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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

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Senate Agenda Number 2, substitute for Senate Bill Number 920, AN ACT CLARIFYING PENSION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS, would move for suspension to mark that item go, also.

THE CHAIR:

There's a motion for suspension of the rules to mike -- mark that item go. Without objection, so ordered.

SENATOR LOONEY:

Thank you, very much, Mr. President. That concludes our markings at this time.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

THE CLERK:

Calling from Senate Calendar Page 3, Calendar Number 247, File Number 57, House Bill 5177, AN ACT CONCERNING EMPLOYERS AND NOTICE OF AVAILABLE FEDERAL EARNED INCOME TAX CREDITS, favorable report of the Committee on Labor. The Clerk is in possession of amendments.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

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

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the joint committees' favorable report and passage of the bill.

THE CHAIR:

Acting on acceptance and approval of the bill, ma'am, would you like to remark further?

SENATOR PRAGUE:

Yes, Mr. President. The Clerk has in his possession LCO 6620. Would he please call and I be allowed to summarize?

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 6620, which will be designated Senate Amendment Schedule A. It's offered by Senator Prague of the 19th District.

THE CHAIR:

There is a motion on the floor for summarization. Without objection, please proceed, ma'am.

SENATOR PRAGUE:

I move adoption.

THE CHAIR:

Motion on the floor for adoption. Without objection, please proceed.

SENATOR PRAGUE:

Mr. President, what the underlying bill does is

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to say to employers that you shall post a notice of the availability of Earned Income Tax Credit allowable under Section 32 of the Internal Revenue Code.

However, the amendment changes that posting of the notice to say that an employer when he sends out the W-2 Form will include in it a notice about the availability of the Earned Income Tax Credit.

For the information of this chamber, this Earned Income Tax Credit, according to a study done by Voices, will bring \$16 million into the state and into our economy. Mr. President, the people who are available for this Earned Income Tax Credit are single people who earn \$12,880, \$15,880 for a married couple with no children. If you have one child and you're single, the earned income tax is available to you, if you have an income of \$33,995, and \$36,995 if you're married. If you have two or more children, the income limit is 38,646 or 41,646 for a married couple.

So you can see, members of this chamber, that these are moderately low-income people, and this Earned Income Tax Credit is available to them. They frequently don't know this; therefore, they just don't get the money that they're entitled to. The maximum credit for 2008 are \$438 with no children, \$2917 with one child, and \$4824 with two or more children.

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So this is money that these families can use.
It'll put money into our economy, and it's a good
bill, Mr. President. Thank you.

THE CHAIR:

Thank you, ma'am.

Would you remark further on Senate A?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. Mr. President, through
you, a question to the proponent of the amendment.

THE CHAIR:

Senator Prague.

SENATOR MCKINNEY:

Thank you, Mr. President. Senator Prague, as I
understand the underlying bill, the underlying bill
required the posting of the notice as -- of a place of
employment. This amendment would not strike that
section but would add a second option, which would
provide that employer could either post it at the
place of employment or put it in a W-2. It wouldn't
be both, it would be either/or; is that a correct
understanding of the amendment? Through you,
Mr. President.

THE CHAIR:

Senator Prague.

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SENATOR PRAGUE:

Through you, Mr. President, if the employer wants to, by his own choice, post a notice, that's fine. But this amendment deletes that and says that the notice will be sent out with the W-2 Form. There was a lot of objection to posting the notice. Employers, you know, didn't want to put another notice on their wall. They didn't know where they were going to get the notice, so this seemed like a simpler solution.

SENATOR McKINNEY:

Thank you, Mr. President. I thank Senator Prague. Senator Prague, that's all the questions I had.

I wanted to rise. I didn't understand why people were objecting to the posting of the notice, and I thought we were going to give them an either/or option. Regardless, I do support the amendment and just wanted to echo your comments. There is much debate about the Earned Income Tax Credit, but one thing we do know is that there are people in the State of Connecticut who are eligible who have not filed and have not gotten the money that's available to them. Since we, as a state, send so much money down to Washington, we need to make sure that the people here who are eligible for things like the Earned Income Tax

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Credit get the money that they are eligible for.

I've always believed, as you know -- we talked about this. This was something that President Nixon worked on; it's something that President Reagan worked on, neither of whom I think were members of the Democratic Party, as I remember. And it is a good measure to give people some of their money back so that they can do with it what they want, and we hope that they'll spend it in our economy. Perhaps they'll pay off some bills or do something, but it is giving people some of their money back.

And so to the extent that we can help further educate people who may be eligible that they can go get some relief from the federal government, it's a good bill. And I support it. Thank you,
Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A? Will you remark further? If not, let me try your minds. All those in favor, please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

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The ayes have it. Senate A is adopted.

Will you remark further on the bill, as amended
by Senate A? Senator Looney.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President,
speaking in support of the bill, as amended,
Mr. President, I think anything that enhances the
facility with which people can claim their federal
Earned Income Tax Credit is good policy for the State
of Connecticut, and I commend Senator Mushinsky and
Senator Prague for bringing this bill forward.

Also, Mr. President, I wanted to second
Senator McKinney's comments that he and I have jointly
been advocates of a state Earned Income Tax Credit
that we hope will sometime be possible when the state
is in a better financial position to move forward on
that. But in the meantime, anything we can do to
enhance the economic power of low-income families by
full access to the federal Earned Income Tax Credit,
to which they are entitled, is something that we
should move forward to do. And that's what this bill
will do and with our support. Thank you,
Mr. President.

THE CHAIR:

Thank you, sir.

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Will you remark further on House Bill 5177, as amended by Senate A? Senator Prague.

SENATOR PRAGUE:

Mr. President, if there's no objection, I'd like to place this on our Consent Calendar.

THE CHAIR:

There's a motion on the floor to place this item on Consent. Is there objection? There is objection, ma'am.

Mr. Clerk, if you could please call for a roll call vote, the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Senator Meyer, if you could vote, please, sir.

Have all Senators voted? If all Senators have voted, the machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on passage of House Bill 5177, as amended by Senate Amendment Schedule A:

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Total Number Voting	35
Those voting Yea	34
Those voting Nay	3
Those absent and not voting	1

THE CHAIR:

The bill, as amended, passes.

Mr. Clerk -- oh, I'm sorry -- Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, for a couple of additional markings and for a correction of a prior marking.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Yes. Mr. President, earlier I had incorrectly marked Calendar Page 10, Calendar 635 as a go. Mr. President, that item should be a -- should be marked PR and instead would be marking Calendar Page 12, Calendar 653, House Bill 6426 as a go.

THE CHAIR:

Very good, sir. Thank you.

SENATOR LOONEY:

Yes, Mr. President. Mr. President, also some additional markings off the -- from the Senate Agendas. On -- again would ask for suspension to mark

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from Senate Agenda Number 1, Substitute House
Bill 6649, AN ACT CONCERNING THE PROGRAMS AND
ACTIVITIES OF THE DEPARTMENT OF TRANSPORTATION.

Mr. President, would like to mark that item go, for
purposes then or placing it on the Consent Calendar.
Ask for suspension to mark it go.

THE CHAIR:

There's a motion on the floor for suspension of
the rules on Substitute House Bill 6649. Without
objection, so ordered, sir.

SENATOR LOONEY:

Yes; thank you, Mr. President. Now would move to
place House Bill 6649 on the Consent Calendar.

THE CHAIR:

There's a motion to place House Bill 6649 on the
Consent Calendar. Seeing no objection, so ordered,
sir.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President,
also on Senate Agenda Number 1, previously marked go
was substitute for House Bill 6486, AN ACT CONCERNING
RESPONSIBLE FATHERHOOD AND STRONG FAMILIES, would now
move, Mr. President, to place that item on the Consent
Calendar.

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There's a motion to place House Bill Number 6486, off the Senate Agenda Number 1, on the Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President, also for a marking, on Senate Agenda Number 3, would ask for a suspension to mark an item on Senate Agenda Number 3. House Bill 6394, AN ACT CONCERNING THE MILITARY FAMILY RELIEF FUND, would move for suspension to mark that item go.

THE CHAIR:

There's a motion on the floor to suspend rules to mark House Bill Number 6394 as a go, off of Senate Agenda Number 3. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President, now I would move to place House Bill 6394 on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place House Bill Number 6394, off of Senate Agenda Number 3, on the Consent Calendar. Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

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THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar Page 5, Calendar Number 458, Files
Number 40 and 691, substitute for House Bill 6447, AN
ACT MITIGATING FIRE LOSSES FOR HOMEOWNERS AND BUSINESS
OWNERS, as amended by House Amendment Schedule A,
favorable report of the Committee on Insurance.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President. I move acceptance of
the joint committees' favorable report and passage of
the bill, in concurrence with the House.

THE CHAIR:

Acting on acceptance and approval of the bill,
sir, would you remark further?

SENATOR CRISCO:

Yes, Mr. President. Mr. President, this makes --
this bill makes numerous changes to the standard fire
insurance policy that insurers by law must write in
the state. Specifically, it shortens the time period
that an insurer has to pay a claim from 60 to 30 days.
It allows an insured person and the insurer to agree
in writing to a partial claim payment in advance of

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final claim adjudication, which does not affect the 30-day time period for total payment. It requires an insurer to reduce the total amount due to an insured by an amount of any advanced, partial payment that is made and increases the statute of limitations for filing a lawsuit with respect to a claim under the policy from 12 to 18 months after sustaining a loss.

Mr. President, and members of the circles, House Amendment A clarifies the written agreements for partial claim payments in advance of final claim adjudication be between the insurer and the insured and requires insurers to meet the 30-day time period for total payment, regardless of any advanced payments made.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 6447, in concurrence with the House? Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. Mr. President, if I may, I have just a few questions through you to Senator Crisco.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

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Yes, Mr. President.

SENATOR CALIGIURI:

Thank you, Mr. President. Senator Crisco, the last section of the bill deals with the fire coverage for a condominium policy. And my first question, through you, Mr. President, is: It's my understanding that this coverage is available through a terrorism rider, currently, and that these master policies at issue here have been priced with that in mind.

Through you, to Senator Crisco, why are we making this change and won't making this change have the effect of changing the nature of the products and the way that they were priced in the first instance? Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President. Through you, to Senator Caligiuri, I think first we have to distinguish between commercial and residential. Condominiums are not considered to be residential, and that's an issue that I believe we should address later on. But because of that, the bill requires a condominium master insurance policy to cover a loss directly or indirectly by terrorism, as the Insurance

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Commissioner defines it, until the federal Terrorism Risk program expires. The current law, commercial risk policies including those issued to a condo association may exclude coverage for such a loss if the premiums charged for the policy reflect projected savings from the exclusion and until the Federal Terrorism Insurance Program expires.

Now, the Commissioner has adopted the definition of terrorism used in the 2007 federal law, reauthorizing the federal program.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President, and I thank Senator Crisco for that response.

Through you, Mr. President, this section will take effect on October 1, '09, if memory serves. My question, through you, Mr. President, to Senator Crisco is whether -- if this takes effect in the middle of a policy year, will the insurer be required to effectively rewrite their policy midstream or will this only affect -- take effect once that policy has come to an end and it's time for renewal? Through you, Mr. President.

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Senator Crisco.

SENATOR CRISCO:

Well, Mr. President, through to
Senator Caligiuri, that is my understanding.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Just to be clear; just I want to be clear, for
the record. Is it Senator Crisco's understanding that
it will not take effect until the renewal period for
the policy? Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you, to Senator Caligiuri,
yes.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President, and I thank
Senator Crisco. I have no further questions for
Senator Crisco.

I would just say by way of comment that I think
overall the bill is a good bill, but this particular
section gives me concern because, as I indicated, the

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market already provides for this coverage in the form of a rider, and I'm concerned that we will be changing the market for this product and for the way that they're priced in a way that ultimately may not be in the best interest of consumers. And that's why I will be voting against this legislation. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 6447? Will you remark further on House Bill 6447?

Senator Crisco.

SENATOR CRISCO:

Let's -- I would ask for a roll call vote, Mr. President.

THE CHAIR:

A roll call vote will be ordered. Any further discussion on House Bill 6447? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the

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chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on passage of House Bill 6447:

Total Number Voting	36
Those voting Yea	24
Those voting Nay	12
Those absent and not voting	0

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of Calendar Page 3, Calendar 247, House Bill 5177, as amended in the Senate.

THE CHAIR:

Seeing no objection, sir, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, would now ask the Clerk to call the Consent Calendar.

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Mr. Clerk, please call Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber.

Mr. President, those items placed on the Second Consent Calendar --

THE CHAIR:

Mr. Clerk, please hold for a second.

I'm trying to hear the Clerk call the Consent Calendar and I'm sure you don't want to miss that vote either, so if I could have your attention and quiet, please.

Mr. Clerk.

THE CLERK:

The items placed on the Second Consent Calendar begin on Senate Agenda 1, substitute for House Bill 6486, substitute for House Bill 6649. Senate Agenda Number 3, House Bill 6394. Today's Calendar, Calendar Page 3, Calendar 317, Senate Bill 586; Calendar Page 4, Calendar 455, House Bill 5018; Calendar Page 7, Calendar Number 593, Substitute House Bill 5286; Calendar Page 8, Calendar 606, substitute

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for House Bill 5883; Calendar Page 9, Calendar 619,
House Bill 6343; Calendar 626, House Bill 6476;
Calendar 629, substitute for House Bill 6232; Calendar
Page 10, Calendar 634, House Bill 6544; Calendar 636,
substitute for House Bill 6483; Calendar Page 11,
Calendar 649, substitute for House Bill 6466; Calendar
Page 13, Calendar 663, substitute for House Bill 5254;
Calendar Page 15, Calendar 680, substitute for House
Bill 5821; Calendar Page 16, Calendar 684, House
Bill 6231; Calendar Page 17, Calendar 689, substitute
for House Bill 5421; Calendar Page 18, Calendar 695,
substitute for House Bill 6419; Calendar Page 19,
Calendar 699, substitute for House Bill 6284; Calendar
Page 21, Calendar 711, House Bill 5099; Calendar 712,
substitute for House Bill 6025; Calendar Page 22,
Calendar 718, substitute for House Bill 5861; Calendar
Page 23, Calendar 720, substitute for House Bill 5108;
Calendar Page 32, Calendar 450, House Bill 6233;
Calendar 467, substitute for Senate Bill 1031; and,
Calendar Page 35, Calendar 205, substitute for Senate
Bill 948. Mr. President, that completes the items
placed on the Second Consent Calendar.

THE CHAIR:

Will you please call the Consent Calendar? The
machine will be open.

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THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar

Number 2:

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items voted on, on Consent Calendar Number 2, requiring additional action by the

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House.

THE CHAIR:

Seeing no objections, sir.

SENATOR LOONEY:

Thank you, Mr. President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar Page 9, Calendar Number 621, File
Number 549 and 927, substitute for House Bill 6467, AN
ACT CONCERNING SMART GROWTH AND THE STATE PLAN OF
CONSERVATION AND DEVELOPMENT POLICIES PLAN, as amended
by House Amendment Schedule A, favorable report of the
Committees on Planning and Development, and
Appropriations.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. I move acceptance of
the joint committees' favorable report and passage of
the bill.

THE CHAIR:

Acting on approval and acceptance of the bill,
sir, would you like to remark further?

SENATOR COLEMAN:

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Yes, Mr. President. The State Plan of Conservation and Development is a very important planning tool for the State of Connecticut. It's become increasingly more complicated to prepare this particular plan. The underlying bill, House Bill 6467, would provide for a two-year extension to the Office of Policy and Management for the purpose of updating and revising the State Plan of Conservation and Development.

Also, Mr. President, the Clerk should have an amendment, LCO 7908, I'd ask that the Clerk please call that amendment and that I be permitted to summarize the amendment.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7908, which will be designated Senate Amendment Schedule; it's offered by Senator Coleman of Senate A the 2nd District, et al.

THE CHAIR:

There's a motion on the floor by -- for summarization. Seeing no objection, please proceed, sir.

SENATOR COLEMAN:

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

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amendment.

THE CHAIR:

Motion on the floor for adoption. Without objection, please proceed, sir.

SENATOR COLEMAN:

LCO 7908 does primarily three things: First, it adds some flexibility to the smart-growth principle regarding housing. The language in the underlying bill requires housing to be located near transportation centers and employment centers. This amendment adds the language "or locations compatible with smart growth." Secondly, the amendment adds the integration of the State plan with municipal and local plans, as an issue to be studied by the continuing Legislative Committee on the State Plan of Conservation and Development. And, thirdly, the amendment strikes a section of the underlying bill that required the State plan to be consistent with the municipal Plans of Conservation and Development.

I move adoption of the amendment, Mr. President.

THE CHAIR:

Motion is on adoption.

Will you remark further on Senate A?

Senator Fasano.

SENATOR FASANO:

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Thank you, Mr. President. Mr. President, I rise in support of this amendment. Mr. President, this amendment is required in order for us to move forward with our State Plan of Conservation and Development in a meaningful manner. There's language that's been worked out between both parties, as well as OPM, and I support this amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A? Will you remark further? If not, let me try your minds. All those in favor, please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

SENATORS:

No.

THE CHAIR:

The ayes have it. Senate A is adopted.

Will you remark further on House Bill 6467, as amended by Senate A?

Senator Coleman.

SENATOR COLEMAN:

Mr. President, if there is no objection and no

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further comment, I'd move that this item be placed on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place this item on the Consent Calendar. Without objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar Page 12, Calendar Number 653, File Number 511 and 960, substitute for House Bill 6426, AN ACT IMPROVING BROADBAND ACCESS, as amended by House Amendment Schedule A, favorable report of the Committees on Energy and Technologies, and Government Administration and Elections.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Thank you, Mr. President. Good evening.

THE CHAIR:

Good evening.

SENATOR FONFARA:

Mr. President, I move for acceptance of the joint committees' favorable report and passage of the bill.

THE CHAIR:

Acting in acceptance and approval of the bill,

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sir, would you like to remark further?

SENATOR FONFARA:

I would, Mr. President. Thank you.

Mr. President, the Clerk is in possession of an amendment, LCO 9297; may he please call and I be permitted to summarize?

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 9297, which will be designated Senate Amendment Schedule A is offered by Senator Fonfara of the 1st District.

THE CHAIR:

There is a motion on the floor for summarization. Seeing no objection, please proceed, sir.

SENATOR FONFARA:

Mr. President, I move for adoption.

THE CHAIR:

Motion is on the floor for adoption. Without objection, please proceed.

SENATOR FONFARA:

Thank you, sir. Mr. President, this amendment, which becomes the bill, does a number of things consolidating a few bills. And primarily what it does, in Sections 1 and 2, it clears the way for CTM

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to be finally aired on AT&T U-verse, which is the -- essentially the competitor to cable in our state. And the interest in CTM and across the state is strong, and I think that's a good thing for the public to be able to watch state government on all wire-line video programming in the State of Connecticut.

It also changes the definition that CTM is no longer a community access provider but a statewide government channel.

It requires that PEG entities file annually. Those that file annually would be eligible for the PEG Fund that was created in 2007 that is established for science and technology investments.

It also allows for PEG programming entities to -- the department to set up -- the DPUC to set up a process where entities and towns can submit alternate PEG provider applications. In some towns there may be a sense that there's not the best PEG providers, and this would provide for a system, for the first time, where the DPUC could review and determine what would be a better PEG provider.

The bill -- the amendment also establishes a very important process, through the Department of Public Utility Control, whereby funding anticipated by the federal government for broadband services through the

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stimulus initiatives will be allocated to unserved areas of our state for broadband, currently. There are parts of the state in western Connecticut and in eastern Connecticut where it's very likely, maybe never, but certainly not for many years would broadband service be available. These stimulus dollars would be made available to those areas for the first time.

It also would establish an educational system in underserved areas, in urban areas of the state and others where broadband technology and literacy in broadband technology would be improved.

That's the highlights of this amendment, Mr. President. I urge passage of the amendment.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A?

Senator DeBicella.

SENATOR DEBICELLA:

Mr. President, just so Senator Prague knows that I don't just pick on her, Mr. President, there is no fiscal note on this amendment yet filed.

THE CHAIR:

Senate, stand at ease.

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(Chamber at ease.)

SENATOR LOONEY:

Mr. President?

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes. Mr. President, if we might just pass that item temporarily?

THE CHAIR:

The item will be PT'd.

Mr. Clerk.

THE CLERK:

Calendar Page 13, Calendar Number 659, File Number 73, House Bill 6459, AN ACT CONCERNING THE REPEAL OF THE OBSOLETE STATE HIRING INCENTIVE TAX CREDIT; favorable report of the Committees on Labor, and Finance, Revenue and Bonding.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President. Mr. President, I move the joint committees' favorable report and passage of the bill.

THE CHAIR:

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Acting on approval and acceptance of the bill,
ma'am, would you remark further?

SENATOR PRAGUE:

Yes, Mr. President. What the underlying bill
does is to repeal the obsolete, State Hiring Incentive
Tax for employers. It was ineffective when it was
funded. The employers rarely qualified, and much
effort -- they put in much effort and got little
results. There's an excellent federally funded tax
credit program at the Labor Department, and it is much
more generous and covers the same population.

The Clerk has an amendment, LCO 8025; would he
please call the amendment and I be allowed to
summarize?

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 8025, which will be designated Senate
Amendment Schedule A is offered by Senator Prague, of
the 19th District.

THE CHAIR:

There is a motion of the floor by the Senator for
summarization. Seeing no objection, so ordered.
Senator Prague.

SENATOR PRAGUE:

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I move adoption.

THE CHAIR:

Motion of the floor for adoption. Without objection, please proceed, ma'am.

SENATOR PRAGUE:

Thank you. What LCO 8025 does, it has three parts. It preserves the good cause for late filing of certain Unemployment Compensation appeals. The bill ensures that employers and claimants will continue to have the right to argue good cause for late filing of the appeals of the Unemployment Compensation.

Section 2, which was former LCO 6714 -- it's too bad Senator Witkos isn't in the chamber, but -- where is he? Oh; I hope he's listening. No employer will be charged for Unemployment benefits for an individual whom they fired for denial of a special operator's license to drive because of a drunk-driving arrest. So the employer will not be charged for that Unemployment Compensation for that employer.

Section Number 3, was former LCO 6759, an Unemployment Compensation conformity amendment. The federally required passage will ensure that Connecticut employers pay lower Unemployment Taxes, and this section of this amendment saves Connecticut employers \$500 million to \$600 million a year.

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Now, for the chamber's information, I want you to know that this is from the Labor Department. This is really the Department's amendment. The conformity issue consists of the fact that all states must conform and ensure that public and tribal employers who have chosen not to be taxpaying employers cover Unemployment benefit cost during a state-extended benefit period.

They now pay a hundred percent. The pre -- wait a minute -- the present law to pay -- well, we'll forget that. There is no fiscal impact, and this is a federal requirement for conformity. This is a very important amendment. This is actually the Department of Labor's amendment, and it has to deal with issues that are very important to the business community.

THE CHAIR:

Are you all done, Senator Prague, or are you -- are you done?

SENATOR PRAGUE:

Yes --

THE CHAIR:

Oh.

SENATOR PRAGUE:

-- I am, Mr. President.

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Thank you, ma'am.

SENATOR PRAGUE:

Thank you.

THE CHAIR:

Will you remark further on Senate Amendment A?
Will you remark further on Senate Amendment A? If
not, I will try your minds. All those in favor,
please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

The ayes have it. Senate A is adopted.

Will you remark further on House Bill 6459, as
amended by Senate A? Senator Prague.

SENATOR PRAGUE:

If there's no objection, Mr. President, I'd like
to put this on a Consent Calendar.

THE CHAIR:

There is a motion on the floor to place House
Bill 6459, as amended by Senate A on the Consent
Calendar. Seeing no objection, so ordered, ma'am.

SENATOR PRAGUE:

Thank you.

THE CHAIR:

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Thank you.

Mr. Clerk.

THE CLERK:

Calendar Page 16, Calendar 687, File 323, House Bill 5875, AN ACT AUTHORIZING SPECIAL DISTRICTS TO MAINTAIN THE WATER QUALITY IN LAKES, as amended by House Amendment Schedule A; favorable report of the Committees on Planning and Development, Environment, and Finance, Revenue and Bonding.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. I move acceptance of the joint committees' favorable report and passage of the bill, in concurrence with the House.

THE CHAIR:

Acting on acceptance and approval of the bill, in concurrence with the House, would you like to remark further, sir?

SENATOR COLEMAN:

Yes, just briefly, Mr. President. This bill, House Bill 5875, enables municipalities to establish a process for the maintenance of water quality in lakes, by special districts. The House passed House A, which includes a no-net-loss hunting areas' provision as

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well as provisions regarding marine fishing licenses, increased protection for federal appropriations to the State from a 10-to-11 percent Excise Tax on most hunting and fishing equipment.

And the immediate impetus for the passage of the marine fishing license is that either Connecticut passes this bill and retains the revenue, potentially \$1 million or the federal government will impose a registration system on the State and retain the revenue from such a registration system. I urge support for the bill, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 5875? Will you remark further on House Bill 5875? If not, Senator Coleman.

SENATOR COLEMAN:

I have no further comment, and if there is no objection, Mr. President, I'd ask that the matter be placed on the Consent Calendar.

THE CHAIR:

Motion on the floor to place House Bill 5875 on the Consent Calendar. Without objection, so ordered.

Mr. Clerk.

THE CLERK:

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Calendar Page 17, Calendar 688, File Number 457
and 940, substitute for House Bill 6585, AN ACT
CONCERNING REGIONALISM, as offend -- amended by House
Amendment Schedule A, favorable report of the
Committees on Planning and Development, and Finance,
Revenue, and Bonding.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. I move acceptance of
the joint committees' favorable report and passage of
the bill.

THE CHAIR:

Acting on acceptance and passage of the bill,
sir, will you remark further?

SENATOR COLEMAN:

Mr. President, this is a comprehensive bill and
part of a package of regionalism bills that were
worked on by the Planning and Development Committee.
This particular bill allows the CEOs of two or more
municipalities which are members of the same federal
Economic Development District to agree to promote
regional economic development and to share the real
and Personal Property Tax revenue from such new
economic development projects.

The agreements that the two or more municipalities enter into would include, as an example, some of the following things: The identification of areas for new economic development; opal -- open space and natural resource preservation; transit-oriented development; capital improvements; regional energy consumption; the promotion and sharing of arts and cultural assets. Additionally, "collective bargaining," "purchasing cooperatives," "healthcare pooling," "regional, shared school curriculum," and "special education services" may also be terms included in the agreement.

This bill also requires DRS to enter into a Memorandum of Understanding with municipalities participating in such cooperative agreements, and it requires the regional councils of elected officials to identify opportunities and obstacles to enter local agreements that promote regional cooperation.

Also, a provision of the bill would provide for the imposition of a one-percent Hotel Tax, and the municipalities that are parties to a cooperative agreement may share in the revenue from the Hotel Tax.

And, finally, the Department of Revenue Services would be responsible for collecting and administering the revenue that's generated from this Hotel Tax,

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through a Memorandum of Understanding entered into by the department and each municipality which is party to such an agreement. I urge support for the bill, Mr. President.

THE CHAIR:

Thank you, Sir.

Will you remark further on House Bill 6585?

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Mr. President, a few questions, through you, to the proponent of the bill.

THE CHAIR:

Senator Coleman.

SENATOR DEBICELLA:

Mr. President, just for legislative intent, House Amendment A that was passed, if I'm reading this correctly, stripped Section 6 of the bill which authorized the additional Hotel Tax. Is that correct; is Section 6 now stripped from the bill? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Mr. President, I may be working from an earlier file company. If we can stand at ease, Mr. President?

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THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

The Senate will come back to order.

SENATOR COLEMAN:

Thank you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Mr. President, the answer apparently is you are correct, Senator Debicella.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Then, Mr. President, the other question I have, and it's just I might misunderstand what the LCO note is actually saying, is it seems that the bill authorizes, once the Office of Policy and Management has approved a regionalization plan, that the DRS Commissioner, it requires them to enter into a MOA with each municipality about segregating part of the Sales and Use Tax derived from

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income items or transactions that occur in the participating municipalities. Mr. President, through you, does that mean that part of the Income Tax and Sales Tax that comes to the State is going to be aggregate -- is going to be cleaved off here and given to municipalities, or I'm just not understanding that sentence in the ORL bill analysis? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Mr. President, the bill authorizes a portion of the Sales Tax revenue, which would apparently go to the State, would be segregated through a Memorandum of Understanding and would be allocated to the municipalities that are participating in a cooperative agreement. Through you, Mr. President.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

So, through you, Mr. President, then so this is saying that if a group of municipalities comes together and they are agreeing to have a regional plan, that the Commissioner of DRS is now required to

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give them, to give those municipalities a portion of the State's revenue stream for Income Tax and Sales Tax for -- that comes from within their borders?

Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. And, through you, the provision of the bill only applies to Sales and Use Tax. And that would be -- essentially you're accurate in concluding that that revenue would be placed into a separated account and would be allocated to -- at least a portion of it would be allocated to the municipalities that are participating in the agreement.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. And, through you to Senator Coleman, do we know how much that amount would be that we would be taking from the Sales Tax that goes to the general fund and segregating off to give to these municipalities? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

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SENATOR COLEMAN:

I -- my recollection is that the fiscal note had estimated that to be about a million dollars, through you, Mr. President.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Well, and Mr. President, the -- this is the worry that I have is that the fiscal note actually says in the out years that when this provision goes through effect, it says this may result in a significant annual revenue loss from the general fund from the Sales and Use Tax, being FY 12. The revenue to the general fund will coincide with an equal revenue gain to municipalities participating in these agreements. The revenue loss to the general fund is unknown because the bill does not specify an amount or a method of determining the amount.

And so my worry about this, Mr. President -- and I will use an extreme case -- but because we have not spelled out in here how much money we want to give municipalities as an incentive, there's nothing stopping the DRS to say, hey, you know what? Three very politically connected towns have regionalized; let's give them \$300 million of the Sales Tax that is

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from their district, 100 percent of the Sales Tax from their district to those towns, which would of course devastate our State budget to the detriment of all the other towns in Connecticut.

And so my worry, Mr. President -- I don't think that's the intent that Senator Coleman has behind this bill -- but my worry is that the language in here is not prescriptive enough so that it opens the door to potential serious harm to the State of Connecticut in our general fund.

And, through you, Mr. President, is that a concern that Senator Coleman has or is that -- am I reading the fiscal note wrong? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. And through you, your reading of the fiscal note is correct. Your hypothetical is certainly not the intent of the bill. Through you, Mr. President.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. And, Mr. President, I

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think at this time I thank Senator Coleman for answering my questions.

Mr. President, at this point, although I like the idea of giving incentives to municipalities who come up with a plan to regionalize some of their services, I think the bill as it's currently drafted is a bit dangerous, because I don't think that's the intent that Senator Coleman has yet I think that could be the practicality. And don't take my extreme example; right? Let's say that the -- I'll use my own towns as an example, so if I don't offend anybody. If you take -- if Shelton, Stratford, and Monroe intend to regionalize and come up with a plan, then they are going to be able to keep, call it 40 percent of the Sales Tax from within those towns' borders. And if that were true, then we obviously would have a huge hole in our budget in FY 12 from the Sales Tax, which is the second-largest source of the funding for our general fund.

And so, Mr. President, I rise in opposition to this bill not because I oppose the concept but because the way it's written, I believe, potentially would lead us open to abuse. And so unless there is another amendment coming out to change this, I'm going to be opposing it tonight. Thank you, Mr. President.

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THE CHAIR:

Thank you, sir.

Will you remark further? Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Mr. President. Some questions, through you, Mr. President, to the proponent.

THE CHAIR:

Senator Coleman.

SENATOR KISSEL:

Thank you, very much. First of all, in reviewing the summary of the bill, it says the board of directors of each federal Economic Development District need to send a copy of the district's regional Economic Development Plan to OPM. And I have to honest; I'm not quite sure the communities that I represent in north-central Connecticut, where they may fall regarding a federal Economic Development District.

Quite often, and I'm sure Senator Coleman who -- whose district borders mine, the way economic development is characterized is they're always working through CRCOG, the Capitol Region Council of Governments, and I don't know whether that may be the exact boundaries of where these federal Economic

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Development Districts are or where -- I could look at a map and figure out, you know, is Enfield part of Somers or is Somers, because it's in Tolland County maybe is in a different district. I'm just wondering; how can we get our arms around that first part of the equation, through you, Mr. President?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Mr. President, it is -- the federal Economic Development District Program is a relatively new program. It may be the case, as a matter of fact, I am not aware that there has been a district that is formed that would include, for example, your district and my district. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. So is what I'm hearing is that this is brand new and that it's up to the federal government to pass some rules and regulations establishing these federal development districts and they haven't done that yet? Through you, Mr. President.

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Senator Coleman.

SENATOR COLEMAN:

Through you, Mr. President, I believe the process would require the government -- the federal government to notify the Office of Policy and Management and for the Office of Policy and Management to sign off on the proposed development district -- the district -- the Economic Development District proposed by the federal government. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Okay, great. And, all right, I'm going to use an example that has been discussed here in the Capitol for a number of months. It's controversial; there's a lot of municipalities or folks that aren't happy with it or comfortable with it, and it's called "Sunday sales." And I'm wondering; would this proposal allow two communities up in, let's say, bordering Massachusetts to have an agreement that they want to do Sunday sales of alcohol and that perhaps through an agreement with OPM, that those municipalities could keep the Sales Tax derived from that sale. Through you, Mr. President.

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Senator Coleman.

SENATOR COLEMAN:

Through you, Mr. President, with permission of Senator Kissel, let me just correct the earlier response that I made, and that is just to get the process accurately. I'm informed that the municipalities that might participate or wish to participate in a federal Economic Development District actually put that plan together and submit it to OPM or submit it to the federal government and who submits it to OPM for approval.

And as far as the current question is concerned, may I ask, through you, Mr. President, for Senator Kissel to repeat that question?

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Sure. I don't know whether we would have to change something statutorily here in Connecticut, but it strikes me that what we're promoting here is that for municipalities to come together, come up with some ideas to develop some economic initiatives; my guess is that we'd want them to be creative and come up with ideas that are novel.

And one of my questions is: Assuming there were

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no impediments to Sunday sales, let's say two border communities say we want to, by local ordinance, authorize the sale of alcohol on Sundays; let's say it's the Town of Suffield and Enfield. And would that be something where they would then be able to share part or all of the Sales Tax revenues from something like that? Is something like that even contemplated by this? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Mr. President, that would not be contemplated as one of the permissible terms of one of the, well, what I refer to as the "cooperative agreements" between two or more municipalities.

Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Mr. President. Well, I guess it may not be permissible because we would have to maybe pass legislation allowing municipalities to make their own determination regarding that or if they eventually file suit against the State of Connecticut and, like the automobile dealers, a court determines

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that it's illegal for the State to arbitrarily prohibit the sale of an otherwise lawful item on Sundays. But that being the case, what exactly is contemplated as far in an economic initiative, a regional initiative between two communities? Just I'm looking for any kind of example that I can go back to my mayors and first selectmen and tell them this is sort of what the State is thinking of. Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Well, you find -- through you, Mr. President, to Senator Kissel -- in Section 1(b) of the agreement, there's delineated those areas that the agreements between two or more municipalities should include, and that would include new economic development. And from that I gather it means that economic development, meaning projects, construction projects, perhaps, or projects that involve the creation of jobs; open space and natural resource preservation; transit-oriented development, including housing; capital improvements; regional energy consumption, including strategies for cooperative energy use and development of distributive generation and sustainable energy projects; promotion

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and sharing of arts and cultural assets. That would be examples of some of the items that would be included in such agreements. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. Can -- if two or more communities are already working together, can they piggyback what they're already doing if it can be fit into these criteria?

And at first blush, I have to say that the criteria that the towns are going to have to contemplate and put into their agreement is very broad: Sharing of arts and cultural assets; regional energy consumption; capital improvements; but, also, at least three education cooperative programs.

I mean, for example, let's say a couple of communities have already worked together to purchase salt and they want to build that into this agreement. It's not new but it's something that they're already doing. Could they use that as part of the cooperative agreement by building it into their documentation, saying we've done this for five years, we're going to continue to do it but we're going to expand upon this

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and maybe purchase sand, and we're going to go into a cooperative venture to purchase Public Works' vehicles and things like that? Or if a community is already working with another community, is everything they've done up until now excluded and this would only contemplate new imitatives? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

The agreement, through you, Mr. President, could be used in order to include cooperative ventures between the participating municipalities that had been engaged in prior to the agreement. Including such ventures in the agreement would formalize that relationship for the purposes of this bill. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Mr. President. Okay, moving along to the carrot now to entice municipalities to work together -- and not to say that municipalities need that because I know that they're always striving to work cooperatively to try to

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maximize efficiencies -- but it strikes me that there's two things here: The optional Hotel Tax which a municipality could put into place through a local ordinance, but also there's this sort of nebulous agreement with OPM and the Department of Revenue Services where some element of Sales Tax would remain within the community.

For example, I represent Enfield, a town of about 44,500 people; it's got a very large retail district. And would Sales Tax revenues from that retail district be able to remain with the Town of Enfield or is this tax situation only for taxes that are generated by new developments? Through you, Mr. President.

SENATOR COLEMAN:

Through you, Mr. --

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. Through you, it is, I believe, the intent of this section that this would be Sales Taxes that would be generated by new development.

And I would add that the revenue that would be derived and the Sales Tax that is allocated to municipalities would be required to be used for

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projects that are jointly agreed to by the participating municipalities. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much. And regarding the optional Hotel Tax, if there's a community agreement between two or more municipalities, would each municipality want to have this optional Hotel Tax or if their -- if everything else was in compliance with the underlying statute, could one municipality opt for the Hotel Tax and maybe the other municipality not? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Mr. President, I believe that the provision or the section that covered the optional Hotel Tax has been eliminated from the bill. Through you, Mr. President.

THE CHAIR:

Senator Coleman -- Senator Kissel.

SENATOR KISSEL:

Thank you. I don't know. Have -- all right.

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Because it is -- it's almost twelve o'clock, have we passed an amendment that amended this bill earlier? I don't recall but I could be off on that. Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

The House passed an amendment that amended the bill, through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. And because I'm reading off the most recent file-copy notes, I'm wondering; did the optional Hotel Tax get eliminated by the House amendment? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

That was, through you, Mr. President, what was determined in the discussion between Senator DeBicella and I. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

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Thank you. So the only revenue source that we have here is -- this agreement with Revenue Services, OPM, and the municipalities -- it's for new revenues created through this economic development. Do we have an idea as to whether it would be the entire portion of the Sales Tax associated with the new retail or whatever sales are associated with this new development or is it contemplated that we just don't know the answer to that; it could be 50 percent going to the State and 50 percent remaining with the town, and that that's a fluid concept that has to be worked out with OPM and DRS and the municipalities? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Mr. President, could Senator Kissel repeat his question?

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. I think what I've sort of boiled it down to is that one of the major incentives here for municipalities to enter into these cooperative agreements is that the new economic development that

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they generate would have some revenue spinoff in the form of Sales Tax revenues and that the language of the bill seems to contemplate that upon OPM and Department of Revenue Services' review, that they would be able to allow the municipalities to keep all or some -- excuse me -- some of those revenues.

And I'm wondering: (a) Is it contemplated that all the Sales Tax revenues from the new economic development would stay with the municipalities or could the Department of Revenue Services, with the blessing of Office of Policy and Management, say we're going to pick some other arbitrary figure such as 50 percent would remain with the towns and 50 percent would have to be sent to the State? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Mr. President, the specific language of the bill requires that a portion of the Sales Tax be segregated for use by the municipalities. That particular, specific portion would be determined by OPM and DRS. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

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SENATOR KISSEL:

Thank you. So by utilizing the term of art "portion," it's not contemplated that all those revenues would remain with the municipality, but because it says portion, it could be anything less than a hundred percent. So if DRS and OPM, in its wisdom -- in their wisdom, said 95 percent could stay with the municipality, it could be something as high as 95 percent? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. That is within the realm -- well, I don't know if it's in, within the realm of possibility but it is -- I suppose it's something that could happen if DRS and OPM determine that's what should happen. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you, very much. Well, let me ask this: I know that it won't have any binding legal effect, as far as legislative history, but as one of the co-Chairs of Planning and Development, is it sort of

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the notion that it would be 50 percent or something in that neighborhood? And I only say that because the response that Senator Coleman gave me was that 95 percent could be in the realm of possibility, based upon the language of the statute. But it seems to me that there may be an idea, a rough idea as to how this might actually come to fruition. And I think that would be helpful, even if not binding upon us; it would send a message to OPM and Revenue Services that this Legislature was thinking that something in the realm of 50 percent stays with the towns and 50 percent would be given to the State. Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Mr. President, I can't provide or offer an estimate of what percentage would stay with the towns and what would go to the State. I'm sorry; I can't respond to the gentleman's question. Thank you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Okay; thank you. I appreciate that.

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A different component of that analysis, is it contemplated that when the Department of Revenue Services in consultation with the Office of Policy and Management come up with a determination as to how much revenue stays with municipalities and how much revenue would then be given to the State, that let's say we have the Town of Wallingford working with an adjacent community and they have applied to this, and then we also have the Town of Enfield working with an adjacent community, would the determination as to how that revenue is broken apart be the same for everybody that applies for this? And the reason I think that's important is -- and not to single out my good friend and colleague, Senator Fasano's Town of Wallingford -- but I know that my constituents up in Enfield, if they saw that Wallingford was getting, like, 75 percent of all the revenues generated where as then OPM and DRS said, Enfield, you get 25 percent of the amount of revenues generated, they're going to say that doesn't seem right.

And so I'm wondering, once the determination as to how these revenues should be bifurcated between the State and the municipalities, whether that would be an equal percentage applied to all of these projects or does the Department of Revenue Services in conjunct --

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cooperation with the Office of Policy and Management have latitude to create different kinds of formulas, depending on the municipal agreements presented to it? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Mr. President, I believe that the language of the bill contemplates such latitude. Through you to Senator Kissel.

SENATOR KISSEL:

Thank you, very much.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

No more questions through you to the good proponent of the bill. I'm interested to hear if there's any other debate on this, this evening. I have concerns, and it's not because I'm opposed to regionalization.

And I think utilizing a carrot-and-stick approach or incentives to help get municipalities to actually make the serious investment of time and effort and energy to reach out to other municipalities surrounding it or nearby, in looking at the criteria

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here, it's complex. There's no two ways about it. There need -- each municipality has got to do an assessment, everything from what they're purchasing to what their culture and arts and tourism and all of that is. And then they have to go to a neighboring municipality or a municipality within this federal district and say can we do it better or do something different together. And then they have to work out what that together is going to mean, and because of geography, it's going to land in one town or another town or it might have the possibility of sprawling a town line, but that's not necessarily the case.

At the end of the day, though, the part that really is problematic to me is this very open-ended notion as to what the carrot is going to be. They've eliminated the potential for the town to pass its own ordinance to have an additional one percent. And I know that in talking to some of my municipal leaders, they were very intrigued by that notion because that would devolve more likely than not on folks outside the municipality or even outside the State of Connecticut who might be travelers staying in a particular hotel, in particular, in my neck of the woods, because we have Bradley International Airport, quite a lot of hotels around that airport area as well

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as in the greater-Enfield area; so now that's all off the table.

One thing that I know was very -- raised a lot of issues in my municipalities was whether we would be contemplating legislation that would allow a municipality to just add one percent across the board in a community. I know my municipal leaders were sort of saying, yeah, that would be great, but a lot of other folks that I talked to in the town, the small retail owners and other folks were very concerned about giving towns that broad-brush latitude because they were fearful that all of a sudden one particular community would be at a competitive disadvantage with surrounding communities.

What we have here is something completely different. This is going to, by necessity, take money away from the State. And in reading the fiscal note, it's large. First of all, it's large because it's anticipated that the Department of Revenue Services, in changing this formula that it has to work with local municipalities, will have to make a significant investment into an infrastructure change. And not being an expert, by any stretch, with the Department of Revenue Services, there is a notion that they have to change the system as to how funds are segregated as

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far as the collection of Sales and Use Taxes.

But above and beyond that, above and beyond the fact that one of our large State agencies is going to have to change the way it does business, above and beyond the fact that we're creating a tremendous new responsibility on the part of the Office of Policy and Management, and above and beyond the part that we are requiring an awful lot from our municipalities, at the end of the day, we don't know what the reward is for those municipalities.

And I had used the example that the municipalities would be able to keep 95, up to 95 percent of the revenues generated from a proposal like this, but conversely, at the end of the day, you know, we could be looking at 2011, 2012, seeing incredible, huge holes in our State budget and the reward for the municipalities might be keeping 5 percent instead of -- and 95 would get shipped back to the State of Connecticut. And I can just hear my municipalities, after they've jumped through all those hoops, what their response would be; it wouldn't be really very positive.

And the last point I'll make, Mr. President, is this: I think that what we're doing by having it so open-ended and with the answer that I got that on the

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language, as presented, the Office of Policy and Management and the Department of Revenue Services can make individual judgements, based upon each application? I see that that is perfect grounds for feuding, feuding in that you're going to have, hopefully, several of these municipal cooperation agreements going before Department of Revenue Services or going before the Office of Policy and Management, and then they're going to our -- their legislators, their State Representatives and Senators and say, hey, we got 50 cents on the dollar but Waterbury is getting 75 cents on the dollar or hey, we're getting 25 percent of the revenues generated by our project but the City of Stamford is getting 85 percent; that's not fair. And what am I supposed to tell them?

I think that whatever policy we set forward, if we're going to have a standard set of things that the municipalities have to do, then at the end of the day, whatever the reward is for those municipalities should be equal across the board.

And it really -- it will go up and down, depending on how successful their new economic generation projects are. If it's much more successful if -- even if the percentages are the same, then they're going to get more revenue. So there's already

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that built-in incentive for the municipalities to come up with something that's really gangbusters that will really create some new wealth in the state.

And if we say just 50 percent -- and I'd be -- I, to be honest right now, I'd be happy with that; 50/50. Let's do a 50/50 partnership with municipalities; they come up with a new way to raise revenue (a) we'll take half of it for our state coffers but they get to keep half. At least they would know what the target is.

But keeping it so open-ended like this, if I was a town manager, I'd be very hesitant to go to my town council or my board of selectmen and try to really pitch this, because they would say, well, if we do all of these things and we invest all these funds in trying to get this cooperative agreement with an adjoining town or two, what do we end up getting back? And the answer is: We don't know.

And, again, just like businesses need to have some kind of predictability in doing quarterly assessment and then two-year predictions and ultimately five-year predictions, I think municipalities need that kind of assistance as well. I think this is a great first step; it's really novel. But I think there's --

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Senator Looney --

SENATOR KISSEL:

-- a couple --

THE CHAIR:

-- for what purpose do you rise, sir?

SENATOR LOONEY:

Thank you, Mr. President. And with the indulgence of Senator Kissel, would ask that this item be passed temporarily.

THE CHAIR:

Senator Kissel. Thank you.

SENATOR KISSEL:

Happy to do it, sir.

SENATOR LOONEY:

Yes, Mr. President, also for an additional marking, an addition to the Consent Calendar. Mr. President, on Calendar Page 18, Calendar 698, House Bill 6339, would move to place that item on the Consent Calendar.

THE CHAIR:

There's a motion to place Calendar Number 698 on the Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Yes, Mr. President. Mr. President, also for a

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correction of a marking earlier, had passed over an item regarding Senate Bill 757. Mr. President, that item appears on Calendar Page 24, and it is Calendar 160, Senate Bill 757; if that item might be marked go. Also, it was, I think, improperly marked regarding the page number, earlier on.

THE CHAIR:

Well, it was, sir. Thank you.

SENATOR LOONEY:

Yes. And also, Mr. President, an item to remove from the foot and to mark passed, retaining its place on the Calendar. On the foot of the Calendar, Mr. President, Calendar Page 39, Calendar 177, Senate Bill 748, would move to remove that item from the foot and to mark it passed, retaining its place on the Calendar.

THE CHAIR:

That was Calendar -- what was that Calendar Number, sir?

SENATOR LOONEY:

Calendar Number 177.

THE CHAIR:

There's a motion to remove that from the foot, passed, retain. Without objection, so ordered.

SENATOR LOONEY:

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Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

THE CLERK:

Calendar Page 18, Calendar Number 698, File
Number 34 and 10 -- 1010, substitute for House
Bill 5021, AN ACT CONCERNING WELLNESS PROGRAMS AND
EXPANSION OF HEALTH INSURANCE COVERAGE, as amended by
House Amendment Schedule A, favorable report of the
Committees on Insurance, and Appropriations.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President. Mr. President, I move
for acceptance of joint committees' favorable report
and passage of the bill, in concurrence with the
House.

THE CHAIR:

Acting on approval and acceptance of the bill,
sir, would you like to remark further?

SENATOR CRISCO:

Yes, Mr. President. Mr. President, this is
perhaps somewhat of a historical bill that is before
us. We've talked about cruisers and aircraft

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carriers; I must admit, Mr. President, and members of the circle, that this is a Noah's Ark. And it's a Noah's Ark not only because of its size but for the lives it may save and the pain and suffering that people may avoid and, I sincerely believe, in the cost to insurance companies for -- in future claims.

This bill, Mr. President, which basically covers five preventions; it starts out with coverage for prosthetic devices and repairs and placements to them. It's specific coverage for bone marrow testing, leukocyte antigen testing, which already passed this chamber. It requires coverage for a reasonably designed health behavioral wellness maintenance or improvement program that gives participants one or more of the following: A reward, health spending account contribution, premium reduction or a reduced copayment, co-insurance or deductible. And fourth, Mr. President, it provides coverage for a licensed physician or Advanced Practice Registered Nurse, prescribed wigs for a person with hair loss caused by a diagnosed medical condition other than androgenetic alopecia. It also has some covers for ostomy supplies. And as we previously passed in this chamber, it prohibits a certain insurance policy from imposing a co-insurance, co-payment, deductible, or

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other out-of-pocket expenses for a second or a subsequent colonoscopy a physician orders for an insured person in a policy year.

THE CHAIR:

Thank you, sir.

Will your remark further on House Bill 5021?

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. If I may, I have a few questions, through you, to Senator Crisco.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Yes, Mr. President; acceptable.

SENATOR CALIGIURI:

Thank you, Mr. President. Through you, Mr. President, we've looked at quite a few of the -- I'll use the term "mandates," and I don't use that as a pejorative term -- over the course of this legislative session. Through you, to Senator Crisco, my first question is: How is it decided that this particular group of mandates would be bundled together in this legislation? Through you, Mr. President.

THE CHAIR:

Senator Crisco.

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SENATOR CRISCO:

Mr. President, through to -- through you, to Senator Caligiuri. since it was the work of the House, then I would say that you would have to speak to the House Chairman.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. Through you, Mr. President, I think one of the issues that perhaps some people may be struggling with is that when presented to the body individually, we get to make a case-by-case determination as to whether when you balance the cost and the benefit, the mandate makes sense. When presented in one, lump sum, as is the case in the current bill, you're forced to either be all in or not, even though you may have reservations about certain, individual provisions of the bill.

Through you, Mr. President, to Senator Crisco, what is Senator Crisco's view on this? And the reason I ask that is because I think this particular approach in this bill may set a very important precedent for the work that we do in the future. And to the extent that this becomes a template for how we handle mandates in the future, I question whether this is the

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right way to do it. And I would ask, through you, Mr. President, Senator Crisco's views on whether this is the right model for us to be taking when dealing with mandates. Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Caligiuri, I respect my ranking member's opinion and I believe it all depends upon one's perspective in regards to saving lives, in regards to reducing pain and suffering.

And, also, we never, never consider the cost savings that insurance companies experience from these preventions. As we learned earlier in the evening, there was a bill that would review all future preventions or mandates, and existing ones, in order to once and for all resolve this cost-benefit issue that we struggle with from one session to another session, from one committee meeting to another committee meeting.

So, again, we are making great strides, and I think for the first time, in cost-benefit ratios, and I believe whether it's one or five or ten, if you personally believe it should be covered, then I

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believe that's up to the individual legislator.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. I thank Senator Crisco for that response. I still think -- and perhaps this is a topic for another evening or day -- I still think it's going to be worthy of discussion by the Insurance Committee and this body whether bundling mandates together is the right approach. But I certainly understand and appreciate Senator Crisco's response.

My next question relates to Section 13 of the legislation. Through you, Mr. President, my question is: Section 13 is new language that deals with various incentives, wellness incentives, if I'm reading this correctly. And Section 14 talks about how the incentives -- and I'm paraphrasing -- provided in Section 13 will not constitute an impermissible rebate. This reminds me of something I think we did earlier this session.

And my question, through you to Senator Crisco, Mr. President, is: Is this duplicative of something we've done already, Senator Crisco or is this new and/or different? And if it is different, is Senator Crisco in a position to sort of summarize how

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this compares to what we did earlier? Cause I'm virtually certain we did something that had to do with wellness incentives and the effect that that would have on our anti-rebating statute. Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you, to Senator Caligiuri. The Insurance Committee did have a bill pertaining to wellness. It was on our Calendar but there was a strike-all amendment that was used for that wellness bill, and so the wellness component did -- was not acted on.

Also, I would request that the good Senator from Waterbury -- I believe the language states that a company -- an insurance company may; the word "shall," I believe, is not used. And I could stand corrected but I believe it's the may be implemented in regards to allow this program.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. And Senator Crisco may very well be correct about that, but I -- the focus of

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my comment wasn't really on the may versus the shall but rather whether this Section 13 and 14 was duplicating something that we had done earlier. And I've heard and I appreciate Senator Crisco's response to that question.

Just by way of commenting on the bill
Mr. President -- I thank Senator Crisco for answering my questions -- these are all, I think, mandates that individually I would have supported and, in fact, have supported, either earlier this year or previously and so, I think, bundled together will still get my support.

I do think, as I indicated earlier, that the approach that we are taking here is perhaps not the best precedent for us to take. I think it's better to give members an opportunity to make a case-by-case determination and to weigh the benefits of cost of each, potential mandate one at a time instead of being forced to make a very difficult choice, which is almost by definition going to be overly broad, one way or the other. And I would suggest that there will be a better way for us to deal with this in the future, but, nevertheless, this is what is before us this evening, and we have to make a judgement whether on balance it is worthy of our support.

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In my judgement, it is, which is why I look forward to supporting it when this comes to a vote. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 5021?

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Good morning, Mr. President.

THE CHAIR:

Good morning.

SENATOR DEBICELLA:

Less than 24 hours to go.

THE CHAIR:

Very good.

SENATOR DEBICELLA:

Mr. President, I rise tonight in opposition to what is before us, a mega-mandate bill.

Mr. President, we talked -- it amazes me sometimes how we do things that are so contradictory in this chamber. We -- earlier today, Senator Prague and I spent a long time talking about what the best way to cover about 500 janitors who don't have insurance and what was the best way to get them

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insurance. Well, Mr. President, what we're doing here tonight is taking that insurance and putting it even further out of reach for folks like those janitors, because, Mr. President, what we do, especially with any individual mandate, is we increase the cost of healthcare. By making every person in Connecticut who has a child be mandated for having a hearing aid, being -- mandating everybody in Connecticut have coverage for prosthetic limbs, whether you want it or not, we are raising the cost of healthcare.

And, Mr. President, to Senator Caligiuri's point, when you take these one at a time, they add 70 cents a month here to your healthcare bill, 30 cents a month there. The bill we have before us tonight combines not only the mandates we've talked about this year but mandates that we voted on in 2008 and 2007, that didn't pass. So what our colleagues in the House have done by bundling this together is you have a bill in front of us tonight that will increase the cost of healthcare significantly for working and middle-class families in Connecticut.

Now, could I tell you if it's \$5, \$10, \$20 a month? No, I don't, Mr. President, because we don't have a detailed public hearing or detailed information on this bill, which was kind of glommed together, down

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in the House.

So, Mr. President, you know, we earlier in the session passed an autism mandate, which was, I believe, the first mandate that I voted for, because I said people in Connecticut were willing to pay the higher healthcare costs to cover a disease that is now prevalent in society. Well, Mr. President, I don't think if you showed the list of mandates to folks in Connecticut that even the majority of them would say, yeah, I'll pay a little bit extra for that.

And, Mr. President, I offered earlier in the session, and I won't offer it again tonight, obviously, but offered earlier in a session a better way to do this, a better way that we could force insurance companies to offer this coverage but allow the men and women of Connecticut to choose for themselves, to say, yes, I do want coverage for a hearing aid but not for prosthetics or I do want this kind of testing but I don't want fertility treatment.

And, Mr. President, the bill we have before us tonight forces these options down the three million people in Connecticut who haven't -- who have health insurance's throats. And the 36 of us, collectively -- none of us, I don't believe, having a medical degree -- are saying these are the things that you

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must be covered for.

So, Mr. President, I stand in opposition to this bill tonight. I would have wished that if we were going to especially bring back mandates from previous years, that we would have independent debates and votes on them, not putting them all together at twelve-thirty at night to pass on. So I stand in opposition to this bill and encourage my colleagues to vote no.

THE CHAIR:

Thank you, sir.

Will you remark further? Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. Mr. President, I likewise stand along with my colleague, Debicella, with regards to this bill.

Previous discussions on the various mandates that were proposed, I, in jest, asked the good Chairman if there would be more mandates that would be proposed later in the session, and with a smile, I think, he remarked, well, maybe just a few. And so I now see that he was, indeed, quite serious that there would be more than just a few.

And I think we have entertained a number of very good amendments, actually, that would allow our

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healthcare plans to provide a menu or an option for various procedures that they may want to carry or pay for. But as we went over the 50-item mark on the various mandates we have -- and now we seem to be getting closer to 60 -- I just wonder if there's going to be any limit to them, whatsoever.

And, in fact, this is having a very negative impact on not only the cost but the access for many to be able to provide a policy that is affordable for, particularly the small business owner. But I would maintain it's just not the small business owner. It's our large businesses. It's our school systems. It's our municipalities. It's our local communities, and it's on, in fact, the various bills we've proposed recently that -- our Sustinet, our pooling for the state, so that we might be able to roll out these plans to those that currently can't access them.

And I just wonder if, in fact, we're considering the cumulative effect, as just been mentioned, by all of these proposals that individually may seem like a very good thing to do but in total, when put together, I think we are having now, finally, a very major impact on cost and therefore accessibility to these plans by the individual or small businesses and the like, and even on our nonprofits.

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For that reason, I just don't think that this is a good direction to go in. Although, as I said, each one, individually, on their own, may seem reasonable, but put together as a group has now really gone, I think, a bit too far. Thank you, Mr. President.

THE CHAIR:

Thank you, ma'am.

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. Just to follow the comments made by Senator Boucher and Senator DeBicella, I too rise in opposition of this legislation.

We in Connecticut have, I think, 54 mandates currently on our books, if my statistics are correct, and this will put us well over 60 mandates on our books. As Senator Boucher said, each of them individually may add, you know, one percent to the cost of coverage, but when you add them all together, you can have upwards of 5, 10, 25 percent to your cost of coverage. And what we should be doing is reducing the cost of health coverage in order to reduce the cost of healthcare, and I think we're going in the opposite direction with this.

We are looking at some huge, huge numbers here in

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this bill, and this is just going to increase the costs for small businesses, municipalities, all the people that are really struggling in this dire economic time that we're looking at right now. So I, too, rise in opposition of this bill and urge my colleagues to reject this proposal. Thank you, Mr. President.

THE CHAIR:

Thank you, Sir.

Will you remark further? Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President; appreciate that. I also rise in opposition to the proposed legislation.

The rate of inflation is something -- rate of general inflation is something that we all have to be cognizant of. It's something that is very harmful to our economy. When you're talking about the rate of inflation in the all-important area of health insurance, it's even more critical for those of us, especially those of us with families, because it can be quite a big burden; we all know that. And if you look at the rate of inflation in healthcare coverage in the last ten years -- I do not have the exact figure; it needs to be verified -- but it's got to be somewhere between 7 and 10 percent. And I've seen

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years where it's been back-to-back, as much as much as 12 to 14 percent. That's on a compounding basis.

And what I always like to do, as a nonmathematician but as someone in the business world, I always like to project forward many years in the future to see what it looks like if we don't get our hands around this specific form of inflation. And if you predict down the road, five years and, say, ten years down the road, and if you look at the record of the General Assembly, Connecticut State Government in putting in mandates and allowing the cost to creep up over the course of time, and you assume an average of 7, maybe 8 percent per year, and you look down the road, five long sessions or ten years and you imagine where we are, we're so far ahead of the normal rate of inflation in the overall economy and the state economy and the various regions within the State of Connecticut and their respective inflation rates, you get to a point where you have to believe we're pricing ourselves out of the insurance market, making it that much more inaccessible for individuals, families, and companies to purchase the all-important health coverage plans that we enjoy -- most of us enjoy today.

It's something that we have to be very cognizant

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of, because we are, again, faced with this concept of the slow creep, and that's the reason why I think we have to tread very, very carefully with respect to what we're doing to the overall network and what we're doing to the overall costs of that network of health providers and insurance.

And because of that, I do stand in opposition to it. I know the intent is noble. I know we want to get as many people, if not everybody covered in the entire State of Connecticut, but it has to be done in a reasonable, logical, and intelligent fashion. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President. I rise, reluctantly, in opposition to this bill. I must say that I voted so far in this session for other insurance requirements or mandates, some of which I believe are well vetted and were clearly flushed out by this body and that of the House. Autism is certainly one of those that I supported.

And I believe, if I look at the list of coverage that is being included in this bill, there are seven

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or eight items, three of which this circle has already approved unanimously in this legislative session. And so I think we were able to do that because we were given the opportunity to look very carefully at those particular proposals and make a decision. And in the case of myself, and obviously the rest of this body, we decided to do that.

My concern now is that there is a fiscal note here that has a very alarming statement. And that statement says it is -- and to quote -- it is anticipated the fiscal year '12 cost of these mandates could be significant. And so that statement alone raised the red flag for me that now I must say no. And I reluctantly say that.

But I wonder if I might pose a question, through you, Mr. President, to the esteemed Chair of the Insurance Committee for a question.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to the Senator, and I appreciate his character reference, and there's -- be only too happy to answer any questions.

THE CHAIR:

Senator McLachlan.

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SENATOR McLACHLAN:

Thank you, Mr. President. Through you, Senator Crisco, are you aware of any clarification from the proponents of this bill, and/or your discussions with the insurance industry, as to what would be the cost increase to insurance premiums to residents in the State of Connecticut for these mandated increases of coverage? Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, thank you. Through you, to the good Senator, that's a very good question. As I mentioned to Senator Caligiuri, earlier, we did place on Consent, for the first time, a bill that has been approved by both chambers to develop a cost-benefit analysis of all existing preventions and all future preventions, and that the Insurance Committee, if they are going to consider adding to the list, that they submit that list to the Insurance Commissioner. So I believe that we are on our way to finally resolving this whole issue about cost-benefit.

But more importantly, Mr. President, through you to the good Senator, we always talk, obviously, about

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the costs, and I respect that. I respect the opinion of my colleagues that were so eloquently expressed. But we never talk about the benefit in the cost savings. I don't think anybody could stand here before us and say that there aren't thousands or millions of dollars that are saved by early prevention, by saving a life, and by reducing pain and suffering. It's just impossible. And maybe someday we could do that.

But let me also refer to -- you know, Senator DeBicella is a -- was a great student in economics, I believe -- but, you know, we talk cost being added to the policy holder. You know, in our economic models we have pure competition, monopolistic competition, oligopoly and monopoly, and depending upon the market structure, a particular company could impose price increases upon the purchasers of their property and -- or their product. And you can't do anything about it because of the simple issue of elasticity, that we have considerable elasticity in a different product market.

So let me just mention, for example, Company A. Company A, 2008, \$3 billion in net income. Company A in 2007, \$4.6 billion in net income. Company A, again, in 2006, \$4.1 billion of net income; 2005,

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\$3.3 billion; 2004, \$2.6 billion; 2003, maybe only 1.8 billion; and, 2002, \$1.3 billion. And it goes on for a considerable amount of income. Basically what I'm saying, Mr. President, in answer to the Senator is that the cost doesn't have to be shifted to the policy holder all the time. There could be a little less net income experienced by the individual health company.

And I could list six major healthcare companies that have enjoyed a considerable amount of net income for the past ten years. And that -- and I respect that and I support that, but there's a time when we have to stop putting the blame on regards to preventions, that there is that unqualifiable possibility that the action we take will save money, forgetting the lives and the pain and suffering, and also add to the bottom line of these insurance companies, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President. And thank you, Senator Crisco, for your narrative and comments.

I wonder, though, if Company A, that you refer to as an insurance company -- I would like to refer to Company Z, who is a small business in the State of

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Connecticut who has a tremendous burden to stay in business in Connecticut, and that if we keep pounding away, pounding away at the increased costs to do business in the State of Connecticut -- this is an example. And I'm reluctant to make that argument because I, frankly, have supported some of what is included in this bill, and so I'm troubled that now we have this mega-mandate before us.

But you raise a very good point, this evening, and I hope that our colleagues here in the circle will take pause to the very good point that you made, and that is that we have unanimously considered and approved an idea for a very thorough analysis of mandates in health insurance coverage in the State of Connecticut, and that we really should stop adding new mandates until this report, which you have and your committee has brought to the attention of this legislative body; that you need that to monitor and give due consideration to such proposals as before us this evening; that we really should take pause now, table this idea, and seriously wait until this report comes back to us here at the General Assembly. And then we can make an educated decision, how should we proceed.

There's another consideration, through you,

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Mr. President, to the good Senator, and that is when you take into consideration that this legislative body is seriously considering self-insurance, then it is not an insurance company mandate but it is a taxpayer mandate because it's a self-insurance model for health insurance. And if that isn't truly the case, then every little bit that we add to the insurance -- self-insurance costs to the Connecticut taxpayers, we are increasing taxes.

So, through you, Mr. President, has this proposal considered that point, that this legislative body is leaning toward self-insurance for our own policy? Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you, to the good Senator, yes. Yes, we have. And I respect and appreciate his comments.

And, as I stated before, Mr. President, we seem to be fixated by costs, and I respect that. And I am all for as much net income that a company could make. But, again, I keep raising the issue, and basically that there's no one who can refute the consideration that these preventions or mandates, as you want to

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call them, could be saving companies a considerable amount of money, because of early detection, because of less pain and suffering.

And one -- 80 percent, I believe, of our total healthcare costs are chronic illnesses. And if we could, you know, make a dent in that 80 percent, we will be -- I believe, save a considerable amount of money. Again, I get -- it gets back to the market structure of the insurance companies, and if they want to pass on the cost, obviously they could. But, you know, there is also the rally that they don't have to as much as they do.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President. And thank you, Senator Crisco for your answers.

Just to recap the reasons for my lack of support now for this bill, and it -- and I'm -- I must admit I'm very reluctant to vote no on this because I've already voted now three times in favor of some of the items that are included in this bill. But my concerns are that this legislative body for some reason has decided to bring to us -- now I guess the nickname for these things is aircraft carriers or mega-bills or

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whatever you want to call it -- and this information has been brought to us late in the process and not allowed us to fully vet it. And so for that reason, I must take back my yes vote on three out of the eight or three out of the seven items of coverage that are included in this bill, because I think that this is not really the way we should do business; that we should, in fact, wait and listen to see what the results of this report will bring back to us here at the General Assembly, what this study will tell us about the cost, the true cost, and the cost analysis of such coverage. And then we will be able to make an educated decision.

But I believe at this point, without proper public hearing, without proper information about true cost, without proper consideration of the impact on the state taxpayers due to our pending decision to go to self-funding in health insurance, that this is not the right time for this bill. And, unfortunately, I must decline to support it. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 5021? Will you remark further? Senator Crisco.

SENATOR CRISCO:

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Thank you, Mr. President. I have the utmost respect for my colleagues who have grave concerns about this issue. And not being facetious, we do surpass the aircraft carrier, we do enter the area of Noah's Ark, and not -- and Noah's Ark in a sense that it saved an awful lot of people's lives and at the time when it was built. And I really appreciate what they're saying but I just ask that we take in consideration what has been happening the past decade. If these preventions were, you know, so -- lives are such a factor. I don't believe that insurance companies would be enjoying the net income that they are.

And I think we all will accept the fact that they are not making their net income by investment income, what has happened in the invest market -- the investment market, and that's in a different category of income. So I respect what our colleagues are saying, but I just state that I hope someday that we can ascertain the cost-benefit ratio and also to really quantify that there is savings when we take such actions.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 5021? Will

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you remark --

SENATOR CRISCO:

It's --

THE CHAIR:

-- further on House Bill 5021?

SENATOR CRISCO:

If there's no objections -- but I won't say that,
Mr. President.

THE CHAIR:

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

THE CLERK:

Immediate roll call has been ordered in the
Senate. Will all Senators please return to the
chamber. Immediate roll call has been ordered in the
Senate. Will all Senators please return to the
chamber.

THE CHAIR:

Have all Senators voted? If all Senators have
voted, please check your vote. The machine will be
locked. The Clerk will call the tally.

THE CLERK:

Motion is on passage of House Bill 5021:

Total Number Voting 36

Those voting Yea 25

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Those voting Nay 11

Those absent and not voting 0

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President. Mr. President, the Clerk is in possession of Senate Agenda Number 4, for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agenda Number 4, for Tuesday, June 2, 2009. Copies have been distributed.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, I move all items on Senate Agenda Number 4, dated Tuesday, June 2, 2009, to be acted upon, as indicated, and that the Agenda be incorporated by reference into the Senate Journal and the Senate Transcript.

THE CHAIR:

There's a motion to move all items on Senate

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Agenda Number 4. Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. We might stand at ease for just a moment.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President. We might move the item on Senate Agenda Number 4 to the Calendar also.

THE CHAIR:

Move the -- there's a motion to move the item on Senate Agenda Number 4, House Bill Number 6523 to the Calendar. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Good, yes.
Mr. President, an additional item to place on the Consent Calendar. Mr. President, on Calendar -- on Senate Agenda Number 2. Senate Agenda Number 2, under House Joint Resolutions Favorably Reported, Executive and Legislative Nominations Committee, House Joint

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Resolution Number 123, A RESOLUTION CONFIRMING THE
NOMINATION OF KEVIN. P. JOHNSTON, OF POMFRET, TO BE AN
AUDITOR OF PUBLIC ACCOUNTS. Mr. President, would move
for suspension to mark that item go, first of all.

THE CHAIR:

That item is already marked go, sir.

SENATOR LOONEY:

That's good. Thank you, Mr. President. And now
would move to place it on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place House
Joint Resolution Number 123, on Senate Agenda
Number 2, on the Consent Calendar. Seeing no
objection, so ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Yes,
Mr. President, moving to an item that was previously
passed temporarily. Mr. President, that was Calendar
Page 12, Calendar 653, House Bill 6426, if that item
might be called.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar Page 12, Calendar Number 653, File
Number 511 and 960, substitute for House Bill 6426, AN

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ACT IMPROVING BROADBAND ACCESS, as amended by House Amendment Schedule A, favorable report of the Committees on Energy and Technologies, and Government Administration and Elections. The bill was last before us, Senate Amendment Schedule A was called; it was LCO 9297, designated Senate Amendment Schedule A.

SENATOR FONFARA:

Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Mr. President, I move for acceptance of the joint committees' favorable report and passage of the bill.

THE CHAIR:

Acting on acceptance and approval of the bill, sir, would you like to remark further?

SENATOR FONFARA:

Mr. President, the Clerk is in possession of an amendment, LCO 9297. May he please call and I be permitted to summarize?

THE CHAIR:

Mr. Clerk.

THE CLERK:

When the bill was last before us, LCO 9297 was called and designated Senate Amendment Schedule A. It

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was offered by Senator Fonfara of the 1st District.

THE CHAIR:

There is a motion on the floor for summarization.
Without objection, please proceed, sir.

SENATOR FONFARA:

Mr. President, I move adoption.

THE CHAIR:

Motion on the floor for adoption. Seeing no
objection, so ordered.

SENATOR FONFARA:

I urge passage of the amendment, Mr. President.

THE CHAIR:

Will you remark? Will you remark further on
Senate Amendment A? Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President, and the fiscal note is
on this now. I thank the chamber for their indulgence
on that.

Mr. President, through you, a question to the
proponent of the bill.

THE CHAIR:

Senator Fonfara.

SENATOR DEBICELLA:

Mr. President, a question, through you, on
Section 8 of the bill. A question, through you:

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Section 8(c) says any member of a community antenna television advisory council serving a franchise area of seven towns, one of which has a population of no less than 20,000 and no more than 26,000, with a town-meeting form of government, et cetera, et cetera. Mr. President, what towns or groups of towns actually fit the description of Section 8?

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I believe it's the Town of North Haven. Through you.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. I thank the Senator for the answers to those questions.

THE CHAIR:

Will you remark further on Senate A?

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I rise in support of the amendment, as Senator Fonfara had initially went through each of the sections of the bill, I think it does exactly what he says, and I urge adoption. Thank

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you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A?

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President, just briefly.

Senator Fonfara, is there a cost to consumers for this service?

SENATOR FONFARA:

Through you, Mr. President, no.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President, thank you,
Senator Fonfara.

THE CHAIR:

Will you remark? Will you remark further on
Senate Amendment A? Will you remark further on
Senate A? If not, let me try your minds. All those
in favor, please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nay.

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Senate A is adopted. Will you remark further on
House Bill 6426, as amended by Senate A?

Senator Fonfara.

SENATOR FONFARA:

Unless there's objection, Mr. President, I move
this to the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place the item
on Consent. Without objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Mr. -- Thank you, Mr. President. Mr. President,
if the Clerk would call the items on the Third Consent
Calendar.

THE CHAIR:

Mr. Clerk, please call Consent Calendar Number 3.

THE CLERK:

Immediate roll call has been ordered in the
Senate on Consent Calendar 3. Will all Senators
please return to the chamber. Immediate roll call has
been ordered in the Senate on Consent Calendar
Number 3. Will all Senators please return to the
chamber.

Mr. President, Consent Calendar Number 3 begins
on Senate Agenda Number 2, House Joint Resolution

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Number 123. Calendar Page 9, Calendar Number 621,
substitute for House Bill 6467; Calendar Page 13 --
correction -- Calendar Page 12, Calendar Number 653,
substitute for House Bill 6426; Calendar Page 13,
Calendar 659, House Bill 6459; Calendar Page 16,
Calendar Number 687, House Bill 6 -- correction --
House Bill 5875; and, Calendar Page 18, Calendar 698,
substitute for House Bill 6339. Mr. President, that
completes those items placed on the Third Consent
Calendar.

THE CHAIR:

If you can call Consent Calendar Number 3, again,
the machine will be open.

THE CLERK:

The Senate is now voting by roll call on the
Consent Calendar. Will all Senators please return to
the chamber. The Senate is now voting by roll call on
the Consent Calendar. Will all Senators please return
to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have
voted, please check your vote. The machine will be
locked. The Clerk will call the tally.

THE CLERK:

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Number 3:

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 3 passes.

Senator Looney.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items acted upon since our last -- since the last motion, including those on Consent Calendar Number 3 that may require additional action by the House of Representatives.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President, one additional item to mark go, to be taken up at this time as our final item of business for this evening. And that is on Calendar Page 23, Calendar 722, House Bill 6097.

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Mr. Clerk.

THE CLERK:

Calendar Page 23, Calendar Number 722, Files
Numbers 314, 956, and 1027, substitute for House
Bill 6097, AN ACT CONCERNING BROWNFIELDS DEVELOPMENT
PROJECTS, favorable report of the Committees on Energy
and Technologies, Planning and Development,
Appropriations, and Judiciary.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Mr. President. I move acceptance of
the joint committees' favorable report and passage of
the bill, in concurrence with the House.

THE CHAIR:

Acting on acceptance and approval of the bill,
sir, would you remark further?

SENATOR LeBEAU:

Yes, Mr. President. Very briefly, this bill
empowers municipalities to better control their own
destinies by allowing them to identify, investigate,
and ultimately remediate, for tax benefits, properties
that have been deemed as "brownfields." It also
establishes timelines to help move the process along.

Mr. President, the Clerk has an amendment,

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LCO Number 9129. I would ask that he call it and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 9129, which will be designated Senate Amendment Schedule A. It is offered by Senator LeBeau, of the 3rd District, et al.

THE CHAIR:

There's a motion on the floor for summarization. Seeing no objection, please proceed, sir.

SENATOR LeBEAU:

Thank you, Mr. President. I move the amendment.

THE CHAIR:

There's a motion on moving adoption. Without objection, please proceed.

SENATOR LeBEAU:

Thank you, Mr. President. The most important part of this amendment is that it strikes Section 5 of the original bill, which had led to some discord. And I believe that with this section out, the Senate can act on this in unanimity. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Amendment A?

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Senator DeBicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Mr. President, I'd like to stand in support of both the amendment and the underlying bill. Mr. President, I think that Senator LeBeau has done a fantastic job, not just this year but in previous years, as well, moving forward the cause of brownfield remediation.

And, Mr. President, what the amendment and the bill before us tonight actually does is, it is going to make it easier for us to remediate properties throughout the State of Connecticut that are brownfields or for those watching at home, fields that have historical pollution in them. And, Mr. President, the bill before us tonight, and after this amendment passes, actually will enable municipalities to be protected from liability that they might not be responsible for.

So very often there are polluters who, back in the 1950s and '60s, actually had polluted the ground or from before that. And so in order to have new businesses come in, we need to actually have a -- have the DEP go through a regulatory review cycle. In doing so, a part of that is to determine if there's any liability that a company might have had towards

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cleaning up that brownfield. In doing that, this bill would actually ensure that municipalities would not have as broad a scope of liability as they otherwise would have if they were actually the company who had done the polluting. Therefore, Mr. President, this bill is going to, by limiting liability, actually help us to remediate more brownfields in Connecticut.

And, Mr. President, this is something that, you know, is very near and dear to my heart. In my own district, we have quite a few brownfields, whether it is the Army Engine Plant, in Stratford, or a number of properties along the Housatonic River, in Shelton, that used to have factories in them and significant amount of pollution. And this is an area where actually government agencies, including the Army, in the case of the Army Engine Plant, have actually taken over the properties. And in taking over the properties, Mr. President, this bill, if I understand it correctly, would actually ensure that we did not hold those municipalities or government bodies liable for the pollution that may have occurred at a previous time.

So, Mr. President, in looking at the amendment -- which the amendment before us strikes several portions of the bill -- I believe, again, Senator LeBeau has

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done an admirable job in crafting this to ensure that we are making the limitations of liability that are within this bill as workable as possible.

And, Mr. President, if you actually look at this amendment, it is largely technical in nature, although in Line 727 of the bill -- which it's a rather large bill -- does insert language around certifying the verification that the Commissioner of DEP is actually doing, through the course of the remediation work, certifying that the parties' making reasonable progress. In doing this, Mr. President, I believe that the amendment is improving the bill in insuring that the Commissioner, when doing such reviews, is doing them in such a way that they are collaborating with the municipality or the quasi-governmental agency that might have ownership over the brownfield in managing its remediation.

Now, Mr. President, in looking at the other aspects that Senator LeBeau brought out, one of which was where he had mentioned that the amendment strikes Section 5 in its entirety, and, Mr. President, looking at the underlying bill, the Section'5, the section that we are actually striking from the bill, in reviewing, it seems to say that, you know, no person, firm or corporation shall be liable for reimbursement

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costs unless that person is -- received notice and given the opportunity to participate. And my assumption, Mr. President, in looking at this is that this is likely to be redundant with existing practice that is within DEP, in terms of actually pursuing a collaborative effort with municipalities or quasi-governmental agencies to clean up the brownfields.

So, Mr. President, I believe this amendment is a positive one towards making the bill an even better bill that Senator LeBeau fully intends it to be. And, Mr. President, my hope is that with this bill and with the passage of this bill tonight -- and passage of this amendment and passage of the bill tonight, that we will actually make significant progress on many of the projects around our state.

Again, as I had mentioned, there are projects personally in my district that I believe will benefit from having a bill such as this. And as we are moving forward with the remediation projects, such as probably the largest one, in my district, being the Army Engine Plant, in Stratford, this bill is going to help us move through that remediation process faster so that we can get more businesses moving into Connecticut, that we can actually have more jobs

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created.

And I just, once again, want to thank Senator LeBeau for this, for actually taking a leadership position on brownfields. I was lucky enough to serve on the Commerce Committee -- in my first term -- with him, and he's done a fantastic job with this. So, again, thank you, Senator LeBeau, and I support the amendment.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. Mr. President, I also rise to support this amendment.

Connecticut is an amazing state. It has an amazing diversity of landscape, but it also has had an interesting industrial background that spans its very origins from the Revolutionary War days, to the Civil War days, to the two Great Wars as well as being the provider of munitions, of grass, of bullets, and as a result, over those many years, has polluted a good portion of some of Connecticut's most beautiful valleys.

And, in fact, one of the things that I found that

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really help to make those long drives, those hour-and-a-half -- as you well know, Mr. President, as you do that as well -- from the lower-Fairfield County to here, that hour-and-a-half drive one way and the hour-and-a-half back -- that's three hours every day -- is the ability to read a number of books-on-tape. And the latest one that I picked up was The War, The Great War, that is a PBS series. And it chronicles the Second World War, seen through the eyes of residents from four small communities throughout this country: Mobile, Alabama, a town in Minnesota, Sacramento, and Waterbury, Connecticut.

It's fascinating to listen to the stories about Scovill Manufacturing, that's located in Waterbury, and how instrumental it was in trans -- quickly transforming itself from the manufacturers of certain goods to wartime needs, on 24-hour shifts. And as they were producing these, they were in those days not very much aware of the kind of waste materials that they were pouring into the Naugatuck River bed, which is something I'm keenly familiar with because along that Naugatuck River bed is also what was once located, the Naugatuck Chemical and Uniroyal.

And, in fact, many might not realize that in Connecticut we had one of the largest tire

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manufacturers in the world located right here in our very State of Connecticut. But unfortunately during that period, a great deal of pollution would pour into the Naugatuck River, and it would turn into various colors on any give day; you can practically cut the air with a knife until such time as antipollution devices were required to change that.

But in those riverbeds and in many part of Connecticut now lay a number of brownfields that are critical to reclaiming some of those very important and very beneficial assets to the State of Connecticut. And in order to reclaim them, we need to provide some amount of liability relief to any new purchasers of those particular pieces of property. And as I said, they span the entire State of Connecticut, in almost every one of our districts. And that is usually a barrier to any new purchaser of property or someone that's willing to invest their businesses in our state.

We have a good model for this, in fact, in the State of Massachusetts, just one of our neighboring states, that has had landmark brownfield legislation for many years and has really taken the lead, and something that the State of Connecticut has tried to model, I think, over the period of time. We've come

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close and maybe this legislation brings us even closer, so that we can have competitive parity, so that we also can attract and grow investment in our state. Because, of course, no one would invest if they thought that in buying an impacted property like this, they would also then assume untold liability with regards to the property, making their investment subject to a lot of risk going forward. It's very, very important.

I'm sure my colleagues that are in the Naugatuck and the Waterbury region understand this very keenly, as they tried to transform the -- my goodness, I'm getting a number of hand gestures coming across the aisle that I'm not quite sure --

THE CHAIR:

Senator Boucher, are you having --

SENATOR BOUCHER:

-- how to interpret.

THE CHAIR:

Senator Boucher, you having some issues with some of the members of the chamber?

SENATOR BOUCHER:

Well, only in -- from the respect it's so late at night that one can be easily distracted, of course.

Thank you. Thank you, Mr. President. But --

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THE CHAIR:

Thank you, ma'am.

SENATOR BOUCHER:

-- back to the point, though, that I was really trying to make, which is very important for our state, very important for its future development, for its future economic viability, is this type of legislation, the kind of legislation that would allow us to transform some of our very largest brownfields into new urban centers of growth, of vitality with smart growth, and so forth.

So I am very pleased to see this amendment come before us this evening. It is a major step that we need to take and hopefully will allow us to become much like the corridors around the Boston area, that have done quite a bit of this and have had many of our construction companies and developers, that have mentioned it to me in the past, that this is something they would like us to do as well so that they can grow right here in Connecticut instead of going outside to our neighboring town -- states where they have a little bit better protection on the liability issue.

Through you, Mr. President, I wonder if I could ask just a little -- just a -- just one question, if I could, to the proponent of this legislation,

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Mr. President?

THE CHAIR:

Senator LeBeau.

A VOICE:

(Inaudible.)

SENATOR BOUCHER:

Oh. Mr. President, I'll withdraw my question. I think that the late -- the hour is very, very late and I think we -- we've discussed this, this bill quite enough. And I'll save the good Chairman any more time and deliberation on the bill -- this bill. Thank you, Mr. President.

THE CHAIR:

Thank you, ma'am.

Senator Looney, for what purpose do you rise, sir?

SENATOR LOONEY:

Yes, Mr. President. Thank you. If this item might be passed temporarily.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, as a final item of business before concluding, would having removed a number of items from the foot of the

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Calendar, earlier in the evening, would now move to recommit the remaining items on the foot of the Calendar, Mr. President, those items beginning on Calendar Page 38, and would move to recommit the items on the foot to the various committees of origination.

THE CHAIR:

There is a motion on the floor to recommit all the items on the foot of the Calendar, starting on Page 38. Is there any objection? Not seeing any, sir, it is done.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, that concludes our business for today's session, into this morning.

Mr. President, it's our intention to convene at noon, later today, June 3rd, and I would yield the floor to any members who would be seeking the floor for announcements or points of personal privilege.

THE CHAIR:

Are there any announcements or points of personal privileges from any of the members this morning?

Senator Looney.

SENATOR LOONEY:

With that, Mr. President, would move that the Senate stand adjourned, subject to the call of the

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Chair and hope everyone has a safe trip home this morning and back again later this morning.

THE CHAIR:

The Senate will stand adjourned, subject to the call of the Chair.

On motion of Senator Looney, of the 11th, the Senate at 1:18 a.m., adjourned, subject to the call of the Chair.

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THE CONNECTICUT GENERAL ASSEMBLY

SENATE

Wednesday, June 3, 2009

The Senate was called to order at 12:43 p.m., the President in the Chair.

DEPUTY CHAPLAIN PHILIP LAZOWSKI:

-- what has been done will be done again. There is nothing new under the sun. Let us pray.

Almighty God, we thank You for the faithful servants, the Senators and ask a continued blessing on each and their families as they make the final decisions for this closing session. Keep them in wisdom and give them the courage. May the knowledge of our failures do not defeat us. But rather prove to be stepping stones to our better selves. Make of us, builders which shall make rough places smooth and deep ruts level. And bridges of understanding which shall expand brotherly love. Grant Your blessing of our nation, our President, our State, our Governor. Keep our defenders of freedom safe from all harm and comfort those at home. In Your name, we pray. And

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let us all say Amen.

SENATORS:

Amen.

THE CHAIR:

Thank you, Rabbi. Today we have a special guest who's been before us on the last days, Maureen Urso, who is the sister of former Representative Mike Heron. She now works in the House Republicans and we'd like for her to come up and sing the national anthem for us, Maureen.

(MAUREEN URSO SINGS NATIONAL ANTHEM)

THE CHAIR:

Senator Kane, will you join us in leading the Pledge, sir.

SENATOR KANE:

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, Senator Kane. I also would like to

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thank Patti Izzo for these beautiful flowers here today, to brighten up our last day of this regular session. Thank you very much, Patti and also, all of the staff who have worked so hard this session, thanks to all of you for the work you've done and been here with us in the late night. So thank you. If we could give them a round of applause, I would greatly appreciate that.

And before I turn to points of personal privileges or announcements, I also have a young man here with me this morning -- I guess this afternoon, he was here with me this morning also. Alex Williams, a junior at the Berlin High School who has been shadowing me here for the last few hours here today and is kind of interested and excited about this last day. Alex, if you could stand and get our normally warm greeting from the Circle.

Thank you. At this time I will entertain other points of personal privilege or announcements.

Senator Williams.

SENATOR WILLIAMS:

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

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THE CHAIR:

Please proceed, sir.

SENATOR WILLIAMS:

Lloyd Wimbish has been with the Senate Democrats Communication Department for the past 13 years. He's known as the voice of the Senate Democrats and he is retiring at the end of our session here today. He has been part of the Connecticut media and politics for the past 35 years. His career, which touches television, radio and politics began at WPOP radio where he was a newscaster and host of a weekly affairs program from 1973 to 1977. From 1977 to 1979, he was the Hartford Bureau Chief and a reporter at WTNH Channel 8 Television. From there, he moved to Channel 30 in 1979, where he was a news reporter. In his career there he covered the State Capitol and many pivotal events in our State's history, including some tragedies such as the collapse of the Myannis River Bridge. In 1985, he returned to radio as news director, anchor, reporter and public affairs producer at WKND radio. And from 1993 to 1995, he also worked as a special correspondent for CPTV's Connecticut Lawmakers program. Before joining Senate Democrats in

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1996, Lloyd Wimbish was the coordinator for the Black and Puerto Rican Caucus.

He's a veteran, Mr. President, of the United States Air Force. He's active in St. Monica's Episcopal Church in Hartford, where he's a member of the church choir and the vestry. Lloyd Wimbish is a father, a grandfather, an avid fisherman and he often spends vacations in Newport and Narragansett. He lives in West Hartford with his wife, Natalie.

Lloyd, we're going to miss you very much. I was just talking with him a few minutes ago. We will be thinking of him and he will be thinking of us. Especially next week as we work on the budget and he watches the waves from the beaches of Cape Cod. So, Mr. President, God speed and good luck to Lloyd Wimbish and thank you for all of your service to the State of Connecticut.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. For purposes of an introduction.

THE CHAIR:

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Please proceed.

SENATOR RORABACK:

Thank you, Mr. President. I am very privileged and pleased to have the opportunity to introduce the Circle to the two most important people in my life. My wife, Kara Dowling, and our son Andrew Kevin Roraback. Mr. President, all of us know what we ask of our families in these last weeks of session. I have asked an enormous amount of mine and I'm grateful that they're here today and seem to have forgiven me for the past couple of weeks and I've promised them that tonight is the last late night. So I would ask my friends and colleagues here to join me in welcoming them to the Circle. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Roraback. Senator McKinney.

SENATOR MCKINNEY:

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

THE CHAIR:

Please proceed, sir.

SENATOR MCKINNEY:

Thank you. Mr. President and Members of the

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Senate. Yesterday, the State of Connecticut lost, but our country gained, a great environmental advocate. As many in this Circle may know, Gina McCarthy was finally confirmed by the United State Senate and yesterday was her last day as our DEP Commissioner. So this State Senate loses her and the United States Senate gains her.

But I just wanted to thank her on the record as one who is fortunate enough to have been asked by Governor Rell to serve on the search Committee, I can tell you firsthand that when Gina McCarthy walked through the doors for the interview, we knew we had found a great leader for our environment in the State of Connecticut. So I want to thank her for all her hard work, thank Governor Rell for her appointment and wish her well in all her work on behalf of this administration and the people of our country. Thank you, sir.

THE CHAIR:

Thank you, sir, and I'm sure Commissioner McCarthy will continue to wonderful things at the federal level.

Senator Daily.

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SENATOR DAILY:

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

THE CHAIR:

Please proceed, ma'am.

SENATOR DAILY:

And that's to underscore the words of Senator McKinney. We have lost a great environmentalist here in the State. The country has gained a great environmentalist and I have not lost a friend. Gina McCarthy is also originally from Dorchester and I look forward to many years of her friendship.

THE CHAIR:

Thank you, Senator Daily. Senator Duff.

SENATOR DUFF:

Thank you, Mr. President. For a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR DUFF:

Thank you, Mr. President. On two notes, I also wanted to echo the words of our Senate President Pro Temp, on Lloyd Wimbish and wish him the best as he

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takes his retirement. He is -- there's a lot of good people here at the Capitol, who work here and he's a good buy and he's probably head of the Good Guy Club here in the Circle and at the legislative office building. He's somebody who I've worked with over the last few years and he always works in a very calm and gentle manner and always puts his best foot forward and tries to help us do the job that we have to. So I want to thank Lloyd for all his work and his service and wish him all the best in the future.

On a second note, I also would like to take this opportunity to wish Commissioner McCarthy all the best as well. I don't serve on the Environment Committee, however, Representative Backer and I chair the Conservation and Development Subcommittee of Appropriations and we have a chance, at that point, to work very closely with the Commissioner. And I can tell you that she is somebody who just holds a deep passion for what she does and works very, very hard and has really, in my opinion, has brought new energy and new breath and new life to a very important agency that we have here in the State of Connecticut. And it was certainly no loss that -- well, actually, it was

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no loss that they had found her in -- down in Washington because of the fact that she is so talented. And I knew that one day, we would probably lose her to -- for bigger and better things down in our nation's capital. So she's going to do a wonderful job and we're very excited for her. And I'm going to miss her accent, as Senator Daily had pointed out because she's always saying "Senatah" and I will miss that from her. But I wish her all the best. She is a good friend and I know that she is going to do just wonderful things for us in Washington. Thank you, Mr. President.

THE CHAIR:

Thank you, "Senatah". Senator Prague.

SENATOR PRAGUE:

We need your sense of humor every once in awhile in this Chamber, Mr. President.

THE CHAIR:

I promise to entertain, Senator.

SENATOR PRAGUE:

Very much appreciated. You know, I, too, stand to praise Gina McCarthy and the service that she gave to us here in Connecticut. From the day she came to the

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Executive Norms Committee, I was so impressed with her. You know, she knew what she was talking about. She had her goals for the environment. She was a woman determined to carry out what she thought would make this State a better state environmentally. I, frankly, am going to miss her leadership in that department. I wish her the best. The country is lucky to have somebody like her. But if she's watching, I want her to know that all of us, sitting around this Circle, appreciate how much she did for us in the short time she was here. Thank you.

THE CHAIR:

Thank you, Senator Prague. Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. I also rise for point of personal privilege and to observe that we are, both by early retirements and by upward mobility, losing not one, not two, but three Commissioners in the State of Connecticut. Commissioner Lance, Commissioner Long, Department of Revenue Services, and certainly, Commissioner Gina McCarthy. And I might also observe and remark that all three of these are some of the most outstanding women Commissioners that we've had in

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the State of Connecticut in a very, very long time.
And we have been privileged to have their service.
And we wish them all tremendous continued success in
all of their endeavors going forward. We've been very
lucky to be the beneficiaries of their efforts here in
Connecticut. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Boucher. Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. Good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR CALIGIURI:

I rise for a point of personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR CALIGIURI:

Thank you, Mr. President. I wanted to take a
moment to recognize a young man who served the Senate
and my office as my legislative intern this year.
Colin McFelamy, who is a rising senior at the
University of Connecticut. He's displayed great
dedication and devotion to the job, so much so that he

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chose and asked to stay on as my intern even after the internship officially ended several weeks ago. And he did everything we asked him to do, including an awful lot of substantive work and he did it with great skill, dedication and good cheer. And so I wanted to take a moment to thank Colin and ask the Circle to thank him as well for his service. Not just to the Senate, but to the Connecticut General Assembly. Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. Point of personal privilege, please.

THE CHAIR:

Please proceed, sir.

SENATOR COLEMAN:

Mr. President, I'd be remiss if I did not add my congratulations to Lloyd Wimbish concerning his retirement and his departure from Senate Democrats. Especially considering, since he was a constituent of mine for a minute or two. And I recall fondly -- there are a lot of fond memories I have of Lloyd, but

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while he was the program director at radio station WKND, I was a frequent guest of his on his early Sunday morning talk show. And I continue to be amazed at how lively and vibrant he was at that ungodly hour. But I wish him well in his retirement and whatever endeavors he has in store for himself in the future.

And similarly, I had the good fortune yesterday, Mr. President, of working on and persuading the colleagues here in the Senate to pass a bill that Commissioner McCarthy was interested in. And she sent a message of thanks to me last night. So I just wanted also to wish her well in her new journey and endeavor and to exchange gratitude to her for her services to the State of Connecticut. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Coleman. Senator DeBicella.

SENATOR DEBICELLA:

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

THE CHAIR:

Please proceed, sir.

SENATOR DEBICELLA:

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Mr. President, I just want to join the chorus in terms of thanking our three retiring or moving-on Commissioners. You know, Pam Law over at DRS and Theresa Lance over at the Department of Corrections made huge strides in their respective departments over their terms there and leave state government a much better place for their service.

And, Mr. President, Commissioner and now Deputy Secretary McCarthy has a special place, I think, in many of our hearts because, not only the big issues that she dealt with, but the fact that she helped out so many of us on individual issues in our districts. I remember once back when I was first elected, that there was polluted material being dredged and brought up the Housatonic River where it would simply flow back down. A complete bureaucratic snafu that nobody seemed to support. And all it took was a call to the Commissioner and she, in her common sense way, said "That makes no sense at all." Cut right through the red tape and got it fixed. And that was the type of leader that she was. It's the type of leader we need in Washington. We're all very proud of her and wish her the best in her endeavors and whatever

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Commissioner Lance and Commissioner Law decide to do with their further careers, we wish them all the best as well. Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Senator Harp.

SENATOR HARP:

Thank you very much. A point of personal privilege.

THE CHAIR:

Please proceed, ma'am.

SENATOR HARP:

I also want to congratulate Lloyd Wimbish and to take this opportunity to thank him for the support that he has given me over the years and for the things that he has taught me. I do appreciate it and I want you to know that I will absolutely miss you. Thank you so much for your contribution to me personally and to the people of this state.

I'd also like to thank Commissioner Gina McCarthy. Most of you don't know that the Department of Environmental Protection co-sponsors the Martin Luther King celebration in New Haven at the Peabody Museum every year. And one of the distinguishing features of

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that particular event is what we call a poetry slam. And I believe that Commissioner Gina McCarthy has the distinction of being one of the only Commissioners in the state of Connecticut to judge a poetry slam and to even understand what it is. So I want to thank her for the work that she's done on behalf of our environment, but also, the connections that she understands are very important with our communities.

I want to also wish good luck to Commissioner Lance. I had a lot of plans for her for the next couple years that I guess I'm going to have to put on hold.

And as well, I wish Commissioner Law the best of luck.

Thank you very much, sir.

THE CHAIR:

Thank you, ma'am. Senator LeBeau.

SENATOR LEBEAU:

Thank you, Mr. President. I would also like to wish the retiring Commissioners the best of luck. And, particularly, the Commissioner of DEP, who is -- she was always so practical in trying to solve the issue. I did a lot of work with her on (inaudible)

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field development with our bird problem and we had many meetings over that. And she always would try to find a way that common ground could be found. And I very much appreciated that.

And Lloyd Wimbish -- I want to get his attention. Lloyd, can I have your attention, please? There you are. I want to personally thank you for the help that you also have given me over the years with our tapings and with the variety of things you have done. I think you've made us all more professional and I have to say, I've always said this about you, you have the most sonorous voice in the Senate. You have that low, deep, resonant voice that's just wonderful. I wish I had it. So if there's some way that we can do a voice transfer, we'll work on that. I wish you the very best. I hope you come back to East Hartford and live for more than a few minutes like you did in Eric's district for a little while. It's been great working with you and I thank you for everything that you've done. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator LeBeau. Senator Gomes.

SENATOR GOMES:

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I rise for a point of personal privilege, Mr. President.

THE CHAIR:

Please proceed ,sir.

SENATOR GOMES:

I also wanted to congratulate Lloyd Wimbish on his retirement and wish him God speed. I know I'm one of the Johnny-come-lately's up here, but since I've been up here, Lloyd has been a good friend to me and we also got a personal thing we got going -- he says people mistake him for me because we're both two fat guys. But I -- you know, Lloyd, -- Lloyd in his work, when he was trying to get me to do certain things, you know, especially when we try to do the TV things -- you know, I don't like to do the TV things, but he worked me right along and made me feel at ease and try to get me to do what I'm supposed to do. He's always been a good friend in everything that he's done up here and I wish him well. Thank you.

THE CHAIR:

Thank you, Senator Gomes. Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President. A point of personal

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privilege.

THE CHAIR:

Please proceed, sir.

SENATOR CRISCO:

Thank you, Mr. President. Mr. President, there are people who come and go in state government and there are some who kind of leave a legacy and the three people I'm going to mention fall into that category. I've had the pleasure, along with Senator Looney to work with Commissioner McCarthy on one of the most difficult environmental issues in the State of Connecticut.

It doesn't receive that much publicity, but our town of Hamden has had a problem in the past several years and the Commissioner has come up with a plan, not agreeable to everybody, but she is the first one to come up with a plan that will help the neighbors of that area.

Pam Law, when I had the honor to serve as Chairman of Appropriations for eight years, worked extensively. I don't know of another Commissioner in the State who has more working knowledge of the laws and the budget procedures than Pam Law.

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And finally, to my dear friend and my press person, Lloyd Wimbish who has been a great help to me over the past number of years. And I'm really going to miss being a pest to him, but I know, if there's a good restaurant in Newport, Rhode Island, perhaps we'll meet him there. Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Senator Hartley.

SENATOR HARTLEY:

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

THE CHAIR:

Please proceed.

SENATOR HARTLEY:

Thank you, sir. I also would like to join the comments of my colleagues in recognizing the incredible leadership and the incredible work that has been accomplished by our retiring Commissioners. The Commissioner of Corrections and the Commissioner of Environmental Protection and, also, DRS Commissioner Pam Law, who has been with us for many years and her wisdom and knowledge has benefited us so often that we certainly are going to notice her absence and she

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will, indeed, be sorely missed.

But our best wishes as they all move on to next steps, which are, I'm sure, going to be just as productive and incredible as they have thus far in their tenure with us here in the General Assembly.

And of course, not lastly, but most importantly, I would like to echo the comments of my colleagues in tipping my hat to Lloyd Wimbish for his incredible service to the entire General Assembly and, also, his persistence and patience in taking me on as one of his press people.

And every conversation that I've always started with Lloyd has always kind of been a pause, because Lloyd is, as I think Senator LeBeau said, the voice of radio and all you have to do is just close your eyes and listen to his incredible voice and you know of his great talent. But which goes on far more than that because, clearly, he is a professional in his own right and I've been privileged to be able to work with him. So I will dearly miss you, for all that you have done and thank you for what you have done professionally and, also, personally. You've always been willing to be on the clock, be there, travel to

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places throughout the State of Connecticut, to be there in support on your own personal time with your own resources. And it's just been a wonderful adventure to work with you, Lloyd and I'll miss hearing your voice, so I hope you'll call sometime, just so we can hear that voice. Congratulations and the best. Thank you, Mr. President.

THE CHAIR:

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

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, just like to join my colleagues, first of all, in congratulating Lloyd Wimbish. As everyone has said, he has been the consummate professional. Somebody who is skilled, knowledgeable, extraordinary judgment and discretion. He was one of the most distinguished television news journalists prior to coming to work here at the Capitol. It was like adding a celebrity to our staff when Lloyd joined the Press Operation here in the State Senate. And he has, as others have said -- he was masterful at helping all of us do well in handling interviews and all of the technicalities

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of media presentations. So he is going to leave a great void and will be greatly be missed. And I was kidding with him earlier that we may need to hire him back as a consultant so that he can do what so many others have done whose skills have been necessary.

And I'd also like to, again, add my congratulations to Commissioner McCarthy. Obviously, she is someone whose skills are recognized on a bipartisan basis, obviously hired by a Republican governor here in Connecticut and now by a Democratic President in Washington.

Senator Crisco mentioned earlier, she has been grappling with a particularly difficult and challenging environmental issue in Hamden and has done so with good faith and hard work and it's a great regret for us that she won't be here to see that through to conclusion because we know that she was seriously engaged in that and trying to find the best resolution for the State and for the residents of Hamden.

Also I'd like to congratulate Commissioner Law, another outstanding government professional. Her years at OPM and DRS.

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And finally, Commissioner Lance, who I think has been one of the best and most innovative Corrections Commissioners in the country during her tenure here. And one of the great undertakings that she has grappled with is the recognition that we have an increasing number of mentally ill people in our prison system and she's been trying to find a way to consolidate services for that population. And gone on to recognize that an increasing number -- almost 20 percent of our inmates now, have a serious mental illness of one kind or another and that treatment within the prison walls is going to be crucial for the recovery and, also, avoiding recidivism for that population. So we're going to miss Commissioner Lance a great deal because she has had vision in the Correction system that was sorely and greatly needed. Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. I rise for my second point of personal privilege.

THE CHAIR:

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The second time?

SENATOR MCKINNEY:

Yes, sir.

THE CHAIR:

Okay. Go ahead.

SENATOR MCKINNEY:

Thank you, sir. Obviously, Mr. President, we are one Senate and one Circle with two partisan caucuses but I did not want the moment to go by to also extend our congratulations on my behalf and on behalf of our caucus to Lloyd as well. He has, every time we've talked or passed each other in the hallways or worked in this building, been the consummate gentleman and professional. So good luck to you in all you're doing in your future.

I also wanted to not forget Commissioners Law and Lance. I do represent Newtown and Garner Correctional facility and Senator Looney is exactly right. What she has done, what we as a State have done there, is one of the better things we've done with our Department of Corrections and the State should be proud.

The last thing that I wanted to say, Mr.

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President, now that we have the entire Roraback family in the Senate Circle and Senator Prague said she wanted a little bit of humor, I think that we should all know, that in 15 years in this legislature, Andrew Roraback has not missed a vote. He's cast over some 7,000 votes. That means over the course of the next 18 years, until his son reaches the age of majority and can vote and run and take Andrew's seat, Andrew only has about another 10,000 more votes to go until his son is ready to keep the tradition. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator McKinney. Are there any other points of personal privileges or announcements this morning -- the afternoon? Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, the Clerk is in possession of Senate Agenda number 1 for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, Clerk is in possession of Senate

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Agenda number 1, dated Wednesday, June 3rd, 2009,
copies have been distributed.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President. Mr. President, I
move all items on Senate Agenda number 1, dated
Wednesday, June 3rd, 2009, to be acted upon as
indicated and that the agenda be incorporated by
reference into the Senate journal and the Senate
transcript.

THE CHAIR:

There's a motion on the floor to move all items on
Senate Agenda number 1. Without objection, so
ordered, sir.

SENATOR LOONEY:

Yes, thank you, Mr. President. I would also move
that the disagreeing action on that Calendar be -- on
that agenda be printed on the Calendar.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

Yes, thank you, Mr. President. Mr. President, if

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we might proceed now to the marking of today's
Calendar items, we will add some additional ones later
on. But beginning on Calendar page 1, Calendar 177,
Senate Bill 748 is marked go. Calendar page 2,
Calendar 269, Senate Bill 1036 is marked go. Calendar
page 3, Calendar 271, Senate Bill 1039, marked go.
Calendar page 4, Calendar 508, Senate Bill 930 is
marked go. Calendar page 7, Calendar 583, House Bill
6592 is marked go. Calendar page 8, Calendar 618,
Senate Bill 996 is marked go. Calendar page 13,
Calendar 678, House Bill 6306 is marked go. Calendar
page 14, Calendar 688, House Bill 6585, marked go.
Calendar page 15, Calendar 702, House Bill 6444 is
marked go. Calendar page 18, Calendar 716, House Bill
5474, marked go. Continuing Calendar page 18,
Calendar 719, House Bill 6676 is marked go. Moving to
Calendar page 19, Calendar 722, House Bill 6097 is
marked go. and that will be our first order of the
day, Mr. President, upon completing the markings.
Calendar page 21, Calendar 160, Senate Bill 757 is
marked go. Calendar page 21, Calendar 735, House Bill
6523 is marked go. Calendar page 22, Calendar 176,
Senate Bill 619, marked go. Calendar page 23,

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Calendar 256, Senate Bill 877 is marked go. Calendar page 25, Calendar 312, Senate bill 1129 is marked go. Calendar page 32, Calendar 227, Senate Bill 920, marked go. Calendar page 32, Calendar 313, Senate Bill 947 is marked passed temporarily. Calendar page 33, Calendar 354, Senate Bill 499 is marked go. Calendar page 33, Calendar 378, Senate Bill 1048 is marked go. Calendar page 33, Calendar 504, Senate Bill 939 is marked go. So those are the action items at this time, Mr. President.

THE CHAIR:

Thank you, sir. Mr. Clerk, could you please call the order of the day, Calendar number 722.

THE CLERK:

Calling Senate Calendar for Wednesday, June 3rd, 2009, Calendar page 19, order of the day. Calendar number 722, files 314, 956 and 1027, Substitute for House Bill 6097, AN ACT CONCERNING BROWN FIELDS DEVELOPMENT PROJECTS, Favorably Reported, Committees on Commerce and Export, Planning and Development, Appropriations and Judiciary. The bill was last before us, LCO 9129 was called and designated Senate Amendment Schedule A.

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THE CHAIR

Senator LeBeau.

SENATOR LEBEAU:

Thank you, Mr. President. I believe I have to move acceptance of the Joint Committee's Favorable Report and passage of the bill, one more time.

THE CHAIR

Acting on approval and acceptance, sir, would you like to remark further?

SENATOR LEBEAU:

We have in front of us Amendment LCO number 9129, which I believe is a very good Amendment, it takes out some of the problems in the bill that some of the major cities were having and I recommend it to the Chair.

THE CHAIR

Remark further on Schedule A, 9129, Senate Amendment Schedule A? If not, let me try your minds. All those in favor, please signify by saying, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nay. The Ayes have it. Senate Amendment

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A is adopted. Will you remark further, Senator
Looney.

SENATOR LOONEY:

Yes, Mr. President, if we might pass this item
temporarily, we hope very briefly. Thank you.

THE CHAIR

Without objection, so ordered.

SENATOR LOONEY:

If we might stand at ease for a moment, Mr.
President, thanks.

THE CHAIR

The Senate will stand at ease.

(SENATE AT EASE)

THE CHAIR

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President. Thank you. Mr. President, if
the Clerk would call as the next item, Calendar page
23, Calendar 256, Senate Bill 877.

THE CHAIR

Mr. Clerk.

THE CLERK:

Calling Calendar page 23, Calendar number 256,

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file number 290, Substitute for Senate Bill 877, AN
ACT IMPLEMENTING THE RECOMMENDATION OF THE PROGRAM
REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING THE
DEPARTMENT OF CHILDREN AND FAMILIES, Favorably
Reported by the Committees on Children Human Services,
Judiciary and Appropriations.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President. I move acceptance of
the Committees' Joint Favorable Report and passage of
the bill.

THE CHAIR

Acting on acceptance and approval, sir, would you
like to remark further?

SENATOR MUSTO:

Yes, thank you, Mr. President. I believe the
Clerk has in his possession LCO number 9139. It's an
Amendment and I would ask that it be called at this
time.

THE CHAIR

Mr. Clerk.

THE CLERK:

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LCO number 9139, which will be designated Senate Amendment Schedule A is offered by Senator Musto of the 22nd District, et al.

THE CHAIR

There is a motion on the floor for summarization. Without objection, please proceed, sir.

SENATOR MUSTO:

Thank you, Mr. President. Mr. President, this is a strike-all amendment --

THE CHAIR

Senator Musto, do you move adoption, sir?

SENATOR MUSTO:

Excuse me, yes. I move adoption of the Amendment.

THE CHAIR

Motion on the floor for adoption. Without objection, please proceed, sir.

SENATOR MUSTO:

Thank you, Mr. President. This is a strike-all amendment. It will become the bill. It basically accepts the House version of this bill. There were two sort of parallel versions of the bill and this would take those provisions from the House Bill that are substantially equivalent to the Senate bill and

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make them the Senate bill.

This Amendment, becoming the underlying bill, addressed the PRI study that was done last year, prior to my becoming Chair of the Children's Committee. But in my work in the Children's Committee, I have learned that all of these changes that we are making with this bill are essential.

This addresses the needs of children and families in many ways. It appoints an advisory group for the facilities that are run by DCF. It adds people that have actually served by DCF to some of the advisory groups and expands the role of the Advisory Council. It regards reporting and responding to various reports by DCF. For example, reports done by the Office of the Child Advocate, which no report was previously necessary. But when those reports are done, it would be beneficial for all if those reports were responded to. And this would require that, as well.

It even deletes many sections of existing law that are either made redundant by this bill or otherwise not very effective.

I believe that this bill looks at the outcomes that we are looking for in all of our endeavors here

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in the Senate and in government. And it looks for results. It's a good government bill. It was unanimous at every step of the way. And I would ask passage of the bill. Thank you, Mr. President.

THE CHAIR

Thank you, sir. Will you remark further on Senate A? Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. Mr. President, I also rise to support this Amendment. I also thank the Chairman of the Children's Committee for working closely with all parties and stakeholders on this along the way and looking into the various issues that were brought before the Committee and also through the Departments to make this a better bill so that we can all unanimously support it here on the Senate floor. Thank you, Mr. President.

THE CHAIR

Thank you, ma'am. Will you remark further on Senate A. Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Mr. President, this looks like a very well thought out Amendment. But

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through you, Mr. President, in the awkward way of handing the microphone back and forth to my seat mate, through you, I'd like to ask some questions to the proponent of the Amendment.

THE CHAIR

Senator Musto.

SENATOR DEBICELLA:

Mr. President, through you, how does the Amendment that we are looking at now differ from the underlying bill? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

As I said the underlying bill was basically a parallel version of this bill in the Senate. There were some provisions of the underlying bill that were taken out. For example, there was a section that would have required the Judiciary to begin a pilot program. The Judiciary was very concerned that they did not have the resources at this time, especially with some of the other things we were doing, so that provision was taken out. There were some other changes that were made, section 17 a-6b and c were

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going to be deleted. Those were left in because the juvenile training school is still a functioning Committee and we wanted to keep that going. So there are some subtle changes, but for the most part, this is almost an identical bill. Through you, Mr. President.

THE CHAIR

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. I thank Senator Musto for the answer to that question. And in looking at this bill, the first section of it calls for DCF to submit to the legislature a five year master plan every two year. And through you, Mr. President, in thinking about -- you know, we have a lot of plans and task forces in state government. In thinking about why DCF needs that strategic plan and what we hope to get out of it, the objectives of it, if Senator Musto could just address some of the thinking that went into it. Thank you, Mr. President. Through you, Mr. President.

THE CHAIR

Senator Musto.

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SENATOR MUSTO:

Thank you, Mr. President. The current law as it is on the books now requires a biennial plan to the General Assembly, a five-year master plan created bi-annually. The change in the law here -- I'm not sure where Senator Debicella is looking, but I do not believe that is a change from current law. Maybe I'm mistaken, but I believe section B of current law is deleted and, if that is implemented somewhere else, it would not be a change from existing law. Through you, Mr. President.

THE CHAIR

Senator Debicella.

SENATOR DEBICELLA:

Through you, Mr. President. Senator Musto is correct and I'm mistaken. It is the bill actually eliminates the requirement that DCF submits to the legislature a five-year plan every two years. I actually think that that is a very good thing for us to be eliminating. It's duplicative with other areas of the DCF language. And instead, the bill says with the assistance of SAC, must develop regularly a single comprehensive strategic plan for meeting the needs of

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children and families. So that seems to me a very smart streamlining of DCF's planning requirements to make sure that we're doing a much more holistic plan for our DCF functions.

And through you, Mr. President, the bill also -- and I'm not sure if the Amendment strikes these out -- I'm reading the OLR bill analysis for the underlying bill, actually establishes some pilot programs. And he mentioned one with the Judiciary, I think this might be a different one and please tell me if I'm wrong. Through you, Mr. President. The OLR office directs DCF to establish a pilot program to integrate treatment plans for abused and neglected children in DCF's care with the court orders concerning specific steps. Is that still in the bill or is that the pilot program that Senator Musto referenced that was eliminated through this Amendment? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Through you, Mr. President. What section are we talking about, Senator DeBicella? Through you, Mr.

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President.

THE CHAIR

Senator Debicella.

SENATOR DEBICELLA:

Through you, Mr. President. I believe it was section 11 of the bill. Through you.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Yes, I believe Senator Debicella is correct. That pilot program has been eliminated so that the Judiciary will not have to spend those funds. Through you, Mr. President.

THE CHAIR

Senator Debicella.

SENATOR DEBICELLA:

Thank you to Senator Musto. Additional questions in the around the State Advisory Council on Children and Families, the acronym I referred to before, SAC. Sections 5, 6 and 14 seems to expand the duties of SAC to include reviewing and commenting on the strategic plan which we talked before, receiving quarterly reports from the Commissioner, independently monitor

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the Department's progress. What was the thought process behind expanding SAC's responsibilities as it relates to DCF? Was this an area where it was felt we really needed a lot more of oversight or is this something that we have many more of the stakeholders at the table to help advise DCF? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Yes. Through you, Mr. President, it's my understanding, again, this bill was -- the PRI study and the requests that went into it were done before my tenure in the Senate, but it's my understanding that -- two reasons got into it and both were mentioned by Senator DeBicella. There was a concern that DCF was not being as responsive to some of the families it was serving and that some members of the community, people who were being served by DCF, it would be beneficial to hear their voices. And also to expand some of the oversight. We are, after all, interested in making sure that what DCF is doing, especially serving the families and children, especially as they do, are --

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kind of -- doing the right thing. So there was some
thought about that as well. Through you, Mr.
President.

THE CHAIR

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President and final question
, through you to Senator Musto. Sections 7, 8, 9 and
14 appear to eliminate reports and the Adoption
Advisory Committee. And through you, Mr. President,
is that correct and in doing so, what was the logic of
eliminating those reports and for, if I'm reading the
OLR report correctly, eliminating the Adoption
Advisory Committee? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Through you, Mr. President. The logic in doing
that, I am, frankly, not sure. Through you, Mr.
President.

THE CHAIR

Senator Debicella.

SENATOR DEBICELLA:

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Thank you, Mr. President. I thank Senator Musto for the answers to those questions and I stand in support of this Amendment. Mr. President, I think this Amendment reflects a strong, bi-partisan effort to try to both streamline and improve the functioning at DCF, which is an agency that has made some significant improvements over the last few years, but still has a ways to go in term of making sure that it is being responsive to its clients in a cost effective manner. And, Mr. President, I believe that the bill that Senator Musto has brought out contains several strong provisions to it. The strategic planning aspect of it seems to make a lot of sense to me.

In the business world, when you create a strategic plan, you try to do it in a holistic way that brings all stakeholders to the table to make sure that you're capturing all o the factors that are going into your five year vision. And for DCF, by including SAC in that process, as Senator Musto said, will actually include many, many more people who are either clients or partners of DCF in that planning process. That's a positive change, Mr. President, and one that I think will improve the strategic plan of DCF over the next

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few years. Also, expanding the State Advisory Council's role, I believe beyond just the strategic plan into monitoring the Department's progress in achieving the strategic plan's goals and offering assistance, once again, expands the philosophy of partnership that the -- that this bill contains on making sure that those people touched by Department of Children and Family Services are involved, with not just the strategic planning process, but the execution of that strategic plan.

And, Mr. President, I wasn't too familiar with the pilot program that this Amendment strikes out, but it seems to me wise that this Amendment would actually strike out something that would have a fiscal impact on the State in a year when we still have an eight billion dollar deficit we have not yet addressed, even with ten hours left in the regular session. So I think Senator Musto's wise to offer this Amendment stripping that out.

And finally, Mr. President, the underlying sections in this Amendment, 7, 8, 9 and 14, I believe, go to the philosophy of streamlining government, of making sure that we are not doing duplicative reports.

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And, in looking at the list of reports that are put out, it seems to me that we, over the years, require more and more reports in response to specific instances. And over time, our departments get burdened with this raw number of reports that we've asked for. The bill before us today eliminates seven of those reports and the Adoption Advisory Committee, which I believe, is going to be superseded by the SAC Committee, the State Advisory Council on Children and Families. So I believe that those sections of the bill that we last talked about -- Senator Musto and I, actually eliminate duplicative reporting and functions within DCF. And, although the fiscal note doesn't say it, one would hope that that would save money if we do not need as many people to actually process reports.

Mr. President, finally, I'd be remiss if I didn't thank Senator Kissel and the PRI Committee, who consistently do a fantastic bi-partisan job in actually providing recommendations and common sense recommendations on how to improve the functioning of government. It actually is a relatively unique Committee in this General Assembly in that its leadership is bi-partisan and rotational. So it

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really tries to be one of the most analytical Committees that we have in terms of coming up with recommendations. And I thank Senator Musto for his continuing commitment to children and to improving the operations of DCF. Mr. President, I stand in support of this Amendment and encourage its adoption.

THE CHAIR

Thank you, sir. Will you remark further on Senate Amendment A? Senator Kissel.

SENATOR KISSEL:

Thank you, Mr. President. Great to see you this afternoon.

THE CHAIR

Great to be here.

(LAUGHTER)

SENATOR KISSEL:

I think we all feel that way. A couple of questions through you to the proponent of the Amendment?

THE CHAIR

Senator Musto.

SENATOR KISSEL:

And at the outset, I want to thank my good friend

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and colleague, Senator Debicella for the kind words he just said regarding the Program Review and Investigations Committee which I'm lucky enough to be co-chair this year. But as Senator Musto indicated, this is based upon an investigation that was conducted last year while I was the ranking member and to be very honest, as long as these good reforms get through this building, I don't think that any of us have, necessarily, pride of authorship or have to have control over the Committee that brings it out.

Question through you, Mr. President, in subsection 1, or section 1, subsection B1, I'm reading the new language that says the Department, with the assistance of the State Advisory Council on Children and Families -- and I'm going to get to them in a little bit, it says and in consultation with representatives of the children and families served by the Department. And I'm going to break this sentence down into each of its component parts, but, I'm wondering, this is the beginning of a command that these groups be consulted and participate in formulating these strategic plans. And I'm just wondering in consultation with representatives of the children and families served by

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the Department, it's my understanding that there are hundreds, if not thousands of children and families served by the Department. And I'm wondering, that language sounds good but how would it practically be implemented? Would it have to be representatives of the children and families? Would it have to be done proportionately, throughout the State of Connecticut geographically? Exactly what is the import of that -- those words, right there? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Yes, thank you, Mr. President and through you, we are leaving some of this up to the Department to implement these recommendations after our passage of the legislation. Through you.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much, so Commissioner Hamilton, in consultation with her staff could come up with any kind of reasonable proposal regarding consultation with representatives of the children and families

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served by the department and this legislature would be comfortable with that? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Yes, we would certainly hope they would be reasonable, Senator Kissel. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much. So then I would progress to the next section of that sentence: providers of services to children and families. Again, very open ended, we don't know which providers, they're not delineated, we don't know which geographical area of the State the providers have to reside in or function in. And again, through you, Mr. President, to the proponent of the Amendment, is that another area where we have effectively drafted it with very wide latitude, allowing Commissioner Hamilton or whoever the Commissioner is of the Department of Children and Family Services at the time this becomes law, to

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implement? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President. Through you, we are certainly looking for -- to provide some latitude to the Department to do its job. Certainly, there would be the expectation that the Department would be thoughtful in making these recommendations and who they're going to consult with in this. And we would expect that from all of our officials, certainly. Through you.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much. I'm going to continue with this line of questioning only because I was always trained that when we create statute that we should be as precise as possible so that there's no misunderstanding as to what the import of the language of the statutes or the commands of our legislature are. Typically, when we're establishing groups to be consulted with, we're very precise about the language,

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and we're going to get to a part of this bill shortly that is very precise about who can be selected and that has to do with the State Advisory Council on Children and Families.

But this seems very broad and I just want to make sure that should the Commissioner come up with a consultative process that she's not criticized down the road because somebody thought it should include one group of people and maybe it doesn't include that group of people.

And so the next area, just says advocates, and I'm just wondering what does advocates mean? What does that mean, through you, Mr. President?

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Off the top of my head, Mr. President, through you, advocates would involve the office of the child advocate, certainly. The Commission on Children and perhaps other bodies created by the legislature or the executive that would look for children's issues, look at them, evaluate them and make policy regarding them. Through you, Mr. President.

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THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much. Would the Attorney General or his designees be considered advocates? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

I would hope so. Through you, Mr. President.

SENATOR KISSEL:

I'm sorry, did you say I hope so? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Yes, I would hope that the Attorney General would be considered an advocate for the people of the State of Connecticut in that any -- considering especially that the Office of the Attorney General does a lot of child support enforcement and other representation of children and families in the State in different capacities that the opinion of the Attorney General

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and any of the attorneys who serve under him would be considered in evaluating some of these policies and procedures. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. And through you, and then it says -- and talk about catch-all of all catch-alls, and others interested in the well being of children and families in this State. That is about as broad brush as I could possibly have drafted. To my mind, that probably includes almost everybody in the State of Connecticut. And my guess would be that you could certainly say that that would apply to everybody in this Circle. And I'm wondering how would the Commissioner be able to comply with that broad brush language other than saying that in these consultations, everybody in the State of Connecticut that has any interest in children and families is welcome to attend and offer their advice? Through you, Mr. President.

THE CHAIR

Senator Musto.

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SENATOR MUSTO:

Yes, through you, Mr. President, the idea here is to allow the Department to consult others, not to restrict the Commissioner in consultation with others. I do not see it as a mandate on the Commissioner to get everyone in the State of Connecticut into a room. I see it as permissive, that the Commissioner can get in touch with some of these people who she, in this case, or a future Commissioner might consider appropriate, in addition to some of the other folks that we've just talked about. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much. So to sort of recapitulate that answer, what I'm hearing from the proponent of the Amendment is that this language, all of these categories were drafted very broadly to give the Commissioner of the Department of Children and Families the widest amount of latitude as far as groups or individuals they can consult with regarding issues regarding children and families? Through you,

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Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Through you, Mr. President. I don't think I'd put it right that way. I will stand on my previous answers. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President, but I'm a little confused, could the proponent please give me that answer again. What's the limiting -- I don't see any limitation on this language at all. And I'm just wondering what are the limiting factors, given this definition of who can consult with DCF? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Through you, Mr. President. Again, we are talking about advocates. We've named some of them, I don't think the language limits others. We've given the

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Commissioner and the Department latitude in questioning or bringing other people to the table should the department find that necessary. And I don't think this is a mandate. Again, that the Commissioner be required to bring certain individuals, other than of course, those named in the bill or in the Amendment in this case, to the table, but that does require the Commissioner will seek these outside opinions. Saying that it is excessively broad or that it is drafted with complete discretion in mind, I don't think that is true. It is certainly drafted with the idea that the Commissioner will have some discretion in bringing other people to the table and that's where the final language that we discussed was brought in. But that advocates will certainly be brought to the table and some of the other people we did discuss and that are named in the bill. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President, I appreciate that answer. So regarding the terminology: and others

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interested in the well-being of children and families,
would representatives of Catholic church be
encompassed in that? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Through you, Mr. President, as far as I know,
there were no specific others contemplated. Through
you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. Well, for
example Catholic Family Charities, YMCAs, YWCAs, they
all have ongoing programs to be of assistance and
support to families and children through out the State
of Connecticut since we've already got a section of
this statute that says advocates and then it's
followed with the very broad brush language of and
others interested in the wellbeing of children and
families, would that second portion encompass other
groups such as Catholic Family Charities, YMCAs, YWCAs
and other groups that serve families and children?

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Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Yes, through you, Mr. President. I don't see why anybody would be excluded by the very broad language. Certainly Jewish charities, Muslim charities, other individual groups who are interested in the welfare of children would be included in "others" as would all of the groups Senator Kissel named, and probably many more that we could all come up with in this Circle. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much. I really appreciate that response from Senator Musto. I think that clarifies that it is, indeed, open ended and pretty much the only touchstone is that these groups have an active interest in children and families. And I think that's helpful as the Commissioner determines who is going to be consulted in this process.

Following along with this particular sentence, it

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says, shall develop and regularly update and I'm wondering what does regularly update mean? Does that mean annually, every two years, what's the period of time for regularly? Through you, Mr. President.

THE CHAIR

Senator Musto

SENATOR MUSTO:

Again, through you, Mr. President, this is broad language, it's meant to be broad language. We are giving the Department some latitude here to update reports as necessary. Hopefully, this would not mean once every ten years. There is certainly a mandate for a strategic plan that we discussed -- I previously discussed with Senator DeBicella and we would hope that the Department would be vigilant in making these reports and updating them as necessary. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much and I appreciate that response as well. So would it be fair to state that annually probably would be sufficient although perhaps the

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proponent doesn't want to nail it down like that, but something as extreme as every ten years probably is beyond the pale of what is contemplated by the term regularly? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Annually might be reasonable, through you, Mr. President, based on the particular report and the particular study that's being done and the particular results, it might not be reasonable in some other cases, the language is deliberately broad. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much and, again, I think that helps clarify the legislative intent here and will give some guidance to the Commissioner and her staff when and if this legislation is passed and they have to comply with the statute.

Regarding the rest of the language in section B, subsection 1, there's a whole slew of very broad

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language regarding the creation of a mission statement, how the Department intends to achieve the goals articulated in the mission statement and what the Department would use as benchmarks. And I'm wondering what we're trying, as a legislature, to accomplish by requiring the Committee and the Department to do by that section? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Through you, Mr. President. The idea here and it -- maybe Senator Kissel could even give some of his own opinions on this as he was involved in this study. But in identifying benchmarks, the Department should be doing what we are all asking all the Departments to do in government, which is to identify outcomes and find ways to improve them. That's the essence of, I think, a lot of the PRI studies and bills that have come through the legislature and we would hope that the Department of Children and families is doing the same thing. Through you, Mr. President.

THE CHAIR

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Senator Kissel.

SENATOR KISSEL:

Thank you very much and I appreciate those kind words from Senator Musto. I do very much distinctly remember the presentations made to the Program Review and Investigations Committee when I was serving as ranking member a year ago. I'm wondering if, as Senator Musto was co-chair of the Select Committee on Children, if there was any additional information that was brought before his Committee that would indicate that there's shortcomings in the Department of Children and Families at this time in articulating their goal for the Department and creating a system where there's benchmarks and an ability to articulate whether the Department is meeting those benchmarks? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Yes, through you, Mr. President. I would rather not, at this time, through this bill, attack the Department of Children and Family Services. We certainly received, I can't say whether it was

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additional information, because I don't know what the original information was. But we certainly received a great deal of information regarding the Department and some of the problems that it was having with either its constituent services or some of the ways that they were doing things. This study, as I understand it, and the results from it were the result of many hours of discussions with the Department itself as well as other groups of people or other people in general, specifically some of the advocates that are discussed or that are alluded to in the bill. And I would rather focus on the Amendment here, the underlying bill itself and the ways we can go forward and improve government and improve the services of the Department rather than to throw stones at what might have gone on in the past. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much and I very much appreciate the answer of the good co-chair of the Select Committee on Children. I think that's a sensible approach to this entire issue. And I think it sends the exact right

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signal to the Department of Children and Family
Services.

Moving on to section 1B, subsection 2, under the
new language in this Amendment , it indicates that the
Department shall begin the strategic planning process
on July 1, 2009. We're less than a month away from
that deadline. Does the proponent of the Amendment
have any indications from the Department as to whether
they have enough resources or they would be ready to
go by July 1, 2009? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Through you, Mr. President. No. We have
discussed this bill with OPM and with DCF. It's been
vetted heavily by both. There've been many changes
made based on the input of those bodies. And
everything in here is a consensus document between
those offices and all of the Committees that have
looked at this. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

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Thank you very much and again, I appreciate that response from Senator Musto. I think it sends the right message and I actually am very heartened by the fact that this is a collaborative effort between the Children's Advocate, the Department of Children and Family Services, Office of Policy and Management and legislative leadership. And I think, again, I think our constituents are happy to see that despite some of the high visibility issues where folks might not agree. On the vast majority of things here in our Capital we do agree.

I notice that the new language as provided in this Amendment indicates that the Department shall hold regional meetings on the plan to insure public input and shall post the plan and plan's updates and progress reports on the Department's web site. Is it contemplated, because I'm a little confused by that language, that the Department has to come up with a draft plan before it goes out to the regional meetings or would it also be appropriate for the Department to shortly after July 1, 2009 begin to hold regional meetings to solicit public input as to what should actually be in the plan? Through you, Mr. President.

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THE CHAIR

Senator Musto.

SENATOR MUSTO:

I do not see any problem based on language we talked about before with the Department soliciting outside input. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And it's my understanding through the language that the target date for the submission of the final plan would be July 1, 2010. So essentially, we're giving the Department of Children and Families extremely wide latitude as far as who to consult with. We're giving the Department extremely wide latitude as to the consultative process. We are urging them and being very specific in statute that they are to go out and have public hearings on this, seek input from the public and other advocates. And to continuously update the draft of this plan, let the public know about that through their website and at the end of the day, the target date is July 1, 2010 to submit that plan to the

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legislature and the Governor's office? Through you,
Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Senator Kissel is correct, Mr. President. Through
you.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much. There's one other section in
this Amendment that I had a question regarding and
that is the section regarding the makeup of the State
Advisory Council on Children and Families. And in
that section of this Amendment, there's the addition,
I believe, of two individuals in their twenties that
may have had interactions with the Department of
Children and Family Services; is that correct?
Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Through you, Mr. President. Could I get a line

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number from Senator Kissel, please on the Amendment .

SENATOR KISSEL:

If we could stand at ease, I'll be able to locate the exact language.

THE CHAIR

Will the Senators please stand at ease?

(SENATE AT EASE)

SENATOR KISSEL:

Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you. I would refer Senator Musto to section 5, which amends section 17a-4 of the general statutes and in the subsection a therein, and I'm sorry, on this access to the Amendment via our website, they don't have line numbers. But it would be section 5(a), there's the additional language, to the Council on Children and Families, two persons, 18 to 25 years of age, inclusive served by the Department of Children and Families. And I'm just wondering why we're expanding the Council to include those folks? Through you, Mr. President.

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THE CHAIR

Senator Musto.

SENATOR MUSTO:

Yes. Through you, Mr. President, it's my understanding that this language was included because for the simple reason that if the Department of Children and Families is going to understand more about how its policies and procedures affect people, people served by the Department should be able to, at least, have a voice on that Council. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much. I'm just wondering what the current makeup of the State Advisory Council on Children and Families is? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Yes. Through you, Mr. President. The current -- this amends existing law so whatever is not changed by this law would be the current makeup of the State

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Advisory Council. Through you, Mr. President.

THE CHAIR

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

I have no further questions. Through you, Mr. President to the proponent of the Amendment.

I want to thank Senator Musto for his hard work in crafting this compromise and in working with the advocacy groups, the Office of the Child Advocate, the Department of Children and Families, the Attorney General's Office, Office of Policy and Management and representative of the Department of Children and Families. I think that it's really difficult to get one's arms around this issue because, as public hearings have indicated, and I've been to many of them, either in the past as ranking Senator on the Human Services Committee or as the ranking member of Program Review and Investigations. And indeed, followed up this year as the co-Chair of Program Review and Investigations that we put a lot of responsibility on the Department of Children and Families. For those elements of our society that,

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unfortunately, are completely broken down, we turn to that Department to try to make it all work. And, unfortunately, when it doesn't work that is going to be a headline and that is, unfortunately, going to be some child or some family that is very much broken and, sadly, quite often that results in individuals sometimes being harmed. There's that age-old tension that we have here in the State of Connecticut, if there's a problem within a family, do we rush in to take the child out of that family and, hopefully, find foster care for that young person, which is extremely hard to find or do we err on the side of leaving the child in an environment that might be very bad for them? If we err on the side of leaving the child with a dysfunctional family and harm falls on that child, then the people that work in the Department of Children and Family Services are roundly criticized. Although I believe most of those folks go into this field because they want to make a difference and a positive difference. On the other hand over the years, I've heard arguments that if we rush in too early and we pull the child out, a) there's a great likelihood that it's difficult to find a foster home,

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b) in so many of those cases, the poor child is bounced from one place to another, never really finding any groundwork -- I mean grounding and a home that's loving, c) in some of those instances the place that the young person is placed is worse than the place that they were taken out of and those are really horrific stories. When it's a dysfunctional family, there's the potential for danger, the Department goes in, takes the child out, does a placement and lo and behold, the placement is with individuals that are even worse than where that young person came from. This is a heartbreaking situation and I commend Senator Musto and all the Members of the Select Committee on Children for picking up this gauntlet that was uncovered or delineated by the Program Review and Investigations Committee. I also want to thank the staff of Program Review and Investigations Committee that worked tirelessly on the underlying report that actually formed the basis for a lot of these recommendations. In many respects we are hamstrung this year because we don't have the financial wherewithal to move forward on a lot of the initiatives that we'd like to. But on the other hand,

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I've been amazed at the creativity in our legislature this year as to what we can actually accomplish without having to have a big price tag on the legislative proposals.

I think, fundamentally, at the end of the day, gathering everybody around a table, coming up with what the goals are for the Department as far as the health, safety and welfare of children and families, creating substantive benchmarks and having objective tools to measure whether those benchmarks are being achieved, having all of this on a web site, having regional meetings to allow the public constant input, soliciting public input every step of the way, and then one year from July 1 of this summer, having a report delivered to this legislature where each one of us, God willing, we're still alive and breathing and representing our constituents, will have an ability to look at that and determine what future legislative proposals we want to have to move forwards, I think, makes an awful lot of sense. And with that, Mr. President, I strongly support the Amendment, but I would also request a roll call when it comes up for a vote. Thank you, sir.

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(NEW CHAIRMAN IN THE CHAIR)

THE CHAIR

At the time of the vote, the vote will be taken by roll.

Will you remark further? Senator Kane.

SENATOR KANE:

Thank you, Mr. President. Just a quick question to the proponent of the bill.

THE CHAIR

Please frame your question.

SENATOR KANE:

Thank you, Mr. President. I, too, served on the Program Review Committee last session and now serve as the ranking Member on the Human Services Committee so I am familiar with this bill, but not so much with the Amendment that you're offering.

Section 7 of the original bill -- if this was asked, I apologize because I may have missed it, but section 7 of the original bill does away with the Children's Behavioral Health Advisory Council. Is that still in this Amendment or has that been taken out? Through you, Mr. President.

THE CHAIR

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Senator Musto.

SENATOR MUSTO:

Again, through you, Mr. President, the sections of the original bill have been substituted completely by the House bill. Through you, Mr. President.

THE CHAIR

Senator Kane.

SENATOR KANE:

Yes and I do remember that when you brought it up that it was a strike-all Amendment, but I -- just for legislative intent, through you, Mr. President, I'll repeat the question. The Children's Behavioral Health Advisory Council, which was deemed to be eliminated in the original bill, is that still in this Amendment? Through you, Mr. President.

THE CHAIR

Senator Musto.

SENATOR MUSTO:

Through you, Mr. President. I'm not sure how I can explain the Amendment if the language from the bill is in the Amendment then it is in the Amendment. It's not subject to legislative intent to change the language of the bill. I'm not quite sure how to

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answer that question. Through you, Mr. President.

THE CHAIR

Senator Kane.

SENATOR KANE:

Okay, through you, Mr. President. I'll ask it as a yes or no question. The Children's Behavioral Health Advisory Council, is it still being eliminated? Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

I would have to read the entire Amendment again to see if there's something I'm missing, but I don't see that in the language that I'm looking at right now. But if I'm missing something, I would not want to lead the Senator astray.

THE CHAIR:

Senator Kane.

SENATOR KANE:

I don't know, Mr. President, I thought it was a pretty simple question. I'm just asking about the Children's Behavioral Health Advisory Council. If you go to the original bill -- I thought it was a simple

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question, quite honestly, if you go to the original bill, in section 7, it mentions it and -- with your indulgence, Mr. President. The summary that I have from the Human Services Committee, section 7, repeals the separate statutory provision regarding the Connecticut Behavioral Health Advisory Council - CBACK, it's called. The Department had a concern about this in section 7 and I'm just asking whether that is still in there at all or is it been removed based on the new Amendment? Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

There's nothing in here that the Department had any problem with. If the Department had a problem with Behavioral Health Changes, then that is no longer in the Amendment, through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

I don't know what to say, Mr. President. I don't believe my question has been answered. I thought it

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was a very simple thing. The Connecticut Behavioral Health Advisory Council -- is it in or is it out?

Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Mr. President, I'm going to stand on my last answer, sir.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Okay. Thank you, Mr. President. I don't believe my question was answered. I thought it was a simple yes or no question. But I don't know. I don't want to sound like a broken record here, but I just wanted that clarification from the difference between the original bill and the 'strike-all Amendment that we're voting on because I think that's something that this volunteer commission and the people in this room should know. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further?

Senator McLachlan.

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SENATOR MCLACHLAN:

Thank you, Mr. President. I rise for point of questions to the proponent of the Amendment?

THE CHAIR:

Please proceed to frame your questions.

SENATOR MCLACHLAN:

Thank you, Mr. President.

Senator Musto, the Amendment that you offered talks about a strategic -- comprehensive strategic plan that we're asking the Department to develop. The Amendment appears to strike, also, a call for a five-year master plan, and I wonder, sir, what is the difference between a five-year master plan and a comprehensive strategic plan for this Department? Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Through you, Mr. President. A five-year strategic plan and a comprehensive master plan. The language is, of course, subject to some interpretation. I would say that a five-year plan, first of all, involves a five-year plan. That's being stricken. A

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comprehensive master plan would include everything the Department is doing, what their goals are and how those goals are going to met by things or actions the Department is taking to improve those goals and to improve the outcomes for children and families.

Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

/ Thank you, Mr. President. So, the five-year plan, the five-year master plan was stricken from the bill, I believe, due to lack of resources and money to create this five-year master plan. Does this Department have the resources and funding available to create a comprehensive strategic plan? Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Through you, Mr. President. The Department tells us that there is no problem implementing the requirements of this bill so I would assume, based on the Department statements that they do, in fact, have

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the resources to perform all of their obligations .
under this bill. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. And through you, Mr.
President, does the Department of Children and Family
Services currently have a comprehensive strategic plan
for the Department? Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

By that name, I do not believe so. Through you,
Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. So this State agency --
you're indicating does not have any kind of master
plan or strategic plan in place now? Through you, Mr.
President.

THE CHAIR:

Senator Musto.

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SENATOR MUSTO:

I don't believe that's what I said, Mr. President. What I believe I said was that I don't believe -- first of all, this bill has not been passed so the requirements of this bill, to the extent that it changes existing law, no, they would not have that plan. They may have other plans, I'm sure they do -- I would hope they do -- that discuss what their goals are and outline their steps to achieve those goals. But no, it's my understanding that they do not, at this time, have this particular plan. And it is not currently in existing law. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. I was looking at their web site and I see that they have a statement of mission and guiding principles which is fairly extensive. They talk about an over-arching principle of safety, permanency and well-being. The principle one of families is allies. Principles two, three, four and five -- so they have a very extensive

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statement of mission and it's been my experience in the business world that that is often a guiding map, if you will, to create subsequent strategic plans and even, master plans. And so I'm wondering what was the genesis to ask the Department of Children and Family Services to do both a comprehensive strategic plan and also a five-year master plan, which now is somewhat on the back burner? Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

As I discussed with Senator Debicella, the five-year master plan language has been stricken in this bill -- or will be stricken by this bill from existing law. So I don't believe there's any requirement -- and there have been no contemplation that the Department do both. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Okay, that's good clarification that we're not talking ultimately about creating today the requirement of the Department

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developing a comprehensive strategic plan and then at some point in the future, even though it is stricken from this bill, by this Amendment, the development of a five-year master plan. It does seem highly likely to me that the Department of Children and Family Services as a operation of state government with a number of employees and a number of regulations that they must adhere to that they probably already have a strategic plan. And I wonder, through you, Mr. President, to the proponent of this Amendment, is it the feeling of the Select Committee on Children and others who have looked at this issue, is it the feeling that the Department of Children and Family Services does not have adequate planning in place? Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Through you, Mr. President. As I discussed with Senator Kissel, it is not my intent by this bill or certainly by any statements to, in any way, impugn the past practices of the Department. We are trying to move forward. These recommendations, which we hope to

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enact into law, would do that. And I would rather focus on better government and better outcomes for the children and families than on any failures the Department might have had in the past, if any. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Thank you for your answers, Senator. Actually, I have not referred at all to any past history about the Department. I'm looking forward to success of the Department of Children and Family Services. I guess all I'm trying to determine is that the Department, I'm assuming, still has in place plans that they have accumulated over past years and what was the review process to look at existing plans before you developed this new legislation that requires them to create new, comprehensive strategic plans? Through you, Mr. President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

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Through you, Mr. President. Again, this legislation was drafted based on a study that was done prior to my entering the Senate. Having discussed the legislation, I am aware of some of the perceived insufficiencies that existed or were alleged to have existed in the Department that gave rise to some of these, but I believe that dwelling on the past would not do us any good.

Currently, the Department does not have, to my knowledge, the type of plans that are provided for in this bill. It's not to say they don't have anything. It's not to say they're not trying. I'm just saying that the plans that are being provided for in this bill do not currently exist. I am sure there are other outcome related plan they have, goals that they have, things that they've posted on their website certainly. I do not want to belabor the point of moving forward, but we are trying to do that with this bill. This bill, again, was negotiated by all the stakeholders involved in this bill and then Children and families in general in the state of Connecticut. DCF was heavily involved in it, right up until yesterday. Many of the other advocates were involved

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in it, right up until yesterday and will continue to be in the future, I certainly hope. But to say that there were some specific downfalls, some specific failures on the point of the Department or that there continue to be some specific failures on the part of the Department that would make this necessary, I believe, moves us in the wrong direction. And I take Senator McLachlan at his word that he is not looking to the past and to see what's going on. I understand that he's looking at the present and how this bill wants to fix or what harm we're trying to fix with this bill. But, again, I would say that by passing this bill, we are giving a clear statement of legislative intent that was negotiated with the Department and with the Office of Policy and Management and with some of the advocates who speak for children, either officially or unofficially in the State of Connecticut and that all of those groups together, worked on this bill. It's important for children and families in the State of Connecticut. It's important for the government of the State of Connecticut and the individuals who run the Department and I believe that going forward, looking forward,

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making these plans, creating or expanding the Advisory Council, these are all good things. These are all the kinds of things that we should be doing generally in our government, to the extent that as we've been talking about they don't break us, bank wise. But we are trying to move forward in a positive manner, get everything in place, so that we can have the outcomes we need, make the children and families served by the Department and by the State of Connecticut, put them in a better place for the future. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. And thank you for your answers, Senator, although I agree with the laudable goals of this legislation and all the good work that's been done. But I just want to comment on your response to a fairly simple question. And that was the -- is there an existence of plans that the Department of Children and Family Services and your perception of that was that I was calling into question past deeds that were -- you know, that nobody

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wants to talk about. That's not the case at all. In fact, I'm not even sure where you came up with all of that idea, that I was inferring such a thought in any way, shape or form. That's not the case at all. This has been a very simple question that, frankly, I don't believe you've answered adequately and all we wanted to clarify -- I wanted to clarify was the existence of -- what I believe the Department of Children and Family Services has in their files -- some very good plans. And so, my question to you, which has remained unanswered, as you have stated that I'm looking back and not looking forward, that's an inaccurate statement, -- the simple question was when the bill was crafted, was there a review of existing plans in place and so I will accept your comments as an unanswered question. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Senator Musto.

SENATOR MUSTO:

Yes, I would not say that I didn't answer the question. My answer to the question is yes, the review was done regarding what current plans were in place. And yes, it was determined by those on PRI

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that there should be something different or something more. I'm also not aware on the website, when that was put in place. If it was put in place after the recommendations from PRI, then it may be that the Department is moving in the right direction and sort of taking its charges from the legislature. If, in fact, those were done previously and PRI failed to look at them, which would surprise me, frankly, then maybe it is a failure on the part of the legislature. But I would seriously doubt that considering the people I've talked to after the study was done and the people I've talked to who were involved in the study including several members of this Circle. So the answer to your question directly and precisely is yes. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. And thank you, Senator, for the direct question and direct answer. I appreciate that very much. I appreciate all the work that you've done on this legislation. I applaud the efforts of you and all the advocates who have worked

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hard to make the Department of Children and Family Services a better arm of State government and I look forward to reviewing the report that will be the result of this bill. Thank you.

THE CHAIR:

Thank you. The item before the Chamber is Senate Amendment Schedule A. Will you remark further on Senate A? Will you remark further? If not, there was a request for a roll call vote. I'd ask the Clerk to please announce that there is a roll call vote in the Senate.

THE CLERK:

A Roll Call has been ordered in the Senate. Will all Senators please return to the Chamber. Immediate Roll Call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

The Senate is voting on Senate Amendment Schedule A. The machine is open.

THE CHAIR:

Members, please check the board to make certain that your vote is properly recorded. If all members have voted, the machine will be closed. Would the

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Clerk please take a tally?

THE CLERK:

Motion is on adoption of Senate Amendment Schedule

A.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Senate A is adopted. Will you remark further on the bill as amended? Will you remark further on the bill as amended? Senator Musto.

SENATOR MUSTO:

Yes, thank you, Mr. President, I would move passage of the bill as adopted on the underlying bill as we discussed in the Amendment, the Amendment becomes the bill and as we've just discussed about the Amendment it is -- the underlying bill is good for children and families in the State of Connecticut. Thank you.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

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Thank you, Mr. President. Mr. President, I rise in support of this bill. I think this bill is a very good bill and I applaud the Members of the Committee getting this bill out. When it becomes an issue of children, certainly, we need to put in our State services for the best interests of children. And with that, Mr. President, if I may have the Clerk call LCO 8453 and I request permission to summarize.

THE CHAIR:

Will the Clerk please call LCO 8453, to be designated Senate B.

THE CLERK:

LCO 8453, which has been designated Senate Amendment Schedule B. it is offered by Senator Fasano of the 34th District.

THE CHAIR:

Senator Fasano's requested permission to summarize, is there objection? Is there objection? Seeing none, please proceed, Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Mr. President, as I said, when it comes to the children and their parents, there's certainly a lot of support we have to give our

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children when they develop in a family that may have issues that go beyond what we can even imagine. The Department of Children and Family Services certainly has a huge task on their hands in dealing with these unique and complex situations as they develop. Mr. President, unfortunately from time to time, there comes what I would even consider tragic patterns of conduct that a parent or parents commit to their children. And when the State gets involved, it ultimately changes that relationship forever.

Mr. President, I had a constituent in my district bring to me an issue where it was marriage that went awry and, unbeknownst to her, the father was molesting their daughter. And this had gone on for some time. They ended up in a divorce for other reasons and when the daughter confided in the mother and they brought up the issue, it became an issue of whether it was made up for the divorce or not and this went back and forth. Ultimately, it was proven that the father had done these unspeakable acts to the daughter. At which point the mother moved for the permanent termination of the biological father's rights to the child. Under our law, once you terminate those rights, under our

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laws as exist today, for the criminal conduct of molesting a minor, your daughter, in this case, the obligation of support stops. So this single parent had the obligation of bringing up two children with one income. With one income. And giving them what she wanted to give them. So she took on three jobs. And she, luckily had other family support to take care of her child.

When this idea was brought to my attention and we had the public hearing on this matter, I gave the microphone to my constituent and her daughter, who spoke about the need to change the law. She spoke both about the fact that when someone performs, who happens to be a father or a mother, an illegal conduct, and as a result of the conviction -- and this is a conviction, Mr. President, involving sexual abuse of a child, prior to the termination of the parental rights, if the court does terminate those rights, as a result of that, they should not be excused for the financial obligation for making sure that that child that they brought into the world ceases. They need to make sure that they uphold that financial obligation. They shouldn't be allowed to commit a criminal act

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that terminates the parental rights and then still receive a benefit, if you would, of not providing child support for that family. When this story was brought on, I could not believe that that was the law. But, I guess, more importantly, I could not believe the courage of the mother and the daughter, both, to show up at the public hearing and be -- what had to be very emotional and very hurtful situation -- speak, articulately, compassionately to the Committee who responded equally so. They understood the compassion, they understood the reality and the inequity of the law that we have.

Now when the bill was first brought out in Committee, the language met with opposition. And I get that because this issue is very narrowly tailored. That's why this Amendment is very narrowly tailored. What happened before, I guess, is in some universes within our system, there are issues of abuse, maybe not necessarily sexual, and in order to get the parents to terminate the parental rights, we use, as leverage, that we'll cease the child support. That seems to be a tool in negotiating that is for the benefit of the child unless the child goes to foster

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care and gets adopted and severs the rights between the parents and, I'm told, from advocates that that makes sense in the universe. And for that, I appreciate it and I agree.

That's why, you'll see when you look at these bills, a number of rewrites by myself because I was trying to alleviate the fears and the concerns that Department of Children and Family Services and child advocates had with respect to this issue and narrow it down to a very narrow issue, which is when the parent's rights are terminated due to parent sexual abuse of a child, upon the petition of the other parent, the Court terminates the parental rights in part or in whole on grounds of such parental sexual abuse, such parent is convicted and the Court determines that it is in the best interest of the child to keep the child support going, that's what the Court has discretion to do. No longer will it be automatic, given this narrow fact pattern.

Mr. President, this makes sense. Probably more importantly, it's equitable logic. Unfortunately, I'd love to say that these situations are few and far between. The reality of our society is that is not

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accurate. The reality of our society is that it happens with frequency that is beyond the pale. So we need to protect our children from the abuse. We also need to protect our children from the financial discomfort as a result of that criminal act. It's accountability. It's accountability for bringing a person into this world and it's accountability of not allowing them to sever that financial responsibility based upon a criminal conduct that we have here. Once again, it's not an allegation, it is a conviction. It is a conviction for which you can bring these proceedings.

Mr. President, I know that this is an issue that I've talked to various legislators around this Circle and I know that it's an issue that they're all concerned about. Mr. President, I hope the Circle sees the logic in this and I hope they adopt this Amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Senator Musto.

SENATOR MUSTO:

Yes. Thank you, Mr. President. I rise in reluctant opposition to this Amendment. As I've

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discussed in Children's Committee and we discussed in Children's Committee and I've discussed with Senator Fasano, I stand in support of the underlying concept. That we have rights and we have obligations. And that when rights are terminated through a person's own fault, that does not necessarily mean or should mean that their obligations go away, especially to their children.

Nonetheless, we are on the last day of session. This bill has to go to the House and there is strong opposition to this Amendment in the House. This bill, the underlying bill will not make it through the House with this Amendment. The underlying bill, as I've spent so much time discussing is extremely important to children and families in the State of Connecticut to improving our government, to improving the services that our government provides to those individuals and families. And so I look forward with Senator Fasano going forward and whoever would be interested in this as well to supporting this in the future or some version of it. But at this time, I would urge rejection of this Amendment. Thank you, Mr. President.

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THE CHAIR:

Thank you, Senator. Senator Franz.

SENATOR FRANZ:

Thank you, Mr. President. I do stand in favor of the Amendment here today in front of us. And I'd like to salute Senator Fasano for his work in thinking this through and putting it together in the form of an Amendment and now presenting it to us today. I don't know how many cases there are like the one that Senator Fasano referred to. You have to believe that there are a lot more than what we have seen in the newspaper and a lot more than we've heard about in our hearings in the Children's Committee and other Committees. And I also, today, salute the courage of the two constituents that Senator Fasano was talking about in coming forward and talking about some horrendous circumstances that relate to an issue that this Amendment squarely and fairly addresses, which is what do you do in the case of the abandonment or the cessation of parental rights? Does, in fact, the obligation go away or does it remain on the books? The Amendment, as well as, I hope, many of us around the circle agree that the obligation should stay

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there, not just for practical reasons, but also for principle reasons. There's a reason for that. And sometimes you have to scratch your head. You have to wonder why was the law written originally the way it was. that created that set of conditions for these kinds of circumstances. I think Senator Fasano hits the nail on the head when he suggests what he's suggesting in this Amendment and I think, it's certainly worthy of not only our attention, but our approval today and I would urge the Circle to do so. Thank you. Thank you, Mr. President.

THE CHAIR:

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

SENATOR BOUCHER:

Thank you, Mr. Speaker. Mr. Speaker, I rise to support this Amendment, having been at the public hearing where this very compelling testimony was being heard. I must tell you, you could hear a pin drop, it was a most courageous example of testimony that we've heard in a very long time. It was no easy thing for both the mother and daughter to bare their souls in front of all of us regarding this very personal and

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private matter. And, in fact, it is probably one of the most tragic examples of the worst kind of parental betrayal of duties and responsibilities. And this Amendment was worked on extensively to consider the various issues that individuals brought forth. And I particularly appreciated the fact that there was a section that was place in the Amendment that spoke to some of those concerns where it outlined the fact that the Court could determine that continuation of such child support obligation is in the best interest of the child. So that if there was some concern about safety, that should be considered by the courts for sure. And also, in this, prior to entering an order terminating the parental rights of a parents under this section, the Court should provide, also, notice to such parent of that child support may continue, as well. So given that they would noticed, that might cause some concern, but the courts would then deliberate as to whether or not that might not be in the best interest of the child or it should. Inadvertently, it appears that we do reward bad behavior, when, in fact, a situation like this comes up. And it's unfortunate that it does. But I hope

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that we think about this carefully and consider that this might be a good thing to add to our statutes and that Members of the House, although they may disagree, might by a majority vote, given that this bill is starting here in the Senate, might agree to vote in favor of it at the end, by majority vote. And on that point, I'll be supporting the Amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President. Senator Fasano has raised an issue of enormous significance, not only in Connecticut but also in the United States. A man fathers a child. The Department of Children and Family Services starts a termination of parental rights proceeding. The father wanting to avoid child support under Connecticut law consents to the termination of parental rights and thereby avoids child support. And so often that is done in lower incomes and impoverished families where the victim is that child who will no longer get child support from the father.

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The problem is that Senator Fasano is introducing this bill on the last day of our session where we can't do it. But together with Senator Musto in the Circle, I want to encourage him to bring this back and there will be a number of us who will be joining him in the effort in the next session. Thanks, Mr. President.

THE CHAIR:

Thank you, Senator. Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. I just rise briefly because this issue was referred to the Judiciary Committee earlier in the session. And there was a tremendous amount of concern about the issue, certainly a deep appreciation for the complexities and the intersection of various points of law on this. But there was no action taken on it by the Judiciary Committee, I think, in part because we didn't have the benefit of the compelling testimony that was heard by other legislators so there was opposition in the Judiciary Committee. I had made a commitment to Senator Fasano earlier in this session that should this Amendment fail that we would have a public

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hearing in the Judiciary Committee on this subject next year so that we could fully develop it. I understand that the work that Senator Fasano has put into the issue. I certainly understand the importance of it to him and to many others, but I think it would benefit from at least a public hearing in the Judiciary Committee, so for that reason, I will be opposing the Amendment, at least for today.

THE CHAIR:

Thank you, Senator. Senator Roraback.

SEANTOR RORABACK:

Thank you, Mr. President. I rise in very strong support of the Amendment. I have to say it's disheartening to me to learn from Senator Musto that he believes were this Amendment to be included with the bill when it goes downstairs that it would cause the bill not to pass in the House of Representatives. It's hard for me to conjure up any reasonable scenario under which the House would reject the bill if this Amendment were attached to it.

Mr. President, this phenomena, it's an unusual phenomena because it extends beyond the reach of what Senator Fasano's Amendment covers. I have probate

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judges in my district who say people now are coming to the probate court saying, please terminate my parental rights. And they do that because they want to get out from under the responsibility to support their children financially. It's an outrage. And my probate judge said, please introduce a bill that makes it unlawful for an individual to come and ask that their own parental rights be terminated because it's an affront to every parent's obligation to their child. Mr. President, this Amendment is the most glaring example of why it is that parents should not be virtue of bad conduct, be relieved of their obligations and my hope would be that we would test the House of Representatives by passing this Amendment and learn from them why it might be that they couldn't see their way clear to do something that I think everyone in this Circle recognizes as representing very sound public policy. Thank you, Mr. President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. For one of the few times in the Circle, I rise, unsure of my position on

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✓ this Amendment. The points made by Senator Fasano are extremely powerful and the last point by Senator Roraback is something that really is remarkable. The very idea that someone would seek leave to have their parental rights terminated, perhaps in an effort to not have to fulfill what are not only legal obligations, but just moral and human obligations is shocking.

At the same time, however, the reverse situation, I think, lends towards potentially opposing this Amendment. And that is when the State has to take the extraordinary measures to forcibly, you know, in a contested matter, terminate someone's parental rights. I'm not sure how we as a State even have the power to terminate someone's parental rights. Perhaps we have the power to do it legally, but, you know, a father and a mother are going to be parents of that child forever. But how so you enforce parental obligations after you've terminated all parental rights? That is an issue that I don't know if our legal system and our statutes are ready to deal with. And when you think of the many reasons which cause the State to come in and move for termination of parental rights, they are

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of the worse tragedies. I'm sure you've seen it as we all have in our lifetime. And it is the State, essentially, saying and making the extraordinary statement that this child, this young boy or this young girl, is not healthy and should not be with this person as their parent and we're going to terminate their rights. And I would think with that termination, it would terminate all obligations on behalf of the person. And so perhaps there's a middle ground. Perhaps there is a law that says that if someone seeks to have their parental rights terminated, the Court may not grant that absent an agreement to fulfill what should be financial obligations and moral and legal obligations. But if the State were to forcibly terminate in a contested matter, the law would stay as it is. So I want to commend Senator Fasano for his hard work on this. He's talked a lot about it to me privately and in our caucus and the visceral reaction of Senator Fasano is one that I do share. You know, as a father of three kids, I could not imagine anything that would prevent me from fulfilling my obligation to them until I've had my last breath on this earth. That's what our

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obligation is as human beings, is when we take the extraordinary step of bringing someone into this world, to do everything we can possibly to take care of them and make their lives better, just as our parents or parent did for us growing up. So I am a little bit uncertain how I'm going to vote on this. I think if the bill -- if the Amendment -- excuse me, Mr. President, does not pass, I would like to thank Senator McDonald for his offer to have a public hearing on it next year. Because I think, and we may have a bill later tonight on fatherhood initiatives. Because these issues are extremely important in our society sadly today, more than they were ever before. So I am not certain how I'll vote on this. I think Senator Fasano's got an important point. I'm just not sure we're ready to pass this at this time. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Mr. President, I appreciate the comments around the Circle. I do not want to jeopardize this bill. It is a good underlying

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bill. I also don't want people to be put in an uncomfortable situation to choose between a good bill and what I hope would be an Amendment to make it even a better bill and then it dies because we're on the last day of session. I totally agree with all the comments by every Senator around the Circle who spoke in support of this bill. Therefore, Mr. President, I look forward to renewing this relationship next session and I will withdraw the Amendment. Thank you, Mr. President.

THE CHAIR:

Motion is to withdraw the Amendment. Is there an objection. Is there objection? Seeing none, so ordered.

Will you remark further on the bill as amended?
Will you remark further? If not -- oh, I'm sorry,
Senator Harris.

SENATOR HARRIS:

Thank you, Mr. President. Mr. President, I rise in support of this bill as amended. I want to thank Senator Musto for his hard work on this bill. And I think this bill is important for the reasons described. In particular, I want to notice that it

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really recognizes and enhances the Office of the Child Advocate. This bill, as amended, recognizes and enhances the ability of the Child Advocate to hold various agencies accountable by requiring State agencies cited in reports to actually respond to the Child Advocate within 90 days and insure that certain recommendations are implements. So thank you, and I rise in strong support.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President and not to belabor the point but I also rise in strong support of the underlying bill as amended. I'd like to once again, congratulate Senator Musto for bringing this out.

But there's a couple of other folks that I'd be remiss if I didn't say some kind words about as well. When this matter was originally investigated by the Program Review and Investigations Committee, that Committee was co-chaired by Senator Meyer. Senator Meyer has been a champion regarding children's issues for all the time that I have known him. Both as co-

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chair of the Select Committee on Children as well as the co-chair of the Program Review and Investigations Committee when they conducted this investigation. And so I think that as this bill moves forward and hopefully gets passed by the House of Representatives later on, that Senator Meyer deserves some praise as well.

And the last person -- and we spoke about her at the beginning of the session, when she so unfortunately had her untimely death, that is Representative Faith McMahon who passed away earlier this year. And one of the kindest individuals I've ever had the pleasure of working with. She was a constant advocate for helping to protect children. She would have been co-chair of the Select Committee on Children this year, had she not passed away so untimely and unfortunately, and as this bill goes forward, I think it's good to keep her memory in our minds and in our hearts. And so with that on the record, I'm strongly supporting the bill as well. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Senator McKinney.

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SENATOR MCKINNEY:

Thank you, Mr. President. Mr. President, I believe the Clerk is in possession of an Amendment, LCO number 8671. I ask that he call the Amendment and seek leave to summarize.

THE CHAIR:

Would the Clerk please call LCO 8671 to be designated Senate C?

THE CLERK:

LCO 8671, which will be designated -- has been designated Senate Amendment Schedule C. it's offered by Senator McKinney of the 28th District.

THE CHAIR:

Senator McKinney's requesting leave to summarize. Is there any objection? Without objection, please proceed, Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. Mr. President, I move adoption of the Amendment.

THE CHAIR:

Question before the Chamber is the adoption of Senate C. Will you remark?

SENATOR MCKINNEY:

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Thank you, Mr. President. Ladies and Gentlemen of the Senate, let me describe to you a scenario that I learned about from a constituent of mine. I won't take a long time to do it. It will therefore explain what the Amendment does and hopefully announce the reason for the Amendment.

I got a call from a constituent in the town of Fairfield earlier, probably late towards the end of 2008 who had been very concerned that their young child had their picture on the front of the newspaper and had been identified, first and last name. It was a young daughter. And as a result of the picture in the paper and the identification, started receiving harassing phone calls. There was no knowledge that the young woman, the parents had no knowledge that the young woman's picture had been taken, that she had given her name to the photographer who worked for the newspaper, but there's been a lot of pain and suffering as a result of that.

What this Amendment does -- and it's a simple Amendment, but my guess is that Senator McDonald is going to tell us that it's not so simple, given our First Amendment rights, is that it says that a

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newspaper cannot publish the last name of a minor without first seeking permission from the parents. So can they still put the photographs of the kids sledding in the snow, the first snow storm of the year or playing baseball on the first spring day of the year, yes, they can. Could they identify them as Andy and Jane and Joe and John, yes, they can. But can they put their last name of a young child without first asking the parent's permission? If this were to pass and become law, no, they wouldn't. I understand it's controversial but I felt the obligation at some point during this session, Mr. President, to at least raise this issue on behalf of the family. At least, so they know that the trouble that they have gone through, which was no fault of their own and I will say, no fault of the newspaper as well, solely the fault of a sick and twisted individuals who make these phone calls. Again, no fault of the reporters or the photographers or the newspapers. I've always considered myself to be a strong protector of First Amendment rights although some may question that on this Amendment. But I felt an obligation to at least get this family's story out today and raise an issue

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that should be of concern for us. Because I know everybody here would be equally concerned for their constituents if it happened to them. And I just wanted to identify this issue for the members of the Senate in our Circle so that this family could at least know that they've had their moment here and the people of this State Senate have heard about the very difficult and unfortunate times that they're going through. Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President. For the reasons that I discussed with Senator Fasano's Amendment, I rise in reluctant support -- excuse me, in reluctant opposition to this Amendment. Supporting the underlying concept as I did in the Children's Committee and many of us in the Children's Committee, when we heard these stories looked at each other and said "Isn't this already the law? How can this be going on?" being protective as we were of minors. So I do support the underlying concept. I am also concerned whether this violates the First Amendment.

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The underlying bill, this Amendment was basically an Amendment that came out of the Children's Committee. It did die in Judiciary, I understand and it, again, will jeopardize the passage of the underlying bill. I look forward to working next year to try to get this through, maybe delving into some of the First Amendment issues, but for now, I would urge a vote against the Amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President, just briefly, I rise in opposition to the Amendment for many of the reasons that were outlined by Senator McKinney. Certainly, there are profoundly important First Amendment issues related to this proposal. It's born of the best of intentions and I commend Senator McKinney for zealously presenting it before the General Assembly.

I am, however, concerned about the prior restraint on the freedom of the press issues that are implicated and, as I indicated with Senator Fasano earlier, the Judiciary Committee had a significant issue with this

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proposal and, perhaps, next year, the Judiciary Committee would be able to coordinate its activities within the Children's Committee and we could have a joint public hearing on this issue as well, but, at least for today, I oppose the Amendment.

THE CHAIR:

Senator Franz.

SENATOR FRANZ:

Thank you, Mr. President. I rise in favor of the Amendment. I can imagine what the debate will be like over the First Amendment implications of this particular issue, as it's framed in the Amendment -- the suggested Amendment before us today.

The First Amendment is one of our absolutely greatest provisions in the United States Constitution. There's no question about that. I think we'd all support that statement 110 percent. However, it's also one of the more, in my experiences, one of the more abused principals or Amendments in the Constitution. And causing there to be some very interesting results in court cases. We've seen a lot of very interesting ones right here in the State of Connecticut where, essentially, there have been

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takings of private property or community property that was guaranteed by statute to be under the control of a certain municipality or a township or a small town. And because not everybody was able to exercise their First Amendment rights on that particular piece of property, it was deemed that it could no longer be restrictive in its use by just the town residents or people paying a small fee to be a member of an organization to be able to enjoy that piece of land.

So I think we have to be cognizant of some of the practicality in the every-day details that we face and also, we have to be cognizant of how common sense should play a role in our society these days. Very, very important against the principles that can oftentimes be a little bit stretched, a little bit perverted in the courts. You know, you can take the First Amendment in its written form and you can say what they really meant was that if I can make a case that it's my freedom and my right to express myself by picking up a gun and injuring someone else, that that's okay. And these kinds of arguments do take place in the courts and it's kind of unfortunate because what it does it thumbs the court's nose at the

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whole notion of common sense. So we're talking about something as simple and something as protective as keeping a young child's last name out of a newspaper, I think we're talking about something that's of paramount importance.

We've seen other cases right here in the State of Connecticut, there's another case from upstate Connecticut. It wasn't in the newspaper but it happened to be in an art show and there were photographs and the last names of the three children involved were displayed underneath the photographs and it became an absolute five to seven year nightmare for the family to put up with the person who decided to harass each one of those children in a horrendous way that I'm not comfortable speaking about today.

So, I stand in favor of this Amendment. I think it's good common sense and I know the consideration for the underlying bill is also large and I know we have another session next year, but I do stand in favor of it for the all-important reasons that I just outlined. Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Senator Kissel.

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SENATOR KISSEL:

Thank you very much, Mr. President. I can't recall over the last 17 years too many instances where I've risen in opposition to Senator McKinney's Amendments or bills. And certainly, I have the utmost respect of his vast legal knowledge. And I'm incredibly sympathetic to the case of the folks that live in Fairfield, that their child was harassed by someone who happened to read the name of their daughter in a newspaper.

As I've indicated so many times in the Circle, I have two sons that I'm so incredibly proud of, Nathaniel who is 13 and Tristan who is five. And being a public official, they've certainly been with me in public events and if a newspaper published their names and someone saw fit to start harassing them, I would be very, very upset. Nonetheless, my quick read of the precedent that's out there would dictate that I have to rise in opposition to this Amendment with the utmost respect to my leader.

And very briefly, just citing the cases. There's a case that came out in 2005 called Bowley versus Uniontown Police Department, where there was the

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publication of an individual who had allegedly raped a seven-year-old. That individual was a minor himself and in that case the Third Circuit Court of Appeals upheld the right of the newspaper to publish that name. And also, at the same time, they cited two United States Supreme Court decisions on point, Florida Star versus B.J.F., came down in 1989 and Smith versus Daily Mail Publishing, which came out in 1979.

In a nutshell, it's my position and the Supreme Court, I believe supports this, that maintaining juvenile anonymity is not a State interest of the highest order such that it would outweigh First Amendment protections and freedom of speech enjoyed by our newspapers. and for that reason, Mr. President, I reluctantly rise in opposition to this Amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further on Senate C. Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. I do want to first thank my colleagues for their indulgence. I thank

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Senator Musto for his consideration of this and the
Children's Committee as well as Senator McDonald.

Mr. President, I am also going to make the same
decision that Senator Fasano made. But I just want to
thank my colleagues for letting me bring to their
attention an issue that's very important to at least
one family. Hopefully, no other families will feel
this way and suffer as this one family has, but with
that, Mr. President, I will withdraw my Amendment.

THE CHAIR:

The motion is to withdraw the Amendment. Without
objection, the Amendment, Senate C, is withdrawn.

Senator Musto.

SENATOR MUSTO:

Thank you, Mr. President. I would move for a roll
call vote on the bill if there's no other commentary
or objection.

THE CHAIR:

Senator Musto, did you say roll call?

SENATOR MUSTO:

Yes, Mr. President.

THE CHAIR:

Are there other comments on the bill as amended?

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Are there other comments?

If there are no other comments to make on the bill as amended, the Chair will ask the Clerk to announce the roll call vote in progress in the Senate.

THE CLERK:

A Roll Call has been ordered in the Senate. Will all Senators please return to the Chamber. A Roll Call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

The machine is open, Senators may cast their vote.

Senators, please check the board to make certain that your vote has been properly recorded. If all Members have voted and if all votes are properly recorded the machine will be locked. Will the Clerk take a tally?

THE CLERK:

Motion is on passage of Senate Bill 877 as amended by Senate Amendment Schedule A.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

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THE CHAIR:

The bill as amended is passed.

Are there any announcements or points of personal privilege?

Senator Looney.

SENATOR LOONEY:

Yes, thank you, thank you very much, Mr. President. For purposes of an introduction.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Yes, thank you, Mr. President. Mr. President, pleased to have here in the Chamber today, my intern for the past session Clarissa Matthews who is recently graduated from Quinnipiac University. And she will be, beginning this fall, at Quinnipiac University School of Law. After the internship was completed, she has, as a volunteer, come back and done some additional work later in the session, even after the end of the formal internship, just demonstrating how committed and how energetic and serious-minded she is. She is someone of great potential. She will have a great legal career ahead of her and hopefully, the

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Chamber will welcome and acknowledge all the good work that Clarissa has done during this session.

THE CHAIR:

Ms. Matthews, we join in thanking you for your assistance to Senator Looney and the rest of the Senate and the General Assembly. Good luck in law school.

Are there further announcements or points of personal privilege?

Senator Handley.

SENATOR HANDLEY:

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

THE CHAIR:

Please proceed, ma'am.

SENATOR HANDLEY:

Thank you. I, by serendipity, see that my aide, Josh Wojack is here at the exact point when we can do personal privileges and I would like to announce to the Circle that Josh recently completed his Master's of Public Administration at the University of Connecticut and on top of serving as my aide and as everyone knows who knows Josh, having done an

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absolutely marvelous job, both in his work here in the Capitol and also in his work as a student. So I'd like everyone to congratulate Josh on this really very fine accomplishment. Thank you, Josh for your help and congratulations.

THE CHAIR:

Thank you, Josh, for your help. Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President, I rise because I failed to make a journal notation for yesterday. I was out of the Chamber on legislative business when the vote was taken on House Bill 5177. Had I been here I would have voted in the affirmative.

THE CHAIR:

The journal will please note.

Further announcements or points of personal privilege? Are there further announcements or points of personal privilege? If not, Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President. I would just move that -- for immediate transmittal to the House of Representatives of Calendar page 23, Calendar256, Senate Bill 877, upon which the Senate has just

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concluded action.

THE CHAIR:

The motion is for immediate transmittal. Is there objection? Is there objection? Seeing none, so ordered. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if the Clerk might call as the next item of business Calendar page 33, Calendar 378, Senate Bill 1048.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 33, Calendar number 378, substitute for Senate Bill 1048, AN ACT CONCERNING BULK PURCHASING OF PRESCRIPTION DRUGS as Amended by Senate Amendment Schedules A, B and House Amendment Schedule A. Favorable Reported, Committees on Public Health, Judiciary, Human Services, Government Administration and Elections and Insurance.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Thank you, Mr. President. I move acceptance of

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the Joint Committees' Favorable Report and passage in concurrence with the House.

THE CHAIR:

The issue before the Senate is acceptance and passage in concurrence with the House.

SENATOR HARRIS:

Thank you, Mr. President. This bill passed unanimously last week. The House, in Amendment A struck sections 501 and 503 in accordance with an agreement that we had with the Administration. I urge passage. I also want to clarify for the record that, of course, the major part of this bill is that the Commissioners of Social Services, Administrative Services and the Comptroller, in consultation with the Commissioner of Public Health shall develop a plan to bulk purchase pharmaceuticals for our public health care plans. And also, consider joining a multi-state purchasing pool to have more market leverage to lower the costs of these prescriptions to the people of Connecticut and the taxpayers of Connecticut.

I just want to say that it is implied in doing this plan that a feasibility analysis would, of course, be a portion of that. And again, I urge

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adoption in concurrence with the House.

THE CHAIR:

Thank you, Senator. Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Mr. President, just through you for clarification, one question to the proponent of the bill.

THE CHAIR:

Please proceed.

SENATOR DEBICELLA:

Thank you, Mr. President. Through you, just for clarification for the Chamber, House Amendment A which the House amended this and it is now back before us, if my friend, Senator Harris could just describe for the Chamber what House Amendment A did. Through you Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Thank you, Mr. President. Through you, there were two sections in the Amendment that we called section 501 and 503, which the House Amendment does strike. We actually had an agreement to do so that

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night but we were unable to get the Amendment drawn in time and that's what that does. Through you, Mr. President.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. And I thank Senator Harris for the answers to those questions.

Mr. President, I stand in support of this bill today, not without some reservations. But before I describe those, I want to thank Senator Harris for shepherding this through the legislative process. It is an idea that is worthwhile looking at and considering. I have my doubts about it, but I think that Senator Harris has done a very good job of making sure that everyone's concerns are addressed as we move forward with looking at the idea of the bulk purchasing of prescription drugs. As usual, he's taken a very even-handed approach to this and I want to thank him for his leadership on this.

Mr. President, the bill before us as Amendment, basically says that we, as the Commissioners of DSS, DAS, the Comptroller in consultation with the

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Commissioners of DPH to develop a plan concerning the bulk purchasing of pharmaceuticals. Whether that be combining our plans in state, such as HUSKY Part B, SAGA, the Charter Oak plan and CONPAYS (inaudible) inmates, we're looking at multi-state Medicaid pharmaceutical purchasing. Now, Mr. President, I don't think that anybody would argue against this on ideological grounds. I think if we can figure out a way to save money on the purchasing of drugs for all of our state plans, we should absolutely do it.

The question is, and it always is a question with these, of looking at the cost-benefit analysis of it. And I thank Senator Harris for highlighting the feasibility aspect of this plan because that is something that we're going to need to do in coming up with the plan. You know, Mr. President, the -- we've heard a lot over the course of the last years about bulk purchasing and the idea that there's consumer power when you have bigger entities buying drugs. The issue here, Mr. President, is one of nuance, I believe. Because if you look at things such as generic drugs, where there actually is quite a bit of competition by its very nature that they're generic

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and lots of different pharmaceutical companies are allowed to produce it, you actually could get some benefit from that. And you might be able to achieve some economies of scale by having greater buyer power.

However, Mr. President, when it comes to drugs that are still under the protection of a patent, there is only one supplier of it. And inherently, that one supplier, no matter how big you may be or how much of a bulk purchase that you're doing, there is only one supplier of that drug. So because there's only one supplier of that drug, the probability of being able to achieve lower costs just because you're bigger is small.

We, as a society, have decided to grant pharmaceutical companies essentially temporary monopolies when they develop a new drug. And there's a good rationale behind that because it very often costs billions of dollars to research ground-breaking drugs. And in order for the pharmaceutical company to pay for those billions of dollars we grant them, I believe, it's seven years of a patent to allow them to recuperate that cost before we introduce competition and have the drug go generic.

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So the bill before us today, I think, has two very different impacts and I think as this group does these feasibility study they're actually going to see that. And Mr. President, the other question when you're looking at anything that's a cost versus benefit analysis, is we've talked a little bit about the potential benefits, that it might be nuanced there. The cost side of this, I think, is something that nobody fully understands yet. And there actually could be a cost savings if we are able to eliminate employees because we are able to actually merge the functions of purchasing these different pools. However, what I don't fully understand is will there be any incremental costs to it? And my hope is that through having this plan laid out, we can more fully understand whether or not there will be additional costs associated with the bulk purchasing of drugs.

And, Mr. President, the interesting aspect of this then becomes the multi-state Medicaid pharmaceutical pool because there's two levels of this as well. And this is why it's, obviously, a very complex issue. We could pool all of our drug funding here in Connecticut but we might also choose to join

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some of the surrounding states that are also doing this. And I don't know if it's immediate states like Massachusetts or New York or if they're farther afield. And, Mr. President, my gut on this is that the cost-benefit, if it works for us on a state level, is going to work for us on a multi-state level as well. And so that aspect of this bill actually makes a lot of sense for us to look at.

However, Mr. President, the one thing I worry about with the multi-state aspect of the bill is whenever you do anything on a multi-state level, you inherently give up some control. And the question that I think this Committee should be looking at as they're considering the multi-state nature of this is, whether or not, in order to join with other states, we are going to have change some of our formularies. Do we have to adopt the exact same drugs that are offered in New York, Massachusetts, et cetera. Again, I don't know the answer to that, but my hope is, as this working group gets together and comes up with a plan, they're able to address if there are any limitations that we may get through or we may have to give up through joining a multi-state compact.

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So, Mr. President, I think the intention behind this is one we all share. Senator Harris and I have discussed at length the need to contain costs and have a joint commitment to passing legislation that does so. I'm honestly not convinced this will save costs yet, but I am willing to look at it and I believe that the moderately crafted legislation before us today will help us get more facts, get to the bottom of the issue so that we may make a decision as to whether bulk purchasing is something in which to pursue.

So, I thank you, Mr. President and I thank Senator Harris for bringing out this bill.

THE CHAIR:

Thank you, Senator. Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. Mr. President, if I may, I have some questions through you to Senator Harris?

THE CHAIR:

You may proceed to frame your questions.

SENATOR CALIGIURI:

Thank you, Mr. President. Senator Harris, there are a number of -- just some language in the bill, I

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was hoping to get some clarification on, just to make sure that I understand exactly what we would do here.

Section one of the bill talks about developing a plan and I won't read every word of subsection 1 there -- of subsection 1(a), but what caught my attention is the words "program and procedures to aggregate or negotiate" the purchase of pharmaceuticals. And my first question, through you, Mr. President, is if the objective here is bulk purchasing, why have we constructed this to be aggregation or negotiation as a matter of statutory construction and why wouldn't we make aggregation a requirement as opposed to something that we could be doing, which is how I'm reading the "or" and the impact of the "or"? Through you Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, the purpose of the bill is to give the parties involved the utmost flexibility to come to a type of plan that will save the people of Connecticut dollars.

THE CHAIR:

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Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. So then would it be fair to say that when people are looking at this bill down the line, notwithstanding how they may read that construction that I referenced, it would be permissible to both aggregate and negotiate, and not be forced as a matter of law to only be able to do one of the two, at least with respect to the plan that's being created. Is that correct? Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President. If that were the way to save the taxpayers of Connecticut money, then I believe that would be allowed under this bill.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. I thank Senator Harris for that. In subsection 2 of that section 1(a). Through you, Mr. President, when I look at section 1,

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they have to both implement the plan or develop a plan to implement aggregation or negotiation of the purchase of pharmaceuticals and have the State join an existing Medicaid pharmaceutical purchasing pool. My question, through you, Mr. President, is would it be possible to have a situation where we can negotiate successfully on a bulk basis the purchase of pharmaceuticals as section A1A suggests, but not have to join a multi-state Medicaid pharmaceutical purchasing pool or is there a reason why joining that pool is a specific requirement that we have to look at? Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President. Again the goal is to bulk purchase in such a way as to lower the cost of prescription drugs to the people and taxpayers of Connecticut, so it might happen through just bulk purchasing in Connecticut. Or perhaps, by joining a multi-state pool, which could expand our leverage by having larger bulk purchases, get better prices, that might be the way to go, too. Again, the purpose is to

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give the parties flexibility to lower cost.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. And I thank Senator Harris for that response.

So then, and not by way of putting words into Senator Harris' mouth, but just so I can articulate my understanding of what we're really trying to do here. We've got these different options, for lack of a better term, that would be discussed in the plan. And I read this as being constructed the way that it's being constructed because what we're really trying to do is have the plan look at the full range of what are ultimately options that we as a State could utilize in order to more cost effectively purchase pharmaceuticals on a bulk basis. And so when folks are looking at what we were intending here, that should be, you know, a very clear intention of this and not that you have to do X or Y or Z, notwithstanding construction. But we're really mandating that we look at the full range of the issues described in Section 1, with the ultimate goal being

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to have a menu options that we could ultimately consider as a General Assembly next year in order to save money in this arena. Would that be correct?

Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, yes. To review and check the feasibility on the entire range of options, but most importantly to come up with an implementation plan for the General Assembly to act upon.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. And there reason I'm dwelling on this, through you, Mr. President, to Senator Harris is not because I want to get hung up on semantics, but more because I want to make sure that others don't down the road and that our intentions are very clear. And I wouldn't want the way that this is constructed to actually serve as a sort of mandate and a prescription for how the plan needs to be put together. In other words what has to be in the plan