be reduced by the amount of damages for a loss of consortium by a surviving spouse or child.

It allows for a setoff to address the issue of double damages or double recovery. Payment for wrongful death should be looked at as a total award. And I'd ask that there be a roll call vote on the amendment.

THE CHAIR:

Roll call vote will be taken. Will you respond -- will you remark rather? Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. I rise to oppose the amendment. I think the amendment is unnecessary.

As I'm trying to make clear, there is a relationship between whatever damages may be won in a wrongful death suit and an action for a loss of parental consortium.

The loss of parental consortium cannot exist without the wrongful death claim, and it exists under the umbrella, so to speak, of the wrongful death

/je
SENATE

59
April 29, 2016

claim. So, it is a component of the action, and not necessarily something that should be offset by whatever -- whatever is the basis of the wrongful death action.

Through you, Madam President.

THE CHAIR:

Thank you. Will you remark further on the amendment? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I have the utmost respect for Senator Kane, but I would strongly oppose this amendment as well.

Because if I heard it correctly, his amendment would -- that is offered would deduct from the estate's award, both the amount of loss of consortium from the spouse, and the amount of loss of consortium, should this bill become law, of the minor children.

It is already longstanding, well-settled Connecticut law that there is a right to loss of consortium from a spouse. So this amendment, while I know it's addressed to the proposed bill, would actually serve to undermine and overturn longstanding Connecticut law of torts regarding wrongful death and loss of consortium of the spouse as well.

And for that reason alone, I would oppose the amendment. Thank you, Madam President.

THE CHAIR:

/je
SENATE

60
April 29, 2016

Thank you. Will you remark further? Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Good evening, Madam President.

THE CHAIR:

Good evening, sir.

SENATOR MCLACHLAN (24TH):

It's nice to see you in time for dinner.

THE CHAIR:

I hope so.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President, a question to the proponent of the amendment, please.

THE CHAIR:

Please proceed. Senator Kane.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Senator Kane, thank you for trying to find an alternative to what many think is not helpful in the underlying bill.

And I wonder, is this formula that you're thinking about with this proposal in the amendment before us, is this something that exists elsewhere in the United States?

/je
SENATE

61
April 29, 2016

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. I'm not aware, no.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. And -- and through you, Madam President.

I see that the bottom line result of the amendment before us is to reduce damages, and that obviously would affect the underlying bill; but even more importantly, would affect the insurance costs to the medical community in Connecticut, is that essentially what you're trying to accomplish?

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. Through you to Senator McLachlan. Yes.

/je
SENATE

62
April 29, 2016

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Thank you, Senator Kane for your thought on this idea.

I will support it in hopes that others in the circle will recognize that in the state of Connecticut, we have a grave challenge of recruiting medical professionals of all experiences. The cost of liability insurance for doctors and other medical professionals in Connecticut is one of the highest in the country. And we have to find a way to reduce those costs; otherwise, we're going to continue to lose these specialists to other states that have more favorable work environment and we have to become attentive to it.

And I think Senator Kane has recognized that grave challenge here. I urge adoption of this amendment. Thank you, Madam President.

THE CHAIR:

Will you -- Will you remark further on the amendment? Will you remark further on the amendment? Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, just one additional, hopefully clarifying, comment.

And I think that the members of the Senate should understand that a wrongful death action has to do

/je
SENATE

63
April 29, 2016

with the loss and damage sustained by the deceased person. A loss of spousal consortium has to do with the loss sustained by the surviving spouse. And the loss of parental consortium has to do with the loss sustained by the surviving child or children.

I hope that adds some clarity to the debate and the discussion on this bill --

THE CHAIR:

Thank you.

SENATOR COLEMAN (2ND):

-- this amendment. Thank you, Madam President.

THE CHAIR:

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

If not, Mr. Clerk, call for a roll call vote on Senate "B".

THE CLERK:

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

THE CHAIR:

If all members have voted? All members have voted?
The machine will be closed.

Mr. Clerk, will you please call the tally?

/je
SENATE

64
April 29, 2016

THE CLERK:

Total Number of Voting	35
Those Voting Yea	14
Those Voting Nay	21
Absent and Not Voting	1

THE CHAIR:

The amendment fails. (Gavel)

Will you remark further on the bill? Will you
remark further on the bill? Senator Martin.
Senator Martin, please.

SENATOR MARTIN (31ST):

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

THE CHAIR:

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

SENATOR MARTIN (31ST):

Thank you, Madam President. So -- so that I'm -- so
that I am clear.

So, we have a wrongful death, and the estate brings
the suit for the wrongful death, and at the same
time, there's a claim for the loss of consortium, is
that correct?

/je
SENATE

65
April 29, 2016

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. That is correct.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

So my question is; the judge, does he take into consideration at that time the number of people that are involved in the estate, or in the family of the deceased?

Through you, Madam Chair.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. It would be either a judge or a jury that would take such facts into consideration.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

/je
SENATE

66
April 29, 2016

So, does the judge or the jury take into consideration the loss to the entire family?

Through you, Madam Chair.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

If there is a claim for loss of parental consortium, my answer would be yes. If there's a claim for loss of spousal consortium, my answer would be yes.

As I indicated a little bit earlier, the claim for wrongful death would be for the loss and damages sustained by the deceased person.

Through you, Madam President.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

So regard -- so, I don't know if I need to pursue this on the side of the wrongful death, but I'll begin there.

So, in that decision that either the judge or the jury decide, do they take into consideration the number of children, the age of the children, the length of time and all the -- the love and the -- the affection that will be lost; do they take that into consideration in the judgment?

/je
SENATE

67
April 29, 2016

Through you, Madam Chair?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

In connection with the claim for loss of parental consortium, that would be taken into consideration.

That is a consideration that is independent of what the deceased person has sustained in terms of pain and suffering, and the other components that are taken into consideration in connection with the wrongful death action.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

Okay. I don't know if I understood that.

So, going down the path of the wrongful death; my question is, do the -- does the jury or the judge decide, or take into consideration, the pain and suffering, the love and -- the loss of love and affection, damages of the children that are in the family? Do they -- does the judge or the jury take that into consideration when they make -- when he or she make the judgment?

THE CHAIR:

Senator Coleman.

/je
SENATE

68
April 29, 2016

SENATOR COLEMAN (2ND):

Through you, Madam President. I would say yes.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

Okay, thank you. So, if that's the case, then why would we move forward with this bill regarding the -- for a loss of consortium? They are being considered in the -- in the judgment of the -- of the wrongful death.

Through you, Madam Chair.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. That is not the case.

I guess what I'm trying to -- or how I'm trying to respond, is that if there is no claim derivative to the wrongful death action for loss of parental consortium that would not be taken into consideration. The only -- if there's a -- if there's exclusively, only a wrongful death action, the only thing that would be considered would be whatever losses and damages the deceased person sustained.

Through you, Madam President.

/je
SENATE

69
April 29, 2016

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

Okay. So would the judge in a wrongful death, take into consideration the number of children that there are in the family in making their award for the judgment?

Through you, Madam Chair.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President.

The number of children would not be a consideration in a wrongful death action, unless there was a derivative claim for loss of parental consortium.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

I -- through you, Madam Chair.

I don't know what a derivative loss is. Could that be explained, please?

Through you, Madam Chair.

/je
SENATE

70
April 29, 2016

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

I guess the best way I could explain it is an accompanying claim connected to the wrongful death claim.

Through you, Madam President.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

So, I guess what I hear you saying is that the -- the -- in the decision for the judgment, it's not being considered for providing for the children?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, if there is but a wrongful death claim, the gentleman is correct.

How many children or whatever losses may have occurred to the children would not be taken into consideration.

Through you, Madam President.

THE CHAIR:

/je
SENATE

71
April 29, 2016

Senator Martin.

SENATOR MARTIN (31ST):

Okay. Thank you, Madam Chair. I am -- I don't think I'll be supporting this bill, but thank you for your -- your answers.

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 is open.

THE CLERK:

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

THE CHAIR:

If all members have voted? All members have voted? The machine will be closed.

Mr. Clerk, will you please call the tally?

THE CLERK:

Total Number of Voting	36
Those Voting Yea	20
Those Voting Nay	16

/je
SENATE

72
April 29, 2016

Absent and Not Voting 0

THE CHAIR:

The bill passes. (Gavel)

The Senate will stand at ease.

(Pause in proceedings)

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to take a bill off our Consent Calendar; Calendar Page 7, Calendar 353, S.B. No. 142; and if the Clerk can recall that bill?

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calling from Page -- today's Calendar on Page 7, Calendar 353, substitute for S.B. No. 142, AN ACT CONCERNING REVISIONS TO THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT AND ADOPTION OF THE CONNECTICUT UNIFORM RECOGNITION OF SUBSTITUTE DECISION-MAKING DOCUMENTS ACT. The Clerk is in possession of amendments.

THE CHAIR:

Senator Coleman.

/je
SENATE

73
April 29, 2016

SENATOR COLEMAN (2ND):

Thank you, Madam President. Madam President, in my excitement regarding this -- this bill, I neglected to call the amendment associated with the bill, and I'd like to do that now.

THE CHAIR:

Please --

SENATOR COLEMAN (2ND):

First I'll move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motion is on acceptance and passage? Will you remark, sir?

SENATOR COLEMAN (2ND):

The Clerk, hopefully, is in possession of LCO 5440. I'd ask that he please call that amendment.

THE CHAIR:

Mr. Clerk.

THE CLERK:

The Clerk is in possession of LCO 5440, which will be designated Senate Amendment Schedule "A".

THE CHAIR:

Senator Coleman.

/je
SENATE

74
April 29, 2016

SENATOR COLEMAN (2ND):

I move adoption of the amendment, Madam President.

THE CHAIR:

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

SENATOR COLEMAN (2ND):

And with apologies to all the members of the Chamber for my mistake, all of the comments that I made during the course of the initial debate were intended to apply to this amendment.

And so without further, do I just -- ask my colleagues to adopt this amendment. Thank you, Madam President.

THE CHAIR:

Will you remark further on the amendment? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. In speaking with the Ranking Member on the Judiciary Committee, I also support the amendment.

THE CHAIR:

Thank you. Will you remark further on the amendment? Will you remark further on the amendment?

/je
SENATE

75
April 29, 2016

If not, I will try your minds. All those in favor please say Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? The amendment passes. Senator Coleman.

SENATOR COLEMAN (2ND):

A feeling of déjà vu, Madam President. I move that this item be placed on our Consent Calendar.

THE CHAIR:

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

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, will the Clerk please call Calendar Page 35, Calendar 242, S.B. No. 326.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Page 35, Calendar 242, S.B. No. 326, AN ACT CONCERNING THE INDEMNIFICATION OF LAW ENFORCEMENT PROFESSIONALS. Favorable report is through the Judiciary and Environment Committees.

THE CHAIR:

/je
SENATE

76
April 29, 2016

Senator Coleman.

SENATOR COLEMAN (2ND):

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

THE CHAIR:

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

SENATOR COLEMAN (2ND):

Madam President, would the Clerk please call LCO 5594?

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5594, will be designated Senate Amendment Schedule "A".

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

I move adoption of the amendment, Madam President.

THE CHAIR:

/je
SENATE

77
April 29, 2016

Motion is on adoption. Will you remark, sir?

SENATOR COLEMAN (2ND):

Madam President, the amendment has to do with what is called consent orders, and it makes clear that consent orders cannot be modified or revoked without the consent of the parties subject to the consent order.

I'd urge adoption of the amendment.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. A couple question, through you, to the proponent of the amendment?

THE CHAIR:

Please proceed, sir.

SENATOR KISSEL (7TH):

While we were in the Judiciary Committee, we had a bill brought before us that specifically dealt with consent orders entered into by the Department of Energy and Environmental Protection, that I believe addressed a similar situation.

Is this amendment substantially similar to the bill that was voted out of the Judiciary Committee?

Through you, Madam President.

/je
SENATE

78
April 29, 2016

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. Yes, it is.

Through you, to Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And I know that the bill that we had in the Judiciary Committee was, I believe, specifically tailored towards the Department of Energy and Environmental Protection.

Is this amendment specifically tailored to the Department of Energy and Environmental Protection, or does it apply to every governmental agency in the state of Connecticut?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President.

/je
SENATE

79
April 29, 2016

The amendment addresses the section of the statutes that are specific to the Department of Energy and Environmental Protection.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. So just by clarification, is -- does this amendment essentially join two bills into one; the underlying bill, the ACT CONCERNING THE INDEMNIFICATION OF LAW ENFORCEMENT PROFESSIONALS, which deals with, I believe, investigators for the State's Attorney's Office, as well as, I think tribal law enforcement officials, and -- and basically connects that underlying bill with the consent bill such that two bills will then leave this Chamber as one, and probably have much greater chance of passing in the House, because there's just only so much time left in the legislative session.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam -- Madam President.

The good Senator is correct.

/je
SENATE

80
April 29, 2016

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And as I strongly support the bill regarding consent orders by the Department of Energy and Environmental Protection, as well as the underlying bill regarding indemnification of law enforcement officials, I think this is a -- for lack of a better term, an excellent strategy to effectuate passage of really good legislation that we've striven to work hard on in the Judiciary Committee.

And I strongly support the amendment and commend the good Chairman of the Judiciary Committee for his wisdom in moving legislation through this body in the waning days of this legislative session. Thank you, Madam President.

THE CHAIR:

Senator Coleman. Well I'm sorry, will you remark further? Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you, Madam President. Madam President, a couple of questions to the proponent?

THE CHAIR:

Please proceed, sir.

SENATOR CHAPIN (30TH):

/je
SENATE

81
April 29, 2016

Thank you, Madam President. As I understood the issue, I don't think I've seen it come before the Environment Committee, but clearly there's some implication to that agency.

And as I read the language, I guess there's another provision of the statute that under -- that falls under the powers and duties of the Commissioner where he has the authority to revoke any sort of order.

I guess a question to you would be why aren't we just changing that and lessening the powers that the Commissioner already has in statute? Why are we doing it in this way, with some not-withstanding language?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, it's -- it's probably my old age; I'm having a little difficulty hearing.

I think I heard Senator Chapin ask why are we doing the change in this manner?

Or maybe I should just ask him to repeat the question.

THE CHAIR:

Senator Chapin, will you repeat your question?

/je
SENATE

82
April 29, 2016

SENATOR CHAPIN (30TH):

Thank you, Madam President.

THE CHAIR:

Thank you.

SENATOR CHAPIN (30TH):

And I will. I know under another section of the statutes, the power -- under the powers and duties of the Commissioner, the Commissioner has the authority to revoke consent orders. And the language before us talks about notwithstanding any other provision.

Are we limiting the Commissioner's authority in a particular circumstance to revoke a consent order through this legislation?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, through you.

I guess my difficulty in responding would be that I'm not familiar with any section of the statutes that grants to the Commissioner the authority to revoke consent orders.

Through you, Madam President.

/je
SENATE

83
April 29, 2016

THE CHAIR:

Senator -- Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you, Madam President. With the Chamber's indulgence, I would see if I could find that section of the statutes?

THE CHAIR:

The Senate will stand at ease.

SENATOR CHAPIN (30TH):

Thank you.

(Pause in proceedings)

THE CHAIR:

Senator Chapin. The Senate will come back to order.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you, Madam President.

Madam President, the relevant, or at least what I believe to be the relevant, section of the statute is under 22a-424, Powers and Duties of the Commissioner.

/je
SENATE

84
April 29, 2016

I think it's under (f); it says to issue, modify or revoke orders prohibiting or abating pollution of the waters of the state, or requiring the construction modification extension or alteration of pollution abatement facilities or monitoring systems.

And I was wondering if that is, in fact, a pertinent part of the statutes that this amendment seeks to change?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. Thank -- thanks, Senator Chapin, for finding that.

This amendment makes no reference to that -- the section number that he refers to. But I guess the notwithstanding language does, in the wisdom of the drafters, effect the particular section that he's talking about.

Through you, Madam President.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you. Thank you, Madam President.

/je
SENATE

85
April 29, 2016

So, in the proponent's opinion, does the language before us limit the circumstances under which these consent orders could be revoked? Is it a limited universe of instances?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President that would be my reading of the amendment. And again, I am not familiar with the statute that the good Senator is referring to, but I think the amendment is limited to this particular set of circumstances.

Through you, Madam President.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you, Madam President. And -- and again, through you.

It's my understanding when a consent order is issued, there may be some sort of a document filed on the land records; I'm not sure whether that would be considered a lien.

But could the gentleman confirm that under a consent order, something would be recorded in the land records?

/je
SENATE

86
April 29, 2016

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President.

I don't necessarily have that kind of expertise regarding the matter, but typically anything that may encumber land, or effect land, would be recorded on the land records of the town in which the land is located.

Through you, Madam President.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you, Madam President. And again, through you.

So in those typical situations, I would assume an order like that, that may be recorded on the land record, when everything is done to everyone's satisfaction, whatever that encumbrance on the land -- land record is, would be removed.

Would the passage of the legislation before us in any way effect those instances where that has already occurred?

Through you, Madam President.

/je
SENATE

87
April 29, 2016

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President.

I think the essence of the amendment is that such orders should not be revoked or modified unilaterally.

If there is compliance with the terms of an order, I can't imagine a situation where the party that's subject to the order would not consent to the release of the order.

Through you, Madam President.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you, Madam President. And again, through you.

So it's my -- also my understanding when a consent order is signed, both parties sign it. And in doing so, the party who is -- falls under the consent order is acknowledging that the Commissioner has that power to revoke the consent order, is that your understanding as well?

Through you, Madam President.

THE CHAIR:

/je
SENATE

88
April 29, 2016

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President.

To the extent that a consent order is in the nature of a settlement agreement, I would say that if there was a provision in that order that says that the Commissioner in this case, has unilaterally the authority to revoke or modify what is in the nature of a settlement agreement, that that agreement amounts to an illusory agreement, and consequently should not be viewed as valid.

Through you, Madam President.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you, Madam President. And I thank the gentleman for his answers.

Madam President, I wasn't sure whether the proponent had asked for roll call. If he hasn't, I would ask for a roll call vote.

THE CHAIR:

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

SENATOR KELLY (21ST):

/je
SENATE

89
April 29, 2016

Thank you very much, Madam President. I just rise in support of the amendment.

One thing I think we should focus on here; you know, mindful that the Department of Energy and Environmental Protection are entrusted as stewards of the environment, and are tasked with the protection of it, they enter into these consent orders in order to protect it.

And they do it with third parties. And the mechanism of a consent order is to avoid litigation. It's to bring the parties together, and to fashion an agreement that all parties can live by. And in the case of environmental consent orders, hopefully to remediate and to cure the environmental harms that have -- have happened.

In my role as a municipal attorney, I have had the experience to negotiate these. And the fact is, that through the consent order, you end up having the opportunity to get the parties together, and to actually get consensus and settlement and remediation, and cure any environmental harm and impact that occur. If we don't have the consent order mechanism in place that all parties are bound by, then what happens is that process becomes illusory, and may hurt entering them.

As a result, I just wanted to -- to put that perspective on the record and believe this to be a good amendment. Thank you.

THE CHAIR:

Will you remark further on the amendment?

/je
SENATE

90
April 29, 2016

If not, Mr. Clerk, will you call for a roll call vote on Senate "B"? The machine is open.

THE CLERK:

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

THE CHAIR:

Senate "A". I'm sorry, that's Senate "A".

(Pause in the proceedings)

THE CHAIR:

Mr. Clerk, will you please call -- call the tally? The machine is closed.

THE CLERK:

Total Number of Voting	36
Those Voting Yea	30
Those Voting Nay	6
Absent and Not Voting	0

THE CHAIR:

The amendment passes. (Gavel)

Whoops, I'm sorry. Senator Duff. Senator Duff, please.

/je
SENATE

91
April 29, 2016

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, will the Clerk now please call Calendar Page 6, Calendar 350 --

THE CHAIR:

Sir, we just did the amendment.

SENATOR DUFF (25TH):

Oh, I'm sorry.

THE CHAIR:

We need to do the bill.

SENATOR DUFF (25TH):

Oh yes, and a --

THE CHAIR:

Thank you.

SENATOR DUFF (25TH):

And a lovely bill it is, I'm sorry.

THE CHAIR:

That's all right. Will you remark further on the bill? Will you remark further on the bill? Senator Fasano.

SENATOR FASANO (34TH):

/je
SENATE

92
April 29, 2016

Thank you, Madam President. Madam President, with respect to the bill, as amended, just so -- I know it was brought out through the question of answers with Senator Chapin and Senator Coleman. Madam President, I just wanted to weigh in on this.

Because consent orders are really an instrument in which you make an agreement with DEEP, and once you make that agreement, you have given up all your rights to go back to court. You have admitted fault, which sometimes happens when you don't have the resources to fight DEEP, who has deep resources. So, you end up having to fight this endless battle; so you enter these consent orders.

And if you can't rely upon the consent order, i.e. they can amend it unilaterally; you have no way of defending yourself. Because you've already admitted the liability for which this consent order covers; you can't take that back.

So this bill, as amended, with this consent order change, makes a deal a deal. It makes it reliable, predictable, understandable, you know what your remedies have -- what you have; you know what you're supposed to do.

So Madam President, I was out of the Chamber on the amendment, so I just wanted to voice that opinion on the bill. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Will you remark further on the bill? Senator Coleman.

SENATOR COLEMAN (2ND):

/je
SENATE

93
April 29, 2016

So Madam President, in case anyone is interested in the underlying bill, that bill has to do with adding inspectors of the criminal justice division to the list of law enforcement officers who, if accused of misconduct or wrongdoing and are exonerated, they will be entitled to be indemnified by their employer.

I would urge passage of the bill, as amended. 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 call for a roll call vote and the machine will be open.

THE CLERK:

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

THE CHAIR:

If all members have voted? All members have voted? The machine will be closed.

Mr. Clerk, will you please call the tally?

THE CLERK:

Total Number of Voting	36
Those Voting Yea	30

/je
SENATE

94
April 29, 2016

Those Voting Nay 6

Absent and Not Voting 0

THE CHAIR:

(Gavel) The bill passes. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, would the Clerk call the next three bills in this order, please?

Calendar Page 6, Calendar 315, S.B. No. 344, followed by Calendar Page 31, Calendar 59, S.B. No. 40, followed by Calendar Page 16, Calendar 447, H.B. No. 5450.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Good evening, Madam President.

THE CHAIR:

Good evening, sir.

SENATOR WITKOS (8TH):

Madam President, pursuant to Rule No. 15, I ask for permission to recuse myself from debate and ultimate vote on this article?

/je
SENATE

95
April 29, 2016

THE CHAIR:

Please proceed, sir. Thank you. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Again, I would request leave to leave the Chamber, avoiding the debate and the vote on the bill, pursuant to Rule 15?

THE CHAIR:

So ordered, Senator Kissel.

SENATOR KISSEL (7TH):

Thank you.

THE CHAIR:

Senator Linares.

SENATOR LINARES (33RD):

Thank you, Madam President. I rise, under Rule 15, to ask to be recused from the Chamber.

THE CHAIR:

Please leave the Chamber. Thank you.

Mr. Clerk. I'm sorry. Mr. Clerk, will you call?

THE CLERK:

Calling from today's Calendar, Calendar Page 6, Calendar 315, S.B. No. 344, AN ACT REQUIRING A STUDY

/je
SENATE

96
April 29, 2016

OF THE ADEQUACY OF ENERGY SUPPLIES IN THE STATE.
The Clerk is in possession of amendments.

THE CHAIR:

Senator Doyle. Why, every time you stand up, you have three of your coworkers leave? I don't know. Senator Doyle.

SENATOR DOYLE (9TH):

Good -- good evening, Madam President.

THE CHAIR:

Good evening.

SENATOR DOYLE (9TH):

It does help my chances, though.

THE CHAIR:

It does, sir.

SENATOR DOYLE (9TH):

Madam President, this -- the bill -- first, I move -- I move acceptance and adoption of the committee's joint bill before us.

THE CHAIR:

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

SENATOR DOYLE (9TH):

/je
SENATE

97
April 29, 2016

Yes, thank you, Madam President. The Clerk has a strike-everything amendment, LCO 5586. May the Clerk please call and I be allowed to summarize?

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5586, will be designated Senate Amendment
Schedule "A".

THE CHAIR:

Senator Doyle.

SENATOR DOYLE (9TH):

Thank you, Madam President. I first move adoption of the amendment.

THE CHAIR:

Motion is on adoption. Will you remark, sir?

SENATOR DOYLE (9TH):

Yes, thank you, Madam President. The bill before you provides a process for a new energy RFP that would be operated by the Commissioner of DEEP.

This legislation, this RFP process is similar to like the several we did last year. It -- it -- the structure of this bill and RFP process is similar to our previous pieces of legislation which seek to seek out competitive bids for energy generation.

/je
SENATE

98
April 29, 2016

The motivation for this piece of legislation before us; we're dealing with a particular energy generator in Connecticut, the Millstone nuclear energy plant in Waterford. The nuclear -- the Millstone energy -- nuclear energy plant provides the state of Connecticut approximately 55 percent of our electrical usage annually. It also, in some people's eyes more importantly, provides us zero carbon emissions from the entire operation of the facility.

The result of that large percentage enables the -- the state to achieve our greenhouse gas emission standards. And currently we're in good shape, I -- I believe, primarily because of the generation provided by the Millstone plant.

Also, the -- this facility in -- in Waterford, and overall eastern Connecticut, it has approximately 1,200 direct jobs, and they're actually very good-paying jobs. Also, there are a lot of associated vendors that provide services and -- and -- and work to the -- to the facility, which provides other direct benefits to the eastern -- that -- that part of eastern Connecticut. It also provides significant property taxes to the Town of Waterford.

And I talk about the Millstone plant in the -- in the -- in light of the current atmosphere in the energy world, and New York and Connecticut specifically, but also nationwide. The current climate for our nuclear power plants is poor. Now, many people will say to you, and critics will say, well maybe they had great years before, and why are you worrying about them today? But the reality is, Connecticut certainly cannot -- those arguments aside, Connecticut cannot lose Millstone plant

/je
SENATE

99
April 29, 2016

because of the comments and the -- the -- the benefits that I previously delineated of Millstone.

Now, we are here because over the past several months, the Committee has heard from the owner of Millstone plant with concerns about the operating capacity, and the operating circumstances, of the Millstone plant. The Committee, in fact, had a -- had a public informational hearing on different matters, and this issue was raised, and the Committee heard some testimony regarding this matter.

Now, what this bill before us today is, it -- it is a bill that seeks to have an RFP process, as we've done in the past few years, to seek bids for new energy sources for the state of Connecticut. It is not a subsidy. Many people may think it is, but this is not a direct subsidy whatsoever. What we have here is an RFP process that seeks to have several classifications of energy sources to bid in an open process for the -- for the -- for the state of Connecticut.

Now, to me the most important component of this piece of legislation -- when I get into the technical terms of the legislation, I'll go, but to me, the most important thing, if any bid is accepted and approved under the bill, it has to be in the best interest of the rate payers of the state of Connecticut. I believe, in my short tenure as Chair of the Energy Committee, I think the Committee's primary responsibility, which others may disagree, but I think we have to focus and try to do what's best for the rate payers.

So, if -- if this -- this RFP process is ever begun, and if any bids are accepted; those are two pretty

/je
SENATE

100
April 29, 2016

big ifs in my mind, but if they are, any such selection would have to be premised on the best interest of the rate payers.

And in the process of any selection, presumably performed by DEEP, other parties are involved in the selection process, including the procurement manager, the Office of the Consumer Counsel, our Office of Attorney General, and the PURA.

So, what we have before you is, the amendment before you becomes the bill, and it -- and I'll briefly go through the content of the amendment which lays out the terms and the circumstances of this RFQ process.

So, basically -- this again -- the language says the Commissioner of DEEP may; it's not shall, it's -- it's permissive. So, under the current climate today, if this legislation were to -- were to pass, I do not think this would be enacted immediately. But it's down the road in case the Commissioner of DEEP determines that an RFP is appropriate. But if -- if the Commissioner were to move forward to seek -- seek RFP proposals under this, any such proposals and preparation will be done with the cooperation and consultation of the Office of Consumer Counsel, the -- as I said, the Attorney General, and under it, the -- the -- the DEEP Commissioner can issue one or more solicitations.

And the sources of energy generators that can bid under this -- this mechanism is -- are the Class 1 renewal energy resources, large-scale hydropower, nuclear power and trash energy facilities. So if this RFP process were to be activated by the DEEP Commissioner, the -- the DEEP Commissioner would seek out bids from these four energy sources.

/je
SENATE

101
April 29, 2016

Now again, if the Commissioner makes the decision to move forward with the RFP, any -- any selection will be achieved with the -- with the cooperation and involvement of the Office of Consumer Counsel and the Attorney General. But the evaluation criteria for any such bids; to me the most important one is on Line 40, where the -- any such proposal has to be in the best interest of rate payers. And there's other similar components, but to me really, it's -- it's the rate payers who would drive any such selection.

So in other words, if the -- if it was not in the best interest of the rate payers, and it was costly for rate payers, we're saying by this legislation, any such bids would not be selected. And of course, that's mentioned several times through the legislation and by the fact that legislative intent, we're mentioning that that will make it clear to the DEEP Commissioner and PURA ultimately, what's the most important component of this.

The amount of energy output for this legislation is capped at -- is 8,400,000 megawatts of electricity, and it also directs other more technical things for the -- that would enable the Commissioner to move forward to effectuate any such bids, if the Commissioner deem they were in the best interest of the rate payers.

And we do have in the legislation, towards the end of the -- the -- the bid, there's -- there's an authority in there for the DEEP Commissioner to delegate his or her authority, outside of the initial Subsection (a), to the electric distribution companies. And that may seem odd, but the reason why that language is in there, it's optional language, and it really relates to a recent U.S.

/je
SENATE

102
April 29, 2016

Supreme Court decision that -- it's -- and still being interpreted, but the question is, if it's ultimately determined by our -- the experts in the -- of lawyers in interpreting that -- the -- that Supreme Court decision, that in fact states, cannot themselves participate or operate such a selection process. This would -- and authorize -- would authorize the electric distribution companies to do it under this legislation.

But most importantly, if -- ideally, we do not have to get to that point, because I would rather have the DEEP Commissioner do the entire process. But if it were to go down that road because of that U.S. Supreme Court decision, we are putting our conflict of -- conflict of interest language to be certain that any such possible conflict of interest by the electric distribution companies would be covered, and again, the rate payers would be protected.

So -- so Madam President, I believe this is a piece of legislation that's important, because I think despite what others may think, I think it's very important for the state of Connecticut to preserve Millstone nuclear energy for many reasons, but most importantly I think for the integrity and the security our electric grid.

And therefore, this permissive piece of legislation is -- that's -- as detailed in the amendment, could -- will only be activated if the DEEP Commissioner determines, you know, down the road that it's appropriate.

So Madam President, I ask the -- our members to approve this -- the amendment before us. Thank you, Madam President.

/je
SENATE

103
April 29, 2016

THE CHAIR:

Will you remark? Will you remark? Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President; good evening to you.

THE CHAIR:

Good evening, sir.

SENATOR FORMICA (20TH):

I rise in support of this legislation, please?

THE CHAIR:

Please proceed, sir.

SENATOR FORMICA (20TH):

Thank you, Madam President. First, I'd like to thank my good friend the Chair of the Energy Committee, and the Co-Chair, Representative Reed, for working hard in a bipartisan manner on this particular legislation; because what is, as you heard the good Chairman talk about, most important is the continuation of the availability of good power here for the state of Connecticut, and to do so, at the best interest of the rate payers.

The Energy Committee, during the beginning of this session, held a number of informational forums designed to try to understand the market, to try to understand the business, and to try to understand the legislative opportunities that would occur, or have occurred, over the past few years, and to gauge

/je
SENATE

104
April 29, 2016

their impact on the state of Connecticut. Energy is changing. It is changing very rapidly, and it is changing for the -- for the better, I believe, all over -- all over the country, and specifically in New England.

This particular legislation is not a conversation about the pros or cons of nuclear, it's about an opportunity. It's -- it's about understanding that in this state, we are at a crossroads. Due to the fact that some years ago there became a natural shift, or there became a coordinated effort to shift to natural gas, because of the new ways that it was being able to be procured throughout the country, and then brought here. And many, many folks switched to natural gas, which drove the wholesale market down.

We look at the environment around New England, and many nuclear plants are -- are unable to compete, and operate at a loss, as a result of this. So, we see plants closing in states with close proximity to -- to Connecticut, and with that is the reduction of available power.

The Energy Committee, over the course of the last several years even before I was here, decided to move to try to promote clean energy in terms of solar and wind, hydro, and to try to get that here to the state of Connecticut, not only to benefit our environment, but to long-term benefit our rate payers.

We will continue to do that. This in no way stops that process. But what we have to realize is that during the time between now and when many of those initiatives will be online, we need to have power. We need to have a reliable source of base power, and

/je
SENATE

105
April 29, 2016

the Millstone station provides 2,100 megawatts of that power. And should that plant close for any particular reason that would be a very difficult amount of power for our state to be able to replace in the short term.

This contract provides for a competition. It does not in any way provide for a subsidy. And it allows the competition to bid, and it allows that the DEEP, along with the Attorney General and the Office of Consumer Counsel, to choose what's best for the rate payers, and even decide if they're going to accept, or if they're going to put a contract for an RFP out.

So this is an opportunity for our state, as you've heard. Millstone is a very important -- Dominion is a very important company here in the state of Connecticut. We have many challenging opportunities here in our state; amongst them, the creation and the sustain -- the sustaining of good-paying jobs. The 1,200-plus jobs in the southeastern Connecticut that's provided directly by Millstone Station and Dominion, generate over \$108 million annually into our economy, and provide opportunities for good community citizens, and to support many things in southeastern Connecticut.

This legislation would allow the opportunity for Dominion, and the Millstone Station, to bid in and to provide an opportunity to do what's best for the rate payers by bidding in, and should they be successful, then they will continue to go on. But it is up to the many folks at DEEP, and as I said, the Consumer Counsel and the Attorney General, to decide what that bid is, based on the main factor of being the best interest in the rate payers -- for the rate payers.

/je
SENATE

106
April 29, 2016

I think this is an extraordinarily important bill. I think that this just gives an opportunity, and an opening for our state and our energy supply, to be consistent over the next few years, to be in the best interest of the rate payers, and as we move into the next -- into the next generation if you will, of power here over the next 10 or 15 years, this will be an important opportunity to continue the energy resources to be able to do that.

So, I thank the good Chairman for all his hard work, and I urge my colleagues to support this opportunity for the rate payers to get a -- a -- a good power source, a good base source of power, that we can continue for the next many years if this opportunity for the contract exists. So, thank you very much, Madam President, for -- for the opportunity and I urge support.

THE CHAIR:

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:

An immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate. All the Senators please report to the caucus room.

(Pause in proceedings)

THE CHAIR:

/je
SENATE

107
April 29, 2016

Senator Flexer. Got to go; last vote, ma'am.

If all members have voted? All members have voted?
The machine will be closed.

Mr. Clerk, will you call the tally?

THE CLERK:

Total Number of Voting	33
Those Voting Yea	33
Those Voting Nay	0
Absent and Not Voting	3

THE CHAIR:

The bill passes. (Gavel) Senator Doyle.

SENATOR DOYLE (9TH):

Thank you, Madam President. I just want to make a few brief remarks on the bill now, as amended.

And I just want to reiterate to the Chamber, this piece of legislation really is a -- it's a -- it's a short-term comfort-level piece of legislation that's not mandatory. And what, in the long term though, next year the Energy Committee and the DEEP are going to pursue longer-term planning on this matter, through our comprehensive energy strategy, and our integrated resources plan.

It's an important piece of legislation and I urge the Chamber to adopt it. Thank you, Madam President.

/je
SENATE

108
April 29, 2016

THE CHAIR:

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:

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

THE CHAIR:

The machine is -- all members have voted? All
members have voted? The machine will be closed.

Mr. Clerk, will you please call the tally on the
bill?

THE CLERK:

Total Number of Voting	33
Those Voting Yea	33
Those Voting Nay	0
Absent and Not Voting	3

THE CHAIR:

The bill passes. (Gavel) Senator Duff. Senator
Duff.

/je
SENATE

109
April 29, 2016

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, the Clerk can now call Calendar Page 31, Calendar 59, S.B. 40.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calling from Page 31, Calendar 59, S.B. No. 40, AN ACT CONCERNING EMPLOYER INQUIRIES ABOUT AN EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S CREDIT HISTORY. Favorable report of the Labor and General Law Committees.

THE CHAIR:

Senator Gomes.

SENATOR GOMES (23RD):

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

THE CHAIR:

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

SENATOR GOMES (23RD):

/je
SENATE

110
April 29, 2016

Yes, ma'am. Thank you. The Clerk is in possession of LCO Amendment No. 5541. I move an amendment and seek leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5541, will be designated Senate Amendment
Schedule "A".

THE CHAIR:

Senator Gomes.

SENATOR GOMES (23RD):

Thank you, Madam President. The amendment -- the amendment is very small and it's corrective language.

In Line 40 strike the opening bracket. In Line 2 -- Line 41 bracket 2005 and after the closing bracket insert 10,000. In Line 4 -- in the Line 41 check the closing bracket. In 5 -- in Line 42 strike the opening and closing brackets and strike or.

That is the end of the amendment. I move acceptance.

THE CHAIR:

Will you remark on the amendment? Will you remark on the amendment? Senator Hwang.

SENATOR HWANG (28TH):

/je
SENATE

111
April 29, 2016

Thank you, Madam President. I rise in support of this bill, but for --

THE CHAIR:

This is on the amendment, sir.

SENATOR HWANG (28TH):

Just on the amendment, the amendment. Yes, I rise in support of this amendment.

For legislative intent, through you, if I could just get a clarification of yes or no, that the current law prohibits employers from requiring a prospective employee from producing a credit card report -- a credit report when applying for a job. But the law contains exceptions to this general prohibition.

One such example -- exemption allows credit cards -- credit checks to people seeking positions with access to employers' non-financial assets valued at \$2,500 or more.

This amendment now changes the exemption to the value of non-financial assets to \$10,000, would that be correct?

Through you, Madam President.

THE CHAIR:

Senator Gomes.

SENATOR GOMES (23RD):

Through you, Madam President.

/je
SENATE

112
April 29, 2016

That is correct.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

With that clarification again I reiterate my support for this amendment and this bill in general. Thank you, Madam.

THE CHAIR:

Thank -- thank you, Senator. Will you remark on the amendment? Will you remark 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. Senator Gomes.

THE CHAIR:

Senator Gomes.

SENATOR GOMES (23RD):

Thank you, Madam President. I'll summarize on the bill.

/je
SENATE

113
April 29, 2016

This bill limits the circumstances in which most employers can check the credit of job applicants and employees. But it also broadens the circumstances in which employers can require checks of people applying for or working in positions that would give them access to museum and library collections, or prescription drugs and other pharmaceuticals.

Current law generally prohibits employers from requiring an employee or job applicant to consent to a credit report request that allows for various exceptions. One exception allows the credit checks of people seeking positions with access to the employers' non-financial assets valued at \$2,500 or more. That part has been changed to \$10,000. The bill limits this exception to positions with access to museum and library collections or prescription drugs and other pharmaceuticals of any value.

The law unchanged by the bill also allows employers to require credit checks, number one, if the employer is a financial institution. Two is required by law. Three, the employer reasonably believes that an employee has violated a law related to his or her employment. Or four, the position meets other certain requirements.

We would hope that employers would hire applicants based on their skills and qualifications, not based on damage done to their credit well struggling to find a job. Other than that, that is a summary of the job.

THE CHAIR:

Will you remark on the bill? Senator McLachlan.

SENATOR MCLACHLAN (24TH):

/je
SENATE

114
April 29, 2016

Thank you, Madam President. Madam President, I stand for the purpose of questions on the underlying bill.

THE CHAIR:

Please proceed, sir.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Senator Gomes, in the case of a prospective employee who would work for a vendor of sorts, or as a craftsman of sorts, the employer is giving that prospective employee access to his or her clients, customers, assets. Let's say as an example, an electrician is going to be granted access to a building which may have valuable items within the building.

What my point is, does this limitation include that particular case?

Through you, Madam President.

THE CHAIR:

Senator Gomes.

SENATOR GOMES (23RD):

I'm not aware if that would include this exception, because that is not going to be on the employer's property. I wasn't prepared for that question.

But we did make note of -- of -- of what he would have access to the employer's property, that was why the \$10,000 was put in there.

/je
SENATE

115
April 29, 2016

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. And thank you, Senator Gomes.

So, in the case of an employee who is sort of a road person, and they are working at client and customers' properties elsewhere outside of the company home property. I'm sensing that this does not apply, this restriction does not apply, or does not allow -- does that mean that they can or cannot run a credit report?

Through you, Madam President.

THE CHAIR:

Senator Gomes.

SENATOR GOMES (23RD):

Thank you, Madam President. I think that the credit report is -- is in -- is initially for the employer to hire this person, and to find out if he could trust him or what is his background.

Other than that, I think he would be like any other employee that you hired; he would go and do his job regardless of where it is. I don't understand the question other than that.

THE CHAIR:

/je
SENATE

116
April 29, 2016

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. And through you to Senator Gomes.

Basically what I'm talking about is the type of employee that doesn't seem to be addressed in this legislation.

So at this time I'm going to decline to support the bill, do some more homework and speak to Senator Gomes, and see if we can't correct my concern in the near future. Thank you, Madam President.

THE CHAIR:

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

SENATOR GOMES (23RD):

I'd just like to make one more remark.

I think when we were trying to get this person we -- hired, we were trying to get away with -- getting away from that type of employee, and say that the person should be hired on his skills and qualifications rather than he has problems with his credit or problems otherwise. Thank you.

THE CHAIR:

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.

/je
SENATE

117
April 29, 2016

THE CLERK:

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

THE CHAIR:

If all members have voted? All members have voted?
The machine will be closed.

Mr. Clerk, will you please call the tally?

THE CLERK:

Total Number of Voting	36
Those Voting Yea	26
Those Voting Nay	10
Absent and Not Voting	0

THE CHAIR:

The bill passes. (Gavel) Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, will the Clerk now call Calendar Page 5, Calendar 287, S.B. No. 379?

THE CHAIR:

Mr. Clerk.

/je
SENATE

118
April 29, 2016

THE CLERK:

Calling from Calendar Page 5, Calendar 287, S.B. No. 379, AN ACT CONCERNING THE RECOMMENDATIONS OF THE MINORITY TEACHER RECRUITMENT TASK FORCE. The Clerk is in possession of amendments.

THE CHAIR:

Senator Slossberg, good evening, ma'am.

SENATOR SLOSSBERG (14TH):

Good evening, Madam President. So nice to see you.

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

THE CHAIR:

Motion is on acceptance and passage. Will you remark, ma'am?

SENATOR SLOSSBERG (14TH):

Yes, the Clerk has in his possession LCO No. 5510. I would ask that it be called and I be granted leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5510, will be designated Senate Amendment Schedule "A".

/je
SENATE

119
April 29, 2016

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG (14TH):

I move adoption.

THE CHAIR:

Motion is on adoption. Will you remark, ma'am?

SENATOR SLOSSBERG (14TH):

Madam President, this is the -- the bill that came from the recommendations of the minority teacher recruitment task force, which was established by the legislature last year. And the purpose was to study and develop strategies to increase and improve the recruitment, preparation and retention of minority teachers.

The charge was to look at a very -- a variety of different questions, and an examination of current statewide and school district demographics, and a review of best practices, and try to see what we could do to increase the number of minority teachers that we have in -- in our schools.

The task force worked very hard. They met a number of times and did their due diligence and the bill before us is a product of that work. And at this time I'd like to recognize and yield, if I may, to one of the Co-Chairs of the task force, Senator Winfield.

THE CHAIR:

/je
SENATE

120
April 29, 2016

Senator Winfield, will you accept the yield, sir?

SENATOR WINFIELD (10TH):

Good evening, Madam President. Yes, I --

THE CHAIR:

Good evening.

SENATOR WINFIELD (10TH):

Yes, I will accept the yield. Madam President, I was fortunate enough to be the Chair of the minority teacher recruitment task force, and I was excited about what we would learn. And this bill is a byproduct of what we did learn.

We learned that the state of Connecticut does not have much data in the way of minority teacher recruitment. And so what this bill seeks to do is figure out the things we didn't figure out.

So, in Section 1 of the bill --

THE CHAIR:

Senator -- excuse me, I just, for clarification, this is on Senate "A", correct?

SENATOR WINFIELD (10TH):

Yeah, well Section 1 of the amendment that becomes the bill, yes.

THE CHAIR:

/je
SENATE

121
April 29, 2016

Thank you very much.

SENATOR WINFIELD (10TH):

Sorry. I should have been clearer about that, Madam President.

So, in Section 1, what we are seeking to do is extend the life of the minority teacher recruitment task force; it will be extended until 2026 so that we can complete the work, and if we should complete the work, we would revisit that date at a later time.

There's also an addition in that section to what the minority teacher recruitment task force is and does, that I think is a good addition, by some of my colleagues on the Education Committee from the Republican side of the aisle, that makes sure that we're looking at analyzing the causes of minority teacher shortage in the state. Representative Lavielle and Senator Boucher had something to do with that.

Also, in Section 2 we establish a Minority Teacher Recruitment Policy Oversight Council within the Department of Education to continue the work and link to the work that's being done by the minority teacher recruitment task force. And that is to look at many of the similar issues that the task force looks at, and to encourage minority middle and secondary school students to attend institutions of higher education and enter the teaching profession, which is what we tasked our RESC (phonetic) with doing a couple of years ago, but we didn't get some of the results that we wanted to do, so we moved that -- that task to the oversight policy -- the policy oversight council.

/je
SENATE

122
April 29, 2016

In Section 3 of the bill, we found that we didn't have a lot of data coming out of our minority teacher recruitment programs, and whether or not the programs were successful. The only way we knew they were successful was that we were told by those running the programs that they were successful. And so we asked that -- we put -- we institute a survey, an end-user survey, so that we find out from those who are supposed to be benefiting from the program, whether or not they found it to be useful or not.

We also asked that the department do -- that there be results-based accountability on all of our minority teacher recruitment programs.

The issue of Praxis came up during the discussion. And the Praxis has been a barrier for many people, but particularly for minorities, because there's a discussion about criterion-based tests and norm-based tests.

And so what we came to an agreement on was that the issue of the Praxis was one that we could do something about in the state of Connecticut, and the way that we do something about that is we say that when entering a minority -- when entering a teacher preparation program, the Praxis will still be taken, but what happens is, the test becomes the way that we diagnose the issues that may have -- may exist with the student, or the person who was entering the program. And so we use it to figure out where they are and to help remediate any issues they might have. So it doesn't go away, but it becomes a diagnostic tool.

/je
SENATE

123
April 29, 2016

I've already said that we do our BA in the program. Section 7 of the -- just get to it -- Section 7 lays out alternatives to certification.

In Section 8 -- one second, Madam President. I'm just trying to get my papers in order.

THE CHAIR:

Just take your time, sir.

SENATOR WINFIELD (10TH):

And Section 8 deals with teachers coming in from other states and territories, and a new way of allowing them to be able to teach in schools in Connecticut, for having completed a teacher preparation program or an alternative route to certification.

Madam President, that is an overview of the amendment, and I would urge adoption.

THE CHAIR:

Thank you. Will you remark further on the amendment? Senator Boucher.

SENATOR BOUCHER (26TH):

Good evening, Madam President. Madam President, through you. A few questions for the proponent of amendment?

THE CHAIR:

Please proceed, ma'am.

/je
SENATE

124
April 29, 2016

SENATOR BOUCHER (26TH):

Through you.

In the sections that we have in Section 8, Subsection 3, there appears to be a change in our requirements for teacher certification that removes a few things.

One area that it removes is allowing them to also hold a Master's degree in an appropriate subject area. It also states that if they've had any teaching experience in two of the last ten years, and takes out the other requirements that we previously had for -- particularly from another state, a territory or possession of the United States or the District of Columbia or the Commonwealth of Puerto Rico.

Was there some discussion about the fact that this might, in some way, weaken our qualifications for the teacher's certification to such a degree than we had previously?

And also, if he could tell us a little bit about when they talk about territory or possession of the United States, what other countries that -- that might pertain to.

Through you, Madam President.

THE CHAIR:

Senator Winfield. Senator Winfield.

SENATOR WINFIELD (10TH):

/je
SENATE

125
April 29, 2016

Yes, Madam President. The Section 8 does deal with all of the things that Senator Boucher spoke about. There was discussion about whether we would weaken the requirements, whether we would be changing the requirements and not weakening them, and all the permutations of that discussion.

It was felt that the way that we do the accepting of those who are coming from other places in Section 8, was satisfactory. They have to -- they're not people who come here and haven't taught; they are people who come here and have taught. They have to have satisfactory performance evaluations while teaching in those states, and they get a provisional opportunity to teach. The applicant has to have successfully completed a teacher preparation program or an alternative route to certification program.

And so it was felt that some of the things that we had intended to do to make it easier for people to come in, actually did not work. And this is what we feel changes what we're doing, but doesn't really make our students more likely to have a teacher who is not prepared to actually teach them, because you still have to be someone who has gone through a program, you still have to have evaluations that we felt, in conjunction with conversations with the State Department of Education that this was the proper way to go.

Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

/je
SENATE

126
April 29, 2016

Thank you, Madam President. Madam President, just one more question, if I could?

THE CHAIR:

Please proceed, ma'am.

SENATOR BOUCHER (26TH):

In Line 290 to 292, there was also an exemption, it appears; or maybe I'm reading it incorrectly, that they are not required to complete a course of study in special education.

Through you, Madam President, why was that exclusion put in there when so many of our students now require special education expertise, and we've worked really hard to include that in teacher preparation courses?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. And through you, Madam President.

Yes, I asked the same question, because that wasn't originally in our discussions.

The LCO, when attempting to make the language here conform with what we are trying to do to reduce the barriers, had the -- the reduction of special

/je
SENATE

127
April 29, 2016

education as part of the way that the bill was drafted to make it work.

And that's -- that -- well, through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President. I wish I could say that I -- that gave me some comfort, the answer on that.

I -- I do believe that this bill will go through tonight, and I will support it, of course, but I am concerned about that elimination. It seems odd that it would do that, and that there should have been at least some language in this bill, and hopefully that might be something to consider, as we move along in this process or probably next year, that we at least require, at some point, even if it's course work after they're employed, that they would at least be required to pass some special education course, or a part of their continuing education program; that that's one of the areas, because they would be missing that aspect of their educational experience while teaching an American classroom.

Through you, Madam President.

THE CHAIR:

Thank you. Will you remark further?

SENATOR WINFIELD (10TH):

/je
SENATE

128
April 29, 2016

Madam President, if -- if I could, Madam President,
just to respond to Senator Boucher.

So, as I -- as I suggested to you, Senator Boucher,
that was a question I had as well, and I -- if I
continue to be on the minority teacher recruitment
task force, that is something that we intend to take
a look at and find a way to -- to remedy.

Through you, Madam President.

THE CHAIR:

Thank you. Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President. I do appreciate that
answer.

I might add that it seems that oftentimes in some of
our urban communities where there is a high
population of minority students, that oftentimes we
talk about the fact that students in those schools
are sometimes over-identified in the special
education category, making it even more important
that there is some exposure to training in that
field going forward. Because again, we don't want
to provide a school environment that would not be at
the same level, or be the quality that's really
necessary for that population, because we want them
to do very well.

And if I could, through you, Madam President, yield
to State Senator Art Linares at the moment?

THE CHAIR:

/je
SENATE

129
April 29, 2016

Senator Linares, will you accept the yield, sir?

SENATOR LINARES (33RD):

Yes, Madam President, thank you. And I'd like to thank Senator Boucher for all of her hard work on this legislation, on this amendment and her leadership on the Education Committee. Thank you, Senator. And also, Senator Winfield, for championing -- being the champion of this bill. I think it's excellent legislation; it's forward thinking.

It's important -- it's very important. It's important to -- to minority communities, it's important to the quality of education that we provide our students, it's important for the state. I think it's excellent that we're reaching out and improving our recruitment capabilities.

Many of these teachers will be at the start of their careers. Some of those will be young folks, and I think it's important that we do everything we can to bring young people into this state. It's a declining population and it's becoming more and more important that we attract young people to work here. And certainly this is -- teaching is an admirable and rewarding career, and so there is a lot of -- a lot of opportunity there.

And I think it's great also that we're advocating for more data collection from students. I don't -- it's -- it's great that we see that in this bill. Too often we pass bills with -- in education and we don't actually reach out to the students, so it's really thoughtful that Senator Winfield worked to include that.

/je
SENATE

130
April 29, 2016

So with that said, I rise in support of this bill, Madam President, and I ask my colleagues to do the same. Thank you.

THE CHAIR:

Thank you. Will you -- will you remark further on Senate "A"? Will you remark further?

If not, I will try your minds. All those in favor of Senate "A" please say Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is adopted. Senator Winfield.

SENATOR WINFIELD (10TH):

Madam President, I think I'm going to yield to Senator --

THE CHAIR:

Slossberg? Will you accept the yield?

SENATOR SLOSSBERG (14TH):

Yes, thank you, Madam President. If there's no objection, I would ask that this item be placed on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, ma'am.

/je
SENATE

131
April 29, 2016

SENATOR SLOSSBERG (14TH):

Thank you.

THE CHAIR:

This -- Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Senate stand at ease for a moment?

Madam President?

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I'd like to take an item off the Consent Calendar, please?

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Calendar Page 8, Calendar 373, S.B. No. 363; I'd like to remove that item from the Consent Calendar.

THE CHAIR:

So ordered, sir.

/je
SENATE

132
April 29, 2016

SENATOR DUFF (25TH):

Thank you, Madam President. If the Clerk can now please call the items on the Consent Calendar, followed by a vote of the Consent Calendar, please.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calling from today, Consent Calendar No. 1.
Calendar 75, S.B. No. 81. Page 5, S.B. No. 248.
Page 5, S.B. No. 379. Page 7, S.B. No. 142. Page
32, S.B. No. 76. Page 39, S.B. No. 349. Page 41,
H.J. Resolution 37.

THE CHAIR:

Mr. Clerk, will you please call for a roll call vote and the machine will be open with the Consent Calendar.

THE CLERK:

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

THE CHAIR:

If all members have voted? All members have voted?
The machine will be closed.

Mr. Clerk, please call the tally on the Consent Calendar.

/je
SENATE

133
April 29, 2016

THE CLERK:

Total Number of Voting	36
Those Voting Yea	36
Those Voting Nay	0
Absent and Not Voting	0

THE CHAIR:

The Consent Calendar passes. (Gavel) Senator Duff.

SENATOR DUFF (25TH):

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

THE CHAIR:

Mr. Clerk.

THE CLERK:

Yes, Madam President, the Clerk is in possession of Senate Agenda No. 2 dated Friday, April 29, 2016.

THE CHAIR:

Mr. Clerk -- I mean -- sorry, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move that all items on the Senate Agenda No. 2 dated Friday, April 29, 2016 be acted upon as indicated by -- and

/je
SENATE

134
April 29, 2016

incorporated by reference into the Senate Journal and transcript.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

The Clerk can now call Calendar Page 16, Calendar 447, H.B. No. 5450.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calling from today's calendar, Calendar Page 16, Calendar 447, Senate -- substitute for H.B. No. 5450, AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA, as amended by House Amendment Schedule "A"; favorable reports of the Public Health and General Law Committees.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

/je
SENATE

135
April 29, 2016

Good evening, Madam President. Madam President, I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the House.

THE CHAIR:

Motion is on acceptance and passage. Will you remark?

SENATOR GERRATANA (6TH):

Yes. Madam President, the bill we have before us, AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA, has come before the Public Health Committee before, as well as some other committees here in our General Assembly.

The issues that are taken up in this bill are varied, but one of the most important issues is allowing the use of marijuana -- medical marijuana I should say, for children under 18. The bill describes what conditions these children would have, and under what conditions they would be able to use marijuana.

I want to say that I did a little research; I did a little research on our medical marijuana program to understand how, since 19 -- excuse me, 2012, how the program has been set up, and how it has been promulgated. And I found out a number of things.

One, that Connecticut, very wisely so, has decided to take a pharmaceutical medical approach with its regulations regarding medical marijuana. And these regulations are, of course, strictly enforced but

/je
SENATE

136
April 29, 2016

carried out in such a way that they are being looked at as a model throughout our country.

I mentioned medical model, and this is very important, because, you know, there's -- there's a lot that surrounds the talk about marijuana. We go back to maybe 40 years ago, 50 years ago, and the use of weed or reefer, even back in the 1930s. And of course, people are talking about the psychoactive ingredients in marijuana THC for instance.

Marijuana has, of course, been in our culture, and our counterculture, as I just talked about. But in this case, as time has gone on, more and more, people are recognizing, scientists are recognizing, and certainly physicians and doctors are recognizing that marijuana has very good medical properties. And these properties have been very efficacious in a variety of situations and ill -- where people have been extremely ill, and needed to have some relief.

Our statutes, of course, delineate that for adults. And as I said before, we also have that for children. The case for children is, in many instances, intractable seizures. What does this mean?

Well, I have to tell you that many families came before the Public Health Committee and talked about their children and -- and indeed, brought some of their children also. And they talked about how the use of marijuana has helped their -- relieve their children's agony and pain. And in fact, in some cases where a child would be laying in bed and in this pain, could not function, and of course had no quality of life.

/je
SENATE

137
April 29, 2016

What was revealed to us in the Public Health Committee is that parents, and in some cases having to seek this relieve, had to go out of state. One mother said I became, and my daughter became, a medical refugee -- had to go out of state to seek getting relief for their particular -- excuse me, their particular child.

One little girl, Cindy May Meehan, came before our Committee with her mom, and Cindy May was -- was 13 years old at the time. She was very active. She was walking around. When originally, because of her medical conditions, chronic, ongoing and extreme conditions would not even allow her to walk or even sit properly. She was an active young woman. And then, unfortunately, three weeks after she testified, her and her mom; Cindy May passed away, and we were all very heartbroken because of the profound medical diagnosis that she had.

I wanted to also say that I have just one piece of -- excuse me, testimony before our Committee, and mind you, many, many parents, families and children came to testify. And this is a -- grandparents testifying on West Ann Tarricone, who suffers from severely disabling epilepsy. And they testified and said West has thousands of seizures a day. The only relief that West could get, and many of these children, was through the use of marijuana.

Now, we're not talking about smoking marijuana, we're not talking about inhaling it or vaping it or anything along that line. I did do a little research, went online to one of the pharmacies that we have in our state that are licensed to dispense marijuana, and learned that the oils that are given in a topical manner provide the relief that these children need.

/je
SENATE

138
April 29, 2016

Also, we had before us two other powerful people here in our state who came to testify. One is Dr. Sandi Carbonari. I know Sandi, she's come before our committee many times. She's a pediatrician; the former head of the American Academy of Pediatrics here in Connecticut. And she said, we in Connecticut recognize the potential for use in cases of children with terminal illness, or debilitating conditions such as intractable seizure disorders that do not respond to traditional treatment modalities. In these situations, the benefit of potential relief of pain and suffering outweighs concerns about future brain development.

We also have the testimony of Dr. William Zempsky, MD/MPH, head of the Division of Pain and Palliative Medicine at Connecticut Children's Medical Center. He also testified that while clearly there is more research necessary to understand how best to use this agent, it has become clear to me that they are some of the most vulnerable patients who would truly benefit from the use of medical marijuana.

We are not talking about, as I said before, having this medicine; and I have to call it medicine, because that's how it is evolving, being delivered to children in an unstable or perhaps manner that is not heavily, heavily regulated or defined, because we are defining under the bill what that does.

I want to briefly go through the bill section by section, Madam President.

And in Section 1, we extend the access to our medical marijuana program to qualifying patients who are under the age of 18. And the illnesses that we are talking about are illnesses that are end-of-life

care and irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrolled intractable seizure disorder.

And also in Section 1, we differentiate between patients who are under 18 and emancipated patients. We treat those who are emancipated as we would similar to an adult in that they would still need a caregiver, and still need a physician to certify that they would need this kind of treatment.

We also in Section 2 have clarifying language; some cleanup language there. And we say also that patients can be under 18 years of age, and can be in research program as participants.

Section 3 clarifies that a patient, an MMP patient found to be in possession of marijuana that did not originate from a selected dispensary may be subject to a hearing, and of course, possible enforcement.

Section 4 protects nurses licensed here in the state when they administer medicinal marijuana.

Section 5 sets up the protocol of who -- a child under 18 I should say, who is under 18; the protocol where a primary care provider, and also a physician who is board certified in the specialty area of -- of the child's illness has to provide the letter to confirm that the palliative use of marijuana is in the patient's best interest. It prohibits physicians from certification of dosage in smokable, inhalable or vaporizable form. It also prohibits dispensaries from dispensing palliative marijuana to patients under 18 years of age in any smokable, inhalable or vaporizable form.

/je
SENATE

140
April 29, 2016

And Section 6 is -- there is a report that is required from dispensaries to the DCP on the dosage of palliative marijuana they dispense.

Section 7 allows us -- I should say the program through DCP to provide it to hospice -- hospice, excuse me, facilities for hospice care. This is generally end-of-life care or very chronic palliative situations.

Section 8 allows licensed marijuana producers, or their employees, to distribute or dispense marijuana to laboratories and organizations engaged in research.

Section 9 is a section that I did work on; because I did insist all along that if we have a board of physicians that advises DCP, that there be -- and if we were going to allow children to be medicated with marijuana, that there be a pediatrician appointed to the board. So that is in this section. We also changed some of the requirements for being a member of the board of physicians.

And in addition, in the House they also added in that the board of physicians could make recommendations to the legislature; specifically, the General Law and Public Health Committee, for -- and give us a list of debilitating conditions, and recommend conditions of removal. This has been something that I know the physicians have been very concerned about.

Section 10 requires the DCP Commissioner to adopt regulations providing for the licensure of marijuana laboratories and laboratory employees. Actually under this bill we address a very important issue,

/je
SENATE

141
April 29, 2016

and that is to set up a framework to do research on marijuana; something of which when I was looking and reading, have not found a lot on. I found a lot of research, in fact meta-analysis on how the -- the psychoactive components of marijuana affect children. And I'm going to get into a little bit more discussion too about the alternatives to the psychoactive or the THC component in just a minute.

But in setting up a framework for research, Connecticut can actually take place in becoming an entity, governmental entity in this sense, in doing research which may be certainly not just in the forefront, but would help us all to understand much more clearly the efficacy of this medicine. Notice I use the word medicine and not drug; because we are finding more and more that marijuana is indeed a medicine, and probably should have been in the pharmacopeia all along. And the state of Connecticut has set it up as a pharmaceutical model in dispensing this medicine.

Sections -- as I said, Section 12, 13 and 14 also talk about how the research programs would be set up.

So that's a brief overview of what this piece of legislation addresses.

I did talk about THC and being psychoactive. But we also have something called CBD, which is a cannabidiol. Cannabidiol is -- and there's I think close to 80 or 85 different components to marijuana, and it is being studied and researched, and in fact I was reading about the state of -- the country of Israel where they are actually actively doing this research, and the CBD is the medicine component which is not psychoactive, which means that this has

/je
SENATE

142
April 29, 2016

the medicinal properties. And given in the proper dosages, CBD is very efficacious, particularly in helping children, so children's -- so children will not experience the psychoactive components that -- or component I should say -- in marijuana as, you know, we all think of marijuana having that kind of propensity.

So it's quite interesting that, as I went to the website for the pharmacy that dispenses marijuana and read more about it, that there's great promise and hope here for cures in the future for a variety, I believe, of medical conditions.

So, that is the bill. I certainly hope that the Chamber will agree with me that this is a step in the right direction, and that this is going to be very helpful, particularly to children in extreme situations, medical situations in our state. Thank you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. I rise in what I might describe as sympathetic opposition to this bill, and want to briefly explain my feelings about it.

And first of all, I would complement Senator Gerratana, as usual, and -- and all those who have been involved in the development of this medical marijuana program here in Connecticut. Which I think it's admitted -- has been run well, and not necessarily an easy thing to undertake, but one that to my understanding seems to have been undertaken

/je
SENATE

143
April 29, 2016

carefully, and perhaps in a way that makes it stand out among such programs in our country.

I also would say as a member of the Public Health Committee, I heard the testimony this year in regard to this bill; one that, on the fact of it, I was not prone to support. I have to say, I don't know -- and having served always on the Human Services Committee, I've heard what I consider to be some very moving testimony. I don't know that I've heard more moving testimony than what I heard on this issue in the Public Health Committee.

And I'd also say that in that this is the third major piece of marijuana legislation that we've voted on since I've been here; the medical -- the initial medical marijuana bill, the decriminalization bill and this one, there's a libertarian instinct in me that is sympathetic to the expansion of these liberties, if we call it that, to the choice of the people that are consuming it.

That said, there's another side to it, and that's why I oppose this bill. And that other side of -- might be described as usual, as the unintended consequences of things that we do for very good reasons.

When the first bill came forward, I was overwhelmed by the opposition I heard from -- specifically from people who deal with our youth; the directors of the YMCAs in my district, police youth officers, the youth service bureau's people, school officials. I would say universally they pleaded with me not to support the initial medical marijuana bill, or the decriminalization bill, because of the encouragement it would give to our young people to believe that in

/je
SENATE

144
April 29, 2016

fact this was something which was acceptable, possibly even beneficial, when they have been trying so hard to keep our young people away from it.

And it seemed to me unfair to ask them to deal with our youth, and to do their best to keep them on the straight and narrow I might put it, and then come up here in Hartford and do things that they themselves felt very much undercut their position. And indeed what I've heard back from those people in the community, consistently over the years since we've made these changes, is that it has contributed to an increase and an acceptance of marijuana use among young people.

And I think that it -- it reminds me in that way a little bit of the problems we're having right now with opioids; that something that we do for a very good reason to help a category of people who are very much in need, has led to some alarming consequences in terms of abuse and even death in the case of opioids.

And I think we have to keep in mind what the downside is of this kind of expansion and ratification of the usefulness of what can be called a medicine, but has to be called a drug to my mind, and something that I think that is best kept in the category I would say, as I sometimes have before, of a vice, which is something that is best avoided, best discouraged and that the signal be given by our society that it be discouraged.

I think this bill works in the opposite direction. And for that reason, with all due respect to the advocates of it, and with great sympathy to those who have come to us to ask for this bill, I will oppose it. Thank you, Madam President.

/je
SENATE

145
April 29, 2016

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

Good evening, Madam President.

THE CHAIR:

Good evening.

SENATOR BOUCHER (26TH):

Madam President, hardly a year has passed in the last 15 or so that I've been associated with this particular topic, and also it's hardly been a year since -- for the last 15, that didn't see some sort of effort, and it was alluded to, by the legislature to encourage the use of marijuana in many different ways.

Its use has increased dramatically, unfortunately, thanks to the various bills, which among other things, have made the possession of half an ounce of pot subject only to a minor fee, have allowed the proliferation of dispensaries whose purpose is to distribute a dangerous Schedule 1 controlled substance in the guise of medicine.

The greater availability of marijuana, and its increased use among our young people, has accompanied a heroin epidemic raging in our towns and cities. It's shocking. In our small communities, and some of our large cities, hospital emergency rooms and staff are stunned, and they're

/je
SENATE

146
April 29, 2016

alarmed. Our police departments are deeply troubled. They talk to me about it all the time.

I recently enjoyed being a part of a citizen police academy in one of my towns, where every Tuesday night when we're not here in session, for three hours we are trained in some of the things that policemen go through. And I can't tell you the conversations I am having with those individuals.

You're all aware of my deep concern with any proposal to permit the use of marijuana for medical or recreational purposes. My opposition can only deepen when the intended recipients of these drugs are children. And given the language that I read in this bill, there is no age limitation; none. So we're talking about infants, we're talking about toddlers, we're talking about adolescents.

You know, it has not been very easy for me to oppose this -- these bills, particularly as time has gone on. I have been called probably every name that you can think of, some of which cannot be repeated in adult company. Some have even threatened my life. Earlier this year after testifying on this bill in the Public Health Committee, whose members were extremely respectful, a person sitting behind me as I was getting up to leave, said that he wished I would die. Representative Candelora in the House, who has taken up the battle on this issue, is now being subjected to some of the very same abuse. So, why expose yourself to all of this? Why not just remain silent? The bottom line is, I didn't come to this issue, this issue came to me.

I've seen too many families who have lost their children to drugs. My friend Ginger Cass (phonetic) lost her son. Another mother, Ronnie McLachlan

/je
SENATE

147
April 29, 2016

(phonetic), lost her son, who had been my daughter's classmate in high school. One of my cousin's children dropped out of Yale University, never, never recovering from his addiction, and I saw it happening as he grew up; with a little bit of pot and then it just continues up that ladder.

But this month, just a few weeks ago -- I hope I can hold this together -- a tragedy of addiction hit me nearer than ever before, when I received an alarming call during a caucus of the Finance Committee. As it happens, this was on the same day that a state representative was hosting an informational forum on recreational pot. I thought it had to be a joke. It had to be a joke. But it wasn't. My lovely niece, who had grown up with my children, who had always asked me to make her her favorite dish, pasta, because many of you know that that's my passion, is cooking Italian food. She was found dead. And it was left to her mother to identify her body, which was marbled black and white with the drugs that had taken her life.

My heart is heavy, and it is very painful for me this evening to talk about this; to look at every single line in this bill, to propose some better language in an effort to help and protect some of our youngest, most precious, most vulnerable children.

Maybe some of you have had to endure a similar experience. I know that you have. Some of you in this very room; who may be working here, or who are elected here, have had to face similar tragedies. But you know, I hope not too many.

You know, my family is used to seeing me as strong, stronger than any of them pound for pound, and very

/je
SENATE

150
April 29, 2016

heroin, it's methaqualone, peyote is even on this list.

You know what's interesting is the -- and I'm going to go off script for just a moment, because unfortunately I've been reading too much of this over the many, many years -- and it -- the UK is a very interesting example, where their newspaper, like their *New York Times* and *Telegraph*, once was a great proponent, and worked really hard to de-schedule or lower the schedule of marijuana in their country. What they did only a couple of short years ago, was retract their entire support when they saw what had occurred over that period of time.

And we're going to discuss a little bit of that, because I think it's really important for people to hear this, and particularly if there are those outside of our Chambers that might want to check in with us.

Because they have found that now there's actually scientific research data and longitudinal studies that show that regular users have a 30 percent higher rate of schizophrenia. And our psychiatrists are finding that as well.

Now, much of this bill is focused on epilepsy, even though if you read the language of this bill, you'll find that it's open to any category that, by the way, the Department of Consumer Protection is going to approve; a body that has no medical expertise whatsoever. They will have a board of physicians, but the final arbiter is a state agency.

So, much of this particular bill, and many of the individuals coming forward which I have heard, are focused on the condition of epilepsy. And yet, the

/je
SENATE

151
April 29, 2016

bill is unclear, as I said, and opens the door for almost any condition. For the moment though, let's focus on epilepsy. There is an amazing doctor, Dr. Frances Jensen, who studies the development of the brain and brain disorders, especially those that come on while the brain is developing, such as epilepsy. And she was the former head of the American Epilepsy Society. In fact, her credentials are incredible.

She actually is at the Children's Hospital of Boston. We all know that that is one of the world's foremost children hospitals. She also is a member of the American Academy of Neurology, the American Epilepsy Society, The American Neurological Association, the American Pediatric Society, the Boston Society for Psychiatry and Neurology, and the list goes on. There's at least ten other associations that she has. And this is what she stated; and I did try to send that to all of you. I don't know if you open your email or not, but I was happening to drive into Hartford when I had NPR on the radio, and they were doing an extensive, extensive interview with her.

She was talking about a number of topics, but then this topic came up, the topic -- because of her association with epilepsy. And they asked her about the medicinal properties there. She went into great technical detail, because after all she knows the science behind it. But what was most compelling, she said that cannabinoids compounds are undergoing a lot of study right now. They're really looking into it. I was formerly president of the American Epilepsy Society, and we have put out a statement, for instance saying, you know, it's under investigation. It's a very intriguing area of research. We're always looking for new targets.

/je
SENATE

152
April 29, 2016

But, she goes on to say, every case of epilepsy is different, and the disease is highly variable. At present, the epilepsy community does not know if marijuana is safe and effective treatment, nor do we know the long-term effects marijuana will have on learning, memory and behavior, especially in infancy in children, especially. This knowledge gap is of particular concern, because both clinical data in adolescents and adults, and laboratory data on animals, demonstrates that there are potential negative effects of marijuana use on critical brain functions. This is when the brain is developing.

So, you know, are we -- are we trading one medical condition for a permanent -- permanent damage of a child's brain, making them unable to function as a normal adult, or even be able to marginally get through their education?

In a testimony last year at about this time, the Connecticut General Assembly -- actually, the American Epilepsy Society did come and testify and sent us all letters, and there they said that a study by a team from Children's Hospital in Colorado, there was -- that they had presented during their annual meeting, found that artisanal high CBD oils, which is what we're talking about in this legislation, resulted in no significant reduction in seizures in the majority of patients. Additionally, in 20 percent of cases reviewed, seizures worsened with the use of cannabis, and in some patients, there were significant adverse events.

This is extremely troubling and points out just how dangerous this path that we're on is. In fact, in a lot of the research I had done, Yale University,

/je
SENATE

153
April 29, 2016

their research center actually did at one time try to conduct some research in a study, but in adults. And what was incredible, was that they had to stop their clinical trials; they had to stop it because their subjects that were -- that were taking this drug, had such negative adverse effects, that it was not ethically right for them to continue that. Maybe that's why a lot of the research on this is troublesome, and hasn't gone where it should be going.

The American Epilepsy Society also reports that families and children coming to Colorado, because there they can have easy access, are receiving unregulated, highly variable, preparations of cannabis oil, prescribed in most cases by physicians with no training at all in pediatrics, neurology or epilepsy. As a result, epilepsy specialists in Colorado have been at the bedside of children having severe dystonic reactions and other movement disorders, developmental regression, intractable vomiting, and worsening seizures that can be so severe that they have to put the child into a coma to get the seizures to stop.

Because these products are unrelated, it is impossible to know if these dangerous adverse reactions are due to the CBD, or because of contaminants found in these artisanal preparations. The Colorado team has also seen families who have gone into significant debt, paying hundreds of dollars a month for oils that do not appear to work for the vast majority. For all these reasons, not a single, not one, pediatric neurologist in Colorado recommends the use of cannabis preparations.

Now, that's amazing to me, because isn't Colorado the -- the pot capitol of the country now; because

/je
SENATE

154
April 29, 2016

they have approved it for everything, including recreational use, and the growth there has gone sky high? It really is remarkable because then you do have a large group of people that you can make some good recommendations on.

So, one of the most damaging -- and there's certainly other things that can happen to a person with steady use of this that are physical; very much mirroring what tobacco does to a body, both on your lungs and your heart. However, the most important concern that I have right now is brain development.

You know, when you're addicted to alcohol, many know about liver problems. When you are addicted to nicotine, you talk about lung cancer, throat cancer, heart problems. My father died from complications to smoking. My mother-in-law and father-in-law both died from complications to smoking; my father at 65 and the mother-in-law and father-in-law at 71.

But when you talk about marijuana, some of the more significant -- and of course you do -- you know, if you smoke it, of course, it goes in the lungs and your heart, it has some of the similar things. And in the cases where there has been a fatality, it's usually been from an immediate heart problem because it races so fast.

But my concern is when you are experimenting with a young child, an infant or toddler, the effect on the brain is key, and that's why I'm focusing our attention on the brain.

A study by Dr. Keebler, the professor of psychiatry in Columbia University, reports that early age onset is the major predictor of continued frequent marijuana use by age 29, and the likelihood of using

/je
SENATE

155
April 29, 2016

other drugs. And early onset marijuana, meaning those that are starting at a very early age, may exhibit poor cognitive performance than late onset or older group, or control group, even after -- even after a month of abstinence. And the reason that is, is because this substance stays in your system not four to six hours or eight hours like alcohol, right? Not in a short period like nicotine. But it stays in your body up to 30 days, and is cumulative. So if you keep taking it, it builds up, that's why people talk about gateway, and gateway drugs, because it builds up in your system. Your tolerance becomes greater, and the need to go to a stronger substance becomes clear and why the fear of a heroin epidemic is always on the horizon.

Early onset marijuana, meaning when you take it as a young -- younger person, the vast majority, if it's recreational, will be sixth, seventh and eighth grade, believe it or not, it's not the high school. They exhibit poor cognitive performance than late onset. And it's also very directly associated with a very low grade point average, and negative attitude towards school, increased absenteeism and early school dropout as well.

Last June an article in *Scientific American* also highlighted the vulnerability of the adolescent brain. There's a lot of research on that now. The development of the limbic system during puberty makes adolescents more prone to risk of -- risk-taking behavior which can be exacerbated quite a bit by marijuana use. And a study by King's College in the United Kingdom demonstrated that marijuana use may also produce temporary psychotic symptoms in people, including hallucinations and paranoid delusions.

/je
SENATE

156
April 29, 2016

I was just told last week -- this was really stunning -- by one of our judges in our region, about a case involving a schizophrenia patient in Danbury, who obtained a marijuana, medical marijuana card in Danbury, without the consent of her physician or psychiatrist. Well, when her doctors, her real doctors, heard about this, they dropped the patient because they were aware of the effects of marijuana would have on her brain and exacerbate her underlying problem.

You know it's interesting too, how this subject comes up so frequently. Even a regular user of pot that we all know who is quite famous, singer Willie Nelson, was on television and he was having an interview, and of course I perked up when he said this, he says, you know, everybody knows that I use pot a lot, but publicly and at the media he said we should never -- this is what stunned me -- we should never prescribe pot to kids, as he feels it damages the brain. And you know, he is right, it's not just anecdotal.

In fact, the American Journal of American Medical Association talks about this in a very technical way. They talk about the THC, which is the substance in marijuana that's addictive and hallucinogenic and changes the brain chemistry. In fact, there are brain scans now that show this very clearly. They talk about the active ingredients in cannabis acts like and leads to the activation of the neuron. And it is the activation of this receptor that leads to psychoactive effects of the cannabis. They talk about that -- that one theory that explains how this occurs is that by stimulating the cannabinoid receptors, the gluconate and the gamma amino acid that -- that is functioning there is altered.

/je
SENATE

157
April 29, 2016

So, I -- you know, there's so much science in this, and I don't want to bore you with that, because most people here are not interested in the science.

But these changes in the neurological structure in the brain may account for the many serious neurological effects that can accompany adolescent marijuana use. They wouldn't even contemplate, by the way, the use of this in toddlers or infants or young children. And again, that article talks about how it effects the prefrontal cortex, a region of the brain that has been identified in the development of schizophrenia. And most people that have that disease oftentimes, at least my friends that have family members that have it, end up being wards of the state no matter what age they are, because they cannot function.

There is so much data about how the earlier that someone starts to use this particular substance, how it effects them much more, and it also shows how different sections of the brain appear to shrink and collapse inward as well. This is what -- why brain scans now are being produced to talk about this. And so many -- you all know that -- it -- it certainly has poor working memory, and again, these kinds of reactions to this drug is usually more dramatic as the brain changes and memory deficits are noted in the younger, and the younger this particular substance is exposed to these young children. So their article also talks about how so much of this substance and trends among the cannabis users seems to support the theory of the gateway drug, that many here have refused to accept, and have tried to oppose that particular theory.

/je
SENATE

158
April 29, 2016

So again, we can talk about so much data, so much science; in fact, I'm not going to scare you, because the files behind me are not going to be used this evening. So you're not going to be here until 2, 3 or 4 o'clock in the morning, but it's there for you to see just how much research is available. And so when someone says to me, you know, what do you -- how do you back that up? Where do your arguments come from? Well, there it is. And there's so much more here.

I mean I can go through this folder and just -- just taking the top line titles of these various articles, marijuana intoxication blamed in more deaths than injuries; Colorado mom gave pot brownies to the son who jumped from the window; persistent users show neuropsychological decline from childhood to mid-life; smoking cannabis as a teen may lead to brain damage; these are all 2015 articles to, you know, teen cannabis users have poor long-term memory into adulthood, not just while they are using it. The Academy of Child Psychiatry opposes legalizing marijuana, 2014. *Science Digest*, cannabis-related schizophrenia set to rise say researchers. Oh, and this one I can't even pronounce because it's using all the medical terminology that talks about the cannabis use and first episode schizophrenia. Marijuana increases the risk of both psychosis and non-psychotic people, as well as poor prognosis for those with risk of vulnerability to psychosis.

Doctors; pot triggers psychotic symptoms. Cannabis consumption at 18 and later for risk of schizophrenia. Studies in the UK NIH, their own version, Australia and Sweden talks about how these studies that they have done shows a higher risk when drugs are used by people under the age of 21, a time when human brain is developing rapidly, and is

/je
SENATE

159
April 29, 2016

particularly vulnerable. And if anybody wants to read any of this, trust me, I haven't wanted to read it, but it has certainly given me a lot of background on this subject.

Again, another article, marijuana linked to schizophrenia and depression. I mean, it -- it goes on and on and on, and the association about the use of this in teenagers -- and again, and here we're not even talking about teenagers, we would want to somehow proceed with a bill like this when the people behind it do care very deeply about the health of our youngest children.

And when they're presented with the case in front of them in committee, you will see a child and a parent that is desperate and despondent and devastated; but yet, are we just medicating and keeping compliant and masking an underlying problem that needs to be dealt with, with medicines and procedures and processes that have been vetted and have -- have gone through the FDA process, and is not a legal -- illegal gateway drug.

You know -- and I hate to beat a dead horse in a way with some of this, but it just really bears repeating, because I don't know how much longer -- I'm sure you'll be happy to know -- how much longer I'm going to be standing here as an advocate. It is rightfully classified as a Schedule 1 drug because time and again, it has been said there is no accepted medical value until the proper research is done, and the drug parts are extracted, as Dr. Levin -- Frances Levin talked about, that once they extract this and try to remove the parts that damages the brain that has the psychotic areas to it, it does not have any medical value right now.

/je
SENATE

160
April 29, 2016

The medical values are uncontested in some cases, but the harms almost always outweigh the benefits.

And there are better legal medicines. The burden of deciding what is and is not safe and effective medicine, must be left to the FDA and not decided by legislators. Because marijuana is a fat soluble, it invades and attaches to every cell and organ in the body for extended periods of time, longer than any other drug. It clogs cells with fat, keeping out the healthy proteins, and in turn weakens the immune system, which is not good for anyone.

Even the Glaucoma Association -- because many would like to say that this is an area that shows promise, they don't even recommend marijuana because it takes so much to relieve pressure, a person is permanently stoned (phonetic) and can actually the eyes. The two fattiest parts of the body, the brain and the sexual organs, which accounts for the fact that it can cause permanent damage to the brains that aren't fully developed until the age of 25, and can lead to psychosis, depression, suicide, long after abstinence -- and by the way, isn't it interesting that California advocated so mightily to change their smoking laws to age 25, and they're -- the biggest argument they made was that the brain is still developing until the age of 25. They got the law passed to age 21, and I'd sure love for us to entertain and talk as passionately about that substance, and raise our age from 18 to 21 for tobacco.

It also causes birth defects and brain damage to future offspring. The harms to the physical and mental health are endless. And I have gone on endlessly, haven't I? But in addition to, it adversely effects your memory, your motivation, your

/je
SENATE

161
April 29, 2016

maturation, your academic achievement and productivity. We usually know when there's something wrong in school that someone is abusing a substance.

As a legislator, I've had to get involved with parents that say something is desperately wrong with my son, he won't study, he isn't showing up for school, he's riding his bike to the local park, and something's going on there. Well, what was going on is he was going in there, buying pot, smoking pot, and he was starting to drop out of school. Luckily in this case we were able to find that this child, or young man, had an art specialty and we got the art teacher to try to bring him in and try to impress upon him that he could do something wonderful with his life. He had such a gift, such a talent, and you know what, it worked for a while. In fact, it worked for a long while. We got him a scholarship to Savannah School of Design, he went to work for a few art departments, but you know what's really sad, that early experiment, that early use caught up with him; as it caught up with my niece.

To the facts. You know, all of these issues that we're talking about, it's effect on young children and our adolescents is something we don't really need in this struggling economy, when we rank 24th in the world academically. We need our kids to be healthy, to be substance free, to be able to learn, to be productive and happy individuals as they grow up. Adolescents in Montana and other states are pleading for safe and drug-free schools as they see their friends wasted by pot which has been purchased and resold to kids by 18-year-olds with a doctor's recommendation. They can't legally buy alcohol until 21, but they have unlimited access to an

/je
SENATE

162
April 29, 2016

illegal narcotic, with an easy-to-get medical pot card.

So many are trying to impress upon us that this is one drug, by the way, that's fairly harmless. It's pretty easy, because guess what, you can use it as medicine. And one of the doctors that came to our high school in my town did a presentation where he showed a chart that showed at times when the level of harm is very high, when the prohibition and laws are very strong, there is a much reduced usage by our youth. But when those are removed, the usage skyrockets.

So the perception of harm is very important. And while this drug was becoming increasingly popular with young people in the 1990s, researchers were trying to figure out if marijuana was the cause or the effect of psychiatric problems. Research now indicates that marijuana use increases the risk of depression as well as schizophrenia, as I've repeated again and again.

And in Australia, it's interesting that the country of Australia, the UK, Sweden, have done so much work in this area, whereas we're very far behind. These researchers in Australia found that young women who used marijuana weekly as teenagers were twice as likely to have depression as a young adult than women who did not use the drug. Daily use as a teenager was associated with four times the risk of depression among young women. And also among young adults, women who used it daily were five times. So, weekly were twice as likely; daily five times more likely to experience depression and anxiety than those that did not use it at all.

/je
SENATE

163
April 29, 2016

And another study involved close to 2,000 participants in the Baltimore area who were interviewed in 1980, and then again between 1994 and '96. The researchers assessed the participants for signs of marijuana abuse and symptoms of depression. The researchers defined abusers of marijuana as people for whom the drug caused social problems such as the inability to perform at work. The results showed people who initially did not have depressive symptoms, but abused marijuana, were four times more likely to have depressive symptoms at the follow-up date than those who did not abuse marijuana. The depressive symptoms associated with earlier marijuana abuse included suicidal thoughts and feeling of boredom.

You know it's interesting, we've had a lot of high-profile deaths lately, you know, from Hollywood; people that we adore, we love. Robin Williams, Prince, oh, Whitney Houston; incredible people with amazing talent, but they're not anymore important than our family members and the young people in our community.

And by the way, my community also had a fairly high-profile heroin death at the University of Connecticut, whose father called me, and was angry at the University. But in talking to him, it clearly showed a pattern of pot use as a young kid and through high school. You know, a star of the football team. And what happened to him? He went right up that pipeline to that one fatal dose of heroin that killed him.

We talked again and again about the link to schizophrenia, and there are again the Swedish studies who actually studied their military draftees and the use of marijuana during adolescence, which

/je
SENATE

164
April 29, 2016

is interesting, that was associated with again, a 30 percent increase in the risk of developing schizophrenia. So UK, Sweden, Australia, all coming out with the same results of their research.

And these researchers actually found that these results were independent of personality traits and the use of other drugs. From these studies it's clear that there is relationship to subsequent depression and schizophrenia. And again, this came out of the *British Medical Journal*.

Now, I'm going to conclude some of my comments right now because I think we want to deal with the bill; the bill that we're talking about tonight. And as I said, in reading it fairly thoroughly, there are some areas that really do need some adjustments.

And if I could, Madam President, I have a few amendments that I would like to call at this time that would address some of the areas that I feel are particularly dangerous, and if they were resolved, could actually make this bill a safer bill.

Mr. Speaker, the Clerk has Amendment LCO 5448. Mr. (sic) President, will the Clerk please call the amendment, and may it -- I be allowed to summarize the bill, and I move adoption of the bill as well.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5448, will be designated Senate Amendment
Schedule "A".

/je
SENATE

165
April 29, 2016

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President. Madam President, this bill, because in Line 19 of this bill, talks about certain medical conditions. It talks about the neurological condition of intractable spasticity, cerebral palsy, cystic fibrosis or a terminal illness requiring end-of-life care if the qualifying patient is under 18 years of age. And then they talk about debilitating medical condition means terminal illness requiring end-of-life care.

But it continues on and lists several other maladies; cystic fibrosis, cerebral palsy, things that a young child may live with for a very long time, where a substance that is this dangerous could affect their long-term ability to -- to live a semi-normal or more normal life.

So this particular amendment -- and by the way, it also goes on to say, or any medical condition, medical treatment or disease approved by a qualifying -- for a qualifying patient by the Department of Consumer Protection. It just doesn't seem to make sense at all. So in this particular amendment on Line 19, it states that it would limit the qualifying condition to minors for terminal illness only.

And Madam President, I do move adoption. And I --

THE CHAIR:

Thank you very much.

/je
SENATE

166
April 29, 2016

SENATOR BOUCHER (26TH):

And I would also like, if I could, to request a roll call vote on this particular amendment.

THE CHAIR:

Thank you, Senator Boucher. Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, I rise to oppose this amendment. But actually before I do, I also want to extend to Senator Boucher my deepest and sincerest sympathy on the loss of your niece. I know a number of months ago I also lost a family member in a similar situation, so I know the pain.

Well I rise, as I said, in opposition to the amendment. Of course, these are the very cases that came before the Public Health Committee; the seizures, the spasticity, the pain that these children have undergone, and by removing this in our -- in the underlying bill, I think that that is not the intent of the bill, and of course I would have to say that I would have to be opposed, and would hope that my colleagues would oppose this amendment too. Thank you.

THE CHAIR:

Thank you very much, Senator. Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Good to see you up there.

/je
SENATE

167
April 29, 2016

Madam President, I rise in support of the amendment as put forth by Senator Boucher.

And the reason is, is that I think it's well sound to say given the limited circumstances for which Senator Boucher advances this amendment, is to say only in those particular unique circumstances, those unfortunate circumstances, do we then use this particular remedy given the fact that the research and -- has not been completed, and given the fact that at that point you try anything to save a life.

Madam President, until we've done further research and until we've looked at this matter more fully, I think it should be restricted and the policy should be limited. Therefore, Madam President, I support Senator Boucher's amendment. Thank you.

THE CHAIR:

Thank you, Senator. Senator Looney. No? No?

Is there any further discussion? Mr. Clerk, if you could call a roll call vote.

Senator Markley, I'm sorry, sir.

SENATOR MARKLEY (16TH):

That's all right, Madam President, it's my fault.

THE CHAIR:

I'm new on the job.

SENATOR MARKLEY (16TH):

/je
SENATE

168
April 29, 2016

I rise with a question for the proponent of the amendment.

I understand and appreciate the limitation of this amendment to cases -- to terminal situations. And I made reference in my comments to the problem of opioids, and the fact that once upon a time such drugs were very strictly limited to people in -- in -- in medical settings in terminal situations. And there's been an explosion of addiction as a result of going beyond that carefully delineated area.

I would ask one thing, and based on the testimony that I heard in the Public Health Committee, a lot of it had to do with the use of the -- of -- of these marijuana derivatives, specifically in the treatment of epilepsy. Given the research you've done on this subject -- and I have to say, every time I hear you speak on it, I'm more impressed with the body of knowledge you have on this.

If you can comment on your opinion of anything you know about the efficacy of -- of this, especially in the case of seizures and epilepsy, which seem to be kind of at the heart of what we were presented on Public Health. If you could illuminate that for me.

Through you, Madam President.

THE CHAIR:

Thank you very much, Senator. Senator Boucher.

SENATOR BOUCHER (26TH):

Yes, thank you, Madam President. And through you.

/je
SENATE

169
April 29, 2016

And I thank the good Senator for his remarks. It's not something that I have wanted to be an expert on, or have a body of knowledge on, I can tell you that. This has been a very painful journey.

But it was very clear that you go to the source with the most information; the National Society of Epilepsy, that is filled with doctors that practice in this field. And when they talk about the fact that they're not there yet, that they haven't extracted the dangerous components to those that might be helpful, that it oftentimes masks or exacerbates some of the seizures or the different reactions, it's so volatile. And it -- it varies from individual to -- or child to child. And given that there haven't been research studies done -- and I will be discussing, by the way, another amendment down the road that talks about doing clinical trials with that age group so we know what we're dealing with; so that they can see what might happen.

We can aid doctors, when they are not recommending that we go -- go here now, as we often do, before it's ready to be dispensed in a way that could be helpful, that they themselves say, in fact, what oftentimes may happen for a period of time, that you're -- literally you're medicating, but not dealing with, the underlying symptoms. And too many cases, it actually exacerbates the symptoms of that particular disease.

And you're putting that product in the hands of -- and we're going to talk about that later as well -- you're putting in the hands of 18 year olds and older to dispense to a child. And in a way that they, you know, what's the proper dosage? And will the doctors that they are using, rather than someone that writes a script, who approves a medical

/je
SENATE

170
April 29, 2016

condition that is not a physician expert in this field, leaves a lot of risky -- leave us in a very risky situation for that parent.

What happens to the parent when something very damaging happens to the child? And we're not talking about addiction here, okay? That's a foregone conclusion. There are many addictive substances. I'm not talking about -- I'm talking about its actual effect on the brain and that particular condition.

I have to go with the experts in the field, the National Academy of Epilepsy; not the Connecticut Chapter, we have a lot of chapters, but the actual national board, filled with physicians, and I -- I certainly explained and -- and gave the details of one of their foremost physicians that is at the Boston Children's Hospital, who gets regularly interviewed, and by the way, loses us in all of her scientific terminology, but she surely gets into the weeds.

And I was fascinated by listening to her talk about how there are two various components in that plant, and even within the THC, and how they need to separate that so they can, you know, get -- get the good and take out the bad. But they haven't been able to do that. So you are really risking the health of that child.

I don't know if that answers the question, Madam President. And if -- if the good Senator has further questions of me, I'm very happy to respond if I can.

THE CHAIR:

/je
SENATE

171
April 29, 2016

Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President.

It does indeed, especially when you cite the fact that medical experts have their own doubts about that. And I feel that, again, in the name of -- of taking conservative approach to these things, there's no reason for us to rush into something which is unlikely to be undone, and to get ourselves ahead of what the people who have the -- have the background and the ability to understand the -- the studies that they're looking at have.

And for that reason, I will support this amendment. Thank you.

THE CHAIR:

Are there any further questions?

SENATOR BOUCHER (26TH):

Madam --

THE CHAIR:

Senator Boucher.

THE CHAIR:

Madam Chairman, just in response to what -- what was just stated.

The reason that the terminal illness is something that is very acceptable to me and many others, and

/je
SENATE

172
April 29, 2016

I'm happy to sponsor, co-sponsor any bill like this, because when someone has no prospects for recovery, we really shouldn't prohibit any -- any substance to that individual, whether, you know, it's -- it's going to lengthen or shorten their life. That's fine.

But when we list in here things like cystic fibrosis, which at one time was deadly, now young children grow up to be adults and live with that condition for a very long time; do we want to debilitate them, giving them a disability of -- in the process of trying to keep them compliant possibly, or quiet?

I -- to me, that just doesn't feel ethical. Thank you.

THE CHAIR:

Thank you very much. Is there any further comments on the amendment?

If not, if you could call the roll call.

THE CLERK:

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

THE CHAIR:

Have all members voted? Have all members voted? If so, the machine will be closed, and you could call the tally.

/je
SENATE

173
April 29, 2016

THE CLERK:

Total Number of Voting	34
Those Voting Yea	11
Those Voting Nay	23
Absent and Not Voting	2

THE CHAIR:

The amendment fails. Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President.

Madam President, when discussing this bill, one of the concerns that I had that I had pointed out in Line 22 of this bill, where it allows the Department of Consumer Protection to approve medical conditions for a qualifying patient.

We all know that the Department of Consumer Protection are not physicians, they're not part of the medical community, and yet they are charged with making decisions that are medical.

So, this particular amendment that I would like to call; and it is LCO 5500, if I could please, Mr. (sic) President, call the amendment so that I may be allowed to summarize.

THE CHAIR:

Mr. Clerk.

/je
SENATE

174
April 29, 2016

THE CLERK:

LCO 5500, is Schedule "B".

SENATOR BOUCHER (26TH):

Thank you, Mr. (sic) President. Mr. (sic) President, I move adoption. And on this one, I would also call for a roll call vote, because I think it's really important, and it makes logical sense, not that we always are logical, and common-sense oriented.

THE CHAIR:

Thank you very much, Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President.

Let me explain what this particular amendment does. It's a very simple one.

The Department of Consumer Protection should not be able to add a list of qualifying conditions unless those conditions are recommended by the Board of Physicians, which is already a part of their operation.

Again, we know that doctors are in a better position to make those decisions than are agency folks. And that is the reason for this bill. I hope people will see it as a very friend amendment, and support it.

Thank you, Madam President.

/je
SENATE

175
April 29, 2016

THE CHAIR:

Thank you very much. Senator McLachlan. Oops,
Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, I do
rise in opposition to this amendment.

You know, I did work on this particular section of
the bill, and actually added I think a little bit of
more strength to our Board of Physicians. They
already can advise the DCP, of course, about the
existing conditions, and have that discussion. I
know they do; they meet more or less regularly, from
what I understand.

But also in the bill, we are also asking the Board
of Physicians to please advise the Public Health
Committee, because I know it's been something that
physicians have been concerned about, advise us on
those conditions that they think should be removed.
This will allow us to have that discussion, which I
think will be appropriate.

So at this time, I would have to oppose the
amendment. I believe this is not necessary. Thank
you, Madam President.

THE CHAIR:

Thank you, Senator. Senator McLachlan.

SENATOR MCLACHLAN (24TH):

/je
SENATE

176
April 29, 2016

Thank you, Madam President. I stand for the purpose of questions to the proponent of the amendment, please.

THE CHAIR:

Yes, sir. Prepare yourself, Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President.

Senator Boucher, when you were crafting this particular amendment asking the Board of Physicians to participate in the selection process of those underlying -- those underlying disorders or diseases that would -- that would be -- allow the palliative use of marijuana, did you consult with the Board of Physicians, or with the Department of Health, or are you aware that the Public Health Committee had done so prior to crafting the underlying bill?

Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President. I am not aware if the Committee had -- had this discussion with either the Board of Physicians or the Department of Consumer Protection.

/je
SENATE

177
April 29, 2016

In reading this, to me, it is one thing to recommend, which the Board of Physicians is charged to do, but it is another thing to approve. So I feel strongly that the legislature, or an agency department, should not be in the business of approving a medical condition when they have no medical background, and it should be physicians that should do that.

Because we have oftentimes thrown things in there; you know, PTSD or migraine headaches, for example. Something that is not as severe as some of the debilitating diseases that are listed here. But this is so broad that it would open the door to just about anything, and it would make me feel better, especially when -- you know, you're talking about infants, and you're talking about toddlers, and you're talking about adolescents and children, that we ought to have not only a Board of Physicians, we should have pediatric physicians on there that know something about child medicine.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Thank you, Senator Boucher, for answering that question.

And -- and I wonder, Madam President, although this is probably not proper protocol, but the same question, if I could ask the distinct -- distinguished Co-Chair of the Public Health

/je
SENATE

178
April 29, 2016

Committee, if I would be allowed to ask a question of Senator Gerratana?

Through you, Madam President.

THE CHAIR:

Are you asking the question, sir, on the underlying bill or on the amendment? Because we're still on the amendment and you could probably save that question for the underlying bill.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. It actually applies to the amendment and how it comports with the underlying bill.

Through you, Madam President.

THE CHAIR:

The question really is more proper, sir, to be going through the proponent of the bill, not the proponent of the -- the proponent of the amendment, not the proponent of the bill.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. I'll await my turn to do that.

THE CHAIR:

Thank you very much. Are there any further questions? Senator Frantz.

SENATOR FRANTZ (36TH):

/je
SENATE

179
April 29, 2016

Yes, thank you, Madam President. I want to commend the proponent of this amendment, and the -- of this amendment for her incredible work over my entire duration here in the State Senate.

Marijuana is a problem, whether we recognize it or not. It is still recognized at the federal level as a very dangerous drug; up there with heroin and all of the other bad drugs that we all know about and fear and loathe. We've got to get it right on this. And this amendment calls for experts to be defining what conditions should call for the accepted use of marijuana in minors.

All of her points up to this point right now have been exceptionally good. Her research has been very good. I do a little bit here and there because I'm very interested in the issue. We've got to get it right on this marijuana thing.

We -- we've all seen horrible things happen. She might not know this, but during our debate several years ago on the decriminalization, quote/unquote, of marijuana, in her district a horrible thing was taking place when a 23-year-old son, who was high on marijuana and had been using marijuana for many years, ended up taking a piano bench and bludgeoning his father to death. One of her constituents; a guy who was an older -- a proxy older brother to me. A guy who I had grown up with for 20-some-odd years at that point.

And you have to wonder, you know, is this drug as innocuous as many people have made it out to be? I don't know, ladies and gentleman, I don't know if it is or not.

/je
SENATE

180
April 29, 2016

And yet we're now saying we can take the basic -- the basic elements of this drug, in the form of oils, and give it to children who have not reached the age of whatever; you know, fill in -- fill in the blank there. And we're going to say we're going to experiment with them.

And based on the research that you were talking about earlier and the stuff that I've seen, and also some of the other research that shows in older people it -- it's -- it's not so much the -- the opiates and the -- and the OxyContin that lead to heroin addiction, it's marijuana as a gateway drug. We all thought it was not that much a little while ago, but the data will dispute that.

We got to get this right. We lost a 23-year-old son who had some unknown neurological disorder. He had epilepsy. Would we do anything in the world for him? Absolutely, we would. But we would never do something that we felt would put him in a worse position health-wise, than -- than where he was at the time.

So, you know again ladies and gentleman, we got to get this right. We need some more time to do the research. Maybe at some point five years from now it is an acceptable notion to take -- to take the idea of marijuana in some form, THC or, you know, whatever oil form, and give that to infants and children, and maybe it will be okay. But at this point, the data is not there. We cannot do this.

So I want to take my hat off to Senator Boucher for being such a proponent of a good amendment here, and the whole fight in general. You know, we don't know, we just don't know, and everybody wants to

/je
SENATE

181
April 29, 2016

make -- not everybody, but so many people want to make marijuana an accepted drug. It shouldn't be.

The federal government has not recognized it as an acceptable drug. Maybe there's a reason for that. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Is there any further questions? Senator Boucher.

SENATOR BOUCHER (26TH):

Madam President, I rise for the second time on this particular amendment, because some of the comments that were just made really struck home with me.

I will tell you that in the data and the actual experiences that have been very public on this particular drug; and it is a drug, the variability of reaction in different young people in particular, can be extreme, and in cases of excitability, can actually make the individual very violent. And people in the past have not associated with violence and this drug, but in fact, the shooter in the Congresswoman Gifford case actually was rejected by the military not long before that incident because of heavy marijuana use was in his system. That was also admitted to by the Petit murders as well; that that was the impetus for their particular killings, as well as their extreme and heinous behavior as well.

So the unpredictability can lead us in many different directions. So we have to proceed with such caution. Thank you, Madam President.

/je
SENATE

182
April 29, 2016

THE CHAIR:

Is there any more questions or comments on the amendment? On the amendment?

Seeing none, if you could call the roll call, please.

THE CLERK:

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

THE CHAIR:

The machine has been opened, you may cast your vote.

Have all members voted? Have all members voted? Please check to see that your votes have been properly recorded. If so, the machine will -- shall be closed and the Clerk shall announce the tally.

THE CLERK:

Total Number of Voting	33
Those Voting Yea	11
Those Voting Nay	22
Absent and Not Voting	3

THE CHAIR:

The amendment fails. (Gavel) Senator McLachlan.

/je
SENATE

183
April 29, 2016

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Madam President, I stand for the purpose of question to the proponent of the bill.

THE CHAIR:

Senator Gerratana, prepare yourself.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President.

Senator Gerratana, the previous discussion we had about LCO 5500, that amendment referred to the underlying bill and an organization known as the Board of Physicians.

As I was researching the Department of Public Health website, I found no reference to the Board of Physicians, but I did find the Connecticut Medical Examining Board. Could you just clarify for me what is the Board of Physicians?

Through you, Madam President.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Yes, there is a difference. The Board of Physicians we're talking about here in this bill are actually organized under the Department of Consumer Protection.

/je
SENATE

184
April 29, 2016

You're talking about the Board of Medical Examiners, which is under the Department of Public Health for regulation purposes. They carry out and promulgate the work that is done when there is a complaint against a physician, for instance. They meet and review and decide the action that should be taken either against the physician, or what course should be taken to deal with the matter or handle the matter.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. And through you.

So the licensing board for physicians is one body of a group of physicians, I assume, and then there's this other group that handles something else through Consumer Protection?

Through you, Madam President.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

That is correct.

THE CHAIR:

Senator McLachlan.

/je
SENATE

185
April 29, 2016

SENATOR MCLACHLAN (24TH):

Thank -- thank you, Madam President. Thank you,
Senator Gerratana.

And I think my last question is, was the Board of
Physicians consulted as you and the Public Health
Committee were crafting the legislation and
determining what diseases would qualify for
palliative use of marijuana in children?

Through you, Madam President.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

No.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. And the underlying bill
employs the Board of Physicians for future
consultation of diseases that will qualify for
palliative use of the marijuana in children?

Through you, Madam President.

THE CHAIR:

Senator Gerratana.

/je
SENATE

186
April 29, 2016

SENATOR GERRATANA (6TH):

Through you, Madam President.

Yes, if you read Section 9 of the bill, it talks about the Commissioner of Consumer Protection shall establish a Board of Physicians consisting of eight physicians who are knowledgeable about the palliative use of marijuana, and certified by appropriate American boards. We add in a pediatrician to that board.

And also it talks about, a little bit about what the Board will do. They shall, on Lines 347, review and recommend to the DCP for approval of the debilitating medical conditions, medical treatments or diseases to be added to the list of debilitating medical conditions that qualify for the palliative use of marijuana.

And also, further on, I talked a little bit about this, Senator McLachlan. On Lines 376 we also put in language that the Board of Physicians may review the list of debilitating medical conditions that qualify for palliative use of marijuana, and make recommendations to the Joint Standing Committees of the General Assembly; that is Public Health and General Law, for the removal of a debilitating medical condition. This was something that also we heard in testimony, and that was a concern here in the General Assembly.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

/je
SENATE

187
April 29, 2016

Thank you, Madam President. And thank you, Senator Gerratana for that answer. It did raise another question just for clarification.

I -- I believe what I've heard is that the Board of Physicians is -- will be a new organization, it doesn't currently exist, and will be organized for the sole purpose of determining who shall participate in palliative use of marijuana for children.

Through you, Madam President.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Through you, Madam President.

I -- I believe the Board of Physicians exists; that is my understanding.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President.

Is there -- I guess what I'm trying to determine is we're going to use the Board of Physicians going forward for consultation as to what diseases should be considered with palliative use of marijuana.

/je
SENATE

188
April 29, 2016

Were physicians consulted when you determined which diseases are included in this prescription in the underlying bill?

Through you, Madam President.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Madam President, the law, as it exists, was created in 2012, and I don't have personal knowledge as to whether physicians were consulted, but I can tell you this; that there was much discussion at that time.

I think the bill was in Judiciary Committee, if memory serves, and that, if I can recall correctly, I don't want to misspeak, but I think that physicians did testify. In fact, we had a lot of physicians testify, and my understanding is that some of them did talk to the people who were involved in creating the legislation; both on the Judiciary Committee and also in the Executive Branch. But I can't verify that.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Thank you, Senator Gerratana.

/je
SENATE

189
April 29, 2016

Is there any difference in the list of diseases that qualify for palliative use of marijuana in this bill versus the previous qualification for adult patients?

Through you, Madam President.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Yes, there is. I'm going, I think, to the first page actually.

Starting on Line 8 we talk about debilitating medical condition means, and added to that list is epilepsy -- well, epilepsy was there, but then it says or uncontrolled intractable seizure disorder. Also on Line 14, irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy -- excuse me, cystic fibrosis or terminal illness requiring end-of-life care.

Through -- through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

Thank you, Madam President. Thank you, Senator Gerratana.

/je
SENATE

148
April 29, 2016

resilient. They have relied upon me to take charge when everyone else has fallen apart. Yet, they also tell me that they have never seen me so low. And I have never felt so low. There is no use any longer in pretending that this does not get to me. I'll joke with you, I'll pretend it doesn't matter, that maybe it's funny, but you know, it's like a kick in the gut every time this subject comes up. When I think about what we're doing to our children, it drains me emotionally. It makes me actually physically sick. I can't bear it most of the time, but I have to.

As an elected official, as a mother, as a grandmother, as an aunt, I have a duty to help my family and my constituents. First and foremost, I must oppose any measure that would bring them harm. I can't think of another bill that could harm our youngest of children more by allowing them the use of mind-damaging substances to treat an illness that hasn't been proven, that's still experimental (phonetic), that's still in research, as just mentioned even by our very distinguished and wonderful Chairman of the Public Health Committee, who even stated that yes, more research needs to be done.

Imagine that; we need more research, but we're going to experiment on our youngest children, our infants, our toddlers. I -- I just can't even fathom it.

By allowing the use of these mind-damaging substances to treat illnesses and placing too many on a path of psychological disability, addiction and even death, are we trading the possible addressing of some conditions to something so much worse? Particularly if someone has any chance of surviving and moving forward.

/je
SENATE

149
April 29, 2016

And as we'll talk about this bill, you know, it doesn't limit it to just the illnesses that we've just talked about, to epilepsy. It opens it to any condition that could be prescribed.

Why can't we wait until the medical benefits could be separated from the mind-damaging elements of this drug; particularly when we're talking about giving marijuana to the youngest of children, whose brains are still developing, and therefore particularly susceptible to the dangerous side effects? My goodness.

The Commission on Children, who advises us on the Education Committee, in the early childhood developing years, went to great lengths to explain just how the young brain is susceptible to changes, and how it's developing so quickly at that stage, and how, by the time we're 10, most of us are hardwired. It's very difficult to change.

I'd like for us just for a bit to take a look at this bill in detail, so we can really see what might be some of the positive parts of this, but so much of it that is downright dangerous in fact.

Marijuana, it's a Schedule 1 drug. What does that mean and why is that dangerous? It is the most prohibited drug. These Schedule 1 drugs, substances or chemicals are defined as drugs with no currently acceptable medical use, and a high potential for abuse. Marijuana is listed in the same category as heroin, as the same category as cocaine. They are the most dangerous drugs of all the drugs schedules, with potentially severe psychological or physical dependence. Some of them, as I just said, is

/je
SENATE

190
April 29, 2016

So, the -- the list that has now been amended for diseases that qualify for palliative use of marijuana, is for both adults and children? Or is there a separate list for children versus the original list for adults?

Through you, Madam President.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

If we continue on Line 17, it says if the qualifying patient is under 18 years of age, debilitating medical condition means terminal illness requiring end-of-life care, irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrolled intractable seizure disorder. These are different from the full list, if you will, for an adult.

It also goes on to say, any medical condition, medical treatment or disease approved for qualifying patients by the DCP.

Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN (24TH):

/je
SENATE

191
April 29, 2016

Thank you, Madam President. And thank you, Senator Gerratana, very much for answering my questions; I have no more.

Just to comment, it -- it appears, and confusing to me, that the -- the new qualifications for palliative use of marijuana with children, those under 18, didn't go to the Board of Physicians for their consultation. So, I -- I guess that's confusing to me.

I had opposed the bill for palliative use of marijuana for adults. I oppose this bill, but -- but this is one particular thing I think that if we have a structure available to us that is an advisory organization as it relates to palliative use of marijuana, I -- I believe that they should -- should have been included in the crafting of this legislation. I believe that we should have regular interaction with that organization so that there is a tracking system to be sure that the qualification list of diseases that are allowed in palliative use of marijuana are consistently checked and rechecked on a regular basis to make sure that we are offering that prescription to the right people.

I'm not convinced, as of yet, that there really is a good use for marijuana for this purpose, but many people disagree with me.

But I fear that as we expand the palliative use of marijuana in the state of Connecticut, that we're not -- I don't feel like we're doing enough due diligence to be sure that those that we are granting it to have been properly -- those diseases have been properly followed, researched, use of those prescriptions to be sure that the prescribed palliative use of marijuana, (a) has been effective;

/je
SENATE

192
April 29, 2016

(2) probably equally as important, that the time period of use is being monitored, and is this a lifetime commitment? I'm -- I'm not feeling as though we have a long-term tracking process of our patients that have been prescribed palliative use of marijuana, and -- and that bothers me.

I -- I think that, you know, we've discovered in the last several years this terrible problem with opioid addiction, over-prescription of opioids that have turned into heroin addiction. That -- I understand, that's a whole different problem, but I believe that -- that that tells us that we want to be more restrictive of opioid prescription, and I'm wondering, do we need equal or more oversight of palliative marijuana prescription?

Are we following the patients? Is the Board of Physicians that were not consulted in the expansion that we're talking about in the underlying bill, will they be consulted in the future with concrete data about the -- the thousands of patients in the state of Connecticut that have been granted palliative use of marijuana, is it working? And why is it working? And are some of the diseases that have been granted access to palliative use of marijuana, do they have to be changed? I'm -- I keep hearing about expansion, but I'm wondering, are some of those diseases on the list, should they be removed from the list?

So, this sort of raises flags for me in many areas. Some of the concerns that I had when the original palliative use of marijuana bill was before the legislature, the concerns still remain with me. I'm hopeful that the Public Health Committee will consider, in the future, a -- a much more restrictive tracking system of the patients of

/je
SENATE

193
April 29, 2016

palliative use of marijuana. The same way that we're concerned about opioid prescription, we need to be equally concerned about palliative marijuana prescription.

I'm hopeful that this legislature will consider that type of expansion of the oversight role of the Department of Public Health, Department of Consumer Protection, and I guess most importantly, the Board of Physicians, who apparently have an awful lot of weight in the final decision-making process, along with the Commissioner of Department of Consumer Protection.

Frankly, I've never really understood that. I -- I always thought if we're talking about prescribing a drug, that sort of the decision maker in that process should be a doctor, and that it's doctors that determine, you know, who -- who is going to be granted access to it, not a layperson. But some people wonder why lawmakers are sometimes not lawyers, and I'm not a lawyer, but they tell me I'm a lawmaker. So I suppose maybe that's why the person who makes the decision about palliative marijuana use in the state of Connecticut, is not a doctor.

But if that's the case, then the Board of Physicians has to be tracking very carefully the thousands of patients. Let's get a -- a report back and find out how they're doing. Let's know for sure that this program that has become more and more popular, is really working.

We need science to back it up. We know the advocates were very strong on this idea, but we do need the science and the data and the research to make sure that the decisions that were made in this

/je
SENATE

194
April 29, 2016

legislature were the right decisions, and most importantly, what malady, what disease, what challenging life experience is going to require us to allow palliative use of marijuana.

So, Madam President, I'm hopeful my suggestions will be considered by the esteemed Co-Chair of the Public Health Committee, and others here in the legislature who have advocated so strongly for marijuana, palliative use of marijuana. I still respect -- respectfully disagree with this policy. I don't see any light at the end of the tunnel for me to change my mind, but I still listen, and I'll continue to listen.

In fact, the Commissioner of the Department of Consumer Protection greeted me as he was leaving the Capitol just the other day, and -- and urged me to visit, with him, one of the production facilities, the laboratories, and one of the -- the -- I forget what they call them, the marijuana store where you go and -- and pick up your prescription. So at some point I guess I'll do that. There's actually one in my district; ironically in Stony Hill on Weed Road.

But I -- I'll keep doing my homework, but I have grave reservation, and I remain opposed to the policy of palliative use of marijuana, and I am opposed to this bill before us. Thank you, Madam President.

THE CHAIR:

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

SENATOR BOUCHER (26TH):

/je
SENATE

195
April 29, 2016

Good evening, Madam President. Madam President, the Clerk has Amendment 5544. Will the Clerk please call the amendment, and may I be allowed to summarize? And I move adoption.

THE CHAIR:

Thank you very much, Senator. Mr. Clerk.

Yes, please.

THE CLERK:

LCO No. 5544, Senate "C", offered by Senator Boucher.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

Yes, Madam President, this is a simple amendment.

And in the various parts of this bill where they list qualifying conditions for minors, that these that are specified in the act, would be the only ones that would be affected, and there would be no additions by the Department of Consumer Protection or other boards.

And the reason for this bill is because the current legislation is wide open. And who is to say that at some point, again another chronic condition. We only have to look at situations that may be intolerable for some, such as ADD or ADHD. Right now many of those young people have Ritalin prescribed to them in a great abundance. And I

/je
SENATE

196
April 29, 2016

would hate to see us be using this in that same way,
given the effects that it would have a young
person's brain.

THE CHAIR:

Will you remark further? Will you remark further?
Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, I rise
to oppose the amendment.

Of course, this would make the conditions only
applicable to adults. We're talking about children
here. Again, this goes to what the bill is trying
to do, so I would ask my colleagues, to please reject
the amendment.

THE CHAIR:

Will you remark further? Senator Boucher.

If not, I will try your minds. All those in favor
of the amendment indicate by saying Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed?

SENATORS:

No, no.

/je
SENATE

197
April 29, 2016

THE CHAIR:

The Nos have it. (Gavel) The amendment fails.
Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you very much, Madam President. Madam President, there are a number of other areas in this bill that I believe need to be addressed.

There are, particularly in the area where you are dispensing some very lethal drug to some very young people, and for that reason I think that it would be incumbent upon us to require that a doctor would examine this young child, particularly if they were an infant or a toddler, for an evaluation for any side effects that could possibly occur.

So for that reason, Madam President, the Clerk has an amendment that I would like to call, and it is an amendment, LCO 5497.

Madam President, I move adoption of this amendment and I would love to have the Clerk call the amendment and I be allowed to summarize it.

THE CHAIR:

Mr. Clerk, would you call the amendment?

THE CLERK:

LCO No. 5497, Senate "D", offered by Senator Boucher.

THE CHAIR:

/je
SENATE

198
April 29, 2016

Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President. Madam President, we're talking about something very serious here.

We've gone at length to talk about the fact that there is no age restriction, and we are also going to be allowing someone that is 18 years of age to dispense this to this young person. And unless this young person is under doctor's care, and there's nothing in here that requires that, we should at least, for the safety of this young person, require an examination to make sure that there are no side effects that are overwhelming this child, given the kind of -- of illnesses that they have.

You would hope that that would be done through the parents, but we can't be assured of that. But given the seriousness of this particular drug, I think it's incumbent upon us to put some safeguards in this for the very young child.

Thank you, Madam -- and I hope that people will express their support vigorously. Thank you.

THE CHAIR:

Thank you, Senator Boucher.

Senator Fasano, for what purpose do you rise?

SENATOR FASANO (34TH):

/je
SENATE

199
April 29, 2016

Thank you, Madam President. To express my support, vigorously I might add. Madam President, I support the amendment by Senator Boucher.

This is just common sense that we would have monitoring of a -- a drug which is still listed on the federal government as dangerous as cocaine. Whether or not those of us in the Chamber share that, we cannot deny the fact that that is the legal definition of marijuana. That being said, one would think that you would be sensitive to the possible negative effects it may have, lacking the total research done.

And I think what Senator Boucher's amendment does is to express an oversight by a doctor to ensure that the remedy that those who may be in favor of this particular drug, hope to attain, does get attained, and not a negative result.

So, by having an objective observer being a doctor overseeing it, it seems to me to make logical sense and make the bill better, so therefore, Madam President, I am in favor of this amendment. Thank you.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further? Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, I rise in opposition to the amendment.

I think there's some misunderstanding here. These children are, first of all, extremely, extremely ill

/je
SENATE

200
April 29, 2016

children. Many of them are seen weekly by their physicians. And also we have in the bill -- we do have a protocol. We require that they be seen by a primary care physician to qualify, as well as a specialist in the particular debilitating condition that they might have.

I believe this amendment is unnecessary and that best practice standards by the medical community will certainly serve us all very well, including these physicians. So therefore, I don't think the amendment is necessary. Thank you.

THE CHAIR:

Thank you very much. Senator Markley, for what purpose do you rise?

SENATOR MARKLEY (16TH):

Thank you, Madam President. In light of the comments by the Chairwoman of the Public Health Committee, I rise for the purpose of a question to the advocate of the amendment.

It's interesting to me on reading the amendment that, like Senator Fasano said, it seems like a matter of common sense that you would want to have a specialist in the field regularly examining a child who was being subjected to this kind of treatment.

Senator Gerratana would seem to indicate that that kind of oversight is already available, and through you, Madam President, I would ask the proponent of the amendment, in what way she feels that the current oversight is not adequate?

THE CHAIR:

/je
SENATE

201
April 29, 2016

Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President. And I'm so glad that that question is being asked, because I was tempted to rise up after the comment that was recently made.

As was stated by the very distinguished Chair of Public Health, is that yes, there is a requirement to get a -- a medical marijuana certificate for that condition, but only to qualify for that condition. There is no recommendation here for any follow up, or in fact, one of the reasons for this is also to see if indeed the child is getting better.

So if the child is getting better, would there be a continuous need to dispense the marijuana product to that child? And it raises a whole host of questions. And if in fact they no longer needed it, would they continue to hold that certificate that could be used by someone else? How would that be dealt with?

And I do have some further amendments actually that might address the concern of what happens if the individual gets better? What happens if the individual passes away? What happens to that card? And so, I think it's very important to have follow up; both if the condition gets worse, and some very serious side effects occur, or if in fact they get better.

But I don't see anything in the language of this bill that does anything but first allow for someone to determine should they get the card initially.

/je
SENATE

202
April 29, 2016

Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President. And thank you, Senator Boucher, for that answer.

And in light of the answer, which I think is a convincing and a compelling one, I plan to support this amendment. Thank you.

THE CHAIR:

Thank you very much. Will you remark? Will you remark? Will you remark further?

If not, the Chair will try your minds. All those in favor please indicate so by saying Aye.

SENATORS:

Aye.

THE CHAIR:

Those opposed?

SENATORS:

Nay.

THE CHAIR:

/je
SENATE

203
April 29, 2016

In the opinion of the Chair, the Nays have it, and the amendment fails. (Gavel)

Senator Boucher, for what purpose do you rise?

SENATOR BOUCHER (26TH):

Thank you, Madam President. Madam President, for the purpose of an amendment.

THE CHAIR:

Thank you very much, Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you. Madam President, given that this is such an early stage recommendation, or bill, so little is known about how it actually is going to affect a child.

It raises quite a lot of questions, doesn't it? That clinical trials for adults have been tried, with some serious outcomes on the subjects of those clinical trials, but yet I don't know that we've had clinical trials with children, before something like this would be used in any widespread manner.

So, for that reason, I would like to see the Department of Consumer Protection conduct a study on the effects of marijuana on memory, cognitive development and brain functions for minors, given that we have serious problems in our educational system with students, and we want to know if this is actually having an effect.

So, for that reason, Madam President, I do have an amendment, and it is LCO 5498. And, Madam

/je
SENATE

204
April 29, 2016

President, I move adoption of this amendment, and I would ask the Clerk to please call it, and I be allowed to summarize it, which I believe I already did.

THE CHAIR:

Mr. Clerk, would you call the amendment, please?

THE CLERK:

LCO No. 5498, Senate "E", offered by Senator Boucher.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President. Madam President, as was -- I just mentioned a brief minute ago, I think because of this very, I believe, ill-advised and dangerous direction to go in, in dispensing a Schedule 1, most prohibitive drug, to our very youngest and most vulnerable of children, it is incumbent upon us to make sure that the department that is responsible for this, it could be at some point in time, liable for any ill-effects medically on our young children, that they study this effect so that they can gauge if this is a program they want to continue, or if it's something they should close down and not continue with, as I said, in the way that Yale University had to close down some of their clinical trials because of the effects of -- of pursuing this direction.

/je
SENATE

205
April 29, 2016

And for that reason, I would ask support of this amendment, Madam President.

THE CHAIR:

Will you remark further? Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, I respectfully oppose this amendment.

DCP does not have a research department or the resources to do this. Thank you.

THE CHAIR:

Thank you very much, Senator Gerratana. Senator Linares, for what purpose do you rise?

SENATOR LINARES (33RD):

Thank you. Good evening, Madam President. Madam President, I rise to ask some questions to the proponent of the amendment.

Through you, Madam --

THE CHAIR:

Senator Boucher, please prepare yourself. Senator Linares, please frame your question.

SENATOR LINARES (33RD):

Thank you, Madam President. To the good Senator Boucher, on your amendment; I just have a few questions about the study.

/je
SENATE

206
April 29, 2016

Are you -- are you saying that, at this point, there hasn't been a study?

Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

Through you, Madam President.

No, I don't believe that we know of a study right now that has proposed such a widespread use of this particular drug on so many different listed conditions, particularly when it is not limited, as I've just tried to limit it with a number of amendments, so that it can keep to just a few conditions.

But given that this bill is wide open to any condition that an agency itself, not doctors necessarily, would approve, and that my concern is that it would at some point be allowed to be used for learning disabilities and other kind of chronic conditions that some young children would have.

I think it was very important for us to study those effects, because the approving body would at one point be maybe liable for whatever negative effects might, you know, occur.

THE CHAIR:

Senator Linares.

/je
SENATE

207
April 29, 2016

SENATOR LINARES (33RD):

Thank you, Madam President. And just for clarification, have -- with -- with other drugs, typically are there studies that must be in place prior to approval, prior to legislative approval?

I have not served on Public Health, and so this is -- this is new to me. But I would appreciate your input on that.

Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

Yes, thank you, Madam President. And through you.

The answer to that question is very simple. This is not an approved drugs. It is -- it is an illegal, Schedule 1, the most prohibited from the federal government. Anyone really engaging this could, if they so desired, be prosecuted for it.

That is why a lot of doctors are concerned, because their licensures are federally oriented, and why there's so much language in this bill that I haven't even addressed that tries to protect nurses and others from liability and lawsuits from it.

So, what usually happens when an approved medical drug, approved by the medical community, is dispensed to the public, it goes through an extensive FDA process. And in an attempt to do that, the CDC, the NH, has said that they do not see

/je
SENATE

208
April 29, 2016

a medically appropriate use for this medicine. And yet, we are sitting here, or standing here this evening, discussing a bill that would literally put this in the mouths of babies. It is still -- I still -- it's inconceivable to me.

But our -- our approval process for any drug is some of the most respected in the world. It is arduous, it's difficult; yes, sometimes we are late to the -- the game, and some people go to other countries, but oftentimes with such side effects, that can be extremely damaging. So the -- the emphasis in this country is to do no harm, to try to at least, to make sure -- and even with that, there are many drugs that have to be pulled after widespread use, because the damage was so great in the regular population. You know those lawsuits are renowned.

But have you ever listened to some of those ads on TV that -- that promote various drugs that you could take? And by the time they start to list all of the side effects, someone can't even believe that they are advertising for its use on television or in the media, because the long list is there. And they are there, those lists of side effects are there so that they can protect the public, and they're required by our FDA process. Other countries have a -- a process as well. And there -- there have been certain parts of that plant that have been gone through an approval process.

You know what's so interesting about all of this? What is interesting is that -- that for a long time, we have had a FDA-approved marijuana THC product. It's in a pill form; it's called Marinol. A doctor can prescribe it; it can be dosed properly. You have to go to the doctor to -- to get it.

/je
SENATE

209
April 29, 2016

And it's interesting, in cases that we discuss on some of the maladies that we've been debating for quite a number of years here, it -- they have found, literally, that it doesn't do as good a job, and help as much, as some of the other more sophisticated drugs that are being done.

I -- I have a picture on my website with a wonderful nephew. He, unfortunately at age 7, got leukemia. And he was right here at the Children's Hospital. So, for four years he had to undergo -- it was very, very difficult for him. And I talked to his parents, because you know what, it was that long ago, we were still debating medical marijuana in this -- in this building. And I asked them about that. I said, did they suggest having -- because of nausea and -- and because of appetite issues -- they said no, and they named the drug that was being used, and for those four years he never had a problem with nausea. He could eat and he really did very well. He got a straight-A average even in school going through all that, and I just found out he got accepted.

And he had many choices to go to different universities, and he just decided that okay, UConn offered, you know, an enrollment for him. But he was torn; he really wanted to go to the University of New Hampshire, but I just learned this evening he did choose UConn. I was very excited about that.

But I had a lot of conversations with his parents about the various kinds of medications that could be used for his issue, and -- because it was so top of mind. And I got a list of 30 different drugs that were -- could be prescribed, and one of them was the most popular and worked well on young people. It

/je
SENATE

210
April 29, 2016

could be dosed properly. It could be -- it was FDA approved.

So, in this case, we don't have any FDA-approval process at all, leaving this wide open to problems with how much do you give a child at whatever age. How do you determine what it's going to do to them at this very young age? We need to be extremely cautious when we try to use any medication that you use on adults, and try to -- to transfer it over to a very young, developing body and brain.

I don't know if that answers the question, but he certainly got me off to a tangent here, and -- but, this is one of the conundrums of this whole medical marijuana issue, is that there is an FDA-approve process. They have chosen not to do that because they see the dangers associated with this mind-altering, mind-changing, mind-damaging drug.

Thank you, Ms. -- Madam President.

THE CHAIR:

Senator Linares.

SENATOR LINARES (33RD):

Thank you, Madam President. Thank you, Senator, for your answer.

You had mentioned -- you had mentioned other countries were well ahead when it comes to this issue, and I just wanted to respond by asking, have other countries done tests on the use of medical marijuana on kids, in particular, and can you -- can you speak to those studies?

/je
SENATE

211
April 29, 2016

Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

Through you, Madam President.

Most of these countries, as I've mentioned, whether it's United Kingdom, Sweden, Australia, certainly -- actually even New Zealand, has -- most of those studies are on adults.

As I said, they don't seem to go the direction of young people or children. Again, doing clinical trials and studies, is dangerous enough for adults, but to try it on kids, I think they felt that it was too risky to go that far.

What they have found, what they do learn, and why they were able to associate schizophrenia 30 percent higher rate, is because they have seen the results of the usage of marijuana in the adolescent community. And they are able to track it when they're being treated; whether it's in rehab centers or, you know -- they have been able to track when they first started.

Some of the anecdotal situations that I've provided, I happened to be with either classmates of my own children, or with extended family members, when you saw the beginning of the usage and you saw the direction they ended up, and what they're contending with now. And so that's where you get a lot of really the good data. It's in the abuse of the drug, and the abuse of it at a very early age.

/je
SENATE

212
April 29, 2016

But to actually do a medical clinical trial, that has been done on adults and not on children. It just goes to show you just, you know, how dangerous this path is.

THE CHAIR:

Senator Linares.

SENATOR LINARES (33RD):

Thank you, Madam President. I appreciate your point, Senator, and I just wanted to follow up a concern that I certainly have with this new medication, would be how addictive it is? Because especially you have a young person, they get used to taking this medication, it seems like there's other options out there. They grow up and they're addicted to relieving pain with this substance.

And we see what's happening across the state right now, unfortunately, with the overdoses and heroin, it's an epidemic. We've had I think over 700 overdoses related to opioid and heroin overuse in this state, and it's growing worse every day. Heroin is more accessible than ever before; it's also cheaper. And a lot of those problems have come -- come to find out is it started from a gateway drug; either alcohol or marijuana.

And so, it's a -- it's a huge concern of mine that you have these young -- young adults, young kids taking these pills, and they need to look for more. They look to self-medicate; it's -- it's a big concern.

/je
SENATE

213
April 29, 2016

And so, I would actually like to ask it, because it seems like you're pretty well informed on this topic, I would like to ask you, in -- in the studies that have been done, have they shown -- and through you, Madam President, Senator, have -- have any of these studies shown that there is an addiction issue from medical marijuana? And can -- can you point to any facts about that?

Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President. I thank the good Senator for his question.

I specifically did not concentrate my remarks previously on the addictive property of this particular drug. Although many of the various studies that I referenced in my previous remarks not only had the -- the changes to the brain development, the scans of the brain, the -- the -- the -- the location of the drug to the fatty cells of the brain and other parts of the body.

The addictive nature of it is very clear from the different rehabilitation centers that are throughout the state of Connecticut, whose leadership have approached me about this, and have talked about the greater instances of addiction because the THC in the drug has been modified. Just like tobacco was engineering to be more addictive because it's a saleable product and they wanted -- there's -- there's so much money involved with both tobacco and

/je
SENATE

214
April 29, 2016

marijuana; so much money involved, that they want to create a larger consumer base. The way you do that with both tobacco and marijuana is to make it stronger.

And, you know, unfortunately, I even have constituents that went to Colorado where there's children going to school, and they were the children of the '70s and -- and then said, well we gave it a try and oh my God we had the worst experience ever. We couldn't believe how strong it was and it made us sick.

There were -- there is a -- was, in our General Assembly, I won't mention names but that is no longer here but was one of our, you know, esteemed members for quite a number of years, who was opposing the medical marijuana bill down in the House at one time, because a family member of theirs had MS. This is one of the areas that was originally proposed; not epilepsy, the whole issue was around MS. And their family member took it and became addicted. And so what they replaced was a MS problem with an addiction problem, and he was vehemently against this, and would tell me stories about it all the time.

They -- we also had another constituent of mine whose daughter got cancer, and went to Arizona for treatment. And she created a blog, and I was sent one of her blogs, and they tried that as a last ditch because it was terminal, and of course, you know, whatever you can do. And her blog was devastating. And she was very upset because they actually encouraged and pressured her to take it when she wasn't sure about it. But she surely did write about the end result of that.

/je
SENATE

215
April 29, 2016

And so there is an addictive nature as well. But I really wanted to concentrate our remarks -- well, can you imagine on a very young brain and a very young child how that would -- and the younger you are; just like alcohol and tobacco, the younger you are, you increase the propensity for addiction four to five to six times more than if you start after the age of 25 or 21, that's why we have these age -- when people wonder about that, you are less likely, if you start drinking later, smoking later and certainly doing pot much later in your life.

This is why this particular bill is so, in my view, so incredibly harmful, not just in the brain development part of it that I'm very concerned about, and mostly concerned about, because you don't want to create a damaged individual down the road that -- that can't go to school, can't learn, can't focus, has no memory. But the addictive aspect of this is a very big concern, and that's why the doctors that -- that talk about this or work in the research of it, really want to extract some of the most dangerous components to that drug from the areas that might be helpful for that particular malady. But they're just not there yet. That's why we're moving ahead with something that should be delayed until there's really good science.

Thank you, Madam President.

THE CHAIR:

Senator Linares.

SENATOR LINARES (33RD):

Thank you. Thank you, Senator, and thank you, Madam President.

/je
SENATE

216
April 29, 2016

It's a huge concern; huge concern to think that some of these young people taking this medication might end up addicted to this painkiller essentially. And I -- I appreciate you answering that question.

Even -- an even greater concern is the message that you pointed to regarding brain development. And the fact that I -- I believe it's -- if the brain isn't fully developed until 25; that's what scientists have recently presented, it's interesting -- interesting to think that with those -- even with those recent findings, that we would subject young folks to -- young kids to this new drug, when clearly it does seem to have an effect on brain development.

Senator, if you could, can you talk about the details in that -- in those studies related to the issue of brain development in -- in young people who have -- who may -- who have had access to these drugs, and why that's important for us to know prior to moving forward on this legislation?

Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Linares. Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President. And through you.

You don't have to be a doctor to be able to point out how sensitive a young child's brain is to substances that it ingests.

/je
SENATE

217
April 29, 2016

When you are pregnant and about to be a mother, one of the things that immediately a doctor would say to you is don't smoke, don't drink alcohol while you are present -- pregnant. And in fact, if you're very sick, it's really dangerous to take even penicillin, and other drugs as well. Cold medication, you name it; why is that?

That is because in the very first few weeks, and -- and up to two months in fact, many things that you may be taking could affect the brain development of a young and very beginning fetus. And once you have that baby, and you breastfeed, as many of us did with our children, everything that you eat and drink and smoke goes through your mother's milk into that child. In fact, if you have a cup of coffee, the baby stays up all night. And maybe if you have a glass of wine or beer, they could sleep well into the night, and I'm sure there's some mothers that have been tempted to do that.

But it -- it does point out to the sensitivity of that developing brain. And as I said, I -- I have been fortunate, so fortunate, to get the research and the advocacy on the part of the Commission on Children; Elaine Zimmerman in particular, and I can give you volumes, probably more than that cart behind me, of what they're learning now in order to really improve early childhood development, and course curriculum, and to really help that child develop.

In fact, from the age of birth to 5, nearly 80 percent of what we're learning is -- is where that brain is growing a mile a minute. So imagine if you gave a 5-year-old or a 4-year-old or a 6-year-old this particular substance, and what it

/je
SENATE

218
April 29, 2016

could do to the brain, when we're concerned about adding a glass of wine or a penicillin to a mother's milk in that child.

And it has been shown, time and again, that there are babies that are -- that are born with alcohol fetal -- you know, fetal syndrome. And that is the mother's condition, and sometimes even the father's in their DNA, that will affect that child's development. In fact, I remember very clearly having a young boy in my son's little Cub Scout troop that was severely impacted from that. And it affected him for the rest of his life. That's how serious this is.

So, you know, there's a great deal available that talk about the various substances that is passed on, and how sensitive that developing brain is to that substance, and why we have to be so cautious, and why I really wanted to focus our discussion this evening, through you, Madam President, on what this might do to that developing brain, both in the short and long term as well.

Through you, Madam President.

THE CHAIR:

Senator Linares.

SENATOR LINARES (33RD):

Thank you, Madam President. Thank you, Senator Boucher.

You had mentioned in these studies that there were different levels of THC that were tested. And if you can point out in those -- in -- in those studies

/je
SENATE

219
April 29, 2016

what -- what did they find regarding the different levels, and -- and -- and in the amount of THC that I -- that is being proposed here today relative to the studies that you found, what is -- what would you say would be the amount that the studies would recommend us to stay below or above? What is the -- where -- where is the equilibrium here as far as the level of THC and treating this pain, and what has been found in the studies in the past?

Through you, Madam President.

SENATOR BOUCHER (26TH):

Well, through you, Madam President --

THE CHAIR:

Thank you very much, Senator Linares. Senator Boucher.

SENATOR BOUCHER (26TH):

Yes, through you, Madam President.

I think the good Senator gives me much more credit than I -- then he probably should. I don't want to profess to be a scientist or a doctor. What I can say is that the studies that have been written about in medical journals and others, they have done testing on animals and other, and that there is a -- and what has -- what is clearly being reported is that the marijuana plant and substance of the '60s and '70s, today's, can vary anywhere from 10 to 50 times the potency of previous marijuana products, and that it's totally unregulated. We don't know if there's other additives -- by the way, there are 400

/je
SENATE

220
April 29, 2016

additives to that in the processing of, and oftentimes can result in people getting sick.

So, this is very unregulated. The dosages can vary. There's supposedly in this particular bill an oil that can be put in droplets on the tongue of a young child. Well, an 18-year-old is now being allowed to dispense this in an unregulated environment, not in a doctor's office, at home.

And there will be a couple of other amendments that talk about being able to be in a dorm room on a college campus. There's -- there's -- and not -- and the studies that -- that are being recommended here, would exempt those that are laboratory subjects, to be able to be on a college campus, and a dorm room.

So they -- it is currently unregulated. The only regulated product is the Marinol or Sativex, and that is dosed out just like you would get a prescription from a doctor that specifically says how much you should take. And never before have they ever, by the way, prescribed it for a child, and been able to tell you how much it is.

But one of the more interesting anecdotal things that have happened in places where they've legalized it in other states, they recount where they -- someone got desperately sick, and I think there was even a fatality, where they put the product in a food substance, and they just kept eating it and overdosed on it. So there are overdoses; the -- the capacity to overdose on a marijuana product.

But currently, that unfortunate circumstance, because it is not an FDA-approved product that has proper dosages and the -- the results of how that

/je
SENATE

221
April 29, 2016

works on various subjects with children, they just simply don't have it. So it may be trial and error, that's why it should be done under a doctor's care, prescribed. But none of those cautionary procedures are in this bill, which to me lacks that kind of -- of safety that we should be doing.

Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Boucher. Senator Linares.

SENATOR LINARES (33RD):

Thank you, Madam President. Thank you, Senator Boucher; appreciate this amendment.

I think that this is a responsible first step. We have to study this before we can possibly make this legal; make it something that people will administer themselves at home.

I represent the town of Lyme, and Lyme-Old Lyme High School has done an incredible job, just a phenomenal job taking the time to study the issue of substance abuse in their school system. They've gone so far as conducting student surveys, they have a statistician that can point out if there's any issues with the survey. They've really done an incredible job -- job in taking the issue of substance abuse very seriously in their school system; as they should.

And what they've found is that actually the instances of alcohol abuse are declining, but the instances of abusing marijuana are increasing. One

/je
SENATE

222
April 29, 2016

of the reasons why, in there -- throughout their -- through their studies, they had mentioned that because of the -- the social paradigm of the way we look at marijuana as a substance, the state taking steps to making medical marijuana legal several years ago, I think before my time here, has really desensitized our youth.

When they think about marijuana, they don't think about it as something that can be harmful to their brain development, threatening to their future, and that's a problem. Because science will tell us that it certainly is; that that's -- that it can harm their ability to do well in school, their ability to perform in athletics, their ability to be a good friend, to be a good son, daughter to their family. They run into larger issues with substance abuse.

It's a huge concern. And actually, in this study, they asked out of the students that chose not to abuse marijuana or alcohol, they asked them the most common answer as to why; was it because they didn't want to disappoint their parents. That's why they chose not to abuse alcohol or marijuana. I found that very interesting and I think it's -- it goes to show you how important the family is, how important parenting is, how important that it is to -- to children as they grow, as they become adults in our communities and in our society. And I think it -- it's harder and harder for parents to tell their kids not -- to -- to make the right decisions; not to do marijuana, not to abuse alcohol, when we, the leaders here at the State Capitol, are legalizing the use not only to adults, but now to children.

And I think it makes -- it makes it much harder to convince young people that there is an issue here. And that's scary. That's a problem. That's a

/je
SENATE

223
April 29, 2016

problem because we're starting to see those folks that drank alcohol early, that did marijuana early in middle school, high school; we're seeing that -- we're seeing that those folks that did that have -- tend to have an issue later on in life with more serious drugs. And almost always, it started with alcohol or marijuana.

And so now, we're we -- circling back to my original point. We look across the state with this -- and quite frankly, across New England and across the country, with the opium, the opioid epidemic where we have overdoses we have on a daily basis. Lawrence + Memorial had five overdoses in five hours. That's just horrible. One of the -- one of the people that overdosed was dropped off on the sidewalk of Lawrence + Memorial Hospital. Their friends kicked them out the door and left them there because they were afraid of getting caught themselves.

And it -- it's -- I don't think that we're -- I think we're doing a disservice to the folks that are trying to fight this heroin epidemic, by proclaiming from the State Capitol that it is okay, it's okay, for young people to -- to take this substance, when quite frankly, we don't know enough about it. And I certainly can't go back to my communities and substantiate a vote in favor of this bill, with that -- certainly without a study on this issue, on this medication.

And so with that said, I -- I -- I -- I very much appreciate Senator Boucher's answers to my questions. They were thoughtful. It seems like you have taken a lot of time to understand this issue thoroughly, and I appreciate that. And the people of the state should appreciate that. And I think

/je
SENATE

224
April 29, 2016

that this -- this study is a -- is a great first step. We ought to do that first. We ought to really understand this before moving forward and making it accessible for young people.

And so I would urge my colleagues to support Senator Boucher's amendment. And thank you, Senator, for your answers. Thank you, Madam President.

THE CHAIR:

Senator Martin, for what purpose do you rise?

SENATOR MARTIN (31ST):

Thank you, Madam President. I would like to ask a couple questions from the proponent of the amendment, please.

THE CHAIR:

Senator Boucher, please -- please prepare yourself. Senator Martin, please frame your question.

SENATOR MARTIN (31ST):

I only have a few questions. Through you, Madam Chair.

The amendment is requesting that studies be done to -- through you, Madam President, if -- are you aware of any palliative use of marijuana studies on the -- on the -- I guess the effects on memory?

SENATOR BOUCHER (26TH):

Through you, Madam President.

/je
SENATE

225
April 29, 2016

I am aware of many, many. In fact, on memory, when it comes to adults, and certainly they've been able to assess the effect on memory for those that abuse the drug that are adolescents and older.

Through you, Madam President.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

Thank you. And are you aware of any studies on the palliative use of marijuana on cognitive development?

SENATOR BOUCHER (26TH):

Through you, Madam -- sorry.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

Yes, I should wait for you for sure, thank you, Madam President. Madam President, through you.

Yes, in fact now they are using brain scans to show the actual changes in the brain function, and it's also very clear the difference before use and those on their schoolwork, and -- and those after use and misuse or an abuse of the drug, so that when you are attending any of these classes, youth classes in our schools when they bring in doctors and so forth.

/je
SENATE

226
April 29, 2016

I've been -- I've been invited to a couple this year, and they bring with them that data, that research. You don't -- you can look at some of the publications I have. In fact, I have one of them in my file right here, the good Senator, that actually shows the picture of the brain, and what happens to the brain. And this is in a publication of *Scientific American*, just in June 2015; so it's very, very current. So when people are looking for this information, it is here. And it is more compelling than ever before, because now, with the sophisticated MRIs, the sophisticated medical equipment that they have, the devices, they are actually able to show the -- the real damage, the -- the -- remember those ads on television when it says, this is your -- your -- your brain, you know, on drugs? And they had a frying -- you know, a frying egg on top of the pan.

And -- and so it -- we don't have to rely on those kinds of ads to warn our young people about the use. Now we actually have medical science, we have brain scans that show the actual damage, and then you can see the before and after a school attainment on a number of these young people.

Through you, Madam President.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

Thank you, Madam President. So, to my understanding here is that we're moving forward with this underlying bill, and we really have no sound studies

/je
SENATE

227
April 29, 2016

to support the, I guess, giving -- granting approval for these extended diseases to use these drugs?

Through you, Madam Chair.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER (26TH):

Yes, thank you, Madam President. Yes, through you.

That is why most of the medical associations, whether it's the AMA, whether it's the Pediatric Society of America, whether it's the Academy of Physicians; because they are part and parcel a lot of these articles that you'll find in medical journals, and where they can see that right now the science isn't there to support this in -- in a medical way, without balance the ill effects.

So in other words, you have to balance whether it's helping more than it's hurting. And at the moment until, as I said, they engineer that product in a way that can be less harmful and damaging and more helpful, the science just hasn't caught up yet to where we can do this, even with adults, never mind -- although as I said, there is a Marinol tablet that can be prescribed, has been prescribed, but typically it gets second place to the real sophisticated medications that actually deal with the underlying problem.

Most times what it does is it deadens your feelings so that you don't think about the underlying issue, but it doesn't actually help the underlying condition. That's the concern. And yet there is

/je
SENATE

228
April 29, 2016

some prospects to actually get to an underlying illness, it just hasn't been extracted to the point where they can do that safely without the ill effects being so much greater than the positive effects of this drug.

Through you, Madam President. And again, if I didn't answer this clearly, certainly I would ask the good Senator to repeat that if he would like.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

Thank you, Madam Chair. You -- you're doing a great job, thank you, in answering all these questions and -- but let me ask you, through the Chair.

Do you believe that -- that we're premature in moving forward with this legislation? And if so, why?

THE CHAIR:

Senator Martin, we're still talking about the amendment, which is about the study; it's not about the underlying bill.

SENATOR MARTIN (31ST):

I am sorry. The -- through you, Madam Chair.

What are the opinions of the studies that perhaps the FDA has done on the subject?

Through you, Madam Chair.

/je
SENATE

229
April 29, 2016

THE CHAIR:

Thank you very much, Senator. Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President. And through you.

The FDA has said that they do not feel that this is a product that they can bring to the public, because they have ascertained that it does not have the medical efficacy for it to be considered an FDA-approved drug.

And -- and I -- and I would say that in that light, until this study that this amendment addresses are done to see how the drug affects the various aspects of memory, cognitive development and brain functions for these young people, that we are definitely premature because we are really tampering with something that can be very damaging to a young, developing brain.

So that is why an actual study to be conducted, if we're going to go in that direction, should be done first before we start to dispense something that is not yet considered medicine by the FDA. They have, at this point, and every time I check; because every year could be different of course, they have yet to say -- under different administrations I might add, too -- because it is regulated on a federal level, that they still are not there to -- to come out with an approval that this should be a product that is considered medicine for any debilitating condition, because again, the risks outweigh the benefits at -- at this time.

/je
SENATE

230
April 29, 2016

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

I have some further questions, but I see that they don't -- do not pertain to the underlying amendment, Madam President.

So, I'm just going to say that I won't -- I will be supporting the -- the -- the amendment, because of the -- I think it's important that the studies be done regarding the -- the effects of the memory and cognitive development and brain function.

So, Madam President, thank you for listening to me.

THE CHAIR:

Will -- will you remark? Will you remark further?

If not, the Chair will try your minds. All those in favor of the amendment please indicate so by saying Aye.

SENATORS:

Aye.

THE CHAIR:

Those opposed?

SENATORS:

Nay.

/je
SENATE

231
April 29, 2016

THE CHAIR:

In the opinion of the Chair, the Nays have it and the amendment fails. (Gavel)

Senator Boucher, for what purpose do you rise?

SENATOR BOUCHER (26TH):

Thank you, Madam Chair -- excuse me, Madam President. The hour is getting late and there are a lot of amendments still that could be called that I believe are really excellent.

I am going to actually call a few others that I think are incredibly important for us to discuss, because this type of program can be so open to abuse that -- and there is absolutely nothing in this legislation that talks about penalties when this particular legislation could be abused, could be subject to fraud, and so forth. And after I call these particular amendments, then I will talk through the others, without calling them to just explain what parts of this bill really open us up for -- for concern.

So, at this point, because I feel that there are a few areas in here that do not provide a penalty for us to prevent any kind of abuse unless the good Chairwoman could explain that there may be other areas of our law that address these, I would like to call, Madam President, LCO 5486.

And if you could, would the Clerk please call the amendment and I be allowed to summarize, and I would move adoption of this amendment as well.

THE CHAIR:

/je
SENATE

232
April 29, 2016

Mr. Clerk, would you please call the amendment?

THE CLERK:

LCO No. 5486, Senate "F", offered by Senator
Boucher.

THE CHAIR:

Senator Boucher, will you remark further?

SENATOR BOUCHER (26TH):

Yes, thank you, Madam President.

As I said, this is a very risky direction that the state is going into. We're talking about very young children; we're talking about 18-year-olds being allowed to be caregivers to a young -- youngster. We're talking about so many things that would allow the use of this drug on a college campus, whereas previously it was prohibited from use. But if they are certainly involved as a subject of a research program, they might be allowed to.

But in this particular amendment, what this amendment does is it puts a penalty on a dispensary that distributes smokable forms of marijuana to minors, including suspension of loss of its license.

Through you, Madam President.

THE CHAIR:

Thank you very much. Will you remark further? Will you remark further? Senator Gerratana.

/je
SENATE

233
April 29, 2016

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, I respectfully ask that the Chamber reject this amendment; this is already done by the DCP. Thank you.

THE CHAIR:

Will you remark? Will you remark further?

If not, the Chair will try your minds. All those in favor please indicate by saying Aye.

SENATORS:

Aye.

THE CHAIR:

Those opposed, Nay.

SENATORS:

Nay.

THE CHAIR:

In the opinion of the Chair, the Nays have it and the amendment is -- the amendment fails. (Gavel)

Senator Boucher, for what purpose do you rise?

SENATOR BOUCHER (26TH):

Madam President, I rise for the purpose of an amendment.

/je
SENATE

234
April 29, 2016

THE CHAIR:

Please proceed.

SENATOR BOUCHER (26TH):

Thank you. Madam President, would the Clerk please call LCO 5480, and may I be allowed to summarize, and I move adoption.

THE CHAIR:

Mr. Clerk, would you call the amendment?

THE CLERK:

LCO No. 5480, Senate "G", offered by Senator Boucher.

THE CHAIR:

Senator Boucher, would you remark?

SENATOR BOUCHER (26TH):

Yes, Madam President.

Madam President, in an effort to make sure that an adult by the age of 18 or older does not misuse this particular product when they are supposed to be giving it to a young child, which obviously, if the child is 5 or 6 or 7 years old, they may not be quite aware of whether this whole program would be abused.

So, in this amendment, any misuse by an adult caregiver of the product is punishable by one year in jail. I hope that that would increase the

/je
SENATE

235
April 29, 2016

seriousness of being a caregiver; especially if we have someone as young as 18 years old as a designated caregiver, and it also is open to emancipated youths as well, Madam President.

THE CHAIR:

Will you remark? Will you remark further? Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, I respectfully ask the Chamber to reject this amendment, also. Thank you.

THE CHAIR:

Will you remark? Will you remark further?

If not, the Chair will try your minds. All those in favor please indicate by saying Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed?

SENATORS:

Nay.

THE CHAIR:

/je
SENATE

236
April 29, 2016

In the opinion of the Chair, the Nays have it, and
amendment has failed. (Gavel)

Senator Boucher, for what purpose do you rise?

SENATOR BOUCHER (26TH):

Madam President, for a very good amendment that I think the Chamber would really appreciate. Thank you, Madam President.

THE CHAIR:

I know, the hour gets late.

SENATOR BOUCHER (26TH):

It does, it does. Madam President, will the Clerk please call LCO 5551 please, and may I be allowed to summarize, and I would move adoption.

THE CHAIR:

Mr. Clerk, would you please call the amendment.

THE CLERK:

LCO No. 5551, Senate "H", offered by Senator
Boucher.

THE CHAIR:

Senator Boucher, please proceed.

SENATOR BOUCHER (26TH):

Thank you, Madam President.

/je
SENATE

237
April 29, 2016

Madam President, what this amendment tries to do is to make sure that there is a process, a proper process, to return a certificate to the Department of Consumer Protection when there is no longer a need for treatment; whether the side effects are too great, or whether the patient dies. We do not want to leave that particular certificate in the caretaker's hands, particularly if they can be as young as 18 years old.

And so I -- I feel that this is a very good precaution, because I don't know that there's any language there that covers this area.

And on this one, Madam President, I would ask for a roll call vote.

THE CHAIR:

Thank you very much, Senator Boucher. Senator Gerratana, with you remark?

SENATOR GERRATANA (6TH):

Yes, Madam President, thank you. Again, I rise to respectfully oppose this amendment, urge my colleagues to do so.

The certificates are issued annually and therefore not indefinitely, so there is a mechanism to address this issue. Thank you, Madam President.

THE CHAIR:

Will you remark? Will you remark further?

/je
SENATE

238
April 29, 2016

A roll call amendment -- a roll call vote has been requested. Mr. Clerk, if you would call a roll call, and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
An immediate roll call ordered in the Senate, on Senate Amendment Schedule "H".

THE CHAIR:

Have all members voted? Have all members voted?
Please check to see that your votes have been properly recorded. If so, the machine shall be closed and the Clerk shall announce the tally.

THE CLERK:

House Amendment Schedule "H"

Total Number of Voting	33
Those Voting Yea	10
Those Voting Nay	23
Absent and Not Voting	3

THE CHAIR:

The amendment fails. (Gavel)

Senator Boucher, for what purpose do you rise?

SENATOR BOUCHER (26TH):

/je
SENATE

239
April 29, 2016

Madam President. Madam President, we're close to the finish line here.

I have one further amendment to call. I'm going to summarize all the rest as there were at least 24 here. I think we did the alphabet, you know, A through Z.

And then we'll do a little summation and I'm sure that there are others that might want to say something on the underlying bill.

So -- and I thank you very much for your consideration this evening, and for the fine questions that were asked, and hopefully some information was disseminated that could be helpful to some people.

So, Madam President, I would like to call, if I may, LCO 5463.

THE CHAIR:

Mr. Clerk, would you please call the amendment?

SENATOR BOUCHER (26TH):

Um --

THE CLERK:

LC --

SENATOR BOUCHER (26TH):

Yes, thank you, call the amendment. And may I be allowed to summarize and I do move adoption. Thank you.

/je
SENATE

240
April 29, 2016

THE CLERK:

LCO No. 5463, Senate "I", offered by Senator
Boucher.

THE CHAIR:

Senator Boucher, will you remark?

SENATOR BOUCHER (26TH):

Yes, Madam President.

We know that -- that this process that we've set up puts an agency, the Department of Consumer Protection, in charge of this concerning program, at least for me. But at least they do have a -- a Board of Physicians that's supposed to be giving some guidance to some of this decision making, that are medical decisions that concern me, that are put in the hands of state employees, agency employees, that do not have medical background.

So, if they're going to have at least some advice given to them on the part of some -- a Board of Physicians, this amendment adds a psychiatrist to the Board of Physicians, making -- making nine a total number of members.

I would say that this is a fairly friendly amendment. I can't think of anybody that would want to oppose this because, as we just talked about, our very youngest children; the biggest damage would be to their brain development. And if that is the case, then we need a physician that is expert in the area of psychiatry when some of the massive side effects are in that arena.

/je
SENATE

241
April 29, 2016

And so I'm hoping that I get the support of my membership, and I hope that we can also have a roll call vote on this amendment, Madam President.

THE CHAIR:

The roll call amendment is duly noted. Will you remark? Will you remark further? Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, I rise to oppose this motion, this amendment -- sorry, it's a little late.

Respectfully, I don't believe that this is necessary at this time. DCP has the ability to appoint a variety of different physicians, so therefore I would ask that the Chamber please oppose the amendment.

THE CHAIR:

Thank you very much, Senator Gerratana.

Will you remark? Will you remark? Mr. Clerk, if you could call the roll call please, and the machine will be open.

THE CLERK:

An immediate roll call has been ordered in the Senate. Immediate roll call on Senate Amendment Schedule "I" has been ordered in the Senate.

THE CHAIR:

/je
SENATE

242
April 29, 2016

Have all members voted? Have all members voted?
Please check to see that your votes have been
properly recorded. If so, the machine shall be
closed and the Clerk shall announce the tally.

THE CLERK:

On House Amendment Schedule "I"

Total Number of Voting	34
Those Voting Yea	11
Those Voting Nay	23
Absent and Not Voting	2

THE CHAIR:

(Gavel) The amendment fails.

Senator Boucher, for what reason do you rise?

SENATOR BOUCHER (26TH):

Madam President, I rise to discuss the reasons that I'll be opposing this, just in case folks may have missed it; and also to just very briefly explain the amendments that were not called tonight. Because I do, believe it or not, respect your time and maybe we can get out of here before 11:30. But I think it's important for people to discuss something as serious as this.

There are -- and quite frankly, there -- I -- the amendments that are being proposed were all really good amendments. They were not meant to defeat the

/je
SENATE

243
April 29, 2016

bill, they were not meant to keep you here longer than necessary, they were all important aspects of a bill that show that there were a lot of gaps and proceeding down a path that is so dangerous to very young kids.

Some of the amendments that were not called is talking about why a caregiver for a minor patient must be at least 21 years of old. You know, it's kind of interesting that we don't allow someone to drink alcohol, and they're 21, but yet we're going to allow an 18-year-old, a 19-year-old and a 20-year-old to dispense medical marijuana to a young child. It makes absolutely no sense. And if I thought that this amendment could get passed, I would have called it.

There was an amendment that there should be no medical marijuana on college campus, except in a laboratory setting, because we're setting our state up for some abuse.

There was an amendment to allow certification for minors, only if federal law allows, because it puts people at risk. We're talking about a Schedule 1 drug that is prohibited in law.

There was also an amendment, the two-letter requirement that applies to all minors, should also apply to emancipated ones as well. There doesn't seem to be any reason if they're the same age that you would make an exception in this case.

And I -- as you know, I felt very strongly about a Board of Physicians making medical decisions, and not the General Assembly, when it comes to different debilitating conditions. I don't believe, unless we could ask our good doctor in the House to actually

/je
SENATE

244
April 29, 2016

outline which ones there are, most of us are not prepared to be able to -- to propose and pass an amendment that talks about medicine in this fashion.

There was also a -- an amendment to strike the Department of Consumer Protection's authority to give provisional registration to labs prior -- prior to the adoption of regulations; but only allow registration following the adoption of regulations. In fact, it's in two different places where we're actually prescribing and giving ahead of actual regulations that regulate the process that this bill is addressing.

It also prohibits -- an amendment that would prohibit dispensaries from conducting research programs. Imagine that; imagine that we would have a dispensary that makes money off of this particular product, doing research that obviously would present a conflict of interest. They have a financial interest in the results of any research they do, and if they bring us this research, that's the question that I would have for them.

It also -- there was an amendment that would only permit this product to be on college campuses in a -- in a laboratory setting. There's exceptions in this bill, so that you know, that those that are subjects of a -- of a -- of a research project, to be in a dorm room, or in a classroom. And again, I think that puts some at risk. It's amazing to me that we have so many prohibitions on tobacco, and yet in this case, we don't use the same standards.

And it also -- was an amendment that would not register any minors until regulations were adopted. Again, there's exceptions in this to allow

/je
SENATE

245
April 29, 2016

registration of minors prior to any regulations being adopted.

So again, there were many other amendments that I have not called, because I think it's time now for us -- for me to allow others to have a discussion, if they still have some comments they would want to make on the underlying bill.

So in summation, if I could indulge you, Madam President, it is no surprise to anybody here, especially after tonight, that I have very great concerns, and that I'm opposing this bill, the focus of which is to extend the legal use of medical marijuana to children under the age of 18, and as young as 1 or 2 or 3 or 4 years old. It -- it's amazing to me that we could actually give a product that could intoxicate a young child at that age.

The bill has the same disadvantages as Connecticut's previous efforts in advancing medical marijuana with respect to federal law, under which cannabis remains an illegal Schedule 1 controlled substance. But more seriously, this particular bill would expose children, whose bodies are still developing, to a substance which has been linked to numerous health complications, even in adults.

Parts of this legislation appear to anticipate these criticisms without drawing the proper conclusions from them. In response to the many, many experts who rightfully note that rigorous scientific studies on the safety and effectiveness of marijuana as medicine, need to be done. The bill enjoins with the Department of Consumer Protection to create a licensing procedure for laboratories and their employees, without any penalties involved, and by proceeding ahead of its own regulations.

/je
SENATE

246
April 29, 2016

Also, for institutions and individuals engaged in research involving cannabis, it contains language protecting them from legal penalties. I don't know if that's going to stand up in a court of law if they were prosecuted from a federal level, however.

The emphasis on research echoes the concerns of those who have opposed the designation of marijuana as medicine, and the use of anecdotal evidence to promote its use. In fact, as I mentioned previously in my opening remarks, writing on this same issue a year ago, the American Epilepsy Society asserted that more research into medical marijuana was needed before they could ever endorse it, and that the marijuana-based treatments provided to children in Colorado failed to meet FDA standards.

And I was asked that question from the good Senator Art Linares, about what those research and FDA standards were. Even more worrying as noted by the Epilepsy Association, the fixation on medical marijuana may have caused patients to eschew better known and more thoroughly vetted treatments for epilepsy. The lack of -- of reliable scientific data on the subject means that these patients have no access to the kind of information that would allow them to make an informed decision on what treatment is actually best for their child.

And the rush to expand the medical marijuana program shows a very misplaced confidence in an unproven drug, which may have serious long-term consequences that we went into great detail previously, as we showed prolonged marijuana use has been found to hinder brain development, resulting in lower IQ and poor memory later in life; much later in life, and

/je
SENATE

247
April 29, 2016

an increased susceptibility to mental illness such as schizophrenia and psychosis.

Marijuana has been linked to heart problems in young adults, to the suppression of the immune system, and even an increased instance of stroke in young users; sudden death as we've seen in the papers. Regularly usage of marijuana may also lead to addiction, as been brought out by others, and provide a gateway to more dangerous drugs.

According to a recent statement by the Connecticut Association of Prevention Professionals, people addicted to marijuana are more than three times more likely to be addicted to heroin. There is a link -- don't be fooled by that -- and everyone is right now in a panic state over this. This is particularly frightening development in light of the heroin epidemic in our schools and our emergency rooms.

Once again, the bill shows an awareness of these issues. It empowers the Board of Physicians to recommend the addition of new debilitating conditions for which medical cannabis may be legally administered to minors, provided it takes into account, among other things, the effect of palliative use of marijuana on brain development of such patients. They even cautioned that.

This provides or concedes that using marijuana for medical purpose may cause health complications down the road. So they're saying this in advance. And yet, instead of treading carefully, the proponents of this bill; continues to surprise me, seek to expand the legal use of this drug to our most vulnerable patients, regardless of marijuana's known dangers and considerable unknown properties, 400 unknown properties in fact, treating it, as they

/je
SENATE

248
April 29, 2016

have in the past, with a legislative and regulatory indulgence that would not be according to any other experimental medicine.

The state of Connecticut has a duty to do everything possible to increase access to proven and effective medical treatments for children. As it stands, the scientific evidence in favor of medical marijuana is too scant, and the possible consequence too great, to fall under this category. More research must be done by reputable scientists, not a dispensary, before a child's brain is experimented with. Dispensing pot to young children is too risky, and we should undertake no legislative effort that would expose our children to unnecessary risk.

Even the distinguished Chair of the Public Health Committee in her opening statement admitted that more research should be done in this area, and wants to promote it, and yet we're dispensing it before that research and conclusions are -- are really brought to us.

Despite the clear dangers involved, there remains those who will not be satisfied until the use of marijuana is ubiquitous, regardless of the harm it causes children. Whatever medical benefit may be found, cannabis remains unconfirmed by clinical trials, and since the risks to children are so formidable, encouraging the use of marijuana in any form serves a commercial interest it seems.

Sure, making this dangerous drug legally available to younger and younger children will ensure a steady supply of dispensary customers, won't it? But at what cost to their health and their wellbeing? I cannot, I will not be responsible in any way for

/je
SENATE

249
April 29, 2016

aiding in this process. Our children lives and their future are at stake.

I will be voting no on this bill, because it is ill-advised, extremely dangerous for our youngest and most vulnerable children.

THE CHAIR:

Will you remark? Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you, Madam President. Madam President, before I speak directly on the bill, I think I would be remiss if I didn't express my sincerest and utmost respect and admiration for Senator Boucher for her preparedness, her thoughtfulness, her perseverance, but especially for her passion on this issue.

This -- this is an issue that many of us struggle with. We don't know the right or wrong answer always. And for me, it began as a member of the House the first time it came up, and I was fortunate.

While I don't remember if we had a doctor in the House at the time, my brother was an M.D. He was practicing in the state of Oregon, who had already passed similar legislation to what we were attempting to pass then. And being the older brother, the wiser brother, the Cornell-educated brother, obviously smarter than me, he is somebody who I've always respected and admired.

And I called him up one day and I said, so, anybody ever ask you to prescribe medical marijuana prescriptions? And his answer was, every day. And

/je
SENATE

250
April 29, 2016

I said, do you ever prescribe them, and his answer was very seldom. So I said, why was that? Why is it that people want it, but you feel that in some cases it's necessary to prescribe, and others you don't? And at the time, I think, probably the chemical of choice was Marinol that was prescribed. And he said, that's always my first choice. But when they come back to me and they have the same symptoms, and the same complaints, I need to go to some other alternative. And in some cases, this is the best alternative.

I think what Senator Boucher has put before us tonight, both through her thoughtful comments, as well as her very well-intended and thoughtful amendments, I think these are all good ideas that deserve greater reflection.

I would certainly encourage the Department of Consumer Protection to take a closer look at some of the things that have been said this evening, and to give greater consideration to possibly seeking legislative changes next year. This is an issue that has come before the Regulation Review Committee. Some of the points that Senator Boucher has made were aligned with some of the questions that were raised through the adoption of the regulations.

Nevertheless, we're here tonight, and while it may not feel like it by my vote, I think Senator Boucher and I are very well assigned on our concern about what we're doing here tonight. I think where we part ways is I think that it's important that we place some level of trust in physicians to make the right thing, to use prescriptive authority of this nature sparingly, judiciously and show everybody

/je
SENATE

251
April 29, 2016

that our concerns are to the best of anyone's ability unwarranted.

That's why I will be voting in favor of the bill before us tonight, because I'm placing my faith that physicians are going to do the right thing. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator -- Senator Cassano.

SENATOR CASSANO (4TH):

Thank you, Madam President. I do want to commend Senator Boucher for her -- for her effort, and for her -- her true feeling and -- and -- and -- and where she's coming from, I understand that.

But I want to take an opposite point of view. I have heard many times that -- the concerns about subjecting children to drugs in the future. The real concerns about the impact on them; their education, their lifestyle. We've heard the term substance abuse.

If we were voting on a bill to legalize smoking pot, I couldn't do that, and I wouldn't do that. And I think these concerns that have been identified address smoking pot.

I suspect that everybody sitting around this circle has one of the same problems I have. I have a pillbox, and I've got enough for three weeks, so I sit there and I sort these pills, and I think all of us are probably taking some type of medication, or I'll bet, without question, at least a third or two-thirds of us are taking some type of medication

/je
SENATE

252
April 29, 2016

that makes our quality of life a little better.
Many of our children do too.

We call it medication when we use it. And many of us are taking those medications every day. I have family members that lived on medications every day, though being the oldest of nine children, and having eight brothers, the oldest of nine, with diabetes, I know what it is to take medication every day. Somehow I was blessed and didn't have it. Is that a drug, or is it medication? I guess it's how we perceive it. And in this case, I perceive this as medication.

I have a family that lives in Manchester, and I want to read a note. My son has intractable epilepsy, or called LGS. It's a type of epilepsy with multiple different types of seizures; particularly tonic seizures, which are stiffening, or atonic where you drop to the floor. Intellectual development is usually, but not always, impaired. EEGs show a classic of pattern background showing in spike waves and bursts, their frequencies less than 2.5 per second. The cause of the disorder is known in 1 out of 4 cases.

He experiences, my son in this case, as she writes, experiences of 100 seizures a day; a day. And has not had any success with conventional treatments in decreasing or controlling this seizure activity. We are desperate to improve his quality of life. Epilepsy is a complicated neurological condition that causes multiple short and long-term unwanted side effects. It's dangerous and could be deadly.

If Bill 540 is passed, it will give Ned and other children in the state of Connecticut the opportunity to have medical marijuana as a treatment option for

/je
SENATE

253
April 29, 2016

this epilepsy. Other states have made the choice to make this available to these children. The results have been life-changing. It's time for Connecticut to do the same.

If we are taking a medication, it's a medication. If we're talking about prescribing this, it's a drug. Tell that to this child and the other children that are suffering from this.

I ask you to support this bill and allow these children not to wait for something to develop in the future, but to make their lives better today. Thank you.

THE CHAIR:

Will you remark? Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, with respect to Senator Clark's (phonetic) speech, I don't know if I can do any better with respect to his description of Senator Boucher's passion on this issue. So, I'm not going to try to outdo that, because I think he captured it.

But I will say this for those people who are watching this on CTN, that it's extraordinarily difficult to stand in a Chamber, almost by yourself, carrying the flag for something you believe in for hours. And it takes courage and conviction. And the way she did it is with courage and conviction. Because deep in her soul, she believes she's doing the right thing. And frankly, I believe she's doing the right thing.

/je
SENATE

254
April 29, 2016

Senator Cassano is right, many of us take drugs for an extended period of time. Probably some, from the date of birth until they die. But those drugs are different than the matter that is before this body. The matter that before this body, is a drug which the federal government has determined to be a Class 1 drug. That's a fact. None of us can disagree with that fact. And when you're in a Class 1 drug, it's considered on the same level as cocaine and heroin. It's a fact. None of us can dispute that. And that receiving marijuana as medical treatment is against the federal law. It's a fact.

That's the reason why I opposed the medical marijuana law way back when, because it was clearly against the law. The fact that the federal government has issued an executive order that we're not going to enforce it, does not go against the fact that it is illegal. Now, you could debate the harmless effects of marijuana if you want, and we do. But if it is illegal, ones got to believe there's a reason for that.

I am no chemical expert, but like Senator Chapin, I have a doc -- had a doctor in my family, which was my father for 51 years. And we did medical marijuana; I asked him hey dad, what do you think about this bill coming up? And while he believes that it would relieve comfort, obviously, and pain, he believed there were so many other substituted medications on the market in various degrees and form, that that was not necessary to pass in and of itself.

Now, many of you don't know my dad, but he was a brilliant man; not because he was my father, just he was a brilliant man. And I trusted him in that, and

/je
SENATE

255
April 29, 2016

I did the research on it, and I came generally to the same conclusion in my little world that I live in.

But here's the thing, maybe you could argue about it, and for medical marijuana for adults, maybe you could argue that an adult could make a decision whether or not to take it. I would argue that when you bring it to a level of a child, that is a decision that's on that child based upon the life experiences of the parent, which may or may not be related to the fact that that child needs the medical marijuana, but related upon their belief that drugs should be used with commonality.

We can't capture that as a circle. We can't say we have to have some kind of test before you do it to make sure this is not a -- other agenda that a parent has. Say okay, well what's the harm in it? Well that's the question, we don't know. It's admitted in this Chamber during discussion, it was admitted in committees that the research is unknown.

Last night I said to my wife, we were going to debate this bill today, what do you think? And her answer was, I would never give something to my child that I didn't know what the effects were, or some proof that the effects weren't bad at the very least. That kind of made a lot of sense to me right then and there. And my wife is a great mother. And she said if you don't know, why would you subject it? At the very least, stop and research and be certain what you're doing.

Because there's a lot of things that, through society, we have thought of being good, and found out 25 years later it is bad. But without doing the research first, in my -- my way of thinking, it

/je
SENATE

256
April 29, 2016

could be an egregious error that we are doing to allow a child at a tender age to go through life with this medication, and find out 30, 40 years from now, there's an issue. Now, there may not be. I get that. But we don't know that, and is it worth the risk?

How many times in this Chamber we talk about the fact that if we could save one life it's worth it. Doesn't matter the cost, doesn't matter the bill, if we could save one life. I would argue we're kind of doing the complete opposite here. That gives me concern. I'm not saying that it should be ruled out completely; I'm just suggesting, as Senator Boucher is -- is suggesting, research should be done.

The second issue, many of the amendments that Senator Boucher brought up were to say okay, even if you're a believer, and she is not, what if we had monitoring? And that was rejected. I -- I can't even fathom that. I can't even fathom -- if we believe it to be right, and there's research to be done, why can't we do the research by virtue of having the kids who have it be followed up so we could have a -- a history of what happens? Why is that so out of order? I don't think so. I think it's kind like common sense.

Why not have a doctor double check to make sure that the symptoms is something that should be used, once again it's not a choice of a parent who may believe that drugs should be used all the time for any person and there's no harm. Why do we not have a -- a doctor checking it out? What's the harm? It's a safety net.

And I guess that's where I try to -- wonder is there another reason we're rushing into this? Is this the

/je
SENATE

257
April 29, 2016

sand being slowly removed from the pyramid to say medical marijuana, now we'll give it to kids, where if you're giving to kids, we could give it to this, and pretty soon the exclusions swallow up the rule. Because there's a social push for this to happen.

Recreational marijuana, all you have to do is do the research in Colorado. It's objective. And you'll find recreational marijuana has led to more issues in Colorado than they ever thought; both crime and death.

We're talking about this circle, many of you in this circle in your own districts, have held hearings and been on camera about drugs that proliferating your area, and how you're so outraged that young kids are dying because of these drugs. And we in the circle today, are going to desensitize that by saying, it's okay for this, and it's okay for that, and it's okay for that. But there's some line for which we're going to get upset about. Mixed messages to our kids. Mixed messages to our kids. They need our leadership. They need our direction. They need clarity, not obscurity.

Those are the concerns that I raise, and until these answers come out, I cannot see myself, Madam President, supporting this bill. And I thank you for your time.

THE CHAIR:

Will you remark? Will you remark further?

If not, the Clerk shall announce the pendency of a roll call vote. The machine is open. Please cast your vote on the bill.

/je
SENATE

258
April 29, 2016

THE CLERK:

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

THE CHAIR:

Have all members vote? Have all members voted?
Please check to see that your votes have been
properly recorded. If so, the machine shall be
closed, and the Clerk shall announce the tally.

THE CLERK:

H.B. No. 5450

Total Number of Voting	34
Those Voting Yea	23
Those Voting Nay	11
Absent and Not Voting	2

THE CHAIR:

The bill passes. (Gavel)

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. You did a great job
tonight in your first round of bringing a bill
through. Congratulations.

THE CHAIR:

/je
SENATE

259
April 29, 2016

Thank you.

SENATOR DUFF (25TH):

We have finished our business for today and we are right under midnight, so not so bad for a Friday night before the last Wednesday before a session ends.

It is our intention tomorrow to convene at 1 o'clock, and the Senate Democrats will have a caucus at noon, and anticipate convening at 1 o'clock.

I will yield at this point for any points of personal privilege or announcements.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

I rise, Madam President, for a notation for the record that Senator Kane and Senator Kelly were out of the Chamber and missed the votes due to family business.

THE CHAIR:

Thank you, sir. Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. The Senate Republicans will caucus at noon tomorrow.

THE CHAIR:

/je
SENATE

260
April 29, 2016

Thank you. Are there any other points of personal privilege or notices?

Seeing none, we'll see you all tomorrow.

SENATOR DUFF (25TH):

Madam President?

THE CHAIR:

Yes, Senator Duff?

SENATOR DUFF (25TH):

I make a motion that we adjourn subject to the Call of the Chair.

THE CHAIR:

Thank you very much, Senator.

(On motion of Senator Duff of the 25th, the Senate adjourned at 11:45 p.m. subject to the Call of the Chair.)

CONNECTICUT GENERAL ASSEMBLY

SENATE

Saturday, April 30, 2016

The Senate was called to order at 3:09 p.m., the President in the Chair.

THE CHAIR:

Good afternoon. Will the Senate please come to order. Members and guests, please rise. We're going to ask Noele to give us the pledge -- I'm sorry, the prayer for today.

NOELE R. KIDNEY:

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

THE CHAIR:

Senator Chapin, why don't you come on up?

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

Mr. Clerk, do you have anything on your desk?

THE CLERK:

I have Senate Agenda Number 1. It's dated Saturday, April 30, 2016. It's been duplicated and is on Senators' desks.

THE CHAIR:

Thank you. Senator Duff. Good afternoon, sir.

SENATOR DUFF (25TH):

Good afternoon, Madam President. Madam President, I move that all items on Senate Agenda no. 1, dated Saturday, April 30, 2016, be acted upon as indicated and that the agenda be incorporated by reference into the Senate Journal and transcript.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. I have two items for -- to mark as go right now.

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

And if the clerk can call 'em in these order, please. First is calendar page 6, Calendar 373, Senate Bill 363. Followed by calendar page 10, Calendar 399, Senate Bill 18. If we could mark those both go, and we'll stand at ease just for a moment, while Senator Coleman comes out. [inaudible crosstalk]

THE CHAIR:

Senate will stand at ease.

Mr. Clerk.

THE CLERK:

On Page 6, Calendar 373, Substitute for Senate Bill
Number 363, AN ACT CONCERNING REVISIONS TO VARIOUS

STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM.
There is an amendment.

THE CHAIR:

Thank you. Good afternoon, Senator Coleman.

SENATOR COLEMAN (2ND):

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

THE CHAIR:

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

SENATOR COLEMAN (2ND):

Thank you, I will. The clerk should have LCO 5592. I'd ask that that Amendment please be called.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5592, Senate "A" offered by Senator Coleman, et al.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

I move adoption of this amendment, Madam President.

THE CHAIR:

Motion is on adoption. Will you remark further, sir?

SENATOR COLEMAN (2ND):

If I may be granted leave to summarize.

THE CHAIR:

Please proceed, sir.

SENATOR COLEMAN (2ND):

This amendment would strike Section 5 from the underlying bill. Section 5 in the underlying bill had to do with authorizing the issuance of protective orders, even if a case had been dismissed or nollied. The Judicial Branch says that they don't know of any legal way that such a thing could be accomplished. I would tend to agree with that assessment and consequently, I would encourage the members of the senate to adopt this amendment. To you, Madam President -- or thank you, Madam President.

THE CHAIR:

Will you remark -- thank you. Will you remark on the Amendment? Senator Kissel, good afternoon, sir. Senator Kissel please.

SENATOR KISSEL (7TH):

Good afternoon, Madam President. So happy to be here on one of the most beautiful Saturday afternoons that we've had in 2016.

THE CHAIR:

Yeah, right. Okay.

SENATOR KISSEL (7TH):

We're right where we want to be. Based upon the explanation offered by my friend and colleague, the Chairman of the Judiciary Committee, Senator Coleman, it seems appropriate to support this amendment and perhaps the issue could be studied in future legislative sessions regarding the Judicial Branch's concerns. Thank you very much, Madam President.

THE CHAIR:

Thank you. Will you remark further on the Amendment?
Seeing not -- oh sorry. Senator Witkos.

SENATOR WITKOS (8TH):

Good morning, Madam President.

THE CHAIR:

Good afternoon, sir.

SENATOR WITKOS (8TH):

Oh, I'm sorry. Good afternoon. I have a question on
one portion. I read the bill analysis --

THE CHAIR:

This is on the Amendment, sir.

SENATOR WITKOS (8TH):

Sorry, I'll wait until we get back on that.

THE CHAIR:

Sorry. Thank you. I'll try your minds on Senate "A".
All those in favor, please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" passes. Will you remark on the
bill, Senator Witkos. Oops. Sorry. Senator Coleman.
Do you want to remark on the bill first?

SENATOR COLEMAN (2ND):

If I may, Madam President.

THE CHAIR:

Please -- please do.

SENATOR COLEMAN (2ND):

Madam President, the underlying bill, with the amendment now, as the title suggests, makes various revisions to various statutes concerning the criminal justice system among other things, it provides that sales of alcohol to minors may constitute a public nuisance for which abatement actions can take place.

The bill also expands the period within which a person may enforce an order of restitution. Additionally, it increases the penalty for the action by a landlord in locking out either a residential tenant or a commercial tenant.

It also enables reports concerning analysis by toxicologists, pathologists, and other scientists. Such reports may be signed electronically. It also establishes within the Larceny first statute the offense of Larceny involving a conserved person and it also adds that victims of spousal sexual assault would be exempt from filing contact information in any public document in connection with the prosecution of the offender.

That, in essence is the -- or are the main features of the bill. I ask for support of the bill as amended. Thank you, Madam President.

THE CHAIR:

Will you remark on the bill? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I stand in support of the underlying bill. Primarily -- or probably, totally offered by the state's attorney's office, I'm not -- I would say purely technical. There's some -- the -- the substantive changes are

altogether minor and happy to support the bill. Thank you very much, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. If I may, a question to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR WITKOS (8TH):

Thank you, Madam President. Through you to Senator Coleman. You had mentioned a portion of the bill which spoke about a -- for possession or -- or sale of alcoholic liquor to underage persons -- that abatement may take place and I'm not familiar with that term -- what that incorporates and I'm thinking of a scenario wherein the Department of Consumer Protection goes out and does an alcohol sting where they'll go to a -- somebody that holds a liquor permit -- whether it be a grocery store, package store, or restaurant, café, etcetera and they send an underage person in there to attempt to purchase alcohol and then generally, there's action taken by the Department of Consumer Protection, but I just don't understand what the term abatement may take place.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, through you to Senator Witkos. If the question has to do with, what may constitute an abatement action, first let me say that for any -- any

conduct to be considered public nuisance, there would have to be three instances of arrest in connection with that or the issuance of a warrant for arrest for alleged violations and insofar as abatement actions are concerned, municipalities may initiate abatement actions which would be court actions, for the closure of the establishment or some other citation against the establishment in order to make certain that such conduct does not occur again, in the future.

Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you. So it would take three wrongful acts, if you will, in order for this to -- for action to be taken collectively -- besides the individual actions?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. Yes. According to the language of the bill, three or more arrests, the issuance of three or more arrest warrants indicating a pattern of criminal activity and not isolated incidents or the issuance of three or more citations for a violation of a municipal ordinance.

Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, and through you, Madam President. Could it be a combination of the two? Could it be two arrest warrants and one violation or two violations and one arrest warrant?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. I think it could be a combination of any of the three.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I thank the Senator for those answers.

THE CHAIR:

Thank you. Will you remark further on the bill? Will you remark further on the bill? If not, Senator Coleman. Nope, still mine. Mr. Clerk, will you call for a roll call vote. 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:

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

THE CLERK:

Senate Bill Number 38 -- I'm sorry -- 363.

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 is passed. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, if the clerk can now please call calendar page 38, Calendar 334, Senate Bill 294.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 38, Calendar 334, Substitute for Senate Bill Number 294, AN ACT CONCERNING SERVICES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITY.

THE CHAIR:

Senator 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:

Motion is on acceptance and passage. Will you remark?

SENATOR GERRATANA (6TH):

11
Cf

SENATE

April 30, 2016
3:09 P.M.

Yes, Madam President. The clerk has an amendment.
LCO Number 5698. If he would call and I be allowed to
summarize.

THE CHAIR:

Mr. Clerk.

Senate will stand at ease for a moment. Senate will
come back to order. Mr. Clerk.

THE CLERK:

LCO Number 5698, Senate "A" offered by Senators
Gerratana, Fasano, et al.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Madam President, I move adoption.

THE CHAIR:

Motion is on adoption. Will you remark, Ma'am?

SENATOR GERRATANA (6TH):

Yes. Thank you, Madam President. Madam President,
this is a strike-all Amendment and let me explain it
this way. Earlier, of course, this year, we had
public hearings in our Public Health Committee as of
course, every committee does, but we heard from some
families and of course, over the years, we've heard
from many families who have loved ones that they take
care of or there's sons or daughters who are people
with developmental disabilities and every year there's
talk about the wait list. There's talk about how we
can improve the system of communication and
information with the Department of Developmental
Services.

The original bill that came out was very detailed in what we were asking of DDS and DDS of course, came back to us and said you know, we have to discuss this. In the meantime, we stayed -- many of us stayed in communication with many of the families and the good news is that the families got to sit down with the Department of Developmental Services, with myself, Senator Fasano, as well as communicating and advocating for very, very forcefully and with great passion for changes in the way that communication and work is done with DDS and the families of these individuals.

So I'm happy to say that the amendment that we have here today updates and reflects that good communication that of course, the agency that takes care of people with developmental disabilities with the families we put into statute for the first time, the level of need assessment, also what is called PRAT and this is the Planning and Resource Allocation Team. These are essential components of people -- of the Department when they communicate with people and most of this work is done on an annual basis with case workers talking with the families and with the individuals to make sure that the work that DDS is doing is appropriate for that particular individual.

We also put in here that there would be notification by means of the families and loved ones or guardians being able to ask the department for particular information regarding the LONs and the PRATs. And finally, one of the points that we were able to get passed here with work with the families and DDS is regarding the regional advisory councils or councils that are set up -- they don't set policy, but they are wonderful entities that exist in the different regions that DDS administers throughout the state, and they are a very valuable component of the whole system with the Department of Developmental services in communicating with the parents and with the individuals. And in that, there has been a lot of concern because the department stopped notifying families that these entities exist. Now they will do so on an annual basis.

So, I'm very proud of this legislation. I'm so happy that Senator Fasano, Senator Bartolomeo, Senator Martin, and many members of the House had a lot of input on it and worked very, very hard to come to this language and to come to these new laws. So I urge the chamber to adopt the amendment.

THE CHAIR:

Will you remark on the Amendment? Will you remark on the Amendment? Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam Chairman -- Madam President. I recognize that in the -- the strike-all that became -- becomes the bill, that there was Section 3, which dealt with DDS identifying and assisting families when they transition a person from one environment to another and I recognize also that there was a lot of hard work that went into this bill to get it into the position that it's in but I did want to comment at this time because that concept was part of Senate Bill 294 and it's important -- and this morning, I spent a lot of time -- I was down at the Ella Grasso center. There was a rally with the families and -- and people who use the services and what our state does for them is very important and integral in their lives and when we provide services and we have somebody that's in our responsibility, we need to make sure that if there's a decision, by government, to -- that believes that the state shouldn't be paying this, that somebody else, like a local municipality -- that the state who has custody of the person takes the lead and works with the local municipality to make sure that that transition is seamless, not only from a service perspective but also from a financial perspective.

I think that's not only for the person that's in the custody and care of the state, but it's more importantly -- and just as important -- to the caregivers and the families and the loved ones. And while this isn't in this bill here, this afternoon, and I recognize the importance of this bill and the need for it to move forward, I -- I do want to at

least get on the record this other important issue because I do have a constituent who has been placed outside of the State of Connecticut and the experience that they've had with DDS has not been good and DDS was just walking away saying it's their burden to go to their town to get the services and then when the town came in, DDS didn't help, didn't work with the family, and then the town said they weren't responsible and basically, has left the family almost like a man without a country.

They don't know what's gonna' happen come June 30th. They don't know who's gonna' fund the services that their child needs, but yet, the child is entitled to these services -- government services whether it's the state, the federal government, or the town to pay for them, there shouldn't ever be a time where the family can't count on their government and their entitlement that they deserve and be put in a position that they just don't know what to do nor where the funding will come from.

So, today, I understand why this isn't in the bill, but I'd certainly like to see it at some other point in the session. Thank you.

THE CHAIR:

Will you remark on the Amendment? Will you remark on the Amendment? Senator Formica. Good afternoon.

SENATOR FORMICA (20TH):

Good afternoon, Madam President. How are you, today?

THE CHAIR:

Great, and you, sir?

SENATOR FORMICA (20TH):

Good. Couldn't be better, thank you very much. I have a question for the proponent of the bill, please -- or the Amendment.

THE CHAIR:

Please proceed.

SENATOR FORMICA (20TH):

Thank you. Good morning, Senator -- or good afternoon, I guess. The -- the bill or the amendment measures the waiting list and -- is that a good way to put it?

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Good afternoon, Senator Formica. Your query is on the waiting list? Is that what you're saying?

SENATOR FORMICA (20TH):

Yes.

SENATOR GERRATANA (6TH):

The underlying bill did reference waiting lists but after many hours of discussion with -- and that is a term that is commonly used and known by -- I think I can go back 20-something years. Certainly it's been talked about in this building, but what we are referencing here is the current commissioner and the way that DDS is being structured is called Priority Status, and Priority Status now has a definition and that means -- in Lines 9 -- means the Department's assessment of the urgency of an individual's need for funding or services -- that encompasses whether it's residential placement or any other services.

So we've encompassed in one term that is definable both by DDS and now in the statute, those discussions that we have had in the past about wait lists. So, that would be -- Priority Status would include the commonly known term that has been around for so many

years -- the wait -- waiting list if you will. Madam President.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you very much. Thank you, Senator. The -- if I may proceed along the line then, does this measure that priority list in terms of how long it takes to move people through the system? Through you, Madam Chairman.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you. From my discussions with DDS, they acknowledge that there are individuals that are taken care of by the department to varying degrees, some do receive regular services and they do get the allocation to do so. Others that are still waiting -- that they're eligible for those services but they don't -- at this point in time cannot get the services -- that's where the whole concept of waiting list comes from -- at least in -- in that respect.

The department acknowledged that yes, we have these designations. They also said to us in discussions that at the time when they do the level of needs and the PRAT as it's called -- that's the meeting with the case worker and the regional -- in this case, the Planning and Resource Allocation Team -- at that time -- and I saw it myself -- and I'm sorry I didn't bring it here today, but on the checklist is also a designation to -- that the case worker must discuss with the family and with the -- or with the individual or both in this case -- some reference to waiting list to find out if they still want to be on the waiting list or not.

However, I'm going to say this: we did talk to DDS and said that has to be fine-tuned a little bit more and in fact, I think Senator Fasano will probably address this because although we didn't put specific language in here to -- if you will -- drill down a little bit and say, okay, let's talk about this waiting list which is now referred to as the Priority Status, there seems to be a disconnect. People don't know if they're on the waiting list or their loved ones are on the waiting list. They don't know if the waiting list -- what priority they are on the waiting list -- I'm using terms and I don't mean to confuse anyone because it was clear. The DDS said Priority Status encompasses all of this and that's why we're putting it into statute.

But they did say, look, let us have the opportunity to come back to you, the legislature at six months' time -- and everyone agreed we didn't have to put it into statute -- to tell you about our progress that we will be making in communicating with the individuals, with their families, about the process and clarifying how the priority status, ie. which encompasses the waiting lists, it's like having to talk two languages at the same time -- in -- and the progress would be reported to us in the legislature and work with the families to come up with a system that would be appropriate to directly -- directly address those concerns.

So, I just wanted you to know that. We thought six months was fine. By that time we're ready to go back into session if we have to do more legislation, we could do it at this time.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you very much, Madam President. Thank you, Senator. So, I guess I'm understanding that the Priority Status and the new process that we're gonna' be talking about in this bill would help to facilitate those forward -- moving forward through the system

faster than perhaps the current waiting list does because it's going to have more communication and more opportunities to measure the system so that there'll be more conversation with the families, they will understand their process and be able to move -- hopefully -- through the system a little quicker than they are now. Is that correct assumption?

Through you, Madam President.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Yes, it is and you can read B in -- and that's line 17 to lines 30, that there would be access any family member can now ask questions where they are -- regarding their Priority Status for residential services and you can read the -- the intent here and the list of what families would have access to. It's the matter of getting down to, if you will, work. Doing more work on making it clear what those designations are with the families. But by getting Priority Status in here and then recognizing that families have that right -- any time -- at any time now, to find out more information about the status of either themselves as an individual or as a guardian or parent of one. So that is the intent of this legislation.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Alright. Thank -- thank you very much, Madam President, and one final question, through you. The staffing level at the -- at the agency -- we don't see a problem with this? This is not a lot of extra work for them, or is it -- I mean, it's hard to tell, given the environment but do we think we're gonna' be alright with that?

Through you, Madam President.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. We work directly with the staff and the staff spoke with the parents and also spoke with as legislators. They do not foresee a problem or that it would be additional resources.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you very much, Madam President. Thank you to the good Senator for answering my questions.

THE CHAIR:

Thank you. Will you remark further? Senator Linares. Senator Linares, please.

SENATOR LINARES (33RD):

Good afternoon, Madam President. Thank you.

THE CHAIR:

Good afternoon, sir.

SENATOR LINARES (33RD):

I rise in support of this bill. I'd like to thank the good Senator Gerratana, Senator Markley, and Senator Kelly on their work on this bill. This means a lot to families and individuals that are struggling with issues, trying to get services, through DDS and it means a lot to the families where they have someone who has an issue with intellectual disabilities and

these are people at no fault of their own, have a challenge. Have a challenge in life, have a challenge learning, and this is a great way -- an easy way -- for our government to improve services for them, an easy way for us to help them and this means a great deal to those families and to the people that are sitting in the gallery today. And it's really an honor to stand and support you with -- with the rest of my colleagues. So increases transparency and -- and what Senator Gerratana referred to as the waiting list or the Priority List.

That's so important 'cause as you all know, we -- as my colleagues know in this -- in the chamber -- we all get calls from constituents asking if we have any insight as to when they're gonna' hear next from DDS and you know, how long it's gonna' take and what this does for these families is it creates peace of mind for them. That they know that soon they can count on hearing back from state government. From DDS.

And that's exactly what we should be doing as a body, as a chamber, this is a good piece of legislation. It means a lot to our constituents and I -- I commend the chairman and ranking member for their work on this bill and ask the chamber to adopt. Thank you, Madam President.

THE CHAIR:

Will you remark further on the Amendment? Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Thank you, Madam President. Madam President, I rise to show support for this Amendment and I also want to thank Senator Gerratana as well as Senators Looney and Duff for their support of this and also across the aisle, Senator Fasano, who has been a huge champion of this as well.

You know, one of the most difficult things I think these families face -- and they are not strangers to challenges -- these families have faced and endured

many, many challenges along the way, but one of the most difficult things is just that absence of knowledge. Not knowing. Being in a position of not knowing if your child will be taken care of or how long it will take to get on the waiting list, so I support the effort that Senator Gerratana has made in working with the agency to make sure that they have a slight peace of mind.

I want to say that on behalf of Meriden resident and friend Debra [phonetic] who is a DDS client and her mother Velma [phonetic] -- Cheshire resident and friend, Patrick and his mother Sue, as well as Carl [phonetic] who is here today in the gallery as an advocate for himself and his mother Lynn [phonetic]. He's done a fabulous job and Laura Lynn [phonetic] and the DDS families first who have had tireless, tireless efforts on behalf of all of our DDS residents and -- and constituents.

I think this is a day to -- to be excited and to celebrate for all of them and I thank you very much for the opportunity to support this Amendment and this Bill.

THE CHAIR:

Thank you. Will you remark on the Amendment? Senator Fasano. Good afternoon, sir.

SENATOR FASANO (34TH):

Good afternoon, Madam President. Madam President, I'd like to thank Senator Gerratana, Senator Bartolomeo, Senator Markley, also in the House, Representative Steneski, Representative Demicco, Representative Srinivasan, and there're a whole list, Madam President, of Senators and Representatives who have worked very hard to put this bill together and bring it in front of this chamber and the chamber downstairs.

Madam President, a core function of government has to be helping those who need the most help. DDS families are committed to their children as we all are, but

they have certain challenges that us who don't -- are not in that part of the world -- don't always appreciate. But their hard work and advocacy in this building has opened up many eyes. And when you visit with these families and hear their stories, it compels this state to act and this chamber -- and I am sure the chamber downstairs -- is not afraid to meet those challenges.

And bipartisan-ly, when we put our minds to something, and we put our thoughts together, and we hear from our constituency -- there isn't anything we can't accomplish -- there isn't any goal too far. This bill is an example of what bipartisanship can do in the State of Connecticut.

I would be remiss if I did not mention the DDS agency in being willing to sit down and talk to us about the issues. Because they want to help as much as we want to help and communication is what makes that happen. I see Christine is in the chamber. Sitting down at the table makes a big difference because everyone can hear and it's amazing -- not the differences, but the common ground we all have. It's just that we have to circle around to figure out the best way of accomplishing it and the leadership in this chamber on both sides of the aisle, by ranking and chair -- is what led this to this bill being presented today.

So it's a huge step for the families up in the balcony and many others that they represent. But it's also a huge step for this chamber. Madam President, I look forward to this passage. Thank you.

THE CHAIR:

Thank you very much, sir. Will you remark on the Amendment? Will you remark on the Amendment? Senator Looney. Good afternoon, sir.

SENATOR LOONEY (11TH):

Good afternoon, Madam President. Thank you very -- very much. Speaking in support of the Amendment. Would certainly like to compliment all who have worked

so -- so diligently and responsively on this to hear the concerns of the families who are very much in need of the state assistance in this program and who are carrying such a burden year 'round. What -- I would like to point out that this is one of those instances -- we often hear debate about whether -- whether state government has a role, whether it is appropriate for -- for government to be involved to a degree of providing social services.

This is one of the areas where that is essential and it's a reminder that those who argue for the irrelevance of government in so many circumstances are dead wrong in cases like this. That there are circumstances where government needs to be involved, needs to find a way to meet responsibilities in good fiscal times and in bad fiscal times and I'm so pleased that we have bipartisan support and recognition and compassion for the difficult circumstances faced by these families. Thank you, Madam President.

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 Senate "A", please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is adopted. Go to the bill. Would the bill -- Senate "A" becomes the bill. Do you have anything to say, Senator Gerratana?

SENATOR GERRATANA (6TH):

Madam President, only that I thank the efforts. I had so many conversations with everyone in this room just about [laughter] on the legislation and I just want to join in with Senator Fasano in thanking the families. All along, I told them keep advocating, keep at it.

This is how you get legislation passed and indeed, they have, and I'm just very proud of this effort on -
- on behalf of everyone in this room that worked on it and kept going on it and I'm very glad that we did.
Thank you, Madam President.

THE CHAIR:

I'm gonna' call for a roll call vote on this. 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:

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

THE CLERK:

Senate Bill Number 294.

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 has passed. Thank you very much and this time, are there any points of personal privilege? Senator Guglielmo. Points...

SENATOR GUGLIELMO (35TH):

Thank you, Madam President. I just wanted to make sure that everybody knew that it was Senator Kane's birthday.

25
Cf

SENATE

April 30, 2016
3:09 P.M.

THE CHAIR:

Oh.

SENATOR GUGLIELMO (35TH):

Yes, it is. And he said that there's no place he'd rather be on this beautiful Saturday, than here with all his dear friends. So I just wanted to wish Senator Kane a happy birthday.

THE CHAIR:

We'll all wish him a happy birthday. Senator Kane.
[clapping]

Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, my family shares something in common with Senator Kane. It is my wife's birthday today and I am here with all of you and not at home, which means the gift is gonna' be extraordinarily expensive as a make-up, so I just want to take this opportunity to wish her a happy birthday.

THE CHAIR:

Wish your wife a happy birthday. [clapping]

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Happy birthday to Senator Kane and happy birthday to Mrs. Fasano. She's wisely not here today and probably doing something better. Madam President, may we stand at ease for a moment, please?

THE CHAIR:

Sure. Senate will stand at ease.

26
Cf

SENATE

April 30, 2016
3:09 P.M.

Senate will come back to order, this time and Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, would the clerk please call calendar page 33, Calendar 82, Senate Bill 75.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 33, Calendar 82, Substitute for Senate Bill Number 75, AN ACT CONCERNING DETAINED YOUTH, and there are Amendments.

THE CHAIR:

Good afternoon, Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

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

THE CHAIR:

Motion is on acceptance and passage. Will you remark, ma'am?

SENATOR BARTOLOMEO (13TH):

Yes. Thank you, Madam President. This bill is in relationship to youth of ours who are somehow in the detention system and the correctional system. So, Madam President, the clerk is in possession of LCO Number 5546 and I ask that the clerk please call the amendment and I be given leave to summarize.

THE CHAIR:

27
Cf

SENATE

April 30, 2016
3:09 P.M.

Mr. Clerk.

THE CLERK:

LCO Number 5546, Senate "A" offered by Senator
Bartolomeo, et al.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Madam President, I move adoption of the Amendment,
please.

THE CHAIR:

Motions on adoption. Will you remark, ma'am?

SENATOR BARTOLOMEO (13TH):

Yes. Thank you, Madam President. This amendment strikes Section 1 in its entirety from this bill. It also has a couple of terms that we are taking out, like long-term on Line 120, in addition to that, it adds a section of language related to the Department of Corrections recording the frequency and the use of restraint and seclusion at the Manson Correctional Institute and with that, Madam President, I would ask for adoption of this Amendment.

THE CHAIR:

Will you remark on the Amendment? Senator Martin,
good afternoon, sir.

SENATOR MARTIN (31ST):

Good afternoon, Madam Chair -- Madam President. I rise in support of this Amendment. Last year at this time, we passed some legislation requesting that DCF -- DCF -- you know, with regarding the restraining and seclusion -- putting those restrictions or making sure

that DCF follows some guidelines regarding that and this year we felt that the -- you know, we needed some more information regarding our Department of Corrections and see how they -- what they were doing regarding handling our young -- 17 -- between 17 and -- and 20 years old, regarding how frequently they were -- are using restraining and seclusion measures, so this is matter of collecting data so that we can take a look at it and see if we need to do anything.

So, I'm in support of this and I'm asking my colleagues to support the amendment as well.

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 Senate "A", please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is adopted. Regarding the bill. Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Hi, Madam President. As far as the bill, which has now been amended, we did strike Section 1. I feel that this is unfortunate, but we do have time next session to revisit some of what we were looking to do which was to have policies and procedures be equitable in the CSSD, which is the Court Support Services Division of the Judicial Branch that we have children in detainment -- in detention.

However, we are pleased that we still have sections of this bill that are relevant to the children's behavioral health plan, also known as Public Act 13-178. In the Children's Behavioral Health Plan, one of the things that we have attempted to do is to make sure that we are attending to the behavioral health

needs of all of our children, which means that it is not just a DCF function, but it is also related to DDS, DSS, and all of the agencies that have the care and custody of any of our children.

What we have done in the past is we've established guidelines and procedures and we ask for reporting to the Committee on Children. The reporting has primarily been done through the Department of Children and Families, although, I will acknowledge that the other state agencies have been incredibly diligent I guess, about being on board and embracing the children's behavioral health plan, but we are asking that they come to the table and do reporting as well, on the good work that they're doing.

So, those changes have now been made to this bill. In addition to that, we are requiring Department of Children and Families Court Support Services Division and the Department of Corrections to submit a plan to us that would look at how -- ways in which they are going to work to prevent or reduce the negative impact of mental, emotional, behavioral health on youth aged 20 or younger, who are in secure detention or correctional confinement.

In addition to that, the new language to this bill has the Department of Corrections at the Manson Youth Correctional Facility keeping records and reporting to our committee on the use of restraint and seclusion, the frequency of this and the type of it. And lastly, the Office of the Child Advocate will be conducting a report on the conditions and the confinement of youth 21 years of age or younger at any secure detention or correctional confinement facility in the State of Connecticut. With that, Madam President, I urge passage of this bill.

THE CHAIR:

Will you remark further on the bill? Senator Linares.

SENATOR LINARES (33RD):

Good afternoon, Madam President.

THE CHAIR:

Good afternoon.

SENATOR LINARES (33RD):

I rise in support of the bill. I would like to ask just a few questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR LINARES (33RD):

Through you, Madam President. Senator Bartolomeo, you mentioned that part of this bill is to collect data and I was just -- wanted to ask more specifically, what kind of data platform will Department of Children be using to facilitate the collection of -- of this data?

Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Through you, Madam President. I would just ask if the good Senator could clarify which section he's speaking about. We have data referenced in a couple of sections and you mentioned Department of Children and Families, which that threw me off a little bit, because the collection of data is -- is around other agencies, so if the good Senator could clarify, I'd appreciate that.

Through you, Madam President.

THE CHAIR:

Senator Linares.

SENATOR LINARES (33RD):

So, I -- That's a great question. Through you. I guess -- what I'm actually -- I would ask you, Senator, if you had mentioned when you first were summarizing the bill, that part of this legislation is to incentivize or to ask to collect more information and so, I guess I would ask you if you can go ahead and -- and make a few comments as to more specifically, what that process will look like.

Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO (13TH):

Okay. Through you, Madam President. Because -- obviously, due to the amendment, we'll have to renumber sections, so I'll just go with the underlying bill as it was prior to amended.

On Line 118, Section F, we have Department of Children and Families in collaboration with the Judicial Branch, so -- because court support services division is under the Judicial Branch. They are going to be developing a plan that they submit that is looking at how they can reduce or prevent the effects of mental, emotional, behavioral health on the Children that are in secured detentions or confinements. So that's a plan that eventually then gets to some more data.

The -- the Commissioner of Corrections is needing to compile records or data around the frequency they use and the type of restraint in seclusion that they're doing specifically at Manson Youth Correctional facility. That's something that thus far we do not have.

So that data would be then entered into a report which they will be reporting to the Committee on Children and the third place in which we're talking about

reports or data will be the Office of the Child Advocate which we're asking to -- like they have in other facilities, for instance, CJTS -- we're now asking that they report on the conditions of confinement of youth at any or all of our secure facilities.

So our correctional confinement facilities, our secure detention, that are under agencies in the State of Connecticut.

Through you, Madam President.

THE CHAIR:

Senator Linares.

SENATOR LINARES (33RD):

Thank you, Madam President. Thank you, Senator. I appreciate your answer to my question. I think that this is a -- this is a great bill and through my work with the Senator on the Children's Committee, I know that this is something that they've been working on for some time now. I do think that this is important. I think people listening in would probably be surprised that we don't have a lot of that information already, so this is a good bill. I do support and I ask the chamber to adopt. Thank you, Madam President.

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's no objection, may we please place this on the Consent Calendar?

THE CHAIR:

Seeing no objection, so ordered, Ma'am. At this time, Senate will stand at ease.

33
Cf

SENATE

April 30, 2016
3:09 P.M.

Senate will come back to order. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I'd like to mark our go list, please.

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Thank you, Madam President.

THE CHAIR:

You got it.

SENATOR DUFF (25TH):

Calendar page 3, Calendar 189, Senate Bill 320, go.
Calendar page 3, Calendar 240, Senate Bill 243, go.

THE CHAIR:

Sir, we -- sorry, sir. We already passed that one.

SENATOR DUFF (25TH):

Oh. Sorry about that.

THE CHAIR:

Technical corrections.

Sorry, Senator Duff. You were correct. It was the other [unintelligible] one. Sorry.

SENATOR DUFF (25TH):

Say that one more time.

THE CHAIR:

34
Cf

SENATE

April 30, 2016
3:09 P.M.

That's it. You got it.

SENATOR DUFF (25TH):

Thank you, Madam President. Let me just start from the top.

Calendar page 3, Calendar 189, Senate Bill 320, followed by calendar page 3, Calendar 240, Senate Bill 243, followed by calendar page 5, Calendar 311, Senate Bill 445, followed by -- followed by calendar page 26, Calendar 522, House Bill 5591, followed by calendar page 33, Calendar 144, Senate Bill 131, followed by calendar page 33, Calendar 156, Senate Bill 166, followed by calendar page 36, Calendar 230, Senate Bill 382. Followed by calendar page 37, Calendar 284, Senate Bill 397, followed by calendar page 38, Calendar 332, Senate Bill 209, followed by calendar page 38, Calendar 322, Senate Bill 90, followed by calendar page 40, Calendar 411, Senate Bill 467, followed by calendar page 36, Calendar 256, Senate Bill 383. And if the clerk can also take off calendar -- you know, Madam President -- could I stand at ease for a moment?

THE CHAIR:

Senate will stand at ease.

I'm sorry. The Senate will come back to order.
Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Calendar page 45, Calendar 224, Senate Bill 308 -- I'd like to take that bill off the foot of the calendar and mark it pass retain.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. If the clerk can -- those -- mark -- those previous items besides that last item as go and go in that order, please.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 3, Calendar 189, it is Senate Bill Number 320, AN [pause] -- it's AN ACT CONCERNING CHARITIES SOLICITING ON BEHALF OF VETERANS.

THE CHAIR:

Senator -- Senator Flexer. Good afternoon, Ma'am.

SENATOR FLEXER (29TH):

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

THE CHAIR:

Motion is on acceptance and adoption. Passage rather, I'm sorry. Will you remark?

SENATOR FLEXER (29TH):

Yes, Madam President. Thank you. Madam President, the bill before us today is an effort to improve transparency, accountability, and credibility among veterans, charitable organizations, and making sure that the department of Veteran's Affairs maintains a listing on their website of credible organizations that serve veterans.

The clerk is in possession of an Amendment. LCO Number 4574. I would ask that the clerk please call the Amendment and that I be granted leave of the chamber to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4574, Senate "A" offered by Senator Flexer.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Madam President, I move adoption.

THE CHAIR:

Motion is on adoption. Will you remark?

SENATOR FLEXER (29TH):

Yes, Madam President. Madam President, this amendment makes a clarifying change to make sure that the existing statute and the statutes in the bill align in terms of effective dates and it also makes sure that anyone who violates the provisions of this legislation is subject to the Connecticut Unfair Trade Practices Act. I urge the chamber to support this Amendment.

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 Senate "A", please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is passed. On the bill. We're now onto the bill. Senator Flexer.

SENATOR FLEXER (29TH):

Thank you, Madam President. Madam President, as I mentioned earlier, this bill is an effort to ensure that organizations in the State of Connecticut that report to be collecting money to serve veterans are in fact doing that, and I hope the chamber can support this measure. Thank you very much.

THE CHAIR:

Thank you. Will you remark further? Senator Martin.

SENATOR MARTIN (31ST):

I just want to rise in -- Madam President -- and give my support to this and I ask my colleagues to support this bill as well. Thank you.

THE CHAIR:

Thank you, Senator Martin. Will you -- Senator Flexer.

SENATOR FLEXER (29TH):

Madam President, if there's no objection, I move that we place --

THE CHAIR:

Oh, there is an objection.

SENATOR FLEXER (29TH):

Okay.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President. I rise for the purpose of some questions about this bill.

THE CHAIR:

Please proceed, sir.

SENATOR MARKLEY (16TH):

Let me say, first, that I think it's a -- it's a good -- it's a good -- it's a well-intentioned bill. We talked about it in screening and the thing that concerned me about it to tell you the truth is whether we were giving state -- state sanctioned to charities that may -- without necessarily giving them the kind of scrutiny that they might otherwise require and my understanding of the bill is that the Veterans Affairs Commissioner is required to publish a list of qualified veterans charitable organizations and I guess my question would concern what is done to determine whether these organizations are in fact qualified and what kind of background check and scrutiny is given to them?

So, through you, Madam President, I ask the proponent of the bill to explain a little bit about what the procedure would be for determining that the charity in fact was worthy of this kind of inclusion.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Thank you, Madam President. Madam President, under existing law, a veterans charitable organization must be a person, a firm, or a corporation that claims to be established for a benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy purpose for on behalf of veterans and it must be a nonstop corporation for at least three or more years or a federal tax exempt organization for three or more consecutive years.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President. Thank you, Senator. Would I then -- can I then conclude that every veteran's charitable organization which meets that definition would be listed by the Commissioner on this website?

Through you, Madam President.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Through you, Madam President. Not necessarily every organization. Organizations could request to be listed on this website.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President. Would I then conclude that every organization which fits that definition and requests would automatically be placed by the Commissioner on the list?

Through you, Madam President.

THE CHAIR:

Senator Flexer -- sorry. Senator Flexer.

SENATOR FLEXER (29TH):

Through you, Madam President. If the Commissioner made the determination that an organization met the existing statutory requirements, then the organization could be put on this published list.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY (16TH):

Okay. Thank you, Madam President. Thank you, Senator. I -- if that's -- if that's the procedure, I think that's probably a safe procedure although it might result in a very large number of veterans charitable organizations being included. In fact, I might ask that question as well, while I'm asking, through you, Madam President. How many Veterans charitable organizations currently meet the criteria that you have named for possible inclusion on the list?

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Through you, Madam President. It's hard to know for certain how many veterans organizations would -- or currently do -- meet these requirements. I will tell you that this legislature, a couple of years ago, passed the existing statute that -- that deals with these issues and unfortunately, there continues to be a number of organizations that the Veterans Affairs Committee has heard about that report to be these kinds of organizations that are truly raising money in an effort to help veterans and it turns out that -- that that's not what those organizations are doing.

So, we're trying to establish more credibility and make sure that when you come upon -- if you're a person perhaps, let's say that -- who's going to the grocery store -- these are the stories we've heard in Veterans Affairs Committee -- that there'll be an organization that's outside a grocery store collecting money -- someone could quickly reference this website and see if that organization were listed on the website and if not, they might question whether or not they should donate money to that organization.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY (16TH):

Thank you, Madam President. Thank you, Senator, for the clarification. Again, I would say that if -- if -- if this bill can accomplish that -- if it -- if it can have reasonable -- and list a consistent criteria for determining that a veterans organization was legitimate for lack of a better word and then list all of them that fit that criteria without -- without a selection process by the Commissioner beyond the clear criteria -- I have confidence in that -- and incidentally, I have confidence in the Commissioner as far as it goes too.

My concern would be that -- certain organizations would either -- that -- some organizations which are legitimate would end up on the list and others would not or that people might have a false sense of security about the list, assuming that -- that a certain vetting had taken place and perhaps it had not taken place. It sounds like the second concern is not one that I need to worry about and maybe perhaps not the first concern either, but those are the things that struck me when we looked at it in screening.

I appreciate the answers. I think that's probably all the clarity I can have on it for the moment and given that understanding, I will support this bill. Thank you.

THE CHAIR:

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

SENATOR FLEXER (29TH):

Madam President, I'll try again. If there's no objection, I move that we place this item on our Consent Calendar.

42
Cf

SENATE

April 30, 2016
3:09 P.M.

THE CHAIR:

Seeing no objections, so ordered, Ma'am. Mr. Clerk.

THE CLERK:

Also on Page 3, Calendar 240, Senate Bill Number 243,
AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS
TO THE GENERAL STATUTES and there are amendments.

THE CHAIR:

Good afternoon, again. Senator Coleman.

SENATOR COLEMAN (2ND):

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

THE CHAIR:

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

SENATOR COLEMAN (2ND):

Madam President, may the clerk please call LCO 5489.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5489, Senate "A" offered by Senator
Coleman, et al.

SENATOR COLEMAN (2ND):

I move adoption and request permission to summarize.

THE CHAIR:

Motion is on adoption. Please proceed, sir.

SENATOR COLEMAN (2ND):

Madam President, the underlying bill is a purely very technical bill. The Amendment continues technical provisions to various statutes. Perhaps the most substantive thing in the Amendment before us is additional members to the -- adding additional -- an additional member to the Trafficking and Persons Council.

Other than that, it also speaks to circumstances when a person who is detained pre-trial would receive credit for that pre-trial detention. I'd ask my colleagues to support this Amendment. Thank you, Madam President.

THE CHAIR:

Will you remark further on Senate "A"? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. Based upon the representations of Senator Coleman that it's just a -- the Amendment is merely the addition of a few more essentially technical changes, happy to support the Amendment. Thank you.

THE CHAIR:

Will you remark further on the Amendment? Will you remark further on the Amendment? If not, let me try your minds. All those in favor of Senate "A", please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is adopted. Senator Coleman.

SENATOR COLEMAN (2ND):

Madam President, briefly on the Bill as amended. As I indicated, this is an extremely technical bill and oftentimes we say technical and I think in this instance we mean really technical. It addresses some things like deleting a comma from a provision, changing plurals to singular number, rephrasing certain lines of our statutes. I have not found anything to speak of which is substantive about the bill and consequently, I ask the members of the Senate to pass the bill as Amended. Thank you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Being lucky enough to serve the fabulous people of the seventh district for the last 24 years, I recall probably about two decades ago, we were at an impasse and I believe at that time it was George Jepsen who was chair of the Judiciary Committee who is now our Attorney General and I actually asked Senator Jepsen to go through each and every provision of the technical bill. I don't know if Senator Coleman was there or remembers that, but I certainly will not do that to Senator Coleman this afternoon, and happy to support the bill. Thank you.

THE CHAIR:

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

SENATOR COLEMAN (2ND):

May this bill be placed on our Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered. Mr. -- Mr. Clerk.

THE CLERK:

On Page 5, Calendar 311, Substitute for Senate Bill Number 445, AN ACT ESTABLISHING A BIOSCIENCE AND HEALTH DATA COLLABORATIVE TASK FORCE. There are Amendments.

THE CHAIR:

Good afternoon, Senator Hartley.

SENATOR HARTLEY (15TH):

Good afternoon, Madam President, et al. It's a wonderful afternoon and it's nice to have such bright happy faces on the dais, Madam.

THE CHAIR:

It is. Especially now at this part of the...

SENATOR HARTLEY (15TH):

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

THE CHAIR:

Motion is on acceptance and passage. Will you remark?

SENATOR HARTLEY (15TH):

Yes, indeed, thank you, Madam President. Madam President, the clerk is in possession of LCO 5664. I ask that the clerk please call and I be granted leave to summarize, Madam.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5664, Senate "A" offered by Senators
Hartley, Frantz, et al.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Thank you, Madam President. I move adoption.

THE CHAIR:

Motion is on adoption. Will you remark, Ma'am?

SENATOR HARTLEY (15TH):

Yes, indeed, Madam President. This is a strike-all Amendment and it is the subject of much conversation by the Commerce Committee. It essentially is to continue a conversation about connecting the dots in the State of Connecticut with regard to our corporate entities. There recently, Madam President, was a report that came out that some of us might be familiar with, known as the McKinsey Report which clearly identified the fact that here in this state, we have become siloed and are not exactly connecting with -- in the private sector as well as the public sector -- for the purposes of sharing information, developing, and moving forward the economy of the State of Connecticut.

This underlying Amendment is an effort in one small way to continue these conversations and so essentially, what it does is work under the auspices of a Commission we're familiar with -- that is the Commission of Economic Competiveness -- we -- that Commission will convene and appoint a data -- a health data collaborative working group. So there may be a very productive and direct conversation amongst the working group members.

Let me be very clear though, from the start of this -- this is about -- nothing about building a public sector internet system. This is nothing about using taxpayer's money to do so or about an initiative to study to launch a public sector system. It -- the working group will be tasked with dealing with anticipated digital infrastructure needs of insurance, health care industries, public private universities, at research universities as well.

For the essential purposes of dealing with potential economic employment benefits and for the explicit purpose of encouraging the digital infrastructure development supporting it from our perspective perhaps by virtue of whatever regulatory or statutory provisions that we might be able to do to support such a sector and -- and to support investments and further development of that to distinguish Connecticut in this particular arena, Madam President.

The working group is time certain. It will conclude its work by January in '17 which time it will bring forth the results of its conversations to the Committees of Cognizance which are Technology and Commerce Committee. The membership will have at a minimum individuals from insurance, health care, the CEN Group, Broadband Internet Providers, so that they will be duly and appropriately in the conversation, bioscience industry, and also our research universities, public and private -- and a designee from the Consumer Councils Office. I urge adoption, Madam President. Thank you.

THE CHAIR:

Will you remark further? Will you remark further?
Senator Frantz.

SENATOR FRANTZ (36TH):

Thank you, Madam President. What a treat to see you up there with that fine young little gentleman. That's a great picture. I hope they get a lot of 'em. I -- through you, Madam President, would like to commend Senator Hartley for her leadership on this and

also making what wasn't such a great bill into a much greater bill.

She's been able to reduce the fiscal notes to \$1,000 which is .000 -- you're still here -- .000 -- I lost my train of thought. 0000012 percent of the budget. I think that is eminently affordable and you know, to look at this concept a little bit further, I think is -- is not such a bad idea at all. Especially if the demand is there and some people have made it clear that the demand is definitely there.

I would bring everybody in the circle's attention to lines 14 to 18. This is very short, it says, means to encourage the development of such digital infrastructure which may include but not be limited to the enactment of statutory and regulatory changes or the implementation of other approaches to support private -- not public -- emphasize the words not public investment in the development of such digital infrastructure. So, end of the day, the Amendment -- the bill -- which will become the bill -- is a good one. Thank you, Madam President.

THE CHAIR:

Will you remark further? Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. Nice to see your guests here today.

THE CHAIR:

Yes. Aren't' they wonderful?

SENATOR KANE (32ND):

We finally have someone younger than Senator Linares in the chamber. [laughter]

THE CHAIR:

Well, Senator, on your birthday we shouldn't be talking about age right now. Senator Kane.

SENATOR KANE (32ND):

I know, I think I'm twice his age. I just wanted to thank Senator Hartley. I know as she stated in her opening remarks, a lot of dialogue and discussion that took place in this bill and she certainly was very helpful and working with those interested in it, especially in the business community and I look forward to passage of the bill. Thank you, Madam President.

THE CHAIR:

Will you -- Senator Chapin. Good afternoon, sir.

SENATOR CHAPIN (30TH):

Good afternoon, Madam President. Madam President, a question to the proponent, through you, please.

THE CHAIR:

Please proceed, sir.

SENATOR CHAPIN (30TH):

Thank you, Madam President. Earlier in this session, there was a broadband conference downstairs or over at the legislative office building and I -- I think perhaps in the Appropriations Budget, there was a little money allocated for broadband needs in the Northwest corner in my district where the cable companies don't make it down every road and hit every house so there really is a need there. Would the creation of this group -- is it envision that they would look at an issue like that statewide or is it in any specific corridor?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Thank you, Madam President, and through you to Senator Chapin. Senator Chapin, I am well acquainted with the issues in your district, having served for a number of years with Representative Willis. Hearing anecdotally and otherwise about the travails and then traveling there myself, feeling that I had dropped off the planet.

Sir, though I should point out to you, this is targeted at the business sector and it -- it does not talk about residential in any way with regard to your question on a corridor here on the Eastwest segment, if you will, think of I-84 -- we have kind of a conduit starting with perhaps Jackson Lab going to Dempsey [phonetic], connecting to the hospitals to the insurance companies and so if in fact there is any connection of a corridor, that may be, but once again, these are all conversations that are yet to be had by -- quite frankly -- the individuals of the industry representatives who are actually there on the ground. That is one of the reasons why we kind of took it out of this building from the appointment process so that they can have real, productive conversations, sir.

Through you, Madam President.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you, Madam President. And I thank Senator Hartley for her -- her answers. Madam President, I -- I certainly think that the bill -- the amendment before us is worthy of support by this chamber and the issues that those who live in my district experience are related to broadband access for residents, but businesses alike and I'm sure there's -- would be some overlap, so I would just encourage the people that are

taking a look at this issue over the next year to keep in mind that there are issues in some of the more remote parts of the state and I would hope that they would give consideration to those people in my district as well as those businesses in my district who may be struggling with this issue. Thank you, Madam President.

THE CHAIR:

It is a beautiful part of the state. Senator Linares.

SENATOR LINARES (33RD):

Madam President, I rise to -- as a rebuttal to Senator Kane's comment -- no, I'm just kidding. Getting older every day, Madam President, nothing to worry about.

THE CHAIR:

Thank goodness for that.

SENATOR LINARES (33RD):

Madam President, I actually rise for just a few questions to the proponent of the bill.

THE CHAIR:

Please proceed.

SENATOR LINARES (33RD):

Senator Hartley, you had referenced a study by the McKinsey Institute and I was just wondering if that was a public study made available to Senators in this chamber or to our constituents?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Through you, Madam President, to Senator Linares. That was a study that was worked through the council on economic competitiveness and so I believe it is on their website and available to you sir.

Through you, Madam President.

THE CHAIR:

Senator Linares.

SENATOR LINARES (33RD):

Thank you, Madam President. And thank you, Senator in -- in that study, what exactly did they say about this issue?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Through you, Madam President. Globally, that study talked -- and it was a pretty comprehensive document and so it's more than bedtime reading, sir. But it talked about the fact that generally in the State of Connecticut our corporate entities are siloed, kind of working in their own lane, not always connecting and that those communities and states that are most successful have witnessed the coming together of those sectors in the -- the very top levels of Corporate America. Sharing, working together on initiatives and -- and sometimes doing joint kinds of projects, so that was an important part of it and on this particular issue, there was -- and there is nothing and please do not understand any of this to diminish what we have here in the State of Connecticut as infrastructure, in fact, we have distinguished ourselves nationally on this front, so there -- there was no diminution to say that we were lagging behind.

This is really all about the future, Senator Linares. Thank you, Madam President, through you.

THE CHAIR:

Senator Linares.

SENATOR LINARES (33RD):

Thank you. Thank you, Senator Hartley. Thank you, Madam President. I hope the reference to night time reading wasn't another age joke, Senator Hartley.

Madam President, I rise -- I support this bill. I think it's a good idea to study this issue, to move forward on this issue as Senator Chapin had mentioned, certain areas in his district and I think it's five percent across the state are having trouble getting access to this technology to broadband, Wi-Fi and I know that this is addressed in this bill and -- and I do appreciate the good Senator Hartley for taking the time to answer my questions and Senator Frantz's work on this bill as well, so thank you, Madam President. I will support this bill.

THE CHAIR:

Thank you. Will you remark? Senator Formica.

SENATOR FORMICA (20TH):

Good afternoon, Madam President.

THE CHAIR:

Good afternoon, again.

SENATOR FORMICA (20TH):

Thank you. I rise for a few questions for the proponent, please.

THE CHAIR:

Please proceed, sir.

SENATOR FORMICA (20TH):

Thank you. Good afternoon, Senator, how are you?
Thank you. This concept of broadband and moving broadband forward in the state came, I think, last year through the Energy Committee and it talked about, at that time, the public portion of it that was going to be involved in manifesting this broadband opportunity to try to get to the last mile of those folks' businesses and residents in all the corners of our state that don't have the opportunity to have broadband. That met with some concern with regard to the cost and I'm very glad to see in this section that it says not public. I think that would eliminate any opportunity to revisit that whole argument.

My question that I have -- if I may, Madam President, is that there was created an Office of Broadband on -- in the Office of Consumer Council and I'm wondering if that is still in the budget -- is it -- I know it was in one and out of one and back in one -- and if it is, is it necessary to -- to be there now or how do we see this whole thing playing out and how long do we anticipate the study to take?

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Thank you, Madam President and through you to Senator Formica. Thank you for your comments and yes indeed, that history is instructive I think, to the circle and -- and yes, this is very clearly targeted. This is about private supporting of the industry and doing anything we can through regulatory, statutory standpoint to -- to -- to support it.

I -- I'll share just one anecdote if I will, that might translate to this in the process of all this, what we were talking to bioscience representatives who

said you know, coming into the state and we are developing that sector as you know, along the shoreline and into for example, the New Haven Metropolitan area, it's -- it's -- it's about not so much just the cost -- that is important, but also these industries -- it's about the time. It's about how rapidly they can turn the key, put the lights on, and therefore, the permitting and regulatory process becomes sometime untenable and so, having responded to that, we were able to incorporate into the office of DECD's omnibus permitting process -- specifically, the bioscience sector, so as to fast track bioscience permitting and to -- once again, help that industry and quite frankly -- be inviting to those companies that -- and they look for those kinds of reasons to come -- likewise, the legislation we have before us, we're hoping that we could reap the same kind of information from those conversations and also reap the benefit of having the industry connect with each other. Perhaps to partner to launch some other initiatives to raise our profile nationally on the Eastern sea board as you know, an -- an economic inviting place for companies to -- to locate. So maybe that was like, a long way of trying to answer that by virtue of example.

Through you, Madam President.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. I -- it was a partial answer, I think, or at least, I heard a partial answer, so -- and I appreciate the opportunity to try to promote business that whatever we can do to promote business in our state and to provide them the opportunity or the tools but we do have a number of great companies that are providing 95 percent coverage of broadband in various speeds throughout the state and I want to make sure that we're using our time wisely.

My question really was that the budget contemplates a large number of dollars for the Consumer Council in the Office of Broadband and I'm wondering, is that premature to have that in the budget because this study may say we don't need anything like that. We may be able to provide this and let the -- let the private sector work it out, maybe rent space on poles, do whatever it is that they want to do but I'm wondering if that Consumer Council has been thought about through this process.

Through you, Madam President.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Thank you, Madam President, and through you, to Senator Formica. While I do not sit on that sub-committee, I know that those numbers were changed in the governor's budget and then of course there was the legislative budget, I -- I think which also represented whatever the across the board cuts were. That has nothing to do with this. I personally, if that's what you're asking me, Senator Formica, have been against all new programs since -- for at least a biennium. We have not -- and more than that, quite frankly, been able to sustain what we have already, never mind new programs, sir.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you very much, Madam President. Thank you, Senator, for your answer. So, it seems what I'm hearing is that if it's an unnecessary participation or an extension of the Office of Consumer Council, we may not need the Office of Broadband at this time, until we find out what's going on and I'm encouraged that there are members of the -- of the -- of the

57
Cf

SENATE

April 30, 2016
3:09 P.M.

private sector on this Committee to help move this forward, so I look forward to reading and learning more about this as the report moves forward, and I thank the good senator for her answer and thank you, Madam President, for the time.

THE CHAIR:

Thank you. Will you remark further on the Amendment? Will you remark further on the Amendment? If not, I would like to try your minds. All those in favor of the amendment, please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is adopted. Would you remark further? Senator Hartley.

SENATOR HARTLEY (15TH):

Thank you, Madam President. If there is no objection, Madam, I would ask that this be moved to the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered. Mr. Clerk.

THE CLERK:

On Page 26, Calendar 141 --

THE CHAIR:

Hold it -- wait one second. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, we can mark this item, calendar page 26, Calendar 522, House Bill 5591 as PT, and if we can move on to the next

bill, which is calendar page 33, Calendar 144, Senate Bill 131.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 33, Calendar 141, Senate Bill Number 131, AN ACT CONCERNING THE WORKING GROUP ON BEHAVIORAL HEALTH UTILIZATION.

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.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, ma'am?

SENATOR GERRATANA (6TH):

Thank you. Madam President, this is legislation that was passed last year -- Public Act 15-5 and that legislation established a working group on behavioral health utilization and quality measures data and they did issue the report but this year, Public Health Committee and actually, it was Senator Kennedy added a couple of items here that should be reviewed by this working group. And at this time, I would like to yield the floor to Senator Kennedy.

THE CHAIR:

Senator Kennedy, will you accept the yield, sir?

SENATOR KENNEDY (12TH):

Yes, Madam President. I accept the yield and I want to thank the Chairwoman of the Public Health Committee, Senator Gerratana for raising this important issue on mental health parity -- transparency as Senator Gerratana said, what this bill is seeking to do is add a couple of more data gathering requests for this working group for the Insurance Commissioner to collect and report on, specifically preauthorization requests, denials, and successful appeals for mental health related claims as compared to med-search related claims. Because until and unless we understand this data, we won't know whether or not we truly have mental health parity here in our state. So, I think this is a good bill. I'm looking forward to the working group coming and presenting this information to us and I urge my colleagues to vote in favor of this bill. Thank you very much.

THE CHAIR:

Will you remark further? Will you remark further on the bill? Seeing not, Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. If there's no objection, I'd like to move this item to our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, Ma'am. Mr. Clerk.

THE CLERK:

On Page 36 -- oops, I'm sorry.

Page 33, Calendar 156, its Senate Bill -- 166, AN ACT EXPANDING UTILIZATION OF PATIENT-DESIGNATED CAREGIVERS. There are amendments.

THE CHAIR:

Will you remark? Senator Flexer.

SENATOR FLEXER (29TH):

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

THE CHAIR:

Motion is on acceptance and passage. Will you remark?

SENATOR FLEXER (29TH):

Yes, Madam President. Madam President, the clerk is in possession of an amendment, LCO 5441. I would ask that the clerk please call the amendment and that I be granted leave of the chamber to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5441, Senate "A" offered by Senators Flexer, Kelly, et al.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Thank you, Madam President. Madam President, the amendment --

THE CHAIR:

Do you want to adopt it?

SENATOR FLEXER (29TH):

I move adoption of the amendment.

THE CHAIR:

Motion is on adoption. Will you remark, Ma'am?

SENATOR FLEXER (29TH):

Thank you, Madam President. Madam President, the amendment that is before us is a strike-all amendment to the underlying bill. The -- but the amendment would extend the utilization of caregivers. It's a similar measure to what we passed last year concerning caregivers for patients at hospitals. This would extend the designation of caregivers to patients at nursing homes.

The amendment that is before us addresses some of the concerns that were raised by the nursing home industry and that's why this amendment is before us and this has been a priority of the State Department on Aging to make sure that the similar protections to folks that are being discharged from hospital are given to people that are being discharged from nursing homes, making sure that they can designate who their caregiver is at the time that they are admitted and making sure that those caregivers are given clear and detailed instructions when that person is leaving a nursing home. I hope that the chamber can support this Amendment and the underlying measure.

THE CHAIR:

Will you remark? Will you remark on the -- on the Amendment? Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. I rise also in support of the amendment and the underlying bill once it becomes the bill. As Senator Flexer stated, this is basically extending the Care Act that we adopted last session to nursing homes and if we want to make sure that we have a successful transition of individuals from facilities to the community, we need to have caregivers there that are attached to the individual to get information and to make sure that the care at home is successful.

Our experience with hospitals in the Care Act demonstrates that this is a worthwhile endeavor, so much so that we believe it's important to extend into skilled nursing facilities so that families can succeed at home and age where they want to be. I certainly endorse and approve 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:

Those opposed? Senate "A" has been adopted. Will you remark further on the bill? 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 objection, so ordered. Mr. Clerk.

THE CLERK:

On Page 36, Calendar 230, Senate Bill Number 382, AN ACT CONCERNING TEACHER PREPARATION PROGRAMS. There are amendments.

THE CHAIR:

Good afternoon, Senator Slossberg.

SENATOR SLOSSBERG (14TH):

Good afternoon, Madam President. Nice to see you today. I move the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, Ma'am?

SENATOR SLOSSBERG (14TH):

Yes, Madam President. The clerk has in his possession LCO Number 5513. I ask that it please be called.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5513, Senate "A" offered by Senator Slossberg, et al.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG (14TH):

Thank you, Madam President. I move adoption.

THE CHAIR:

Motion is on adoption. Will you remark?

SENATOR SLOSSBERG (14TH):

Yes, Madam President. This bill very simply requires that the State Department of Education and the Office of Higher Education enter into an agreement with the Counsel for Accreditation of Educator Preparation for the purposes of accrediting and establishing standards for programs of education, educator preparation standards. For their programs and the purpose of this is just to ensure the standards that currently exist

under NK are expiring. We want to make sure that we have an agreement to go with the updated and improved national standards put out by CAEP. There's great support for this. It creates a clear set of outcomes and deliverables. CAEP has moved to a more outcome-based system with higher standards and will go a long way towards improving our educator preparation programs.

THE CHAIR:

Will you remark further? Senator Boucher. Good afternoon, Ma'am.

SENATOR BOUCHER (26TH):

Good afternoon, Madam President. Madam President, I rise to support this amendment and -- in it -- asking for the rationale behind this, of course, we inquired to our state's premiere teacher preparation program for the state and that is the UConn Neag School of Education. That is not only, I think Connecticut's top school, but is one of the top education schools in the country and they very much support this change and we support them and as a result, I think everyone should be supporting this particular amendment. Thank you, Madam President.

THE CHAIR:

Will you remark further? Will you remark further? If not, I'll try your minds on Senate "A". All -- all in favor, please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" is adopted. Will you remark further on the bill? Senator Slossberg.

SENATOR SLOSSBERG (14TH):

Yes. Thank you, Madam President. If there's no objection, I'd ask that this item be placed on our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, Ma'am. Thank you very much. Mr. Clerk.

THE CLERK:

On Page 37, Calendar 284, Senate Bill Number 397, AN ACT CONCERNING A MUNICIPAL OPTION FOR PROPERTY TAX ABATEMENTS FOR ARTS AND CULTURE.

THE CHAIR:

Senator Hartley. Good afternoon, again, Ma'am.

SENATOR HARTLEY (15TH):

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

THE CHAIR:

Motion is on acceptance and passage. Will you remark?

SENATOR HARTLEY (15TH):

Yes, indeed, Madam President. Madam President, this bill would -- it is an economic development bill enabling for municipalities and it would essentially allow a municipality to abate up to 100 percent tax -- property taxes on properties for art or culture, which would include art galleries, art studios, perhaps movie theaters, performance venues, or retailers catering to the arts.

We have many communities that have very rich and vibrant art entities and this would help to establishment -- to establish them, support them, and grow these sectors in our communities. I move -- I move passage of the bill, Madam.

THE CHAIR:

Will you remark further? Will you remark further?
Senator Frantz.

SENATOR FRANTZ (36TH):

Thank you, Madam President. I stand in favor of the bill for a variety of reasons, but the first and foremost is that there are unfortunately, throughout the State of Connecticut, many municipalities who have had certain parts of their neighborhood kind of fall from grace and people used to flock to areas because of the retail and restaurant opportunities and art galleries and movies theaters, etcetera, etcetera.

They've become essentially ghost towns and so, with that predicament facing municipal leaders, this gives them a choice to try to encourage things -- you know, get the -- the -- the pump primed so to speak, so that -- you know, there's a chance -- at least a chance that they could start bringing people back to these under-utilized areas -- in many cases, beautiful areas of cities.

In fact, the person who came up -- the proponent of this bill come from exactly one of those municipalities where they could use this in a very, very big way. But there are dozens, if not -- you know, a hundred others or even hundreds of others throughout the state -- I don't know.

This is a great way to do it. It's totally permissive. It doesn't require anything and it gives the municipalities a great chance to get their urban areas back up to snuff. Thank you, Madam President.

THE CHAIR:

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

SENATOR HARTLEY (15TH):

Yes. Thank you, Madam President. I would first of all, like to credit Senator Kane with bringing this proposal before the Commerce Committee and Senator Kane was bringing before our committee a prime example of where this may take root and where we could support and grow an art district and that was actually in his home town of Watertown, which I happen to be very familiar with, having had some -- one of my children go to school there and it is a quintessential American downtown business district lined with art venues, small restaurants, a movie theater in fact, and so to continue to support and grow that kind of a community an endeavor like this would, I think, be most appropriate and Madam President, if I might, I'd like to yield actually, to Senator Kane who could certainly be more specific.

THE CHAIR:

Senator Kane, birthday boy, will you accept the yield?

SENATOR HARTLEY (15TH):

The birthday boy, the birthday present.

THE CHAIR:

This is your present, sir.

SENATOR KANE (32ND):

You know, Madam President, if it means I get this very important bill out of the Senate today, then it is well worth it -- me spending my birthday in the State Capitol, this fine Saturday.

And I do accept the yield and appreciate the good chairman of the Congress Committee's words and more importantly, her effort and support on this legislation. We certainly share border towns and share the town of Middlebury, as well, in the Senate.

This idea, Madam President, came from a former legislator, Rich Antonetti, I think you may know him if you remember Rich, he served in two different

seats, actually. One in Meriden, and one in Hamden, I believe, and as -- as the good Senator from the Commerce Committee mentioned, we have a great little repertory theater at one end and an old time movie theater at the other end, and we wanted to connect those two book ends in order to bring effort to downtown.

Many of our districts around this room have empty storefronts and this is a good way of promoting arts and culture in a way to drive tourism and economic dollars in our town and I hope other towns will look at this legislation and -- and kind of maybe piggyback and take a look at it for their own towns, because I think it is really a good idea to get a good boost to our economy and our main streets in our communities.

So I want to thank the good Senator from Waterbury and Senator Frantz, certainly, as the ranking member helped out a great deal on this, and he is quite a renaissance man himself, Senator Frantz, and that's why I think he promoted this bill so often -- so much. But I -- but -- I look forward to passage of this bill and thank Rich Antonetti and the members of our Economic Development, our main street groups and -- and look forward to its passage. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Hartley. Oh. Call a vote?

Mr. Clerk, will you call for a roll call vote. The machine will be open.

THE CLERK:

Immediate Roll Call has been ordered in the Senate.
An immediate Roll Call has been ordered in the Senate.
All Senators please report to the chamber.

THE CHAIR:

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

THE CLERK:

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. Mr. Clerk.

THE CLERK:

Calling from Calendar Page 38, Calendar 332,
Substitute for Senate Bill Number 209, AN ACT
CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
RECOMMENDATIONS REGARDING THE PROTECTION OF RESIDENTS
IN HEALTH CARE INSTITUTIONS. Favorable reports of the
Public Health and Judiciary Committees.

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.

THE CHAIR:

Motion is on acceptance and passage. Will you remark?

SENATOR GERRATANA (6TH):

Yes. Madam President, this is the Department of
Public Health's bill. They came to us to make various
changes to the process by which the Department issued
citations to nursing home facilities and residential

care homes for violations of state law and regulations.

Among other things, the first couple of sections are technical to make the process a little more flexible and easier, but it also increases the civil penalty from five to ten thousand dollars for class A violations and from three to five thousand dollars for class B violations.

It also allows DPH to appoint temporary management as a disciplinary action against a home or a facility. There was a -- more controversial section of the bill -- Section 1 which was taken out of this legislation. It has of course gone through the process to reach us. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further on the -- the bill? Will you remark further on the bill? Seeing not, Senator Gerratana.

SENATOR GERRATANA (6TH):

Seeing no objection, Madam President, if we could move this to our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered. Mr. Clerk.

THE CLERK:

Calling from page -- calendar page 38, Calendar 322, Substitute for Senate Bill Number 90, AN ACT REQUIRING A STUDY OF CONSERVATION AND DEVELOPMENT IN CONNECTICUT. (As amended by Senate Amendment Schedule "A"). Favorable reports of Planning and Development, Environment, and Public Health Committees.

THE CHAIR:

Senator Osten. Good afternoon, Ma'am.

SENATOR OSTEN (19TH):

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

THE CHAIR:

Motion is on acceptance and passage. Will you remark, Ma'am?

SENATOR OSTEN (19TH):

Madam President, the clerk is in possession of LCO Amendment 5599. I move the Amendment and seek leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5599 will be designated Senate Amendment Schedule "B".

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

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

THE CHAIR:

Motion is on adoption. Will you remark?

SENATOR OSTEN (19TH):

Madam President, this amendment allows tax payers in New Britain who would have been eligible for certain tax exemptions if they had not missed the deadline to

file a claim to receive such exemption. This exemption is based only on the 2014 Grand List.

Due to this, this may have a fiscal note to the City of New Britain as it would reimburse tax payers who have already paid these bills -- these costs will vary based on the properties that are exempt. I would urge my colleagues to support this amendment. The city knows of this issue and there was a specific non-profit company that was affected.

THE CHAIR:

Will you remark on Senate "B"? Will you remark on Senate "B"? Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Madam President, I have a couple of questions to the proponent of the Amendment.

THE CHAIR:

Please proceed, Ma'am.

SENATOR GERRATANA (6TH):

Thank you. Senator Osten, we did not have a discussion about this amendment, previous to it being filed on this bill. Could you explain to me, please, what it is here -- you're talking about any person otherwise eligible for a 2014 grand list exemption pursuant to said sub-division 7 -- 7 -- in the City of New Britain except that such person failed to file the required statement within the time period described. Can you be a little more specific and explain to me the situation that this amendment is addressing?

SENATOR OSTEN (19TH):

Sure.

SENATOR GERRATANA (6TH):

Thank you.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. Sure, and I apologize for the lack of communication. This is for the Easter Seals non-profit company that as many times happens not just with non-profits but through manufacturers. They forget to file the certain exemptions that are necessary and they did not file on -- in a timely manner and the only way to address that is to do so through legislation and it's that simple and again, I extend my complete apologies to the good Senator from New Britain for not mentioning this earlier.

Through you, Madam President.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. I -- I think that would have been appropriate. So, as we go down a little further in the -- in the amendment, it -- it says if taxes, interests or penalties have been paid on the property for which such exemption is approved, the City of New Britain shall reimburse such person in an amount equal to the amount by which such taxes, interests, and penalties exceed any taxes payable in the statement, had it been filed in a timely manner. Could you explain that to me -- what that process would be?

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. Without filing this -- and through you -- without filing this exemption, the company -- the Easter Seals company has already paid the taxes, so as not to incur interest and they had contacted -- not me, but someone else in the Senate and in order for us to reimburse them, we have to go through this formalized procedure, and again, it's not unusual to have this happen. This happens with manufacturers all the time when they don't file the appropriate exemptions through -- through DRS and through the Office of Policy and Management for manufacturing equipment.

This is one of those unfortunate things that happens when either a business or a non-profit organization forgets the timelines and doesn't file in a timely fashion. They did not -- they do such good work all across this state that I'm asking my colleagues to consider supporting this -- this amendment. Through you, Madam President.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA (6TH):

Thank you, Madam President. Thank you for answering my question, Senator Osten.

THE CHAIR:

Thank you. Will you remark further on the Amendment? Will you remark further on the Amendment? If not, try your minds. All those in favor of Senate "B", please say "aye".

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "B" passes. Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. Madam President, the bill is now amended with this additional piece and again, my apologies to Senator Gerratana. It -- it -- it holds -- and has been a run through the -- the -- both the Environment Committee and the Public Health Committee because the town of Haddam is interested in extending their water lines with a larger than normal size of connection so that they can have additional fire suppression in the area supported by Senator Linares and my co-chair Representative Miller and I would -- and now includes the Easter Seals non-profits ability to file for the tax exemption and I urge my colleagues to support this bill.

THE CHAIR:

Thank you. Will you remark? Senator Linares.

SENATOR LINARES (33RD):

Madam President, I rise to support the bill and the underlying amendment that has been passed. It's a terrific bill for a lot of reasons, but it's great that it has included help to New Britain for some of their issues and the underlying bill is very important as well. In the town of Haddam, there has been issues with contaminated water wells for years and this will certainly go a long way to help provide clean potable water to the town of Haddam and also the appropriate sized pipeline for a -- for fire suppression. It's very important for the safety and the quality of water to the town and I rise in support and I'd ask the chamber to support this bill as well. Thank you, Madam President.

THE CHAIR:

Will you remark further? Will you remark further?
Senator Osten. Senator Osten, please.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. Belaying all of my lack of communication, I would see -- seeing no objection, I would add this to the Consent Calendar.

THE CHAIR:

No objection. Seeing no objection, so ordered, Ma'am.

SENATOR OSTEN (19TH):

Thank you very much.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calling from Calendar Page 40 --

THE CHAIR:

Senate -- one sec -- Senator Duff, why do you stand, sir?

SENATOR DUFF (25TH):

Thank you, Madam President. I'd like to mark calendar page 40, Calendar 411, Senate Bill 467 as PT and if we could move on to the next bill, please.

THE CHAIR:

Sorry. Mr. Clerk.

THE CLERK:

Calling from Calendar Page 36, Calendar 256, Senate Bill Number 383, AN ACT CONCERNING THE TECHNICAL HIGH SCHOOL SYSTEM. Favorable reports, the Committee on Education and Commerce. Clerk has amendments.

THE CHAIR:

Senator Slossberg.

77
Cf

SENATE

April 30, 2016
3:09 P.M.

SENATOR SLOSSBERG (14TH):

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

THE CHAIR:

Motion is on acceptance and passage. Will you remark, Ma'am?

SENATOR SLOSSBERG (14TH):

Yes, Madam President. The clerk has in his possession, an amendment LCO Number 5672. I'd please ask that it be called.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5672, will be designated Senate Amendment Schedule "A".

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG (14TH):

Thank you. I move adoption.

THE CHAIR:

Motion is on adoption. Will you remark, Ma'am?

SENATOR SLOSSBERG (14TH):

Yes. The amendment before us is a strike-all amendment and it addresses an issue that we have been hearing about quite significantly at our technical high schools and that is the challenge that our

superintendent is having in terms of refilling positions when she has the funds to do so but the process is a little bit encumbered and so this streams -- streamlines this process and allows the superintendent to go directly to the Office of Policy and Management when she needs to rehire -- when -- when she needs to refill or hire a teacher and that way we can make sure we are supporting our technical high school system as -- as strongly as possible. We know what a great job that they do in helping develop a strong and educated work force.

In addition, it includes some additional reporting information that will help us all keep on top of what's happening -- with regard to staffing needs at the technical high school system and I would urge the chamber's support. It's probably one of the most important things we can do to continue to strengthen our wonderful technical high school system.

THE CHAIR:

Will you remark? Will you remark? Oh, Senator Boucher.

SENATOR BOUCHER (26TH):

Thank you, Madam President. Madam President, I strongly -- stand in strong support of this bill as well. A -- the concern of our technical high schools has been something that I have been involved in for -- I would say nearly 20 years, maybe more. Both on -- while in the House and Senate, but particularly when I was on the State Board of Education because there I was appointed to be on the State Board of Education's technical high school Board of Education.

People may not realize that the Board of Education that governs technical high schools is really a sub-committee of the State Board of Ed and during that time, I was -- became very concerned because they seem to have become the step children really, of our educational system. They didn't get enough respect, they didn't get enough resources, they were overlooked many times and subject to the different

problems and obstacles that the state budget had and there were oftentimes when I asked to come and visit various technical schools and when you looked at their facilities, and their outdoor facilities and inside equipment, it was very apparent that it was such a difference from what we have on a local level with our schools. Even in some of our more urban centers as well. There where Boards of Education advocate strongly for the needs of that particular school.

So it has troubled me over many years that should they have a different governance model, that would be more directly responsive to the needs they have, and I think this bill strives to try to do some of that and there were some changes that were made so that the Department of Education and the State Board of Education didn't lose total oversight over that process, but allowed them further access to the Office of Budget and Management in the Executive Branch, allowed them more opportunities for discussing their very needs, the staffing needs, and I would also offer other needs that they might have as well as facilities.

They really are such a training ground and a necessary part of our educational system now with technology being the way it is, with manufacturing having needs of more technically skilled work force and so they provide a lot of the labor force that we have in Connecticut. So, I -- I would say that this is a good bill. We've discussed a lot of the components of it together and have worked out a lot of the concerns and I -- I believe it's something that we should all be supporting and embrace a system of education that does a great deal to help and improve the State of Connecticut. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? If not -- on the Amendment. I'll try your minds. All those in favor, please say "aye".

SENATORS:

80
Cf

SENATE

April 30, 2016
3:09 P.M.

Aye.

THE CHAIR:

Opposed? The Amendment passes. Senator -- Senator Slossberg. Thank you, Ma'am.

SENATOR SLOSSBERG (14TH):

Thank you, Madam President, and with great enthusiasm and thanks to me ranking member Senator Boucher who in fact, we worked so collaboratively and so well on this bill, I would ask, if there's no objection, that this item be placed on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, Ma'am.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to -- for two markings, please. One is on calendar page 37, Calendar 281, Senate Bill 411. I'd like to place that item on the foot of the calendar, please.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President, and if we can now mark as go, calendar page 26, Calendar 522, House Bill 5591.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calling from page -- calendar page 26, Calendar 522, Substitute for Senate Bill Number 5591, AN ACT

81
Cf

SENATE

April 30, 2016
3:09 P.M.

CREATING THE CONNECTICUT RETIREMENT SECURITY PROGRAM.
(As amended by House Amendment Schedules "A", "B", "C"
and "D"). Favorable report of the Labor Committee.

THE CHAIR:

Good afternoon, Senator Gomes.

SENATOR GOMES (23RD):

Thank you, Madam President. I move acceptance of the Joint Committee's favorable -- favorable report and passage of the bill in concurrence with the House of Representatives, as amended by House Bills A, B, C, and D.

THE CHAIR:

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

SENATOR GOMES (23RD):

Yes, Ma'am. Thank you. This bill creates the Connecticut Retirement Security Authority to establish a program for Roth Individual Retirement Accounts, IRA's, for eligible private sector employees who automatically enroll in the plan unless they opt out. The authority is administered by a nine member Connecticut Retirement Security Authority Board which the Bill established as a quasi-public authority under the state law.

The Bills requirements apply to all qualified employees, ie. private sector employers that employ at least five people, each of whom was paid at least \$5,000 in wages in the proceeding calendar year.

Covered employees are those who have worked for a qualified employer for a minimum of 120 days and are at least 19-years-old. Qualified employees must automatically enroll each covered employee in the program no later than 60 days after the employer provides the employee with the informational material on the program the bill requires.

If the employee does not affirmatively opt out -- opt in -- contribution options are provided. The employer must enroll the employee with a contribution of at least three percent, but not more than six percent at the employee's taxable wages up to the normal IRS limits. A covered employee may opt out of the program by electing a contribution level of zero.

I move adoption of this -- of this bill and I hope that my colleagues will vote for it.

THE CHAIR:

You're already had the adoption. Will you remark on the bill? Will you remark on the bill? Senator Fasano. Senator Frantz. I'm looking at Senator Fasano.

SENATOR FRANTZ (36TH):

It's only 6:00. [laughter]

THE CHAIR:

Hi, Senator Fasano.

SENATOR FRANTZ (36TH):

Take it as a compliment.

THE CHAIR:

Yeah. It is a compliment.

SENATOR FRANTZ (36TH):

Thank you. So -- you know -- in -- in the chamber sometimes you have to tap yourself on the head and ask the question, where do some of these ideas come from because they are really off the reservation and I know that other states have implemented or are about to implement some of these schemes but it does require us to take a very close, hard look at what this would

look like, if implemented under 5591. And I know this is an incredibly well-intentioned bill.

We should all be saving for our retirements. We know that it's an issue across the entire country and even outside of the country, people are not saving for the future and they should be. This is -- these are lessons that we all learned when we were younger. It's just that a lot of people either aren't able to do it or they don't follow through because they kind of forgot the all-important lesson, make sure you put enough -- you know -- nuts away for the winter time if you're a squirrel. Make sure if you're a human being that you have enough money to live on as you go into your retirement years and this is all against the backdrop of us living a lot longer than we ever have in the history of mankind, apparently. We're getting up into the 80's -- mid-80's in -- with respect to males and even more than that with respect to females.

So, a lot of this is really, really well-intentioned. I think it goes about it in the absolute wrong way. It -- 180 degrees from where it should be implemented with respect to all of us here in Connecticut in the private sector. Of course, this doesn't affect public sector employees. What 5591 does is it asks for the creation of a potentially new large -- perhaps huge -- bureaucracy -- state bureaucracy -- that will cost taxpayers a lot of money. It may end up costing the very people we're trying to benefit through this bill a lot of money. It may cost them a good portion of the course of their working careers of their retirement funds because of these and other taxes that are implemented on -- on the funds that go into these retirement funds that are called for under 5591.

And -- you -- you know, you have to kind of look at how we're doing as a state with respect to all of these other operations, whether we're talking about agencies, quasi-publics or other entities that operate government programs or quasi-public government programs and -- and you have to ask yourself are we -- are we not the highest cost producer and supplier of services and goods to the people of Connecticut and the answer is, unfortunately, yes, it is the case.

Obviously, I'm a big private sector fan and I think that the private sector would do a lot better here because there's much more competition there than there is in a government monopoly. And by the way, we're already doing this in the private sector.

I don't know why we're suggesting this as a government agency at all because you can go down to the local bank and you can get an IRA, you can set up a 401k if you're an employer for your employees, and you can do it very cheaply -- they claim for free, but the frictional costs are absolutely minimal -- I've looked into extensively and while some plans are more expensive than others, we're talking about, you know, a few basic points here and there to run one of these operations and as was pointed out by the youngest member of the chamber, we're still trying to find out how old he is, but somewhere in the mid-20's I guess -- that have -- you can get an app on your iPhone and get it all for free. You know, I'm sure there are a few basis points involved, but you can just set it up right there on your iPhone and you're off to the races.

This plan under 5591, calls for there to be -- originally it was a six percent contribution -- they knew they couldn't sell that to the marketplace, so it was amended in the house to -- down to a three percent contribution from one's wages going into this particular -- or a particular retirement plan and that -- that right there should be a -- a red warning. That should be a red flag that this is something that's gonna' be very, very difficult to be self-sustaining.

The idea in 5591 is that you have enough people participating. Well over \$1 Billion is what they're calling for but that was at six percent, so we don't know what the new number is to generate enough fees and taxes to -- to provide enough funding for that particular entity to go forward in perpetuity. I doubt that would be the case. Another very unattractive part of this plan is that the employee -- the employer of five employees or more -- is required

to have this plan in place for his or her employees and they will be forced to hand over three percent of their wages, I think every two weeks -- it isn't in the bill -- to this plan unless they opt out. We don't know how hard it is to opt out based on the language of this bill.

If you look at some of the proceeding plans that have been put into place or are being proposed to put into place -- place -- it looks as though you're gonna' have to jump through hoops to get there. That's not what we need in Connecticut. Many lower wage people live from paycheck -- paycheck to paycheck and they may need that money. And yes, we do need to figure out higher paying wage jobs for them again -- we had this discussion again last night or whenever it was -- two nights ago -- we need a much more healthy business environment and a much healthier job environment here in Connecticut. These are fundamental things that we've done so much damage to over the years and we wouldn't be facing the problem of people having not enough resources in the way of retirement funding for themselves.

So, you know, if you look at -- if you look at how Connecticut does the -- on the retirement end of things -- you'll look at the state pension fund and frankly it -- it's abysmal.

We're the second worst in the country. Some say third, but it's somewhere in the bottom three at 42 percent funded, I would argue that it's in fact in the high thirties and on a per capita basis that is a burden that we simply cannot afford going forward. And yes, I know, maybe the intent of this bill is meant to address that particular unfunded liability going down the road by relieving some of the -- some of the pressure on the Connecticut state budget but still, I mean -- we're not good at running our pension and our results have been sub-par if you follow the investment returns over the years, going back 25 years frankly.

So, what are we doing thinking about getting into a private sector retirement plan? I don't think it's

gonna' go over too well with the general public. Once again, if you took a poll -- I don't know whether one was taken or not -- but if you took a poll, I think you'd find that the vast majority of private sector people would like to shoot this down and here we are -- at least down in the House it went along party lines and maybe that'll be the case here tonight, and that'll be a shame.

The other thing that worries me and I do lose sleep over things like this -- if this scheme ends up being something that places additional potential liabilities on the State of Connecticut -- imagine we get into some bad years in the marketplace and there's too much equity exposure as opposed to fixed income exposure for these different individual IRA retirement plans -- is the state gonna' be liable for these retirees going forward? It's -- it's entirely possible. Maybe not today, but we know that a future legislature could bind the state to make up the difference. That's what we're looking at in our state employees retirement system right now.

We're looking at a minimum of about \$42 Billion when you take all of them together and put them in one unfunded liability pot. So the other concern is this -- is there a way that some of these contributions on their way to the IR funds -- IRA accounts -- could those funds be intercepted? Probably not -- but this state has done pretty incredible things in the past here -- in the not too distant -- or not too recent past and -- not too distant past, I should say -- that would cause you to maybe put up a small red flag. Is it possible? Maybe it is.

So, I just think we're asking for trouble. It's another -- it's another -- you know, government agency -- call it a quasi-public -- call it what you wanna' call it -- and I just think we're asking for a lot of trouble. So, with that as backdrop, Madam President, I do have an Amendment and the clerk should have LCO 5667 on his desk.

THE CHAIR:

87
Cf

SENATE

April 30, 2016
3:09 P.M.

Mr. Clerk.

SENATOR FRANTZ (36TH):

5667.

THE CLERK:

LCO Number 5667, which will be designated Senate
Amendment Schedule "A".

SENATOR FRANTZ (36TH):

Thank you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ (36TH):

Thank you. Madam President, I move adoption and move to waive the reading and like to seek leave of the chamber to summarize.

THE CHAIR:

Motion is adoption. Please remark, sir.

SENATOR FRANTZ (36TH):

Thank you very much. What this amendment does, ladies and gentleman, is it creates something very similar but it does not create any liabilities -- potential liabilities of the State of Connecticut. It costs the state nothing. It will achieve essentially the same thing because I think we're all in agreement -- all 36 of us are in agreement that we do in fact, need some better plan for the future with respect to retirement finances for individuals in the private sector.

So there's no fiscal impact, you can check it out. The OF -- the Office of Fiscal Analysis has indicated that there is no fiscal impact whatsoever. It's supported by its own user fees and it creates a small

business retirement marketplace. And what the -- let's call it the SBRM -- we like acronyms around here -- the SBRM will contract with a private sector entity to review qualifications of individual private sector financial service firms to see who's qualified to offer retirement plans to private sector employees. It will design and operate a website to educate and -- to educate employers and employees of the benefits of these individual plans, the benefits of saving for the future, all important concept. We would all agree.

To design marketing materials to again, promote the whole idea of -- of retirement savings. It would identify and promote federal and state tax credits and deductions which we all know are very valuable for many people if you're talking about different Roth IRA's and other forms of retirement plans. It would also promote the concept of retirement savings -- we just said that -- and it would also -- as I said before, be self-funding. This would come from either the private sector from foundations or federal dollars which are -- have been identified as -- as potentially available for this particular program.

Washington State passed a very similar bill recently and they received accolades from AARP, they received accolades from all of the different business groups. It's a very similar no-cost program out there. It makes infinite sense. We could take that program -- that idea and we could improve upon that and again it would be no cost to the state of Connecticut, nor would it increase any sort of liabilities of the State of Connecticut. It would be much less costing, more effective, no risk to the State of Connecticut and Madam President, at this point, if I could yield the mic to the great Senator Toni Boucher from the great town of New Canaan and others.

THE CHAIR:

Senator Boucher will you accept the yield from Senator Frantz?

SENATOR BOUCHER (26TH):

Yes, Madam President. I do accept the yield and I thank the good Senator for that and also for his good work and research on creating an alternative to a plan that we feel that would not be helpful to the Connecticut Business Sector, particularly its business sector -- Financial Services Sector of the state that is really funding a great deal of Connecticut's budget which we know is in deep trouble because that industry itself has been impacted mightily and we feel very strongly that this particular bill that we're discussing would actually be very hurtful to that industry and exacerbate the problems that we're having with revenues from the financial services industry.

You've heard from our good Senator Scott Frantz why House Bill 5591 should be opposed -- why we should be concerned. I would add that this area is even more complicated and poses many more risks than people actually realize.

Financial problems and risks, liquidity problems and risks and a great deal of liability. A lot of liability and a lot of it would be imposed upon that small business man or woman that would be subjected to this plan and mandated by this plan instead of voluntarily engaging in something that is so important.

There are all kinds of questions that need to be answered with regards to what happens when employees move from company to company or work at two businesses. What happens when the plan may be shut down in solvency issues and what if the business goes out of business?

I join my Senate members on our side of our aisle today to provide a much better alternative as was described by our good Senator. A Bill that would have the State of Connecticut -- would not have the State of Connecticut compete head on head as House Bill 5591 does, but instead would actually help and engage the private retirement industry itself.

The alternatives as was just mentioned, is based on the State of Washington plan which is now law. That

bill as was described, established a small business retirement plan marketplace in the State Department of Commerce and that marketplace promotes the participation at low cost, low burden retirement plans that are already existing and they help to educate small employers upon the plans availability.

The director of the marketplace would work with private sector to establish a program that connects eligible employers with qualifying plans. What is really significant about this and we have to underscore that -- is that the plan is completely voluntary both for the employers and employees. But only those who are self-employed sole proprietors or employers who have fewer than 100 employees that would be eligible to participate.

They have a marketplace director who must approve a diverse array of private retirement plans and actually provides that as an education. We believe this strategy is a much more balanced approach that uses the power of the state to bring together employers and private sector financial service organizations to promote participation and private retirement plans.

This is similar to a Health Insurance exchange model that applied and can be applied to the retirement plans. But it would have not just a few choices as unfortunately many of these health plan exchanges have -- but many, many in the private sector and most importantly of all, it -- it does not create a mandate, a word much despised as of late as Connecticut has imposed so many. But is it completely voluntary.

It would create a one-stop shopping place for employers to quickly identify and enroll in financially prudent, qualified private plans vastly lowering their administrative costs and the risks associated with trying to investigate and choose a plan of their own.

To be clear, it creates a small business retirement marketplace. It promotes participation in low-cost savings plans and it educates small employers on plans

availability. And it works with private sector -- again, private sector -- to connect with eligible employees so in essence, this kind of a plan actually encourages and helps business. Wouldn't that be a novel idea here, in Hartford, for a change? Wouldn't that kind of turn the page on our anti-business reputation that we have solidified actually, with many of the actions that we take?

This would be something that would actually be positive. We'd say that we as a state encourage our small businesses. We value our financial services industry. We want them to grow. We want them to pay more taxes to the State of Connecticut because they are succeeding, they're prospering.

As was mentioned by our good senator, in this way, there is no risk to the state as much of what is being proposed in the underlying bill does put us at risk and I'm sure there'll be questions about that with regards to how it applies with the RISSA [phonetic] and other federal guidelines. As the state does not directly provide the plan, it encourages work with the private sector.

As the good senator said that the -- the plan that -- that Washington State put in place received tremendous bipartisan approval and accolades from the very entity that's trying to promote this in Connecticut, the AARP, the Washington Bankers' Association, the American Council of Life Insurers, and even the securities industry and financial markets association which is the -- very voice -- the US voice of the Securities Industry.

Wouldn't that be great if we were in partnership with all of them rather than some special interest group that some suspect may be actually putting this in place for a purpose of their own? Let us repeat very, very briefly, why the underlying bill, 5591, should be rejected and this Republican alternative plan supported.

Having just lost GE and other companies due to our oppressive tax and regulatory environment, we should

not have the state effectively taking over an entire industry -- retirement planning and investment -- and supplant a large and vital segment of our private sector.

This new mandate on employers would only add to the increasing and disproportionate burden Connecticut already places on employers decreasing our ability to compete for businesses and -- which has put Connecticut at the bottom of all national rankings for business. It creates a new bureaucracy in state government with control over potentially billions of dollars in the private sector. It adds an unacceptable risk both to tax payers and contributing employers and employees. There's costs all over this and fees. Even the board acknowledges the questionable financial sustainability of this program should the participation and contributions levels not match and I'm -- I might add -- originally it was a six percent contribution, now it's three.

That really does put a question and possibly risks. This is not, I would say, in conclusion, not a good time to impose further burdens on businesses that in recent years have been saddled with an ever expanding number of government mandated payments.

The very inability of Connecticut businesses to pay these costs introduces such volatility into the proposed plan that the Connecticut retirement security board appears to recognize. The state IRA fund would require \$1 Billion in assets to be self-sustaining. The board has admitted that at an employee contribution rate of less than the top rate of six percent, the arrangement would not work as planned and fail.

I hope the Governor's office is listening to that. Because they would be responsible as a part of the Executive Branch. Again, Connecticut, at a time when it is unable to manage its own pension fund, which is funded only 40 percent, when the standard is 85 percent -- we should not be doing this. We should not be doing this. We should not be doing this. This is a -- the wrong direction.

The bottom line is the state's goal should be to help grow private business instead of putting them at further risk for closure and to promote better informed and more proactive retirement savings plans among private sector workers and by Connecticut acting as a clearing house for private retirement goals rather than as a direct competitor, the state would satisfy these goals and arrangement that is really, Madam President, a win-win for everyone involved and that's what we would like to do. Let's try to create policy that is a win-win for all concerned. Thank you, Madam President.

THE CHAIR:

Thank you. Senate -- this is on the Amendment.
Senate "A" amendment. Senator -- Senator Gomes.

SENATOR GOMES (23RD):

Thank you, Madam President. I've heard a lot of rhetoric about what the plan doesn't do and what the plan -- their plan will do, but seeing some of the things that they -- speakin' about -- we have over 600,000 -- we have over 600,000 Connecticut workers who do not have access to a retirement plan right now. We can help a fraction of those 600,000 who are not currently saving -- have a little more money in the bank when they can no longer work. And as far as I'm concerned, some of the things that have been said here don't apply to those people and I am asking my colleagues to vote this Amendment down.

THE CHAIR:

Will you remark further on the amendment? Will you remark further? Senator Osten.

SENATOR OSTEN (19TH):

I -- I would ask for a roll call vote on this amendment.

THE CHAIR:

A roll call vote would be had. Will you remark further on the amendment? Will you remark further on the amendment?

Seeing not, Mr. Clerk, will you call for a roll call vote on Senate Amendment "A". 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.~~
Will all Senators please report to the chamber.

THE CHAIR:

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

THE CLERK:

Total number voting	35
Necessary for Adoption	18
Those voting Yea	16
Those voting Nay	19
Those absent and not voting	1

THE CHAIR:

The Amendment fails. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'm going to mark this item PT for the moment and if we can mark two bills to go, one would be page 4, Calendar 300, Senate Bill 433, followed by calendar page 37, Calendar 295, Senate Bill 368. Oh -- yeah. 368. Thank you. As go's. Thank you, Madam.

THE CHAIR:

Okay. Mr. Clerk.