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**CONNECTICUT
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Calendar page two -- correction, calendar page
33, Calendar Number 237, File Number 347, Substitute
for Senate Bill 300, AN ACT CONCERNING FAMILY AND
MEDICAL LEAVE BENEFITS FOR CERTAIN MUNIPAL
EMPLOYEES, favorable report of the Committee on
Labor, Planning and Development and Appropriations.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President.

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

THE CHAIR:

Acting on adoption approval, ma'am would you
like to remark further?

SENATOR PRAGUE:

I would, Mr. President, and thank you.

What this bill does is give the
paraprofessionals who work in our schools, who
probably work with some of the most needy kids, the
opportunity to have FMLA. Right now the federal
government requires that you work 1,250 hours a year
in order to access FMLA. What this bill does is
offer the paraprofessionals the opportunity to

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access FMLA and the Clerk has an amendment. The amendment is LCO 3693. Would he please call and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3693, which is designated Senate Amendment
Schedule A, is offered by Senator Prague of the 19th district.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

I move adoption.

THE CHAIR:

Motion on adoption. Seeing no objection, please proceed, ma'am.

SENATOR PRAGUE:

Thank you. The amendment is a simple amendment. It requires the paraprofessionals, instead of working 700 hours a year, it changes that to 900 hours a year. The -- the change makes the proper adjustment so that the para's are in school five hours a day. It's a good amendment and I'm hoping that this circle will adopt it. Thank you.

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THE CHAIR:

Thank you, ma'am.

Will you remark further on Senate A?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

Through you, to my friend, Senator Prague, I make a habit of looking at bills and amendments and sadly in today's climate the first place I turn is - is the fiscal note. And, through you, Mr. President to Senator Prague, I guess we're on the amendment.

THE CHAIR:

Yes, sir. We are on Senate Amendment A.

SENATOR RORABACK:

Thank you, Mr. President.

And -- and I was reading the fiscal note for the underlying bill so I -- I will sit down and reserve the right to stand up. Thank you.

THE CHAIR:

Thank you, sir. I appreciate it.

Will you remark further on Senate A? Will you remark further on Senate A?

If not, I will try your minds.

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All those in favor please signify by saying
Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed Nays? The Ayes have it.

Senate A is adopted.

Will you remark further on Senate Bill 300 as
amended by Senate A?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And -- and I'm not an expert in the Family
Medical Leave Act, Mr. President, and I know that
Senator Prague is much more knowledgeable and expert
than I am, but through you, Mr. President to Senator
Prague, my understanding is that there's -- there's
a federal family and medical leave act and a state
family and medical leave act. Through you, Mr.
President to Senator Prague, is that -- that
correct?

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

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Through you, Mr. President.

Yes, that is correct, Senator Roraback. This, the state -- this deals with the federal FMLA which affects everybody. The state FMLA affects state employees.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And - and through you to Senator Prague, is that because the -- it was concluded that the federal family and medical leave act, now -- now I'm remembering a court case I think that said the federal family and medical leave act couldn't apply to state -- state employees, is that right, Mr. President, through you to Senator Prague?

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

I don't believe that's correct, Senator Roraback. But these are not state employees. These are municipal employees and they do not qualify for the FMLA simply because they don't work enough

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hours. This will allow them to qualify.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And, through you, Mr. President, is it up to the state to determine the qualifications for people to be entitled to take advantage of the family and medical leave act? Mr. President, through you to Senator Prague, if she follows my question.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

This is within our jurisdiction. We can do this without any problem.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And if the -- if the federal law says you have to work so many hours in order to be eligible, what I'm trying to understand, Mr. President, is we can't change the federal law. How is it we that we can do

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something in state law to make someone eligible for
a federal program? Mr. President, through you to
Senator Prague.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

There are -- let's see how can I answer this
for you, Senator Roraback? We are allowed to do
this by law.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And, it may well be that the federal government
has delegated to the states the ability to alter the
-- the requirements such that we can lessen what
would otherwise be, kind of default federal
requirements. So, through you, Mr. President, under
existing law how many hours would paraprofessionals
have to work in order be eligible for these
benefits? If Senator Prague knows the answer to
that question, Mr. President, through you.

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Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

If the paraprofessionals worked 1,250 hours, they would qualify under the federal FMLA but because paraprofessionals are mostly part timers, they need to have their hours reduced so that they would qualify.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And, most of these individuals, I'm guessing, because they're working in a school setting are only working nine months a year or have the summer off and so they have fewer hours in that respect, as well, Mr. President, through you to Senator Prague.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

That does affect this whole situation. The 180 days that are required by state law is the number of days that they work.

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THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And does Senator Prague know if you -- and I don't know the answer to the question, if 1,250 hours over 180 days, I'm sorry, through you, Mr. President, does Senator Prague know how many hours a day you would have to work in order to be eligible under the existing law?

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

As a matter of fact, they would have to work 6.95 hours per day for each of the 180 days in order to qualify.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

So essentially they'd have to be a full time employee if they were to get the benefit of the family and medical leave act under existing law, but

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what I'm understanding from Senator Prague is that most of these individuals don't work on a full time basis and because of that, if we wish to extend to them the opportunity to take advantage of the Family Medical Leave Act, this law needs to be passed.

Through you, Mr. President to Senator Prague. I'm -- I'm not a quick study, but I think that Senator Prague has -- has effectively reached me, through you, Mr. President, and educated me about this bill if she can confirm that what I've just said roughly captures what we're doing. Through you, Mr. President to Senator Prague.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

First of all, Senator Roraback, it's a pleasure debating with you. The -- it would be a --

SENATOR RORABACK:

The pleasure is mine, Mr. President, through you to Senator Prague.

SENATOR PRAGUE:

It would be a huge cost to the municipalities if we said that the paraprofessionals have to work

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6.95 hours a day. This would then be considered a municipal mandate; that's something we don't want to do up here and besides, they're not needed for the 6.95 hours per day.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And, it was -- it was the municipal mandate that I saw in the fiscal note that caused me to stand up. Senator Prague has answered my questions to my satisfaction. I'm very grateful for her -- her expertise and her ability to educate me, Mr. President. It's not easy. Thank you and thank Senator Prague.

THE CHAIR:

Thank you, Senator Roraback.

SENATOR PRAGUE:

Thank you, Mr. President and Senator Roraback.

THE CHAIR:

Will you remark further?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President.

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Mr. President, a few questions please to the
proponent of the bill.

THE CHAIR:

Senator Prague.

SENATOR BOUCHER:

Through you, Mr. President, it appears that
some of our small towns have contacted us and are
very concerned about this bill more so in that the
cost to the towns would be that they would be in a
position to have to hire replacement workers to
provide the services when paraprofessionals are out
on leave and that it would add significantly to
their administrative costs which would have to track
and document the leaves using different hourly
thresholds to determine eligibility.

Their concern, through you, Mr. President, is
that they're already facing an unprecedented budget
crisis these last two years and almost \$100 million
in cuts to municipalities that are already being
absorbed by them. They're very concerned that this
just adds just another thing on their plate,
particularly when they would have to in -- in very
small communities with very small staffs, have to
find others to replace them during that time.

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Through you, Mr. President to the proponent, was this discussed and what would the proponent say to these small towns?

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

Senator Boucher, when you take -- when you take family and medical leave, you don't get paid. Whatever they -- whatever time they take because they're sick or their children are sick or there's a family member that they have to take time off to care for, they don't get paid. So whoever replaces them is not going to cost the town any extra money because the town isn't paying the paraprofessional when they've taken family and medical leave.

There's no extra money involved here. I understand your concern about municipal mandates; I understand your concern about budgets. The towns are squeezing every dime they get, so rest assured, this is not going to cost the municipalities any more because the para's who take the time don't get paid.

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Senator Boucher.

SENATOR BOUCHER:

Thank you very much, Mr. President.

I thank the good Senator for her answers.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Through you, just a couple of questions to the
proponent of the bill.

THE CHAIR:

Senator Prague.

SENATOR KANE:

Thank you, Mr. President.

Just a kind of piggybacking off Senator
Roraback's questions in regard to the overall Family
Medical Leave Act, is it the federal law that sets
the 1,250 hours, through you, Mr. President?

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

Yes, Senator Kane.

SENATOR KANE:

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Thank you. So if federal law says that all groups would have to work 1,250 hours, why are we changing it for this group? Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

We're changing it for this group because this group can't possible work the 1,250 hours. These paraprofessionals are in our schools taking care of some of the neediest kids. When you're in a school, I don't know if you've ever spent any time in a school with lots of kids, sometimes there's lots of germs around and you get sick yourself or you carry the germs home to other people and these paraprofessionals can not afford to come to school sick because they're going to infect the other children there.

So for them to have family and medical leave, I mean they're going to give up their pay in order to take that leave, either to get better themselves or to take care of a family member. This is not an added expense to municipalities and this is within

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our purview to be able to offer these folks this opportunity to take time off when it's needed for a family reason.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I -- I guess now I'm more confused because we're not talking about paid sick leave, we're talking about family medical leave.

SENATOR PRAGUE:

I wish we were.

SENATOR KANE:

My understanding of family medical leave is if a woman is pregnant, if there's a death in the family, you have to take care of a -- a sick relative for a great number of days, possibly weeks, months, and you're able to come back without losing your job because that job is there for you. I didn't think it was because your child has the sniffles and you need the day off. Am I confused? Through you, Mr. President.

THE CHAIR:

Senator Prague.

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SENATOR PRAGUE:

Through you, Mr. President.

Yes, Senator Kane, you're confused. If you have to take a week or two or three because your child is sick or your sick yourself, if you take a day off, that doesn't enter into this picture. Family and Medical Leave is, as you said, is a length of time because there's some kind of medical reason why you need the time off. You don't get paid; the only assurance is under FMLA is that your job is protected.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Because your -- you answer previously, I guess was what confused me because you said there are a lot of germs and they may need a day off and I didn't think we were talking about the same thing and that's why I wanted clarification. Let me just ask you another question or -- or just a couple along that -- along those lines. If we do this for this particular group, does that mean we're going to do that for every group? So, we're going to lower

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that threshold from 1,250 to 900 for everyone, it's not just paraprofessionals, it could be anyone?

Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

I -- it's my understanding because the school, the full school year, mandated by law is 180 days. This is not like working in Walmart or wherever. This is working in a school system where you work X number of hours per day, every day, and that's why we're doing it. It's within our power to do it for this group.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

So, through you, are there other groups within the school that would be eligible for this particular change? Thank you. Through you, Mr. President.

THE CHAIR:

Senator Prague.

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SENATOR PRAGUE:

Through you, Mr. President.

I don't know, Senator Kane, I don't know of any other groups. The teachers have FMLA, the secretaries in the school work the 6.95 hours required to meet the 1,250 hour requirement. We wouldn't mandate that the para's work the 6.95 hours because, as I discussed with Senator Boucher, it's an additional cost to the towns.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I just wanted to clarify that that they're -- we're not offering this up to other groups that might be eligible for it. I don't know, as -- as you earlier stated about working in a school system if it could be custodians, it could be, I don't know, whomever, that may not work enough hours. That's why I just wanted to clarify that.

And, then just lastly, I do believe it is some type of a mandate, in fact COST, the Council of a Small Towns came out against it because it is a mandate, and I think the biggest thing really, and

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not too much on the payroll or employment side, but on the administrative costs because it -- it will take a little bit of thorough detail to keep track of these individuals because they will be at a different threshold than other individuals, so through you, did -- did the committee take that into consideration possibly what the administrative costs would be to the municipalities because of the extra work involved? Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Mr. President, through you to Senator Kane.

Senator Kane, school -- I have to tell you that I used to be a school teacher and worked for quite some time in a school. If you're sick, they have a substitute list. It's very easy to pick up the phone and get a substitute. It's beyond my comprehension that this would be a large administrative cost.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Okay. Well, I thank -- I thank Senator Prague

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for her answers. I do know that COST, the Council of Small Towns, did come out against it because it is a mandate and there are administrative costs to be -- to be felt by our municipalities. But, I thank Senator Prague for her answers. Thank you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Mr. President, is there any more discussion on the bill, Mr. President?

THE CHAIR:

Senator Boucher, I believe.

SENATOR BOUCHER:

Thank you, Mr. President for the second time.

You know, this is almost common sense both for small towns and small companies that routinely do this without legislation. And that's part of my concern and maybe some of us here that have asked some questions on this bill. It is common sense because just as a small company is a family of individuals that work so closely together with each other, so are small towns and I would say comfortably that most all do this as a matter of

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practice anyway.

The fact that we would want to put this in legislation is, I think, what is cause for concern for most of us. We shouldn't be legislating at every single level of the functioning of either a small town or a small business. These are things best left to the internal workings of those individual communities and individual companies. As I said, I -- I just -- I'm -- I'm concerned that -- that this is a -- a bill looking for a problem rather than a problem looking for resolution.

Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President to Senator Boucher.

You know, the -- this is -- this FMLA is a way of protecting your job. If you have to be off for a month or two months because of a serious illness, you don't get paid for all that time; all this does is assure the worker that the job will be there when they go back to work. The towns can't, the towns can't bow out of FMLA and can't adjust their -- can't adjust the hours themselves. We have to do it

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as the governing body in this state.

We have to put this into legislation. I agree with you, Senator Boucher, that common sense is a wonderful thing to have, whether it's at the local level or the state level or the federal level, but common sense can't do this and I appreciate your concern and understand it, but you can't do this sort of thing just by common sense. You have to have the legal authority to do this and we give the towns that legal authority.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Mr. President, just one final question if I may, through you. Is there a time commitment on the part of the small town? In other words, how long could this family leave last? Is there a time limit on it or is it without any limit? Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

Senator Boucher, you know that's one question I

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can't answer. If somebody is sick for two months or three months, I don't know the exact limit on FMLA. I imagine if it's a period of over a year -- well, I don't even want to imagine, because I don't know. FMLA timeframe is for everybody, everybody. It's the same length of time that you have to be out to take care of yourself or a family member. But that doesn't vary from town to town, or job to job. It's a definite. It's what the federal government has put in place.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President.

So, I understand through the answer that there may be a time limit on it; it would just coincide with whatever the federal guideline is. We're not talking about an indeterminate period of time that could go on for years into the future. Am I correct in that? Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

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Now that, to you Senator Boucher, that by common sense doesn't make sense. Nobody could go for years and years and have the job waiting for them. That doesn't add up and I will be glad to get the answer for you after this debate is over but, it's the same for everybody, Senator Boucher. It doesn't vary for the paraprofessionals or anybody else.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you for the answer, Mr. President. I think it is a very important question. I think we should know what we're voting to allow to have happen. Certainly we would all like to feel that there is common sense in legislation but we also understand that often times, there is not. And, it would make sense if there was a certain time line after which the town would be free to find a replacement certainly if something went on for a couple of years and the needs became so great and it would be very difficult to find a part time person that would extend themselves to such a degree without security that the job would be there in the

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long run. So I think that -- that outstanding question is of concern. I look forward to a definite answer on that question. Through you, Mr. President. Thank you.

SENATOR PRAGUE:

Mr. President, the light has suddenly gone on. If I remember correctly, it's 24 weeks in a two year period.

THE CHAIR:

Senator Boucher:

SENATOR BOUCHER:

Thank you, through you, Mr. President. It sounds like about a six month period of time every two years that -- or somewhere close to that maybe between five and six months every two years? Through you, Mr. President, just to be clear.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Excuse me, Mr. President. Would Senator Boucher repeat that?

THE CHAIR:

Yes. Senator Boucher please repeat your question.

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SENATOR BOUCHER:

Yes, thank you. It appears from that answer that we could calculate anywhere between five and six months every two years would be -- would be possibly the -- the time frame we're talking about? Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

The federal government allows 12 weeks -- 24 weeks in a two year period.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. I appreciate the answer.

THE CHAIR:

Thank you, ma'am.

Will you remark?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

While Senator Prague and I have certainly stood

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shoulder to shoulder on a variety of issues over the years, and certainly I share her concern regarding individuals health and their -- the strong public policy behind allowing them some latitude to take care of their own health, especially if they serve individuals that may be the frail elderly or children. Nonetheless, in talking to all the towns that I represent and I have said this any number of times here in the circle, they said if you can't turn back some of the unfunded mandates that are already on the books, please do not pass any more unfunded mandates.

This may ultimately be a very modest unfunded mandate with laudable goals and a good desired outcome. But something tells me that it's even above and beyond that; that my municipal leaders whether they're on boards of finance, boards of selectman or mayors, town councils, they want to know that I'm listening to them. And, so, above and beyond the dollars and cents and let's say it only costs a municipality \$5,000, they want to know that I'm sensitive to their concerns as we continue to reduce the amount of money that do go to them through our various funding streams.

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In the last budget that we adopted that actually the majority party adopted and the Governor let become law without her signature that passed in the fall there was a substantial cut to municipal aid by virtue of reductions to the Mashantucket Pequot fund. So, when it comes to administrative burdens, I know that Senator Prague had characterized it as fairly modest, but it's the layering of one thing on top of another. In the information that I received from the Council of Small Towns, they indicated that especially within school systems that because the hourly rate structure would be different for one type of employee versus another, that just the tracking of the individuals to see what they are allowed could be burdensome, especially given the fact that 30 percent of the family and medical leave time taken is intermittent.

So, in going and talking to my superintendents and my boards of education, it is amazing the amount of requirements that we give to our towns to comply with. There's a tremendous amount of recordkeeping and this is going to require just one more thing. I understand that if an individual takes family

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medical leave, they would not have to be compensated and perhaps even the person that's hired to -- to take over that role would be at a lower rate, I don't know. But ultimately because there are so many unanswered questions regarding this particular proposal, I have not had a ground swell of support calls or emails from my district saying move forward with this, but I have received information, at least from the Council of Small Towns, saying don't do this and even Enfield which is the largest town in my district at about over 44,000 individuals, thinks in terms like a small town and they're really stretching their dollars as far as they can go and trying to be very creative in keeping taxes low.

All of my towns, I think, would have problems with this particular bill. So while I acknowledge the laudable goal that it seeks to fulfill and I acknowledge that protecting -- protecting the public's health is something that we should strive for, in this particular instance, I will not be able to support this proposal. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

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Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

Once again, it's been said before by several of the Senators who have commented, I think this is a very, very well-intentioned idea. However, the devil is always in the details and I think that notwithstanding this being without a doubt an unfunded mandate, to what degree we have no idea because it's not in practice and I doubt there's any data that's available from other states.

So we just -- we're operating a little bit in the black here. Of particular concern to me and I will have a question for you through you, Mr. President of Senator Prague, about the threshold to which an individual case has to rise in order to "qualify" for this leave and -- and, Mr. President if it's okay, I'd like to ask that question right now, through you of Senator Prague, the proponent of the bill, Senator Prague what anecdotally or example wise maybe you can give us an idea for legislative intent purposes, what sort of a set of circumstances would give rise to a legitimate family leave situation in a municipality?

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THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

You know, if somebody has to take FMLA, it has to be a very serious situation.. Nobody likes to lose a days pay and if you have to take a few weeks off, you lose a lot of income. If you were pregnant and had to stay in bed, otherwise you'd lose the pregnancy; if your child had some kind of, God forbid, serious disease, and you had to stay with that child in the hospital; if a spouse or a parent had a serious illness, if somebody, you know, had cancer and they were undergoing treatment -- this kind of FMLA is not to take a day off if you have a cold. It is a serious situation and for anybody to take weeks off and lose that kind of income, you can imagine what that does to the finances of a family, but if it has to be done, it has to be done.

SENATOR FRANTZ:

And, through you, Mr. President --

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

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Thank you, for that answer. To reiterate that point when you do go on leave, you actually forego your pay?

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

Yes.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you. And, through you, Mr. President, one final question. Who makes the determination, particularly in the case of a longer time away from work, that that particular set of circumstances rises to the level of seriousness that it's a legitimate hiatus from work?

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Mr. President.

Am I clear, Senator Kane, that you're asking who makes that decision, if it's legitimate? Oh, I'm sorry --

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SENATOR FRANTZ:

That's okay.

SENATOR PRAGUE:

I'm sorry, Senator Frantz.

SENATOR FRANTZ:

That's okay. I'll take the compliment.

SENATOR PRAGUE:

It is a compliment. Did you ask me who makes
that decision?

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Yes.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Senator Frantz, if somebody is sick, if
somebody has to take care of somebody in the family
who's sick, wouldn't you respect the fact that the
individual who's giving up all that pay, would make
that decision knowing that for the length of time
they're out, they're not going to have any income.
The only assurance under FMLA is that your job will
be there. If the system where the para is working

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requires a doctor's certificate, I'm sure that that is appropriate if that's what the system requires. But other than that, I have a lot of respect for individuals out there and I don't believe that anybody's going to take 12 weeks off and travel around the world.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

And, through you, Mr. President.

I agree with you. I am an optimist and I have faith in mankind that they would be making the right decision and there's no question that there's a certain amount of accountability involved with the way this is structured. You are losing your pay for taking a day or 24 weeks off in a two year period.

So there's a built-in countermeasure or a balancing factor here, there's no question about it. But as is the case whenever a law is -- whenever a bill is signed into law and we have a new set of circumstances at a municipality, there always seems to be trouble and there always seems -- not a lot, necessarily and perhaps in this case not nearly as much as we have seen in other worker's rights cases,

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but they -- there -- these cases end up in the courts and it's important I think for there to be -- for it to be made very clear, who makes this judgment in case that ever becomes an issue in the courts down the road if this does in fact become a bill.

And you sufficiently answered the question, so thank you. That's just my editorial there. I -- I do have some concerns about this, Mr. President and I'm still trying to make up my mind. It is a well-intentioned bill, but I am also concerned that this could end up costing municipalities extra money. How much, we don't know. Thank you.

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 Prague.

SENATOR PRAGUE:

Mr. President, I'm not going to ask for this to be put on Consent. So, --

THE CHAIR:

You can if you'd like.

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SENATOR PRAGUE:

We'll need a roll call vote. Thank you.

THE CHAIR:

Very well.

Mr. Clerk please announce the pendency of a
roll call vote.

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:

Senator Harris.

Have all members voted? Have all members
voted? The machine will be locked and the Clerk
will announce the tally.

THE CLERK:

The motion is on passage of Senate Bill 300 as
amended by Senate Amendment Schedule A.

Total number Voting	33
Those voting Yea	26
Those voting Nay	7
Those absent and not voting	3

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THE CHAIR:

Senate bill as amended passes.

...Senator Looney.

SENATOR LOONEY:

Mr. President, if we might stand at ease for just a moment before marking another item.

THE CHAIR:

The Senate will stand at ease.

(Senate at ease).

Senate will come back to order.

Mr. Clerk.

THE CLERK:

Calendar page 35, Calendar Number 316, File 470, Substitute for Senate Bill 278, AN ACT CONCERNING TRUANCY, favorable report of the Committees on Education and Appropriations.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President.

THE CHAIR:

Good evening.

SENATOR GAFFEY:

Good evening, sir. Seems when we ever do

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education bills, you're in the Chair.

THE CHAIR:

Here I am.

SENATOR GAFFEY:

Good to see you there.

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

THE CHAIR:

On acceptance of passage, will you remark further?

SENATOR GAFFEY:

Yes, Mr. President and members of the Senate. There essentially are two issues with regard to this bill. Currently in state law, a student is truant if in fact they have four unexcused absences from school in any one month or ten unexcused absences from school in any school year. What the bill would do, would be after that has occurred and there has been notice to the parents that they need to come to a meeting and get down to the bottom of the issues of why the child is - is truant, the bill would require the complaint that is made to the Superior Court under current law, that this a family with

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service needs to have that done within 30 -- not less than 30 days after the parents have failed to attend the meeting I referred to before.

Mr. President, this bill was passed out unanimously by the Education Committee. It had overwhelming support from a number of individuals who testified in front of the committee. Some of you may be familiar with Judge Christine Keller; she's the Chief Administrative Judge for juvenile matters in the judicial branch. She testified in support of the bill. She stated that for too long the state has not taken truancy, especially of very young students, seriously. She thinks the bill would catch a lot of truancy problems long before the child's education has been severally compromised due to excessive absences. It would call for intervention earlier at an essential stage of a child's school career.

Also, I'll bring to the attention of the Senate that the bill was actually in response to a report issued by the Family with Service Needs Advisory Board and was originally raised by attorney Martha Stone who also testified at the committee public hearing in favor of the bill. And lastly on a

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second issue of the bill, which has the state Department of Ed come up with a definition, universal definition of excused --

THE CHAIR:

Senator Gaffey, can you hang on a second?

Please take our conversations outside the chamber. Thank you.

Senator Gaffey, please proceed.

SENATOR GAFFEY:

Thank you, Mr. President.

Thank you very much. The second issue in the bill calls for the state Department of Education to come up with a definition of excused and unexcused absences so there's statewide applicability for those definitions. Currently districts have varying definitions so when you're trying to collect data on actual excused and unexcused absences to take a look at the truancy problem statewide, in many cases the data is apples to oranges and actually Katherine Hallahan, Attorney Katherine Hallahan, testified in favor of this pointing out that school districts have very different definitions of what unexcused absences means and truancy is such a significant and deep-rooted problem in many of our towns, having

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statewide data and information about the problem and effective programs to address it will greatly assist school district families and advocates addressing it at the local level.

The data will only be meaningful if the definitions are consistent. Mr. President, the Clerk does have an amendment, its LCO Number 4949. If the Clerk would please call that amendment and I be granted leave of the chamber to summarize.

THE CHAIR:

Mr. Clerk:

THE CLERK: **

LCO 4949, which will be designated Senate Amendment Schedule A, is offered by Senator Gaffey of the 13th district.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President.

I move adoption, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further?

SENATOR GAFFEY:

Yes, I will, Mr. President.

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Thank you very much. Mr. President, members of the Senate, what this amendment does is it requires that when the notice is sent out to the parent, that there's a warning that two unexcused absences from school in a month or five unexcused absences in a school year, may result in a complaint filed with the Superior Court requiring the status of family with service needs that I referred to earlier. Previous -- I'm sorry -- the current state law required a phone call; we thought this is of such significance that we want the notice to be sent out by mail:

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

And in support of the amendment, would this also -- is this by mail in addition to the phone call? Through you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Gaffey.

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SENATOR GAFFEY:

Thank you, Mr. President.

And, thank you Senator McKinney. That's absolutely the case, a telephone call and a mailed letter.

THE CHAIR:

Thank you, Senator.

Will you remark on Senate Amendment A? Will you remark further on Senate Amendment A?

If not, I'll try your minds.

All those in favor of Senate Amendment A please signify by saying Aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed, Nay. The Ayes have it.

Senate Amendment A is adopted.

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President.

Mr. President I'd like to yield to Senator Witkos who came to me earlier in the session with an excellent amendment. It's pertinent to the issue of the underlying bill and I would gladly yield to him

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to have an amendment make a good bill an even better bill. Through you, Mr. President.

THE CHAIR: ~~LA~~

Senator Witkos, do you accept the yield?

SENATOR WITKOS:

Yes, I do, Mr. President, thank you very much.

THE CHAIR:

Please proceed.

SENATOR WITKOS:

Thank you, Mr. President. The Clerk has in his possession LCO 5155. I ask that it be called and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5155, which will be designated Senate
Amendment Schedule B, is offered by Senator Witkos
of the 8th district.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

I move adoption, Mr. President.

THE CHAIR:

On adoption, will you remark further?

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SENATOR WITKOS:

Thank you, Mr. President.

I'd like to first of all thank Senator Gaffey for allowing me to bring this very grave issue forward and enlighten the chamber of what's happening out in a particular school district in my district. This case -- let me back up, let me tell you what the amendment does first. The amendment allows a local board of education to hold an expulsion hearing if information comes to them that a student was convicted of certain crimes. And the crimes are sexual assault in the first degree, aggravated sexual assault, sexual assault third with a firearm, kidnapping in the first degree and kidnapping with a gun.

This evolves from a case in my town in which a student was babysitting two younger children, sexually assaulted those two children he was babysitting, was convicted of that particular crime and now all three boys attend the same school. And the school could do nothing about it because the expulsion language does not give them leave to hold a hearing and have the person that was convicted in a court of law the right to expel that student.

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What this amendment does specifically is allows
a local board of education to hold an expulsion
hearing based on the crimes that I've enumerated..
These are some of the most horrendous crimes, the
hardest crimes that you would hope you would never
have to deal with and I'd ask the chamber's
adoption. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark
further on Senate Amendment B?

If not, I'll 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 B is adopted.

Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you, Mr. President.

I call for purposes of an amendment and I'd
like the Clerk to please call LCO 3661 and I'd seek

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leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3661, which will be designated Senate
Amendment Schedule C, is offered by Senator
Guglielmo of the 35th district.

THE CHAIR:

Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you, Mr. President.

I move adoption.

THE CHAIR:

On adoption, will your remark further?

SENATOR GUGLIELMO:

Yes. This is an amendment that we talked about
basically last year, and the bill as it stands now
would require substitute teachers in certain
situations to have a bachelor's degree. And while I
don't agree -- disagree with the concept, it is a
problem for some of our smaller towns and I'm sure
not only the smaller towns in my district but
probably across the state. We've got towns such as
Union with 694 people; Eastford with about 1,650.

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These are fairly remote locations.

It's pretty difficult to get substitute teachers on a normal basis and especially when -- when you talking about driving out a distance on country roads, it takes some time to do it and they're paying \$70 a day. It's not an easy matter and I think this just complicates it so I would hope that -- and this by the way only gives the small communities, it only applies if the community is less than 30,000 and in the case of a regional school district, the Commissioner of Education may waive the requirement for good cause so they have to request it -- their superintendent of the schools in these small towns would have to make the request. So I hope that the chamber would consider this amendment as a relief to some of our smaller communities. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President.

Reluctantly I have to rise to oppose my friend

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Senator Guglielmo's amendment. The current law requires substitute teachers to have a bachelor's degree. We had a lengthy discussion in this chamber on the Race to the Top legislation that we passed last week and the need to have highly trained teachers in the classroom. This could be a situation where you have a long term substitute in a classroom. Forget the fact that they're not certified to teach, but they don't even hold a bachelor's degree and because of that I have to rise and oppose the amendment and I'd like a roll call vote, Mr. President.

THE CHAIR:

Thank you, Senator.

A roll call vote will be ordered.

Will you remark further on Senate Amendment C?

Will you remark on Senate Amendment C?

If not, Mr. Clerk please call the pendency of a roll call vote.

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

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chamber?

THE CHAIR:

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

THE CLERK:

The motion is on adoption of Senate Amendment
Schedule C.

Total number Voting	33
Those voting Yea	11
Those voting Nay	22
Those absent and not voting	3

THE CHAIR:

The amendment fails.

Senator Gaffey.

I'm sorry, would you remark further on the bill
as amended? Will you remark further on the bill as
amended?

Senator Gaffey.

SENATOR GAFFEY:

Mr. President, if there's no objection I'd move
that the bill be placed on the Consent Calendar.

THE CHAIR:

Is there objection to placing this item on the

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Consent Calendar? Seeing and hearing no objection,
this item will be placed on the Consent Calendar.

Senator Looney.

SENATOR LOONEY:

Mr. President, if we might stand at ease for
just a moment.

THE CHAIR:

The Senate will stand at ease.

(Senate at ease).

Senate will come back to order.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President if the Clerk would next call
calendar page 25, Calendar 35, Senate Bill 12, and
after that if we might mark as go, calendar page 27,
Calendar 106, Senate Bill 318 and calendar page 27,
Calendar 108, Senate Bill 321.

THE CHAIR:

Thank you, Senator Looney.

Mr. Clerk.

THE CLERK:

Calendar page 25, Calendar Number 35, File
Number 1, Senate Bill 12, AN ACT CLARIFYING

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POSTCLAIMS UNDERWRITING, favorable report of the
Committee on Insurance and Judiciary. Clerk is in
possession of amendments.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

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

THE CHAIR:

On acceptance and passage, will you remark?

SENATOR CRISCO:

Yes, Mr. President.

Mr. President, the Clerk has an amendment LCO
4348. I request that it be called and I be given
permission to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 4348, which will be designated Senate
Amendment Schedule A, is offered by Senator Crisco
of the 17th district.

THE CHAIR:

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Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

I move for its adoption.

THE CHAIR:

On adoption, will you remark?

SENATOR CRISCO:

Mr. President and members of the circle, this is a strike all dealing with postclaims underwriting. This is after a policy is written and there's a claim submitted and there is certain actions that are required and it's an enhancement of legislation that we passed in previous sessions. It includes a definition section to make the act more comprehensible; it clarifies very importantly, that no policy can be rescinded, cancelled or limited without approval from the Insurance Commissioner unless the insurer or health center can show through a submission to the Insurance Commissioner that it has completed medical underwriting; it clarifies that the insurer has the burden prior to rescission, cancellation or limitation of an application of approving an intentional misstatement or omission or fraud on the application; it limits the time period

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of investigation of a claim for a preexisting condition to the retroactive time period for consideration of a preexisting condition exclusion; limits the review to the condition at issue in the claim; and clarifies statutory violations for noncompliance.

It allows for the review of circumstances surrounding the application including broker conduct and it requires recordings of telephonic applications for individual insurance.

THE CHAIR:

Thank you, Senator.

Will you remark? Will you remark further on Senate Amendment A?

If not, I'll try your minds.

All those in favor of please signify by saying Aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed Nay. Ayes have it.

Senate Amendment A is adopted.

Senator Crisco.

SENATOR CRISCO:

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Thank you, Mr. President.

Since it was a strike all and that amendment is the bill, if there's no objection I asked it be placed on the Consent Calendar.

THE CHAIR:

Thank you, Senator.

A motion has been made to place this item on the Consent Calendar. Is there objection? Seeing and hearing none, it will be placed on the Consent Calendar.

SENATOR CRISCO:

Thank you, Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, if the next two items calendar page 27, Calendar 107, calendar page 27, Calendar 108 might be marked pass temporarily, we will return to them and instead Mr. President, if the Clerk would call calendar page 40, Calendar 546, Senate Resolution 17.

THE CHAIR:

Thank you, Senator.

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Mr. Clerk.

THE CLERK:

Calendar page 40, Calendar 546, Emergency
Certified Bill, Senate Resolution Number 17,
RESOLUTION PROPOSING APPROVAL OF AN ARBITRATION
AWARD BETWEEN THE BOARD OF TRUSTEES OF COMMUNITY-
TECHNICAL COLLEGES AND THE CONGRESS OF CONNECTICUT
COMMUNITY COLLEGES CONCERNING DISTANCE LEARNING.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you, very much, Mr. President.

I move approval of the Emergency Certified
Senate Resolution.

THE CHAIR:

Thank you, Senator.

On approval, will you remark?

SENATOR HARP:

Thank you, Mr. President.

This is an arbitration award between the board
of trustees of Community Technical Colleges and the
Congress of Connecticut Community Colleges and
basically what it does is to put those professors or
faculty who teach distant learning courses, it

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basically treats them the same as it would treat those who teach in on-line, on-ground courses.

So, with that, they would be treated the same and their contracts would be consistent with existing practice for on-ground courses and they have all agreed it doesn't really have a substantial cost. The cost would be a one-time retroactive compensation with teaching on-line courses and it's anticipated to be \$243,566 and is available in their account. I urge adoption.

THE CHAIR:

Thank you, Senator.

Senator Debicello.

SENATOR DEBICELLO:

Thank you, Mr. President.

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

THE CHAIR:

Please proceed.

SENATOR DEBICELLO:

Through you, Mr. President, just first off more of a process question to my friend, Senator Harp, is this is unusual for an arbitration award to come before the full Senate as an E-Cert; typically we

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deal with these in the Appropriations Committee.

How did this land before us today? Through you, Mr.

President.

THE CHAIR:

Senator Harp:

SENATOR HARP:

Thank you, through you, Mr. President.

This actually came to us, it has to come to us a number of days prior to the end of session and it came to us a little late and that's why it's emergency certified. Through you, Mr. President.

THE CHAIR:

Senator Debicello:

SENATOR DEBICELLO:

Through you, Mr. President.

So, according to the rules of the Senate, if I'm correct, if we approve this it goes into effect. If we don't approve it, then because it would normally go into effect 30 days after we get it but because session is ending, it would therefore not be approved as of Wednesday. Is that correct? Through you, Mr. President.

THE CHAIR:

Senator Harp:

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SENATOR HARP:

Thank you. That's correct and it would have to wait, I believe, until we go back into session in January.

THE CHAIR:

Senator Debicello:

SENATOR DEBICELLO:

Thank you, Mr. President.

And I thank her for those answers to the -- the process of this. On the substance of this, so just to make sure I understand because this is an E-Cert bill, so we are dealing here with the distance learning professors and basically saying that these professors will be retroactively given the same level of compensation as the --

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President. Mr. President, if this item might be pass temporarily.

THE CHAIR:

Without objection.

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Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, if we might stand at ease
for a few moments.

THE CHAIR:

The Senate will stand at ease.

(Senate at ease.)

The Senate will come back to order.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President. Mr. President,
if the Senate might stand in recess briefly and we
will prepare some more items and potentially a
lengthier go list after a brief recess. Thank you,
Mr. President.

THE CHAIR:

Thank you, Senator Looney.

(Senate was recessed at 6:54 p.m.)

The Senate reconvened at 9:36 p.m., the President in
the Chair.

THE CHAIR:

The Senate will come back to order.

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Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, some items to mark go and then some items to place on the -- the Consent Calendar.

THE CHAIR:

Please proceed sir.

SENATOR LOONEY:

Thank you, Mr. President.

First the go list of items would be taking them in page order, first calendar page 2, Calendar 143, Senate Bill 393; second is calendar page 6, Calendar 317, Senate Bill 417; third is calendar page 12, Calendar 462, House Bill 5404; fourth is calendar page 27, Calendar 106, Senate Bill 318 is marked go.

Next go item, Mr. President, calendar page 31, Calendar 211 -- or excuse me calendar page 31, Calendar 206, Senate Bill 382, and also calendar page 31, Calendar 211, Senate Bill 370.

Then calendar page 32, Mr. President, Calendar 230, Senate Bill 283, calendar page 33, Calendar 256, Senate Bill 124, and then calendar page 38, Calendar 376, House Bill 5254 and calendar page 39, Calendar 404, Senate Bill 489.

And, Mr. President, items to place on the Consent Calendar at this time again moving in page -- page order. First, Mr. President, calendar page 10, Calendar 442, House Bill 5141, move to place that item on the Consent Calendar, Mr. President.

THE CHAIR:

Without objection, so ordered.

There's an objection, sir, on the floor from Senator Crisco.

SENATOR LOONEY:

It is calendar page 10, Calendar 442, House Bill 5141.

THE CHAIR:

Senator Crisco you -- there's an objection.

SENATOR LOONEY:

Okay. Next one, Mr. President, calendar page 13, Calendar 475, House Bill 5402.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 14, Calendar 479, House Bill 5028.

THE CHAIR:

Seeing no objection, so ordered.

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SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 23, Calendar 541, House Bill 5241,
move to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 32, Calendar 218, Senate Bill 302,
move to place the item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 33, Calendar 231, Senate Bill 292,
move to place the item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

THE CHAIR:

Excuse me sir there is an objection on the floor.

Senator Musto you have an objection on Calendar 231?

Could you please use your microphone sir?

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SENATOR MUSTO:

Thank you, Mr. President.

THE CHAIR:

Thank you sir.

SENATOR MUSTO:

There is an amendment on this bill.

THE CHAIR:

Okay.

SENATOR MUSTO:

There should be an amendment on this bill.

SENATOR LOONEY:

Thank you, Mr. President.

SENATOR MUSTO:

Thank you sir.

SENATOR LOONEY:

Move to calendar page 33, Calendar 235, Senate Bill
216.

THE CHAIR:

There's a motion on the floor for -- is that a
consent sir?

SENATOR LOONEY:

Yes that's for Consent, Mr. President, Calendar page
33, Calendar 235, Senate Bill 216.

THE CHAIR:

There is a motion on the floor to place that on
Consent, seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 34, Calendar 258, Senate Bill 274,
move to place that item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place item on the Consent,
seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 35, Calendar 274, Senate Bill 305,
move to place the item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place item on the Consent
Calendar, seeing no objection, so ordered sir.

SENATOR LOONEY:

Thank you, Mr. President.

Two items on calendar -- excuse me one item calendar
page 36, Calendar 318, Senate Bill 418, move to place
that item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place item on the Consent,
seeing no objection, so ordered.

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SENATOR LOONEY:

Thank you, Mr. President.

And Mr. President, if the Clerk would call as the first item of business for this evening calendar page 6, Calendar 317, Senate Bill 417.

THE CHAIR:

Mr. Clerk.

Senator Looney, for clarification, sir, Calendar 442 on page 10 is not on Consent. I believe Senator Crisco objected to place it on Consent. I just want to confirm that sir.

SENATOR LOONEY:

Yes I believe that's correct, Mr. President.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

THE CLERK:

Calendar page 6, Calendar 317, File 474, Substitute for Senate Bill 417, AN ACT CONCERNING CALL CENTERS AND THE TIMELY REPAIR OF PUBLIC UTILITY POLES, favorable report of the Committee on Energy and Technology.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

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Good evening.

THE CHAIR:

Good evening, sir.

SENATOR FONFARA:

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

THE CHAIR:

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

SENATOR FONFARA:

I would, Mr. President, thank you.

THE CHAIR:

Please proceed.

SENATOR FONFARA:

Mr. President, the Clerk is in possession of an amendment, LCO 5241. May he please be permitted to call and -- and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 5241, which will be designated Senate Amendment Schedule A, is offered by Senator Fonfara of the 1st district.

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Senator Fonfara.

SENATOR FONFARA:

Mr. President, I move for adoption.

THE CHAIR:

Motion on the floor for summarization and adoption.

Seeing no objection, please proceed, sir.

SENATOR FONFARA:

Thank you, sir.

Mr. President, this bill would require that any person who receives a call or initiates a call to a call center in Connecticut shall, upon request, be told by the employee, the identification of the city, state and country where the employee is located and be transferred to an in-state telecommunications center whenever possible.

Additionally it would require that in the annual report to the Energy and Technology Committee regarding telecommittee -- telecommunication services that the location of call centers be added to the -- to that report and the location of the call centers receiving calls from Connecticut customers.

Additionally it would require the Department of Information Technology, when procuring telecommunications facilities; systems, ser -- and services, shall give

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preference to telecommunication companies that have a high percentage of service calls directed to in-state call centers.

The DP -- DPUC shall adopt regulations to establish procedures that each public service company shall follow when one of its poles or wires are damaged in an accident, the maximum time between the accident and the repair.

And finally it would require that the Department not require that documents, when filed, shall be filed as paper documents but instead as electronic filings as described in the -- in the bill.

I urge passage, Mr. President.

THE CHAIR:

Thank you sir.

Will you remark further on Senate A? Will you remark further on Senate A?

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

If I may a question to the proponent of the amendment.

THE CHAIR:

Senator Fonfara.

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SENATOR WITKOS:

Thank you.

Through you, Mr. President, could the good Senator explain the reasoning behind Section 3 of the bill which would require the Department of Information and Technology to steer preferences to in-state call centers.

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Thank you, Mr. President.

Through you, yes the -- the purpose is that there is a benefit to the State of Connecticut, in my opinion and that of others, that having call centers located in this state provides improved customer service, public safety that call centers and having people with knowledge, local knowledge of the community, is a benefit to our state and, therefore, that it's in the interests of the state whenever considering entering -- entering through contracts for telecommunication services that we consider which of those companies have call centers here located in the State of Connecticut.

Through you, Mr. President.

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Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

But is it not true in the adverse that they may not be the cheapest service that we can obtain by going out through an RFP so it may cost the taxpayers or the -- the folks of Connecticut more because we're -- we're paying for a service that is more expensive when we can get one cheaper even though, albeit, it may be located out-of-state. Is that not correct?

Through you, Mr. President.

THE CHAIR:~

Senator Fonfara.

SENATOR FONFARA:

Thank you, Mr. President.

I -- I don't know if that is the case or not. I think that there may or may not be any relationship between having a call center here located in Connecticut and the cost of the company being able to provide that service.

Through you.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

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Thank you, Mr. President.

I thank the gentleman for his answers. Ladies and gentlemen I would -- I would say to you that it would be more efficient for the -- the members and the residents of the State of Connecticut when we go out to RFP to make sure that we're getting a valuable product, quality product but the least expensive one that we can.

And by saying that we're going to give preference to in-state call centers, well there are call centers that business is located out of the State of Connecticut that Connecticut answers for. Once we start doing this, all states will start pulling back their incentives to have it in their own state. I just think it's the wrong direction that we go in the State of Connecticut and I would urge the chamber's rejection on the amendment.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Through you, a couple of questions to the proponent of the amendment.

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Senator Fonfara.

SENATOR KANE:

Thank you, Mr. President.

When we talk about a call center, can you just tell me what a call center is?

Through you.

SENATOR FONFARA:

Through you, Mr. President, to the best of my ability I'll -- I'll do that. It is a facility that accepts calls for -- from those using the service of that company, the telecommunications services of that company, who may be in need of assistance with a -- where their telephone lines are down, that there's a problem with their -- their telephone, where there's any number of issues that may be going on that they need help, directory assistance, a whole host of -- of assistance that are --are directed to the call center to provide that information or to get help for -- from a -- a lineman, from a service provider in directing them to the home, or the residence or the business.

Through you.

THE CHAIR:

Senator Kane.

SENATOR KANE:

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Thank you, Mr. President.

Through you, is it both for customer service and for information or are they two different animals?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I'm not sure in every case which it is.

Through you.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Well I mean if -- if this bill is before us, then I would imagine we had a public hearing on it and people testified what goes on at these call centers so I would imagine it would have come out during the public hearing process. That's why I'm -- I'm curious.

How many call centers do we have here in the State of Connecticut?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

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Through you, Mr. President, I am not aware of the number.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Do -- are we aware of the number of employees who work at these call centers?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, not specifically but I do know that they are in -- there is in the hundreds if not thousands.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

We have hundreds, if not thousands, of employees who work at these call centers in the State of Connecticut. Is that true?

Through you, Mr. President.

THE CHAIR:

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Senator Kane you have to ask longer questions so I
can (INAUDIBLE) clear.

SENATOR KANE:

I guess. Let me -- let me go into a --

THE CHAIR:

All -- all of a sudden you guys are quick tonight,
you know. Take your time, there's no hurry here.

SENATOR KANE:

Well I apologize, I'm no John Kissel but --

THE CHAIR:

That's all right, Senator Kane.

Senator Fonfara.

SENATOR KANE:

But -- but I will do my best.

THE CHAIR:

All day (INAUDIBLE) on time. Now you're in a hurry.

SENATOR KANE:

Meanwhile -- meanwhile I was taking my wife for a
ride the other day and we happen to go by a call center
located in Enfield.

THE CHAIR:

You're doing very well. First time you've done that
right?

Go ahead sir.

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SENATOR KANE:

I apologize I will try to ask longer questions.

I didn't get -- I'm sorry. I missed the answer.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, yes.

SENATOR KANE:

Okay.

THE CHAIR:

Senator Kane.

SENATOR KANE:

I will -- I -- I brought a little levity to it just because I -- I didn't -- I wanted to ask a little bit longer questions so I will try to phrase my questions a bit longer. But the reason I ask these questions is I'm just trying to understand or dissertain -- or ascertain how many employees this affects and how many calls possibly go through these potential call centers and how many call centers we actually have.

If a person from Michigan calls, does that person's call necessarily go to a call center in Michigan?

Through you, Mr. President.

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Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I do not know.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Okay. So if that same person in Michigan calls, can the call be routed to a Connecticut call center?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I do not know.

THE CHAIR:

If you ask me the next one I can tell you what he's going to say.

Go ahead, Senator Kane.

SENATOR KANE:

My next question would be then what's the need for this bill? If we don't know how many call centers there are, how many employees work at the call centers, how many calls come into the call centers, if a call from out of state comes to our call center, if a call from in-state goes to our call center, if -- maybe we're taking

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jobs away from the call center. Because if someone from Michigan calls the call center and says well I want to talk to my state provider, maybe we're taking calls away. Was that ever taken into consideration?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Mr. President, the question could be rephrased or -- I'm not quite understanding what it is that the gentleman is -- is seeking in the way of an answer.

THE CHAIR:

Senator Kane, could you please clarify your -- your inquiry, please.

SENATOR KANE:

Sure. I guess the -- my question was in regards to the fact that we don't -- it doesn't seem like we have quite enough information on this very topic.

Through you, you answered that we don't know how many call centers we have. We think we have hundreds to thousands of employees who work at the call centers. We don't know how many calls come into these call centers. We don't know where the calls are generated from. We don't know if calls from out-of-state reach our state.

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We don't know if calls from in-state go through that same call center or somewhere else. I just don't understand the need for the bill if we really don't have all the information we need to have in regards to it.

I would imagine AT&T, Verizon, whomever, maybe they have statistics on this and maybe what this bill is going to do is actually hurt us here in the State of Connecticut because maybe these calls will be routed to some other call center. If a person asks for their state to be used, then maybe we're going to lose those calls. Maybe those calls are going to go somewhere else and maybe those jobs go along with it as well.

That's why I -- I just don't see the -- quite enough information from what I've been given to support this bill.

Through you, Mr. President, if that was in the form of a question, I hope.

THE CHAIR:

Senator Fonfara. It's your call, sir.

SENATOR FONFARA:

Through you, Mr. President, I do not believe there was a question asked of me.

Through you.

THE CHAIR:

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Senator Kane, either a formal question or is that just a statement, sir.

SENATOR KANE:

My apologies. Do we have -- through you -- do we have enough information, based on the conversation that you and I have just had, to support this bill?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I believe one of the key components of the bill is to ascertain exactly much of what you've asked. In the annual report to the Energy and Technology Committee, the DPUC shall be required to submit that information as to where the calls are coming from and report that to us. It is my belief, and we'll see how others feel about that when we vote on this, that there is value to having call centers in Connecticut, that there is public safety, a customer service benefit to having call centers located in Connecticut. I don't think any of us have not -- have been able to escape the experience of making a call for service, whether it's with the telephone company or any service that -- where we're needing information through the -- through

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telecommunications that having to speak to someone in another state or in another country and how frustrating that can be to be able to communicate.

And that's not necessarily about a language difference but clearly the lack of understanding of where you are, particularly if it is -- can be a life-threatening experience where -- where time is of the essence and someone who's located thousands if not -- thousands of miles away and is looking at a computer screen but may not be aware that you are five miles away from a -- a service vehicle that can get to your neighborhood, can get to your home, can get to your business much quicker.

This information gathering that will be used in the -- from the bill will assist in -- in understanding that and frankly I believe it is a -- an opportunity to increase the competitiveness of companies who can say publically and otherwise that they have people located in this state, that they have facilities that -- with people who understand where the problems exist. That ultimately, in my opinion, will be a pro competition initiative more than anything else.

Through you.

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Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I -- I appreciate the answer from Senator Fonfara. I don't know if I agree with it. I think in an emergency situation people will call 911; they're not going to call a call center and when we talk about those type of situations I don't know if anyone at the other end of the line knows addresses or neighborhoods or whatever. I think they give you the telephone number or they tell you the city, the state and -- and they're on to the next call. So I don't know if there's really a -- a neighborhood feeling to it.

I also don't believe that they may necessarily provide customer service, depending on where they are. I think they depend -- they provide good customer service based on their training from their employer and being trained well I think that's where customer service comes from.

I -- I just don't believe we have enough information to support this bill, Mr. President, and that's why I asked a couple of questions. I thought they were pertinent because we really don't know how many call centers we have, how many employees work at these call

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centers, how calls are routed through the call centers, if they come in from in-state, out-of-state. So I don't know if -- if it's really about competition because I do believe that protectionism thwarts competition as opposed to helps competition.

So I will be voting against this amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. Good evening.

THE CHAIR:

Good evening, sir.

SENATOR RORABACK:

Through you if I may, Mr. President, a -- a few questions to the proponent of the -- of the bill and the amendment, my good friend.

THE CHAIR:

Senator Fonfara.

SENATOR RORABACK:

Thank you, Mr. President.

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Through you to Senator Fonfara, I'm -- I for one -- I think we all have a visceral reaction when we call for any kind of help and get the sense that the person that we're -- we're speaking to doesn't know where we live or who we are or what our problem is.

And through you, Mr. President to Senator Fonfara, I'm wondering if he's ever experienced that phenomenon.

Mr. President, through you to Senator Fonfara.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I have.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And Mr. President I'm wondering if the kind of visceral dissatisfaction that many of us -- I've had that experience when my computer didn't work and I call the Help Desk somewhere and it was very difficult for me to under -- first of all there was a weird delay in the phone transmission when I tried to get help fixing my computer and then the individual with whom I was speaking didn't have a command of the English language which made it frustrating because the communication was awkwardly

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timed and then the language barrier made it harder still to get at the nub of my problem.

And through you, Mr. President to Senator Fonfara, I'm wondering if he's ever had that kind of a frustrating exchange with a person on the other end of the phone line.

Mr. President, through you to Senator Fonfara.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, it is impossible for me to determine the level of frustration, Senator Roraback, so I can't tell whether I've reached that level so I apologize for not be able to answer your question.

THE CHAIR:

It's almost like a Dr. Phil episode.

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

But just for the benefit of Senator Fonfara, it was about a nine out of ten. I can't say it was ten out of ten but I would say about a nine -- after about 45 minutes on the phone it approached nine out of ten.

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Through you, Mr. President to Senator Fonfara, if
that helps him get a sense of the --

THE CHAIR: ---

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, yes.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And the reason I'm asking those questions is because
I'm trying to get a sense of where this bill might be
coming from.

And through you, Mr. President, in -- in Section 2
of the amendment, it -- it -- a telecommunications call
center is defined as an entity that initiates or receives
a telephone call on behalf of any person to provide
telecommunication service or to gather information to
provide telecommunication service.

Through you, Mr. President to Senator Fonfara, does
he -- could he provide us with a kind of a plain English
explanation of what a telecommunication call center is.
Is it if I dial 411 for information is that a
telecommunication call center? If I dial -- I don't even

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know if you press zero if you get an operator these days, Mr. -- Mr. President, but through you to Senator Fonfara, is that what a telecommunication call center is broadly speaking intended to be in this bill?

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, broadly speaking, and to the best of my knowledge, it speaks to those facilities that the service that you have, whether it be a telephone service that you may need repair service, someone coming to the home, someone to be able to repair the service or other issues relating to that service that you might have and they locate the -- the individuals who respond to those calls, who take those calls or make those calls in a facility known as a telecommunications call center.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And that -- thank you for -- Senator Fonfara for the explanation. I listened to Senator Fonfara responding to the questions of Senator Kane and it wasn't clear to me the precise nature of the -- if there is a problem what

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the nature of the problem is and whether this bill is tailored as narrowly as it might be to address the problem, real or perceived, and, through you Mr.

President, could Senator Fonfara try to explain to me how the world would be different if this bill were to pass for -- for me as a consumer. Or who would the world be different for if this bill were to pass and how?

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Thank you, Mr. President.

Through you, first of all information is always important and helpful in individuals making decisions as to where they would want to contract for their services. People in this state knowing that where they get their telephone service from that if there are -- greater likelihood that their calls for service responded to someone in the state, that may be valuable to people.

And certainly in terms of the testimony we heard in the committee, there's great value in that. I personally feel that, not only for convenience sake but as I said earlier from a customer service standpoint and a public welfare public safety perspective, having more call centers located here, a greater percentage of the calls -

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- it may not be able to handle all the calls because of -
- if there's great volume and they have to be transferred
out-of-state, but to the extent possible, I think most
people -- I think most people in this room would feel
that there's value when they're making a call for service
of some kind if they're speaking to someone who is
located nearby who knows the neighborhood, who knows the
community, knows where -- if your town -- where your town
is vis-à-vis where they are.

We heard testimony in the committee repeatedly from
operators who, knowing the area, can send a -- a vehicle
that is located making a call, finishing up on a call,
that is located nearby where the advantage of that are
greater than if the person were in another state or
another country.

I -- I think that -- that information is important
for folks. And -- and additionally as I said earlier to
Senator Kane that -- that I believe ultimately it can be
-- provide for a competitive advantage for those to be
able to say that they have a number of individuals
located here in this state to take their calls, to
provide -- to respond to their needs in rapid fashion. I
think that matters to folks.

Through you, Mr. President.

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THE CHAIR:

Senator Roraback.

SENATOR RORABACK: ...

Thank you, Mr. President.

And the bill is -- is well intended I think and I can appreciate where it comes from but I'm not convinced -- I've always asked for that information. When I get to that nine out of ten level of frustration, I ask the person on the other end of the line where the heck are you and, you know, why is there the delay in our phone conversation and who taught you English because you haven't -- you should get your money back if you went to school to learn how to speak English because you're not communicating in a way that I can understand.

Mr. President, I'm not sure that the person -- if -- if the person that I'm speaking with and often times they've been in a foreign country whether they're -- whether they're going to know that I passed this bill and if they choose not to tell me where they are, how we're going to punish them. So I'm not -- I -- I will listen to the debate, Mr. President, but I think that this bill raises as many questions as it answers and I'm not convinced that it's going to get at that phenomenon that all of us find so frustrating.

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So thank you, Mr. President and I thank Senator Fonfara.

THE CHAIR:

Thank you, sir.

Senator Boucher.

SENATOR BOUCHER:

Good evening, Mr. President.

Mr. President, I rise for a few questions that just arose as I listened to the debate in the previous few comments.

Through you, Mr. President, is this bill again, to clarify, specifically for public utility companies only and only those public utility companies that are exclusively in Connecticut?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, we really don't have public utility companies in telecommunications any longer. We've deregulated that but all for a very, very small part. But telecommunications -- those companies providing telecommunication services in this state it would -- it would apply to.

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Through you, Mr. President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

So through you, Mr. President, I am to understand that it is those public utilities that are doing business in the state but aren't necessarily wholly headquartered and only serving customers within the borders of the State of Connecticut?

Through you, Mr. President.

THE CHAIR:

Señator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, yes.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you very much.

And this would require for those customers that are within the State of Connecticut therefore would -- would have the opportunity to request any call center individuals that happen to be local within the State of Connecticut.

Through you, Mr. President.

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THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, yes when available.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

That -- that certainly makes this more clear but it also makes the whole issue a lot more complex I believe and having some familiarity with a call center in North Carolina that takes a great number of calls throughout the country that is a -- a place that -- actually is a compliance company that takes whistleblower complaints from all over the country for many different companies.

Just recently I understand folded one of their divisions from Canada and brought it into the United States which is the opposite of what we normally encounter and headquartering all of their sta -- all of their employees and relocating them to the United States, those that could. And as such have oftentimes little control over how that business might change, grow or shrink over time and can't always determine or be able to place very conveniently individuals maybe in a particular state to be that customized.

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And I think that moving in this direction might sound like a good idea but actually would be very difficult to accomplish. I had an interesting evening or I should say early morning, at maybe two o'clock in the morning, I don't know if anyone else has had this problem where they might not be as technologically literate as others and you are in desperate shape for someone to answer your computer question and you've got to get something out and you place a call to that -- to that computer company service center.

And I found myself talking to a very nice young man at two o'clock in the morning and he was so accommodating and so nice that we -- we started to get a little more familiar and I asked him about where he was and, in fact, he was in India. And he was not allowed to speak about, you know, his personal life but you know how things are, two o'clock in the morning, pretty soon I found out that he was a young man that was thinking about getting engaged but in India he couldn't get engaged until the very eldest or youngest of all of his sisters were engaged first.

And it was really quite interesting and I said well do your parents actually, you know, make that decision for you or do you have any say in that process? It was

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fascinating. He said well you know your -- your parents are supposed to make that decision. I said well I hope your mom is -- is a mom that would, you know, ask your opinion if you really liked the girl. And he -- he actually admitted that yeah he was pretty comfortable that his mom would probably go to him first and ask that.

And it was kind of interesting to be able to have that exchange at that time of the morning and it made me feel a little bit more comfortable about that person on the other end of the phone that maybe we weren't so different in this new world order that we have, this global economy. And it -- it was -- he did actually at the end of the day, or morning I should say, did solve my technology problem and we also learned a little bit about each other's culture as well even though there was quite a generation gap I would say between the two of us.

But it -- it also brought to mind just how the world of business and commerce has changed. It really has and how something like this, although particularly when we've had bad storms and you have a crisis situation and you really want to get ahold of someone on the other end, it would make you feel more comfortable if they knew you, your neighborhood, your state and understood that.

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But I wouldn't be surprised with the sophistication of technology we have today that that information gets imparted to those on the ground that are closer to you that can really ascertain whether or not they can respond to your problem close at hand and put them in a hierarchical position as far as priority of the emergency at hand.

And so I -- although this is just a very fine sounding proposal I think in actual practice rather than theory that it would be very difficult to accomplish its intended purpose. And for that reason I -- I would -- I'm leaning against it but again am willing to listen to a little bit more of the conversation this evening.

Thank you, Mr. President.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Good evening.

THE CHAIR:

Good evening, sir.

SENATOR DEBICELLA:

A question through you to the proponent of the bill.

THE CHAIR:

Senator Fonfara.

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SENATOR DEBICELLA:

Through you, Mr. President, as I'm reading this bill it seems to say that if you're a telecommunications call center and they ask -- the caller asks where you're located, they have to tell you.

Through you, Mr. President, what if you're a banking call center? Would this bill require you, if you call a banking call center, for them to identify what city and state or country they're in?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, unless they're defined as a telecommunication company, no.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President.

And that's my reading of the bill as well. So let's take two companies for example. Oh say AT&T and Citibank, a bank and a telecommunications company. So through you, Mr. President, why would we say a consumer

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would want to know where AT&T's call center is but
wouldn't want to know where Citibank's call center is?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

I apologize, Mr. President. Could the gentleman
repeat the question?

THE CHAIR:

Senator Debicella could you please repeat your
question please?

SENATOR DEBICELLA:

Of course, Mr. President. Through you, why would a
consumer who would call AT&T's call center want to know
what city and state they're in? But if that same
consumer called Citibank, we're not going to require
Citibank to tell them what city or state they're in. Why
would that be?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I could be flip at this
late hour and say I don't chair the Banks committee but

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beyond that telecommunication services are critically important to people in many respects as a lifeline and I think that carries with it greater responsibility than maybe other services that we might want to procure.

Through you, Mr. President.

THE CHAIR:

Senator DeBicella.

SENATOR DEBICELLA:

Through you, Mr. President, and -- and let me just follow this line of questioning. I want to make sure I understand. So the good Senator would say that if you're calling somebody about your phone service that's important and we want to make sure you know where that is. But if I'm calling and asking about my mortgage or if I'm calling to ask about how much money I have in my checking account, that's not important enough for us to require them to say what city or state they're in?

Is that -- that's my interpretation of what he's saying. Is that correct?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

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Through you, Mr. President, I -- I would not make that judgment.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President.

Then through you, why has the good Senator structured this bill to require only one industry to require them to say what city or state they're in instead of requiring all call centers to do so?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, as I indicated firstly that like the cognizance of my committee is not banks or others but telecommunications, among other things, and telecommunication services are critically important to our state, to the residents of our state, to the businesses of our state and the information which is solely one of request so that more information is provided, people can make proper decisions on whether or not they want to enter into a relationship with a business if they so believe that a call center is

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important to them and where -- where they call for information, where they call for service if that individual answering on the other end of the line is located in this state.

People get to make that choice and this information will help them do that.

Through you.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President.

So if -- if I'm to understand what my good friend the Senator Fonfara said is he has said he would not make the representation that I had hypothesized that banking services are less important than telecommunication services. Yet from what he just said because his committee of cognizance only deals with telecommunications he structured this bill around telecommunications.

So the question then, through you, Mr. President to Senator Fonfara, is well we are no longer in just the committee of cognizance we're on the full Senate, would the Senator consider PTing this bill and instead of making it just for telecommunications making it for any

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call center? Because the way it's structured right now is targeting one industry and it seems to me a little intellectually inconsistent to say that banking or other types of call centers are any less deserving for consumers to know where they are than AT&T's.

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, respectfully I would not.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President.

I thank Senator Fonfara for the answers to those questions. Mr. President, this bill is intellectually disingenuous. This bill claims to want to help consumers but as Senator Fonfara just said if you're calling a banking call center, too bad you don't get to know where that banking call center is located. If you're calling any type of call center, except for a telecommunications one, and dare I say AT&T's which is what this bill is

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really about, too bad. As a consumer you won't have the right to know.

Instead what this bill does is it's target -- targeting one industry and one company because of the decisions that that company has chose to make. And, Mr. President, we talk a lot in this circle about the business climate in Connecticut and you wonder why we have a bad business climate in Connecticut because if you're a business that makes a decision that the majority party doesn't like in this circle you're going to have legislation brought against you.

Now if this legislation were intellectually honest it would require all call centers, regardless of industry, to provide this information. Instead it targets one industry and you have to ask why. And with all due respect I don't buy that oh it was my committee's cognizance that led us to this point. We have an opportunity now to amendment this, to make it intellectually honest and we are not going to do it.

So, Mr. President, this is a -- a piece of legislation that is not motivated by the consumer but is motivated to be punitive against the company who the majority party has disagreed with. So, Mr. President, I would ask that we vote down this bill.

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Thank you, Mr. President.

THE CHAIR:

Will you remark on Senate A? Will you remark on
Senate A?

If not, I will try your minds.

All those in favor, signify by saying
Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed?

SENATORS:

No.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Roll call vote please.

THE CHAIR:

Roll call vote will be ordered.

Mr. Clerk please call for a roll call vote.

THE CLERK:

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

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

THE CHAIR:

Senator Fasano for what purpose do you rise?

SENATOR FASANO:

May the chamber stay at ease for a point of order
please?

THE CHAIR:

Please proceed, sir.

SENATOR FASANO:

Just a -- a recess or a stand -- stand at ease for a
moment.

THE CHAIR:

The Senate will stand at ease.

Have all Senators voted?

Have all Senators voted?

If all Senators have voted --

Senator Fasano -- Senator
Fasano.

SENATOR FASANO:

Thank you, Mr. President.

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Mr. President, I ask that the chamber stay at ease until we have a point of order checked out because I was challenging prior to the roll call -- call machine being open I was getting to the mike to challenge the fact that we had a request for a voice vote. It is my understanding that that did not -- that that took place. It went down and then there was a roll call vote and I'm not sure that's appropriate so I would ask -- I do not want to vote until I have a ruling whether or not the call for the roll call vote is appropriate given the fact that a voice vote was taken and failed and therefore, I raise as a point of order, I'd rather not have the machine closed until we find out this point of order.

THE CHAIR:

Sir, I believe the machine was open before I recognized your point of order so that's why the machine is open.

SENATOR FASANO:

I recognize that. Thank you, Mr. President.

THE CHAIR:

Thank you.

Senator Fasano, I notice you voted so I'm -- that's why I'm questioning.

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SENATOR FASANO:

Thank you, Mr. President. After looking at the rules I withdraw my point of order. Thank you.

THE CHAIR:

You recall, thank you, sir.

SENATOR FASANO:

Thank you.

THE CHAIR:

Have all members voted? Have all members voted? If all members have voted, 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 A.

Total Number Voting

34

Those Voting Yea

25

Those Voting Nay

9

Those Absent, Not Voting

2

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THE CHAIR:

Senate Amendment A passes.

Will you remark further on Senate Bill 417 as
amended by Senate A?

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

We're on the underlying bill now, correct?

THE CHAIR:

Yes sir we are on the underlying bill, Senate Bill
417 as amended by A.

SENATOR KANE:

Through you, a couple of questions to the proponent
of the bill.

THE CHAIR:

Senator Fonfara.

Go ahead Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

A couple moments ago Senator Debicella brought up an
interesting question about call centers and -- and why
the let's say a -- a company like Citibank or -- or
someone like that was not included under the bill and I
believe Senator Fonfara's answer was that it is the

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energy and technology company and they do not oversee the banking industry so I can understand that point.

But through you, Mr. President, the Energy Committee does oversee cable companies so why weren't cable companies included in this bill?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, any company that is providing telecommunication services is covered in this bill.

Through you.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Okay. Would that also include voice over IP providers?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I would leave that determination to the regulating agency.

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Through you.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Okay. Thank you, Mr. President.

So I guess going back to Senator Debicella's earlier point I think we've chosen one segment of the industry and not necessarily the entire industry which leads me to more questions in regards to the bill.

Mr. President, the Clerk is in possession of LCO 4970. I'd ask that he call the amendment and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 4970, which will be designated Senate Amendment
Schedule B, is offered by Senator Kane of the 32nd district.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. I move adoption.

THE CHAIR:

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Motion on the floor for summarization and adoption.

Seeing no objection, so ordered, sir.

SENATOR KANE:

Thank you, Mr. President.

What this amendment does is strike Section 1. I do believe that Senator Fonfara and the Energy Committee has -- has done great work and I do think there are some good aspects in the overall bill. But strike -- striking Section 1 really creates the competition that Senator Fonfara mentioned earlier. If you want to promote competition then you should not allow protectionism and Section 1 really is promoting protectionism in this case.

We also have very many questions in regard to the underlying bill. I think I asked a number of them including how many call centers we have, how many employees work at these call centers, how the calls are routed to these call centers, if they come from in-state, if they come from out-of-state. I think we have a question now about voice over IP providers, cable companies.

So my amendment would strike Section 1 from the bill and I move its passage. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

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Will you remark further on Senate Amendment B? Will
you remark further?

Senator Fonfara.

SENATOR FONFARA:

Thank you, Mr. President.

I would urge the chamber to oppose the amendment.

THE CHAIR:

Will you remark further on Senate Amendment B?

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Mr. President -- I apologize -- and I'd ask that a
roll call vote be ordered at the time of the vote.

THE CHAIR:

A roll call vote will be ordered sir.

Will you remark further on Senate B? Will you
remark further on Senate 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

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call has been ordered in the
Senate. Will all senators
please return to the chamber?

THE CHAIR:

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

THE CLERK:

Motion on adoption of Senate
Amendment Schedule B.

Total Number Voting

34

Those Voting Yea

8

Those Voting Nay

26

Those Absent, Not Voting

2

THE CHAIR:

The amendment fails.

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Will you remark further on Senate Bill 417 as amended by Senate A?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

In a latter part of the bill, I do not have the numbers in front of me, but I believe it's the last section, the bill requires DPUC to adopt regulations to establish procedures that each utility company must follow when one of its utility poles are down whereas is damaged in an accident, et cetera, et cetera.

What I'd like to do, Mr. President, is call upon the Clerk to bring up LCO 3767.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 3767, which will be designated Senate Amendment Schedule C, is offered by Senator Frantz of the 36th district.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

I move adoption and seek to summarize.

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THE CHAIR:

There is a motion on the floor for summarization and adoption. Seeing no objection, so ordered, sir.

SENATOR FRANTZ:

Thank you, Mr. President.

Quite simply what this amendment calls for is the establishment of criteria established by the DPUC for handling and responding to inquiries and complaints by public service companies within the State of Connecticut.

Many of you, especially if you lived anywhere near the southwestern part of the state, all of you were affected in Connecticut if you were in state this particular weekend about a month ago, but those in particular down in the southwestern part of the state, were affected by a very serious storm. In essence it was a mini-perfect storm, two low pressure systems collided over New England, wrapped themselves up with each other and -- and became even more concentrated as it settled in on the Fairfield County area and -- and a little bit beyond it.

It caused destruction that I've never seen. I've lived here for almost fifty years, have been through seven, possibly eight, hurricanes and never seen the kind of damage that this particular storm reeked on that part

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of the state. There was a great deal of confusion. There was a great deal of -- of down power lines, utility lines of all sorts,, communication as well as electricity and a tremendous amount of damage and many towns were dark for as long as six days, in some cases seven days and in a few smaller cases a few more than that.

But -- and at the end of the day the utility companies did do a good job restoring power. It was a question of the timing. They didn't anticipate the storm would be this bad. They didn't have the ability to necessarily know that this storm was going to be as bad as it was and so that's another issue which hopefully we can address some other day. But today what this amendment addresses is the ability to communicate, to come up with procedures so that the utility companies can assess the damage and be able to communicate and educate the public as to what is going on and what to expect.

These days if you sent a package right now with FedEx, I think we're past the pick-up time but say tomorrow morning, you sent a package via UPS or FedEx across the country, you'd be able to track that package on an hour-by-hour basis all the way across the country, where it got into the truck, where it left the truck, where it got transferred in the airport into an aircraft

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to go to Los Angeles, hypothetically, and it would also give you an anticipated delivery time and then eventually you'd know when it was, in fact, delivered and it was signed for.

So the amendment calls for DPUC to look for a way to come up with -- with a system that allows consumers and those of us who live in the State of Connecticut to understand better how quickly and how efficiently these power lines and other utilities will be restored. And with that I encourage the circle to vote for this amendment.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Amendment B?

Senator Fonfara.

SENATOR FONFARA:

Thank you, Mr. President.

I respectfully would request that we reject the amendment. It is my understanding that there are provisions and regulation currently that would address these issues and I would ask a roll call vote at the time of the vote, Mr. President. Thank you.

THE CHAIR:

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Sir, a roll call vote will be ordered.

Will you remark further on Senate C?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

I rise in support of the amendment. It's my understanding we just heard from a colleague who's gone through the experience and had constituents go through the experience of this situation that there are not sufficient coverage in our regulations for this so I would respectfully disagree that the statement represented by Senator Fonfara is not correct and, with respect to Senator Frantz, try to get regulations that would help.

It -- it -- we need to be careful with what we say in the circle and just to stand up and say that there are regulations that cover this when we have a good Senator who's gone through the experience and found out there are not, I think we should do this for a colleague and have our regulations better.

Thank you.

THE CHAIR:

Thank you, sir.

Will you remark on Senate Amendment C?

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Senator Boucher.

SENATOR BOUCHER:

Mr. President, I rise to support this amendment. Like my good colleague and Senator in the circle we had several towns that were affected severely by this storm, particularly in the towns of Westport, New Canaan and even Norwalk. I can remember the morning trying to get up to Hartford and spent an hour and a half just getting five miles in and around the area when every side street had massive trees and power lines that were live on the ground and citizens that were actually trying to help each other and doing reconnaissance by going further down the road to see if, in fact, it was passable, coming back and standing at street corners helping individuals and telling them where they might safely go to avoid the impediments that were there.

It produced power outages that lasted for over a week in some places. There were some fairly substantial emergency situations which led to, by the way, various public meetings along with town residents at various locations afterwards to debrief and to take public comment about what could be done to improve the situation further. I am grateful to my colleague for bringing this

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issue to the circle this evening in a very appropriate time and would urge support of the amendment.

Thank you. ...

THE CHAIR:

Thank you, ma'am.

Will you remark further on Senate C? Will you remark further on Senate C?

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

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Mr. Clerk.

THE CLERK:

Motion is on adoption of
Senate Amendment Schedule C.

Total Number Voting

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Those Voting Yea

11

Those Voting Nay

22

Those Absent, Not Voting

3

THE CHAIR:

Amendment C fails.

Will you remark further on Senate Bill 417 as
amended by Senate A?

Senator LeBeau.

SENATOR LeBEAU:

Mr. President, very briefly I just want to recount
some of the testimony that was given on this bill. That
in the process of an open -- opening an office, a
business which needed phone and internet service which
was provided by AT&T, they were unable to get effective
service from call centers in other states because there

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was a lack of communication between the call center employees and the technician.

After two weeks of trying to get connectivity and repeated misdiagnosis of the issue, it turned out that they had -- had they been able to talk to someone in Connecticut it would -- it would -- the service would have been turned on. But because the service was out-of-state it was not being able to be turned on.

And the other issue was raised about safety earlier. Last year we had a tornado in Connecticut and because the out-of-state call centers did not have the -- the knowledge of the state that in-state call center employees would have had, they sent the wrong kind of technician to deal with the problem. So there are some good reasons for this bill in terms of public safety, in terms of better service to Connecticut customers, in terms of -- and that business lost almost a month of service.

So there was a loss of jobs and a loss of income that was taking place. So there -- there are some very good reasons for this -- this bill, Mr. President, and I stand and urge the -- the chamber to vote positively when the vote is taken.

Thank you, Mr. President.

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THE CHAIR:

Thank you, sir.

Will you remark further on the bill as amended?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Mr. President, if I could through you for purposes of a clarification, a couple of questions to the proponent of the bill.

THE CHAIR:

Senator Fonfara.

SENATOR MCKINNEY:

Thank you, Mr. President.

Senator Fonfara, the requirement of transferring a call to an in-state telecommunications call center when possible, could you please expand on what that -- what that would mean. I guess for -- maybe I'll give you a scenario and find out whether or not it would apply.

If telecommunications company A were making phone calls from a call center out-of-state perhaps to sell a new service and get new customers, would this bill apply to them?

Through you, Mr. President.

THE CHAIR:

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Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, if they are providing telecommunication services in the State of Connecticut as defined under our current law, yes.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you.

Okay so I'm at home and I get a phone call from a telecommunications company trying to sell me a telecommunications service and I say to them, you know what can I ask you where you're from and they tell me that, you know, I'm in Cleveland, Ohio in the United States of America. And I say well I don't want to do business or purchase service from someone who's calling me from Cleveland, Ohio; can you transfer me to a Connecticut call center?

Is that what this section envisions?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, that, among other, yes.

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THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

And is the -- is the -- is -- is the transfer to the in-state telecommunications call center something that has to be done upon request as well?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR MCKINNEY:

In other words, under the bill, if I don't ask where they're from, they don't have to tell me, as I read it. Is that correct?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, yes.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Okay. And -- and I ask this -- this is going to sound like a silly question and it might be but I'm

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reading the generic language of the bill. If Company A calls me and I ask where they're from and they say we're from Cleveland, Ohio and I say I don't want to do business with a company that's in Cleveland, Ohio, I want to do business with a Connecticut company, can you please transfer me to a Connecticut call center.

If Company A doesn't have a Connecticut call center but their competitor Company B does, do they have to transfer me to Company B's call center or do they say I'm sorry sir we don't have a call center, I can't transfer you.

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I would respectfully agree with the gentleman's characterization of his question but the answer would be no.

THE CHAIR:

Senator McKinney

SENATOR MCKINNEY:

Thank you.

And the reason why I ask that is because the language just says you have to be transferred to an in

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call telecommunications center when possible. That language is extraordinarily vague and loose. It could be that the employee in Cleveland, Ohio doesn't have the authority to make a phone call to Connecticut and he could say it's not possible for me to transfer you to an in-call center. So the language there is certainly ripe with inability for those outside the state not to follow this law.

Through you, Mr. President, Section 3, which I believe is still in after the amendment, deals with purchasing by the Department of Information Technology and specifically it says that they have to give preference to telecommunication companies that have a high percentage of service calls directed to in-state telecommunication centers. Do we have or are there defined what is a high percentage of service calls directed to in-state telecommunication centers?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I do not know.

THE CHAIR:

Senator McKinney.

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SENATOR MCKINNEY:

Then through you, Mr. President, how would the Department of Information Technology, when buying telecommunication systems or facilities equipment or services, how would they know when to give a preference to a company or not?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I believe that would be up to the Department of Information Technology to make that determination based on the information provided by the Department of Public Utility Control.

Through you.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

So then hypothetically if the DPUC were to provide information that said Company A transfers no calls to in-state telecommunication call centers, Company B transfers 10 percent of their calls to in-state call centers, would the Department of Information Technology, under this law,

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we are passing a law here, would they be required to give a preference to Company B when purchasing equipment?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I would believe that -- I do believe that if that were the only entities being considered then that would be the decision to be made, but again the determination would be ultimately made by the Department of Information Technology when giving preference.

Through you.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

So for purposes of legislative intent then, should I read the language that says have a high percentage as saying the company that has the highest percentage of transfers to in-call call centers is the company which will be able to sell equipment to the Department of Information Technology?

Through you.

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Senator Fonfara.

SENATOR FONFARA:

...Through you, Mr. President, that could be an interpretation. That could be a decision of the department. They would make other considerations, not necessarily just this one but that it -- it indicates that they give preference to that entity that has a high percentage of service calls.

Through you.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

Mr. President, the reason why I'm focused on this section is that in my reading of the bill as amendment -- amended, it requires the Department of Information Technology. It says the Department of Information Technology shall -- so we're going to pass a law. That law requires them to give a preference to companies that transfer a high percentage of calls to in-state telecommunication centers.

Now they're going to get a report from the DPUC that's put forward in this bill. But that report could say one company does ten percent, one company does 25

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percent and we're going to have someone over at the Department of Information Technology who's going to say, you know I've -- I'm a -- I need to follow the law. The legislature passed a law. It says I shall do something and they haven't told me what I shall do. I have to give a preference but what is a high percentage? We don't even want to indicate. Is it ten percent? Is it 25 percent? Is it 50 percent? Is there a goal we're shooting for? None of that is listed in the bill.

Through you, Mr. President, if -- is the intent of Section 3 to trump any bidding procedures, any requests for proposals that the Department of Information Technology has with respect to purchasing equipment?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I would not presume to know what the Department of Information Technology considers when making decisions regarding this but it does say -- it would say that among other considerations, that I would assume in all else is equal, that they give preference to companies that have a high percentage of service calls.

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And I would additionally, through you, Mr. President, believe that if companies were interested in providing these services, that they would look at that as an issue when bidding just like companies make decisions about what their cost structure is, what they look -- they look at any number of factors that would be considered to be important to the Department of Information Technology or any other entity that they are seeking to do business with that they make business decisions that would increase the likelihood of them being selected.

This is another consideration, one that -- that I and others believe is an important one on -- that the state make when considering giving services out under contract for telecommunication services.

Through you, Mr. President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you.

And, Mr. President, with all due respect -- respect, I regret the three years I spent at law school. If -- if the statement Senator Fonfara just said were the bill before us, I would vote for it. Sure it would be great

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if the Department of Information Technology could say when there are equal RFPs for me to purchase equipment, I'm going to -- I'm going to break the tie for the one who does more business in Connecticut. That's what he just said and that's a policy statement with which I don't think anybody disagrees.

Unfortunately, because I went to law school or because I understand the English language, the bill doesn't say what he just said. The bill says they shall do it. It doesn't say among equals, Senator, it says they shall give a preference. So if the Department of Information Technology goes out for a request for proposal to purchase equipment, and my guess is that's exactly what state agencies do when they want to buy telecommunication system facilities, equipment and service, they do an RFP.

And if Company A comes in at a \$1 million and Company B comes in at \$10 million but Company B does all their call centers in Connecticut, we shall buy it. That's what this says. People shake their head but they obviously want to ignore the English language. This says they shall do it.

It isn't about giving a preference to break a tie. So I'm wondering do we get up here and say well this

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about giving a preference when we break a tie because we want to gloss over the real intent of this bill to try to get our friends to vote for it without telling what it really means or are we so sloppy in drafting bills we just don't care and we presume people at the Department of Information Technology and other agencies in state government just don't follow the law.

Because in my twelve years here I've found out that people at the DPUC and DOIT and other agencies do everything they can to follow the law to the letter. You want to know why? Because they're good public servants. -You want to know why? Because if they don't some committee of the legislature is going to haul them before them and rip them.

So let it be known that when DOIT goes out to purchase equipment, they will not take the low bidder. They will have to take the bidder who has a high percentage of state's calls transferred to an in-state call center, although whoever is running DOIT is not going to know what that means because there is no definition of high percentage. We're told 10 percent could be a high percentage.

We spend a lot of time talking about openness and transparency, especially when it comes to bidding on

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state contracts, especially when it comes in protecting state taxpayer dollars. And yet because we're upset that one company moved a call center out of the State of Connecticut, we now undo all of that right here.

Did anybody think that maybe our tax policies and our regulatory policies and the environment we have in the State of Connecticut was the reason that companies pick up and move? We've had members of this circle stand up and argue for enterprise zones to give tax incentives to draw business in and the argument is they are not coming here now because our taxes are too high, our regulatory scheme is too much. We need to incent them here to the state. We need to entice them. But how dare one of those companies leave the state.

How dare those companies uphold their obligations to shareholders, many of whom are in the State of Connecticut, to run an efficient business? So when you leave we're going to punish you. But who's going to pay? Who's going to pay if Company B -- if Company B sells their product for twice as much as Company A? The taxpayers of the State of Connecticut are going to pay because we are now ordering the Department of Information Technology to buy their products, not from the lowest bidder, not from the winner of an RFP, but the company

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that has a high percentage of calls transferred to an in-call center.

So if I'm that company, I'm going to open up an in-call center. I'm going to know what my competitors are doing. I'm going to make sure a percentage gets transferred here and when it comes time to sell equipment to the Department of Information Technology I'm going to load up on the price. And any extra money it costs me to have an in-state call center is going to be more than made up when I sell my service to the State of Connecticut and do it.

And if I don't get the bid, I've got a law here that says you shall do it. You shall do it; I'll see you in court. So if you want a bill that says all else being equal preference to the company having an in-state call center, I'll vote for it.

If your intention was to write that bill, you didn't do it and you did a pretty sloppy job. My guess is the intention was to do exactly what's written here. And everybody needs to understand that when we say shall we mean it. There've been court cases. In fact I think the State Supreme Court even ruled that when we say shall we mean shall. It's a pretty plain and unambiguous word. There's no wiggle room. It doesn't say break the tie.

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It doesn't say all else being equal. It doesn't say they can consider it. It doesn't say it's one of many factors to consider as part of a policy. It says they shall do it.

Part of my frustration is just that we actually make the argument that this doesn't say what it says when all of us here reading it know what it says. How do you stand up and make that argument?

We don't know what telecommunication companies are. Senator Kane asked a series of questions and we were told well that's for somebody else to decide. We're the ones making the policy; quite frankly that's for us to decide but we don't have answers about that. I for one feel sorry for the people that do it when they come up to purchase telecommunications equipment and they have to explain to the Appropriations Committee why their budget went so high perhaps because they bought the most expensive equipment or the most expensive service, if that be the case. Because I know they're going to get skewered for it even though we're the ones who are making them do it.

Mr. President, underlying this bill before us is an obvious fact. Connecticut is a very expensive place to do business and corporations, be they telecommunication

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companies or banking companies or credit card companies or all companies in between that use call centers, know that they can house a call center in other states that's a lot cheaper than the State of Connecticut. That's the fact.

So the question is are we going to engage in protectionism, government intervention or should we actually, and here's a thought, should we actually change our tax structure and our laws to make it more competitive so they'll actually want to be here. Because as Senator Kane pointed out, it's curious -- somebody once said it's getting curiouser and curiouser -- it's curious that we pick out telecommunication companies. Why?

We get bombarded with credit card company calls all the time as consumers and I guarantee you most of those call centers are outside the State of Connecticut. Most are probably outside the United States for all I know. Senator Boucher is whispering in my ear South Dakota. I'm sure everybody at home appreciates that, thank you Senator Boucher.

The banking industry bombarding you with phone calls and solicitations from call centers outside the State of Connecticut. Well why didn't we pick the

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telecommunications company? Because we're upset that AT&T moved the call center out of the State of Connecticut. Did we ever sit down and ask them why? I didn't unfortunately because I've done that so many times.

Talk to Senator Fasano about Marlin Firearms moving out of the State of Connecticut. Why? It's too expensive to do business here. They're moving to North Carolina and they're expanding their business. Business is booming. It's booming so much but they're going to boom outside the State of Connecticut.

So we have business after business after business who have said Connecticut it's too expensive for us to live and do work there. And instead of addressing the underlying root problem we pass bills like this. We're actually even told that this bill is going to improve public safety. There's almost some illusion that lives might be saved because of it and I don't know how that makes any sense because if you ask the person on the telephone where they're from and they tell you and you ask them to transfer to an in-call center, instead of getting your problem addressed right away you've now got to be transferred to another phone call and another person. Seems to me like you're going to take longer.

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So I'm not even sure that this bill helps that; it might make it more complicated because you now have more phone calls.

And -- and lastly Senator LeBeau referenced the company who had a service with a company who was very poor to respond to their service request. Okay, I got an idea, how about hire somebody else. You don't have to have AT&T as your telecommunications provider. If that was the company and they didn't respond in a timely fashion, AT&T's got a heck of a lot of competitors ready for your business.

We actually have a lot of -- lot of competition out there. You can get phone through your cable company, you can get internet, you can do everything all with one company now. Phone companies are internet companies. Internet companies are phone companies. Cable companies are phone companies. Phone companies are cable companies. It's not bad to be a consumer out there. You can get pretty low prices.

So to that company who now has inspired us to change our laws because they weren't responsive, I say get rid of them. Get your service through somebody else who will be responsive. If you call your cable company and they

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don't come fix your cable, at some point maybe you start looking at Direct TV or one of their competitors.

If your phone's out, your phone company doesn't come fix your phone, maybe you start looking at their competitors. There are plenty out there. If your credit card company is charging you an interest rate that's too high, there are plenty of other credit card companies out there with deals to be had. So some company, it maybe in East Hartford, got poor service from an out-of-state call center so we're going to change the law when that company should have just changed their subscriber with a phone call.

Some of these companies if you call and say you know what I'm with AT&T, I want to be with you competitor, they give you a lower deal. They like that. They like stealing people away from other companies, changing you from cable -- cable to Direct TV or AT&T to some other phone company or whatever it is.

So I think once again the legislature of the State of Connecticut has meddled into a dispute with -- with which we have no business. People are upset that jobs were lost. Yeah 100,000 jobs have been lost in the State of Connecticut. This isn't going to bring those jobs

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back. The bill we passed the other night will help bring some jobs back with investments in small business.

Other legislation like that could help grow our economy again in the State of Connecticut and we should be about the business of passing those types of bills. This isn't going to correct that wrong. This isn't going to cause an influx of call centers in the State of Connecticut.

So for those reasons, Mr. President, I would urge rejection of the bill as amended. Thank you.

THE CHAIR:

Will you remark further?

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

I apologize to Senator McKinney. He grabbed the microphone before I could rise.

Mr. President, I rise because I can't support this bill and here's why. You know Senator McKinney talked about the fact that competition is great and free enterprise is great and he's right. Many of us remember, based upon our age, that Ma Bell was a system where you only could get a white phone or a blue phone. It wasn't until we broke up Ma Bell did we realize how far phones

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can come. And you only have to look at your own cell phone to know every six months there's a new phone with competing prices, competing packages and service, not just wireless service, customer service.

And that's because it's competitive. That's what makes changes, complacency, monopoly, and trying to cage in businesses in the State of Connecticut. We're in a global economy. We're a global economy. Nothing is more global I think than telecommunications. It is the poster child for global.

And let's face it, Connecticut is a small state. They're going to not -- economically make sense to put call centers all in Connecticut. There's certain specialties as I understand it that we have in Connecticut and there's certain specialties outside of Connecticut. That's part of doing business.

Now I don't want this to make it sound -- I think DOIT had some concerns and I have some amendments to change some of the contracting practices of DOIT because, in my view, in relationship to a bid that went out a year ago, we gave a contract to a non-state company without an explanation. Now if you have to do it -- you've got to give it to a non-state of Connecticut business for some reason, I want to know why. Two reasons: I want to know

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whether or not we just don't have their business in the State of Connecticut and why don't we have that business in the State of Connecticut or why did they overlook a State of Connecticut business to give it to somebody -- to someone outside of the State of Connecticut.

So I think that kind of makes sense in that regard. But the way this bill is written doesn't. It's not living in the real world. We have to wake up. As Senator McKinney said if we want telecommunications to keep these customer service and response services in the state then let's set up a business model that entices them. So we steal them out of the Midwest or out of the south or wherever they may be.

But as I understand it there are specialties and not every state could have every single specialty located in that state. And if they had to comply with this as a mandate and they set up these specialties, I would suggest to you that they not have the tools to solve the problem because the real specialists are not going to be found in the state.

What I heard was some of the reasons why we have this bill is because of service, response and accountability. Okay let's assume those are three major reasons and let's assume those are three critical

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reasons. Senator Frantz brought out a bill that asks the DPUC to set up protocols for service, response and accountability and it was rejected. The same three reasons Senator Frantz wanted to set up a DPUC to help with an emergency situation during storms so there's a protocol so people can get their lines up so safety of citizens can be addressed, it's rejected out of hand but yet when we're talking about this bill those are three paramount reasons.

I don't think I could follow that logic. Something is missing and that gives me trouble.

Mr. President, it's getting late. I am not going to keep my remarks long but what I am going to say is that Connecticut needs to rethink where they are and where they're going. Connecticut workers are great workers. They're highly educated workers. Caging companies in is not the answer. Enticing them to come and let them taste the wealth of our workforce is critical. Forcing them here is not the right answer.

Mr. President, if I may, I would also would like a -
- to ask the proponent of the bill a question if I may through you, Mr. President.

THE CHAIR:

Senator Fonfara.

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SENATOR FASANO:

Through you, Mr. President.

Mr. President, the -- my understanding is that this bill has only been in the Energy and Technology Committee. Is that correct?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I believe that is accurate.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And through you, Mr. President, I guess the converse to that it has not gone to the Government Administration and Elections Committee. Would that be also an accurate statement?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, yes.

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Senator Fasano.

SENATOR FASANO:

And would the good Senator know whether or not one of the cognizance of the Government Administration and Elections Committee is in the area of purchasing for the State of Connecticut, if the gentleman knows and he may not?

Through you, Mr. President.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Through you, Mr. President, I do not know.

SENATOR FASANO:

Thank you, Mr. President.

And I thank Senator Fonfara for his answers. It's my understanding that the Government Administration and Elections Committee has the cognizance over all matters relating to DS services that include purchasing and collections and it goes on.

Mr. President, I would make a motion that the matter should be referred to the GAE Committee for their review of this matter because I believe that their cognizance affects the purchasing as provided within this -- within this bill. Mr. President so I make that motion.

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THE CHAIR:

There is a motion on the floor to refer this bill to
the Government Administration and Elections.

Senator Looney

SENATOR LOONEY:

Mr. President, thank you, Mr. President. Speaking in-- in opposition to that motion, I believe that -- that certainly that could be argued as a -- as a discretionary referral to be made but at this -- at this point I believe that the -- the focus of the debate has been on energy related issues and would oppose the -- the motion to refer and would ask for a roll call on that motion.

THE CHAIR:

There is a motion to refer -- let me get it up on the board -- it is up the board -- we're going to request a -- the Senate will stand at ease.

Okay there's a motion on the floor. If you are in favor of referring it to GAE, you will vote in the affirmative which is green. If you are against it, you will vote in the red. The machine will be open.

Mr. Clerk please call for a roll call vote.

THE CLERK:

Immediate roll call has been
ordered in the Senate. Will

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

THE CHAIR:

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

THE CLERK:

Motion is to refer Senate
Bill 417 as amended to the
committee on Government
Administration and Elections.

Total Number Voting

34

Those Voting Yea

12

Those Voting Nay

22

Those Absent, Not Voting

2

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THE CHAIR:

The motion to refer fails.

Will you remark further on Senate Bill 417? 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? Immediate roll
call has been ordered in the
Senate. Will all senators
please return to the chamber?

THE CHAIR:

Have all Senators voted?
Okay -- yeah just a
clarification if you're
looking at the board it's to
pass the bill as amended.
It's not to refer to GAE. We
didn't change the title
there. I tried to help you,
Senator Fasano, but it didn't

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work.

Have all Senators voted? If

all Senators have voted,

please check your vote. The

machine will be locked. The

Clerk will call the tally.

THE CLERK:

Motion is on passage of

Senate Bill 417 as amended.

Total Number Voting

35

Those Voting Yea

25

Those Voting Nay

10

Those Absent, Not Voting

1

THE CHAIR:

The bill as amended passes.

Mr. Clerk -- or Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

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Mr. President, I believe the Clerk is now in possession of Senate Agenda Numbers 3 and 4 for today's session.

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agendas Number 2 and 3.

SENATOR LOONEY:

Two and three, excuse me, two and three, Mr. President.

THE CLERK:

It is Monday, May 3, 2010. Copies have been distributed.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, I move all items on Senate Agendas Numbers 2 and 3 dated Monday, May 3, 2010 to be acted upon as indicated and that the agendas be incorporated by reference into the Senate Journal and the Senate Transcript.

THE CHAIR:

There is a motion on the floor to move all items on Senate Agenda Number 2 and Number 3.

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Seeing no objections, so ordered sir.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, would also move that all items on Senate Agendas Number 2 and 3 be placed immediately on our Calendar.

THE CHAIR:

Motion to move all items on Senate Agenda Number 2 and 3 on our Calendar.

Seeing no objection, so ordered.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, on Senate Agenda Number 3 under Disagreeing Actions, would move that Substitute Senate Bill 456 be placed on the Consent Calendar.

THE CHAIR:

There is a motion on the floor under Disagreeing Actions to move 456 on the Consent Calendar.

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, a couple of changes in -- in markings for items I believe that earlier there was a -- an item incorrectly marked for consent on calendar page 13,

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Calendar 475. Calendar 5402, that might have been listed in error. In any case that should not be on the Consent Calendar and to add an item to the Consent Calendar, Mr. President, is an item on calendar page 14, Calendar 480, House Bill 5372, would move to place that item on the Consent Calendar.

THE CHAIR:

Motion to place Calendar 480, House Bill 5372 on Consent.

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Also a couple of items to -- to remove from the -- from the Consent Calendar. One of those was calendar page 33, Calendar 231, Senate Bill 292 should be removed from the Consent Calendar and marked go.

THE CHAIR:

It is marked go, sir.

SENATOR LOONEY:

Yes thank you, Mr. President.

And also, Mr. President, calendar page 34, Calendar 258, Senate Bill 274 should also be removed from the Consent Calendar and marked go.

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So ordered.

SENATOR LOONEY:

Thank you, Mr. President.

And -- and finally another item, calendar page 35, Calendar 274, Senate Bill 305 should be removed from the Consent Calendar and marked go.

THE CHAIR:

Without objection.

SENATOR LOONEY:

Thank you, Mr. President.

And another item -- an item to add to the Consent Calendar, calendar page 29, Calendar 169, Senate Bill 108.

Mr. President would move to place that item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place Calendar 169, Senate Bill 108 on Consent.

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, returning to -- to items marked -- marked go, would ask the Clerk to -- to next call from calendar page 38, Calendar 376, House Bill 5254 and after

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that the next two items, Mr. President, would be calendar page -- excuse me -- calendar page 31, Calendar 211, Senate Bill 370 would be the -- the next item after that. And then calendar page 32, Calendar 230, Senate Bill 283.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

THE CLERK:

Calendar page 38, Calendar Number 376, File 315, Substitute for House Bill 5254, AN ACT CONCERNING THE JEOPARDY COLLECTION OF TAXES, favorable report of the committees on Planning and Development and Finance, Revenue and Bonding.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President and good evening.

THE CHAIR:

Good evening sir.

SENATOR COLEMAN:

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

THE CHAIR:

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

SENATOR COLEMAN:

Yes sir, thank you.

THE CHAIR:

Please proceed.

SENATOR COLEMAN:

Mr. President there is a process in the State of Connecticut providing for the jeopardy collection of taxes and under existing law if a tax collector believes that a taxpayer will be delinquent in the payment of taxes owed the tax collector is authorized to immediately collect the amount of taxes that are due.

The bill before us addresses this situation and provides that there should be more than the mere belief that the tax collector acts upon and the bill requires the tax collection, in such a situation, to document his explanation concerning why he believes that the taxpayer will be delinquent in the payment of his/her or its taxes. And that documentation should be provided in writing to the chief elected official of the municipality as well as to the taxpayer.

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In some municipalities the tax collector does not necessarily report to the chief elected official but in some municipalities tax collectors report to town managers and, therefore, Mr. President, the Clerk should be in possession of LCO 4066. I would ask that the Clerk please call that amendment.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 4066, which will be designated Senate Amendment
Schedule A, is offered by Senator Coleman of the 2nd district.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

I move adoption of the amendment.

THE CHAIR:

Motion on the floor to adopt and summarize.

Without objection, please proceed, sir.

SENATOR COLEMAN:

Thank you.

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This amendment does two things. It first addresses the situation that I discussed in -- in connection with the explanation of the bill. It provides that the written notice should be, in addition to being provided to a chief elected official in towns where the chief elected official is the official that the tax collector reports to, in those towns where a tax collector might report to someone other than a mayor or a first selectman, the bill provides -- I'm sorry the amendment provides that the tax collector should make the written report concerning his explanation why he believes that the taxpayer will be delinquent to the chief administrative officer.

And the second thing that the amendment does it seeks to address an oversight that was made in a bill that was passed last session and this part of the amendment provides that any changes made after a revaluation must be documented in writing by the assessor and that written documentation should be attached to the property -- property card in the assessor's office in connection with that particular parcel of property.

I would urge adoption of the amendment, Mr.
President.

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Thank you, sir.

Will you remark further on Senate Amendment A? Will
you remark further on Senate Amendment A?

If not, I will try your minds.

All those in favor, please signify by
saying Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed Nay.

The Ayes have it. Senate Amendment A
is adopted.

Will you remark further on House Bill
5254 as amended by Senate A?

Will you remark further?

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President.

I rise for a point of a question to the proponent of
the bill.

THE CHAIR:

Senator Coleman.

SENATOR McLACHLAN:

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Senator, I've discussed this bill with some of my local tax collectors and they've expressed concerns about further burdens. Also I -- I think they are more concerned about the -- the jeopardy process and that this is -- may interfere with that process. Could you perhaps share your viewpoint on that?

Through you, Mr. President.

THE CHAIR:

One second Mr. McLachlan.

There's a lot of chatter. If you've got to talk, outside, we've got business to take care of in here.

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

Through you to Senator McLachlan, the changes that are provided for in this bill as amended are extremely minimal and they merely require the tax collector to document or put in writing his explanation concerning why he or she believes that the taxpayer will be delinquent in the payment of the taxes that the taxpayer owes.

I don't think that that would be overly burdensome to any of the tax collectors in any of the municipalities in the State of Connecticut. I think that the taxpayers in our state should be protected from the arbitrary and

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capricious assessment and collection of taxes. The assessment and collection of taxes from taxpayers should be as fair as possible and that is the direction that this bill as amended takes.

Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President.

And thank you for your answer Senator Coleman. I -- I would agree that we certainly don't want unfair taxes or assessments levied here in the State of Connecticut and knowing my tax collectors and assessors in my district, the professionals that they are, I'm sure that they work very hard to be sure that they are fair in -- in all of their business dealings.

I -- I just stood to share with you some of the concerns that they had. One other concern was the jeopardy process. If notification occurs prior to the process, it sort of defeats the purpose of the jeopardy tax collection process and so I just wanted to clarify with you does this bill make any change to that?

Through you, Mr. President.

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Senator Coleman.

SENATOR COLEMAN:

Mr. President, through you to Senator McLachlan, if I might just have -- Mr. President, through you to Senator McLachlan, if I can direct his attention to line -- actually line 50 and 51 it indicates that a tax collector shall provide written notice, it looks like after the collection is made.

Yes, shall provide written notice of such collection to the chief elected official in the muni -- in the municipality.

Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President.

That does answer my question. Thank you Senator for your answers and I'm -- in this case you've certainly clarified for me the details of the bill but I'm going to rely on the professional opinion of the tax collectors in my district and they have indicated to me that they're uncomfortable with this change. I respect their professionalism in the way that they do business as -- as

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the tax collector for their municipality and so I will not support this.

.... Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

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

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Very briefly, Mr. President, I support this bill for a number of reasons. Jeopardy tax collection is a -- a very interesting issue that we have on our books and basically it says if the tax collector in their sole discretion believes that there's going to be a default in the following year, they can ask for the taxes, total discretion.

Maybe they heard a rumor he's going to loose a job or she's going to loose a job. Maybe they heard they defaulted on a car payment and the taxpayer has no notice of this call. And what this says is they have an appeal right currently but that's paying a lawyer, that's going to court, that's bringing a writ, it's expensive.

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All this says is we've got to give some sort of notification before we do it. Give the taxpayer the heads up. And if the tax collector is -- has a basis for making this call, then make the call. But at least give the taxpayer notice and I think that's fundamentally fair.

So with that I would say that we have protected the taxpayer and I believe that this jeopardy statute is something that is important to pass.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 5254? Will you remark further on House Bill 5254?

Senator McLachlan for a second time.

SENATOR McLACHLAN:

Thank you for a second time, Mr. President.

Debate is a good part of our process here in the State Senate and I'd like to thank our Minority, my colleague, for sharing his outlook on this bill. Based upon that observation, I will support it.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

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

If not Mr. Clerk please call for a -- hold on a
second -- Senator Coleman.

SENATOR COLEMAN:

I'm sorry, Mr. President. I had stood on your
previous request for any further remarks.

THE CHAIR:

That's -- your fine, go ahead.

SENATOR COLEMAN:

You called on somebody else.

THE CHAIR:

No that's quite all right, sir.

I only save the best for last, sir.

SENATOR COLEMAN:

Well I -- I appreciate that.

THE CHAIR:

That's okay.

SENATOR COLEMAN:

Let me -- let me just very briefly say that
Representative Michelle Cook has been an advocate and a
sponsor of this bill. She deserves a lot of credit for
her work and in response to Senator McLachlan's previous
concern, the bill has gone through at least a couple of

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iterations and it originally sought the repeal of the jeopardy tax collection process. And I'm not sure but that may be -- maybe the iterations that the tax collectors in Senator McLachlan's district were objecting to and expressing concerns about. However, I think there was a lot of give and take, a lot of compromise, as is characteristic of our process here in the Connecticut General Assembly and I am confident, as Senator Fasano has expressed, that this is a procedure that is made a lot better not only for taxpayers who may be subject to such a procedure but also for the tax collectors and the municipalities as a whole.

So I'm not sure if there will be any objection, but if not, Mr. President, I would move that this item be placed on our Consent Calendar.

THE CHAIR:

There is a motion on the floor to place House Bill 5254 as amended by Senate A on the Consent Calendar.

Seeing no objection, so ordered, sir.

I'm sorry -- you have objection Senator McKinney?

Senator McKinney has objection. Mr. Clerk please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been

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

THE CHAIR:

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

THE CLERK:

Motion is on passage of House
Bill 5254.

Total Number Voting

35

Those Voting Yea

33

Those Voting Nay

2

Those Absent, Not Voting

1

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The bill as amended passes.

Mr. Clerk.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

I apologize but before marking the next item had another item to restore to the Consent Calendar that had been marked Consent, removed marked go and would like to place it back on Consent and that is calendar page 13, Calendar 475, House Bill 5402.

THE CHAIR:

And you'd like to put that on the Consent Calendar,
sir?

SENATOR LOONEY:

Yes, Mr. President, I would move to place that item
on the Consent Calendar.

THE CHAIR:

There is a motion on the floor to place the item on
Consent.

Seeing no objection, it is on Consent, sir.

SENATOR LOONEY:

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Thank you, Mr. President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Senate Calendar page 31, Calendar Number 211, File 301, Substitute for Senate Bill 370, AN ACT CONCERNING MEDICAID LONG-TERM CARE COVERAGE FOR MARRIED COUPLES, favorable report of the committees on Human Services and Appropriations.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

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

THE CHAIR:

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

SENATOR DOYLE:

Yes, thank you, Mr. President.

What this bill -- is a bill that was sent to -- originated in the Human Services Committee and it does two things. It -- it orders the commissioner of Social Services to amend the Medicaid

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state plan to require the spouse of an institutionalized person who is on Title 19 to permit or to -- to permit the non-in -- non-institutionalized spouse the maximum community spouse protected amount. That's the first component.

The second component is to order the commissioner of Social Services to amend the Medicaid state plan again to permit the -- any proceeds received by the non-institutional spouse in the home through a reverse mortgage or -- or annuity, commonly known annuity, that they will not be treated as income for the assets. And this change -- the -- the home is already excluded so this section really is not a change, it would just permit the -- the non-institutionalized spouse to access the equity in the home and use it for home care or what -- or what the like and I think it's a good bill and the chamber should support it.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator Prague.

SENATOR PRAGUE:

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Thank you, Mr. President.

Mr. President, I want to thank Senator Doyle for bringing this bill up before us. This is going to make a very big difference in the lives of elderly people. When a spouse goes into a nursing home and the community spouse can keep \$109,000 instead of having to only have one half of the assets this is going to make a big difference in the community spouse's life.

This is a -- really a wonderful thing that we're doing. With the growing elderly population this is a tremendous consideration and I just want to add my support to this good piece of legislation.

THE CHAIR:

Thank you, ma'am.

Will you remark further on Senate Bill 370?

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Through you, a couple of questions to the proponent of the bill.

THE CHAIR:

Senator Doyle.

SENATOR KANE:

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Through you, Mr. President, Medicaid is an entitlement, correct?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, yes it's a -- it's a government program that's funded half by the state and half by the federal government as an entitlement program.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you.

And Medicaid was created for those individuals with lower means than others, correct?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yeah there was certain -- there are statutory -- or guidelines that do tend to focus on the people with less income.

Through you, Mr. President.

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THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

So if both of those hold true, then if we increase the limits through this program, then will not more people be eligible for Medicaid?

Through you, Mr. President.

THE CHAIR:

Senator Doyle

SENATOR DOYLE:

Through you, Mr. President, this is a complicated area and I'll try to explain -- you could argue more people may be -- there's two sides to the argument. Senator Kane's point is more people could qualify earlier which some people profess to -- to believe but then the other side of the argument is if the community spouse, the non-institutionalized person is able to keep more money, that person is not -- is -- is going to go -- herself get into -- her -- herself or himself get -- go into a nursing home later. These extra monies can be used by -- for home care or -- or nursing -- you know, out-of-pocket nursing home care.

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So while his point is valid, the other side which a lot of others profess delaying the entrance of the community spouse into poverty and having to go to the government til -- actually will save money. So there's really two sides to the story.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Well thank you, Mr. President.

If we are raising that limit and more people are eligible, then are we really delaying people into poverty or allowing more wealthier people or middle class individuals, what -- whatever term you want to use, into an entitlement system?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, the practical function of this program is the differential between where we are today, 50 percent of the, you know, the 109 versus up to a full 109. The real world today is it's permissible for the community spouse to get down to that level. They

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immediately spend the money to buy a new car, do work that's really maybe unnecessarily and that's all legal. This simply eliminates the need for the community spouse to immediately spend that money on day one because the -- the -- her -- the community spouse's -- spouse has to go into the nursing home.

So really it's not -- it's -- it's -- in the long run it's pre -- avoiding these rushed purchases, preserving assets for the community spouse and letting the community spouse continue to stay in the community, use these funds for home care, which ultimately could save the state money because the community spouse is not going on Title 19.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I -- I appreciate Senator Doyle for his answers. I think we will agree to disagree on this one because again I believe, and -- and as we stated, that Medicaid is an entitlement program. It was created to -- for the people with less means of lower incomes. What we're doing is

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raising this threshold and we're allowing more individuals to get on the plan.

... So, in addition to that, I -- I -- right now the average marital asset, typically in the State of Connecticut, liquid market asset, is about 150,000. I think that's been stated by DSS through the public hearing process or through the committee process.

At our current formula using 50 percent of that, that would be a dollar amount of 75,000. If, as -- as you spoke, we move that figure up the ladder to 109,000, there is a \$34,000 difference that we are now eligible for.

So that means that -- that is more money for the Medicaid program, is it not?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, that 34 -- 34,000 or so differential you're talking about, as a practical matter, is not going to the state. It's really used to purchase vehicles for the existing community -- a new vehicle that the person may not need or other expenses. The truth of the matter is, and I think DSS generally appreciates,

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that this money, this differential money, is not going to the state.

And the point of this bill is that money, rather than going to the state, you know, by purchases of vehicles and non-essential items, is staying with the community spouse which could be used more effectively for care down the road.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Right.

Thank you, Mr. President.

But if the individual is able to keep that extra 34,000, that means that the Medicaid program will kick in earlier, correct?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, no, I think the answer is no because either way if they can keep the money it will sit in the bank account for future expenses like I've been arguing healthcare and the like. If -- if

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under current law they can't keep that money there, that money is immediately spent on legal purchases and then, at that point, they're -- they're going on the Medicaid list at the same time.

It's just -- the real question here is -- is are -- is the community spouse making legitimate purchases for the cars and the home and stuff versus putting it in the bank account for home care expenses in the future.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Well you know DSS testified that that extra 34,000 could be used to pay for those long-term care expenses rather than a television set or a new car or -- or whatever else they -- people want to spent their money on. So I think it would be greater to use for long-term care expenses.

With -- using those figures, I -- I don't agree with the OFA note because I think it -- we have to project that going forward and that could be money used towards those long-term care expenses.

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I appreciate Senator Doyle for his answers and I -- I thank you but I would ask the chamber to vote in opposition of this bill because I do believe this is going to incur a great cost to the State of Connecticut, to our Medicaid program, to our entitlement program. We're going to be allowing people who don't necessarily qualify for the program to be allowed to qualify for the program. We are going -- it is going to cost us more money. Once you put me -- more people on the program, it has to cost us more money.

I think the -- DSS has spoken against it. A number of others have spoken against it so I urge my colleagues to vote against it as well.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 370? Will you remark further on Senate Bill 370?

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I support this bill and let me tell you why. First let me say that it is true that we are changing the amount of money. But a couple of things that I think we have to think about. One, in the

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northeast it's very expensive to live. Number two, especially the elderly in the northeast have additional expenses that we don't find in other places in this country and we need to take that into play.

But, Mr. President, the assumption is when DSS takes the view that this is going to cost the state money, is that the differential amount is going to the nursing home. The pay down, if you would, is going to the nursing home. Any CPA, any tax lawyer will tell you, or anybody who advises in elderly services, will tell you, you take that money and you put it in the assets that are protected. You put it in your house.

Doesn't matter how much money you have in your house, we exempt it. Buy a new car. Put it in any asset that is exempted and that's how you protect the money. And the truth of the matter is, in the real world, that's what happens. That's what happens.

Before I go on to further explain that, I'd -- in all fairness to Commissioner Starkowski who is against this bill and he remains in opposition to this bill because it is the department's position that the bill results in earlier findings of Medicaid eligibility thus increasing Medicaid costs to the state.

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The Medicaid program is intended for the generally poor with the exception that the spouse and the community can retain the home and 50 percent of the couple's assets when other spouse goes into Medicaid long-term care. By allowing the diversion of additional assets, it is the department's belief that more people will utilize the mechanism to become eligible for Medicaid which is already experiencing a deficiency.

And I kind of purposely read that to the circle because I think it's fair the Commissioner gets his point across. And I understand what he's saying from a theoretical practice, but in actuality it doesn't happen. Now how do we know it doesn't happen? We know it doesn't happen because I said okay I hear that, give me the figures that demonstrate that loss. Somewhere there's got to be a spreadsheet coming out of some computer that shows here are the number of Medicaid people and this is what the state lost.

And with all due respect to his theory, I never received anything. And I asked the question more and more. OFA, who we listen to in this circle, says there's no real cost to the state. Now what Commissioner Starkowski does is take the exact same thing that Senator Kane did times the number of people and came up the

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figure of \$64 million and just says assume \$34 million of it comes to the nursing homes. That's a huge assumption which apparently is not true because there's no verification for it. And the reason why there's no verification for it is because with all candor it just doesn't happen.

I know as a practicing lawyer my partner does this stuff. He advises long-term people this is what you do. This is where you've got to be. There are some people -- you know you've got to take the long-term care because your assets are your assets but the other people you spend-down. And you put it in an area like your house that you can draw the money out either on a reverse mortgage or line of credit or what have you sort of after the fact, but that money is disposable, it's there.

Now the argument that some may advance is well even if that's true Senator Fasano, these people go into the nursing home, their surviving spouse goes into the nursing home earlier because they dumped off the cash and I would say no, the house is the bank. The house is the bank.

So it isn't true that they go in there earlier. It is estate planning. It is tax planning and what this bill purports to do is recognize the reality of the

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situation that they're faced with and what this bill purports to do is to say we recognize it. We don't need to put these people into bankruptcy, number one, but number two we can't because the tools are out there to avoid it. OFA backs up that reasoning by saying we can't find an expense to the state.

If I had some evidence before me, and I looked at this for the past ten days, where it was shown clearly where this money was going and the state was losing \$34 million, I would be of concern. And, in fact, a year from now, all of a sudden we see that there's a problem because of this bill, I would be the first one to submit a bill to correct that problem but I don't see it because the real world operates different than the walls in which we do our legislative business. That's why you see a CPA. That's why you see a tax lawyer. That's why you see elderly specialists who specialize in elderly issues.

So, Mr. President, I appreciate the comments by -- by Commissioner Starkowski and I think it's important that they are on the record for the purposes of his position and he has a voice but I would humbly disagree based upon what I see out there on everyday and basically I also disagree because of the OFA analysis is such that we have come in the circle to recognize that is the final

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word with respect to costs. Therefore, Mr. President, I would be proud to look forward to this bill being passed.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

If I could briefly for my own edification ask a question through to the proponent of the bill before us.

THE CHAIR:

You may proceed.

SENATOR MCKINNEY:

Thank you, Mr. President.

Senator Doyle, I've listened to the conversation between Senator Kane, yourself and Senator Fasano. In my own experience I have seen with a family member the spend-down and -- and agree that what happens in the real world is that individuals are told about the rules, do spend-down and so it's not money that we're going to see in our system.

What I'm having a hard time though understanding is that as you raise the threshold and raise the amount, it

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would seem somewhat intuitively that it would be quicker for some to spend-down and, therefore, would become eligible sooner -- would be on -- if they're eligible sooner then it would be an additional cost to the state because they will be eligible sooner than they normally would be under the old rules.

Through you, Mr. President, can you explain why someone will not be eligible sooner and therefore wouldn't cost more money that way?

Through you, Mr. President.

THE CHAIR:

Senator Doyle if you care to respond.

SENATOR DOYLE:

Yes, through you, Mr. President.

Well to try to make it simple, the person is -- is nearing close to the margin where they qualify for Title 19. They're either going to qualify under the current requirements and spend the cash on -- on the expenses that we discussed or if -- if this law passes, they won't have to do that new investment in the home as Senator Fasano said or the new car. They can hold the money.

So either way they're either going to -- on the current law they're going to spend this money to get in. If this law passes, they won't do that rush spending so

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one -- up to one o' nine, nine forty -- I'm sorry, one o' nine five sixty. They can stop at that point, that will stay in the bank. That can be used for other more essential purchases rather than a purchase for a car or investments of the home and I would argue on the other side the fact that a person can keep more money, that's more money for home care down the road, that's more -- that's keeping people off -- the community spouse off of the Title 19 rules earlier.

So the simple statement is they're going to either - - they're going to get in whether they -- they're advised to spend-down to 50 percent or they'll stop at 109.

Through you, Mr. President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

So and -- and -- I -- I guess I agree with the latter part, they are going to be advised down -- to spend-down to 50 percent and they will do that. I guess in -- intuitively though if that number goes from say \$75,000 to \$109,000, spending down to 50 percent is going to be easier, happen quick -- quicker, therefore, eligibility will happen sooner.

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I guess, through you, Mr. President, but is -- is that not going to happen in practice?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, no because I think the - the community spouse is going to meet with the -- the long-term -- the -- the attorney advisor, you know, well before we get to these lower thresholds. So they're -- they're going to sit in a room and say okay this where you're at. Your obligation, you know, to pay private care go to a certain level. They're going to say it -- if the new law is passed at 109, you can hold that, you can preserve that.

If your -- if -- if this law remains, they're going to say you have legitimate expenses, you'll spend-down to -- to 75. So it's a question -- they will be advised not when they're super close in theory. In a practical matter they're going to be, you know, it will be earlier -- earlier stayed than right at 109 or right at 75 and a wise estate lawyer will advise them ahead of time.

Through you, Mr. President.

THE CHAIR:

Senator McKinney.

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SENATOR MCKINNEY:

Thank you.

I guess my last question is how -- how often are expenditures made, you know, in an attempt to spend-down to get to eligibility? How often are they challenged?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, the challenge at the DSS level, by DSS?

Through you, Mr. President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Yes, yes, through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, I don't think the spend-downs are challenged as much as I -- I've done Title 19 applications. The real crux of challenges are what the assets, whose name their in. It's not really as much what's being spent down because it's pretty clear what's

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legitimate and legal expenses. It's more ownership of assets and they thoroughly challenge those and take months to resolve it.

For instance if it's a joint asset or it's a gift, that's really where prevention of going on Title 19 is. The spend-down purchases aren't challenged because it's a pretty clear purchase. They ask for evidence and they see all the evidence in the purchases.

Through you, Mr. President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

I -- so that obviously has no impact on this bill but those challenges will be the same regardless. I appreciate the good Senator's answers.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Would you care to remark further? Would you care to remark further?

If there are no further remarks to be made, the Chair would ask the Clerk to announce that a roll call vote is in progress in the Senate.

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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.

Members please check the board to make certain that
your vote has been properly recorded. If all members
have voted and if all votes are properly recorded, the
machine will be locked and the Clerk may announce the
tally.

THE CLERK:

Motion is on passage of
Senate Bill 370.

Total Number Voting

35

Those Voting Yea

34

Those Voting Nay

1

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Those Absent, Not Voting

1

THE CHAIR: ...

The bill is passed.

Mr. Clerk.

THE CLERK:

Calendar page 32, Calendar Number 230, File 344,
Senate Bill 283, AN ACT CONCERNING AUDITS BY THE
DEPARTMENT OF SOCIAL SERVICES, favorable report of the
committees on Human Services and Judiciary.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

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

THE CHAIR:

Question before the chamber is
acceptance and passage. Do you care to remark
further?

SENATOR DOYLE:

Yes, thank you, Mr. President.

What this bill does it deals with an issue that the
Human Services Committee spent a lot of time on this

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session and the -- the Human Services off session had a non-profit public hearing process and this issue was raised basically -- at issue here is that DSS processes and audits the non -- the non-profit providers who the DSS contracts with.

But before I get into the context, the Clerk has an amendment that's pertinent to the overall bill. Will the Clerk please call LCO 4431 and I be allowed to summarize.

THE CHAIR:

Would the Clerk please call LCO 4431 to be designated Senate A?

THE CLERK:

LCO 4431, which has been designated Senate Amendment
Schedule A, is offered by Senator Doyle of the 9th
district.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

I move adoption of the amendment.

THE CHAIR:

The question before the chamber is the adoption of Senate A. Senator Doyle has requested permission to

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summarize. Is there objection? Seeing none, you may proceed Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

The amendment before deletes Sections 2, 3 and 4 from the file copy and so with -- which are provisions regarding -- limiting the -- the two -- the -- the scope of the audit two years and the extra -- extrapolation projections percent matter and also the payment error rate of 10 percent and I urge the chamber to support the amendment before us.

THE CHAIR:

Will you remark further? Will you remark further on Senate A?

If not, the Chair will try your minds.

All those in favor of Senate
Amendment Schedule A, please indicate by saying Aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed say Nay.

The Ayes have it. Senate A is
adopted.

Senator Doyle.

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SENATOR DOYLE:

Thank you, Mr. President.

With the adoption of Senate A, what this bill does now is it does two main things. Under the current audit process it provides two points: number one, it provides the non-profit providers the opportunity to go to court as the opportunity to appeal a final decision of DSS of the audit. So in the -- in the remote situation that -- that they feel like it's -- it's -- they're concerned enough about the final decision, they have a right to appeal to the Superior Court which is -- is a proper due process offer and also requires the Department of DSS to draft regulations for the audit process and present them to the Regulations Review Committee.

These are the remaining two provisions of the bill and I ask the chamber to support the bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on the bill as amended?

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. Good evening.

THE CHAIR:

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Good evening.

SENATOR KANE:

Or is it morning? I too rise in favor of this bill. We did have this in the Human Services Committee as Senator Doyle spoke. A number of the providers came to us in regards to this issue and had some very deep concerns. I'm happy to say that I think we worked well on this bill together and I urge my colleagues for their support.

THE CHAIR:

Thank you, Senator.

Do you care to remark further? Do you care to remark further on the bill as amended?

If not, Senator Doyle.

SENATOR DOYLE:

Yes, Mr. President, I move the bill to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

Mr. Clerk.

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

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Mr. President, I believe the Clerk is now in possession of Senate Agenda Number 4 for session of Monday, May 3rd.

THE CHAIR:

Mr. Clerk are you in possession of Senate Agenda Schedule 4 -- Senate Agenda 4?

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agenda Number 4, dated Monday, May 3, 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 4, dated Monday, May 3, 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.

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Mr. President, would also move that all items on Senate Agenda Number 4 be placed on our calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, the next three items that would -- would like to call, the next three go items, first is on calendar page 31, Calendar 206, Senate Bill 382 and after that should be marked go as the next item.

The next to follow that, Mr. President, is calendar page 33, Calendar 256, Senate Bill 124, and the third item, Mr. President, is calendar page 34, Calendar 258, Senate Bill 274.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will the Clerk please return to the call of the calendar?

THE CLERK:

Calendar page 31, Calendar Number 206, File 302 and 655, Substitute for Senate Bill 382, AN ACT REQUIRING BIODIESEL BLENDED HEATING OIL AND LOWERING THE SULFUR CONTENT OF HEATING OIL SOLD IN THE STATE, favorable

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report of the committee of Environment and
Appropriations.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President.

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

THE CHAIR:

On acceptance and passage, do you
care to remark further?

SENATOR MEYER:

Yes I would briefly. Colleagues we're trying in
Connecticut to move in a couple of directions. One
direction is less reliance on fossil fuel and the second
is reducing toxicity and other parts of our fuels that
cause problems. This bill goes in that direction. This
bill reduces the sulfur standard in -- in heating oil.
It reduces it to 50 parts per million beginning in July
of next year and to 15 parts per million in July 2014.

The bill also gradually increases biodiesel in our
fuel, starting with a two percent biodiesel component in
2011 and going up in small increments up to 20 percent
biodiesel by the year 2020. It was -- it was felt by the

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Appropriations Committee that this bill might make Connecticut non-competitive and so the Appropriations Committee made an amendment which says that these sulfur content amounts I just referred to and the biodiesel amounts I just referred to will not take effect until the neighboring states of Massachusetts, New York and Rhode Island have adopted substantially similar requirements.

And finally, Mr. President, the bill has a provision in it that if we don't have enough biodiesel that the amount of biodiesel called for by this bill would be -- would be reduced. So that -- that in essence is the bill. I -- I urge your favorable consideration of it.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Would you care to remark further? Would you care to remark further?

If not, Senator Meyer.

SENATOR MEYER:

If there is no objection, I'd be very privileged for this to go on the Consent Calendar.

THE CHAIR:

Is there objection? Seeing none, so ordered.

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Will the Clerk please return to the call of the calendar?

THE CLERK:

Calendar page 33, Calendar Number 256, File 381,
Substitute for Senate Bill 124, AN ACT CONCERNING LONG
ISLAND SOUND AND COASTAL PERMITTING, favorable report of
the committee on Environment, Planning and Development
and Finance, Revenue and Bonding.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President.

I move again for the acceptance of
the Joint Committee's favorable report and passage of
this bill.

THE CHAIR:

On acceptance and passage, do you
care to remark further?

SENATOR MEYER:

Yes briefly, Mr. President, please.

Colleagues this is a bill that's requested by the
Department of Environmental Protection in regard to
permits -- building permits that are adjacent to Long

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Island Sound and to wetlands and water courses. The bill has several parts to it.

The first is that it requires the filing of these permits with land records so that homeowners and business owners know if there's a -- a DEP permit on their property when they buy it. So that's a sort of a truth in lending provision that I think is -- is praiseworthy.

Second the bill establishes an additional fee if you build a structure that's a violating structure without a permit.

Third, the bill helpfully expands those activities around water which require only a certification of permission and not a permit. A certification of permission is a -- is a more flexible process for DEP and for all of us than -- than an actual permit. So it expands the activities for which only a certificate of permission is required.

And the bill also deals with waste discharges and ties Connecticut into the -- the waste discharge standards of the federal EPA so we're consistent. And that's -- we're talking about waste discharges in Long Island Sound.

And finally, bringing us into the 21st century, the bill permits electronic transmittal of permits, notice of

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hearing for permits and the rest of the permitting process electronic requirements.

That is the essence of the bill. We -- the bill also has an amendment to it I'd like to take up if we could please. If the Clerk could kindly call LCO 4906.

THE CHAIR:

Mr. Clerk, would you please call LCO 4906 to be designated Senate A?

THE CLERK:

LCO 4906, which has been designated Senate Amendment Schedule A, is offered by Senator Meyer of the 12th district.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, I -- I move this amendment and respectfully ask permission to summarize.

THE CHAIR:

The question before the chamber is the adoption of Senate A. The gentleman has requested leave to summarize the amendment. Is there objection? Seeing none, you may proceed, Senator Meyer.

SENATOR MEYER:

Thank you.

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Colleagues this amendment came to us from disabled veterans who -- many of whom are not wealthy people. Many of them are -- are residents of the Veterans Hospital in West Haven. They love to fish and they can't really afford the fishing licenses of our state. It turned out that if we -- if we exempted disabled vets from having to pay for a fishing license, there would have been a revenue loss to Connecticut of \$130,000.

And so working with DEP, we fashioned an alternative remedy for disabled vets by putting them into a non-profit organization and the non-profit organization would pay the fishing licenses and the disabled vets, as well as other people who qualify under -- under this amendment, would -- would not have to pay a fishing license themselves because they are a part of a non-profit organization.

So that -- that is the essence of the amendment and again I urge its passage.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on Senate A?

Senator Kissel.

SENATOR KISSEL:

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Thank you very much, Mr. President. Great to see you up there at about 12:25 a.m.

A question -- a few questions through you to the proponent of the amendment.

THE CHAIR:

Please frame your question.

SENATOR KISSEL:

Thank you.

As someone who wanted to see, you know, those incredible fishing fees brought down and the hunting fees and the campground fees and we made some headway this year regarding that, I think the intention of this amendment is -- is a great one. I just -- I'm not quite sure though how putting -- if there's \$130,000 at stake, how is it that putting disabled veterans into a non-profit how does that keep our coffers full with the \$130,000? Where does that money come from?

Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Mr. President to Senator Kissel, Senator Kissel you'll see that on page -- page five of the amendment, lines 114 to 116, the -- there's a

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prescribed fee for this group fishing license that will be paid by the non-profit organization and that -- that group fishing license fee is \$250 a year.

And so the calculations of DEP indicate that we would, by that kind of a fee, we would not be losing any money but we would be -- we would not be charging these disabled vets and certain other classes that are covered by this with having to pay an individual fishing license.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

I'm still confused though. All right, right now the disabled vets pay the fee or they just don't get the permit if they don't have the money. I'm not sure where this non-profit organization would get the money so that ultimately the state does not lose \$130,000. So where does the non-profit get its money from?

Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President to Senator Kissel, Senator Kissel I'm very involved with one of these non-

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profit groups. It's a -- a congregational church in the Town of Branford and -- and it -- it has got about two dozen disabled vets whose -- who fish under its program and it -- it will buy a group license for which it will pay the \$250 and the -- the disabled vets will not be charged.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

So this -- this is very helpful. So let's say there's an organization in -- in Enfield that's a non -- non-profit and they decide this is a great idea, let's -- let's do some fundraising, we'll -- we'll try to raise \$250 and then we can get this permit and anybody affiliated with us that happens to be a disabled vet can then be able to fish. Is that sort of how it's supposed to work?

Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, that's correct, Senator Kissel.

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THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. Appreciate those answers.

THE CHAIR:

Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Thanks, Mr. President. I knew when the subject of fishing came up that -- that Senator Kissel would have a few words to say about the subject.

Through you, Mr. President, I do have a couple of questions for Senator Meyer.

THE CHAIR:

You may frame your question.

SENATOR FRANTZ:

Thank you very much.

The -- the question I have for you is the -- and -- and I love the intent. This is terrific and the example that you're using is -- is a wonderful one and I'm all for that but I'm also concerned a little bit about the revenue loss to the -- loss to the state and how widespread the use of this non-profit approach might end up being.

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Are there any limitations -- I'm just looking at the amendment for the first time tonight, are there any limitations to the number of people that can join up with that particular group?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, let me just look because I think -- I don't think there's any limitation on the number of people but I think the number of fishing trips is limited to 50 per year and -- and 50 per year was something that was arrived at by DEPs as being a -- a good number that's very workable for the -- the people who would be helped under this program.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And -- and through you, Mr. President, the non-profit can be any 501c3. It doesn't necessarily have to be outdoors related, handicapped related or anything quite like that.

THE CHAIR:

Senator Meyer.

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SENATOR MEYER:

Through you, Mr. President, that's -- that's
correct. It can be any 501c3.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Okay the obvious concern, Mr. President, is that the program could be abused and that you have thousands of people showing up because I don't know what the average number of fishing days is for the normal fisherman but 50 days of fishing sounds like a lot. I know I haven't been able to go fishing for at least two years now and probably won't this summer either.

But -- but -- you know if the average person goes fishing 15 times a year, that's a -- that's a pretty good number and 50 is, you know, more than three times that so, in fact, you know, are we opening up a window for --

SENATOR MEYER:

I'm sorry.

SENATOR FRANTZ:

-- so -- so the -- the question is are we opening up the window for potential abuse where, you know, thousands of people throughout the state try to join up with some loosely aff -- 501c3 loosely affiliated with

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the outdoors, fishing or whatever the case might be and the state ends up being the loser?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President to Senator Frantz, when -
- when the Environment Committee originally proposed this and we were told that there was \$130,000 loss of revenue to Connecticut, we turned the calculation back to the DEP and to Rob LaFrance in particular at DEP and he fashioned this language and we relied on his representation that there would be no loss of revenue to Connecticut in the way this bill is set up.

So I will tell you that I cannot tell you as a matter of my own personal knowledge but I did rely on -- on DEP and Rob LaFrance, who is the legislative liaison at DEP who worked on -- on this language and this formula.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

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And again through you, Mr. President, does there need to be some sort of a supervisor from that 501c3 along with the group?

SENATOR MEYER:

I'm sorry, what? Can you repeat that? I didn't understand that.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Does -- according to the language of the amendment, is it required that there is some kind of a supervisor or a representative from that particular 501c3 to accompany those fishermen for the day?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, that is expressly provided in the amendment.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Okay thank you. That gives me a little more comfort in that I think most people involved with 501c3s would probably guard against any abuse and finally my last

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question, through you, Mr. President, is that typically when you go fishing, you're either on the shore and you split up because of the natural need to be able to cast and have 40/50 feet in between fishermen or you head out in a boat. If you have a large group, you're not going to necessarily get a boat big enough to have a group of 75 or 100. So the intent is to sort of keep this group together and have it under the supervision of that particular representative from the 501c3.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, yes that's the way it's worked thus far. It -- the -- the veterans from -- from the West Haven Hospital come to a promontory in the Town of Branford. There's a supervisor -- there are several supervisors there from the -- from the non-profit that's running the church and they -- they fish from the promontory by casting into the waters of Long Island Sound.

And there's also training that's given by -- by the church, training in casting. Some of the disabled vets are blind and when a fish hits, one of the great joys of -- of your life and my life is to see the -- see what --

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what's on those -- the expressions on the face of those blind vets when the fish hits, it's very special.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

Through you, Mr. President, I wish them good luck fishing this upcoming season. Thank you.

THE CHAIR:

Will you remark further? Senate A is before the chamber. Will you remark further on Senate A?

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I -- I support this bill. I think that this is a -- a good bill with respect to enhancing some of the conversations, or I should say administrative give and take between the state of DEP -- the state DEP commission and the local inland wetland boards, in particular by allowing the permits to be placed, as I understand it, on the land records.

Mr. Chairman, the reason -- or Mr. President, the reason why that is important is that sometimes there's permits that are granted for work by DEP that are outside

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the scope of the local inland wetland commissions. And when you have that type of -- of transaction, neighbors or other interested parties can go to land records to see if, in fact, you receive the proper information.

Absent that, there's no real way of determining those activities which are purely within the confines of the DEP authority to determine whether or not, in fact, there -- received the proper approval without calling DEP, trying to find out who the case manager is. This gives all the information readily available. In addition to that, from a land records perspective as a lawyer that does transactions, it is important that when you're doing a sale and you notice a retaining wall or -- or some other activity, you can look at the land records and see whether or not there's a permit without having to sort of trace it and find out whether or not the activity was legalized by DEP by making its way through the system.

So, Mr. President, for those reasons, that's certainly fills a glitch that we had in our system. Mr. President, also with respect to the fishing licenses, as long as we're not talking about the ESPN Bass Championship that we lost here in Connecticut, I think that the fishing events conducted by organizations as provided for in this section, I think is a great

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opportunity and there is a chance it will be abused but that chance is not -- is slim. I think people are going to respect this and I think that the -- the idea that we put behind that with the tax-exempt organizations or their 501c3 makes sense.

I think it's going to enhance our activities in our beautiful areas of our salt water marsh and fresh water areas and I think with that, Mr. President, this bill once again strives towards the environmental consciousness that we have for the state.

Mr. President, just a few more quick comments. This bill also establishes a fee for retaining structures and this fee is four times the fee for a permit to build a structure in other places and although that may seem expensive to some and I recognize that, it certainly is something where these fees are putting -- are going to be put back into the system to make the system work.

Mr. President, also the -- this bill eliminates the permission -- the provision permitting the placement, maintenance or removal of certain structure or buoys without a permit while a permit is pending. It's kind of like a double negative. So you're able to do it while the -- you're able to do these activities even though the permit is pending. So basically if the permit time runs

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out and you haven't gotten a renewal, you're still able to do some of these activities, Mr. President.

Mr. President, our Long Island Sound has traditionally been the -- a tremendous resource. I remember when we were doing Broadwater, I remember Senator Meyer talking about in New York how he used to swim in Long Island Sound and now in the shoreline area he represents he also enjoys that area. And it is truly a jewel of the State of Connecticut, one of our best parks, if you would, that we have, the pond between two great states.

And it is important that we do what we can to protect this natural resource and it's important that we fund those developments to improve Long Island Sound by having these funds and that's what a lot of this does by collecting the necessary fees. And although we have that, we also put in an exemption to allow non-profits to enjoy the 501c3s, to enjoy the treasures that we have and it is that balance that this bill tries to reach which I believe makes this bill -- bill a very, very important bill.

One quick comment on a certificate of permission. My concern has always been a certificate of permission has been a good tool, administrative tool, by DEP but

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sometimes it takes too long and the short season that we enjoy it is important that we're able to limit the time period for a certificate of permission. And although this vaguely speaks about that issue, what it talks about is the importance of having this permission -- certificate of permission and the bill expands the activities.

And I think that goes back to the whole LEAN issue that we have here for DEP. I think it goes back to the fact that DEP is one of the best agencies and the leading agencies in LEANs. It's the agency that sits there and understands and has been really the golden path for insuring that the processes work.

We've been able to reduce paper. We've been able to reduce incredibly the amount of time that we put into these applications. And what's really cool about LEAN and DEP is the fact that the employees of DEP have helped to create the applications that people make for DEP. They have helped to say listen this information isn't necessary, this information isn't necessary but this information is. And by expanding that certificate of permission, we're doing more for the Long Island Sound and the reason why I say that is there's some people that say, you know what it's too tough to get a permit, it's

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too long to get a permit, it's too expensive to get a permit, I'm just doing this little retaining wall or I'm just filling in 100 square feet, I'm going to get away with it. I mean that's what happens out there in reality.

But when we have a certificate of permission it's kind of like we talk about with fines being less people will pay the fine as opposed to ignore them. When we have a certificate of permission that expands the -- the goal, we're doing much better for the state so -- and protecting Long Island Sound.

So, Mr. President, I support this bill wholeheartedly. I thank the Environment Committee for bringing it out.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Meyer.

SENATOR MEYER:

Mr. President, I respectfully ask that you request a -- a voice vote on this amendment. This is -- this is the amendment on the disabled vets tax-exemption of group fishing fee.

THE CHAIR:

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Unless a roll call vote is requested, a voice vote will be taken.

Will you remark further? Will you remark further?

If not, the Chair will try your minds. The item before the chamber is adoption of Senate Amendment Schedule A.

All in favor please say Aye.

SENATORS:

Aye.

THE CHAIR:

All opposed say Nay.

The Ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President.

We have one more amendment on this bill, brief amendment, important amendment. Would the Clerk kindly call LCO 5418?

THE CHAIR:

Mr. Clerk would you please call LCO 5418 to be designated Senate B?

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The Clerk is not in possession of --

The Senate may stand at ease.

The Senate will be in order.

Mr. Clerk.

THE CLERK:

LCO 5418, to be designated Senate Amendment Schedule
B, is offered by Senator McKinney of the 28th district.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, I -- I respectfully move the
amendment and yield to the ranking member of the
Environment Committee, Senator McKinney.

THE CHAIR:

The question before the chamber is the adoption of
Senate B. Senator McKinney, do you accept Senator
Meyer's yield?

SENATOR MCKINNEY:

I do accept the yield. Thank you, Mr. President.

THE CHAIR:

You're welcome.

SENATOR MCKINNEY:

Mr. President, I want to first thank Senator Meyer
for his cooperation on this amendment. Mr. President,

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the amendment would, in effect, add further protections for our state aquifer lands and specifically would require that before the commissioner of Environmental Protection makes a determination of need for any new permits for a new solid waste facility located within 1,000 feet of a primary or secondary aquifer or for the expansion of such an existing facility, that they not do so until there is a determination that additional capacity is necessary as determined by the solid waste management plan.

This is of particular concern to the citizens of the Town of Newtown, Mr. President, where there is a proposed expansion of a facility which will cause great damage to an aquifer in town and we want to make sure that protection is there and a permit is not granted until there is first a determination of need.

I also want to thank, Mr. President, while I have the microphone, Representative Chris Lyddy down in the House who represents Newtown along with me and has worked extremely hard on this issue, proving once again that when Republicans and Democrats come together we end up doing some pretty good things.

Mr. President, with that I thank again Senator Meyer and urge adoption of the amendment.

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THE CHAIR:

Senator Looney.

SENATOR LOONEY: ..

Yes, Mr. President, thank you.

Mr. President, just for purposes of a -- of a notation that Senator Fonfara will be recusing himself on -- on this amendment under Rule 15 and -- and obviously on the -- the bill should the amendment pass.

THE CHAIR:

The Journal will so reflect.

Will you remark further? Senate B is before the chamber. Will you remark further?

If not, the Chair will try your minds.

All those in favor of Senate Amendment Schedule B, please indicate by saying Aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed say Nay.

SENATOR LOONEY:

Mr. President, I believe since there was a recusal we may need a roll call.

THE CHAIR:

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Oh that's right.

The Chair will ask the Clerk to announce that a roll call vote has been ordered in the Senate.

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.

Senators please check the
board to make certain that
your vote is properly
recorded. If all Senators
have voted and all votes are
properly recorded, the
machine will be locked and
the Clerk may announce the
tally.

THE CLERK:

Motion is on adoption of

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Senate Amendment Schedule B.

Total Number Voting

34 ~~45~~

Those Voting Yea

34

Those Voting Nay

0

Those Absent, Not Voting

2

THE CHAIR:

Senate B is adopted.

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

Senator Meyer.

SENATOR MEYER:

Mr. President, because of Rule 15, we'll have to take a roll call vote on the bill -- the underlying bill as amended.

THE CHAIR:

That's correct.

Will you remark further? Will you remark further?

If not, Mr. Clerk please announce that a roll call vote has been ordered in the Senate.

THE CLERK:

Immediate roll call has been

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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.

Members please check the

board to make certain that

your vote is properly

recorded. If all Senators

have voted and all votes are

properly recorded, the

machine will be locked and

the Clerk may announce the

tally.

THE CLERK:

Motion is on passage of

Senate Bill 124 as amended.

Total Number Voting

34

Those Voting Yea

34

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Those Voting Nay

0

Those Absent, Not Voting

2

THE CHAIR:

The bill as amended is
passed.

Mr. Clerk.

THE CLERK:

Calendar page 34, Calendar Number 258, File Number
390, Substitute for Senate Bill 274, AN ACT PROHIBITING
THE UNREASONABLE CONFINEMENT AND TETHERING OF DOGS,
favorable report of the committee on Environment,
Judiciary and Planning and Development.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, we're on a roll
here. I move acceptance of the Joint Committee's
favorable report and passage of this bill.

THE CHAIR:

The question before the chamber is
acceptance and passage. Do you care to remark
further?

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SENATOR MEYER:

Thank you, Mr. President.

Colleagues there's a -- a strike all amendment and I'd ask the Clerk to respectfully call LCO 4980.

THE CHAIR:

Mr. Clerk please call LCO 4980 to be designated Senate A.

THE CLERK:

LCO 4980, to be designated Senate Amendment Schedule
A, it is offered by Senator Meyer of the 12th district,
et al.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I -- I move -- I move the amendment and request permission to summarize, Mr. President.

THE CHAIR:

The question is the adoption of Senate A and the gentleman has requested leave to summarize. Is there objection? Seeing none, you may proceed Senator Meyer.

SENATOR MEYER:

Colleagues this bill came to us through a number of animal organizations in Connecticut and in its original form was very long and very difficult to enforce. Very

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substantial amendments were made to it and the bill comes now to us in a form that's -- that I think is much easier to understand and much easier to implement and -- and is -- is favorable to animals and particularly dogs.

What it does is it -- it sets up standards in our chaining or roping of our dogs. For example, the -- the dog must be in a -- in a container that's at least eight feet long including the length of the dog itself. There must be swivels on both ends of the tether to prevent the twisting and tangling of the tether which could obviously strangle the dog.

The tether must be long enough that it will permit the dog to get in under cover in the event of rain, to get water if the dog is thirsty and those are the kind of standards that are set forth that in this latest version are much more reasonable than they were in the original version.

The bill also has some broad exemptions. It exempts veterinary practice. It exempts dog shows. It exempts training sessions. It exempts dogs who are about to hunt wildlife. It -- it exempts the temporary tethering of a dog at any camp and it exempts the temporary tethering of a dog at a grooming facility. So the bill -- the bill in its present form is -- is much more balanced and it also

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has a clean-up. Remember last year we did a certificate of origin concerning dogs that come into -- into Connecticut. We ~~we~~ we made the mistake in that and we -- we required two certifi -- the posting of two certificate of origins. This -- this bill in the last section clarifies that it's just one certificate of origin that needs to be posted by the pet shops that are taking dogs from other states.

So all in all it's a -- it's a bill that I recommend to you. It's not a bill that's going to unduly restrain our dogs. I have a wonderful lab, twelve year old Labrador; I wouldn't want to hurt her for anything. I think this is protective of dogs. This bill is not a dog. Or in New York we -- we call them turkeys. This is not a turkey. This is -- this is a good balanced bill and I urge its favorable consideration.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

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There are a lot of dog lovers in the circle here tonight. I don't think there's been a day in my life when either as a member of my family or an individual pet owner have not had a dog in the house and they are wonderful critters. And animals in general are wonderful critters and we should do everything we possibly can to protect them. As is the case with just about any bill, you always have to be very careful about the unintended consequences and the way in which a bill is written.

In this -- in this amendment I'm happy to see that you have addressed the whole issue of hunting. I've got a lot of calls from hunters. I'm an occasional hunter myself and I -- I know how the dogs are handled out there in the fields and the original language in the bill looked like it was going to be too restrictive for that so, for legislative intent purposes, through you, Mr. President, I would like to clarify that with a question.

THE CHAIR:

Please proceed.

SENATOR FRANTZ:

Senator Meyer, it is your intent in this amendment, which will ultimately be the bill that's voted on, it is your intent to allow hunters to -- not just in demonstrations and training sessions but in fact out in

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the field do what they normally do with dogs which is occasionally have them on shorter leads as is the tradition in hunting.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President to Senator Frantz.

Senator Frantz, indeed lines 25 to 28 gives a specific exemption for the -- the hunting type of experience you're talking about.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And just two more -- one more quick question for you. It specifies that, through you, Mr. President, that the -- the leash should allow for movement of at least eight feet not including the body and the tail of the dog. It's my understanding that -- that most leashes are maybe three to four feet long so obviously a regular -- regular leash when it's attached to a fence post is not going to give the animal, the dog, enough room to satisfy the language.

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In Section 1, Subsection C, it does say that -- that any person who confines or tethers a dog for an unreasonable period of time or in violation. The or in there is of concern because in -- in Subsection A it doesn't address the unreasonable period of time, I don't believe. So the way it's written it doesn't -- you can be okay as long as you're within a reasonable period of time as per Section C but in Section A, Subsection A, it doesn't address time so you might, in fact, be considered in violation of this law, if it is law, if it's an unreasonable period of time.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, in response, I'm not sure you're looking at the final amendment because -- because unreasonable amount of time is no longer a factor in this bill. Are you looking at LCO 4980?

SENATOR FRANTZ:

Yes.

SENATOR MEYER:

Okay. Then I'm -- I'm -- I'm not doing a good job here. Can you give me -- do you -- does your version have line numbers?

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THE CHAIR:

Through the Chair please gentlemen.

SENATOR MEYER:

Through you, Mr. President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

Through you, Mr. President, no it does not have line numbers but Section 1, Subsection C -- and I don't want to belabor this, I really just want to get at legislative intent. Does -- is it safe to say that someone could use an eight or nine foot leash to strap a dog to a post for a three minute period while they ran in to get a bagel?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President, yes that is the intent of -- of this bill, exactly. It would be just a temporary tethering which would be exempted from the other provisions that relate to a permanent tethering.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

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Thank you. Okay. And the -- the concern there, through you, Mr. President, is -- is that I'm sure all of us in our respective towns see this happening all the time where you have -- all of the time when you have individuals shopping in -- in a shopping district and they happen to have their dog along, their Labrador along, and they put it around the -- the parking meter for a short period of time. You have dogs that are pulling wagons with kids in them, you know, is it reasonable to have the dog pull the kids to the end of the block? You know as -- as subjectively speaking is that an unreasonable period of time?

So it's not a question, it's just a concern and it sounds as though the legislative intent has been made very clear here by Senator Meyer and so it strikes me as a reasonable bill and one that addresses a wonderful part of our lives. Thank you very much.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Frantz.

SENATOR MEYER:

Thank you, Senator.

THE CHAIR:

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Do you care to remark further? Do you care to
remark further?

SENATOR MEYER:

Mr. President, if there is no objection, I would be
privileged to have this go on Consent.

THE CHAIR:

I believe there's an amendment before us, Senator.

SENATOR MEYER:

I'm sorry. You're right.

THE CHAIR:

We're considering LCO 4980, Senate A.

SENATOR MEYER:

It's a strike all amendment.

Okay.

So we've debated the amendment, the amendment is now
a strike all amendment is before us and is there any
reason (INAUDIBLE) can't go on --

VOICE: (INAUDIBLE)

SENATOR MEYER:

Okay.

Call for a vote on the amendment.

THE CHAIR:

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Okay. If there are no further remarks to be made regarding Senate Amendment Schedule A, the Chair will try your minds.

All those in favor, please indicate by saying Aye.

SENATORS:

Aye.

THE CHAIR:

All opposed say Nay.

The Ayes have it. Senate A is
adopted.

Will you remark further on the bill as amended?

Senator Meyer.

SENATOR MEYER:

Mr. President, the amendment is the bill and if
there's no objection I'd ask that it go on the Consent
Calendar.

THE CHAIR:

The gentleman has moved to place this item on the
Consent Calendar. Is there objection? Is there
objection? Seeing none, so ordered.

Mr. Clerk.

SENATOR LOONEY:

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Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you. Thank you, Mr. President.

Another item to add to the Consent Calendar, .
calendar -- calendar page 40, Calendar 546, Senate
Resolution Number 17, would move to place that item on
the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, as the next two items if the Clerk
would call calendar page 2, Calendar 143, Senate Bill 393
and then calendar page 12, Calendar 462, House Bill 5404.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 2, Calendar Number 143, File Number
207, Substitute for Senate Bill 393, AN ACT CONCERNING
STANDARDS IN HEALTH CARE PROVIDER CONTRACTS, favorable
report of the committee on Insurance.

THE CHAIR:

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Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

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

THE CHAIR:

The question before the chamber then is acceptance and passage. Would you care to remark further?

SENATOR CRISCO:

Yes, Mr. President.

Mr. President, the Clerk has an amendment, LCO 4803. I request that it be called and I'll be given permission to summarize.

THE CHAIR:

Was that 4803?

SENATOR CRISCO:

Correct.

THE CHAIR:

Would the Clerk please call that amendment to be designated Senate A?

THE CLERK:

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LCO 4803, which has been designated Senate Amendment
Schedule A, it's offered by Senator Crisco of the 17th
district.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

I move its adoption.

THE CHAIR:

The question before the chamber is the adoption of
Senate A. Would you care to remark further?

SENATOR CRISCO:

Yes, Mr. President.

Mr. President, a couple of years ago this circle and
the House and the Governor started on a trail that was
leading to the objective of having providers, those
doctors and what have you do what they were supposed to
do is to provide care. And at the same time to provide
certain safeguards to insurance companies to make sure
that their policies were being followed.

After six weeks of negotiations and -- and meetings
twice a week between the insurers and the providers,
we've come up with -- negotiated a language that this
amendment takes care of. First it changes the timeframe

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for payment to providers from 45 days currently to 60 days for claims filed in paper format and 20 days for claims filed electronically.

Secondly, it adds provisions for the introduction of new insurance product to its contracting providers by an MCO to existing law. Sixty days notice required if such product makes material changes to provider's administrative requirements or to provider's fee schedule and gives provider the opportunity to opt out of such new product again providing for the opportunity for providers to do what they do best that is to practice their profession.

Section 3 we require the insurers and PPOs to maintain a network of providers that is consistent with the national committee for quality insurances network advocacy requirements or the utilization review accreditation commission network access availability standards.

Section 4 that prohibits the inclusion of any provision in the contract between the insurer, et cetera, and dentists that requires the dentist to offer non-covered services at a rate set by the insurer. It does not prohibit the dentist from voluntarily agreeing to

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such a revision and it does not apply to self-insured plans, Mr. President.

THE CHAIR:

Will you remark further?

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you very much, Mr. President.

I rise for the purpose of a long list of questions for Senator Crisco, just joking. Just for purposes of legislative intent, through you, Mr. President, Section 2b of the amendment, the second part of it, has language beginning if I may read the provider may decline to participate in such new product by providing notice to the contracting health organization that's set forth in the advance notice which shall include a period of not less than 30 days for a provider to decline or in accordance with the timeframes under the applicable terms of such provider's participating provider contract.

My question, through you, Mr. President to Senator Crisco, for purposes of legislative intent, is does the language that I just read mean that the stated period granted to a provider to decline participation in a product is no less than 30 days unless the contract allows for a longer period and does not allow for a

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contractual period of shorter than 30 days in any situation?

Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator Caligiuri, that is correct.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you very much, Mr. President.

I thank Senator Crisco for that and I commend Senator Crisco for his very hard work in trying to bring the parties together in reaching an agreement that I believe is worthy of our support as a circle.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further? Will you remark further?

If not, the Chair will try your minds on -- on Senate A

All in favor please indicate by saying Aye.

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SENATORS:

Aye.

THE CHAIR:

All opposed say Nay.

The Ayes have it. Senate A is
adopted.

Senator Crisco.

SENATOR CRISCO:

Mr. President, if there is no objection, I request
it be placed on the Consent Calendar.

THE CHAIR:

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

If not, the gentleman has moved to place this item
on our Consent Calendar.

Is there objection? Seeing none, so ordered.

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you.

Mr. President, two other items to mark actually and
to take these up in sequence as the -- the next two.

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First is calendar page 27, Calendar 106, Senate Bill 318
and then calendar page 27, Calendar 122, Senate Bill 319.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 27, Calendar 106, File 118, Substitute
for Senate Bill 318, AN ACT CONCERNING CHANGES TO CERTAIN
HOUSING STATUTES, favorable report of the committees on
Housing, Planning and Development and Commerce.

THE CHAIR:

Senator Gomes.

SENATOR GOMES:

Thank you, Mr. President.

I -- I move the acceptance of the
Joint favorable bill -- Joint favorable action of the
bill and move passage of the same.

THE CHAIR:

Question before the chamber is acceptance and
passage. Do you care to remark further?

SENATOR GOMES:

Yes, I believe the Clerk has an LCO 3846 and I wish
that he would call it and I be allowed to summarize.

THE CHAIR:

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Would the Clerk please call LCO 3846 to be
designated Senate A?

THE CLERK:

LCO 3846, which has been designated Senate Amendment
Schedule A, is offered by Senator Gomes of the 23rd
district.

THE CHAIR:

Senator Gomes.

SENATOR GOMES:

Thank you, Mr. President.

This bill allows for not more than 25 percent of the
total amount of the monies to be allocated of pre-
development dollars to for-profit developers. And if I
could, I move adoption.

THE CHAIR:

The question before the chamber then is the adoption
of Senate A?

Do you care to remark further?

SENATOR GOMES:

This bill, which makes changes to a variety of
Department of Economic Development DECD programs, results
in no -- no physical compact. The bill permits the
housing trust fund in DAC -- DECD to set federal and
other governmental funds. And the different departments

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that it affects is the public housing for the elderly,
low or moderate income housing, pre-development costs,
... revolving loan funds, the housing trust fund program,
housing units database that are accessible or adaptable
and state assisted housing sustain -- sustainable fund.
And I move adoption.

THE CHAIR:

Thank you, Senator.

Do you care to remark further on Senate A? Do you
care to remark further on Senate A?

If not, the Chair will try your minds
on Senate A. All in favor please say Aye.

SENATORS:

Aye.

THE CHAIR:

All opposed say Nay.

The Ayes have it. Senate A is
adopted.

SENATOR GOMES:

I've mentioned what the bill is all about and if
there is no -- no objection, I move that we put it on the
Consent Calendar.

THE CHAIR:

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Do you care to remark further on the bill as amended? Do you care to remark further on the bill as amended?

If not, the gentleman has moved that this item be placed on our Consent Calendar.

Is there objection? Is there objection? Seeing none, so ordered.

Mr. Clerk.

THE CLERK:

Calendar 122, File Number 172, Substitute for Senate Bill 319, AN ACT CONCERNING AN URBAN HOMESTEADING PILOT PROGRAM, favorable report of the committee on House, Commerce and Planning and Development.

THE CHAIR:

Senator Gomes.

SENATOR GOMES:

Thank you, Mr. President.

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

THE CHAIR:

The issue for the Senate's consideration is acceptance and passage. Do you care to remark further?

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SENATOR GOMES:

Yes. This bill itself is to require home -- urban homesteaders to agree to reside and own urban properties for a period of five years, expand urban homesteading agencies to include authorized non-profits to receive tax credits that -- that purchase or rehab certain properties.

There is a substitute language here. It develops a -- a pilot program in three communities that participate in the federal Neighborhood Stabilization Program. The program will incorporate support services for persons participating in the program and will require the person to reside in the home for seven years.

This program will make loans partially forgivable upon meeting requirements in Subdivision 7. The pilot program shall be established by October 1, 2010 and CHAPA will submit a status report to the House Committee accordingly.

I move passage of the bill.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator McLachlan.

SENATOR McLACHLAN:

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Thank you, Mr. President.

I rise for the purpose of an amendment.

THE CHAIR: . . .

Please proceed, Senator.

SENATOR McLACHLAN:

Thank you, Mr. President.

The Clerk should have LCO Number 5421. I wish to have the Clerk call that amendment and I'd have the opportunity to summarize.

THE CHAIR:

Was that LCO 5421?

SENATOR McLACHLAN:

LCO 5421 please.

THE CHAIR:

Yes would the Clerk please call LCO 5421 to be designated Senate A?

THE CLERK:

LCO 5421, which has been designated Senate Amendment
Schedule A, is offered by Senator McLachlan of the 24th
district.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Mr. President.

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The purpose of this amendment is to provide for a priority for veterans in an application to public housing available in the State of Connecticut.

THE CHAIR:

Senator if I may interrupt you. Would you please move adoption of the amendment?

SENATOR McLACHLAN:

I move adoption of the amendment, Mr. President.

THE CHAIR:

Thank you. Before the chamber then is the question of adoption of Senate A.

You may proceed, Senator.

SENATOR McLACHLAN:

Thank you, Mr. President.

This amendment essentially grants a priority to veterans in the State of Connecticut for the purpose of waiting lists of public housing. The City of Danbury developed a ten year plan to end homelessness in 2005 and 2006 and in that process we discovered the challenges of housing for veterans.

One of the things that we have developed in the City of Danbury is Housing for Heroes which is a program that allows us to take homeless veterans from the shelter to a new transitional home known as Vet House and ultimately

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we want to find permanent housing for them. The challenge to this ten year plan to end homelessness in the City of Danbury, and I believe across the State of Connecticut, is that once we get the veteran off the streets and into transitional housing, we have to -- have a challenge of finding public housing for them.

This will give the priority that I think veterans in the State of Connecticut deserve so that they are able to get a more permanent housing arrangement much quicker.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on Senate A?

Senator Gomes.

SENATOR GOMES:

Thank you, Mr. President.

This amendment is considered a -- a friendly amendment and I favor adoption.

THE CHAIR:

Thank you, Senator.

Will you remark further on Senate A? Will you remark further on Senate A?

If not, the Chair will try your minds on Senate A.

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All in favor please say Aye.

SENATORS:

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Aye.

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THE CHAIR:

All opposed say Nay.

The Ayes have it. Senate A is
adopted.

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

Senator Gomes.

SENATOR GOMES:

If there is no objection, I move that we put it on
the Consent Calendar.

THE CHAIR:

Is there objection to placing this item on Consent?
Is there objection?

Seeing none, so ordered.

SENATOR GOMES:

Thank you, Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

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Just another marking before moving to a -- a final marking on the Consent Calendar.

Mr. President, would like to mark as go calendar page 32, Calendar 223, Senate Bill 380 and if that item might be called next.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 32, Calendar Number 223, Substitute for Senate Bill 380, AN ACT CONCERNING EARLY CHILDHOOD EDUCATION CREDENTIALING FOR SCHOOL READINESS PROGRAMS FOR 2015, favorable report of the committees on Education and Higher Education.

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, do you care to remark further?

SENATOR GAFFEY:

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Yes, Mr. President.

The Clerk has an amendment, LCO Number 4509. If the Clerk would please call and I be granted leave of the chamber to summarize.

THE CHAIR:

Will the Clerk please call LCO 4519 to be designated Senate A?

THE CLERK:

Mr. President, I believe it was 4509 --

SENATOR GAFFEY:

4509, correct.

THE CLERK:

-- which has been designated Senate Amendment Schedule A, is offered by Senator Gaffey of the 13th district.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

I move adoption.

THE CHAIR:

Senator Gaffey has moved adoption. The question before the chamber is adoption of Senate A. He's also requested leave to summarize the amendment.

Without objection, you may proceed Senator Gaffey.

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SENATOR GAFFEY:

Thank you, Mr. President.

Mr. President, this is a strike all amendment and becomes the bill. Essentially boils down to two issues. One is that the current requirement that early school -- early childhood educators have a Bachelors degree by the year 2015 is substituted for 50 percent of the instructors in the early childhood program would have a Bachelors and 50 percent would have an Associates degree.

And the second part of the bill would be that any unspent monies on this program would go towards the people that have the Associates degree to work their way towards receiving their Bachelors.

THE CHAIR:

Thank you, Senator.

Do you care to remark further on Senate A? Do you care to remark further?

If not, the Chair will try your minds on Senate Amendment Schedule A.

All in favor say Aye.

SENATORS:

Aye.

THE CHAIR:

All opposed say Nay.

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The Ayes have it. Senate A is
adopted.

Will you remark further on the bill
as amended?

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President.

Mr. President, the Clerk has an amendment, LCO 4652.
If the Clerk would please call and I be granted leave of
the chamber to summarize.

THE CHAIR:

Would the Clerk please call LCO 4652 to be
designated Senate B?

THE CLERK:

LCO -- LCO 4652, which has been designated as Senate
Amendment Schedule B, it is offered by Senator Gaffey of
the 13th district, et al.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President.

Move adoption.

THE CHAIR:

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The question before the chamber is the adoption of
Senate B. Do you care to remark further?

SENATOR GAFFEY:

Yes, Mr. President.

I would like to thank Senator Fasano and Senator
Caligiuri in working with me on this amendment. It
basically says that the unspent monies that the
commissioner could allocate for instructors that are
working in the school readiness program to attain
Associates or Bachelors degrees that the requirement
would be that they would spend at least three years in
their program and, if they didn't, they'd have to repay
the money on a graduated basis.

Urge adoption.

THE CHAIR:

Will you remark further on Senate B? Will you
remark further on Senate B?

If not, the Chair will try your minds
on Senate B

All in favor say Aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed say Nay.

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The Ayes have it. Senate B is
adopted.

Will you remark further on the bill
as amended?

Senator Gaffey.

SENATOR GAFFEY:

Mr. President, if there's no objection, I move the
bill to the Consent Calendar.

THE CHAIR:

Is there objection to placing this item on our
Consent Calendar? Is there objection?

Seeing none, so ordered.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President, thank you.

Mr. President, if the Clerk might call calendar page
12, Calendar 462, House Bill 5404.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 12, Calendar 462, File 451 and 631,
Substitute for House Bill 5404, AN ACT CONCERNING THE
NONDISCLOSURE OF CERTAIN INFORMATION REGARDING CERTAIN
EMPLOYEES TO INMATES UNDER THE FREEDOM OF INFORMATION ACT

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(As amended by House Amendment Schedule "A"), favorable report of the committee of Government, Administration and Elections.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

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

THE CHAIR:

The Senate will consider acceptance and passage in concurrence. Will you remark further?

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, this bill will provide for a potential reduction in the number of -- of FOI requests involving the Departments of -- of Correction and provides that a personal or medical file or similar file concerning a current or former employee of Corrections or Department of Mental Health and -- and Addiction Services not be subject to FOI disclosure to -- to inmates in the

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custody of the supervision of the commissioner of
Corrections.

And the House amendment that was adopted, Mr.
President, affected the -- made an effective date of July
1, 2010, making it effective upon passage so that the
fiscal impact described above will have an impact in
fiscal '10 as -- as well as future years.

THE CHAIR:

Thank you, Senator.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

I do believe I may be the clean-up batter here this
evening but this was one of my top priorities this year
and I'm so delighted that we're moving on it this morning
here at 1:22 a.m. I want to thank Senator Gayle
Slossberg and she has my deepest sympathies on the loss
of her dad and Representative Spallone, the co-chairs of
the GAE Committee.

We had a similar bill last year came out of
Judiciary. But this year I had asked these co-chairs to
raise this bill so there would be a full public hearing
in the Government Administration Elections Committee and
we also -- I want to thank Senator McDonald and

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Representative Lawlor for moving on an identical bill in the Judiciary Committee.

So this bill has been widely aired and discussed in both GAE and the Judiciary Committee and at the outset there's just some people that I think deserve an awful lot of credit for moving forward with this. Commissioner Brian Murphy spoke articulately, eloquently and passionately about the need for this bill. John T. Pepe and Joe Vecchitto of Local 391, the large correctional officer union up in my neck of the woods, Lieutenant Mark Lucy as well as Harry Ray Soucy in their testimony brought out the idea that there is a non-familiarity rule in the Department of Corrections and indeed what these inmates had been doing is they're trying to obtain personnel information about Corrections officers and then sort of dropping little tidbits of information in the correctional facilities making it appear that perhaps the guards were violating the non-familiarity rule.

So what this bill is all about and why it's so important for the men and women who work in the Department of Corrections is that these inmates were utilizing the Freedom of Information Act for untoward purposes to intimidate and harass correctional officers

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who maintain the safety and security within these facilities.

But the other folks that were at risk are also family members of our Corrections officers. I was so pleased that other individuals came and testified in favor of this bill including Michelle Cruz, the state's victim advocate and Kevin Kane, the Chief State's Attorney.

Other things that are -- oh and there's one other individual that deserves a tremendous amount of credit and that is Jennifer Sullivan. She is a brave, brave parole officer who testified passionately and articulately as well. Not only does this bill protect corrections officers but also parole officers. And when you have maybe 20, 30, 40, 50 people that you're monitoring and they are not behind bars and Ms. Sullivan monitors and is a parole officer for sex offenders.

These individuals do not like being monitored and sometimes they would offer intimidation and threats and so this will prohibit those folks from being able to obtain this information as well.

And also Casey Washington, James Gilbert, David Caron all folks who work in the Department of Corrections bringing different perspectives to this issue and,

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indeed, Mr. Casey Washington had served in our military forces and then came -- wanted to serve here as well and he also indicated that there are sometimes information in personnel folders that actually affected national security.

But because we have the relationship where he may have to get deployed or be trained or take certain time off, that could be in the personnel files and to allow inmates to get that information, who knows what they would do with it.

So ladies and gentlemen, my colleagues, this is a great day for corrections officers and those involved within the Department of Corrections and parole officers and all the other folks covered by this bill.

I'd like to thank my friends on the other side of the aisle for moving forward with this. It's had an ample hearing. We were hopeful that it could have passed last year. It'll pass this year. And again the amendment that the House adopted to make it effective upon passage that was a recommendation of the Department itself because there are some pending lawsuits and so the faster this gets signed by Governor Rell and passed into law the more safe and secure our state will be and it is

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a fine testimonial to the hard work and dedication of our corrections officers here in the State of Connecticut.

And with that, Mr. President, I strongly support this bill and would urge my colleagues to support it as well.

Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, if there's no objection, would move to place the item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Yes thank you, Mr. President.

If we might now move to a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk would you please announce that a roll call vote has been ordered in the Senate on the Consent Calendar?

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THE CLERK:

Roll call -- roll call vote has been ordered in the Senate on the Consent Calendar. Will all senators please return to the chamber? Roll call vote has been ordered in the Senate on the Consent Calendar. Will all senators please return to the chamber? And pay particular close attention to the call of those items placed on the Consent Calendar.

Starting with Senate Agenda Number 3, Substitute for Senate Bill 456; calendar page 2, Calendar 143, Substitute for Senate Bill 393; calendar page 12, Calendar 462, Substitute for Senate Bill 5404; calendar page 13, Calendar 475, House Bill 5402; calendar page 14, Calendar 479, Substitute for House Bill 5028; Calendar 480, Substitute for House Bill 5372; calendar page 23, Calendar Number 541, House Bill 5241; calendar page 25, Calendar 35, Senate Bill 12; calendar page 27, Calendar 106, Substitute for Senate Bill 318; Calendar 122, Substitute for Senate Bill 319; calendar page 29, Calendar 169, Substitute for Senate Bill 108; Calendar 170, Substitute for Senate Bill 109; calendar page 30, Calendar 195, Substitute for Senate Bill 414; calendar page 31, Calendar 206, Substitute for Senate Bill 382;

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calendar page 32, Calendar 218, Substitute for Senate Bill 302; Calendar 223, Substitute for Senate Bill 380; Calendar 230, Senate Bill 283; calendar page 33, Calendar 235, Substitute for Senate Bill 216; calendar page 34, Calendar 258, Substitute for Senate Bill 274; calendar page 35, Calendar 316, Substitute for Senate Bill 278; calendar page 36, Calendar 318, Substitute for Senate Bill 418 and calendar page 40, Calendar 546, Senate Resolution Number 17.

Mr. President, I believe that completes the items placed on the Consent Calendar.

THE CHAIR:

The machine is open on the Consent Calendar.

THE CLERK:

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

THE CHAIR:

Senators please check the board to make certain that your vote is properly recorded. If all Senators have voted and all Senators votes are properly recorded, the machine will be locked

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and the Clerk may take a tally.

THE CLERK:

Motion is on passage of Consent Calendar

Number 1.

Total Number Voting 35

Those Voting Yea 35

Those Voting Nay 0

Those Absent, Not Voting 1

THE CHAIR:

Consent Calendar 1 is adopted.

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, I would yield the floor to any members for announcements or points of personal privilege.

THE CHAIR:

Are there announcements or points of personal privilege? Are there announcements or points of personal privilege?

Seeing none, Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

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For purposes of -- or first of all would move for immediate transmittal to the House of Representatives of any items acted upon today requiring additional action in that chamber.

THE CHAIR:

Is there objection?

Seeing none, so ordered.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, for purposes of -- of a Journal notation.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Yes thank you, Mr. President.

Senator Slossberg was absent today and missed votes due to a period of mourning in her family.

THE CHAIR:

The Journal will note.

SENATOR LOONEY:

Mr. President, if we might stand at ease for just a moment.

THE CHAIR:

Would the Senate please stand at ease?

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SENATOR LOONEY:

Mr. President.

THE CHAIR:

The Senate please be in order.

Senator Looney.

SENATOR LOONEY:

Yes thank you very much, Mr. President.

Mr. President, it's our intention to convene, well it will be this afternoon at -- at noon and -- and also, Mr. President, there will be an immediate and brief Senate Democratic caucus upon adjournment and -- and announce that we will convene tomorrow at noon.

And with that, Mr. President, I move the Senate stand adjourned subject to the call of the Chair.

THE CHAIR:

Without objection, the Senate stands adjourned subject to the call of the Chair.

One moment -- Senator Daily.

SENATOR DAILY:

Thank you very much, Mr. President.

I rise for the purpose of an announcement. There'll be a Finance Committee meeting tomorrow morning at 10:15, fifteen minutes before the House is scheduled to go into session, Room 2E.

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THE CHAIR:

Thank you, Senator.

The motion before the chamber is to adjourn subject to the call of the Chair.

Is there objection?

Seeing none, so ordered.

Senate stands adjourned subject to the call of the Chair.

On motion of Senator Looney of the 11th, the Senate at 1:33 a.m., adjourned subject to the call of the Chair.

There is no testimony for page 3186. The next page is 3187.

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THE CONNECTICUT GENERAL ASSEMBLY

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The Senate was called to order at 12:52 p.m., the President in the Chair.

THE CHAIR:

The Senate will come to order. Members and guests please rise and turn your attention to Rabbi Lazowski for prayer. Thank you.

DEPUTY CHAPLAIN RABBI PHILIP LAZOWSKI:

Thank you.

Our thought for today is from the book the book of Proverbs, Chapter 17, Verse 1. "Better a dry crust with peace and quiet than a house full of feasting and strife."

Let us pray.

Merciful God, fill us with your spirit so that our words and deeds may be acceptable to you as the Senators decide the budget. Guide their adversity, their diversity and that everything they think, they say or do is for the common good of our state. Protect our state from terror. Keep us safe and free.

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Bless our president, our governor and our leaders of state. Grant them many years of life, ground with good health and family place. Keep our troops safe. Here as we pray, and let us all say, amen.

THE CHAIR:

Senator Kissel, will you come up and lead us in the Pledge, please.

SENATOR KISSEL:

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:

At this time I will entertain points of personal privileges or announcements. Senator Kane.

SENATOR KANE:

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

THE CHAIR:

Good afternoon, sir.

SENATOR KANE:

Good afternoon. Here in the chamber, I have with me some very special talent from the 32nd District. It's not necessarily a reflection of the

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representation, but certainly the kind of talent that we have in the great Town of Middlebury. If you would allow Miss Katie Stevens, who is Connecticut's idol, as we all know. Earlier today we had a visit account governor and the governor delayed today, May 4, as Katie Stevens Day here in the State of Connecticut. I also have her mom Claire and her dad Mark, great constituents from the Town of Middlebury. We all rooted her on during her time at American idol and I know we debated the texting bill yesterday, but I would say we all texted quite a bit when Katie was on the show. So I would like the Senate to give a warm welcome to Katie and her family.

Katie, if you could come up to the dais for a second please. Yep. On behalf of the State of Connecticut and all the members of the legislation, here's a key to the state. It won't open anything, particularly the (inaudible), but we're very proud of you and congratulations to you.

KATIE STEVENS:

Thank you so much.

THE CHAIR:

At this time, I will entertain other points of personal privilege.

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Senator McLachlan. Please proceed, sir.

SENATOR McLACHLAN:

Thank you, Mr. President. Good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR McLACHLAN:

I'm pleased to introduce to the circle two pretty special people in the State of Connecticut. The other night we were debating the importance of vocational education in Connecticut, and I mentioned the success stories that Henry Abbot technical school and how they had honored their graduates, several of their graduates, for their community service, their service to the Henry Abbot technical school and their success in business.

One of those honorees is here today with his partner. I want to introduce to you please, Steven Meyer and his partner Jessica Blake. Please join me in welcoming them to the State Senate.

THE CHAIR:

Welcome, Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. Mr. President, I rise for an announcement.

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THE CHAIR:

Please proceed ma'am.

SENATOR BOUCHER:

Mr. President, if many of you walked across the lawn this morning to come every here to the capital, you will find that thereby 1,531 pin wheels that have been placed in the lawn there by a group of students and their leader from the center for youth leadership of Brien McMahon High School. The reason for those pinwheels is a reminder planted there that each one of those represents a child who was abused last year in Fairfield County. This includes 258 children in the hometown of Norwalk, where many of these students work.

They are an amazing group of young people in the high school that have worked very hard in the last several years on campaigns to focus attention of Connecticut, and even the Legislature, and many times come to testify on behalf of these young children. I hope that I'm allowed to call on my good friend and colleague Senator Bob Duff to continue this recognition.

Thank you.

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Senator Duff.

SENATOR DUFF:

Thank you, Mr. President. Good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR DUFF:

Thank you. I would also like to congratulate the focuses from the center for youth leadership and the center's community foundation. As I spoke earlier in the circle on a bill that they had been intimately involved with, these are students who make all of us in the State of Connecticut very, very proud of their work, determination and they give us all just a tremendous amount of inspiration for their advocacy and the things that they believe in and how they're trying to move our state forward. So they actually woke up at about 5:00 this morning and I said to them, it seems like they were waking up and getting ready to come up here almost at the moment that some of us were maybe getting home and getting to bed from last night's session.

But they have now since packed up and on their way home. But they are really great kids and ones -- I know we have some other young people in the chamber,

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and we're all very, very proud of so many of our young people in this state and the great work that they do.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Will you remark?

I'm sorry -- any more points, personal privileges and announcements?

Senator Kane.

SENATOR KANE:

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

THE CHAIR:

Please proceed.

SENATOR KANE:

Thank you, Mr. President. These well dressed young men in the back of the room are from Pomperaug High School as well in the great Town of Middlebury and Southbury Region High School. This is the Pomperaug High School Swim and Dive Team. I know we have a lot of athletes in the room. Senator Fasano among them. I just want to mention what kind of talent we have. First, if I could introduce a few of the members, especially their head coach Fran Prateeno -- Pentino. Is Fran here?

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Fran. Assistant coaches Russ Davey and Jen Gowen. Captains Ben Dwyer, Cam Hessler, Connor McTaggart, and Jason Scotto.

Mr. President, the Pomperaug Swim Team is undefeated in dual meet competition for the last four years in over 56 meets. They have won the southwest conference championship the last four years. They have won one class M championship and three class championships over the last four years. They've won two open state championships in 2008 and this year in 2010. They've been ranked number two in the United States, in the nation, each of the last three years. Among them, they count 15 all state swimmers.

And seven automatic all-Americans. If I would please give the Pomperaug Swim Team a nice, warm welcome, I greatly appreciate it. These are the 2010 state open champions.

THE CHAIR:

Thank you, Senator Kane.

Welcome to the Senate chamber. We're very proud to have you here and we congratulate you for all of your hard work and all that you've accomplished. Thank you so much.

Any other points of personal privilege or

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announcements? Any other points of personal privilege or announcements?

If not, Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President. Good afternoon.

THE CHAIR:

Good afternoon, Senator.

SENATOR LOONEY:

And Mr. President, so that we might prepare the day's business, I would ask that we stand in recess for purposes of a caucus and then we will be reconvening to mark items for the calendar.

THE CHAIR:

Thank you, Senator. The Senate will stand in recess.

SENATOR LOONEY:

Thank you, Mr. President.

THE CHAIR:

There will be an immediate Senate democratic caucus. Will all democratic Senators please return to their caucus room. There will be an immediate Senate democratic caucus. Will all democratic Senators please report to their caucus room.

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On motion of Senator Looney of the 11th, the
Senate at 1:02 p.m. recessed.

The Senate reconvened at 3:25 p.m., the President
in the Chair.

THE CHAIR:

The Senator will come to order. Are there any
points of personal privileges or announcements before
we get going on the marking of the Calendar?

Not seeing any.

Senator Looney. ..

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, to begin today, the first item
that we will mark is calendar page 31, Calendar 215,
Senate Bill 254 from the Committee on Insurance and
Real Estate.

THE CHAIR:

And you want to mark that as a go, sir?

SENATOR LOONEY:

Yes, Mr. President. That would be our first go.

THE CHAIR:

Thank you, sir. Mr. Clerk.

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THE CLERK:

Calling for the Senate Calendar for Tuesday, May 4, 2010. Matters returned from committee. Calendar page 31, Calendar 215, Files Number 293 and 646, substitute for Senate Bill 254, AN ACT CONCERNING DISCLOSURE OF MAXIMUM ALLOWABLE COST FOR PHARMACY REIMBURSEMENTS, favorable report of the Committee on Judiciary and Insurance.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President.

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

THE CHAIR:

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

SENATOR CRISCO:

Yes, Mr. President.

Mr. President, the Clerk has an amendment, LCO 5354. I request that it be called and I be given permission to summarize.

THE CHAIR:

Mr. Clerk.

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THE CLERK:

LCO 5354, which will be designated as Senate
Amendment Schedule "A" is offered by Senator Crisco of
the 17th.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, I move for its adoption.

THE CHAIR:

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

SENATOR CRISCO: -

Mr. President, this amendment is part of the
objective to maintain a balance of large chain
pharmacies and small independent pharmacies. At one
time not too long ago, there were close to 700
independent pharmacies. Today that number is 152 and
we're hoping that we're able to level off that area.
One of the major components of a pharmacy -- an
independent pharmacy is what's known as the maximum
allowable cost for pharmacy reimbursements. And after
discussions with the pharmacy benefits managers and
the independent pharmacists, I'm very pleased to

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announce that we've come to an agreement where all parties are interested in pursuing towards the passage of this legislation.

Amendment 5354 states that the PBM should establish and retain a list of maximum allowable costs for generic prescription drugs to be paid that are covered under such benefit plan. And the plan should be updated to such a list of maximum allowable costs on at least a monthly basis or more frequently, determined by such manager.

Each pharmacy benefit manager should establish and maintain a process which a participating pharmacy may -- may request a review of the max cost for generic drugs. There should be -- electronically, there should be information available upon the request, the pharmacy benefit manager shall provide additional information electronically to a pharmacy participating in a network and weekly imported to the PBMs, the information that is transmitted should be confidential and any maximum allowable cost data payment information or a list provided by the pharmacy benefit manager should remain confidential.

THE CHAIR:

Thank you, sir.

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Will you remark further to Senate Amendment "A?"

Senator McKinney.

THE CHAIR:

Thank you, Mr. President and I rise in support of the amendment, but also if -- I had a -- I think a very productive conversation with Senator Crisco about a week or so something about our mutual concern over the very fact that he started this discussion with. The fact that there once were many hundreds of small independently family owned pharmacies in the state and now there are far fewer. One of those, loops drug store, is in my hometown of Fairfield, Connecticut. They also have a location in Bridgeport.

And they struggle every day, Mr. President. They are the family owned small business that we talk about all of the time here in this circle, yet often times forget when we're passing legislation. So I wanted to stand up in support of this amendment, thank all of those who worked on this, but also for the record and for the edification of those watching, through you, Mr. President, to Senator Crisco. Senator Crisco, if you could please describe how this Max price or the maximum allowable cost will help that small pharmacist. As I understand it, it will decrease

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volatility in pricing, but perhaps if you could do a better job than I can of explaining how this is one step towards helping that small pharmacist out.

Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President. Through you to the Republican lead, I might not be able to do it better, but maybe equally as well. Mr. President, through you to Senator McKinney, basically what has happened, many of these independent pharmacies have to buy on a 30 day allotment and if they find that prior to this legislation that a price of say a dollar exists and on today, and the next couple of days the price may be is \$1.20, which reduces the amount of profit that they can make on that generic which affects their entire business operation. This will give them some stability and knowledge in knowing what to expect and give transparency to the independent pharmacy as far as what the generic maximum allowable costs will be.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

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Thank you, Mr. President and I guess my last point would be, am I correct to understanding that these maximum allowable costs will remain confidential so no one will be harmed in having it?

Through you, Mr. President.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Mr. President, through you to Senator McKinney. Yes, in the couple of sections of the amendment that is the requirement.

SENATOR MCKINNEY:

Thank you, Mr. President. Thank you, Senator.

THE CHAIR:

Will you remark further on Senate "A" to Senate Bill 254. Will you remark further on Senate "A?"

If not, let me try your minds. All those in favor please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nay.

The ayes have it.

Senate "A" is adopted. Will you remark further

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on the bill as amended?

Will you remark further on the bill as amended?

Senator Crisco.

SENATOR CRISCO:

Yes, Mr. President. I appreciate the support of the circle and also the instance from Senator McKinney in addressing what we would call (inaudible.) Forgetting the soda fountains that did exist at one time in the small pharmacies, the information and the professional information that they provide to those seeking medication, there just can't be enough words to mention what a valuable role they play in our health care system.

This will give -- this bill will give the pharmacists the ability to know what the reimbursement amounts for the PBMs will be for the generic drugs they dispense on their respective health plans, won't be a hit and miss, or hopefully, eliminate the loss that many time they experience without this information. If there's no pricing mechanism in place, pharmacists don't know at the time when they purchase their generic drugs what the reimbursement rate will be. And it's very possible that it's been experienced that without this information, they could

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be losing money on their particular purchase.

The big does not mandate to the PM what the reimbursement amount has to be. It merely requires them to let the pharmacist know what the reimbursement price for generics will be. It creates a mechanism that the pharmacy may request or review of a particular generic reimbursement rate, if they are not able to purchase it at the rate that the PBM is reimbursing. It's very difficult for pharmacies to push generics when they do not know what the rate, at which they will be -- rate will be or would be reimbursed for this (inaudible.)...

This big would actually help pharmacists purchase their generics so that they will not lose money and not close their doors. Maximum allowable cost is a federally recognized reimbursement methodology for generics. And reimbursement is usually based on the NAC price plus a very small certain percentage.

THE CHAIR:

Will you remark further on the bill?

Will you remark further on the bill as amended?

Senator Crisco.

SENATOR CRISCO:

Mr. President, Jeff and I request we place it on

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the consent calendar.

THE CHAIR:

There is a motion on the floor to place this item
on the consent calendar. Seeing, hearing no
objections, so ordered.

SENATOR LOONEY:

Mr. President, I believe that Senator Handley may
have a point of personal privilege.

THE CHAIR:

Senator Handley.

SENATOR HANDLEY:

Good afternoon, Mr. President.

THE CHAIR:

Good afternoon, ma'am.

SENATOR HANDLEY:

And thank you, sir. I rise for a point of
personal privilege.

THE CHAIR:

Please proceed.

SENATOR HANDLEY:

It's that time of year Mr. President, and
colleagues where we take a moment to give a special
recognition and thanks to the legislative interns who
grace this build and help us out so much in terms of

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our course of everyday work.

And it is my pleasure to have with me today in the chamber, my legislative intern, who I have to say, I believe I was graced with having probably one of the stars of the legislative intern class of 2010, and that is Janelle McKay, who is joining me now at the circle. Janelle is finishing her second year at Tunxis Community College. She is going to be going on to I believe our flagship university, at the University of Connecticut. She is an industrious, bright, young lady who is wise beyond her years. She juggles quite a few things, not just her formal education process. She is the mother of three beautiful young children who she is inspiring with an incredible work ethic that she shows them every day in all of her pursuits.

So I would just ask the circle to join me and Recognizing Janelle and my thanks to her for all of her service and her incredible presence and personality through it all. Thank you, Janelle.

THE CHAIR:

Thank you, Senator Handley.

Are there any other points of personal privilege or announcements before we go back to the marking of

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the calendar.

Seeing none, Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, the next two items to mark on both on calendar page 37, Calendar 401, Senate Bill 399 and calendar page 37, Calendar 404, Senate Bill 489.

Thank Mr. President,

THE CHAIR:

Thank you, sir. Mr. Clerk

THE CLERK:

Calendar page 37, Calendar 401, File Number 579
Substitute for Senate Bill Number 399, AN ACT

ESTABLISHING A CIVIL ACTION WITH RESPECT TO CRIMINAL
RECORDS USED IN EMPLOYMENT DECISIONS, favorable
reporting Committee on Judiciary and Labor.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

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

THE CHAIR:

Acting on approval and acceptance of the bill,

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sir, would you like to remark further?

SENATOR McDONALD:

Yes, Mr. President.

Mr. President, I believe the Clerk is in possession of LCO Number 4646. I ask that it be called and I be granted leave to summarize.

(Senator Gaffey of the 13th in the Chair.)

THE CHAIR:

Mr. Clerk.

THE CLERK:

ECO 4646, which will be designated Senate Amendment Schedule "A." It is offered by Senator McDonald of the 27th District, et al.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Mr. President, I move adoption of the amendment.

THE CHAIR:

Motion on the floor for summarization and adoption.

Seeing no objection, please proceed, sir.

SENATOR McDONALD:

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Thank you, Mr. President.

Mr. President and members of the circle. The amendment is a strike-all amendment but it is intended to accomplish that which the underlying bill seeks to accomplish. And that is to address situations where employers or perspective employers ask individuals who are applying for positions to disclose information relating to criminal histories when those criminal histories would have otherwise been extinguished by operation of law.

In particular, Mr. President, under current law, certain criminal records can be extinguishes or erased because they were juvenile delinquency offenses, youthful offender offenses or records were the result of a nolle or dismissal or for other reasons the criminal convictions were erased, such as situations where individuals were pardoned.

Under this legislation, any employer or Representative of an employer who knowingly engages in conduct which would seek the disclosure of erased information would be subject to a civil action by the individual who would be aggrieved by that action and the potential defendant would be subject to damages including costs and attorneys' fees. Thank you, Mr.

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President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate "A?"

Senator Kissel.

SENATOR KISSEL:

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

THE CHAIR:

Good to be here, Senator Kissel.

SENATOR KISSEL:

A few questions through you to the proponent of the amendment.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

My first question is in reference to the fiscal note appended to the amendment and my notes indicate that there's potential liability to both the State of Connecticut and municipalities should this amendment be adopted and become part of the bill. Is that correct? Through you Mr. President.

THE CHAIR:

Senator McDonald.

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SENATOR McDONALD:

Thank you, Mr. President.

Through you to Senator Kissel. Senator Kissel, the -- I'm just pulling up the fiscal note. The financial obligations that could result would only result if the governmental entity knowingly does something that is unlawful. So I don't attribute to governmental entities the presumption that they would knowingly undertake unlawful activity, and therefore, I don't know that there would be any cost associated with that, unless the governmental entity willfully violated existing law. Through you Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Mr. President, you've changed. It's great to see you this afternoon.

THE CHAIR:

Thank you, sir. Good to see you too.

SENATOR KISSEL:

Another question through you Mr. President, to the proponent of the amendment. When you say knowingly, it's my understanding that typically if a state or municipal employee is negligent in carrying

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out a ministerial act, that that could subject the state or the municipality to some kind of action. Whereas if there was a scienter or mens rea involved, it couldn't be stated that they were simply exercising ministerial duties.

So I'm wondering what would be an example of somebody working for either a town or the state acting with, I guess one could almost state malice of forethought, but certainly recklessly or without due regard to the law, and by way of an example, I'm wondering if, you know, there's a box of records that need to be erased. They haven't been erased, somebody calls up and says, Do you have any records. And the employee says, well, they're really not valid at this time. And the perspective employer says, well, can you dig through there and see if John Doe is in there, and the state employee does that. Would that be the kind of scenario that is contemplated by not following this law? Through you Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Through you, Mr. President. Well this would --

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let me be clear. Under existing law, there are several ways in which employers are not supposed to deal with prospective or current employees. And all that this amendment seeks to accomplish is to set forth of cause of action for anybody who is aggrieved by a knowing violation of existing law. So I don't necessarily presume to know all of the facts and circumstances that could be posed as hypotheticals for such situations, but if an employer seeks to obtain prior arrest information or criminal records that would otherwise have already been erased and did so with a knowing intent to uncover that information, knowing that they were erased by operation of law, then they would be subject to liability. Through you, Mr. President.

THE CHAIR:

Senator Kissel, you have the floor, sir.

SENATOR KISSEL:

Thank you very much, Mr. President.

Again, through you Mr. President. I guess what I don't understand is, if these records are supposed to be erased and someone's applying for a job and I just ask if there's any records pertaining to the job applicant, if they are supposed to be erased, how come

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they're not erased. Because how would the employer know they're supposed to be erased? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Through you, the governmental entities, the judicial branch, offer times are required to erase information but under certain circumstances that happens only after a period of time expires and there are a number of consumer reporting agencies which regularly obtain information on an ongoing basis. So there might be a criminal conviction that is noted at one period of time, but is thereafter erased, such as in a situation where a criminal charge is nolle and it is expunged after 12 or 13 months after the nolle is entered. So there's a requirement under this legislation that nobody -- no consumer reporting agency can knowingly not update that information and thereafter disclose it to potential employers.

Through you Mr. President.

THE CHAIR:

Senator Kissel.

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SENATOR KISSEL:

Thank you very much, and through you, Mr. President. So it strikes me that the entity that didn't do their job would be the state, if the state should have erased the records but didn't. And so why would we then hold the business liable for a mistake that's perpetrated because the state didn't do what it was supposed to do in a timely fashion. Through you Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President."

Through you, I don't believe that that is what I said. The records are erased after a period of time. If the records were disclosed and reported to reporting agencies in the month of May, that might be an appropriate disclosure of the facts and circumstances as of May. However, if the records were thereafter erased in June or July and thereafter, a prospective employer sought that information in September or October, and the information that was obtained back in May was disclosed after there should have been an erasure of the records, that might be a

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negligent disclosure, but this only addresses situations where an individual or entity knowingly discloses something that they knew to be erased records that involve a potential employee. Through you Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. So is the industry that we're really trying to get our arms around here, those folks that gather up this kind of information and then provide it to prospective employers. And I guess, is what we're seeking that they update their records on a monthly or quarterly basis. Is that what we're sort of trying to get at through this legislation? Through you Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Through you, well I think it deals with both employers who seek to obtain that information know that would otherwise have been erased. But it also deals with consumer reporting agencies under existing

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law who knowingly disclose information that would otherwise have been erased. Through you Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And at the public hearing on the underlying billing, and understanding that this amendment is a strike-all and actually tries to effectuate the purpose of the underlying bill, was there any testimony in the file in opposition to this from the business community or does this -- does this appear to be something that they're comfortable with and their human services departments understand how these processes work. Through you Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

And through you, well first I should note at the public hearing, we had substantial amount of information relayed to us by members in the legal aid community and at least one very articulate member of this circle who testified on behalf of the legislation

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and brought it to the attention of the Judiciary Committee.

There was at the time of the public hearing opposition that was received by Lexis/nexus and that was the extent of the option that I recall, but what I can tell Senator Kissel is that the opposition that was articulated, I believe, has been addressed in this amendment and my understanding is that this is the product of a collaborative effort between the advocates of the legislation and the Connecticut business and industry association who had expressed some reservations and concerns. Those reservations and concerns have been resolved in this amendment.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And I think that when folks on either side of an issue work collaboratively, that always means a better result for the people of the State of Connecticut, whether it's Democrats or Republicans or the business community and folks serving individuals that may be aggrieved by certain policies. It's my understanding that Senator Looney, our esteemed majority leader, who was a former

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long-time member of the Judiciary Committee brought certain key pieces of information regarding this legislation to our attention and I applaud him for that effort as well.

My last question through you Mr. President, to the proponent of the amendment is what exactly is the potential liability should someone be sued under this statute? What are the potential ramifications as far as damages? Through you Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD: ...

Thank you, Mr. President.

Through you, there are no fixed statutory damages under the legislation, but rather any civil action that was brought pursuant to this legislation would be subject to the ordinary rules of civil litigation and the plaintiff would be required to prove by a preponderance of the evidence that he or she actually suffered damages and had some time of true economic damages associated with the knowing disclosure.

Through you Mr. President.

THE CHAIR:

Senator Kissel.

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SENATOR KISSEL:

Thank you very much. I very much appreciate the answers provided by my friend and colleague Senator McDonald, the cochair of the Judiciary Committee. I do recall the hearing on this particular matter. My understanding is that the underlying bill did go true the Judiciary Committee by a unanimous vote and I appreciate the fact that the advocates for this particular measure went back to the table and ironed out any remaining differences between them to try to fashion a bill that is fair to everybody. And with that, at this point in time, my questions being answered, I'm happy to stand in support of the amendment.

Thank you, Mr. President.

THE CHAIR:

Senator, will you remark further on Senate Amendment Schedule "A?"

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

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Speaking in support of the amendment, wanted to thank Senator McDonald and the Judiciary Committee for bringing this forward. This issue had come to my attention a couple of years ago, I was contacted by a couple of individuals. In one case, someone had gone through all of the effort that is required to secure a pardon, had been pardoned, and found that the offense for which he had been pardoned was still on his record when his employer sought a verification of a background.

In another case, it had to do with charges that had been nulled but still existed in the record and were disclosed later on after -- when they were supposed to have been erased. So the effort was again just to make sure that the information gathering is done in a more careful way. The amendment, I think, takes care of the problem that someone expressed about possibly being liable for an inadvertent passing along of information that had been improperly vetted by some other source. And I think that the amendment takes care of that problem by requiring that there would have to be a knowing violation of deliberately imparting -- knowingly imparting false information. So I wanted to thank this committee for bringing this

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forward and I think it's so important since many people, as we know, have taken great pains to correct previous deficiencies in their lives, and in some cases, even having led an exemplary life and getting a pardon, and then in some cases are being denied the benefit of that effort by having the shadow continue to follow them.

So thank you, Mr. President, and I urge support of the amendment.

THE CHAIR:

Thank you, Senator Looney.

Will you remark further on Senate Amendment "A?"

-Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

I rise in support of the amendment. Just wanted to perhaps reemphasize one point which I found interesting in the colloquy between Senators Kissel and McDonald. And as I understand it, if I could through you, a question to Senator McDonald, Mr. President.

THE CHAIR:

Please proceed, sir.

SENATOR MCKINNEY:

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Thank you. Senator McDonald, is it my understanding that what an employer would now be subject to liability for, that being the knowingly disclosing or use of an employee's criminal records that have been erased, would that requirement on an employer also apply to a town or city in the State of Connecticut and the state as an employer, and if so, prior to enactment or current law, is that something that our towns in the state would be exempt or immune under sovereign immunity? Through you.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Through you, the -- I'm not certain I can answer the second part of Senator McKinney's question, but to my knowledge, the state has not distinguished under titles 31 as any type of different employer from any other employer of an individual and, in my opinion at least, if the state or any political subdivision knowingly undertook activity that was banned or prohibited by law, they would be subject to the same liability as any other employer. Through you Mr. President.

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THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President, and I thank Senator McDonald for that answer. I just wanted to reemphasize that, Mr. President, because I think often times we tend to pass laws that require or punish the private sector employers from doing things, yet we don't want to apply those same laws to ourselves as the State of Connecticut or to our towns and cities. It would be no less egregious were this to happen to an employee of the state than it were to happen to an employee of a private company.

And I appreciate the inclusion of this language so that we treat ourselves and hold ourselves as an employer, the State of Connecticut, to the same standards that we would hold private employers to as well. Thank you.

THE CHAIR:

Thank you, Senator McKinney.

Will you remark further? Will you remark further on Senate Amendment Schedule "A?"

If not, I'll try your minds. All those in favor indicate by saying aye.

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SENATORS:

Aye.

THE CHAIR:

Opposed, nay.

Amendment "A" passes.

Will you remark further on the bill as amended?

Senator McDonald.

THE CHAIR:

Thank you, Mr. President.

Mr. President, if there's no objection, might
this item be placed on the consent calendar?

THE CHAIR:

Seeing no objection, the item is placed on the
consent calendar. Mr. Clerk.

THE CLERK:

Calendar Number 404, File 582, Senate Bill 489,
AN ACT CONCERNING UNINSURED AND UNDERINSURED MOTORIST
COVERAGE FOR BODILY INJURY TO A NAMED INSURED OR
RELATIVE, favorable report of the Committee on
Judiciary and Insurance.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

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

THE CHAIR:

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

SENATOR McDONALD:

Yes, Mr. President.

Mr. President, I believe the Clerk is in possession of LCO Number 4132. I ask that it be called and I be granted leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4132, which will be designated Senate Amendment Schedule "A." It's offered by Senator McDonald, 27th District, et al.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Mr. President, I move adoption of the amendment.

THE CHAIR:

Motion on adoption. Will you remark, sir?

SENATOR McDONALD:

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Yes, Mr. President.

Mr. President, I didn't actually introduce the bill without first calling the amendment, in large part because the amendment doesn't strike the underlying bill totally, but it substantially changes some of the intended goals of this legislation. And in particular, Mr. President, there is an interesting quirk, if you will, under our existing law for uninsured and underinsured motorist coverage for individuals who might be required to file such a claim under their policy.

And right now, Mr. President, it may surprise members of the circle that an individual who happens to of their car stolen from them and is struck by the individual fleeing with that car, cannot recover uninsured and underinsured motorist -- or could not file, I should say, an uninsured or underinsured motorist claim for that situation. So this is a fairly narrow fix to a clearly identifiable problem and would deal only in situations where the insured individual was struck as a pedestrian during the theft of that individual's motor vehicle or motorcycle. Through you, Mr. President.

THE CHAIR:

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Thank you. Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. A few questions through you to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR KISSEL:

My notes indicate that the underlying bill prior to this amendment would allow coverage for uninsured if the owner was injured by a resident of the house who did not have permission to drive the car. Is it my understand that this amendment now would eliminate that requirement, that we're not talking about a member of the household. Through you Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Mr. President, under this amendment it would apply to both the insured or any relative residing in the same house with the insured. Through you Mr. President.

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Senator Kissel.

SENATOR KISSEL:

Thank you very much. So I'm just trying to get my arms around what this particular amendment does. I guess, just to reiterate what the quirk in our current law is, is that typically if -- what one needs to do to make out a claim on uninsured, underinsured is to exhaust the potentiality of any legitimate claims against culpable parties and then essentially to go against one's own insurance policy. And I'm wondering what is required as far as exhausting insurance of culpable parties prior to making a claim against one's own insurance policy. Through you Mr. President.

THE CHAIR:

Thank you, Senator. Senator McDonald, do you care to respond?

SENATOR McDONALD:

Thank you, Mr. President.

Through you, well it's certainly an interesting situation if the operator of the motor vehicle was actually a thief does the operator of the motor vehicle have an obligation to carry insurance which would be available to an individual who is harmed by that thief's operation of the motor vehicle. And I

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think, through you Mr. President, this deals with the situation where an individual who is actually the victim of that theft could not recover damages for injuries sustained as a result of that thief not having resources or insurance available for the damage caused during the theft.

And in this situation, Mr. President, it would allow an insured individual to file a claim against his or her own insurance company for the benefits under that insured individual's policy if that individual was the victim of that theft and was struck by the insured's own vehicle during that criminal event. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. Through you Mr. President, then are we talking about that very narrow anomalous case where let's say a thief hot wires a car, is about to take it off the property down the driveway. The rightful owner might run out of his or her house to stop the thief. The thief swerves, hits the homeowner. The thief has used the car without permission of the homeowner and off goes the thief.

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It's my understanding from what I believe Senator McDonald just said was that the bill now would allow the homeowner to make a claim against their own uninsured/underinsured policy for their injuries because the perpetrator of the negligent behavior is a thief and my guess is that that thief has no insurance coverage. Is that what this amendment does? Through you Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Through you, Mr. President, I think Senator Kissel has adequately and correctly identified the problem. This was a problem that was brought to the attention of the committee through Senator Looney and if you can imagine there are certain situations where such bizarre fact patterns have arisen, and this legislation, Mr. President, would address those very unusual fact patterns. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much Mr. President, and it's my

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understanding that this while extraordinarily unusual has happened in no less than two cases according to our esteemed majority leader here in the Senate, which is just mind-boggling that this has happened twice. I think that one of the greatest things that we have out there for folks is uninsured/underinsured coverage.

As someone who once upon a time was engaged in a small law firm and practiced law on any number of personal injury matters, there's nothing more disheartening than having a really good case on the facts and yet there's insufficient coverage from the tortfeasor to make the victim whole.

- And that's why one of the, actually, most economical and least expensive portions of one's own insurance policy is that uninsured/underinsured. And just by way of an aside for those folks that might be watching on the CT Network, you know, it's not always necessarily the uninsured that is that most -- that much -- that most important, but it's the underinsured component. Because quite often, people are law-abiding citizens, they're carrying insurance, but they may be carrying the bare minimum and if an individual's damage are sufficient that they far exceed the bare minimum of coverage, then they're

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going to want to turn to their own coverage to try to make up that difference.

And so, I can see how someone who had this circumstance befall them would feel that there was a problem in our civil justice system if they were not able to seek out some redress, either from the perpetrator of the crime, and most criminals don't carry insurance, but also when they went and contacted their insurance agent or an attorney and asked if they could make a claim against their own insurance policy, and the answer was, I'm sorry under current Connecticut law, that's not allowed. So I think that this amendment is a good one. It certainly addresses a concern that has arisen not once, but at least twice. And I applaud Senator Looney for bringing this to our attention in the Judiciary Committee and I would also like to thank Senator McDonald for redoing this amendment to address everybody's concerns. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Kissel.

Will you remark further?

Senator McDonald, please.

SENATOR McDONALD:

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Thank you, Mr. President.

Mr. President, I thank Senator Kissel and he has correctly identified that there are two different cases where this very unusual fact pattern has arisen and I should state, Mr. President, for the record and for purposes of legislative history, that at least in my opinion, this language is intended to clarify what was always the intent of the Legislature and as a result of that, Mr. President, I think it restores to state statute what all of us in the Legislature have considered to be the state of the law, so I think it would apply to any situation that occurs in the future or occurred in the past. Through you, Mr. President.

THE CHAIR:

Thank you, Senator McDonald.

Will you remark further?

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Speaking in support of the amendment, I want to again thank Senator McDonald and the Judiciary Committee for bringing it forward, and for Senator Kissel's comments in the colloquy with Senator McDonald. And there were, in fact, as I understand

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it, at least two cases of this kind and both the two superior court decisions went in opposite directions as to how this should be resolved. One -- in one said that the current statutory language that says one cannot put in a claim under one's own underinsured or uninsured coverage for a vehicle that is owned by the injured party was such that excluded a claim, even in the odd circumstances of being injured by one's own vehicle after it had been stolen. The case that came to mind was -- I believe, was a woman who was in a -- shopping, came out and saw her car being stolen out of the supermarket parking lot, tried to flag down the vehicle and was then injured by that vehicle which ran her over. And the other case was similar, and in one case the superior court Judge held what the public policy of the state has always been that one cannot put in a claim for underinsured coverage on a vehicle that one owns, and the normal policy behind that is to encourage people not to own uninsured vehicles.

To make sure that every vehicle that one owns is covered under a policy, so as to not allow people to leverage coverage into a broader array if they only have coverage on some of the vehicles they may own and not others. But clearly in these odd circumstances,

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when one is injured, not by someone using the vehicle with permission, but by a thief, Senator Kissel pointed out, who is himself perhaps civilly judgment proof and may have no coverage of any kind whatever. As I said, one superior court Judge allowed the claim to go forward and another did not. And it seemed that it would be fair to clarify in this way that under these unusual circumstances, the public policy about not providing a loophole for them not to insure all their vehicles, should not bar coverage in this particular situation. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Looney.

Will you remark further on the bill -- I'm sorry, on Senate Amendment "A."

Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you, Mr. President.

Just -- I'm not sure I understand the exchange exactly, but I wanted to be certain that I guess there are two circumstances where this would apply or have come up before. One was where someone tried to steal a vehicle. The owner of the vehicle tried to stop the theft and was injured and pursued a claim under

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uninsured motorist, and this would cover that. Is that correct?

THE CHAIR:

Is that a question to --

SENATOR GUGLIELMO:

Yes, I'm sorry. I'm sorry. I should have said that at the beginning. Yes.

THE CHAIR:

Thank you, Senator Guglielmo.

Senator McDonald, do you care to respond?

SENATOR McDONALD:

I'm sorry, Mr. President. I was not --

SENATOR GUGLIELMO:

No, I understand. I didn't -- I should have phrased that as a question at the very beginning. I was listening to the exchange between Senator Kissel and Senator McDonald and it sounded to me like there were two circumstances where the uninsured motorist would apply in very unusual cases. One, where the homeowner's vehicle or the owner's vehicle was stolen, apparently that vehicle owner tried to stop the theft and then was injured by their own vehicle driven by the thief. Is that correct? Through you, Mr. President?

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THE CHAIR:

Thank you, Senator. Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President. Now that I understand the question, I can answer Senator Guglielmo and say, yes, where the individual was actually struck by the thief operating the victim's vehicle and the claim was denied under existing law. Through you, Mr. President.

SENATOR GUGLIELMO:

Okay and then --

THE CHAIR:

Mr. Guglielmo.

SENATOR GUGLIELMO:

Mr. President, through you, just to follow up. If I understood the second example was a member of the household who was not permitted to drive the vehicle or not qualified to drive the vehicle took it and then struck the owner with the vehicle and that was an uninsured motorist claim as well. Was my understanding correct?

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

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Thank you, Mr. President. Through you, it would address issue or instance where either the insured or any relative of the insured was the victim of the accident, if you will, where the thief operated the vehicle to the detriment of the individual. So for instance, if you as an insured individual had a relative living with you in your home and your relative was the one who tried to stop the thief from stealing the car but was injured, your relative would be able to file a claim under that policy.

SENATOR GUGLIELMO:

Thank you, Mr. President. That clears it up.
Thank you, Senator McDonald.

THE CHAIR:

Thank you, Senator Guglielmo. Will you mark further -- will you remark further on Senate Amendment Schedule "A?"

Will you remark further?

If not, I'll try your minds. All in favor indicate by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nay.

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Ayes have it.

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Mr. President, I believe the Clerk has another amendment in his possession, LCO Number 4990. I ask that it be called and I be granted leave to summarize.

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

THE CHAIR:

Mr. Clerk.

THE CLERK: -

LCO 4990, which will be designated Senate
Amendment Schedule "B." It's offered by Senator McDonald, the 27th District, et al.

SENATOR McDONALD:

Mr. President, I move adoption of the amendment.

THE CHAIR:

Motion on adoption. Will you remark, sir?

SENATOR McDONALD:

Thank you, Mr. President.

Mr. President and members the circle, this amendment is intended to address a related issue of

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insurance but in a different situation. It deals with worker's compensation claims. As members of the circle know, under current law when a worker's compensation insurance carrier is faced with a claim, there is no obligation for that insurance carrier to accept less than 100 percent of their lien or to negotiate some type of lower amount. But under existing law they are well within their rights to not compromise their lien.

The effect, Mr. President, is that often times claims by individuals are not brought because the economics of the situation would not allow the individual to recover enough damages to settle the claim of the employer and, therefore, those claims often times go without legal recourse. Under this amendment, Mr. President, the claim that was brought by the employee would be reduced -- I'm sorry, let me rephrase that. The claim of the employer would be reduced by one-third of the amount of benefits for the benefit of the employee, and it should be noted, Mr. President, that the reduction could only apply to the benefit of the individual, not to any legal Representative of that individual.

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Thank you, Senator McDonald.

Will you remark further?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. It's great to see you up there --

THE CHAIR:

Thank you, sir.

SENATOR KISSEL:

-- this afternoon. A few questions through you to the proponent of the amendment.

THE CHAIR:

Please proceed.

SENATOR KISSEL:

Clearly this is a complicated area and when I was working for a small firm in north central Connecticut I did do a little bit of worker's compensation. First of all, I'm just wondering why a third, and I understand that the third is to inure to the benefit of the, I believe, employee, but unlike a personal injury matter which the fee might be a third of what's recovered, quite often in worker's compensation matters, it's something less than a third, 25 percent, 20 percent, or something like that. I'm wondering if

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this amount that's been sort of set aside for the benefit of the employee is intended to then be used to obtain the services of counsel to pursue these claims, which at the end of the process, would actually inure to the benefit of the worker's compensation carrier. Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

And through you to Senator Kissel, I'm not certain I fully understood or appreciated the question, but I think that this is intended to deal with situations where either the commencement of the lawsuits or the settlement of the lawsuits with hindered because the employee is unable to recover sufficient damages to even satisfy the lien of the employer, and then as a result, through you Mr. President, there is an institutional impediment, if you will, to the commencement of these cases because the economics of them wouldn't actually result in any benefit to the employee. So under that situation, the employer who has no obligation to do anything but sit on the sidelines can watch as the employee litigates a

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case and tries to achieve a solution which inures to the benefit of the employer and yields little if nothing for the individual who actually suffered the harm. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

And through you, so under the current construct that we have for these types of cases, is it my understanding that the employees are not even pursuing these claims and that ultimately, at least in a substantial number of these claims, if they were litigated, that actually there would be some net benefit to the employer. Through you Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Through you Mr. President, to Senator Kissel. It is certainly true that some claims don't get filed at all because there is a hesitancy to bring claims where no recovery is likely to result. On the flip side, there are situations where claims are brought and the ability to achieve a negotiated settlement are impeded

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because the current law requires that 100 percent of the employer's lien be satisfied before anything would flow, if you will, to the employee. And so, as a result, you're prolonging litigation in the hopes of potentially recovering a greater amount later when, in fact, it might be more efficient to actually settle the case earlier but the economics of the case preclude that settlement. Through you Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, and through you Mr. President. Has this particular amendment and the substantive law provisions therein been negotiated by various parties? I can imagine perhaps members of the trial bar, maybe members of the business community and is this the product of them trying to iron out these issues? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

Through you to Senator Kissel. I don't know that I can fully answer that question. What I can share,

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because I wasn't part of those discussions. What I can share is that some of the proponents and opponents of the legislation have talked. I'm not representing that this is a complete compromise by any stretch of the imagination. I do know that there were certain issues raised by the Connecticut conference of municipalities and those issues have been addressed and resolved in this amendment, but I don't presume to say that anybody who opposed this legislation is satisfied with this compromise language. I suspect nobody is fully satisfied with any compromise.

Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

And it's quite often a hackneyed phrase or theme that if there is a compromise that leaves everyone a little bit dissatisfied, it's probably fundamentally fair. Because if anybody felt completely satisfied, that's sort of a one-way negotiation. So it strikes me that this is an appropriate step in a positive direction. Certainly we want to encourage the speedy resolution of matters in our judicial branch. That's

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a laudable goal that ultimately will allow us, or allow the chief justice and chief court administrator to deploy their resources in a more productive manner. And also, I think that in many instances, if not all, this will actually be a benefit not only to the employee but also to the employer. So with that being stated, I am happy to support the amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Kissel.

Will you remark further? Will you remark further on Senate Amendment "B?"

If not, I'll try your minds.

All those in favor of Senate Amendment "B," please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed, nay.

The ayes have it. Senate Amendment "B" is adopted.

Senator McDonald.

SENATOR McDONALD:

Thank you, Mr. President.

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Mr. President, if there's no objection, might
this item be placed on the consent calendar?

THE CHAIR:

Is there any objection to placing this item on
the consent calendar? Hearing and seeing none,
Senator Looney?

THE CHAIR:

Thank you, Mr. President.

Mr. President, if we might move to a vote on the
first consent calendar.

THE CHAIR:

Thank you, Senator Looney.

Mr. Clerk, please announce the pendency of a roll
call vote on the first consent calendar.

THE CLERK:

A roll call has been ordered in the Senate on the
consent calendar. Will all Senators please return to
the chamber? A roll call has been ordered in the
Senate. Will all Senators please return to the
chamber.

Mr. President, there are three matters placed on
Consent Calendar Number 1. Beginning on calendar page
31, Calendar Number 215, Substitute for Senate Bill
254, calendar page 37, Calendar 401, Substitute for

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Senate Bill 399 and Calendar 404, Senate Bill 489.

Mr. President, that completes the items placed on the first consent calendar.

THE CHAIR:

Thank you, Mr. Clerk and the machine is open. The Senate is now voting by roll call on the consent calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all -- have all Senators voted? Have all Senators voted? If all Senators have voted, please check the board and make sure your votes are accurately recorded. If all Senators have voted, the machine will be locked and the Clerk will take the tally.

THE CLERK:

Motion is passed as Consent Calendar Number 1.

Total number voting	34
Necessary for Adoption	18
Those voting Yea	34
Those voting Nay	0
Those absent and not voting	2

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THE CHAIR:

Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I move for immediate transmittal to the House of Representatives of all items on Consent Calendar 1 requiring additional action in the House of Representatives.

THE CHAIR:

Thank you, Senator Looney.

Is there objection? Without objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I believe the Clerk is in possession of Senate Agenda Number 1.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, clerk is in possession of Senate Agenda Number 1 for Tuesday, May 4, 2010. Copies have been distributed.