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**CONNECTICUT
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THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar number 463, file number 367 and 630,
substitute for House Bill 5352, AN ACT PROCLAIMING
MARCH THIRTIETH TO BE WELCOME HOME VIETNAM VETERANS
DAY, as amended by House Amendment Schedule A,
favorable report of the Committee on Veterans Affairs
and Government Administration and Elections.

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Yes. Thank you, Madam President. It's a delight
to see you in the dais today.

THE CHAIR:

Thank you. Thank you, Sir.

SENATOR MAYNARD:

I move the joint committee's favorable report and
passage of the bill.

THE CHAIR:

Will you move to adopt, please?

Question on adoption. Are there any questions?

SENATOR MAYNARD:

I'd ask to remark on the bill.

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THE CHAIR

Please proceed.

SENATOR MAYNARD:

Thank you, Madam President. This bill is an important, a very important bill not only to our Vietnam veterans but to all people who wish to honor the service of our Vietnam veterans. The bill would seek to proclaim as the title indicates, March 30 to be Welcome Home Vietnam Veterans Day. As many of you know, today we welcome our veterans home with open arms and with great enthusiasm and gratitude for the service they've offered.

Regrettably, some years ago because of the contentious nature of that conflict and the times, our veterans were not honored and those wonderful men and women who served were not given the same treatment. This bill would seek to proclaim that day annually a welcome home day and to observe throughout the State appropriately a remembrance and a day of gratitude for our Vietnam veterans.

So, I want to point out too that our Vietnam veterans are among the most enthusiastic and supportive people with respect to returning veterans today. Many of occasions when we've all had the

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opportunity to go over to the armory or to go to other locations around to welcome our veterans back we're always joined by our Vietnam vets who realize the importance of honoring those who've served.

So, I'm pleased to say that Connecticut will be one of the leading states in proclaiming this: It's a national movement and I hope that we can unanimously endorse this.

THE CHAIR:

Will you remark further?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President. And may I first say it's an honor to see you up there at the dais. Madam President, through you a question again to my friend, Senator Maynard.

THE CHAIR:

Please proceed.

SENATOR MAYNARD:

Thank you. Again, Senator, I think this is the second bill in a row which I commend you for. As someone who goes to as many veteran ceremonies as possible I often remark that at 46, you know I was too young to serve in Vietnam and too old and out of shape

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to serve in our current wars and conflicts yet many have sacrificed so I've had the luxury and luck of not serving in that capacity. Is there a reason why March 30, through you, Madam President, has been picked as the day?

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Yes. Through you, Madam President. I'm glad Senator McKinney asked that. I meant to indicate it in my remarks. It is a day that was agreed upon. It's generally thought of as the day when our troops departed the theater of Vietnam. It's the final day of what was regarded as the conflict. And so it has been embraced by the Vietnam community, Vietnam veteran community for that reason.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President. And let me just add that while we should thank all of our veterans every day and when I see someone in uniform if possible I try to just say hello and introduce myself and thank them. Clearly those who served and fought in Vietnam

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are deserving of even more praise and thanks from those of us, especially because of the difficulties they faced when they did come home. I also remember as a young kid we had those bracelets for the POWs and the MIAs. And so, while March 30 was the day that we've agreed they did come home, sadly, not everyone did come home from that war.

And we should honor those individuals and their families as well. And thank Senator Maynard for this. And I for one whether I'm back in the circle or not, look forward to coming up here next March 30 as we celebrate this for the first time. Thank you.

THE CHAIR:

Will you remark further?

Senator Meyer.

SENATOR MEYER:

I first ran for elective office in 1970 in New York. And the Vietnam War was being waged hotly in 1970. It had been waged hotly under two Presidents of the United States, Lyndon Johnson and Richard Nixon, both of whom had supported the war.

And yet by 1970, it had become clear that it was a war that we were not winning and that we were not making any friends. It was a negative, negative war

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somewhat like the war in Iraq that we saw too. We don't know the outcome of that war yet. But we did know by 1970 what a horrible mess we were in. We had Agent Orange being spilled on civilians. We had children being killed. We were fighting in rice paddies and rivers. A very, very difficult war.

But the one thing, and I came out as an opponent in my first race in 1970, an opponent of the Vietnam War. But the one thing that many of us recognize was that it was unusual public service by the soldiers in that war. And we had a split in this country when many of those soldiers came home as you remember. There were some absolute ignorance of those soldiers, not paying any attention to them at all.

There were, some of the soldiers were actually criticized and some were praised. I was in the group of people who praised those soldiers. That despite the immense difficulties of that war itself and the political problems of that war, they gave a lot of incredible service with over 50,000 American soldiers dying in Vietnam.

So, I just want to say to you, Senator, thank you for doing this. This is very, very meaningful and it's exactly what we should be doing.

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THE CHAIR:

Senator Fasano.

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President. Nice to see you there today.

THE CHAIR:

Thank you, Sir.

SENATOR McLACHLAN:

I rise to support this bill and thank you to the distinguished Chair of the Veterans Committee for your work on this. The City of Danbury lost 22 service people during the Vietnam Conflict. And two of those were personal friends of my family that I knew as a child. I was just about ten years old I think when both of them were killed in action.

And Danbury is also the proud home of the Medal of Honor recipient, Commander LeGrande Cole from the United States Navy who was lost during the Vietnam Conflict. This is just a small selection of what the experience of our country, our State, and each of our towns was during the Vietnam Conflict. War is painful.

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But the Vietnam War was even more difficult. And as some of my colleagues have already said, the return home was a big challenge for those who served. So I think this is an appropriate thing to do for the State of Connecticut.

I think it's appropriate for us to recognize the service of our Vietnam veterans. And I ask this legislature to proceed and approve it. Thank you.

THE CHAIR:

Will you speak further? Comment further?

Senator Gomes.

SENATOR GOMES:

Thank you, Madam President.

The reason I get up to speak is I'm sort of like John McKinney. I was between wars. I was 17 years old when the Korean Conflict ended in 53 and I was getting out of the army in 63 when it was just warming up for Vietnam.

And some of the things that were done to some of these soldiers when they came back from Vietnam I thought were disgraceful. They sort of blamed the war on the individuals that were fighting the war rather than blame the war on the people who made the war.

And one of the things that really got me just a few

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years ago we buried my brother. And he's buried up in Middletown in a federal cemetery. And he came back from Vietnam and he never spoke about Vietnam. Not one word. He didn't tell us anything about Vietnam. And you couldn't ask him anything about it. He never talked about it. And I was surprised to learn when we buried him. We looked on his DD214 and he had a bronze star.

At that time, after all that time he was the only one of us that served in a war and he came home and they had just so much on their minds. Some of these guys came home and didn't even want to mention that war. And I was surprised to learn that after all that time that he had won a bronze star. And that's why I got up to say here because I never got a chance to tell anybody that. But I feel very proud. Thank you.

THE CHAIR:

Thank you, Senator Gomes.

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President. I would also like to thank Senator Maynard and the good work of that Committee to bring about this bill and see it passed into law. This was one of the most profoundly

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confusing and difficult wartime activities and experiences that the country has ever been through. I missed this conflict by the skin of my teeth age wise. I was very, very close to being eligible age to be drafted.

I was certainly old enough to monitor what was going on in the Vietnam War especially towards the end of the war. And for all of the reasons that Senator Gomes just outlined it was a very ambivalent set of reasons that were constantly changing that we remained over there in that faraway, exotic, south eastern part of Asia with so many of our troops over there, thousands of troops over there putting their lives on the line to protect the country, to protect freedom.

But the mission became quite convoluted over the course of time and caused a great deal of chaos back here. And as a result of that many of the soldiers who returned to the United States of America were not greeted with welcome arms and that wonderful time honored tradition of saying welcome home to a vet was not in practice during those years as they continued to return from Vietnam.

So I for one as someone who appreciates veterans of all wars but in particular the Vietnam War and we

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do a special event every year in our town right around the Fourth of July to commemorate the service of those who served in all wars to protect the United States of America throughout the world and in particular the Vietnam veterans.

I am really proud of what you all have been able to accomplish in this Committee and on March 30 of every year I will be very proud to join the group outside the Capital whether I'm in office or not up here to celebrate the service and the sacrifice of these fine gentlemen and women. Thank you.

THE CHAIR:

Thank you, Senator.

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President. Madam President, I rise to support this bill and to commend the members of the Committee for taking this up. And I do have a personal relationship with this era and this particular time.

While the conflict was at its height and the nation's angst was at its height I was dating a young man who became my husband and has been my husband for many decades now, who was at that time in flight

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school during the height of the conflict while I was on a college campus in Washington, D.C. at a time when there were hundreds of thousands of people marching on our Capital protesting the war. And it was a very difficult position to be put in.

It put him in a very difficult position because he was getting a lot of feedback from me, from my college campus when he would come to visit. There was a lot of anger, antagonism and in fact outright hatred. And wearing a uniform was almost a dangerous thing. When the conflict was over, when his tour of duty was over we were married.

I was in the Air Force almost with him for a couple of years during that time and I remember for many, many years thereafter there would be many Memorial Day parades and they would encourage members of the service to march in our local parades.

And I'd often mention it to him and say, you know, this would be a good thing for you to do. It would be good for the young people to know. It would be good for your own children, our three children that would be proud of their dad marching that parade. And for years it was very difficult for me to get him to come forward to do that because the lingering stings

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and the feeling of rejection during that time still stayed with him for many, many years thereafter. And there was a turning point when the first Iraq War was concluded and America became patriotic again. And there were yellow ribbons and there were flags everywhere. And there was this wonderful welcome home and a sense of pride again.

And the fact of the realization that these were soldiers that were just doing their job, doing their duty for their country not withstanding what the decisions at the top were being made whether they were right or wrong. And I remember seeing some of the Vietnam veterans that would be in the audience watching these soldiers get this warm welcome. Some of them were in wheelchairs.

And it was very bittersweet experience for them. But over the years I can thankfully say that my husband finally did decide maybe it was a good thing. And in fact he pulled out his old dog tags and started to put them around his neck.

And he did that without even telling me that he had done that. And now he's even a proud member of our VFW Post. And a lot of the other veterans now have come together feeling more of a pride than they

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had in the past. But I think what we do here today is going to go a long way to making them feel that they also served in the same way and had some dignity and honor.

So I think that this is a very important statement for our State of Connecticut to make. I'm very proud of this assembly for doing this. And I think it will instill a sense of pride in the gentlemen and now are quite a bit older that had to go through a very difficult period of time in our nation's history.

So again, I commend our good Senator Maynard and his Committee for this very good bill. And I'm hoping that a few more older soldiers seek out their dog tags, put them on and become a role model for other young people that in fact these are some of the most courageous and most dedicated and most loyal patriots our country could have. Thank you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. First of all, I'd like to say to Senator Gomes, thank you for sharing that with the circle and my condolences for the loss

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of your brother. Senator Boucher, thank you for your husband's service.

I just want to throw some numbers that we heard at various meetings about Vietnam vets and echo the fact that a lot of them talked about the fact when they came back they really didn't understand the mood of the country or society.

And they didn't understand when they came off the plane why they were escorted by military to a hospital. Why they had to be protected from citizens of the United States as they made their way back home. They couldn't even comprehend that. To be yelled at, spat upon, cursed at. It was the mood of the country. You know, as they say, remember the warrior, not the war. And that's what that is about.

But during the time that we call the Vietnam Era 3,000 Americans served in uniform, 58,000 were killed, 304,000 were wounded and the average age of a wounded or dead soldier was 23 years old.

My daughter turns 22 in two weeks. I just can't imagine. Twenty three years old. Ninety seven percent of the veterans from the Vietnam War were honorably discharged. And if you take a poll today, 87 percent of Americans hold Vietnam veterans in high

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esteem. That's a great percentage. It should be higher but it's a great percentage.

So for us to take a first step I thank Senator Maynard and the Committee for taking the first step in picking a day to remember Vietnam, because that was a different war at a different time. And those people who served were, in my view, irreparably injured by the way we treated them when they came back.

So this is an easy bill for all of us. And it's a thank you for all that served. Thank you, Madam President.

THE CHAIR:

Will you remark further?

Senator Maynard.

SENATOR MAYNARD:

Yes. Thank you, Madam President. And I want to thank all of the members of the circle, particularly Senator Gomes for your thoughts on your brother. As we say and try to say as often as possible to all of our service men and women we want to thank them for their service.

And I encourage my colleagues, those who haven't thought of it before and who it might slip your mind when you see our men and women around particularly in

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proximity here, our soldiers next door. Take the time to thank them because they're doing extraordinary things on behalf of all of us. I want to say, I'd be remiss if I didn't thank Senator Fasano specifically, Ranking Member of the Veterans Committee.

Thank you for your constant support for our veterans. It's always a pleasure to bring out a bill like this. Obviously, I don't need to be thanked. It's our Committee and the veterans, the Vietnam Veterans of America, Connecticut Chapter and particularly President Billy Cullen who have done so much to advance this bill.

I also want to say for those of you who don't know it, my Co-Chair, Ted Graziani is a Vietnam veteran. And if you notice the passion with which Ted represents the Committee and urges passage of bills on behalf of veterans I think you'll understand that it goes quite deep and personally for him not only because of his own service but because of the high regard with which he holds all of our veterans.

So I want to say that this bill has passed unanimously in every committee that it's gone before. It passed unanimously in the House and I hope indeed we'll pass it unanimously here.

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Thank you very much, Madam President.

May I also ask for a roll call vote on this bill.

THE CHAIR:

Yes you may, Senator. There will be an immediate roll call. Will the Clerk call for a roll call.

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:

The machine is open. Will all Senators please come in and vote.

If everyone has voted.

Senator Prague.

If all members have voted, the machine will be closed and the Clerk will take a tally.

THE CLERK:

The motion is on passing House Bill 5352.

Total number Voting	34
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Those voting Yea	34
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Those voting Nay	0
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Those absent and not voting	2
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THE CHAIR:

The bill is adopted.

Senator Looney.

SENATOR LOONEY:

Yes, Madam President. Thank you very much. If the Clerk would return to the call of the calendar of the bills previously marked beginning calendar page eight, Calendar 272.

THE CHAIR:

Thank you, Senator.

Mr. Clerk.

THE CLERK:

Calendar page eight, Calendar number 272, file number 382, substitute for Senate Bill 199, An ACT CONCERNING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT, favorable report by the Committee on Planning and Development.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. And might I say it's a delight to see you at the dais.

I move acceptance of the joint committee's favorable report and passage of the bill.

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THE CHAIR:

A motion on adoption. Will you speak further?

SENATOR COLEMAN:

Yes, Madam President.

This bill seeks to do primarily three things.

First, it extends the deadline for the revision of the five year plan of conservation and development, the State plan. It extends that deadline from March 1, 2011 to March 1, 2012.

And in extending the deadline for the revision it also resets the schedule for events that occur and must occur in connection with the process for the development of the plan. Secondly, under the bill OPM must develop a new process called cross-acceptance which is modeled on the State of New Jersey's Planning Commission's 2004 cross-acceptance manual and is designed to facilitate consistency between local, regional, and State plans of conservation and development in Connecticut.

And finally, under the bill State agencies are required to review proposed construction applications for compliance with smart growth principles. I urge passage of the bill, Madam President.

THE CHAIR:

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Thank you, Senator.

Will you remark on this bill?

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. I agree with Senator Coleman that we should pass this bill and for the reasons he stated however I would like to add a few more of my own. One reason why I like passing this bill because it stops the State from doing something and that's always a good thing. The State plan of conservation and development has caused nothing but problems in every single one of our senatorial districts.

Undoubtedly, without question in your district, your district is not in compliance with the State plan of conservation and development. I don't believe there is a district in the State of Connecticut that has not run afoul of the plan. And I would suggest that close to 80 percent don't even know they run afoul of the plan. And 80 percent therefore don't know that they're not entitled to certain monies and certain monies are at risk.

We adopted this plan and it's only when a particular area gets developed that we look at the

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plan and determine whether or not there's compliance and say oops, there isn't. This risk is great. And we don't make enough changes so we have something called a continuing committee on planning and development or some long title close to that. And we sit there as mini ZBAs, zoning board of appeals, and hear these little concerns of developments that don't fit in this master plan.

And this master plan's done at the 100,000 foot level and the real people, municipalities looking for developments, changing plans, are done at ground level. And they're, a lot of times, ships that pass in the night. So if we, by delaying this plan we're really doing ourselves a favor because we've got to get our act together.

We have to get our act together. I do a lot of zoning. Consistency is important but to me it's got to start at the State level. We have three different groups. You have your local planning and development. You have your regional planning and development and you have the State plan and development. And it's like three cats in a room and asking them to get together. They all go different directions for different reasons. Without, they talk to each other

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but just pass by each other. This has caused nothing but problems now and in the future.

And we have to decide now policy wise in this chamber and the one downstairs, are we going to start from the State Plan of Conservation and Development, to State government, big brother, and look down and tell everybody how we're going to zone. Or are we going to start at ground level look up and come up with a government structure? That's two totally different philosophies of zoning in Connecticut. Right now we do both.

Local planning and zoning and their own fiefdom decide they want to go one way and the State says that's fine but if you want money, we're coming the other way. That's the clash. That's where the continuing planning and development committee comes in and tries to decipher what plan is better than the next.

And all we did was confuse people. And we sit there with OPM saying yes this is good or no this isn't good. Local legislator saying maybe the opposite. Local towns saying the opposite. We got to pick the winner and the losers. And it just doesn't work. It doesn't make any sense. So by stopping what

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we're doing and taking a deep breath especially when administrations are going to change and philosophies may change with it is a good thing. But when we restart the engine and restart that clock we have to be cognizant that this plan doesn't work as it is today.

I will tell you Town of North Branford is in an area that is deemed conservation and development. I will tell you, I'm sorry, North Branford. North Haven has an area that's deemed, where Pratt and Whitney is and that's deemed conservation and development. You couldn't get further from the truth of either one of those two.

And I can go on and on and on and on and on. So the point is this is a good respite. But when we restart the engine we should make sure we have the policy right. We should make sure we do it right and make sure everybody's on the same page. That's the only way you're going to get a better State of Connecticut. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Coleman.

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SENATOR COLEMAN:

Madam President, let me just very briefly say that Senator Fasano has expressed the same frustrations that he's expressed here on the floor of the Senate in the Planning and Development Committee's meetings as well as in the meetings of the continuing committee on conservation, on the State Plan of Conservation and Development. And we appreciate not only his expertise and his input into these kinds of issues.

And other members of those Committees have expressed the same types of frustrations. That's primarily the reason that this bill is before us today. I again, urge its passage. And I will note that in the Planning and Development Committee it received unanimous support and for that reason, Madam President, I'm going to move that this item be placed on the consent calendar if there is no further comment on the bill.

THE CHAIR:

If there are no objections.

SENATOR COLEMAN:

Thank you, Madam President.

THE CHAIR:

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Senator.

You object, Senator? Okay. Thank you.

If there is no objection it shall be placed on
the consent calendar.

THE CLERK:

Calendar page 27.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 27, Calendar number 150, file
number 200, Senate Bill number 301, AN ACT CONCERNING
THE SMALL TOWN ECONOMIC ASSISTANCE PROGRAM, favorable
report of Committees on Planning and Development,
Commerce, Export, and Finance, Revenue and Bonding.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

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

THE CHAIR:

Will you remark further?

SENATOR COLEMAN:

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Yes. Thank you again, Madam President. This particular bill seeks to amend the statutes that govern the small town economic assistance program. And that program under its current form permits financial assistance, grants and aid to single municipalities who are applying in connection with projects within their municipalities.

The bill would expand grants and aid not only to single municipalities but also to groups of municipalities who are proposing joint projects and would thereby become eligible for grants and aid under the small town economic assistance program. It is a bill, Madam President that encourages regionalism and for that reason I urge passage of the bill. Thank you, Madam President.

THE CHAIR:

Will you speak further?

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Very briefly, first of all, our Planning and Development Committee is very much a pleasure to serve on. Senator Coleman and I get along very well and it has been a pleasure to serve with him on that Committee. And with respect

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that this is one of the better bills that I think we feel about in terms of reaching regionalization on a cooperative basis.

This is an effort to get municipalities together to work on a grant collectively as opposed to two separate grants. It makes perfect sense. I support Senator Coleman. And I support this bill. Thank you.

THE CHAIR:

Will you remark further?

Senator Coleman.

SENATOR COLEMAN:

Madam President, if there is, if there are no further remarks to be made on this bill I would move that it be placed on our consent calendar.

THE CHAIR:

Are there any objections to this bill going on the consent calendar? I don't see any so it will be placed on the consent calendar.

Mr. Clerk.

THE CLERK:

Calendar page 32, Calendar number 218, file number 297, substitute for Senate Bill 302, AN ACT CONCERNING STATE FUNDING OF AFFORDABLE HOUSING LOCATED IN A FIVE HUNDRED YEAR FLOOD PLAIN.

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THE CHAIR:

I recognize Senator Looney.

SENATOR LOONEY:

Thank you. Thank you, Madam President. And President good to see you there presiding. And if that item might be passed temporarily. And Madam President, they have several additional items to mark. First of which under matters returned from committee, calendar page 23, Calendar 58, Senate Bill number 354, if that item might be marked to go and be the next item taken up.

And then the next two items after that, Madam President, calendar page 29, Calendar 176, Senate Bill 207 marked go. And calendar page 31, Calendar 207, Senate Bill 383 marked go. And one additional item, Madam President, calendar page 40, Calendar 417, House Bill 5282 also marked go at this time. Thank you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

You look very well up there in the Chair, Senator.

THE CHAIR:

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I was waiting to hear the adjectives, Senator Doyle.

SENATOR DOYLE:

You do an impressive job.

THE CHAIR:

Thank you.

SENATOR DOYLE:

For a point of personal introduction.

THE CHAIR:

Please proceed.

SENATOR DOYLE:

Thank you, Madam President. I'd like to introduce the Chamber to some of my constituents from Rocky Hill. Jim Carlo, and Rosie Fasano, the two parents over there. And about them, it's a special time for them because they recently just became American citizens so I think that's a wonderful accomplishment. They also have with them their young daughter, Giadada.

And we also have Tommy DeStefano a long time resident of Rocky Hill. And also with them is Representative Leone our Italian ambassador at the State Capital. Again, I would just, welcome to the

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Capital and I ask the Chamber to please rise and give them our normal warm welcome.

THE CHAIR:

Welcome very warmly from the Senate and welcome to your new status and to your daughter as well.

We will return to the calendar.

Senator Harp.

SENATOR HARP:

Thank you, Madam President. It is good seeing you up there. I just wanted to introduce to the circle a young man who has been working with me for a little while now. And he is an intern of sorts but a high school intern from Hamden Hall Country Day School. And his name is Toby Wangoo and I'm hoping that we can all welcome him and know who is and give him our warm welcome. Thank you very much.

Would you stand, Toby?

THE CHAIR:

Welcome Toby and good luck following Senator Harp around. You'll be pretty tired at the end of your days.

Are there any other requests for personal privileges or announcements?

Okay, Mr. Clerk, we'll proceed.

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THE CLERK:

Calendar page 23, file number 58, file number 51,
Senate Bill 354, AN ACT CONCERNING BIOMEDICAL RESEARCH
TRUST FUND RESEARCH GRANTS, favorable report of the
Committee on Appropriations, Public Health and
Finance, Revenue and Bonding.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President. I move
acceptance of the joint committee's favorable report
and passage of the bill.

THE CHAIR:

Will you discuss further?

SENATOR HARP:

Thank you. This bill actually is a bill that was
brought to us by Senator Crisco who is the father of
our biomedical research trust fund research
initiative. And what the bill does is expand the
Department of Public Health's allowable grants and aid
under this program to include Alzheimer's disease and
diabetes.

And it's currently, if you'll recall, the fund
will allow research in heart disease, cancer and

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tobacco related diseases. It's really very important. It helps our local educational entities who are doing research to have matching funds for NIH dollars and other types of dollars that exist. And with that, Madam President, I urge adoption.

THE CHAIR:

Will you discuss further?

Senator Crisco.

SENATOR CRISCO:

Thank you, Madam President. Let me commend Senator Harp on her leadership and a very important legislation. This Chamber and the House and the Governor, you know, seven, eight years ago created the Biomedical Research Fund that are funds not from State dollars but from the tobacco settlement.

And over that time of period, those entities that have met the requirements of the Department of Public Health on RFPs have done a remarkable job. One of the hallmarks of this program was a discovery by Yale researchers on lung cancer where they identified a marker. And we could go on and on and on in identifying great success.

And its original intent was not to provide obviously all the money but to help those researchers

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who may just need a little extra dollars to find a particular cure or remedy in some of the marked diseases. And with the increase in diabetes and the Alzheimer's sometimes not getting their fair share, this helps a little bit.

And I just want to express my deep appreciation to Senator Harp and others for their support.

THE CHAIR:

Thank you, Senator.

Will you comment further? Are there any further comments?

Senator Harp.

SENATOR HARP:

Thank you, Madam President. If there's no objection I move this to the consent calendar.

THE CHAIR:

If there is no objection it shall be moved to the consent calendar.

Mr. Clerk.

THE CLERK:

Calendar page 29, Calendar number 176, file number 244 and 616, substitute for Senate Bill 207, AN ACT AUTHORIZING THE HUNTING OF DEER BY PISTOL OR

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REVOLVER, favorable report of the Committee on
Environment, Finance, Revenue and Bonding.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Madam President. Madam President, I
move acceptance of the joint committee's favorable
report and passage of this bill.

THE CHAIR:

Will you comment further?

SENATOR MEYER:

Yes. Connecticut is one of only three states in
the United States which does not permit the shooting
of deer by pistol or revolver. And we have fashioned
a bill at the request of the sportsmen and those
sportsmen include our own colleague from the House,
Craig Miner, which will permit the shooting of deer in
this manner.

The bill is carefully crafted. It can only be
done on private property. It can only be done on
private property of more than ten acres. And the
caliber of the bullet has got be large. So there is
an amendment and I would ask respectfully the Clerk to
call LCO 4404.

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THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 4404 to be designated Senate Amendment

Schedule A offered by Senator Meyer of the 12

District, et al.

SENATOR MEYER:

I move the amendment, Madam President, and ask permission to explain.

THE CHAIR:

Please proceed.

SENATOR MEYER:

Right now the bill before us permits the shooting of deer under the restricted conditions I talked about by pistol or revolver. People who are far more expert in pistols and revolvers tell me that a revolver is a more reliable handgun in this instance and therefore all this amendment does is strikes the words pistol or and permits the shooting by a revolver only. So that's the amendment and I move it.

THE CHAIR:

Is there any discussion on the amendment?

Senator Frantz.

SENATOR FRANTZ:

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Thank you, Madam President. A question through
you to Senator Meyer.

THE CHAIR:

Please proceed.

SENATOR FRANTZ:

Thank you. Senator Meyer, you mentioned when you
were speaking about the bill that the caliber has to
be large. Is there a distinction in the definition of
pistol versus revolver with respect to caliber?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Not an area of my expertise but I don't believe
so from what I've been told. The difference between a
pistol and a revolver is that a revolver will be able
to have six cartridges in it and you can go boom,
boom, boom. Whereas a pistol can have just one
cartridge that has to be reloaded. And I think the
thought of the sportsmen is that it is more humane to
use a revolver in those conditions when you're
shooting a deer.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

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Okay. Thank you. In trying to inch closer to the answer, I think when the word revolver is used we have visions of the Colt Peacemaker made right down the road here at Colt Manufacturing that was used by John Wayne in some of those wonderful famous movies that we all saw with the six shot cylindrical device and you had, it's a single action. You have to pull back the hammer every time. So you have six shots.

But I'm just wondering, through you, Madam President, if a pistol isn't one that may be able to employ a magazine with as many as nine or possibly 15 cartridges in a magazine which slides out through the handle.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. Beyond my pay grade, Senator. Sorry. I don't know the answer to that question.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

SENATOR MEYER:

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There may be people in the circle who do.

SENATOR FRANTZ:

Thank you. Okay. Just so, one final question to establish some legislative intent here. It's not so much the caliber that we're looking at through this amendment. It's the number of shots available to the person using that particular fire arm.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. That's exactly right. It's the number of shots that appear to sportsmen to be more humane.

SENATOR FRANTZ:

Thank you. Thank you.

THE CHAIR:

Thank you. Will you remark further?

Senator Daily.

SENATOR DAILY:

Thank you, Madam President. This was something that was looked at in some other bill and then as you I think mentioned moved to this bill so it wouldn't cause any difficulty in our appropriations process.

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So I think the sportsmen are very grateful to you for bringing it out right now. Thank you.

THE CHAIR:

Thank you. We are voting on the amendment. Is that right?

SENATOR MEYER:

Thank you, Senator Daily, for that comment.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President. I rise to speak in favor of the amendment. I know that this is something that the community of sportsmen in my corner of the State who contribute mightily to the wellbeing of our outdoors, who volunteer a lot of time maintaining State owned land. It's something that they've wanted for a long time and something as Senator Meyer indicated, doesn't make Connecticut an anomaly.

We were an anomaly by not permitting this activity. Passage of this bill would put us in line with I think 48 other states in the nation that enable sportsmen to pursue what makes them happy responsibly. And, you know, life hasn't been a bowl of cherries for that community of people lately. We've left them

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wondering oftentimes and I hope that with passage of this bill we'll tip our hat in their direction. Thank you, Madam President.

THE CHAIR:

Thank you.

We are still on the amendment. Are there further discussion on the amendment? If not, I'll try your minds. All those in favor say aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed?

The ayes have it. The amendment passes. The amendment passes. And now we are back to the bill as amended.

Senator Meyer.

SENATOR MEYER:

Thank you. And Madam President, for a further amendment I would like to yield to Senator Daily if I might.

THE CHAIR:

Senator Daily, will you accept the yield?

SENATOR DAILY:

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Thank you, Madam President. I would. I will. I do. I would like to ask the Clerk to call LCO number 4297.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 4297 which will be designated Senate
Amendment Schedule B as offered by Senator Daily of
the 33rd District, et al.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

I move the amendment and seek leave to summarize.

THE CHAIR:

Please proceed.

SENATOR DAILY:

This will give a credit to those outdoorsmen and citizens who paid the first increase that we had in our budget. And the way they will achieve this credit, they will, when they get their license or their permit next year bring this year's higher priced permit and get a credit equal to the amount of the reduction that we have voted on.

THE CHAIR:

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Would you comment on the amendment?

Senator Stillman.

SENATOR STILLMAN:

Thank you, Madam President. It is lovely to see you there. I rise in support of the amendment. I thank Senator Daily for bringing it out and making the suggestion as this would be a way to help those folks next year when it comes time to purchasing that license.

I know that many people have called my Office or emailed and feel somewhat aggrieved by the whole thing. Here we're trying to help people but on the other hand they were doing what they needed to do in the timely fashion and purchased their appropriate licenses and we thank them for helping to fill our coffers a little bit so that next year we can in turn give them a credit through this amendment.

So, I wholeheartedly support it and ask the members of the circle to do the same. Thank you.

THE CHAIR:

Will you comment further on the amendment?

Senator Frantz.

SENATOR FRANTZ:

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Thank you, Madam President. I'm overjoyed today to see this before the circle for hopefully a quick passage. And the reason for that is that there are so many hunters and fishermen who've already bought their licenses and will certainly appreciate getting a credit on an overpay, what would become an overpayment if this bill is passed into law.

And I think I mentioned last time I was the first one to buy a saltwater fishermen's license last year. I still haven't gone fishing since then for some reason. And I paid way too much for it. It was before it was even signed into law by the Governor. But I do have a question for Senator Daily, through you, Madam President.

THE CHAIR:

Senator Daily, are you prepared?

SENATOR DAILY:

I would hope so.

SENATOR FRANTZ:

Senator Daily, is it fair to say that the credit delivery process will be an easy one. In other words, if you paid \$50 for whatever license it was last year, all you need to do is just present that or send it into the DEP and they will automatically grant you

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that credit on the purchase of the next year's
license.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you very much, Madam Chair, Madam
President. You don't need to send anything anywhere.
When you go to get your license next year you bring
this year's license for which you've paid too much and
on your new license you'll be given a credit equal to
that overcharge.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

And through you, Madam President, so no hassles,
no paperwork, instantaneous credit right there on the
spot.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Madam President. Absolutely. I've
been so concerned about your license and I didn't want
it to be a problem for you.

THE CHAIR:

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You see what a thoughtful group that we are.

SENATOR FRANTZ:

Madam President.

THE CHAIR:

Please proceed. Please proceed.

SENATOR FRANTZ: . .

Through you, for the record I would like to express my formal appreciation for that concern and also my appreciation for a well written bill here and specifically as it relates to licenses. Thank you, Senator. And thank you, Madam President.

THE CHAIR:

Is there further discussion?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. I just wanted to commend Senator Daily for bringing this amendment forward because it certainly is a matter of equity that people who actually and conscientiously went out early and applied for their permits and paid the elevated fee before it was reduced again should not suffer for their conscientiousness and this will give them a refund or a credit next year.

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And I, it is I think reasonable because these are people acting in good faith who are trying to comply with the law. And when the law swings sometimes like a pendulum they should not be caught between the swinging pieces.

So again, I think this is an important matter of equity because even in urban districts like mine, Madam President, there are a substantial number of sportsmen, people who seek out fishing licenses in particular and this is something that is very welcome in that community. Thank you, Madam President.

THE CHAIR:

Thank you. Will you comment further?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. I also rise in strong support of the amendment and would like to commend Senator Daily. I think is something where we all are in unanimous support. I was one of the many individuals that championed reducing those hunting and fishing fees.

They didn't go down as far as I had wanted but nonetheless they did go down and we listened to the constituents that we serve and we responded. And I

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think that was a good move. But after we made that initial change I heard from an awful lot of my constituents that again were trying to comply with the law and they felt caught. They were trying to do the right thing and they said we really wish we could get a credit. And here we are about passing this amendment and doing exactly that.

You know, hunters and sportsmen and fisher folks and everybody else involved in the great outdoors, they're caretakers of our environment as well. They really are stewards. And these are things that get passed down from generation to generation. And it doesn't take too much time to go off the beaten path in Connecticut and find some beautiful resources that we have.

I know up in Enfield we have a certain section of the Connecticut River that is known throughout the United States for the fishing that it offers. And we have so many of those other resources in our State as well.

And so these are good, honest, law-abiding folks. They want to do the right thing. They want to teach their sons and daughters the things that they like to pursue whether it's hunting, fishing or just going out

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in the woods and admiring all the great things that we have out there. And so, I'm happy.

I am very, very happy this afternoon that we're treating them right. They sort of got kicked around a little bit in the fall when that budget came down the road and we're remedied that. And I'm hoping that we can continue along this path working together, Republicans and Democrats alike to do what's right for the good people of the State of Connecticut. So, thank you very much for this amendment. I strongly support it.

Thank you, Madam President.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Madam President. And like everyone else has said, it's great to see you up there.

And I don't want to prolong this but I do want to thank Senator Daily for doing this. Sometimes government doesn't work. In this case, Senator Daily, you made it work. As everyone's said, this is equitable. It's the right thing to do. We've stepped back on the fees and for those folks who paid the full amount this is the right thing to do for them. And

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I'm hoping that the House will, after we pass this along, that the House will pass this and show that sometimes we can work in a bipartisan way to get some good things done.

Thank you very much, Madam President.

THE CHAIR:

Will you remark further?

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President. I rise in support of the amendment. I want to thank Senator Daily for her leadership in the sportsmen caucus and your work on behalf of Connecticut sportsmen. But also this is an equitable amendment. It makes sense and thank you for bringing it forward.

THE CHAIR:

Will you remark further? Will you?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President. I too rise in support of this amendment. There's a bit of good news here. We in our Republican Caucus had filed this amendment on about 30 bills earlier in the session. So now we can withdraw all those amendments as well.

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And I think this is, this is further evidence that sometimes mistakes can be made and people are willing to stand up and make them.

Increasing these fees as was done as part of the budget was a mistake. Decreasing them was the right thing to do. The mistakes that were made with the credit and is the final correction of a wrong that should not have happened in the first place.

So I'm glad that we stand here. A year ago we were divided in a partisan way in that budget but today we're here in a bipartisan way undoing a wrong of that budget. And I stand in support of this amendment. Thank you.

THE CHAIR:

Will you remark further?

Senator McDonald.

SENATOR McDONALD:

Thank you, Madam President. Madam President, I rise in support of the amendment as well and thank Senator Daily for attending to an issue that I think all of us believe in. I only regret that it was attached to this underlying bill which causes me concern.

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But I do believe that the folks who have paid
this fee previously should be afforded that credit.

So I'm happy to support the amendment. And Madam
President, I ask when the vote be taken it be taken by
roll call.

THE CHAIR:

Thank you, Senator.

Will you remark further? We're remarking on the
amendment.

Mr. Clerk, will you call for a roll call vote on
the, on is this amendment B?

THE CLERK:

Yes.

THE CHAIR:

Sorry. Amendment C?

THE CLERK:

B.

THE CHAIR:

I thought it was B. We'll go back to amendment
B.

Thank you, Mr. Clerk.

THE CLERK:

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

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

THE CHAIR:

The machine is open. You may cast your vote.

If everyone has voted the machine will be closed and the Clerk will call the, take the tally.

THE CLERK:

The motion is on adoption of Senate Amendment Schedule B.

Total number Voting	34
Those voting Yea	34
Those voting Nay	0
Those absent and not voting	2

THE CHAIR:

The amendment passes.

Senator Meyer.

SENATOR MEYER:

Madam President, I believe there should be a roll call vote on this. I don't think it will go by consent. And I have no further remarks to make concerning the underlying bill.

THE CHAIR:

Thank you.

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SENATOR MEYER:

As amended.

THE CHAIR:

If you have no remarks there will be a roll call.

Senator Witkos, I apologize.

SENATOR WITKOS:

Thank you, Madam President. If I may, just a few questions to the proponent of the bill.

THE CHAIR:

Please proceed.

SENATOR WITKOS:

Thank you, Madam President. In section 39 of the or line 39 of the bill it speaks that no person shall authorize, carry, or possess a pistol or revolver except as provided in section 1 of this particular act.

And I have a concern and if you could just speak to, does this allow, with this language allow someone to carry who does not hold a pistol permit in the State of Connecticut, the ability to transport a firearm in a vehicle to hunt on private land? Through you, Madam President.

THE CHAIR:

Senator Meyer.

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SENATOR MEYER:

Through you, Madam President, the existing law, Senator Witkos, as I understand it is that a firearms hunting or a combination firearms hunting and fishing license does not authorize the carrying of a pistol or revolver. The bill before us modifies that by making an exception in being able to carry a revolver in the shooting of deer under the restrictive conditions set up under the bill.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. And through you to Senator Meyer is there anything in the bill that would be affirmative defense to someone that is stopped walking through the woods that has a pistol or revolver on their person similar to legislation that we passed last year for somebody riding an ATV on private property. Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President, Senator Witkos, you're an excellent law enforcement officer and you

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probably know the answer to that question better than me.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. I thank the gentleman for his answer. Ladies and gentlemen of the circle, I will be voting no on this bill. I ask for your rejection as well. In my read of the bill the last section of the language that we're about to vote on says that the carrying of a pistol or a revolver except as provided in this section one. And in section one states that you can carry it in order to hunt on private property.

There's nothing in the language that says you have to show a note that you're actually hunting, you have that person's permission. There's nothing in the language that gives you the right to carry a firearm from your home to this private property. Who is to say or where you're going to get to that private property.

If I was to stop somebody on the side of the road and they had a pistol in their vehicle and I asked do you have a pistol permit and they said no, I'm going

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hunting. According to this bill if it's passed, then they're allowed to do that. And I urge you that's very dangerous. Because there's nothing that causes a prevention or evidence to show that they're actually going hunting.

Yeah, somebody might throw in some camouflage gear or some binoculars and say well, I have a tree stand so I'm allowed to do that. Also, I don't believe there's any checks and balances in here if somebody does not have the right to carry a firearm under the federal disqualifications. With somebody that's been involved in a domestic violence that has had their rights to carry a firearm taken away.

None of those protections are contained within this bill. So I urge the Chamber's rejection. Thank you, Madam President.

THE CHAIR:

Will you remark further?

Senator Meyer.

SENATOR MEYER:

In brief rebuttal, Madam Speaker to Senator Witkos, it's clear that the current law, current law says in lines 36 to 38 that a firearms hunting or a

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combination firearms hunting and fishing license does not authorize the possession of a revolver.

What this bill simply does, as requested by Representative Craig Miner and the sportsmen, is it says that if you're hunting deer on private property of more than ten acres you can carry a revolver. That's what this bill does. And with respect to Senator Witkos's statement about driving in your car, I think most of our laws have a rule of reason.

And I respect his views as a law enforcement officer but he seems to be setting up a hypothetical situation that is not in my experience a real one. So I do urge support for this bill. Thank you.

THE CHAIR:

Will you remark further? Will you remark further?

Mr. Clerk, will you call for an immediate vote on the bill.

THE CLERK:

Immediate roll call has been order 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:

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Senator Gaffey.

Have all the votes been counted? I still Senator
Stillman. Senator Stillman.

If all the Senators have voted.

Okay. She's coming.

If everyone has cast his or her vote the voting
machine will be closed.

THE CLERK:

The motion is on passing Senate Bill 207 as amended.

Total number Voting	34
Those voting Yea	24
Those voting Nay	10
Those absent and not voting	2

THE CHAIR:

The bill passes.

Mr. Clerk:

THE CLERK:

Calendar page 31, Calendar number 207, file
number 303, substitute for Senate Bill 383, AN ACT
CONCERNING A STATEWIDE WATER USE PLAN, favorable
report of the Committees on Environment and Public
Health.

THE CHAIR:

Senator Meyer.

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SENATOR MEYER:

Madam President, again I move acceptance of the joint committee's favorable report and passage of this bill.

THE CHAIR:

Will you comment?

SENATOR MEYER:

Thank you. I would like to. Colleagues, Connecticut has quite comprehensive laws concerning water. We have an annual report required by statute on water planning processes. We have a Water Planning Council that's got specific duties. We have a requirement that water companies issue annual reports concerning water in their particular districts.

But we lack one thing as the water companies brought to the attention of the Environment Committee. We don't have a statewide water planning system. All this bill does is empowers the proper agencies of Connecticut to prepare a statewide water use plan so that we know where on a statewide basis, we know where our water is coming from and where our water is going and we can make a more efficient use of our water in that way.

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Again, this bill comes out of the water companies. It fills what I believe is a vacuum in what is otherwise a comprehensive water planning for Connecticut. And I urge its passage. Thank you, Madam President.

THE CHAIR:

Do you comment?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President. Madam President, through you, a question to my friend, Senator Meyer.

THE CHAIR:

Please proceed.

SENATOR MCKINNEY:

Thank you.

Senator Meyer, some have asked me regarding this bill what the purpose of it is beyond your explanation there. Many people are aware of the fact that we have a Water Planning Council.

Am I correct in my understanding that the individuals who are to be part of this group to develop a statewide water use plan are the same individuals are on the Water Planning Council? Through you, Madam President

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THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes. Through you, to Senator McKinney. There's some, looking at the people on the Water Planning Council, they appear to be, include everyone who would be providing this plan except the Secretary of OPM is included in the Water Planning Council but is not included as one of the drafters of the plan that this bill requires.

In other words, I'm looking at the statute that sets up the Water Planning Council and it involves the same commissioners as Senator McKinney is stating, through you, Madam President, but the Water Planning Council also includes the office, the Secretary of OPM who will not be part of the group to prepare a statewide water use plan. Actually I'm wrong on that. I apologize. I'm wrong. It does include. I apologize. It is the same group.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you.

SENATOR MEYER:

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Absolutely.

SENATOR MCKINNEY:

So, the question is if the Secretary of OPM, the Commissioner of DEP, the Commissioner of Public Health and the Chairperson of the DPUC are currently members of and constitute the Water Planning Council and they as a group have been unable to come up with a statewide water use plan parenthetically which they should come up with.

Why do we think putting the same individuals in a room under the name of something other than the Water Planning Council is going to get us to a different result? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Well, through you, Madam President. I think the answer to that comes in the testimony of the Executive Director of the Connecticut Waterworks Association. And, Senator McKinney, I don't know if you've got an excerpt of her testimony, Elizabeth Garrett's testimony, but she argued strongly for this bill saying that we need a plan to create statewide water

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use to help guide decisions about water allocation and management.

She claimed in her testimony that a statewide water use plan will ensure that critical water management decisions are based on objective data, science and knowledge. And then she goes on to give other reasons for a statewide plan. When I researched this bill I looked to see if the Water Planning Council, which has the same members as you pointed out, has the power to do a statewide plan. And I think there's a vacuum in it. I don't think it does.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President. I guess my, and I voted for this in Committee because of my belief that we should have a statewide plan but I actually thought that we might see an amendment on the floor. I guess my question would be, why wouldn't we amend the Water Planning Council's objectives to include creation of a statewide plan or in the alternative why wouldn't we if we're creating this group then eliminate the Water Planning Council? Through you, Madam President.

THE CHAIR:

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Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I think that's putting form, if I can say it respectfully, form over substance because I think we could have done exactly what you're saying but the water companies that came to me and I'm happy to share you the names of the other people who submitted the language to us.

They elected to have a separate bill and not put it in the existing statute. We have a section 25-330 which is the Water Planning Council and they could have indeed as you're suggesting amended that. They decided to do something separate and apart from that. And I think that was just a matter of form more than substance.

THE CHAIR:

Senator McKinney.

SENATOR McKINNEY:

Thank you, Madam President. Under the language of the bill, through you, Madam President. Does this bill require that the Secretary of OPM and the Commissioners actually be the people in the room who negotiate and discuss and draft terms of the statewide plan or I think as may many times often done, their

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designees perhaps staff lawyers and the like, would be the people allowed to draft the plan albeit final sign off would have to come from the individuals here enlisted. Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. The first part of this bill says the Secretary and Commissioners directly. He doesn't say or designees. But the reference later in the bill to, when it says the plan's got to be developed pursuant to sections 25-33 and to 25-33P make clear that it is those Commissioners or Secretary of their designees. So I think by reference to those sections, it would, could be designees.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you. And I appreciate that clarification. I think that's an important clarification because the reality is if we are trying to get this group to submit a statewide water plan by October 1, 2011, I mean let's just think about that a little bit here.

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In January of 2011 the State will be inaugurating a new governor. That governor, regardless of who he or she may be in all likelihood will have an OPM Secretary, a DEP Commissioner, Public Health Commissioner, and I don't know how the DPUC Chairmanship works but there will be different folks at the table than we've had at the table in the Water Planning Council.

And my guess is they will be individuals who will be very busy with a lot of important things to do on behalf of their agencies and the State of Connecticut. So to somehow mandate that only the Secretary of OPM or only the DEP Commissioner can be the person who puts this plan together I think would lead us into a situation where we're not going to get the plan done on time or other important things will be left to the wayside while they spend their time doing this.

So I think it's important to note for legislative intent that this can be read to include their designees as they sit down and work on this plan.

Thank you, Madam President.

THE CHAIR:

Will you comment further?

SENATOR MEYER:

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And Madam President, I think that the legislative intent that Senator McKinney just outlined is important but also there is a reference to the other statutes in this bill that clearly show it can be designees.

THE CHAIR:

Thank you, Senator.

SENATOR MEYER:

So both ways we're covering the water front here.

THE CHAIR:

Thank you, Senator.

Will you comment further?

SENATOR MEYER:

If there's no objection I ask that this go on consent.

THE CHAIR:

There is no objection. Hearing no objection, it will be put on the consent calendar.

Mr. Clerk.

THE CLERK:

Returning to the calendar. On calendar page 40, Calendar 429, substitute for Senate Bill number 379, AN ACT CONCERNING VOCATIONAL TECHNICAL SCHOOLS. The Clerk is in possession of amendments.

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THE CHAIR:

Senator Looney.

We will stand at ease. The Senate will stand at ease briefly.

(At ease.)

THE CHAIR:

The Senate will return to order.

Senator Gaffey.

Senator Looney.

SENATOR LOONEY:

Stand at ease for a moment, Madam President.

(At ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you. Thank you, Madam President. I apologize for the delay. Madam President, would move for reconsideration of calendar page 29, Calendar 126, Senate Bill 207. I was on the prevailing side in that vote and would move for reconsideration.

THE CHAIR:

Without objection, it is ordered.

SENATOR LOONEY:

Yes. Thank you, Madam President.

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THE CHAIR:

The Senate will stand at ease again.

(At ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes. Madam President, thank you again. Would move for reconsideration of calendar page 29, Calendar 176, Senate Bill 207.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Recalling calendar page 29, Calendar 176, files number 244 and 616, substitute for Senate Bill 207, AN ACT AUTHORIZING THE HUNTING OF DEER BY PISTOL OR REVOLVER, favorable report Committees on Environment, Finance, Revenue and Bonding. When the bill was last before us it was amended by Senate Amendment Schedules A and B.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Madam President. Colleagues, you'll recall this was the bill that permits the shooting of

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deer by revolver under restricted conditions. And it has two amendments on it. One of our colleagues has indicated that after further looking at the law she would like to change her vote. And Senator Witkos has also spoken to me as the sponsor of this bill and I yield to Senator Witkos.

THE CHAIR:

Do you accept the yield, Senator?

SENATOR WITKOS:

Thank you, Madam President. Yes, I do accept the yield. I'd like to apologize to my colleagues in the circle. In my rush to read the bill I was concerned that there was not a provision that which would have required somebody to be in possession of a pistol permit.

And all those actions that I had cited in my testimony would have occurred. However, upon rereading the bill it does say that you must have a pistol permit in order to hunt on private property. So all those concerns that I had have been mitted out and I wholeheartedly support the bill. Thank you, Madam President.

THE CHAIR:

Thank you.

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Will you comment further?

Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President. It's very nice to see you up there. I too thought that there was no permit for the pistol required. In reading the bill more closely and discussing this with Senator Witkos it was obvious that there is a pistol permit required. And consequently I want to change my vote from no to yea.

THE CHAIR:

Thank you, Senator.

Will anyone remark further? Are there any further remarks?

Then the Clerk will, we will open, the Clerk will call for an immediate vote and we will open the voting machine.

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.

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Senator LeBeau. I'm doing it for him. Here he comes.

He's gone.

If everyone has voted. Oh, Senator Daily.
Sorry. If everyone has voted the machine will be closed and the Clerk will take a tally.

THE CLERK:

The motion is on passage of Senate Bill 207 as amended.

Total number Voting	34
Those voting Yea	25
Those voting Nay	9
Those absent and not voting	2

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, for purposes of a couple of additional markings. Again, the next bill to call would be as indicated before calendar page 40, Calendar 417, House Bill 5282. And then after that, Madam President, the next two items would be calendar page 4 under favorable reports, Calendar 143, Senate

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Bill 393. And then calendar page 24, Calendar 91,

Senate Bill 259. Thank you, Madam President.

THE CHAIR:

Mr. Clerk, will you continue with the call of the calendar.

THE CLERK:

Calendar page 40, Calendar number 417, file number 147 and 585, substitute for House Bill 5282, AN ACT CONCERNING FIREFIGHTERS, POLICE OFFICERS AND WORKERS' COMPENSATION CLAIMS PERTAINING TO CERTAIN DISEASES as amended by House Amendment Schedule A, favorable report of Committees on Labor, Public Employees, and Public Safety.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President. Madam President, I move the joint committee's favorable report and passage of the bill as amended by House Amendment A.

THE CHAIR:

Will you remark further, Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President. Under this bill a paid, municipal or volunteer firefighter, municipal

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police officer, constable or volunteer ambulance service member is eligible for worker's comp benefits for diseases including the following if they arise out of and are in the course of employment. The diseases are hepatitis, meningococcal meningitis, tuberculosis, Kohler's disease otherwise known as multiple myeloma, non-Hodgkin's lymphoma, prostate cancer or testicular cancer.

As with all workers comp claims, the disease must result in death or temporary or permanent, total, partial disability in order to be eligible for benefits. A constable is a municipal law enforcement officer who is authorized to make arrests and has completed the police officer's standards and training council's certified training.

THE CHAIR:

Would you remark further?

Senator McKinney.

(Senator Duff of the 25th in the Chair.)

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. I'm glad I picked my head up instead of saying thank you, Madam President.

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Mr. President, I rise in support of the bill before us. And wanted to thank Senator Prague for bringing it out before us. I did note though, it's interesting. Here we are passing, the House has passed this. So it will become law and good law that we will provide compensation to those emergency service personnel, firemen, police officers who might be exposed to, you know, some terrible communicable diseases.

What I thought was interesting and perhaps unrelated to this bill in a way but perhaps we can work on it in the future is that under the federal HIPPA laws, our emergency services personnel are not allowed to know when they walk into someone's home whether or not somebody there has a communicable disease.

So while we are trying to and should be offering them compensation when they're exposed to something horrible, we also I think should be working on the front end to try to make sure they're protected before they go into those situations. So I didn't want to offer an amendment to this piece of legislation because this is a good bill and it ought to pass. But

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hopefully that's something that we can work on if not before the end of this session in the future as well.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator McKinney.

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President, I want to thank Senator McKinney. He brings up a very good point. Something that we do need to work on next year. I certainly thank him for not amending the bill at this point in time because it would just disappear. We wouldn't have enough time to vote on it. So, with that kind of support if there is no objection I'd request that the bill be put on consent.

THE CHAIR:

Is there any objection? If not, it will be placed on the consent calendar.

THE CHAIR:

Thank you, Senator.

Mr. Clerk.

THE CLERK:

Calendar page 4, Calendar number 143, file number 207, substitute for Senate Bill 393, AN ACT CONCERNING

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STANDARDS IN HEALTHCARE PROVIDER CONTRACTS, favorable report of the Committee on Insurance.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. If that item might be marked pass pertaining its place on the calendar and if the Clerk would then call calendar page 24, Calendar number 91, Senate Bill 259.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 24, Calendar number 91, file number 89, substitute for Senate Bill 259, AN ACT CONCERNING INSURANCE COVERAGE FOR MAMMOGRAMS, favorable report of the Committee on Insurance and Appropriations.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President. So nice to see you there. Mr. President, I move for acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

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On acceptance and passage, will you remark?

SENATOR CRISCO:

Yes. Mr. President, several years ago the Insurance Committee and this body and the House and the Governor started on a trail to address the increasing degree of breast cancer. When we did a bill last year on ultrasound inadvertently the MRI test was left off. And in this bill it will cover MRIs for women if, I want to be very careful about this.

If a mammogram shows heterogeneous or dense breast tissue based on the American College of Radiology breast imaging report and database system. That is, or if a woman is considered at an increased breast cancer risk of family history. So it's not something that we did not intend to do. It's basically to continue, you know, our trail on addressing this very terrible disease for women.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you very much, Mr. President. Just to echo Senator Crisco's comments, one of the things that struck me and I believe other members of the Committee

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this year was that, was when it was brought to our attention that the language we had passed several years ago when we added coverage for ultrasound screening for dense breast tissue was that it inadvertently omitted MRI technology which is in some cases a better way to detect than the ultrasound technology.

And so as Senator Crisco alluded, one of the reasons I and others on the Committee supported the bill in Committee is because we view this and I certainly view this as clarifying our intention several years ago to make sure that all the technology necessary to help women who have dense breast tissue get the detection that they need in order to protect them as much as humanly possible.

And so I view this as clarifying something that we intended to do several years ago. We're very pleased that the advocates brought this inadvertent omission to our attention. And it is for that reason that I look forward to supporting the bill this evening.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. I would like to thank Senator Crisco and Senator Caligiuri. Last year or the year before when they brought the bill out that was to help those patients who have the dense breast tissue to receive the appropriate treatments. And there was a way around it and the spirit of that bill was obviated by the language.

And therefore what this does is correct the language. And the advocates for those who experience breast cancer was that if you had the dense breast tissue you got notice and you're supposed to go for further screening and then there was no money to pay for that further screening.

I will tell you, you know, the experience that I have in that area through family has been exhausting. And when I was talking to the oncologist about this, how frustrated they were in advocating for their patients and basically beating their head against the wall. So this bill is critical, I believe, to a long term solution by virtue of a short term solution.

So, with that I want to thank the Ranks and the Chairs of Insurance. This is a tremendous step in closing the loophole.

Thank you very much, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further?

Senator Maynard.

SENATOR MAYNARD:

Yes, thank you, Mr. President. I just want to thank my colleague, Senator Crisco and members of the Insurance Committee. This bill was one that I actually requested early on behalf of a constituent, Lauren Middleton who was very much affected herself by this.

And Lauren came up and testified before the Committee and made a very, I think compelling statement about it, particularly with respect to the fact that without the coverage many women will forgo perhaps the diagnostic mammograms that were not previously covered because they tend to be expensive procedures.

And so I'm very grateful to the Committee. And I'm grateful to my constituent for having brought it

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to my attention and I'm pleased to support the bill.

Thank you.

THE CHAIR:

Thank you, Senator.

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President. Mr. President I want to express my deep appreciation to Senator Caligiuri for his continued support on these crucial issues to individuals and to Senator Fasano for his support. But I would be remiss if I did not mention that the reason we started on this trail was because of Senator Hartley and her constituent Nancy Capallo who experienced some very difficult times because of dense tissue issue.

And because of the two of them we've been on a trail that I think has not only saved lives and eliminated a lot of suffering but reduced an awful lot of costs. And I have to say this, Mr. President, we sometimes get constructively criticized for the work we do in this area.

But I was watching a PBS program the other, CNN program by Dr. Giuca there talking about medical costs. And very few people pay attention that 80

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percent of our medical costs go to 20 percent of the population for people over 65 with chronic diseases. And these areas that we embark upon, while important in cost are literally pennies compared to what we could avoid in the future.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further?

Senator Crisco.

SENATOR CRISCO:

If there's no objection I ask that it be placed on the consent calendar.

THE CHAIR:

Is there objection to placing this item on the consent calendar? If not, so ordered.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Good evening, Mr. President. Good to see you there.

THE CHAIR:

Good evening, Senator.

SENATOR LOONEY:

Mr. President, an additional item to mark as go is on calendar page 40, Calendar 429, Senate Bill 379.

If the Clerk might call that item next. Thank you,

Mr. President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calling from page 30, 40, Calendar number 429, file number 599, substitute for Senate Bill 379, AN ACT CONCERNING VOCATIONAL TECHNICAL SCHOOLS, favorable report of the Committees on Education, Finance, and Appropriations.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

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

THE CHAIR:

On acceptance and passage will you remark further?

SENATOR GAFFEY:

Thank you, Mr. President. Mr. President, late August of last year I received a number of calls

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regarding the problems at the vocational technical high schools in Connecticut. From the early retirement program, incentive program, the system lost quite a few teachers and those positions weren't filled.

We've asked for the Governor to release the money and some of the teachers were filled but they started off in a pretty difficult manner because those teachers were not hired and filled until very late, almost right before school. Same with coaches, and athletic directors, the funds for that.

From that point on we went through the early fall months and I began getting calls regarding the lack of buses to transport shop students to job sites where they could practice their trade. Not too long after that we discovered that many of the buses were in terrible disrepair and weren't being certified by the Department of Motor Vehicles Department because of the fact that they were in that horrible state of disrepair.

Not too soon thereafter, during the fall began getting emails from parents who were concerned that their children were not only not being transported out to job sites but supplies and materials for the trade

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shops were very lacking. There was no electrical wire in the electrical shop, no sand in the masonry shop, et cetera. So as we moved forward and started gathering information, we prepared for a hearing that took place on February 2.

In preparing for that hearing the staff of the Office of Fiscal Analysis and the Office of Legislative Research requested the budgets for the schools at each of the vo-tech schools. And to their amazement their staff found that these schools actually weren't operating with individual budgets. You can imagine the lack of accountability and transparency when the schools aren't operating off of actual adopted budgets. At the hearing on February 2, we discovered a number of other issues.

One subject that was discussed at length was the closing, or I'm sorry, the suspension of operation at Wright Tech in Stamford. And we'll get to that issue a little later in the debate. We also discovered that not only were materials lacking in the trade shops but many classrooms didn't even have paper. The examples of other problems within the schools; mold, asbestos, leaking roofs, poor ventilation, terribly inefficient HVAC and energy systems. The list went on and on.

What was astonishing, what was most astonishing on February 2 during that hearing, and it was a very lengthy hearing, was the complete lack of knowledge almost of the board member who is the chairperson of the vo-tech subcommittee of the State Board of Education, her complete lack of knowledge of what actually occurring out in the vo-tech schools. Mr. President, the Committee reported out the bill that's before us right now.

What this bill does, Mr. President is it brings some equity and badly needed attention to our vo-tech schools. It corrects a situation where 16 schools, it used to be 17 now it's 16 and one in suspended animation. Where 16 schools, the State's original magnet schools had their needs nearly completely ignored.

I can assure the members of the Senate that if this were any other school system you would have parents calling for people to resign. That's how awful this situation got in the vo-tech schools. Then when you contemplate these are the students that we'll be relying upon for our workforce in the trades. You really shake your head.

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Because there's a lot of talk about workforce development and here is where the actual workforce development takes place every single day. The kids are in school at the vo-tech schools. The teachers are there and the administrators are there.

And speaking of administrators, let me say this, the principals of the vo-tech schools are heroes. They do everything; chief cook and bottle washer and everything in between. They do a lot of work. They work a lot of hours. And they're extremely dedicated people.

Then we had the LPN program suspended or cancelled and at this hearing on February 2 we learned a number of the instructors of the LPN program, all of them I think, had been transferred out to other jobs.

One woman testified who used to be the instructor, head instructor of Kaynor Tech that where she may approximately \$70, \$75,000 a year in her job there, was transferred to a health facility, State health facility where she's now making approximately \$50,000 a year more. So, and she testified she'd rather be back teaching nursing making \$75,000, \$50,000 less than what she's making right now.

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So, it seemed to me a pretty pennywise and pound foolish step to take. Not to mention the fact that we need nurses in this State. And this program was supplying them. Mr. President, the underlying bill will do a lot to correct the situation. First of all, in its capital needs there's a section whereby the State Bond Commission will vote twice a year on unallocated balances that are over and above a \$2 million threshold.

This is not something novel in State statute. We do this in section 3-20F for the preservation of agricultural lands, the same exact language. And we're taking this step only because the capital needs of the State vo-tech schools including the buses have just been ignored for too long.

We will under this bill have the school buses that are either 12 years old or have been in a consistent pattern of disrepair to be taken offline. Because our students that are being transferred to job sites to practice their craft should not have to be in buses that are in such disrepair that it presents a safety issue.

The bill will also call for two new members of the vo-tech, I'm sorry, the State Board of Education,

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who will have experience in manufacturing the trades or be an alum of the vo-tech system. And one of those two will be the chairperson of the vo-tech subcommittee.

The State Board of Education needs to pay far more attention to the vo-tech system. We were also astonished to look at how long they actually spent in their State Board meetings discussing the vo-tech schools. There were a number of meetings where it was a minute and 20 seconds, two minutes and ten seconds, just very little attention whatsoever spent on these high schools, the State's original magnet schools.

The bill will also require that this be a much more transparent and accountable system because we will now require that the budget for the vo-tech system be submitted to the Office of Policy and Management and to the Office of Fiscal Analysis separate from the State Board of Education budget. They will still come under their governance but their budgets will be submitted separately.

Mr. President, that's a description of the underlying bill. Mr. President, if we could just stand at ease for a moment please.

THE CHAIR:

The Senate will stand at ease.

(At ease.)

SENATOR GAFFEY:

Thank you, Mr. President.

THE CHAIR:

The Senate will come back to order.

Senator Gaffey.

SENATOR GAFFEY:

Thank you very much, Mr. President, for your indulgence. Mr. President, the Clerk is in possession of an amendment, LCO number 4665. If the Clerk please will call the amendment and I be allowed time to summarize.

THE CHAIR:

Will the Clerk please call the amendment.

THE CLERK:

The Clerk is in possession of LCO 4665, AN ACT CONCERNING VOCATIONAL TECHNICAL SCHOOLS. Amendment is offered by Senator Gaffey and Senator McDonald.

THE CHAIR:

Senator Gaffey.

THE CLERK:

It shall be designated as Senate Amendment A.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President. I move adoption.

THE CHAIR:

On adoption will you remark further?

SENATOR GAFFEY:

Thank you, Mr. President. Mr. President, this amendment gets at the issue that I mentioned briefly in my opening remarks on the bill and that is the issue of Wright Tech in Stamford and what occurred with the suspension of operations at Wright Tech in Stamford.

Mr. President, this occurred without giving the students, parents and the community of Stamford an opportunity to have say, to have their day in court over the question of closing their school. They didn't have a public hearing in Stamford. There was an issue of whether the Board was going to vote to do this or not to vote to do this. There was actually a resolution that ultimately was adopted last December that supported the Commissioner's decision to suspend the school's operations.

But the folks in Stamford, most important the students who my friend, Senator McDonald said so

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eloquently, had their dream taken away from them of being able to graduate from a vo-tech school in a particular trade.

They didn't get their opportunity. This amendment would allow that opportunity. This amendment would require that type of hearing to be held in the community that hosts the vo-tech schools, that vo-tech school that was either closed or suspended operations.

And it would require a comprehensive plan for any suspended vo-tech schools for the reopening of that school. And also would require the State Board to make arrangements for the students who attend a vo-tech school to be transported to another vo-tech school where they could take, up their trade, earn their diploma and then go on to either the workforce or higher education.

Mr. President, with that brief explanation, I'd like to yield to my colleague from Stamford, Senator McDonald.

THE CHAIR:

Thank you, Senator.

Senator McDonald, do you accept the yield?

SENATOR McDONALD:

Thank you, Mr. President. Yes, I do.

THE CHAIR:

You may proceed.

SENATOR McDONALD:

Thank you, Mr. President. Mr. President, let me first thank Senator Gaffey and Representative Fleischmann for an extraordinary amount of work that they have done on this legislation in general and particularly Senator Gaffey for his dedication and commitment to the vocational technical high school system in the State of Connecticut.

As Senator Gaffey noted, we had a very dark experience in the City of Stamford with respect to Wright Tech. It was dark not only for my constituents but I think it was dark for the State of Connecticut. And it was particularly unflattering to the State Department of Education.

The students of this school, the parents of these children were manipulated and treated badly. In fact, Mr. President, I have never seen a situation where students and their parents had less say in the outcome of their educational opportunities.

Mr. President, this school in particular, Wright Tech has an extraordinary history going back

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generations in the City of Stamford. And when the State Department of Education decided to close that school there was no communication. There was no forewarning.

There was no opportunity to be heard.

Particularly disappointing was the fact that no one from the State Department of Education ever had the good will and good sense to come to the City of Stamford and talk to these parents, to actually stand before a public assembly and explain what they were trying to accomplish or whether they had any rationale to do what they were intending to do.

Instead, Mr. President, the Commissioner of Education took it upon himself to unilaterally close a school in the State of Connecticut. We found no support in State law for doing so. The best we found was a State statute that said that the Commissioner could operate and maintain the schools in accordance with policies and procedures adopted by the State Board of Education.

And let me be clear there is no policy, there is no procedure that allows one individual in the State of Connecticut to unilaterally close a school. But that's what happened. Never did the Commissioner go

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to the City of Stamford. Never did the Superintendent of the technical high school system ever go to the City of Stamford. Never did a Board of Education member ever have a hearing in the City of Stamford. We got most of our information not from the administration but from our local newspaper. No hearing. No vote. No input.

When we wanted to find out what happened we actually had to file a Freedom of Information request to find out what happened. And what we found out was that the Department had made a clandestine decision to close the school and knowing that there would be backlash, an email said we've got to figure out a way to cushion the blow. So we'll say the school wasn't closed. It's operations were suspended. That was a copout.

In my estimation it did a disservice to the State, to the Department, and most importantly to the people of the City of Stamford and the students served by that school. But I have to say, Mr. President, there was no plan. There was no idea how to deal with the students of that school.

So under this amendment, and I have to thank Senator Gaffey again for his help and assistance on

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it, there would have to be a plan. There would have to be a vision. There would have to be a vote. We actually had students who were going to be seniors in that school who were told we may have a slot for you in another city. And some of them now get on buses at 5:30 in the morning on their bus trip to Danbury so they can fulfill their dream.

Surprisingly, those are the lucky students. Those are the students that still have a vocational technical opportunity ahead of them. There were a whole class of incoming freshmen who had been accepted, had received their letters and were looking forward to that opportunity.

And when the Commissioner took it upon himself to suspend the operations of that school they actually received letters revoking their acceptance. And they were told there is no place for you in our vocational technical system. Sorry for your troubles. Go find your education somewhere else.

Mr. President, this was a sad period of time. Uncomfortable for the Department, uncomfortable for the constituents I represent. And in the public hearing when we talked about this I asked the Commissioner of Education if he was proud of the way

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this system or this process unfolded. And to his credit, he said no, the Department had not cloaked itself in honor. I would have to agree with him.

Under this amendment, Mr. President, this experience would not be replicated. Under this amendment the Department would actually have to develop a plan. It would actually have to hold a hearing. It would actually have to have a vote. It would actually implement the fundamental aspects of democracy.

I don't know of one public educational system that would ever close a school without having a vote, that would ever close a school without listening to the parents, that would ever close a school without standing in front of people and articulating a reason or a rationale why that school was being closed. And irony of all ironies after it was suspended, the Department said yes, some of your students might be able to go to another location.

Yes, we might have room for you in Milford. We might have room for you in Danbury. But we're going to bill your school district for the privilege of getting up at 5:30 in the morning and traveling to one of those distant locations.

Under this amendment, Mr. President, that couldn't happen. And the farce, the farce of saying that this was a suspension of operations as opposed to a closure would be ferreted out in this amendment. That under this amendment the State Department of Education and the Board of Education would actually have to renew that farce every six months. That they would actually have to have that public hearing in the community where they suspended the operations and have that vote articulating once more why the State is forgoing its responsibilities.

Mr. President, I hope there is a future for Wright Tech. It's extraordinarily important. There are students, there are trades that desperately need this school.

And Mr. President, as you know, many of your own constituents attended Wright Tech. It was not just a Stamford closure. It was a closure for all of Southwestern Connecticut.

And when you look at the statutes it says that the State is going to have a vocational technical high school system it will be a regional system. And yet we nowhere in our statutes articulate what the regions are. So I asked the Commissioner, where do my

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students go? Where do they seek out their education? And there was no answer. We have a regional technical high school system that is devoid of definition or meaning. So I don't know what happens next year to my eighth graders who are looking to have a technical high school system. And sadly, neither does the State.

We hope, we pray that Wright Tech will reopen somewhere down the line. We don't know. We have a very difficult budget environment but we're planning. And I hope the State will plan as well. And I hope with the passage of this amendment students in Stamford will have a vocational technical high school experience available to them. And I hope what happened to my community never happens to any of yours.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further? If not, all those in favor of the amendment please signify by saying aye.

SENATORS:

Aye.

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THE CHAIR:

All those opposed say nay.

The ayes have it. The amendment's adopted.

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President. Mr. President, the Clerk is in possession of another amendment LCO number 4613. If the Clerk would please call and I be granted leave of the Chamber to summarize.

THE CHAIR:

Mr. Clerk, please call the amendment.

THE CLERK:

LCO 4613, which will be designated Senate Amendment Schedule B as offered by Senator Gaffey of the 13 District et al.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

I move adoption.

THE CHAIR:

On adoption would you remark further?

SENATOR GAFFEY:

Thank you, Mr. President. Now Mr. President, first of all I want to thank Craig Miner,

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Representative Craig Miner downstairs in the House. I saw him the other day and he had seen my bill and he had asked me, geez, I noticed you put a couple of people on the State Board of Education who have a vocational technical background or manufacturing background and would you consider putting one of the openings that occur next year when terms expire to have one person be someone with an agricultural background or vo-ag alum just as we've done for the vo-tech. And I thought it was a great idea.

We've had the vo-ag students here year in and year out. And I'm sure there are friends of mine around the circle and downstairs who feel that oftentimes these students don't get enough attention. So this amendment will add one of the people, one of the members of the State Board of Education on or after April one of next year will have to have that agricultural background as a requirement for the appointment.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Kane.

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SENATOR KANE:

Thank you, Mr. President. Good evening.

THE CHAIR:

Good evening, Senator.

SENATOR KANE:

I too rise in favor of this amendment and I want to thank Senator Gaffey for working with both sides of the aisle on this particular amendment. And I also want to thank Representative Craig Miner. We have a gentleman in our district, his name's Bill Davenport who heads up the FFA Program, the Future Farmers of America at Non-newaug High School.

And Senator Gaffey, you're totally right when you say these are wonderful kids who do some amazing things. A lot of these kids go on to study veterinary science, agricultural studies, UConn, Penn State, Texas A&M. I mean I can't say enough about these individuals and each year they come up and they have a lobbying day themselves and you recognize them in their blue jackets and they do a wonderful job. They take public speaking classes as well. And they're just good kids.

So, I want to thank Senator Gaffey,
Representative Miner, the other members who are signed

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onto this amendment. You know I can't say enough about those kids and the programs and to have the agricultural sciences and those studies represented on the Board of Education is very important indeed so I too rise in favor of this amendment. Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. Good evening.

THE CHAIR:

Good evening, Sir.

SENATOR RORABACK:

I too want to add my thanks to Senator Gaffey whose always taken the time to understand the importance of vocational agricultural education given people involved in that particularly subspecialty of education a seat at the table.

And this amendment will give them at long last a formal seat at the table so they're not always at the door with their nose up against the window saying me too, me too, me too. I know that having, giving them a seat at the table will not only benefit them but it

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will benefit the State Board as well because they do have, there are secrets to their success. They're happy to share them.

And this amendment will allow them the opportunity to share them and I'm grateful to Senator Gaffey for his recognition of the importance of the program. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President.

Mr. President, I rise to support this amendment. We have a vo-ag school in Lebanon. The kids who go there, you know, just so enthusiastic. The program is great. And frequently when you have a student on the Board of Education they can give you insight to what's needed, what changes would be appropriate.

They're out there in the actual real world and they're a real plus when they contribute. So I'm very supportive of putting a young student on the State Board. And in, I know this is not part of the amendment but part of the whole bill. The vo-tech

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system itself is a wonderful system. And perhaps I'll address that after this amendment passes. But this vo-ag program is wonderful and putting a young student on the Board is a real plus.

THE CHAIR:

Thank you, Senator Prague.

Will you remark further?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. I stand in strong support of the amendment as well. And I'd like to thank Senator Gaffey for bringing it forward. Located in the great town of Suffield, Connecticut we have a wonderful vocational agricultural program. It serves students from throughout north central Connecticut. I have been up there any number of times.

Those young individuals that avail themselves of that program really know their stuff. They know everything about raising animals. In fact a couple of years ago it was almost humorous in the circle when I talked about taking a tour that day and not only did I see snakes and rabbits and all sorts of other kinds of, chickens but there was llamas there and people

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were talking about how to raise them for their coat, alpaca wool and things like that. It was a very exciting tour.

And any number of times those youngsters in their blue coats as Senator Kane so apply put come up here and talk to us, share their experiences and indicate to us how very important that program is. There was a part of me not too long ago where I was hoping my son, Nathaniel would avail himself of that program but he's taken a different direction, a more academic direction as far as his course of studies.

But without a doubt having someone involved in agriculture on the educational system associated there with will be such a tremendous boon. And it really is an area, I know in my neck of the woods, there's an awful lot of jobs associated with agriculture. They don't push themselves out that much to gain visibility but anywhere I go whether it's the town of Somers, Enfield, Suffield, East Granby, Granby, Windsor, Windsor Locks, there is some form of agriculture in all of those municipalities.

And there's people that want to avail themselves of that. And you can go far. And indeed some of my classmates when I was growing up in the town of

Windsor went on to Cornell which has an absolutely excellent program for agricultural studies. And so, it can be something local where we're trying to preserve our open space. You know what the best way to preserve our open space is allowing dairy farmers and crop farmers and whether they have horses or anything else like that to be able to have some kind of business, to prosper, to thrive.

I know that we set money aside for open space but just allowing those people that are making a living off the land is a wonderful way to do it as well. And indeed having young people excited and invigorated about learning. It's just a really incredible program in Suffield, again serving all the towns that I represent.

And I think having someone affiliated with agriculture on the State Board of Education is absolutely a wonderful, wonderful idea. And again, thanks Senator Gaffey for moving forward with this amendment. Thank you.

THE CHAIR:

Thank you, Senator.

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

I think this is a very sensible amendment and although your familiar with my district, I'm familiar with yours, the agriculture that take place there are somewhat limited perhaps only to the pumpkin patch in the backyard in most people's cases.

However, I think this does make a lot of sense to include these two members on the Board of Education. We have to be sensitive to the needs, the educational needs, throughout the entire State of Connecticut and across the broad spectrum of commercial activities. And agriculture, Mr. President, being the oldest commercial activity in the State, I believe. I'm quite surprised that there isn't that component on the Board already.

And it's good to see that this provision is being made. And who knows, you know, things happen so quickly these days. We having a dynamic economy throughout our country and here in New England and specifically here in Connecticut. We don't know what the needs will be two years and three years from now.

Many years ago it usually took 25 to 50 years to move to a new spot in industry or financial services or service businesses in general to understand exactly

where our commercial activity is going and what the educational needs are in order to be able to provide the talent for those different industries. So we have to not only approve this amendment, we have to remain sensitive to what those needs are going forward. So I stand in favor of this amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further on Senate Amendment B? I will try your minds. All those in favor please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed nay.

The ayes have it. Senate Amendment A is adopted.

[B]

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President. On the bill as amended I know there are a couple of questions that my colleague and Ranking Member on the Education Committee, Senator Caligiuri wants to ask. But before we get to that I just wanted to say that the staff of

OFA and OLR and LCO worked very hard on this since last fall, accumulating all the information.

The February second hearing I think was one of the best hearings that we've had in my time up here. We found out a real lot of information to help us craft this bill so that the vo-tech students in this State will no longer be the unwanted stepchild at the dinner table.

They will get their just deserve, a quality education with classrooms and school buildings and equipment and supplies that are second to none. This is a major bill for the vocational technical high school system in the State of Connecticut. And in turn, major bill for the workforce development needs of the State of Connecticut. And I just would like to thank everyone who participated in crafting the bill; my House Chair, Andy Fleischmann.

I mentioned Senator Caligiuri, who we work in a very nice bipartisan manner and were able to get a lot of good things done I think because of that. And I think the addition of the vo-ag member on the Board is an excellent addition because I've been troubled as I said before that the vo-ag students from time to time I think, you know, don't get their just deserve

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either. So with that, Mr. President, I'd be glad to yield the floor to Senator Caligiuri who I believe wants to ask me a few questions.

THE CHAIR:

Senator Caligiuri, do you accept the yield?

SENATOR CALIGIURI:

I do, Mr. President. Thank you. And I thank Senator Gaffey. One question for purposes of legislative intent and then one follow up if I may, through you, Mr. President. Just for purposes of legislative intent, through you, Mr. President, section seven of the bill lines 233 through 236 talk about establishing a vocational technical school system as a separate budgeted agency from the Department of Education.

My question, through you, Mr. President, to Senator Gaffey is, is it the intention of the proponent to actually establish a new agency or to do something different with this language? Through you, Mr. President.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY: .

Thank you, Mr. President. And through you to Senator Caligiuri, the intention, Senator Caligiuri is to not create a new State agency. The intention is to have the central office of the vo-tech system submit their budget, their annual budgets separately from the State Department of Education so that that budget is out there on its own.

Everybody can see it. It's open, transparent and we can have accountability to the budget needs of these vocational technical high schools. Through you, Mr. President.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. And I thank Senator Gaffey for that response. Because I think it was important to clarify that this section is not designed to create an additional bureaucracy or a new department or agency within the State but rather as I understand it, Mr. President, to separate vocational technical school for budgeting purposes so that having done so, it's easier for everyone reviewing these budgets to see exactly what's being done as it relates to these schools and to have as Senator Gaffey

describes, more transparency and clarity as to what's being done with respect to these schools. And I thought it was important for the record to clarify that.

The second question, through you, Mr. President, relates to lines 188 through 208 of the bill, section four. It has to do with the language that Senator Gaffey referred to earlier as being modeled after 3-20F of the Connecticut General Statutes. As I read this language it's clear but I thought it was worth making even clearer for purposes of the record.

I read the language being added in lines 188 to 208 as not requiring that these bonds be issued but only requiring that the State Bond Commission take up the question of whether to authorize these bonds on a regular basis so that in keeping with the normal course of events, nothing will change the Bond Commission's authority as it relates to issuing these bonds.

All we are saying as a matter policy is that we believe that the State Bond Commission should be looking at this as something for which they may choose to issue bonds on a regular basis but not forcing them to do so. And my question through you, Mr. President,

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to Senator Gaffey is whether that is an accurate reading of this language.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President. Through you, to Senator Caligiuri, I do believe that is an accurate reading of this language. There has been a difficult challenge, I'll put it, for the vo-tech capital needs to find themselves on the State Bond Commission agenda and I believe that by mimicking the Agricultural Lands Preservation Statute in 320-F that at least there'll be a reminder twice a year to the members of the Bond Commission that we have this, you know, large school system that it's the State school system and they have capital needs that need to be attended to. And I think that that will help the vo-tech system obtain the type of capital bonding they need for those needs in their schools.

Through you, Mr. President.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

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Thank you, Mr. President. And I thank Senator Gaffey for that response. And I have no further questions for Senator Gaffey but if I may by way of comment on the bill. Having studied this bill a good deal since we first voted on it in the Education Committee, I have decided to support it. My concern in the Education Committee was the language that we just talked about as it related to the State Bond Commission.

And I will say for purposes of people thinking about it that I think the danger in on an ad hoc basis continuing to step by step by step sort of tell the Bond Commission what they have to take up. Over time if we're not careful as a body we will basically gut the power and authority of the State Bond Commission and the Governor as it relates to making exactly those types of decisions.

But I think as was the case in 2007 with respect to agricultural lands and as is the case today, we are making a judgment as a General Assembly that we believe is a matter of policy that this is something that the Bond Commission has to take a look at because we don't believe we have taken a good enough look at it for purposes of considering whether to issue the

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bonds that have been authorized. And so it requires this member of the Senate and others to make a judgment as to whether the needs are so great in this case that they override the concern that we are chipping away at the authority of the State Bond Commission.

And on balance I've been persuaded that the need to make sure that we are as a State looking at the infrastructure needs of vocational technical schools is great enough given the circumstances that we've been facing in the last few years that I think it merits our support. For those reasons and because there are other good provisions in the bill I will be supporting it.

And I thought given my no vote in the Committee it was important for me to explain how I got to where I was today in deciding to support it. And for that reason I will be supporting it. And I thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further?

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President. Mr. President about 40 years ago when I was teaching school the vo-tech system was probably the best example of the magnet schools that we have today. But at that time there were all types of programs. There was, you could go there and learn to be an electrician, a plumber, a carpenter.

Some of our best skilled carpenters came from the tech system. You could take culinary arts. It really was just a wonderful opportunity for young people who really, you know, wanted to be a skilled worker. You could be a sheet metal worker. You didn't want to go to college but you wanted a skill and you could make a good living. And then somehow or other in recent years the programs began to disappear. The concern for the tech schools just dissipated.

Clearly as Senator Gaffey said, they lacked money to buy the kind of equipment they needed. You know, they used to have a lot of adult ed programs like the culinary arts. They don't have that anymore. So this bill that's before us is really, I think, going to restore the whole vo-tech system. And I can't tell you how happy I am to be able to vote for that.

Another thing happened at the beginning of this year that really was sort of disastrous. They had an LPN program in, I think it was 13 of the vo-tech schools. And the LPN program was closed. There were people who, you know, were planning on going into this nursing program.

We desperately need them in our nursing homes and our hospitals. And the rug was pulled out from under them and the programs closed. Well, first of all it was a bad thing for jobs. If we're looking for jobs, jobs, jobs in this State the LPN program certainly offered a lot of young people a job at the end of their training.

We have now restored six of those programs. They will start sometime in the fall and the programs will be located regionally so that they will serve a large area. I'm happy to say that many of us in this chamber worked to restore that program. And it will again offer an opportunity to young people who want to go into healthcare.

At the end of their training they will practically be guaranteed a job. So the vo-tech schools in our educational system are critically important. And I'm glad that Senator Gaffey and the

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others who spoke in support of this realize the importance of those programs and that the system will be restored to what it was. Thank you.

THE CHAIR:

Thank you, Senator.

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. Mr. President, I rise to support the amendment and the bill. But I also rise to broaden the conversation even if it's just for a little while this year but we don't have the time right now to entertain an amendment which I hope I'll be able to work with the Chairmans of this Committee in the future.

Due to some experience I've had in the past as a State Board of Education member and actually for a short time serving on the State Board of Education's vo-technical committee. And it became very apparent to me that those problems that have been underscored today are real. And that is that these schools do not have the kind of natural support system that a local board of education gives its individual schools.

It is very difficult to focus the attention on a large Board that meets not very often on a disparate

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group of schools throughout the State. I did make every attempt to visit several of those schools during the short time I was there. And it was obvious that they don't get the attention, the facilities support, the programmatical support and so on.

And although many on that Committee did try and did have the best interests at heart and business trying to in fact improve some of the equipment they had and so forth. But the bottom line is that we really need to look at a structural change in the system all together.

What I would envision and others may agree or disagree with me but I think these schools should be the purview of the region in which they function and the students come from. And local boards should be comprised of the individuals that have a vested interest in that particular school in that region.

They could advocate for their budget. They know firsthand the local, what they need in the way of facilities, equipment, curriculum, teachers and so on. And that budget should be dispersed accordingly and handled on a local basis. And in that way I think we truly can make them the magnet schools they deserve to be and have the attention that they deserve to get

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because they do some phenomenal work under very difficult circumstances. They have tremendous results with their students.

In fact, in my own husband's family of six children two of them and a father actually attended Kaynor Technical High School in the Waterbury area. They became tool and die makers. Some of them became carpenters. They've made a great career out of that. They had a wonderful, wonderful education. But we need to really focus on this. I think in fact they've been ignored for too long and I think it's the structure does not help in this regard.

There are a lot of good intentions and good people trying to do what's right for these particular schools. But I think by changing the actual structure and how the budgets are determined and bringing them down to the local level would probably be the most beneficial direction we should go in. And I hope that I can get the support and encouragement by my colleagues that this is something that they would look at into the future.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

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Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President. The City of Danbury is the proud home of Henry Abbott Technical School. Henry Abbott Technical School has been in our community I believe since the early 30s. And in the last five years they've gone through a major transformation with a very spectacular facility that has been rehabilitated and new classrooms added. It's really a gem of our community.

I had the distinct pleasure of attending Henry Abbott Technical School's first hall of fame induction ceremony this week. And at that ceremony they honored nine graduates of Henry Abbott Technical School which is really a who's who of the Greater Danbury Area. And now some of those graduates have gone onto national and frankly international fame in some regards in business.

And so Henry Abbott Technical School in Danbury is an important part of our community. It's a success story of the vocational education system in Connecticut. And I want to thank Governor Rell for her support of funding for this facility and thank this General Assembly for the vision to put money into

the vocational technical school system. It is a priority. When we look at the graduates of this school we see very successful business people here in the State of Connecticut. And generally this is people who go on to success in business but they stay here in our State.

So I'm a strong supporter of the technical school system. And whatever this General Assembly can do to assure its continued success and the continued success of Henry Abbott Technical School in Danbury I applaud those efforts. Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I rise first to concur with the comments of Senator Boucher that money is not always an answer to a problem and funds are not always the answer to the problem.

In fact, in some cases that exacerbates the problem. I think that we, some schools need X and some of the schools need Y. I think a good part of

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this amendment is that the requirement for agricultural experience is critical to achieving a goal in this area of a positive result. That being said, I think we do need to look at these on a regional basis. I think we do need to come off the 100,000 foot level that we're always at this Capital and somehow regionalize our efforts with these vo-tech schools that are necessary. And I support the vo-tech schools.

My concern is the bonding issue. And I heard Senator McDonald and Senator Gaffey and others talk about the need that these schools have for money. And the fact that the money was not allocated to these schools. I understand that. I appreciate that. I also appreciate that when it isn't or doesn't happen that support results in an unfair education to the kids that we have in the programs and in fact an unfair future aspect of that education institution. I understand that as well.

But all of us or many of us have bonding projects that sit there for different reasons. In the Fairfield area traffic's a big issue. We've got all sorts of bonding projects for train stations and tracks and highways and roads, all of which are

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important and if it doesn't happen it affects economics which affects taxes which affects sales which effects business. You can go on and on and on. You can make a pretty good argument let's say for 60 percent of the stuff on the bonding agenda that are not called that sits there year after year after year, past five years and you can make a good argument that that money should be used.

The problem is is that if you chip away at that and say every time it's not used in a fashion which we as a legislature deem appropriate you're chipping away at that independent authority, if you would. And you're chipping at away at saying that it could hurt other projects arguably.

If something's on the bonding agenda by this legislature we put it in the package. That means twice a year every year until those allocated funds are used it's got to come up. Other projects may never see the light of day and they might be good projects. But they're not going to get the spotlight. Now I did vote in favor of the agricultural land bill that Senator Gaffey talked about.

And I did review that language again after Senator Gaffey informed me. And he's 100 percent

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correct that in fact that language matches this language to a tee. And I voted in favor of that. So that puts me in a little bit of a box because I'm not advocating that perhaps that wasn't the right move. And perhaps that wasn't the right intent.

Now, I could argue that that section was to dovetail with the money that we put away for the recording so that when we bought agricultural lands we also used the money from the recordings that we went up and together that was the pool of money that we were going to use to help buy land and keep it from being developed.

And as a lawyer I've learned to rationalize arguments and that would rationalize that argument. But in fairness I understand that when this legislature decides that something is that important and it gets ignored which is the argument that the proponents are making and that inability to bring that up and enact on that money results in a hardship. I get the advocacy arguments. It's going to be a tough call for me.

I haven't really made up my mind yet and I'm listening to the arguments. But whittling away against the Bond Commission Authority and keep adding

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extra tags to what that Bond Commission's going to do will be a very tough predicament for this legislature because if we put in a bill that said highway repairs in the I-95 corridor to lessen congestion, to reduce traffic accidents, increase businesses, should be looked at twice a year by the bonding agenda.

I think a lot of us would be hard pressed to say that's something we shouldn't do. A lot of us would push the green button. But once again we're back in that predicament. And that's the dilemma I find myself in as this bill presents us today. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill as amended?

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President. Very briefly, just to follow up on Senator Fasano's comments. And Senator Fasano made excellent points I thought. There are competing demands year in and year out for getting on the Bond Commission Agenda.

Schools are important. Highways are important. We have to build prisons in this State. There are

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infrastructure needs that the State has to attend to. We spend an awful lot of money on school construction in this State. We also provide for transportation grants to local public school districts and regional school districts. The difference with this one is that the State of Connecticut owns these schools. The State of Connecticut has the obligation just like we require every other local and regional school district to maintain their buildings and provide an equal educational opportunity.

In fact, there's a constitutional obligation in the State of Connecticut for an equal educational opportunity. And since these are the State's own schools, Senator Looney was talking to me just a little while ago that in some towns where you've had the State of Connecticut step in and provide school construction dollars and the schools have been completely renovated or new schools have been built and the parents might look at that and comment, well gee, right down the street we have the State's own regional vo-tech school and look at the condition of that school.

It's nowhere near the condition of the schools that the State is spending money on in our localities.

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I know each and every one of us want to have schools that are excellent schools. Both the capital aspect of the school, the built with bricks and mortar and certainly what's more important is the curriculum and the teachers that are behind it making it work and the administrators. But the distinction here with the obligation of the State to provide for the capital needs of the schools, the vo-tech schools is that they are the State's schools.

There are no other State schools in our elementary, I'm sorry, in our secondary school system here in the State of Connecticut. And that's where I think that that distinction warrants the State Bond Commission just as we do in the agricultural land section that I referred to earlier and that Senator Fasano commented on, Senator Caligiuri commented on.

That's where I believe it absolutely warrants the Commission twice a year to take a look at voting for the utilization of unallocated bond balances to provide, fill a need for the capital issues, maintenance issues, bus transportation issues that are seriously in need at the vo-tech schools. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Crisco.

SENATOR CRISCO:

Tank you, Mr. President. Mr. President, I just want to commend Senator Gaffey and the other members of the Education Committee for their great work in an issue that has been so deserving for so many years. It isn't important now that we mention, you know, how we got where we are. And where we are is really an embarrassment to the State of Connecticut.

Senator Looney and I share a district where there's an Eli Whitney School. We visited that school and it's an embarrassment. And yet, you talk to the children there, the students, their dedication, their class work, sometimes working with outdated equipment. When you look at sometimes the conditions where they have to open the windows of the school during certain times of the year because the steam radiators still keep functioning for some reason.

And one could go on and on and on about the deplorable conditions and that's my particular opinion. I'm also fortunate to have Emmett O'Brien School in Ansonia. And visiting with these students

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to see the work that they do and what we're not paying attention as a society.

In order for us to have a society that makes us the leader of the world we need all kinds of skills. And the very skills of carpentry, auto mechanics, metal working. They have enhanced the cooking program which is very good. But there's so many skills that we're just not paying attention to. And it's easy to say what the shortcomings are but I think it's more important that we demonstrate, we're taking a positive step to correcting the issues that exist. They should not exist.

To go to the Bonding Commission for simple replacement of doors or replace, you know, a leaking roof just does not work even though it's the DPW, you know responsibility sort of, what you have you. So I just commend all those and I hope that we don't slow down on this trail, that we continue to enhance these facilities which are so vital to the future of our society.. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Crisco.

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. I did not expect to rise. I don't disagree with anything Senator Crisco said. And I think maybe a larger discussion that we should have, the Governor, I think over a year ago proposed a middle college system which did have some vetting. But we've had extraordinary successes with our community colleges. In my neck of the woods, Norwalk Community College, Housatonic Community College, have done fantastic work.

Senator Duff, you've been a strong supporter of Norwalk Community College and their adoption of Wright Tech in many ways, trying to work with them. And so there may be a better way of trying to make sure the future workforce of Connecticut has the vocational, technical, and agricultural skills necessary using our community colleges.

Some of the disrepair at Emmett O'Brien I'm not familiar with. But I'm sure we're all familiar with the fact that school kids in Bridgeport and other places don't even have textbooks. Equally as embarrassing if not more so I would say. I rose because I'm going to vote for this bill but we're all guilty of things in this building. A couple of years ago in the Bond Commission somebody gave \$50 to

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\$100,000 for a Pop Warner Football Field. Baseball fields. Parks.

So we talk about the Bond Commission not releasing important money for our vocational technical schools yet at the same time 180 legislatures are begging for their goodies and favors out of Bond Commission. When in good times it's all good. But now we're spending more than we should, borrowing more than we should.

And we're all sitting here getting mad that money hasn't been released but we released a bunch of other money which is more embarrassing. It's embarrassing that our vo-tech schools are in disrepair. It's more embarrassing that we gave money for a football field rather than for our vo-tech schools. And we are all, 187 of us, myself included guilty for that as well.

So why don't we share in the blame here as well because I do sense a pointing of fingers rather than an acceptance of universal blame. And I rise in support of the bill.

THE CHAIR:

Thank you, Senator.

Senator Looney.

SENATOR LOONEY:

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Thank you, Mr. President. Mr. President, speaking in support of the bill. I wanted to commend Senator Gaffey for not only this bill, for his advocacy over the years for the vo-tech schools in our State, that he has always recognized that they are a very significant component of our education system and also preparing people for the job skills they need in order to compete in this increasingly sophisticated economy.

But this bill in particular I think is necessary now because some of our vo-tech schools have fallen behind in terms of their physical plan. In terms of not being allocated needed bond funds for improvement and for equipment.

We need to make sure that the equipment on which people learn and train in the vo-tech schools is in fact up to date, that it will in fact be relevant to the kind of machines that they will be operating when they go out into the workforces. Rather than they work on antiquated equipment a couple of generations behind where they need to be in order to be seen as desirable employees.

In addition to that and perhaps it is as, I think it's exactly true that Senator Gaffey mentioned and

Senator Crisco pointed out, there is sometimes a disparity between the attention paid to the school construction funds for the public schools and municipalities as opposed to those the State runs itself.

And I know I've heard from a number of constituents of course in the City of New Haven. The City in partnership with the State and the State of course being the senior partner because the State is paying more than 80 percent of the school construction funds in New Haven.

But over a period of about 15 years the total school construction program in New Haven will amount to about \$1.5 billion of which about \$1.2 billion of that will be paid for by the State of Connecticut. New Haven's physical plan for its schools are beautiful. There are beautiful schools that are new. There are other older schools that have been beautifully renovated.

In Hamden we've had a new middle school that was built again with the State as a significant contributor to that. In part that was out of necessity because of the pollution problems on the

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side around the old middle school. A wonderful renovation to Hamden High School.

I would occasionally would get calls from constituents who would say, you know, why is it that the State's own school is so shabby in comparison to the beautiful schools in the City of New Haven or in the Town of Hamden.

And I think that that is what this bill is trying to move toward a solution to that problem, to indicate that there is some urgency about releasing bond funds for this purpose. That the vo-tech schools should not be orphan schools in our State system. They are schools that we should all care about as much as we care about the public schools in our own municipalities that we represent.

And I think that this bill is an important step in that direction. And I think it's something that Senator Gaffey has been pushing for and advocating for for a long time. And I urge passage of the bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Looney.

Will you remark further? Will you remark further? If not, Mr. Clerk will you please announce and receive a roll call vote.

THE CLERK:

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

THE CHAIR:

Have all members voted? Have all members voted? Have all members voted? If all members have voted, would the, check your vote to make sure it's accurate and the Clerk please announce the tally.

THE CLERK:

The motion's on passage of Senate Bill 379 as amended.

Total number Voting	33
Those voting Yea	33
Those voting Nay	0
Those absent and not voting	3

THE CHAIR:

The bill passes.

SENATOR LOONEY:

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Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

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

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agenda number three dated Thursday, April 29, 2010. 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 three dated Thursday, April 29, 2010 to be acted upon as indicated and that the agenda be incorporated by reference into the Senate journal and the Senate transcript.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, before calling for a vote on the second consent calendar I would ask the Clerk to call one additional item which is on calendar page 23, Calendar 76, Senate Bill 246.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Turning to calendar page 23, Calendar 76, file number 75, substitute for Senate Bill 246, AN ACT CONCERNING ISSUANCE OF EMERGENCY CERTIFICATES AND THE SAFETY OF PATIENTS AND STAFF AT FACILITIES OPERATED BY THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES, as amended by Senate Amendment Schedule A, favorable report of the Committees on Public Health and Appropriations.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. It's good to see you up there. You're doing a great job.

THE CHAIR:

Thank you, Sir.

SENATOR COLEMAN:

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I move acceptance of the joint committee's
favorable report and passage of the bill.

THE CHAIR:

On acceptance of passage will you remark?

SENATOR COLEMAN:

Mr. President this is Senate Bill 246. It was
previously before the Senate on April 21 and it allows
advanced practice registered nurses and licensed
clinical social workers to write a certificate to an
ambulance.

THE CHAIR:

Excuse me, Senator. Hold on please.

Can we have order please. Take your
conversations outside the chamber please.

SENATOR COLEMAN:

Thank you, Mr. President.

THE CHAIR:

Please proceed.

SENATOR COLEMAN:

Mr. President, the bill allows APRNs and licensed
clinical social workers to write certificates to an
ambulance for a person who may be in need of a
psychiatric evaluation at a hospital. It also makes
some technical changes to the Whiting Forensic

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Hospital Statutes regarding restrictions on patients
communication by mail and telephone.

There was an amendment that was previously
adopted. That was LCO 3443 at that amendment allowed
for a certification of community hospital intermediate
care beds for persons with psychiatric disabilities.

The bill was then referred through the
Appropriations Committee and they presumably acted
favorably on it because the bill is back before us.
And it requires an additional amendment.

The Clerk should be in possession of LCO 4580.
Would the Clerk please call that amendment.

THE CHAIR:

Mr. Clerk, please call the amendment.

THE CLERK:

LCO 4580 which will be designated Senate
Amendment Schedule B as offered by Senator Harris of
the 5 District, et al.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

I move adoption of the amendment and request
permission to summarize the amendment.

THE CHAIR:

Please proceed, Sir.

SENATOR COLEMAN:

Mr. President, this amendment allows for the continuing of certain substance abuse and mental health services for the current SAGA population that will soon move to Medicaid. There is no fiscal impact.

An example of the services that the bill speaks would be substance abuse residential services which are currently being provided already by the State. I move adoption and urge the Senate to support this amendment.

THE CHAIR:

Thank you, Senator.

Will you remark further? Remark further on Senate Amendment B? Remark further. If not, all those in favor please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed nay.

The ayes have it. The amendment's adopted.

Senator Coleman.

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SENATOR COLEMAN:

Mr. President, I would urge the Senate to pass the bill as amended. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

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

Senator Coleman.

SENATOR COLEMAN:

Mr. President, if there is no further remarks to be made regarding this bill as amended, I would ask that it be placed on our consent calendar.

THE CHAIR:

Hearing and seeing no objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would ask the Clerk to call the second consent calendar.

THE CHAIR:

Mr. Clerk, please call the second 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 second consent calendar. Will all Senators please return to the chamber.

Mr. President, those items placed on the second consent calendar begin on calendar page four, Calendar number 116, Senate Bill number 60, calendar page five, Calendar 168, substitute for Senate Bill 361, calendar page eight, Calendar 272, substitute for Senate Bill 199, calendar page 16, Calendar number 459, Senate Bill 5351, calendar page 23, Calendar number 58, Senate Bill 354, Calendar number 76, substitute for Senate Bill 246, calendar page 24, Calendar number 91, substitute for Senate Bill 259, calendar page 26, Calendar 133, substitute for Senate Bill 54, calendar page 27, Calendar 135, substitute for Senate Bill number 59, Calendar 150, Senate Bill 301, calendar page 29, correction, calendar page 31, Calendar number 207, substitute for Senate Bill 383 and calendar page 40, Calendar number 417, substitute for House Bill 5282. Mr. President, that completes those items placed on the second consent calendar.

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THE CHAIR:

Thank you, Mr. Clerk.

The machine will be open.

THE CLERK:

The Senate is voting on roll call on the second consent calendar. Will all Senators please return to the chamber. The Senate is now voting by roll call on the second consent calendar. Will all Senators please return to the chamber.

THE CHAIR:

Senator Boucher.

Have all Senators voted? Have all Senators voted? If all Senators have voted, please check the machine and make sure your vote is accurately recorded. If all Senators have voted, Mr. Clerk, please announce the tally.

THE CLERK:

The motion's on adoption of consent calendar number two.

Total number Voting	33
Those voting Yea	33
Those voting Nay	0
Those absent and not voting	3

THE CHAIR:

The second consent calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, that concludes our business for today. I will yield the floor to members for purposes of announcements of committee meetings or for other purposes.

THE CHAIR:

Thank you, Senator Looney.

Are there any members?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. I rise for purposes of a record notation.

THE CHAIR:

Please proceed, Sir.

SENATOR MCKINNEY:

Thank you, Mr. President. Should the record note that Senator Debicella missed some votes today and was out on other legislative business.

THE CHAIR:

Thank you, Senator McKinney.

Any other points of personal privilege or announcements?

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Senator Harp.

SENATOR HARP:

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

THE CHAIR:

Please proceed, Madam.

SENATOR HARP:

The Appropriations Committee is meeting one half an hour before the start of the first session in room 2C.

THE CHAIR:

Thank you, Senator Harp.

Any other?

SENATOR HARP:

Tomorrow.

THE CHAIR:

Tomorrow. So noted.

Any other points of personal privilege or announcements? Any other points of personal privilege or announcements?

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President. For purposes of a journal notation, Mr. President.

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THE CHAIR:

Please proceed, Sir.

SENATOR LOONEY:

Yes. Mr. President, Senator Slossberg was absent yesterday and today due to a period of mourning being observed in her family.

THE CHAIR:

Thank you, Senator Looney.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President. If there are no other announcements or points of personal privilege or journal notations would announce that we will be convening tomorrow. We will have a Democratic Caucus at noon with a session to follow shortly thereafter tomorrow. We'll also likely be in session on Saturday as well as tomorrow.

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

THE CHAIR:

Senate will be adjourned subject to the call of the Chair.

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On motion of Senator Looney of the 11th, the
Senate at 7:50 p.m., adjourned subject to the call of
the chair.

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THE CONNECTICUT GENERAL ASSEMBLY

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The Senate was called to order at 2:11 p.m.,
Senator Duff in the Chair.

THE CHAIR:

The Senate will come to order.

Good afternoon. The Reverend David Baird will
lead us in a prayer.

Reverend.

Please rise.

REVEREND DAVID H. BAIRD:

Dear God, Great Architect of all goodness, this
is a difficult time to be a part of Your great and
sacred endeavor that we call governance. People are
afraid. Our lives are challenging in so many ways,
and the toll of human suffering in these difficult
economic times often bring people to say and do things
that they would not ordinarily do. Often thea people
in this building, our Senators, our Representatives,
legislative staff face angry and hostile people who
ask of us for instant solutions and quick fixes that

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simply are not possible or realistic.

In this environment, it is hard for us to remember that we are here dedicated to a single and united purpose, to serve Your state and Your people, as together we seek to serve the common good and with integrity and trust. Help us to remember that. Help us to seek and to find Your will and to lift up and support one another as we work together in this sacred work of governance. Help us listen to each other with kindness and with the benefit of the doubt and to listen for what binds us together more than what separates us or pulls us apart.

As we seek Your guidance this day, let us listen to the words of one of Your great prophets:
With what shall I come before the Lord, and bow myself before God on high? He has told you, O mortal, what is good. And what does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God?

With these words in our minds, lead us to be a people who both love justice and mix that with kindness, humility, and compassion. Lead us to be a people who create systems of kindness that treat the least among us with dignity and respect.

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Finally, since it is too small a thing for us to be simply caring for ourselves, help us to remember that you call us to be a light to the nations and to build a country and society that is a sanctuary for all our citizens, great and small, where all maybe find safety, health, fellowship, and authentic community.

We ask your blessings upon all who are gathered here in this room this day, upon our families and all whom we love and cherish in our homes and in our communities. Send us forth from this place under the banner of Your love, grace, peace, and protection.

We ask this to Your holy and awesome name. Amen.

THE CHAIR:

Thank you.

Senator Stillman, would you come up and lead us in the pledge?

SENATOR STILLMAN:

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

THE CHAIR:

Are there any points of personal privilege or

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announcements? Any points of personal privilege or announcements?

If not, Senator Looney.

SENATOR LOONEY:

Good afternoon, Mr. President.

THE CHAIR:

Good afternoon, Senator.

SENATOR LOONEY:

It's good to see you up there, once again.

THE CHAIR:

Thank you, sir.

SENATOR LOONEY:

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 Agenda Number 1, dated Friday, April 30, 2010, copies of which have been distributed.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

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Mr.. President, I move all items on Senate Agenda Number 1, dated Friday, April 30, 2010, to be acted upon as indicated and that the agenda be incorporated by reference into the Senate Journal and the Senate Transcript.

THE CHAIR:

Without objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, thank you.

Mr. President, would move also for immediate transmittal of all items acted upon yesterday requiring additional action in the House of Representatives --

THE CHAIR:

Is there --

SENATOR LOONEY:

-- if they have not already been transferred.

THE CHAIR:

Thank you, Senator.

Is there objection? If no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, would have two items to mark as

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orders of the day, Numbered 1 and 2. We will then be marking additional items, thereafter. The first item, Mr. President, is Calendar page 9, Calendar 422, Senate Bill Number 438, AN ACT CONCERNING CHARTER SCHOOLS. That should be called as the first item of the day -- first order of the day.

Second, Mr. President, appears on Calendar page 10, Calendar 432, Senate Bill Number 25, AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS AND OTHER PURPOSES.

Thank, you, Mr. President.

THE CHAIR:

Thank you, Senator Looney.

Mr. Clerk.

THE CLERK:

Calling from Senate Calendar for Friday, April 30, 2010, favorable reports, Calendar page 9.

THE CHAIR:

Senator Gaffey.

THE CLERK:

Calendar Number 422, File Number 593, substitute
for Senate Bill 438, AN ACT CONCERNING CHARTER SCHOOLS. Favorable report of the Committee on Education and Appropriations.

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THE CHAIR:

Thank you, Mr. Clerk.

And now, Senator Gaffey.

SENATOR GAFFEY:

Good afternoon, Mr. President.

THE CHAIR:

Good afternoon, Senator.

SENATOR GAFFEY:

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

THE CHAIR:

On acceptance, the passage or remark, sir.

SENATOR GAFFEY:

Thank you, Mr. President.

The Clerk is in possession of Amendment LCO Number 4726. If the Clerk would please call the amendment and I be granted leave of the chamber to summarize.

THE CHAIR:

Mr. Clerk, would you please call LCO 4726?

THE CLERK:

LCO 4726, which will be designated Senate Amendment Schedule A is offered by Senator Gaffey of the 13th District.

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THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Move -- I move adoption, Mr. President.

THE CHAIR:

On adoption, will you remark further?

SENATOR GAFFEY:

Yes, Mr. President. Thank you.

Mr. President, and members of the Senate, the amendment is a strike-all amendment. The amendment becomes the bill. What this amendment focuses on is changes to our education statutes to respond to the -- to the criteria in the application for federal funding for education, the so-called "Race to the Top" program of President Barack Obama's Administration.

Mr. President, the State of Connecticut submitted an application in Round 1 of Race to the Top. We wound up in the middle of the pack of the states that submitted applications. We had total points on our application of 344.6 out of 500. The State of Tennessee, who was the winner of the first Round, had 443.4 points. Delaware had come in second; they had 433 points. So we are just about 100 points from being in the winner's circle on the Race to the Top.

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The State of Tennessee was granted one-half a billion dollars from the federal government in this Race to the Top program. The State of Delaware received \$100 million. So, Mr. President, and members of the Senate, the money that's associated with the Race to the Top challenge is quite significant, even more significant for us here in Connecticut and most states around the nation because of the economy and the slow economy's impact on our revenues. We can greatly use this money for our education system, Mr. President.

There's another round of Race to the Top, and that round commences with the applications that are due June 1st. We received quite a bit of guidance and an education in analyzing the comments on our Round 1 application, and we know what changes that we have to make in our statutes to be successful in Round 2.

Mr. President, when the news came out that we were not in the final 16 states in Round 1, I was quite upset by that. And that day I got on the phone and I called Commissioner Mark McQuillan, and I told him that I'd like to convene a group of stakeholders, including himself and his staff, to sit down and grind out what we needed to do as a General Assembly, as the

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State of Connecticut, to change our laws so that we were better suited to win in Round 2. That day and the day after, I called many of the stakeholders, and I was happy that they all agreed to participate. So for the last seven weeks, Mr. President, we have sat in a room and hammered out a consensus that is represented in the amendment before the Chamber right now.

Now, the folks who participated in these negotiations, the "working group," as I call them, they typically don't agree on many issues. We had the Commissioner, Mark McQuillan. We had his staff lawyer, Jen Wildness, who sat in for the Commissioner from time to time. We had John Yrchik, from the Connecticut Education Association, and Sharon Palmer from the Federation of Teachers, who was assisted by Jenifer Berigan. We had Alex Johnston from ConnCAN, and he was assisted by Jessica Stram; ConnCAN are the charter school people. And we also had Roch Girard from the Administrators' Union, and Representative Doug McCrory represented the Black and Hispanic Caucus on this working group. So it was a very diverse group of people, particularly in the opinions and beliefs that they hold with regard to public education.

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And, Mr. President, I have to just take a moment and thank my House Co Chair. This was a grueling process, and Representative Andrew Fleischmann has gone through another grueling process of his own for the past several months. And I think the world of him because of his steadfast commitment to this job of legislating, even when he wasn't feeling well. And he's back on his feet; he's got a bounce to his step; he's looking good, and we're very, very excited that his health is back on track. But he attended every meeting, even when he wasn't feeling well at times. And I just want to point that out because, in my view, Andy Fleischmann is one of the most courageous people I know, having dealt what he's had to deal with and -- and participate in these meeting for hours upon hours and contribute and do an excellent job.

So, Mr. President, we met for seven weeks and hammered out this consensus. Nobody walked away from the table completely happy or satisfied with what the bill now will contain. And usually when that happens, you've done the job of drawing the consensus.

As I speak, other states are dropping out of the race, Indiana, Kansas. Massachusetts is in trouble because their teachers have withdrawn their support.

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And Cal -- Colorado, and Louisiana have the exact same problem.

This bill gives Connecticut the kick we need to sprint to the finish line and lean for the tape to win in Round 2. It is the product of a number of bills that the Education Committee had public hearings on and those seven weeks of hard negotiations. It was a collaborative effort, and I want to thank each and every one of those members that participated, particularly Joe Cirsuolo, from the Connecticut Association of Public School Superintendents.

Joe was the Superintendent of Wallingford Public School District for quite a long time, and Joe was invaluable in this process. He is extremely learned in the education field, and he always at the right opportunity would raise his pen to be recognized, as he does all the time, and would make a point that would help us get the -- the conversation back on track and ultimately reach consensus. I -- I would really like to thank Joe Cirsuolo for his efforts.

Now to the content, Mr. President, of the amendment. There's a point system that I referred to earlier, on Race to the Top. These applications are judged by learned educators who look at every single

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part of the application and grade the application. Section 1 of this amendment has to do with an alternative route to certification for school administrators. Members of the Senate may remember that just last year we passed a teacher certification bill, and we've done alternative routes to certification for teachers. We now will do an alternative route for certification for administrators.

Connecticut, in the first round received a hundred -- I'm sorry -- received 95.2 points out of 138 points. So we have 43 points to make up. We knew we needed to change our statutes relative to allowing teachers to become administrators on a faster track process. We do that in this bill. This bill requires the State Department of Education to review and approve proposals for school administrator alternative route certification programs according to the criteria in the bill. This will provide us with the principals and vice principals that we need to lead our schools.

Mr. President, Section 3 has an expanded public school information system. Connecticut in the first round won 29 points out of a total of 47 points. What this will do, Mr. President, is track and report to

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the state the performance growth, the academic performance growth of our students and our teachers in our schools. We have a unique identifier system for each student in the State of Connecticut in a database right now. This bill will have a unique identifier for teachers. So while we track the students' academic growth, we now are also going to track teacher data, teacher credentials such as their degrees, teacher assessments as to whether a teacher is considered highly qualified under the federal No Child Left Behind Act or meets any other designations established by federal law to measure the equitable distribution of instructional staff. That was a key point in the comments that we read, that we need to prove that we are going to have a method of insuring that we have equitable distribution of instructional staff.

We also want to look at the presence of substitute teachers in a teacher's classroom, how often did -- did -- was there a need for a substitute teacher. The class size is a critical component when you're analyzing what's going on in a school, if there's -- if the classes are too crowded. Look at the teacher's absenteeism. Look at whether there is a

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teacher aide present or not. This is the type of data that we're going to track that will provide context to what is actually going on in a particular classroom, in a particular school.

This bill will not just rely upon test data. Assessment data is critical but it is not the be-all, end-all in understanding the performance of teachers in a classroom and the performance of a whole school. You have to consider the context, some of which I just mentioned, when you're looking at the performance of teachers and the schools.

Mr. President, for the first time, teachers will be evaluated under this bill, pursuant to the academic growth of the student, and the teacher evaluations will have to address the teachers' strengths, the areas needing improvement, and improvement strategy. And now this bill has the requirement that evaluations also address the academic growth of the teachers' student. The bill requires the State Board of Education, by July 1, 2013, and in consultation with a Performance Evaluation Advisory Council that the bill establishes, to develop model teacher evaluation program guidelines.

Section 6 of the bill establishes innovation

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schools, Mr. President, and these will be new schools in Connecticut that operate under an innovation plan which articulates area of autonomy and flexibility in curriculum, budget, school schedule, calendar, staffing policies and procedures, professional development, waivers from -- well, waivers from or modifications to union contracts.

The members of the Senate may recall that just last fall there was an agreement in principle established between the teachers' union in the City of New Haven and Mayor DeStefano to do just what I'm talking about, having autonomy and flexibility in a -- in a compact school that will have different hours the teachers will work, different waivers or modifications to the contract. And this is another area where the federal government is looking for districts to be flexible and insuring ways to improve student achievement.

The bill enhances also, Mr. President, the State Boards of Education's authority to replace a Board of Education if, in fact, after being designated as a low-achieving district fails for two consecutive years to make adequate progress towards meeting the requirements. Current law requires the Commissioner

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of Education to come and seek a vote of the Legislature to be able to do this. This bill changes that and empowers the Commissioner of Education when, in fact, we have a consistently failing school district to go in and make changes to the Board of Education.

It allows -- the bill allows employment of retired teachers, expands the opportunities for a school district to reemploy retired teachers who are collecting pensions from the teachers' retirement system, and it also allow any certified teacher or administrator employed in a local or regional board of education in a priority school district, which are the poorest school districts in the State of Connecticut, and who previously had tenure with another board of education in this state in or another state to attain tenure after ten months of employment in the priority school district, rather than the currently required 20 months. This is an incentive to attract teachers to our priority schools districts, again, our poorest school districts in Connecticut.

The bill eliminates the requirement, Mr. President, currently in law, that when the State Board of Education issues charters for state and local

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charter schools, they do so only within available appropriations. It allows the State Board of Education to approve and issue charters to applicants that meet the statutory requirements without taking the state application for -- I'm sorry -- the state appropriation for operating charter schools into consideration.

The bill requires the State Board of Ed to waive enrollment limits for state charter schools that demonstrate a record of student achievement. The enrollment caps in our statute, that is another area where we had to get agreement to be able to waive those so that we can expand access to our charter schools. That was another issue in the application and in their criteria that the Obama administration was looking at, clearly that they wanted more opportunity or they didn't -- I'm sorry -- they didn't want states to have restrictions on -- on charter schools. So we made this change also.

It also, in the bill, Mr. President, makes the Charter School Facility Grant Program current. It was only available in -- during FY '08 and Fiscal Year '09. This will make that grant program permanent for the charter schools. That grant helps the charter

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schools build, buy, replace or carry out major alterations to facilities, replace windows, doors, boilers, and other heating and ventilation system components. So that will be a big assist to the -- to charter schools.

Mr. President, the bill also tackles the issue of secondary school reform. We passed secondary school reform in this Senate last session. Unfortunately, the House ran out of time. This is a critical part of the application, and it's even more important than the application, it's more -- it's critical to the State of Connecticut. What we do with the secondary school reform is we increase the rigor of the curriculum in high school. We increase the requirements on mathematics and science and technology and foreign language. If our students are going to be prepared to work in a global economy, we have to make sure our students here in Connecticut are better prepared, particularly in the sciences and in mathematics.

Mr. President, that concludes, except for -- I'm sorry -- one more section, the last section of the bill. There's been quite a bit of communication and discussion and some would say consternation over the issue of in-school suspensions. While the Connecticut

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Association of Public Schools Superintendents actually came out in support of the current law going into effect July 1, they changed their position that this was really not as big a deal as it was thought to be. And there position is that the current law should go into effect July 1. Connecticut Association of Boards of Education was still a little bit uncomfortable, so we worked out some language that changes the in-school suspension law.

I want to point out to the members of the Senate, even the current statute gives school districts a very wide berth as far as making the determination of which students should be excluded from school in an out-of-school suspension and which students should remain in in-school suspension. The -- the committee over the years has -- has heard hours of testimony with regard to students who were being sent for out-of-school suspensions just because of a school policy rule issue. They were wearing sandals or they had a baseball cap on or one student walked in with an iPod. Just, you know, rules that are -- important to have rules -- but in our mind not that egregious, by any stretch of the imagination, to send a child home from school.

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And I want to point out that we had an informational hearing, three -- three Fridays ago, three weeks from today, actually, and we had testimony from Cromwell, from East Hartford, from the School Superintendents' Association and overwhelming testimony as to the need for in-school suspension. And I know people were throwing some cost figures out of what the impact of this law would be at the school districts, although no one was ever able to verify any cost estimates to the committee.

The fact of the matter is there are programs that have been up and running now for a couple of years that are working very, very well. Berlin High School, Cromwell High School, my school district does it. East Hartford has a great program. There's a number of school districts who are doing -- that are doing this and doing it well. But we added some language to make it even a little bit more flexible for the districts when they're making their determination of a student who would be serving an out-of-school suspension or a student that they would decide would be serving an in-school suspension.

Mr. President, that concludes my -- my outline of the bill and would appreciate the Chamber's support of

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the amendment.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, very much, Mr. President.

If I may, through you, Mr. President, I'm going to have some questions for the proponent of the bill.

THE CHAIR:

Senator Gaffey.

SENATOR CALIGIURI:

I'm sorry --

THE CHAIR:

Senator --

SENATOR CALIGIURI:

-- Mr. President.

THE CHAIR:

Senator Caligiuri is (inaudible).

SENATOR CALIGIURI:

(Inaudible.)

THE CHAIR:

The Ranking Member is going to ask some questions.

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SENATOR CALIGIURI:

Thank

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank -- no, not at all. Thank you,
Mr. President, and thanks, Senator Gaffey.

First of all, I rise ultimately in support of this amendment, which will become the underlying bill. And to the point that Senator Gaffey made earlier, this does really represent the work of a real collaboration, and it was a pleasure to have an opportunity; at the invitation of Senator Gaffey and Representative Fleischmann, to be a part of this along with my counterpart in the House of Representatives. And I know that every effort was made in order to make this as collaborative an effort as humanly possible. And as Senator Gaffey indicated, getting agreement and consensus on an issue as important but detailed as this can be very difficult to do.

As I study the amendment before us, it -- it occurs to me that this represents the compilation of -- of five separate bills that we adopted separately, and in the case of four of them, unanimously at the

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Education Committee. And only with the exception of the Secondary School Reform Bill were there any dissenting votes, if memory serves. So I think that the work product that's in front of us is something that represents a work product that in its individual pieces at the Education Committee, most if not all of us agreed with in large part.

When I look at some of the differences, though, between the amendment before us and what was adopted in the Education Committee, I'm focussed in particular on the teacher performance aspects of the bills. And Sections 3, 4, and 5 of the amendment before us, I believe corresponds to what had been Senate Bill 440, which was adopted unanimously in the Education Committee. And as we were trying to compare the changes that were made to what was originally adopted unanimously, I noticed a few changes. And because ultimately what we're trying to do is not only improve education in Connecticut -- and I believe this bill does that -- but also to make sure that we maximize our opportunity to successfully compete for Race to the Top dollars, I have a question about some of the changes that had been made in the amendment before us.

And in I may, through you, Mr. President, draw

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Senator Gaffey's attention to Lines 230 through 231 of the amendment that's before us, the that language talks about the evaluation that is required to be made, as laid out earlier in Section 4 of the bill, and talks about student performance and, quote, multiple indicators of student academic growth as being one of the factors that considered in student performance -- or a teacher performance.

When I compare that to what was originally adopted in the Education Committee, the language that we used at that point was focussed not on multiple indicators of student academic growth but on academic growth of such teachers, students, without any reference to multiple indicators.

And my first question to Senator Gaffey, through you, Mr. President, is does this represent in Senator Gaffey's judgment a weakening of the standards that were first adopted in the Education Committee bill in Section -- in Senate Bill 440? Through you, Mr. President.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President.

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And thank you, Senator Caligiuri. The answer is no. And the answer is no because you have to understand the context of what's going on in a classroom beyond -- behind and beyond the test data; you have to understand what's the class size, what's the -- what's the educational attainment level of the students' parents. There's a lot of issues that go on behind the scenes of test data.

The -- Fred -- Fred Carstensen, the professor up at UConn, he wrote a lengthy article about this, that looking at just simple, raw numbers of test data that basically has -- is a snapshot in time doesn't -- is not a fair way to evaluate teachers, and you have to include the context of what's going on, also, in the classroom to be able to have a fair evaluation of teachers. And, of course, we formed the Performance Advisory Council, which will consist of teachers and administrators and parents to -- to determine what the -- how the program should work. But the answer to the question is no. I do not believe this weakens the bill at all.

And I will also point out that while we were on deadline at the committee, we decided to move that bill forward, the bill that Senator Caligiuri referred

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to. But like many committees in the Legislature, when we're on deadline and we really just don't have the time, particularly in the short session to get in and negotiate the details of the bill, we move the bill on knowing that there will be negotiations, there will be work done on that bill. And in this case, we knew that we were going to be combining a lot of bills into one bill that would be our so-called "Race to the Top" bill. So that is why that bill was reported out unanimously. It's not because everyone was in love with that bill, certainly, because there were a lot of people who opposed it, but we felt that it was important to move it out as a point of reference in our negotiations and language in there that we would need to include in the bill that's -- the amendment that's before us now. Through you, Mr. President.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, very much, Mr. President, and I thank Senator Gaffey for that response.

Along the same lines, there is another section of the bill that had talked about model teacher evaluation programs -- this is the bill that was

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adopted in the Education Committee -- incorporating the use of data and indicators on student academic growth as a, quote, significant factor in rating teacher performance. And I'm focussing in particular on the words "significant factor," because when I look at the current amendment before us in that language when we're talking about the model teacher evaluation guidelines incorporating the use of data and indicators on student academic growth, the amendment before us eliminates the reference to this data as being a, quote, significant factor in rating teacher performance.

And my question, through you, Mr. President, to Senator Gaffey is why did we delete the reference to this data as being a significant factor and does Senator Gaffey believe this will in any way harm our application to the federal government? Through you, Mr. President.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Through you, Mr. President, the answer, again, sir, is -- is no. The Performance Evaluation Advisory Council in Section 5 will make a determination of what

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the significant factor means. So we felt -- the group felt and, again, not everybody was in agreement. I mean, when you're trying to form consensus on a major bill, as I said, people walked away from the room on the last day; I mean, basically everybody was unhappy for some thing or another, as it related to the bill. But in this component, it was decided that the -- the best way to tackle that issue was to have the Performance Evaluation Advisory Councils determine that. Through you, Mr. President.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. I thank Senator Gaffey.

I will have some additional questions, I believe, and we may be offering an amendment later in the process, but at the moment, I will -- I will not have any further questions at the moment for Senator Gaffey.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark

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further?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. And if I may, through you, just a couple of questions to Senator Gaffey.

THE CHAIR:

Senator Gaffey, please prepare yourself.

Senator Roraback, okay.

SENATOR RORABACK:

Thank you, Mr. President. Actually, Mr. President, I will allow for a vote on the amendment before I go forward with some question, if I may. Thank you.

False alarm for Senator Gaffey; thank you.

THE CHAIR:

Okay. Thank you, Senator Roraback.

Will you remark further? Will you remark further?

If not, I'll try your minds. All those in favor of Senate Amendment A, please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

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All those opposed, nay.

The ayes have it. Senate A is adopted.

Will you remark further on the bill as amended?

Senator Meyer.

SENATOR MEYER:

This is really a historical moment. If you put this in the history of school policy and school governance and you look back ten years ago, you would never have seen a bill like this. You would never have seen the kind of remarks that Senator Gaffey just made. Teacher -- measuring teacher performance, increase in charter schools, high school reform, in the United States 10, 50 years ago, that was not the direction we were going in. The teachers' union, the superintendents, and elected officials, particularly Democratic elected officials were driving us toward the improvement of the public schools. Every human and financial resource went into the public schools and -- and teachers were never being measured by the outcomes of their students because that would be unfair to teachers. This is a revolution in so many ways from 10 years ago, what's happening today and what Senator Gaffey just told us.

I remember a conversation I had, in about 1990,

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with a great teacher leader, Al Shanker, and we were discussing measuring teacher performance by . by their students' performance. And he said, we have to do it but don't ever quote me on this. Don't ever quote me, he said. I -- we're not -- we're not there yet. It would -- it would hurt my ability within the teachers' union, within the American Federation of Teachers, which he headed at that time.

So today, because of a confluence of events, we are in a revolution as this bill represents. The public schools have -- have not done as well as we expected them to do. We've had an enormous achievement gap, not just in Connecticut but in many, many parts of the country you've had this kind of an achievement gap between the urban students and the suburban students. And often the urban students' achievement problems are allied with rural students' achievement problems. And we realize that the -- the public school system has not always worked as well as we hoped.

For the last ten years there have been some lone voices calling for a major increase in the charter schools, independent schools, and what these -- what this bill calls the "innovation schools." We're now

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there. That -- that sun has really set on that new movement and recognition that education for our children, for our grandchildren is something greater than the way we've done it in the past.

I -- I had lunch today with Marian Wright Edelman. You remember her; she's director of the children's fund in Washington, DC and actually a Representative of the District of Columbia in the Congress of the United States. And we had a chance at lunch to talk about the charter school movement, which she, like me, ten years ago would have strongly opposed. She said two things at lunch today about charter schools. She said, first, remember charter schools are public schools. And the second thing she said is that charter schools are an important part of the answer.

When we look at a great charter school in New Haven like the Amistad School, we know she's right. And I just urge enthusiastic support of this bill. It's going into the future in the best direction for our state and for the country.

Thanks, Mr. President.

THE CHAIR:

Thank you, Senator.

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Will you remark further?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. And this time I would ask Senate Gaffey to prepare himself for a longer exchange than we enjoyed in the last time out. If I may, through you, Mr. President a -- a question --

THE CHAIR:

All right.

SENATOR RORABACK:

-- through to Senator Gaffey.

THE CHAIR:

Senator Gaffey.

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

Through you, to Senator Gaffey, I -- I don't now serve on the Education Committee, but I once had the pleasure of serving on that committee and I retain an abiding interest in participating in Connecticut's forward march in the -- in the area of education. And taking a global look at this issue in the context of what's taking place in Washington, Mr. President, and through you to Senator Gaffey, I'm wondering if

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Senator Gaffey might explain to the circle how he would have drafted this bill if its sole purpose were to give Connecticut the greatest possible chance to secure federal funding in the Second Round of the Race to the Top competition? And -- and I'm not -- I'm looking in -- in broad strokes, what areas of the bill might be different; how might they be different, and why might they be different?

THE CHAIR:

Senator Gaffey.

SENATOR RORABACK:

Through you, Mr. President, to Senator Gaffey.

SENATOR GAFFEY:

Through you, Mr. President, I can honestly say I would have drafted it just like this. There is -- there are a lot of good exchanges with regard to each section of this bill. And as Representative Fleischmann and I sat at a table and acted more like referees sometimes and then as a judge, I could tell you honestly that this bill, the way it's drafted is how I -- well, how I ultimately would have come down in drafting the bill. Through you, Mr. President.

THE CHAIR:

Senator Roraback.

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SENATOR RORABACK:

Thank you, Mr. President. And -- and I appreciate Senator Gaffey's answer. I guess what I'm taking from it is that Senator Gaffey is saying is if he had been sent to a corner room and said don't come out until you've drafted a bill which positions Connecticut to make the strongest possible application for Race to the Top funding, that what we have before us is very close if not identical to the product that he would have produced towards that end. Through you, Mr. President, to Senator Gaffey.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Through you, Mr. President, I was sent to the corner room first and I spent a lot of hours in there with a -- with a good group of people. And I, again, would say that my -- my ultimate draft would have looked very similar to what we have before us today, Senator. Through you, Mr. President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

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And by that I guess I'm -- I could or would it be fair for me to presume that Senate Gaffey therefore believes that the tone being set in Washington, the goals being articulated, the standards being advanced represent sound public policy, not only for us as a nation but for the State of Connecticut as a state? Mr. President, through you to -- to Senator Gaffey.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Through you, Mr. President, I believe the goals in Washington that have been articulated by Arne Duñcan, Secretary of Education and his staff, and what's being articulated here in Connecticut by Commissioner McQuillan and his staff and the Committee on Education in the General Assembly are all solid, public policy goals and solid public policy overall that will move this country ahead because it will produce a better-educated work -- workforce to keep us at the top of competition globally for many years to come. Through you, Mr. President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

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Thank you, Mr. President.

I -- I appreciate Senator Gaffey's answers. I appreciate the work that he's put into this bill. It's my sincere hope that this bill will put us at the top of the heap when it comes time for evaluations to be conducted for the second round of funding for Race to the Top. And I'm grateful for the education that Senator Gaffey has provided me.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President.

Mr. President, through you, I'd like to ask Senator Gaffey a couple of questions.

THE CHAIR:

Thank you.

Senator Gaffey, please prepare yourself.

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President.

Senator Gaffey, as I came into the chamber, I

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heard you talking about teachers will be judged by the accomplishments of the kids in their classes. I'd like to ask you if there are teachers in the urban -- so there are teachers in the urban areas teaching high school kids, you know, it's a lot more difficult to teach under those circumstances with kids who, you know, have been disadvantaged and are having a hard time staying in school as it is. Is there any provision in your bill to help teachers overcome the difficulties that the students are dealing with in their own, personal lives and they bring some of those problems with them into the classroom?

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President.

Through you, sir, to Senator Prague. Thank you for that question, Senator Prague because you -- you've hit on an issue, a very good issue, and that is the challenge that our teachers in urban areas have every, single day. I -- I doubt many of us -- now, you're a former teacher -- I doubt many of us would have the patience and the perseverance to be able to do that job, day in and day out. The bill does have

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context, as I talked about before, behind -- beyond just assessment data. So beyond the Connecticut Mastery Test and the scores that the students receive on those tests, there'll be other methods for assessing student academic growth and a consideration of certain factors that will be tracked, including student mobility. There are many urban districts that have transient -- transient students; students are in and out of the system. Sometimes within the year, they are in and out of the system. You have to consider that. So we will look at student mobility, and we will look at other issues such as what's the class size. We'll look at what is the educational attainment level in a home; what's the language spoken in the home; is there a language barrier; different types of impediments that students may have. Not -- not any fault of their own, but certainly they occur.

I have -- I'm fond of saying there's law and then there's reality. The reality in a classroom in Hartford, Connecticut or Meriden, Connecticut or New Britain, Connecticut or any of our urban areas is that this is a very, very difficult job because some of the students, some of these kids, they come to school with personal baggage, no fault of their own, but it has an

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absolute nexus to tracking their academic performance and progress and cannot be ignored. And that's what Professor Carstensen up at UConn urged in the paper that he wrote. Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Well, Mr. President, I'm glad to hear that these difficult situations will be dealt with, I'm assuming, on a one-to-one basis, a teacher who has a difficult classroom is teaching in -- under difficult circumstances will be judged accordingly, that it doesn't make her a bad teacher if the kids aren't accomplishing as much as maybe the principal thinks they ought to be.

I'm sort of standing in defense of teachers. I have a daughter who's a teacher. I'm a former teacher. I just wanted to make sure -- and I know that the accomplishment of kids is critically important -- I just wanted to make sure that some of the circumstances under which kids come to the classroom is taken into consideration.

Thank you. And through you, thank you, Senator Gaffey.

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THE CHAIR:

Thank you, Senator.

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Mr. President, great to see you up there again this afternoon.

THE CHAIR:

Thank you, sir.

SENATOR KISSEL:

No questions to the good Chair of the Education Committee, but when it comes to educational issues, certainly I believe that I have some bona fides as well. A lot of my colleagues here in the circle probably don't realize this, but once upon a time I did attend UConn and graduated from the School of Education there and pursued a dual certification in Secondary Social Studies and English and actually had the pleasure of student teaching at Coventry High School before I changed my mind and then pursued a career in law.

And, indeed, right now I can tell you that my wife has decided to fulfill a dream, and she's in the process of going back to college. And it may take several years, and we understand that as a family, but

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her dream is to become a teacher, and so she is going back and she's taking these courses right now. And hopefully in four or five or six years, she'll have all the qualifications.

And, also, once upon a time, in the mid-1990s, I did serve on the Education Committee and had an opportunity to work with folks from the Connecticut Education Association and under interested parties in reforming some of our education laws in a very positive way, I believe, and I believe established a very good rapport with folks throughout the education community.

And, last, as Co-Chair of the Program of Review and Investigations Committee and as a member of that committee, not too long ago we helped make some great changes for new teachers in the State of Connecticut, moving away from an evaluation that was rather cumbersome with videotapes and -- and a lot of extra work to brand-new teachers to a mentoring system that I think is much more positive for the system of education that we have in the State of Connecticut.

I wanted to state those things on the record as a predicate, because it seems like everybody here is very positive about this bill, and unfortunately, I

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don't share that optimism, and -- and let me tell you why. It is not because I believe that Representative Fleischmann or Senator Gaffey or Senator Caligiuri have not worked hard on trying to make this the very best bill possible, it's because I have an inherent distrust of what comes down from -- or up, rather geographically from Washington, DC.

You know, there's an old saying, fool me once, shame on you, fool me twice, shame on me. Let's look at the history of educational policy emanating from Washington. Well, it wasn't that long ago that No Child Left Behind was passed by the federal government and I have to believe that that was never adequately funded, to this day. I haven't heard that anything has changed dramatically, and for years and years and years, as much as that was very aspirational and had good goals, there were problems with that federal policy in terms of testing requirements being superimposed on the State of Connecticut, and there's not an adequate amount of funding streams and revenues to go along with those requirements. It's a similar kind of situation that the towns look to us as a state in saying do not pass unfunded mandates.

I'd also like to believe that while we have

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strident requirements regarding Special Education in the State of Connecticut and much of that underpinned by federal laws and regulations, there has never in my mind been adequate funding for Special Education needs in the State of Connecticut. So Washington is great about setting policy, but I don't believe that they follow through on their promises.

So where does that leave us here with Race to the Top? I have spoken to some of my educational leaders, my town councils, my boards of selectmen and boards of finance in my communities, and they are concerned that we are going to put ourselves down a path where to try to get federal funds, we have to make a certain financial commitment ourselves. And they look to me and they say, Senator Kissel, you're not adequately funding us now and you want to pursue another, albeit excellent course to enhance our educational system, but if you're not paying for the commitments right now, how do you expect us to move down a path and take on more responsibilities with the promise that that will help -- hopefully be supplemented by federal funds?

And I've got to tell you that at this point in time, I don't believe it's in the best interest of the

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people of the State of Connecticut to consistently and continually be chasing Washington dollars. I have stated on debates regarding other bills that I believe our nation is overextended, borrowing, going into deficit, more in one year than in the previous eight, being beholden to countries like China and India and other countries that do not have our best national interest at heart. They have their own national interest at heart, and God forbid the day ever comes where they start calling in the loans. And I do read the news, whether it's on the Web or newspapers, magazines, television, radio, and there has been no lack, every couple of weeks, especially from China where it's either their finance minister or their foreign minister or their premier stating, America, you need to get your financial house in order.

Well, with all of that in the background, here we are chasing after dollars from the federal government with no guarantees that these applications are going to be successful. And what's at the end of the road? Delaware, a hundred million dollars; Tennessee, \$500 million.

But is this going to be similar to other programs, such as putting police officers on the beat

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in our cities such that yeah, we go, we do the hires, we get everything up and going and for a couple years it's great. And then the federal money then dwindles away and we have to make that stark decision; do we leave them on the beat or -- and may for that or do we take them off?

How I can go to my municipal leaders and say this is a great thing, we're going to start implementing these changes, Race to the Top, it's good for your -- our children, when we are not adequately funding education now?

I've talked about this with my friends and colleagues, and they've said this is really exciting, this is really important. And I try to tell them that in talking to my constituents and my -- and the folks that I serve in my district, they're not -- they're not engrossed in this stuff. They're concerned about the direction of Washington of a lot of new federal programs, but there's not dedicated resources in the long term, and they're saying what about the State of Connecticut right now?

I just had a town hall meeting in the Town of Suffield on Monday, and I had the charts and graphs in my hand. It's great to be talking about this right

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now, but those charts and graphs indicate a huge revenue short fall and continued spending increases. And we are unable at this time, for whatever reason, to get our arms around those difficult, difficult decisions. That hasn't changed. This doesn't change. By putting the financial obligations out a few years, and I -- you know, people have pushed back on me with things like the Bradley Development Zone, where I'm talking about a million dollars, and we've actually targeting funding, a funding pool where those -- that money can be found. There's no funding stream for the additional monies that are going to be involved with us as a state and in this process, because we had a similar bill in the Program Review and Investigations Committee, where I serve as Co-Chair, and where ultimately we voted it down. Why did we vote it down? We asked on the JF deadline day to communicate with the Department of Education and we said can our commitment as a state be predicated on the federal funding or do we have to put in motion a promise to do this program with no promise by the federal government that they will adequately fund it? And the word came down from the Department of Education, if you put in language in the bill before Program Review and

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Investigation that says the State of Connecticut will not go down this path regarding Race to the Top unless the federal government guarantees funding, it will fail. You will make an application that is destined to fail.

So let's think about that. What is the federal government asking us to do? Because they're -- they're being touted here, as an equal partner. Well, an equal partner says if I go halfway, you go halfway. I'm not seeing that here. What I'm seeing here is they're dangling a carrot in front of us and say come this way, come this way, promise you're going to do all of these things, X, Y, and Z, A, B, and, C. Don't say that you're going to back down. You make the commitment, State of Connecticut, and then we'll decide. We'll decide if you're in the top tier and then we'll decide how much money you get. That's not a fair bargaining position. Once burned, shame on you, second burned, shame on me. We've been down this path before with the federal government. I don't trust them. They're not bargaining with us in good faith, I don't believe.

It's typical and, indeed, we pass programs where we have incentives for communities to do certain

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things. I'm not saying there's a nefarious motive here. I'm not saying that they're not being completely up front. But what I'm saying is that they are pushing off their decision making and their responsibility, so we have no mechanism to hold them accountable, yet they are lording this money, the hope of this money over our heads to make sure that we comply with what they desire. And that would be okay if we had an escape hatch, if we could put in there we're not going to do this, federal government, unless you're an equal partner and you guarantee the funding stream. But that doesn't seem like that's the way it's going.

It seems that we have to make certain moves, put certain things in statute, proceed along a path where I believe we will get to a point where we cannot withdraw. There will be too many institutionalized changes in our educational system; teachers and students will have different expectations; all of that infrastructure change, the paradigm shifts will occur. And if at that time all of a sudden the federal government is in a financial predicament or if all of a sudden at that time they change their mind while we're in Round 4 or 5 of this application process and

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the money is reduced, we're on the hook. We are on the hook.

And now what do I tell my boards of education, my first selectmen, my boards of selectmen, my boards of finance, my town councils, my mayors? What do I tell them? Yes, we've done a miserable job in funding you for the last several years. Oh, we've helped maybe portions of the education budget sacrosanct, but we've been whacking you on the Mashantucket Pequot Fund. We've been whacking you on the Town Aid Road. We've been taking away so that ultimately -- and you know my town leaders have told me this, because I've talked to all of them -- don't say that you're protecting one area of the -- the state aid to towns where -- whereas you're reducing the other one, because we deal with the whole bushel basket of money. You could say that you're carving out this education component and keeping it sacrosanct, but if you're whacking us on all our other fund streams, we've got to make it up somehow. And so ultimately that does put pressure on the education side of the equation; right? It's the state and the towns. It's all of our funding to the municipalities. That's how they look at it and that's how I look at it. I have a concern about chasing

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money in Washington.

And I don't want to minimize the debate that we're having here this afternoon, but I recall this really sort of funny movie from 1963 called It's a Mad, Mad, Mad, Mad World. And in the beginning of that movie, Jimmy Durante is dying on the side of the road and he goes, There's this money under the big W. And then he dies and he kicks the can, and then he literally kicks the can and it rolls down the hill. And then the next one hour and two hours of the movie is these people doing anything and everything to try to find the "big W" and get that money, anything and everything. It just possesses them. Excuse me, Kevin.

Well, have we as states turned into those five couples that watched Jimmy Durante pass away knowing that there's \$350,000, which, by the way, I checked and in today's value, \$350,000 would be \$3.2 million; so that's what they were really going after, \$3.2 million. Would any of us want to do whatever we could if there was \$3.2 million buried under a big W in the Santa Rosita State Park in Southern California? We probably would. Would it be as crazy as that movie? Hopefully not. But it shows to what extent

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individuals would do in trying to get money.

And I think the federal government understands that states are in a bind right now. Our budgets are flowing with red ink. We have this yawning \$725 million deficit right now, and then around the corner is 3.2, 3.3, 3.4 -- I don't know what the exact number is going to land on -- but that's billions of dollars followed by another 3.2, 3.4 billions of dollars. And right now I'm hearing folks discussing borrowing another billion dollars and sending it out into the future, as if the future doesn't come. The future does come.

The most that I can do for my municipalities is allow them to plan. So at this point in time, despite the very great efforts made by all the stakeholders regarding the educational community, I appreciate the fact that they all got around the table, ironed out their differences, and that we are optimistic that we are going to apply for this funding and we're going to get it. And if you get it, that's great. We're all happy. But I'm not confident that Washington will be as responsive tomorrow as they appear to want to be today, and that is based upon a rational look-back over the years as to how we as a state have been

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treated historically on other education initiatives that Washington has felt are important, No Child Left Behind, Special Education, all of these other things where the funding appears for a few years and then disappears.

So at this time, my commitment is to my municipalities. I am not going to send you down another path with the promise that perhaps should we be a big winner, we will have enough funding to do these things from the federal government, because heretofore historically, that has not been the pattern.

And with that, Mr. President, I wanted to articulate that. I care very strongly about public education in the State of Connecticut. I think that we need to reshore up our commitment to what's in place right now before we go down a path where we don't know what the future holds, and it's going to commit more dollars that we're struggling to find right now for current programs as opposed to new and advanced programs. You know, let's -- let's get our house in order now before we start building another wing to it. And that's my position.

Thank you, very much, Mr. President.

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THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President.

Mr. President, just in response to Senator Kissel's comments on -- on the bill -- and I -- I appreciate, Senator, where you're coming from. As a student of Jefferson, I'm a believer in state rights also, but I have to point out that if it hadn't been for the Obama administration providing us with \$550 million, the municipalities who you care dearly about, as do all of us, would have been laying off thousands of teachers because that money was used to put into the ECS formula to distribute education dollars out to our school districts. And be it not for that, the school districts in the cities and towns would have been in for a world of hurt.

I agree with you, though, Senator Kissel, that it shouldn't just be about the money and it truly isn't. This bill is about good education policy; that's what this bill implements, very, very good education policy that will help our students in Connecticut achieve,

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will prepare them far better for a global economy and what they're going to have to compete in, in their race for a job some day. And that's why I believed in this bill.

I stood before this Senate last year and I took out the secondary school reform, and I was hesitant at first when the Commissioner brought that to me. But then when I looked at the data and I read the articles and I looked at other states and -- and what happened when they did a similar, secondary school reform and what it meant to the students in those states, I -- I became more and more convinced this is what we need to do as a state. This is what we need to do to help our students become better educated. So it's about the policy not the dollars. I'm -- I'm totally with you on that.

I appreciate the fact, though, that in enacting good education policy, which this bill does, that the State of Connecticut will have a chance to compete for the dollars that have been put forward by the Obama administration that certainly has been held out there to motivate states to change their laws and policies to better-off education overall throughout the nation, hopefully. So I -- I concur with your points, I just

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want to make sure that the folks back home don't have a misunderstanding that if we hadn't been the willing recipient of those dollars that the Governor put into the ECS formula -- formula in her budget for two years, we would have really been strapped here in the State of Connecticut.

I'll also agree with you, Senator, when you talked about Special Ed. Now, Special Ed is one of the largest -- before No Child Left Behind -- the largest federal mandate that's ever been handed down to us from Washington. But then, again, it's good public policy. There are kids that without Special Education would never be able to proceed through the ranks in school. It's good law.

Now, where they didn't treat us very well is when they promised us they were going to give us 50 percent of the funds and right now the State of Connecticut has about 7 percent, and we are left as a state to deal with that.

No Child Left Behind was an even bigger mandate. To require the State of Connecticut, which I would submit had an excellent testing program of testing in the 4th grade, 6th grade, and 8th grade, and then to go and have to now include the 3rd, the 5th, and the

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7th, and when we all knew -- those of us that look at this a lot -- that you're really not going to find much more out about how the kids are doing by adding those extra -- extra years. But, you know, they passed it, and unfortunately, I don't believe with all due deference to our friends down in Washington that the -- that they give as good a review of the legislation as we do here in the State of Connecticut in our various screening committees and bill review committees. It's a -- it's a big process down there that I think is largely staff driven.

But, you know, we're -- we're trying to make all of this work so that we have a better educational opportunity -- no, an excellent educational opportunity -- for all of the students in the State of Connecticut, and I think that in this case, it's worth doing. It's not about the money, it's about the policy. It's about helping kids do better in school, and I hope the Chamber will join with me and support the underlying bill.

Thank you, very much, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Bouch r.

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SENATOR BOUCHER:

Thank you, Mr. President.

Mr. President, I think that a very strong effort has been made this session to try to focus ourselves again on educational quality, and I am grateful that the Race to the Top has reenergized and focussed us on many important things that the State of Connecticut should and must do. I wish I could be as confident that this particular effort will get us closer to attaining the funds that are desperately needed here in a competition that's going out throughout the country.

Connecticut historically has been the state where education was its hallmark and what makes our Connecticut one of the best states to live and to work and why many of us actually even began our public service that led us to Hartford. Because so many of these advocates, including our Chairmans of the Education Committee and a couple of different commissioners that I've had the pleasure of working with -- and Governors -- worked on real ground-breaking legislation, things that required, for example, in Hartford for a period of time that required the arbitration process to consider the best

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interest of the child rather than other factors that they were considering in the past, things like reducing social promotion, reforming bilingual education, providing free preschool education for disadvantaged children, and really improving and toughening our standards and curriculum.

And in the late nineties and the early two hundreds, it was really a wonderful time to be an educational advocate in Connecticut because Connecticut was number one in the country. But we have fallen precipitously behind, not just one or two places, but over the few years, as many as ten places behind. And only in the last year or so have we tried to climb our way back.

And when we talk about the kind of barriers that our children have, there is no question that they do, children living in poverty, Special Education, and other barriers to success. But you have to remember that all of the other states we compete with also have those barriers, children in Mississippi and Arkansas and Alabama, and in Washington, DC; wherein Washington, DC they have made great strides in accountability. In fact, they've made it so far that they're actually paying teachers for performance.

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They're evaluating teachers. They're being allowed to move teachers out that are not performing and elevate teachers that are performing.

Now, we have to ask why we have fallen behind and why we have not yet made it to the Race to the Top and if, in fact, this reform package before us is going to get us further ahead. I think there is going to be a problem because in order to win that Race to the Top, it's not merely that we've reached a consensus with various groups, but more importantly, did we do any real reforms? And I'm afraid that this bill does not get us there.

I am concerned about that, and yet I think our neighboring State of New York and others -- and although we have put in some good portions, and I -- I must say there's good news in this package, as well, which will probably lead me to actually support this bill because we do improve our standards. We do include certain higher requirements for graduation in the sciences, in the mathematical area, in technology, and also in the arts, I might add. This is very good news.

And there's also some good news in there with regards to charter schools, where there does make an

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attempt to recognize the wonderful successes they are having. In fact, their successes are so good that they're expansion and their attraction is going to other states like New York where, in fact, they are looking at -- at growing 10 to 15 schools in New York City with the help of some of the great expertise that really developed and began right here in the State of Connecticut.

They're doing it because they don't have their hands tied in that state. And I would remark that our charter legislation has often been analyzed to be one of the most difficult ones to work within in any of the states in the country. We have a lot of -- of barriers to actual flexibility to be able to function independently in -- in our charter schools.

So, as I said, I think that we have made some good moves in this particular bill, some that can be highly supported, even if the funding stream is not certain, as it's obvious here. I am incredibly concerned that the real reforms that they are seeking nationally are just not there. We just couldn't get there. And there are vested interests that work so hard at -- at keeping the status quo here that we can't seem to -- to get beyond that for the sake of

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our children, for the sake of our education, to catapult us back to what has been our hallmark, and that is Connecticut being the education state not just in our higher education but in our elementary schools throughout the State of Connecticut.

So I stand and support a good portion of what we tried to do here. I am disappointed with a lot of other aspects to this. I am hoping that we will have some good ideas that will come forward that will help to address those particular important areas that should be addressed, and maybe -- maybe we can just do that right here in the Senate.

Thank you, Mr. President.

THE PRESIDENT IN THE CHAIR

THE CHAIR:

Thank you, ma'am.

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, very much, Mr. President.

Mr. President, good afternoon.

THE CHAIR:

Good afternoon, sir.

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SENATOR CALIGIURI:

And I rise for purposes of an amendment.

THE CHAIR:

Please proceed, sir.

SENATOR CALIGIURI:

Thank you, Mr. President.

Mr. President, the Clerk is in possession of Amendment LCO Number 4634. I would ask that the Clerk call the amendment and that I be given leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 4634 to be designated Senate Amendment Schedule B. It's offered by Senator Roraback of the 30th, et al.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. I move adoption.

THE CHAIR:

Please proceed, sir.

SENATOR CALIGIURI:

Thank you. And I would request a roll call vote,

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also.

THE CHAIR:

Roll call vote will be ordered, sir.

SENATOR CALIGIURI:

Thank you, very much, Mr. President.

Mr. President, going back to a number of points that were made during the course of the discussion on the bill and to an exchange that Senator Gaffey and I were having, really, to cut to the heart of it, what the amendment does is restore to Sections 3, 4, and 5 of the bill before us today language that was in Senate Bill 440 that was adopted unanimously by the Education Committee, some weeks ago.

And the reason that we believe, those of us who support the amendment that this is worthy of the circle's support is because we believe it strengthens our education policy both as a matter of policy and also for purposes of the Race to the Top application.

Senator Gaffey and Senator Kissel had a very good exchange about is this about the money that the state is seeking from the federal government; is it about education policy. What I took from their excellent exchange is that it's really about both. As a practical matter, part of what we're trying to

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accomplish with this bill is to be as competitive as we possibly can be as a state for purposes of the Race to the Top application. But as a matter of policy, we're also seeking to improve our education policy in a number of ways. I believe the amendment before us advances both of those causes.

The real heart of what we're trying to accomplish with this amendment is to go back to the prior language where we made academic growth of students as closely linked to teacher evaluations and teacher performance as we possibly can. I believe, and the supporters of this amendment believe that the language that was originally in Senate Bill 440 links more closely teacher performance to growth in academic performance on the part of our students. We believe that that is right for us, both in terms of strengthening our application, because we believe this will allow the state to have a stronger application in terms of the number of points we might earn and overall for purposes of Race to the Top. But, also, even if it weren't about the money, this is also an advancement and an improvement as a matter of education policy, because I suspect, and notwithstanding the fact that the devil are always in

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the details, that ultimately what we're trying to do in strengthening teacher evaluations is to do it in a way that not only enhances their own career but most importantly improves their performance as the teacher of our children, knowing full well that that's ultimately what our school system is about.

And so I believe that the original language in Senate Bill 440, that was approved in the Education Committee, was clearer and more precise and I think tighter as it related to the very important policy of teaching or of tying teacher evaluations to student academic performance. And in its essence, that's what we were trying to achieve with the amendment that is before us at this moment, Mr. President. And for those reasons, I would urge adoption and would encourage everyone in the circle to support it.

THE CHAIR:

Thank you, sir.

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President; good to see you today.

THE CHAIR:

It's good to be seen, sir.

SENATOR GAFFEY:

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Thank you, sir.

Mr. President, I rise to oppose the amendment that my friend Senator Caligiuri has offered to the Chamber. And I rise to oppose it because the amendment, although Senator Caligiuri is correct, is identical to the bill that we passed out of the Education Committee unanimously. As I referred to before, that bill was a work in progress. That bill was not going to be the final bill. We moved out the vehicle because we knew we were going to be taking that bill as well as five other bills and taking language from those bills to put into the bill that's before us today.

I might also add that the bill that came out of Education unanimously failed in the Appropriations Committee. But be that as it may, the reason I oppose the amendment is because the amendment is less detailed with regard to the type of data that we provide in the underlying bill as amended, the detail I talked about prior the context of what's going on in the classroom.

I mentioned that Professor Fred Carstensen had recently published an article and wrote on this. And this article came out about a month ago, and when I

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read it, I became convinced that he was right. And what he wrote, Mr. President, and I quote him, There are an awful lot of things about school organization and the context in which teachers function to know. You just can't look at student progress and say the teacher is at fault or the teacher deserves credit. He said that's just ridiculous. He added, quote, How do you measure a teacher when 50 percent of the students change during the year? He said a meaningful system ought to include a wide array of data, beginning with the students' earlier contact with the educational system. This underlying bill does that. This underlying bill tracks the mobility of students, so we know how transient is the student population.

The amendment that my friend Senator Caligiuri has offered does not include that, the family characteristics, the absenteeism, the class size, disciplinary issues, turnover of teachers and students. I mean, this is the type -- these are the type of issues that you have to include in your data in order to have context behind what the test score data shows. You have to understand that there are other things going on in the classroom besides just what the students score on a -- a test that's given

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once a year.

This bill, I'll also point out, it goes into effect one year earlier, so you'd have the cost far earlier that you have to deal with, I believe, in the biennium. And I also point out that this amendment allows for the evaluation to rely solely upon the tests that are given once a year. And I don't think that that's fair. I agree with Professor Carstensen up at UConn. I think that there's a far better way of doing it, and that way is included in the bill as amended. And so, Mr. President, I would ask that the -- the Chamber oppose the amendment before us.

Thank you, sir.

THE CHAIR:

Thank you, Senator Gaffey.

Senator Caligiuri, for second time.

SENATOR CALIGIURI:

Thank you, very much, Mr. President.

And -- and for the second time on the amendment, in response to my friend and colleague Senator Gaffey, just a few points. I understand his point of view but I disagree, respectfully. You know, the -- the amendment before us is less detailed in terms of the data. But it's also more explicit in terms of the

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linkage, which is a term that was actually used in Senate Bill 440, between the data we're trying to achieve and school performance. And I think that was an advantage in the earlier language. But for the most part, I believe that Senator Gaffey's response really missed the heart of what I articulated as being the real reason why we believe this needs to be supported. It's not the data piece so much, it's the fact that the original language said and the language in the amendment before us is that student academic growth should be a significant factor in teacher evaluation.

And I don't disagree with the points that Senator Gaffey made about Section 3 of the bill, in effect, because that's what he was talking about in terms of the additional detail that's provided in the bill on the data, but that doesn't address the fact that when you get to the central question of how best to handle teacher evaluation, the wisdom of Senate Bill 440 is that we made it explicit, and we couldn't have made it any clearer, that student academic growth was going to be a significant factor in teacher evaluation. I can't think of a factor that would be more important for purposes of teacher evaluation than the academic

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performance of the children whom they teach.

And I don't believe, with respect to Senator Gaffey's earlier point, that anything in the amendment or in 440 said that it had to only be testing that would be the basis for making that decision. That's not what we're trying to achieve here. What we're trying to say is that when in the Education Committee we said as a matter of policy that student academic growth should be a significant factor in teacher evaluations, we got it right. And to take that language out, although not for malicious reasons or anything like that because we all care about achieving the same goal, I think notwithstanding, we're taking a step back.

We had a chance to articulate very, very clearly, as a matter of policy and, frankly, for purposes of advancing our application for Race to the Top, that we as a matter of policy were taking a stand and saying that academic growth on our students' part is a significant factor when considering teacher evaluations. That is a wonderfully clear and powerful statement of what I believe should be the right policy for us to advance as the State of Connecticut. And that's the reason why, when you cut through it all, I

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believe this amendment is worthy of our support.

And with that, I thank Senator Gaffey for a good exchange, and I thank you, Mr. President, for -- for the time.

THE CHAIR:

Thank you, sir.

Remark further on senate Amendment B?

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President.

I rise for comment and a few questions to the proponent of the amendment.

THE CHAIR:

Senator Gaffey.

SENATOR McLACHLAN:

The amendment.

THE CHAIR:

Oh, the amendment -- I'm sorry -- Senator Caligiuri.

Please proceed, sir.

SENATOR McLACHLAN:

Thank you, Mr. President.

Senator Caligiuri, I noticed that one of the key advocates of charter schools in the State of

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Connecticut known as "ConnCAN" expressed concern this -- this after or yesterday afternoon about the bill before us in that it may fall short of Race to the Top application from the State of Connecticut being successful. In fact, what they said was unfortunately, because Connecticut was so far behind in Race to the Top, this progress -- meaning the bill -- may not be enough to win in Round 2 of the race and bring home the hundred and seventy-five million dollars sorely needed for our schools.

They go on to say that three key reforms proposed by ConnCAN would have made Connecticut more competitive in the Race to the Top but were not included in this final legislation. Student achievement is not required to be the primary factor in teacher evaluations. There are no consequences attached to teachers whose students don't achieve. We did not the address the unsustainable and unequal funding system for our public charter schools. And so given that observation by the key advocates for charter schools in Connecticut, would you be in agreement that this amendment addresses those concerns and raises the bar for the State of Connecticut in a realistic application for Race to the Top?

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THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, very much, Mr. President.

I would agree that the amendment before us addresses their primary concern as it relates to linking student performance to teacher evaluations, which is really the bulk of what, through you, Mr. President, Senator McLachlan described as being a concern of ConnCAN. This amendment does not directly address the latter point you made about charter schools, but it does certainly tackle head on the clear linkage between student performance and teacher evaluations that many people believe, including the organization to which you referred, we need to be making to have the strongest possible application for strength to the -- for Race to the Top. So I do believe that the amendment would be addressing those concerns. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Senator, for your observation on that statement.

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I believe that charter schools is a wonderful concept. I am a product of Catholic schools and public schools. I had a experience in both -- both school systems. And charter schools, in my observation, are the success stories of public education as we know it today. So I am very supportive of charter schools and the concept of enhancing and increasing their effectiveness.

My concern is that there has been so much criticism in the State of Connecticut about the State of Connecticut's application for Race to the Top that was unsuccessful, and that when those complaints were aired and those criticisms came forth, they were fairly clear that there were a lot of blanks left in the application. And in further discussion with the charter school advocates and the advocates for Race to the Top, it became pretty clear what Connecticut had to do to attain a successful application for Race to the Top.

I think the underlying bill fall short. It is a -- it is a terrific move forward. I don't want to underestimate the importance of what you're attempting to do in the Education Committee. And Senator Gaffey has -- has worked very hard on this, and I appreciate

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the work that you and your counterpart in the House have done on behalf of this measure. But let us be realistic that we can't push legislation forward that is half an apple and anticipate piles of money just flowing in from Washington, DC, when the rules are very clear. The -- the success stories that we've heard about in states like Tennessee are very clear, what scores high. And the bill, the underlying bill is going to require us to fall short, once again.

So this amendment allows us to raise the bar and give us a realistic shot at a successful application for Race to the Top for the State of Connecticut. And so I urge my colleagues to seriously consider this amendment as a positive step forward, a realistic expectation that these changes to the underlying bill is going to give the State of Connecticut a realistic possibility of success for Race to the Top.

My concern is that objections to this amendment is a deeply flawed, underlying bill that is giving people unrealistic expectations, unrealistic expectations of substantive changes to the system and will fall far short. And half measures avail us nothing. We must work and -- and to our best ability to our best capability in Connecticut. We don't have

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a lot of shots at this.

So if the -- if the State of Connecticut General Assembly has determined that -- that you want to chase federal money -- and I must agree with -- with my colleague, Senator Kissel; I have concerns of that whole concept, but I've accepted the fact that -- that this state is going to go chase federal money. Well, if you're going to chase the federal money, chase it right. Don't run around in circles and leave yourself with another weak application. Give yourself the opportunity for a real strong opportunity at Race for the Top. But I think this amendment really brings it to that level and will give us a realistic chance for Race to the Top.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President.

And, Mr. President, I've been in the Senate for 16 years and I'll tell you, I've been a part of a lot of negotiations on bills, on education budgets, and this is the first time in my career that after you

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have a negotiation the ghosts of those negotiations reappear on the Senate floor, and I find that regrettable but, nonetheless, it's happened.

I want to point out a couple things to the members, and this is, with all due respect to Senator McLachlan, this is absolutely no connection to your -- your comments that you made. I -- I appreciate your comments. I think that some of what you said was on target. Others, other comments, though, I -- I think weren't quite on target.

And I think any member of this Chamber, any member of the General Assembly that wants to get a full flavor of opinion on this or any other bill needs to talk to the people who were involved in it and not just reply upon one party's position, that party in this case being ConnCAN. I have a lot of respect for ConnCAN; I've worked with them in the past. I dare say that most of the charter school reforms would not have occurred without that work. And, in fact, I enjoy working with the charter school people. They're dedicated individuals.

In this case, though, on this application, ConnCAN is not the be-all, end-all expert of what's going on with Race to the Top. We have another

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expert; he's called the Commissioner of Education. And the Commissioner of Education would sit there and tell you that he would disagree with ConnCAN's position on this. And he would also walk you through the scoring rubric of the Race to the Top application and point out where we are going to pick up those hundred points that we need. This is not just about the charter school issue. We've done a lot for the charter schools. We do a lot in this bill. We've done a lot in the past. And I'll point out that one of the leading states in Round 1, one of the finalist states, was Kentucky. They don't have one charter school in that state, not one.

So I would just encourage members to listen to all sides, in particular, someone who is unbiased and has the responsibility and obligation to conduct education policy in this state, who speaks to the people in Washington all of the time. Commissioner McQuillan was at the table for all but one meeting in these negotiations. He spent many, many hours on this. We went through each and every one of the scoring rubrics, and he and I and Representative Fleischmann, and I thought everybody in the room are convinced that this is an excellent bill, this will

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give us a great shot at leaning to the tape at the end of the race down in Washington and hopefully put us in the winner's circle. This is a process of a long negotiation, and I think it's a -- a product that doesn't fall short. I think it does the job.

I will also point out that at the outset of this debate, I mentioned that there are other states that are dropping out of the race, Massachusetts, Colorado, because they have lost the support of the major education stakeholders on their application. Here, we have the support of the major education stakeholders and we're going to be able to go over that with the reviewers in Washington. They're going to know that we have that support, and God willing, we'll be able to show them that we've made these changes to state statute that they are looking for us to make so that we do things like have an alternative route to certification for principals, that we do things like strengthen the rigor of our high school curriculum and focus on science and mathematics and foreign languages.

There are so many excellent public policy reforms for education in Connecticut in this bill that will help us get the hundred points that we need and

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hopefully, as I said, wind up in the winner's circle with the funding from the administration down in Washington.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Mr. President, I rise in support of the amendment and would like to begin my comments by acknowledging, in my opinion, the underlying bill which we seek to amend is a good one. As Senator Gaffey has said, there are a number of important reforms in here, secondary school reform, very good, very important.

I am concerned about the cost and the fact that we push out in the cost in out years because we simply do not have the political will to fund that cost today in our economic environment.

Lifting the caps on charter schools, another very good reform of which I have long supported. But, again, if you lift the caps on charter schools but don't provide any additional dollars, have you, in effect, lifted the caps on charter schools? I think

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that's a fair question to ask.

Alternative certification for school administrators, also a good reform, and I've stood in this circle in the past and supported alternative certification for teachers. Good reforms.

I didn't like the in-school suspension bill, but even the more flexibility added, which CAVE has supported, is a positive step in the right direction.

So this amendment is brought forward not to criticize the underlying bill but it's brought forward because we believe that the underlying bill, while progress and good, is not the state's best foot forward. It is not the best we can do to get our state in line for Race to the Top money.

Now, one of the things that I found very interesting -- and I certainly do not want to make this about Commissioner McQuillan, but I -- I do want to thank him for about 45 minutes of his time the other day when Representative Cafero and I had the opportunity to meet with him. He did go over all of the scoring on the state's first application with me. We did talk about the policies of this bill, and candidly, the politics as well. One of the things that struck me, and this is what got me and members of

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our caucus talking about this amendment, was not to be critical of the work that so many including principally Senator Gaffey had done but because we can do better. And I heard, and -- and with all due respect, I heard Commissioner McQuillan say it; I heard Senate Gaffey say it so many times today that this is about consensus, that you brought many stakeholders, many of whom have fought, pitched battles in this Legislature together to agree. And what struck me as something that should have been a wow moment didn't wow me, and I'll tell you why, because I had read in the Wall Street Journal a quote by President Obama's Education Secretary, Secretary Duncan.

And I want members of the circle to -- to listen to what Secretary Duncan -- he is the man who will decide on the Race to the Top applications -- he said in an interview that he welcomed the friction between union and state officials, but he warned against states weakening their overhaul plans simply to win buy-ins from unions. Quote, watered down proposals with lot of consensus won't win and proposals that drive real reform will win. That is a quote from Wednesday, April 26, 2010, from the very man who is

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going to decide which states get Race to the Top money and which don't.

So Secretary Duncan, who I think is doing a phenomenal job, who is changing the conversation about education in our country, who is leading the way in doing all those remarkable things that Senator Meyer talked about, things that five years ago, ten years ago, we wouldn't have been doing, he is saying I want real reform, I don't want consensus. Yet we have an underlying bill before us which we say is a product of consensus.

We think our amendment represents a further step in that right direction. And whether or not we get the hundred additional points -- and I concede that Senator Gaffey knows more about this than I do -- but I think the question for Race to the Top in Round 2 -- and we don't know whether there'll be a Round 3; there is some rumor that there might be a Round 3 -- but I think the question is not whether you get the same number of points. The question alone is not whether you get the same number of points as Tennessee or Delaware did last time, the two states that won, it's whether or not you get higher points than all the other states you're competing with.

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And so when I look at what other states have done and are doing with Race to the Top, I question whether or not our bill goes far enough. And Senator Gaffey is correct, and the same article does talk about political battles breaking out in Florida and Ohio and Indiana and Massachusetts because people are trying to enact that very real reform that Secretary Duncan is pushing for. And I think we all know that in this building while consensus is very hard, real reform that has opposition is even harder. And that's why those battles are being waged in so many other states.

But when you look at the Race to the Top criteria, measuring effectiveness is very important. Perhaps it may be the most important point section of any of them. And if you look at the application, a state-of-the-art growth model that links to teacher and principal evaluations is worth 83 points. And if you use the growth model to improve affective -- the effectiveness of teacher and principal preparation programs, you get another 14 points.

The underlying bill does talk about student growth but the underlying bill also fails to take any explicit reference to teacher effectiveness. Without specifically referencing teacher effectiveness, our

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Race to the Top application will not be as good as other states. Half of the Round 1 finalists explicitly committed to making student achievement growth of at least 50 percent, Colorado, the District of Columbia, Florida, Georgia, Illinois, Louisiana, Rhode Island, and Tennessee. The highest point total was Rhode Island at 51 percent. So we know Rhode Island will be competing for Race to the Top, and we know on the issue of student effectiveness -- teacher effectiveness -- excuse me -- Connecticut's application falls short of Rhode Island's. Does that mean we won't get it? I don't know. But I would want our application to be the best, and on this one measure we know we fall short of several other states.

The language of this bill, the underlying bill, talks about requiring school districts to develop a valuation for teachers and school leaders that incorporates student achievement growth. Now, in our amendment, we don't eliminate -- we don't eliminate the Performance Evaluation Advisory Council. So all of the factors which Senator Gaffey talked about, which critics say are mitigating factors, which Senator Gaffey and others and Mr. Carstensen have talked about are real factors, whether they're

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mitigating or not, they can all be discussed by this advisory council in our amendment.

And I stand here as a parent with three kids in the public school system, and I don't know the answer to any of that. If you look at standardized tests and one student scores a 50 and another scores an 80, if after a year the student who was at 50 goes to 70 and the student at 80 goes to 85, who had greater growth? I don't know the answer to that. What if one student is -- has other things going on in their lives, comes to school hungry? All of those things should be measures and I imagine they will be by this advisory council.

The issue between our amendment and the underlying bill is not whether those factors should be considered but it's whether or not it is the significant factor to be of value. And we believe that Secretary Duncan and his administration in Washington believed that to be Race to the Top finalists, to be real reform, this has to be a significant factor. And the omission of that language in the underlying bill, the very change from the Education Committee bill, which did pass language saying "significant factor," and this bill which takes

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out the term "significant" in my opinion can be looked at by the federal government as a weakening of our overhaul plan and therefore make our Race to the Top application less favorable.

Yes, I understand Senator Gaffey said it was a work in progress and we all know how that works. But a good lawyer would go into court, Mr. President, and say, your Honor, their first bill had significant factor. They all sat in a room, all the stakeholders, and they came out with a final bill that omitted the words "significant factor." They have weakened their application and their reform in order to gain consensus, and Secretary Duncan said don't weaken your plans to gain consensus because you won't win. So we may have a good bill but it may not be our best effort to get Race to the Top money.

And, in fact, I'm going to vote for the underlying bill because it does make improvements. But I cannot vote for the underlying bill alone and say not only have we made good reforms, not only have we made positive steps, but the State of Connecticut has laid the groundwork and has prepared ourselves to file the best application we can for Race to the Top money because that simply won't be the case. It

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simply won't be the case.

When you look at the issue of charter schools, I believe we scored 23 out of 40 points on the first application on the issue of charter -- charter schools. The enrollment cap on -- of 85 students per grade on high-performing charter schools is lifted. That's an excellent part of the underlying bill. But we don't have any money to ensure that we're going to get more charter school children and we're going to get more teachers.

I asked our staff to look at the fiscal note and said, well, wait a minute, if we're lifting the cap, we're going to have more kids in our charter schools. We're going to have more teachers. We're going to have a fiscal note impacting the 2011 budget. What are we going to do about that? Well, the fiscal note says there is an impact on the 2011 budget, which means while we've technically lifted the cap, those in Washington would say effectively you haven't. That will significantly hurt our application to Race to the Top.

I also was surprised to learn -- and, again, this is a difficult political issue and even more difficult in our economic environment with large budget deficits

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-- but there are 47 states, according to my research, that have Money Follows the Kid. Connecticut is not one of them. Many of the other finalists in the first round of applications for Race to the Top have Money Follows the Kid. Both first-round winners, Tennessee and Delaware, have Money Follows the Kid. So when you look at what states that we will be competing with, whether we get the hundred points more or not, other states want these federal dollars; five hundred million to one state; a hundred million to another. I'd welcome it all. I want as much federal dollars as we can get, because Lord knows the State of Connecticut has been a giver to the federal government for far too long. We give and we get about 66 cents back on the dollar we send down there. So it's about time we got some more from the federal government.

But Illinois and Louisiana and Massachusetts, they've all lifted the cap on their charter schools and have Money Following the Kid so they can get more kids in charter schools. So if Massachusetts were to correct some of their political problems and file an application, on that issue, they are ahead of us, as is Louisiana, as would be Illinois. In fact, half of the first-round finalists, Colorado, Florida, Georgia,

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Pennsylvania, South Carolina, just to name a few states, had no caps and they have Money Follows the Kid.

Again, good policy lifting the caps, difficult issue on Money Follows the Kid, progress being made in the State of Connecticut. Best application? Probably not in comparison to what other states are doing. Alternative certification for school leaders, again, excellent, excellent progress being made. But other states, including many of our neighboring states like New York and Rhode Island, have 30-hour, I believe a 30-month -- excuse me -- or 3-year requirements. Our bill, I think, is 4 years and 40 months. Now, I don't weigh in on whether 3 years and 30 months is a better policy than 4 years or 40, but I do know it will restrict the number of administrators who will go through the certification process. We will, by nature, have less, and therefore our application and our good reform is not quite as good as other states that we're competing against.

I think, Mr. President, that needs to be the context within which we offer this amendment. The underlying bill represents very good progress, and whether we get Race to the Top money or not, it's the

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right thing to do and there's still more work to be done, especially when the financial implications of the underlying bill kick in, because we're going to have very difficult decisions to make in that regard. We happen to believe that we can get a better application presented to the federal government.

And I've heard -- and I don't know the answer to this -- I've heard some say that Secretary Duncan, who I've never met, has changed his mind and flipped flopped and gone back and forth on the issue of consensus, not consensus; I honestly don't know. What I know is that less than five days ago he is quoted as saying consensus won't win Race to the Top dollars, real reform will. My fear is that the underlying bill will not get us over the top -- pardon the pun -- will maybe -- maybe it will get us more points. And it will get us more points -- excuse me -- not maybe; it will get us more points. But I don't think it's going to make us a finalist or a winner in Race to the Top funds.

I mean, just -- let's look at just secondary school reform, again, good reform. But we push out the cost, I think, until either 2012 or 2013. A federal bureaucrat could look at that and say how

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Committed, Connecticut, are you to these reforms? You've said you're going to do them but you're not going to have them happen or pay for them until a couple years; and, oh, by the way, you want our money beforehand. Someone could look at that and say you'll do the reforms if you get our money; you won't do the reforms if you don't. I don't believe that's the intent of this Legislature. I know it's not the intent of Senator Gaffey who -- we passed this, I believe, last year in the Senate and it didn't pass in the House. But that is something that could hurt our application as well; again, very difficult issues to resolve.

But I just -- without pouring too much cold water on our application -- I just think in our caucus we believe we could have gone a little bit farther. We could have done a little bit better, and we believe this amendment represents an extra step that will set our state up for very important and very needed Race to the Top funds. And with that, Mr. President, I urge adoption for the amendment.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Amendment B?

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Will you remark further on Senate Amendment B? 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 chamber.

THE CHAIR:

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

THE CLERK:

Motion is on adoption of Senate Amendment
Schedule B:

Total Number Voting	35
Those voting Yea	10
Those voting Nay	25
Those absent and not voting	1

THE CHAIR:

Amendment B fails.

Will you remark further on the bill as amended by
Senate A?

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Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President.

Mr. President, just for purpose of legislative intent, in Section 21, it refers to, when you're deciding whether it's in-school or out-of-school suspension, that the administration address this question and the issue of the discipline problems of the child through means other than out-of-school suspension or expulsion, including positive behavioral support strategies. For legislative intent, I just want to make it clear that that is not a prescribed, any particular prescribed program that the districts will have flexibility in determining what positive behavioral supports that they -- they would implement in their schools.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 438, as amended by Senate A?

Senator Debicella.

SENATOR DEBICELLA:

Mr. President, just briefly, I stand in support

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of this bill today. I think a lot of the debate that we've been having is whether or not this is going to qualify us for Race for the Top money, and I believe that the bill, because it is a compromise, not doing the things that we necessarily needed to do is going to put us at risk.

But I actually look at this bill a slightly different way. I'm just looking at this as public policy, never mind getting the money. And what is in this bill is good public policy to actually promote the extension and development of charter schools in our state. There could be no doubt that charter schools have been a force for good in improving the quality of education, not just in improving the lives of students who go to the charter schools but serving as an example to public schools of how they can actually be more effective.

I'm especially encouraged in this bill, Mr. President, with the section on innovation schools. There is one point of disappointment I have on this, though, and a question, through you, to the proponent of the bill on this.

THE CHAIR:

Senator Gaffey.

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SENATOR DEBICELLA:

Through you, Mr. President, the section of the bill dealings with innovation schools, when I had voted on this bill in the Appropriations Committee or some version of it, had innovation schools being triggered by a vote of the parents. And it was actually the parents in a community that could create an innovation school. Now the bill seems to say it a vote of the teachers and administrators that actually trigger an innovation school.

Through you, Mr. President, what was the logic of making that change through the legislative process?

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President.

Through you, sir, Senator Debicella, you're referring to a different bill that you had in Appropriations; that was a bill that was put forth that at the time, I believe, in the Appropriations Committee had a parent trigger, I believe they refer to. But that -- that was never included in -- in this bill, the innovation schools in the section we have in this bill just allow for a different model, similar

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to, as I said before, what the City of New Haven agreed to with their teachers' union where you have flexibility in hours, work at the school, a school day, budgets, waivers of certain contractual provisions in the -- in the -- the contract with the teachers. That's what this refers to. The other bill spoke to the issue that you're -- you're asking a question about now, through you, Mr. President.

THE CHAIR:

Senator DeBicella.

SENATOR DEBICELLA:

..Thank you, Mr. President.

I thank Senator Gaffey for the answer to that question, And I think that demonstrates why, while we have a good bill before us today, it had the potential to be a great bill. We have a bill that is going to expand charter schools, make it easy for alternative certification, all the things that we've been talking about, all good public policy. But there were ideas that were making its way through the General Assembly which could have been revolutionary in taking a huge leap forward for education. And giving parents the power to actually implement an innovation school, which is a version of a charter school, I actually

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think would have helped our education system immensely.

So I rise today, Mr. President, in support of this bill because of all the positive things that are in it, but I rise with somewhat of a heavy heart that we didn't have a bill that would truly make Connecticut education take a great leap forward.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 438 as amended by Senate A?

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, speaking in support of the bill, first I would like to commend Senator Gaffey for his extraordinary labor in this very, very difficult process of negotiation leading to this significant, consensus bill. To some extent, it must be the -- the educational -- the education policy equivalent of bringing together Prime Minister Netanyahu and the Palestinians in a debate, in a negotiation process involving the charter schools and the -- and the

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teachers' unions as participants in this debate.

I think this is a really historic bill, and there are so many ground-breaking provisions in it that will be of great significance for us in the years ahead, and they were worth doing without regard to whether or not there is, in fact, a Race to the Top competition or whether or not Connecticut will be successful in pursuit of funding in the next round of that. The changes in this bill are important education policy changes for Connecticut, and the time to do them was now. And Senator Gaffey took advantage of that time and struck while the iron was hot to do it.

There are so many provisions, again, Mr. President, that are in fact historic. In Section 4 of the bill, requiring the development of guidelines for a model teacher evaluation program that includes student academic growth and requires local school district evaluation programs to be consistent with those guidelines, that is major, major change. We all know that credentialing is not necessarily the equivalent of good performance. We all know that -- that whether a -- a teacher has a master's degree or a 60-year certificate does not necessarily equate with outstanding performance in the classroom, just as not

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every -- every attorney who has a law degree in the field is necessarily good in the practice of law.

There are performance indicators that are critical. We know that there is nothing more important than the performance of our students and ways of gauging growth and progress. As mentioned earlier in the colloquy, if you have students in a low-performing school with an excellent teacher, they may make progress. They may still perhaps lag behind, to some degree, those who started in a much higher level, but the degree of ground covered, the degree of advancement may be spectacular.

So -- and I think evaluating starting points and ending points for students is what this will lead us to understand and evaluate and pinpoint where genuine progress is being made, understanding the starting points in determining the nature and extent of that progress. So Section 4 of the bill, I think, is -- is revolutionary.

Section 13 or Section 6, also, providing -- permitting a board of a priority school district to convert an existing school to an innovation school, this way of dealing with schools and those that may be in troubled circumstances is also a critical

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breakthrough. Section 13, eliminating the requirement that the State Board of Ed issue charters and waiving the enrollment caps, this is, again, a manifestation, a belief in the success of the best charter schools in our state and moving toward allowing them to expand without artificially or arbitrarily imposed caps. Again, as was pointed out by Senator McKinney and others, the funding issue is -- is certainly critical here that -- that we need to find ways to -- to back that commitment up with additional money. But removing the cap, in and of itself, is a significant move.

So there is so much in this bill that is worth doing without regard to the Race to the Top process. It'd, of course, I think, help crystallize the debate and create a greater sense of urgency because there is the Race to the Top incentive out there, but all of these changes stand on their own merit and are worth doing, in and of themselves.

Section 21, as Senator Gaffey referred to, is very important in terms of building in a -- a better due-process framework for the idea of in-school versus out-of-school suspensions. That's a -- a battle we've been fighting for several years. Those of us who

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represent urban districts believe very strongly that there should be in-school suspension, that out of school suspension should be reserved for those rare cases of -- of threat to discipline and threats of -- of actual harm, and -- and threats of order in the school. Most of the kinds of incidents for which students are being, in many cases, suspended, we believe, are not necessarily justified in terms of out-of-school suspension. In fact, as we all know with many adolescents, if they have the sort of Ferris Bueller frame of mind, the idea that -- that if I could violate a rule and get three days off might be an incentive to do so. It might be perceived by some as a reward to be able to be out of school for a few days. So this section of the bill gives an express authority to use a student's past disciplinary problems that have led to being suspended or expelled as a criteria for determining whether an out-of-school suspension is warranted in a particular case. And before determining that an out of school suspension is appropriate, the school must have tried to address that problem through other means. This is good pedagogy. This is a good way to -- to approach this. There have to be other means tried including positive

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behavioral support strategies and looking upon
out of school suspension as a last resort rather than
a first resort. This is an important, common-sense
provision.

I commend Senator Gaffey for all of his work on
this and his dogged determination to keep on with this
principle and to -- to not allow it to be postponed
any further.

So, again, there is so much in this bill that is
-- that is worth doing, either within the context of a
Race to the Top application or outside of it. In
any case, this is an important day for educational
advancement in the State of Connecticut.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark?

Senator Williams.

SENATOR WILLIAMS:

Thank you, Mr. President.

I rise to associate myself with the remarks of
Senator Gaffey and Senator Looney. I won't repeat
what Senator Looney said so eloquently other than --
then the fact that we are moving forward with a very

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important bill concerning education that will improve the standards in the State of Connecticut, align ourselves with the reform movement that's starting with the Obama administration in Washington, DC, enhance our eligibility for more federal funding, and in the end provide a better education for our students here in the State of Connecticut.

So, Senator Gaffey, thank you for your leadership on this bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on the bill as amended by Senate A? Will you remark further? 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. An 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

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voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on passage of Senate Bill 438 as amended:

Total Number Voting	35
Those voting Yea	32
Those voting Nay	3
Those absent and not voting	1

THE CHAIR:

The bill as amended passes.

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

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

THE CHAIR:

Please proceed, sir.

SENATOR MCKINNEY:

Thank you.

Mr. President and members of the circle, we are joined today, and I am joined today, by two wonderful people from the Town of Easton, Connecticut; Easton's Clerk, Derek Buckley is with us today. And the best

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senior center in the State of Connecticut is the Easton Senior Center, Mr. President. They were up here today to win an award from the Department of Economic and Community Development. And our senior center in Easton lives and breathes because of the tremendous hard work and tireless dedication of Val Buckley. So if we could give Derek and Val Buckley a warm welcome, thank you.

THE CHAIR:

Thank you, sir.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, for an additional marking for the next bill to be taken up after the -- the one previously marked, that would be -- it's on Calendar page 9, Calendar 423, Senate Bill Number 1.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

THE CLERK:

Turning to the Calendar, Calendar page 10, the matter marked second order of the day, Calendar Number 432, File Number 606, substitute for Senate

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Bill 25, AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE
STATE FOR CAPITAL IMPROVEMENTS AND OTHER PURPOSES,
favorable report of the Committee on Finance, Revenue,
and Bonding.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Mr. President. Good afternoon,
Mr. President.

THE CHAIR:

Good afternoon, ma'am.

SENATOR DAILY:

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

THE CHAIR:

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

SENATOR DAILY:

Yes, I would. Thank you --

THE CHAIR:

Please proceed.

SENATOR DAILY:

-- Mr. President.

This bill cancels \$422 million in previously

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bonded authorizations. It also authorizes 40 million in clean water funds and 7 and a half million for transportation funds.

To discuss this matter further, I would like to yield to Senator DeFronzo. But before I do, I want everybody in the Senate to know how hard Senator DeFronzo has worked on this bill. Senator DeFronzo is the Co-Chairman of the Bonding Subcommittee and has put in a number, a great number of hours working with his Co-Chair, Representative Leone. And I know I'm grateful and I know we all should be.

THE CHAIR:

Senator DeFronzo, do you accept a yield, sir?

SENATOR DeFRONZO:

Yes, Mr. President, I do.

THE CHAIR:

Please proceed.

SENATOR DeFRONZO:

Thank you.

Thank you, Senator Daily. And before -- before I do describe the bill, though, I would -- would like to call the -- the amendment which will be -- actually become the bill.

Mr. President, the Clerk is in possession of

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LCO 4717. I would ask that the amendment be called and I be given permission to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 4717, which will be designated Senate Amendment Schedule A is offered by Senator Daily of the 33rd District and Senator DeFronzo of the 6th District, et al.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

Mr. President I move adoption of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR DeFRONZO:

Thank you.

Mr. President, this -- this bill is the culmination of a lot of -- a lot of work. It is a significant legislative achievement, and I think it reflects very well on the leadership of the Finance Committee, Representative Staples, Senator Daily, my Co-Chair in the House, Representative Leone, the

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Ranking Members, Representative Floren, Senator Guglielmo, Senator Roraback. This was a good example of bipartisanship, not only in the -- in the process employed in reviewing the tens of millions of dollars of authorizations in our Bond Act, but also in the unanimous vote that this bill achieved when it came through the Finance Committee, a very unusual circumstance for a bill with such far-reaching impact.

This bill will move the state below the 90 percent bonding cap, will afford the administration, the legislative leadership the opportunity to prioritize the projects for which our limited bonding capacity could be used, as Senator Daily indicated, \$422 million in net reductions in this bill in -- of cancellations. That represents 22 percent of all our authorized and unallocated allocations, which is a significant number. In fact, no one in the building can remember the last time we've cancelled that much in authorizations.

And this is significant because we are struggling with a revenue situation which drives our bonding cap down, drives our ability to bond down our capital projects. And I think Senator McKinney alluded -- alluded to the frustrations sometimes we have when we

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-- we try to draw the line on -- on these projects. And we're all compelled to advocate for projects in our district, and we shouldn't apologize for that. But over time, these projects do accumulate and we build and build our base to the point where when our revenues do decline, we're in a situation where we have to make significant adjustments in order to get back a proper discipline. And that's what this bill does. It -- it establishes a very strong discipline with respect to bond authorizations.

There are 255 individual cancellations or reductions in this act... The bill exceeds the Governor's proposed cancellations by \$170 million and it creates \$180 million in new bonding capacity, based on our January revenue estimates. So, Mr. President, this is a -- a significant bill.

As I said, I want to thank all the members of the Legislature. You know, we went out and asked all the members of the Legislature to give us recommendations for cancellations, and this is not an easy thing for people to do. Many members of this Chamber and in the House have fought for authorizations in the Bond Act but almost everybody came forward this year and sacrificed something because we all recognize the

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difficult financial situation we're in. So to all the members on both sides of the aisles, I want to thank them for their cooperation. I want to thank the administration. The Governor did propose a significant number of cancellations in her February budget address, but even at that point we needed to do more because of the declining revenues in -- in the state. So to all involved, I want to say thank you, and I particularly want to thank Senator Daily for her leadership on this -- on this bill.

And I -- I seek support of the circle for the amendment before us.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A?

Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you, Mr. President.

I just want to congratulate the Co-Chair of the General Bonding Subcommittee. I know they did a hard -- lot of hard work on it. There's, as the Chairman said, there were 255 cancellations. It's probably the first time we moved in that direction since I've been

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here, I think, and -- and I think it would help us with the bonding community that -- that they know that we're willing to make tough choices and move in the -- in the right direction. So I want to thank the Chairman for his work.

THE CHAIR:

Will you remark further on Senate Amendment A?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. Chairman.

And I, too, want to salute Senator -- Mr.

President -- excuse me.

THE CHAIR:

It's quite all right, sir.

SENATOR RORABACK:

I, too, would like to salute Senator DeFronzo for once again demonstrating that it is possible with the right chemistry -- and Senator Guglielmo as well -- to work across the aisle in pursuit of a goal which we all recognize as necessary although difficult to achieve. And in these times when the needs of our state are growing, it's particularly difficult to scale back and reign in our hopes to what we could realistically expect to afford.

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Mr. President, because of Senator DeFronzo's hard work and Senator Guglielmo's hard work and the works of the -- the hard work of the Bonding Subcommittee, we're \$400 billion less exposed to borrowing. My hope is that the consensus that's overtaking the Chamber in connection with this bill, that we'll have a memory long enough to not reverse the progress that we've made today.

And I'm not -- I'm just cautioning that let's not forget what we're saying now as we move forward. Let's not believe that the reduction of 400 million in bonding authorization gives us license tomorrow or the next day to authorize 20 million here or 40 million there, because the movement that we've made is substantial. It's significant and it's important, but there's more to do and I'm confident that the spirit that pervades this bill, if we can keep that spirit alive, it will be a good thing for the State of Connecticut.

So I urge support of the bill and thank the Chamber for its indulgence.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Roraback.

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Will you remark further on Senate A? Will you
remark further?

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Through you, a couple of questions to the
proponent.

THE CHAIR:

Senator DeFronzo.

SENATOR KANE:

Thank you, Mr. President.

I just received a phone call from a constituent
from my district in regards to Heritage Village and a
water project that was going on between Heritage
Village and Southbury Training School, and I'm
wondering if you're familiar with this particular
project. I know it might be difficult with the size
of the bill, but their -- their question was about
\$2 million in funding being reduced in this particular
bill from that particular project. Can you speak to
that at all, through you, Mr. President?

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

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Through you, Mr. President, I -- I probably would need a little more specificity about the project and what agency is involved. I would be glad to, if you -- if you can give me the agency under which the authorization was -- was made. I -- I have a spreadsheet here. I'd be glad to ask for a moment and -- and check it for you. Otherwise, I'll be glad to talk to you after -- after the session, but --

THE CHAIR:

Senator Kane.

SENATOR KANE:

Through you, Mr. President, I believe Southbury Training School would be DDS, Department of Developmental Services. Is -- is there a way to break it down from there? Is that possibility, through you, Mr. President?

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

I, again, Mr. President, I -- I could check that. Is it a -- through you, Mr. President, I -- and if I may inquire as to the -- the type of project. Is it a -- is it an environmental project or a -- no. If, well, if I might -- and, Mr. President, if I might

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have just two minutes, I'll just take a quick --

THE CHAIR:

Sure.

SENATOR DeFRONZO:

-- look at my -- if -- is that --

THE CHAIR:

The Senate --

SENATOR DeFRONZO:

If I could stand --

THE CHAIR:

-- will stand at ease.

SENATOR KANE:

Thank you, Mr. --

(Chamber at ease.)

SENATOR DeFRONZO:

I think what -- Mr. President, I still -- I still think we're trying to identify the -- you got that in there? Through you, Mr. President.

SENATOR KANE:

Thank you, Mr. President. I -- I thank Senator DeFronzo for his answers. I apologize for holding up the -- the Chamber for a few minutes. I will talk to

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you, I guess, after this and we can figure this all out. But I do see that there is \$40 million in the bill for the Clean Water Fund, so I would imagine maybe it'll fall under there and we'll be covered. So I just wanted to ask that question. But I appreciate it and -- and we'll follow up with you after the discussions.

SENATOR DeFRONZO:

The -- if I might just -- just remark --

SENATOR COLEMAN IN THE CHAIR

THE CHAIR:

Thank you, Senator.

SENATOR DeFRONZO:

-- on that?

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

Yeah, we -- there is \$35 million in authorizations for clean water programs in this -- in this bill, and as of July 1st, another \$40 million is -- is authorized. So if the project is in line, it --

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it shouldn't be -- shouldn't be hurt by anything in
this bill.

So -- but I will -- we -- we do need to make sure
we're talking about the same thing here; okay,
Senator? Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I thank Senator DeFronzo for his answers. I
appreciate that. Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further? Would you care to
remark further?

Senator DeFronzo.

SENATOR DeFRONZO:

Mr. President, if no further questions or
remarks, I ask that this matter be placed on the
consent calendar.

THE CHAIR:

Is there objection to place this item on the
consent calendar? Ah, there is an amendment; right?
Did --

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SENATOR DeFRONZO:

I --

THE CHAIR:

Did you propose an --

SENATOR DeFRONZO:

I'm sorry.

THE CHAIR:

-- amendment, Senator?

SENATOR DeFRONZO:

I'm sorry. We're vote -- we're speaking on the amendment. I'm sorry, Mr. President. That's correct; sorry.

THE CHAIR:

So are there any further remarks on the amendment? Any further remarks on the amendment? If not, the Chair will try your minds regarding the amendment. All those in favor, please indicate by saying aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed, say nay.

The ayes have it.

The amendment is adopted.

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SENATOR DeFRONZO:

Thank you.

THE CHAIR:

Senator DeFronzo.

SENATOR DeFRONZO:

Thank you, Mr. President.

If there's no further comment, I would now ask that the matter be placed on the consent calendar.

THE CHAIR:

Thank you.

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I rise not to oppose the matter from being placed on a consent but to comment on the bill that is now before us.

Mr. President, I think by reducing the amount of bonding is a great thing, and this is significant, given the facts that our bonding has reached limits of historical proportions. But now that we've taken the step or we've tightened the belt and we've cut some bonding that obviously we didn't need, it's time to make sure that we don't in a matter of a few days take that bonding and pledge it to some bill or some item

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or some project. The point of this is to help us reduce our debt, and this is a big step. And we should look at this more often, and we should continue to reduce our debt. But I hope we're just not doing this as a place-keeper for something yet unknown that may be out in the hallways that's going to appear and suck up the very bonding which we just got rid of.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Do you care to remark further? Do you care to remark further? If not, there was a motion that the bill as amended be placed on the consent calendar. Is there objection? Is there objection? Seeing none, this bill as amended may be placed on our consent calendar; so ordered.

Mr. Clerk.

THE CLERK:

Turning to Calendar page 9, the matter marked the third order of the day, Calendar Number 423, File Number 592, substitute for Senate Bill 1, AN ACT CONCERNING THE PRESERVATION AND CREATION OF JOBS IN CONNECTICUT, a favorable report of the Committee on Finance, Revenue, and Bonding. The Clerk is in

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possession of amendments.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Mr. President, could we stand at ease for a minute, please?

THE CHAIR:

The Senate may stand at ease.

(Chamber at ease.)

THE CHAIR:

Will the Senate please be in order.

Senator Daily.

SENATOR DAILY:

Thank you, Mr. President.

I move the Joint Committee's favorable report, seek passage of the bill, and be allowed to summarize.

THE CHAIR:

On acceptance and passage, will you remark further?

SENATOR DAILY:

Thank you.

Before we begin summarizing, I would like to ask

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the Clerk to call LCO 4808.

THE CHAIR:

The Clerk please call LCO 4808, to be designated
Senate A.

THE CLERK:

LCO 4808, which will be designated Senate
Amendment Schedule A. It's offered by Senator Daily
of the 33rd District, et al.

SENATOR DAILY:

Thank you.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

I move the amendment and seek leave to summarize.

THE CHAIR:

The question before the Chamber is adoption of
Senate A. The gentle lady seeks permission to
summarize. Is there objection? Seeing none, please
proceed, Senator Daily.

SENATOR DAILY:

Thank you, very much.

I'll enumerate these:

In Line 22, after the word "reports," one inserts
the word "net."

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In Line 28, strikes "works at least," and "is paid to work" instead.

Line 32, strike "one."

Line 33, strike "million" and insert "five hundred thousand."

Line 42, strike "on or after."

Line 43, "October 3, 2008."

And strike 4 and 5 in their entirety.

What these changes accomplish is to say that this applies to someone who is paid to work at least a certain number of hours a week and that the tax, the surcharge applies on bonuses of over 500,000. And it .. eliminates the date on which they were earned.

THE CHAIR:

Thank you, Senator.

Do you care to remark further on the amendment?

Do you care to remark further?

Senator McKinney.

SENATOR MCKINNEY:

Mr. President, can I have a second, ask the Senate to stand at ease, please?

THE CHAIR:

The Senate may stand at ease.

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(Chamber at ease.)

THE CHAIR:

The Chair would ask the Senate to be in order.

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Mr. President, I was trying to ascertain whether I had the correct fiscal note for the amendment. I do and thank the Senate for giving me that time to find the fiscal note.

Thank you.

THE CHAIR:

No problem.

Do you care to remark further? Do you care to remark further? In not, before the Chamber is Senate Amendment Schedule A. The Chair will try your minds. All those in favor, please indicate by saying aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed, say nay.

A VOICE:

No.

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THE CHAIR:

The ayes have it and Senate A is adopted.

Do you care to remark further on the bill as amended? Do you care to remark further on the bill as amended?

Senator Daily.

SENATOR DAILY:

Thank you, Mr. President, yes, I do.

This imposes a surcharge on bonuses earned by firms that received TARP money. And that money that is used to cancel the \$250 business tax on small firms whose gross income is \$50,000 a year or less, has at least one person who's paid to work 20-hours a week, I think; and that's how this amendment becomes really the substance, the explanation of the bill.

THE CHAIR:

Thank you, Senator.

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And I had a -- a few question, if I may, through you to the learned Chairman of the Finance Committee.

THE CHAIR:

You may frame your first question.

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SENATOR RORABACK:

Thank you, Mr. President.

Through you to Senator Daily, just so the Chamber has an understanding of the particulars of this bill, as I understand it, there is a belief amongst the public, and it may well factually be the case, that certain firms which were the beneficiaries of payments from the federal government under the TARP program have rewarded their employees with bonuses.

And, through you, Mr. President, to Senator Daily, does this bill seek to impose a surtax, an additional tax on the recipients of those bonuses? Through you, Mr. President, to Senator Daily.

THE CHAIR:

Senator Daily, if you care to respond.

SENATOR DAILY:

Yes, Mr. President, and through you, the answer is yes. It's a surcharge on the Income Tax on those bonuses.

SENATOR RORABACK:

And through --

THE CHAIR:

Senator --

SENATOR RORABACK:

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-- you Mr. --

THE CHAIR:

-- Roraback.

SENATOR RORABACK:

Through you, Mr. President, to Senator Daily, how much of a surcharge is it or how much of a surtax?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, very much, Mr. President.

And through you, Mr. President, 2.5 percent.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And through you to Senator Daily, for which tax years does this bill impose that surcharge?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, sir; 2010, 2011.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

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So does that mean that it will only apply --
apply to bonuses paid in 2010 and 2011?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Through you, Mr. President, yes, sir, that's
correct.

SENATOR RORABACK:

And through you --

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

-- Mr. President to Senator Daily, how do we know
as a -- and how does the Department of Revenue
Services know whether a payment is ordinary income or
a bonus?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Mr. President.

And through you, Mr. President, the department
has a way to identify that. And I'm sorry I couldn't
be more explicit but I know we've spoken with them and
they are able to identify that's (inaudible).

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THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And through you, Mr. President, if I were one of the happy recipients of a bonus or if I -- if I were an employee of a firm that received TARP money and I knew that this tax was out there, I would probably tell my employer could you put a different notation on the check than "bonus?" Can you call it "salary" or can you increase my salary so that I don't have to pay this tax?

And through you, Mr. President, to Senator Daily, does this bill take into account the risk, because understand this is only for Tax Year 2010 that we're, I guess now four months into, and Tax Year 2011, which hasn't yet begun. And so through you, Mr. President, to Senator Daily, the question I have is: Why wouldn't people that might otherwise be in line for these bonuses talk to their employers and ask them to characterize the payment as something other than a bonus? Through --

THE CHAIR:

Senator Daily.

SENATOR RORABACK:

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-- you, Mr. President, to Senator Daily.

SENATOR DAILY:

Thank you, very much, Mr. President.

And through you, Mr. President, using you as an example as you did at the beginning of the question, I know certainly you would never do that, and I trust that most of these people are responsible citizens and are most eager to help the small businesses which will -- will, in turn, help them grow.

But to answer the heart of your question, there isn't a -- a mechanism to stop that.

SENATOR RORABACK:

There -- through you, Mr. President. There --

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

I appreciate Senator Daily's response that there isn't a mechanism to stop that. And I'm not sure, Mr. President, I'm not sure that I would ascribe, necessarily ascribe evil, evil motives to individuals who -- it makes a -- if it makes no difference to their employers and it makes no difference to them whether a payment is -- has a "bonus" written on the check or "salary" written on the check, I can't, you

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know, my experience with human behavior is that people might act in their economic, rational self interest and characterize the payment so as to avoid paying this tax.

But, Mr. President, more importantly, through you to Senator Daily, has she had an opportunity to review legal opinions, which have emanated from some pretty high-priced talent in Washington, DC, which suggests that the payment -- that the imposition of a penalty tax is unlawful, is what I believe they call a "bill of attainder?" Through you, Mr. President, to Senator Daily.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, very much, Mr. President.

And through you, Mr. President, yes, I've had the opportunity to review the opinion of five learned people in this area, including our own Attorney General, who do not think this meets the bill-of-attainder test.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

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And, thank you, Mr. President.

Actually, the question I have for Senator Daily is whether she had an opportunity to review the opinions of learned people who do think that this represents a bill of attainder tax.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Yes, sir. Thank you, very much.

Through you, yes, I have. And I believe the five people who wrote the other way.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

I'm sorry. Pardon me, Mr. President, through you to Senator Daily.

SENATOR DAILY:

Through you, Mr. President, yes, I have an opportunity to review those. But my faith is in the five that wrote that this does not meet the bill-of-attainder test.

THE CHAIR:

Senator --

SENATOR RORABACK:

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Very --

THE CHAIR:

-- Roraback.

SENATOR RORABACK:

-- well. Thank you, Mr. President.

And -- and I don't think -- neither Senator Daily nor I are going to have the luxury of having the last word on the question of whether or not this tax constitutes a bill of attainder, but suffice it is say when you have high-priced talent on both sides of the question, we can all be pretty confident that we shouldn't be spending this money until the -- because unless and until that question is decided -- and I for one, Mr. -- Mr. President, having listened to the rhetoric around this provision, fear that the very emotions which I, too, am guilty of having, may represent the evidence the courts will need to find that what we're doing is unconstitutional.

But setting aside for the moment, Mr. President, the constitutionality of this tax, I think the more important question I have for Senator Daily to most of the people that are watching or listening, who all of us have heard from, is the Business Entity Tax, that \$250 fee which the State of Connecticut wants

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from anyone who has an entrepreneurial --
entrepreneurial spirit in this state and wishes to try
a business enterprise.

Through you to Senator Daily, could she again
describe those companies which will be relieved from
that burden if this bill is passed?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, very much, Mr. President.

And through you, yes, I certainly would be glad
to. These are the businesses that are typically
called "mom-and-pop" operations. They are businesses
that have a net income of \$50,000. They work at least
-- or they're paid to work at least 35 hours a week --
I need to check the number of hours. That's it.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And so I'm sorry in order to not pay the
tax, you have to make at least \$50,000?

THE CHAIR:

Senator Daily.

SENATOR RORABACK:

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Or you have to make less than \$50,000?

SENATOR DAILY:

Fifty thousand dollars or less.

SENATOR RORABACK:

Okay.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

So you have to make less than \$50,000, and you --
and how many hours a week do you have to work at this
business?

THE CHAIR: -

Senator Daily.

SENATOR RORABACK:

Through you, Mr. President, to Senator Daily.

SENATOR DAILY:

Thirty-five.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And so, Mr. President, for the constituents that
I have that might work one hour a week or two hours a
week or 50 hours a year if they're a small business
enterprise that they launch, they will still have to

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pay the \$250 minute minimum tax? Through you,
Mr. President, to Senator Daily --

THE CHAIR:

Senator --

SENATOR RORABACK:

-- if I'm understanding her -- her explanation
correctly.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Mr. President.

And through you, Mr. President, yes, sir, you're
correct.

THE CHAIR:

Senator Roraback.

SENATOR DAILY:

And through you, Mr. President, to Senator Daily,
is there a rationale for continuing to impose the tax
on the most tenuous, fragile, teeniest, weeniest small
businesses while relieving from the burdens of this
tax people that are working 35 hours a week at their
business? Through you, Mr. President, to Senator
Daily.

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Senator Daily.

SENATOR DAILY:

Thank you, very much, Mr. President.

I appreciate your description of those firms that aren't making that sort of money. But the interest here and the work here is to help small businesses that -- that are in business. And if those businesses you describe are successful, hopefully they'd be in line for this same forgiveness for the next year.

THE CHAIR:

Teeniest, weeniest is a technical term; right?

SENATOR DAILY:

It is a legal --

THE CHAIR:

Senator Roraback.

SENATOR DAILY:

-- technical term, as I understand it.

SENATOR RORABACK:

Thank -- thank you, Senator Coleman for your understanding of the import of that term.

Mr. President, I -- I guess where I come from, the people that are crying loudest for relief are the littlest guys, and I think that we're missing the mark when we're not offering relief to the littlest guys

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because people that don't make \$250 a year in their small business, they feel a little bit and who can blame them -- imposed upon when they pay a \$250 tax for the privilege of trying out a business that loses a thousand dollars every year. And so I -- while I appreciate the spirit of what this bill is hoping to accomplish, I think it falls short of the mark in that regard.

Mr. President, small business needs all the help it can get in this state, but I don't think the way to finance the help for small business is by imposing a tax which I think odds are will be found unconstitutional or will be gotten out from under by the smart people that are earning these bonuses, and I also don't think that limiting relief from the Small Business Entity Tax to that universe that Senator Daily described, I don't think the net is cast wide enough, and I think it misses the fish that most need our help. So for that reason, I'll be voting against the bill and urging my colleagues to do the same.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Boucher.

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SENATOR BOUCHER:

Thank you, Mr. -- Mr. President.

Mr. President, I'm not going to be asking a lot of questions of my distinguished Chair of the committee, because I'm sure she's answered these questions many times before in committee, so she can have a rest in her seat as she's worked very hard this year.

This discussion about helping small business and the title of this bill, appropriately Senate Bill Number 1, because it is the number 1 problem and issue the state is facing as many other states are, and that is the preservation and creation and jobs in Connecticut. And in attempting to do that, by taking a look at one of our most onerous taxes, the Small Business Entity Tax of \$250 and then trying somehow to eliminate that, even if it is for a short time or even if it is for only a certain group of people, is being done in a way that literally hurts them.

And I say that because as we talk about these small, tiny, itty-bitty businesses that were just discussed, so many of them in Connecticut are totally dependent on our larger employers. UTC is an example where we have small injection molding shops all over

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the state, small tool and die makers that makes very small equipment that is necessary for their application or we can have a large bank or we can have General Electric who has small appliance shops all over the state and all over the country. They are all dependent, a lot of them, many on them, on our larger businesses. That's not even to discuss the dry cleaner establishments, our retail stores, our grocery stores, so many of them dependent on both our large and small businesses. So we -- we talk to give something to Peter from borrowing from Paul; we are doing a disservice.

And particularly this bill, I think, does not accomplish what it sets out to do, particularly when we wanted to eliminate this \$250 Business Entity Tax on all of our businesses and permanently, not just for a short period of time. It was bad policy, bad business policy for the state. It should not be dependent on any other one thing that we should be doing, and particularly in this area, because it brings up so many, so many issues.

And I would say that even if, in fact, this should narrowly pass the Senate with maybe not enough votes to sustain a possible veto, the mere fact that

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we're sitting here discussing this bill sends a very, very negative, bad message to the rest of the state and to other employers from other -- outside of the state how -- if they should dare to come into Connecticut, should at some day, some point in time, whether it is a financial services organization or a car company, might be getting a loan from the federal government and in turn then would be facing some legislation such as this.

You know, we had the University of Connecticut do a really stellar report that talked about a vision for Connecticut's viability and business sector to the year 2020. And the very, very first paragraph of that vision for 2020 for Connecticut, it stated that Connecticut has the worst jobs record in the nation over the past 20 years, not just recently. Not only has Connecticut failed to create net new jobs, but the overall quality of the jobs in the economy has deteriorated. In other words, high-skill, high-wage jobs are shrinking, replaced broadly with low-skill, low-wage jobs. And it must reverse this trend.

This can further be seen by the fact that in the last census, and we're undergoing another one right now, ten years later, that last census we lost a

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Congressional seat. We used to have six congressmen, now we have five. That means that our influence is diminished. All the money and revenues we send to the federal government is not returned to us in equal measure by a long shot, and the further we erode that population and our revenue base as well, we could stand to lose even further.

This was also seen very easily by when we tried to institute another tax to shore up our -- our lackluster revenue stream, and that was the Estate Tax when we did lose a large portion of a population. And it was actually documented in a -- in a fairly detailed report by the Department of Revenue Services on the effects of the Estate Tax and the demographic changes and the change in our employment base, both by the quality and the -- the amount of money that they were getting.

So this, to me, is of a big concern, because not only are we trying to attempt to somehow help our small business entities -- and, again, the question is there, how well we do that -- we are going to set about taxing the financial services industries, those banks or financial service industries that happen to not only request TARP assistance but those that did

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not request it.

There were many institutions that were approached by our federal government to take some of this money so they could shore up and support the financial institutions at that time, because they were so critical to us. So that very entity that is so critical to the underpinning of our economy, now we stand to punish in some fashion. And these may very well be the same people that we just punished in our September budget, that two-year budget that we're functioning under now where we made a progressive State Income Tax, a larger tax for those making over \$500,000 a year or more. Not only did we tax it, we did it retroactively so that there are some employers -- by the way, some of those wealthy or happen to be our employers, they literally did not take any salary or pay whatsoever for the last two or three months of the year because they retroactively went back to January. These could be the very same people.

So this not only raises the issue of whether we're doing something that no other state is considering doing, by the way, again, picking a special place in -- in the business world for Connecticut as not only being the most anti-business

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environment state in the country, but we're going to further exacerbate it with measures such as this.

Now, we have already had a number of pieces of testimony in committee by some of these institutions that further underscore that in their opinion it's anti-job, anti-employee, anti-residents, anti-business and completely counters the underlying goal of the bill which is -- which is actually job creation.

They further underscore the fact that so many of these institutions have not only paid back any of these loans, but they paid it back with interest; in other words, the government, the taxpayer made money on this. And so many of these employees had nothing to do with that aspect of the business that this seeks to address. They are feeling unfairly targeted, and rightly so.

And it is a business, I might add, that really supports Connecticut's revenue stream. It employs an industry of 150,000 people, over 5,000 businesses and industry that makes up 10 percent of the state's employment base and represents 30 percent of the state's gross product; again, a very, very negative message.

They further go on to say that, by doing this, by

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picking on this particular group of people, we may be tampering with a constitutional issue, which the State of Connecticut, therefore, would end up going to court. And not understanding or knowing or realizing how much revenue they could be gaining, we would have to spend quite a bit, probably litigating this in court. It doesn't know how many people, really, it's going to affect. It doesn't know how much revenue that it's going to bring in. And, again, it tests the constitutional issue.

And a further, the issue of its constitutionality, it's been stated that it violates the U.S. Constitution's prohibition upon passage of any state of a bill of attainder. And I understand that to mean that a levy would not and could not apply to a taxpayer who declined or returned such a bonus but will apply to any bonus received by a taxpayer from a covered TARP recipient, regardless of whether such covered TARP recipient was paid in full or in part to the federal government, any funds under TARP.

And when they further go on to explain what does the Constitution Bill of Attainder Clause say, it says that in Section 2 of S.B. 1 targets and effectively punishes a discreet group of individuals, solely

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because they received bonuses from certain currently unpopular financial institutions and that legislative acts such as this, the one that we're discussing right now, no matter what they're for that apply either to a named individual or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are bills of attainder prohibited by the Constitution. This clearly makes this type of legislation easy bait, easy target to go to court, and surely we will do that.

It just doesn't make sense, Mr. President, that we should be discussing this bill at this time in this state for a very group that really helps to support our revenue base for the state. There are a number of state Senators here that represent many of these organizations, these individuals, many of them that went through quite a bit of -- of difficulty in paying because sometimes they're on top and sometimes they're nearly out of business and are in foreclosure and have to leave or at other times they're being targeted by a legislative committee here where some of the families and their children actually are afraid and afraid for their lives because they have cars and residents and protests going on in front of their homes, and they

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don't understand why, many of which weren't even a part of all of this.

And at some point there is a threshold where they're going to say, you know, we don't need this. We're only 10 miles, 15 miles, 20 miles at the most from the -- from the New York border; we could just as easily do our business there. And that's what we want to prevent.

So, as I said, this is certainly not the kind of action I think that this bill should be directing to improve our job market and the environment to have a healthy economic environment for the state to prosper and to grow. So for that reason, I know and I hope that a number of our Senators will consider not supporting this bill right now; it's the wrong time for this sort of action.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President. I can't help but sense and smell the irony in the title of this bill, given some of the contents of it, AN ACT CONCERNING THE

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PRESERVATION AND CREATION OF JOBS IN CONNECTICUT.

There are some serious reasons in here why this does not do that and there is also a message in this bill, Senate Bill Number 1, that will resound through the business community as we speak today, whether this is passed or not. And it's not a good message at all.

In this bill, there is the good and there is the bad and there is the ugly. The good is that at least we are taking a stab at eliminating the Business Entity Tax; that's a tax that is onerous particularly for smaller companies, and I applaud the committee for writing a bill to address that. There is \$20 million in loans and loan guarantees for smaller businesses; I applaud that.

The bad is that it doesn't go far enough. Connecticut is at a crossroads in terms of its potential future development of its tax base which, once again, feeds Connecticut state government and all of the programs that we review and implement every year. If we harm that tax base, we're harming every, single person in Connecticut or most of them, in any case.

And then there is the ugly, which is the bonuses on employees who receive -- on bonuses at firms that

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receive TARP funding. This is the community of businesses that we want in the State of Connecticut. We want financial service businesses. They don't pollute. They pay a lot of money in their salaries. They contribute a great deal in terms of economic development, individually and corporate-wise they contribute a great deal to the charities in their respective communities and municipalities. The last thing in the world we want the be doing is sending out the message that we're going to tax you more.

And, yes, it probably does bump up against the issue of a bill of attainder, a constitutional issue that has been reviewed, but not fully, not as fully as we could. And if it is litigated, it'll be a very interesting case to follow. If we were to hypothetically litigate that or, in fact, litigate it and we were determined not to be passing a bill of attainder here today, the fact that it comes close, that it rises to the level of an inquiry in the court of law is something that does not send out a good message at all.

Again, this is the community of business people that we want in the State of Connecticut. Our heyday is over, quite frankly, in terms of manufacturing,

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insurance, which is part of the financial services sector, and other industries that have put Connecticut on the map not only of this country but of the entire world and has created a great stream of revenues to the state of government for over a hundred-and-some-odd years, as long as they've had taxes in place.

I do want to also point out that although the data is not in yet and it may be very difficult to get this in time for the end of session, but we have been blessed in the State of Connecticut by an unexpected bump-up in revenues here recently. We need to parse through that data to figure out where it came from, but what I'm hearing is that that -- that increase in revenues came from a smaller group of people. I can guess, you can guess where that came from. It may be less than 20 people, the -- a significant portion of it, a statistically significant portion of it. It may not; we don't know, but that's the suspicion at this point. The message there, fellow Senators, and Mr. President is that if we did not have those people in our state, because I suspect they worked at financial service firms, we wouldn't have that unexpected bump-up in revenues, we'd have perhaps something on the negative end. That's a message that

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we should all pay very, very close attention to.

Mr. President, through you, I have two, maybe three short questions for Senator Daily.

THE CHAIR:

Please proceed to frame your question.

SENATOR FRANTZ:

Thank you.

Senator Daily, if the TARP money was paid back already, the -- does the increased bonus tax remain in effect?

SENATOR DAILY:

Through you, Mr. President --

THE CHAIR:

Senator Daily.

SENATOR DAILY:

-- yes, sir, it does.

SENATOR FRANTZ:

Thank you.

Through you, Mr. President, thank you for that answer. If the money is about to be paid back with interest at a surplus, we'll call it, to the taxpayer as opposed to a profit to the taxpayer, is the bonus still -- bonus tax still in place?

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Senator Daily.

SENATOR DAILY:

Thank you, Mr. President.

And through you, Mr. President, yes, sir, it is.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And through you, Mr. President, Senator Daily, are there any other states that you're aware of that have a tax such as this one, specific to bonuses for employees who work for firms that received TARP monies?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Mr. President.

And through you, Mr. President, no, sir, not that I'm aware of today.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

Through you, Mr. President, thank you for those

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answers. I do not have any more questions for you, maybe some others that I'll -- I'll ask privately. But thank you for those answers.

Once again, Mr. President, I would say this bill sends out the wrong message at the wrong time. Yes, there are good elements in it. It -- it does provide for some good economic development provisions. It doesn't address completely the Business Entity Tax which for small business is an onerous burden. For larger businesses, it's a slap in the face; it says we don't really appreciate you as much as we should.

And, final point, once again, where are we going to get our revenues if we don't have the financial services business in the State of Connecticut? Decisions are being made daily, and I do not want to see something like this in a bill form scare our tax base away.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator DeBicella.

SENATOR DEBICELLA:

Thank you, Mr. President.

Mr. President, through you, a question to the

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proponent of the bill.

THE CHAIR:

Proceed to frame your question.

SENATOR DEBICELLA:

Thank you, Mr. President.

Through you, to my good friend Senator Daily, I just didn't see it in the bill here. Where is the section that's going to prohibit people from moving out of the State of Connecticut? Through you, Mr. President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, very much, Mr. President.

And through you, Mr. President, that perhaps is an amendment you want to offer.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Through you, Mr. President, I obviously jest in -- in the question, but a more serious question is: Why do we believe that people who are given this new TARP tax, many of whom have the financial wherewithal to move, won't just move to New York or another state

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instead of paying this tax? Through you,
Mr. President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, very much, Mr. President. There are a number of reasons I believe that will not be the case. First of all, this is not higher than any other of our surrounding states as a tax rate, and it's lower than most. Second, it's temporary. Third, it does help the small businesses that we've been trying to help.

And I would like to mention that I was on, as were other colleagues, the Finance Committee when this tax was enacted: The problem that this sought to address was that there were many companies who paid zero tax. Since we've passed this tax, there's always been a concern about those at the bottom of the ladder and always a look to see if there was some way we could provide some kind of relief. Now that there were those bonuses that we think people were likely not counting on, we are going to try to use that for two years to provide that relief that we have sought.

SENATOR DEBICELLA:

Thank you.

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THE CHAIR:

Senator DeBicella.

SENATOR DEBICELLA:

Thank you, Mr. President.

I thank Senator Daily for the answer to the question. I actually think she's half of the equation right there. I actually think every, single person in this circle would vote to eliminate the Business Entity Tax, if it were a stand-alone bill.

The issue is that this TARP bonus tax is not only unconstitutional but is going to harm the State of Connecticut because people are going to leave this state. When you place this kind of tax on folks, they might not move to New York, they might move to South Carolina or Florida, because a lot of financial services is not geographically dependent. So this not only is going to do something that's unconstitutional, but it will reduce -- it -- it will actually reduce the amount of revenue the State of Connecticut is going to get as people move out.

The fiscal note on this is wrong. This is going to result in a massive loss for the State of Connecticut, because when these folks move out, not only do we lose their TARP tax money but their Income

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Tax money, their Sales Tax money. So this is going to be detrimental to our budget.

Now, take with -- when those people leave, guess what? They're probably going to be leaving with their businesses. So this is about creating jobs? People in Connecticut are going to lose their jobs as folks move out of the state. This is going to have the exact opposite effect of what it's going to have. Only in the perverse logic of this building does raising a tax somehow create jobs. If we were serious about this, we would have a stand-alone bill that actually cut the Business Entity Tax, dealt with regulation reform, actually cut spending to pay for it. Instead, what we have here, Mr. President, I believe is nothing but political theatre to capitalize on emotion and does not fundamentally address any of the issues that our business community is facing.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator LeBeau.

SENATOR LEBEAU:

Thank you, Mr. President.

I rise in support of this bill as amended. Now,

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we've heard a -- we're going to hear more, I'm sure, about the signals that we're sending to business. And I think there is a -- there's a signal that we're sending to both business and to the people of the State of Connecticut with this bill, and that signal is one of fairness.

I was listening to National Public Radio this morning. They were talking about hedge fund managers, and they'd noted that of -- if you took the salaries of the 25 top hedge -- hedge fund managers last year in the United States, that we could pay for 688,000 teachers.

You know, this is about -- we've heard this discussion about Main Street and Wall Street. This bill is about Main Street. This bill is about helping small businesses through the business assistance program that's being set up by the \$20 million that we have -- that will be appropriated through the bond funds and through the reduction of the -- the Business Entity Tax.

Whether it's teeny-weeny or itsy-bitsy or polka-dot bikini, I'm not sure, but it's -- let's get back to the facts in the bill. What we're talking about are real businesses that employ one person. So

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we're talking about real businesses, not -- not businesses that file a form every year that way that we're in existence but businesses that really employ people. So we're saying if you make less than \$50,000 and you -- and you employ somebody, at least one person, at at least 35 hours a week, then you're going to get that break; we're going to take off that \$250.

You know, and we're talking about signals we send to business. We send signals to business. We're going to send more signals to business. There -- there are going to be some bills that I'm sure that Republicans and Democrats alike are going to -- are going to back regarding business this year, particularly for small business. And why small business? Because we know that 97 percent of the new jobs that are created in our economy are created by small businesses. So that's why we're focusing on small business.

You know, we're also going to have bills that, as I mentioned, the, you know, the so-called "Roundtable" bills and other bills that are going to come from Commerce, bills that deal with the reinvigorating and getting the Insurance Reinvestment Act going. But if you look back in our past, we have done much for large

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business. We have done much for -- for large business that we - the one of the largest trading floors in the world is in Stamford because of what this Legislature did some years ago. We have done these things and we'll continue to do these things, and this bill, again, is about fairness and balancing the needs of Main Street versus Wall Street.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you, Mr. President.

Just a few brief remarks. I doubt if I'd have anybody in my district that would be affected by the tax we're talking about, but I do think there's a basic unfairness with the tax. And I know from some of the -- actually some of the seminars we had here and when we had some tax experts in front of the Finance Committee, and they mentioned that the United States and Great Britain have the highest percentage of tax compliance in the world. And -- and one of the reasons they gave for that is that most people think their taxes are fair. We all complain about them,

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but, in general, we think it's a fair system. Something like this is just on its surface blatantly unfair, and that's why I have some problems with them. You're -- you're taxing people retroactively; I never could understand how that was fair.

Some of the questions that Senator Frantz asked about, even when if they paid back the TARP money, they're going to be subject to this tax; but that strikes me as unfair.

And then when you move on to some of the remarks by Senator DeBicella, you know, about this being a very mobile society, and you don't need -- you know, with computers and so on -- you don't need -- location doesn't mean anything at all for most of these businesses.

I knew a guy who was a hedge fund operator and from Connecticut. He moved down near Duke, because he had a weight problem and he wanted to be near their weight-loss clinic, had nothing to do with taxes but it -- it shows how easily you can move a business like that.

And, you know, we've been a mobile society from colonial times. I -- I, you know, I took my Master's degree at Trinity, and I had a real old, sage of a

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professor and he explained it, how the United States has always been mobile because we had cheap land. And so if you didn't like who you were working for, it was inexpensive land and you could move. The reasons for moving today are a little different than that; the land isn't cheap, but we're still mobile. We have those habits. And, you know, and I am concerned and I -- we, we are losing population. We are losing jobs. Those are real facts; those are not some projections, those are facts.

We all -- we all in this room know people who have left Connecticut because of our attitude, which I consider to be pretty anti-business. I know two within the last year, one to North Carolina, one to Florida, who have moved, not because of this specific tax, but just because of our tax policy in general. We seem to be punitive in the way we tax people.

I mean the one good part of the bill that I thought was worthy, when we're going to take a shot at eliminating that two -- \$250 tax on some, some business. And I think that's great. The problem is you're talking about businesses -- I mean, I think we should eliminate the entire tax. You got people -- you're talking about you're a small business that

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makes \$50,000, has one employee. I'm an -- I have an insurance agency in a very small town, 11,000 people; we insure a great many business that have only one person. But you'd be surprised at how many businesses, they don't want to get into the hassle of hiring employees, so they're, because of the environment that we created here in Connecticut, because of the high Workers' Comp costs, because of the taxation, because of the regulation. So you've got a lot of one-person businesses, carpenters, people putting flooring in, landscapers; they work alone. They're - they're not going to get this tax break.

You even have some people who are really not in business at all who just set up an LLC. They own land up in Stafford and Union and Eastford. A lot of people have had land in their family for generations, and they're what we would call "land poor." They got no cash but they own land and they keep it because some of them just like to own land. They've owned it a long time and they value it, and they're they don't want to sell it.

And that kind of fits in with another goal in Connecticut; we're trying to keep open space. So, you know, you have an -- I -- I -- just one lady comes to

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mind; I've mentioned her before in this chamber. She called me up. She's in her eighties. She has a lot of land that's been in her family for generations. She set up three LL -- three LLCs with her three sons to give her liability protection on the land. In case someone got injured on the land, they could only take so much; it was smart. But she pays 250 times 3 for absolutely nothing, and she asked me how, how is that fair? I'm not even really in business. You know, I really couldn't answer that. So I think if you're talking about a question of fairness and taxation, this just doesn't do the job.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President. I would like to ask the proponent of the bill, so that I will understand this more clearly, a question.

Through you, Mr. President, Senator --

THE CHAIR:

Please frame your question.

SENATOR PRAGUE:

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Senator Daily, the bill before us is going to tax just the bonus that these CEOs or at whatever level they are, people who get the bonuses in these, the companies who got the TARP money. Is that correct?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Through you, Mr. President, yes, that is correct, Senator.

SENATOR PRAGUE:

And through you, Mr. --

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President.

And through you, what's the average salary these people get, not counting the bonuses? Because bonuses are not salary, but what's the average salary they get for the work they do?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Through you, Mr. President, I don't have the information on the average salary, Senator.

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THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

So, through you, Mr. President, if this is only going to tax bonuses of over 500 million -- no -- \$500,000, then would I be wrong in assuming that if the \$500,000 is a bonus, that they -- that salaries would at least be equal to that if not more?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Mr. President.

And through you, Mr. President, Senator, I don't think that's anything I feel qualified to answer. Some could be earning various low salaries and receive a bonus, some could earn very high salaries and be eligible for a bonus. But this surcharge that we're speaking of is two-and-a half-percent on the bonus --

SENATOR PRAGUE:

Uh-huh.

SENATOR DAILY:

-- \$500,000 and over.

SENATOR PRAGUE:

Well --

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THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President, I want to thank the Chair of the Finance Committee. So that I can just be clear, that the \$500,000 is in addition to their salaries and the -- the tax is only on that large bonus.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, very much, Mr. President.

And through you, Mr. President, yes, Senator; that's exactly correct. On whatever your salary is, you pay your tax as levied. And this bonus is only on -- this two-and-a-half percent is only a bonus that you would have received if you were an employee in a company who received and accepted TARP funds.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President, thank you, Senator Daily for explaining that to me.

Thank you, very much.

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THE CHAIR:

Thank you, Senator.

Do you care to remark further? Do you care to
remark further on the bill as amended?

Senator Fasano. .

SENATOR FASANO:

Thank you, Mr. President. Mr. President, through
you to the proponent of the bill --

THE CHAIR:

Please proceed.

SENATOR FASANO:

Thank you.

Mr. President, if I may, in Line 58 though 59, it
says disqualified bonuses do not include commissions,
welfare or fringe benefits or expense reimbursements.
It's my understanding that in determining the TARP
bonus, as defined in previous lines, those items are
disqualified from that value.

Is that a correct interpretation, through you,
Mr. President?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Mr. President.

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And through you, Mr. President, yes, sir.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, through you, perhaps Senator Daily can help me out with the -- in Line 59 -- word "welfare" must be tied to the word "benefit," I'm gathering, but welfare or welfare benefits. What type of welfare or welfare benefits would that include that could be discluded from the bonus value? Through you, Mr. President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, very much, Mr. President.

The bill does not contain a definition of that welfare or of fringe benefits or of expense reimbursements or of commissions. But I would expect it would have the common meaning and match what we do with our own Income Tax.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

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Thank you, Mr. President.

Although I can't speak definitively, but I don't believe that welfare is described in our code, but I won't say it definitively. But if I can ask the Senator, if part of my compensation package was a health club membership, would that be something that would be considered excludable from the definition of disqualified bonuses? Through you, Mr. President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

... If part of your salary was considered a health club membership, I would think yes, you would pay tax on that. And I think the same application would be present in a bonus.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So, through you, Mr. President, would that be, under this bill, if that kicked in to over a million dollars, would that be -- or 500,000 -- would that be subject to the TARP tax or not, this say, health club benefit membership? Through you, Mr. President.

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Senator Daily.

SENATOR DAILY:

Thank you, Mr. President.

And through you, Mr. President, yes. If that were considered part of your bonus, a health club membership, I would say that it would, as it would in other circumstances. If that's part of your salary, it's considered as part of your income.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Senator Daily.

And through you, Mr. President, so it would not, although it would be disqualified under Line 58 through 59 because it's a welfare benefit, you're indicating that it would be included for the bonus tax. Is that correct, through you, Mr. President?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Mr. President.

And through you, Mr. President, yes, that's what I'm saying.

THE CHAIR:

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Senator Fasano.

SENATOR FASANO:

So what welfare benefit are we excluding by virtue of Line 58 through 59, Mr. President, through you?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you very much, Mr. President.

I would say this excludes what is commonly called a welfare benefit, welfare that you receive from the government.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

I thank Senator Daily for that answer.

If I can now turn to Lines 40 through 41 of the bill, where it talks about arrangements for future payments, in our code we tax when you either realize that income that is receive it or if it is a promise in the future, if it's securitized or there's security now in some fashion and you get it in the future, such that the expectancy of that money is almost guaranteed or is guaranteed, you include it in income. With

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respect to future payments, if there was a contract to say three years from now, so in 2013, I am going to pay you a bonus of \$500,000 if the company does X, would that be included in this bill as a taxable event today or when I receive the money in 2013? Through you, Mr. President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, very much, Mr. President.

And through you, Mr. President, that would be considered a taxable event when you realize those receipts. We follow federal tax code; you pay on Line 1420 or whatever of our form. So that's how that would be --

THE CHAIR:

Senator Fasano.

SENATOR DAILY:

Is how that would be done.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President I thank Senator Daily for her answers.

Mr. President, I rise in opposition to this bill

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for a number of reasons. First of all, Mr. President, Senator Daily is correct, we should be following the tax code, and we should be following the tax law. This will be the first time federally or state that someone has attempted to use the tax code in a manner against a particular industry as a result of a particular offense and against a particular employee, first time that I can find, that this is done to that regard. To me, that's an awful scary power.

I've looked at the opinions. And, you know, people can say there's an accident on the corner and a lawyer sees it, and he can take either side, when it comes down to a case. In this case, nothing is more true. The Attorney General of Connecticut was asked is this an unconstitutional tax? His answer was I think so; it is -- I think it is not unconstitutional, maybe -- perhaps.

I kind of looked, and as an example of that, he said you have to look at the legislative purpose of the tax, which is stated to replace the corporate tax, which is in the bill. So he's saying it's okay that it has a function of punitive nature, as long as it has what the Legislature deal -- believes is a noble cause. So if you're doing something that's wrong but

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you have a noble cause, it's okay. I don't follow that logic.

There are a lot of people with good intentions who do bad things, and they're held accountable; they're still bad things. So in this case, Mr. President, that argument, which is the crux of his decision, which at the end of the day he is equivocal at best saying I don't think so.

When you look at the law, the law is abundantly clear. You have to have a rational relationship to the tax and the generation of that tax, that income. There is no rational relationship. There is nothing that TARP tax of Connecticut does to increase businesses in the State of Connecticut. That tax, in and of itself, does not increase businesses in Connecticut. Sure, we can use that money to do lots of things, loads of things, hundreds of things. One they pick is to bring businesses, but that's not what the TARP tax is -- is associated directly with. Mr. President, it is clearly, absolutely, positively, without question, punitive. It's punitive. It is offered as a way to punish those who we feel did something wrong.

Now, I know it's very tough to stand here and say

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somebody gets a million-dollar bonus, \$2 million bonus, \$3 million bonus. It's tough to protect; I get that. But it is the policy. We are opening up a door to an unbelievable unknown, and it's easy to pick on the person who makes the two million, \$3 million bonus. There's not a lot of sympathy out there for the person. But you have to look behind that. You have to look at the policy in what we're doing.

Now, there's going to be a lot of talk, I am sure, about the fact that the banks put us in this horrific position, that it was the banks who we bailed out who put us in the position that our market fell. Our housing market fell. Our stock market fell. Lost -- unemployment. Lost jobs, unemployment rise is because of the greedy people who dare to make loans knowing these people are going to default on the loans and capture that profit. And they have to pay. They have to pay and this is how we're going to make them pay.

The problem with that argument, Mr. President, is the policy in Washington was for the banks to do that. Fannie Mae and Freddie Mac policy was everybody should own a home. Everybody deserves a home; get it to them. We had non-verification loans that weren't

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backed up. We had no one checking values at the government. Why? Because our Freddie Mac and Freddie -- our Fannie Mae and Freddie Mac programs were designed to help make mortgage available to the poor, middle class. And as it went on, that notion, noble as it was, was usurped by pushing a policy way too hard. And Washington knew about it. They knew that they were overextended. They knew that their equity that they had in the housing market was considerably distressed.

What did they do? Fannie Mae and Freddie Mac spent \$170 million over the previous decade to hire lobbyists to prohibit changes in the regulations that would have tightened up those structures. In a self-interest view, they fought hard to stop any speed bump that prohibited them from delivering the policy that they felt were right.

Fannie -- Freddie Mae and Fannie Mac doubled in size, \$2 trillion of mortgages. And when the concerns were brought to light in Washington, people in charge of Fannie Mae and Freddie Mac said things like we don't have a crisis with Freddie Mac, and in particular, Fannie Mae; we have soundness in our system. In fact, I think it was Chuck Schumer said

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we're using the recent safety and soundness concerns to curtail Fannie Mae and Freddie Mac's mission; I lay my marker down, Mr. Chairman, that I believe these are solid institutions.

Our own Chris Dodd called the criticism of this market exaggerated threat, overestimating the seriousness of this financial loss, that Freddie Mac and Fannie Mae are fundamentally sound financially; people accuse as an artificial excuse to put regulations in.

Well, they were wrong. They were wrong. They were wrong. Fannie Mae and Freddie Mac was a time -- bomb in our financial institutions and in our market that blew up in their face and our face.

And what's our answer? Yeah, I know we pushed these policies. Yeah, I know we pushed the limits. Yeah, I know we overcollateralized. Yeah, I know these loans' ratio didn't make any sense. Yeah, I know we stopped all these safeguards. And I know to stop the bleeding that we caused you banks, we're giving you a TARP funds. Now the State of Connecticut is walking up its Legislators and say now we're going to tax you. Even if you pay it all back, and you gave a loan -- sorry, you gave a -- a bonus, you paid all