

Legislative History for Connecticut Act

HB 5194	PA 343	Scan 1980 fax
House - 265, 3737-3741		(6)
Senate - 2939-2940, 3047		(3)
Public Health 2-5		(4)
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JOINT  
STANDING  
COMMITTEE  
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GEN. ASSEMBLY  
SENATE

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2630-3052

Tuesday, April 29, 1980

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well with and we are not going to be harming them in the process of this bill, I will certainly not oppose it. Perhaps in future years, we can once again realize that by helping the independent colleges, we will be saving the taxpayers more dollars. Thank you.

THE PRESIDENT:

Senator Schneller, did you move this matter to the Consent Calendar?

SENATOR SCHNELLER:

Mr. President, if there is no objection, I would move this item to the Consent Calendar.

THE PRESIDENT:

Any objection to this matter being placed on Consent?

So ordered.

THE CLERK:

Cal. 616. Files 14, 643. House Bill 5194. AN ACT CONCERNING CATCHMENT AREA COUNCILS. Favorable report of the Committee on Appropriations.

THE PRESIDENT:

Senator Schneller.

SENATOR SCHNELLER: (20th)

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

THE PRESIDENT:

Will you remark?

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SENATOR SCHNELLER:

Yes, Mr. President. This bill clarifies the authority of the Department of Health Mental Health Catchment Councils to reimburse their members for expenses. The money is in the budget so there is no additional fiscal impact.

If there is no objection, I move it to the Consent Calendar.

THE PRESIDENT:

Any objection to moving to Consent? Hearing none, so ordered.

THE CLERK:

Cal. 617. Files 167, 644. House Bill 5313. AN ACT TO STUDY POLLUTION AND SILTATION IN COASTAL WATERS. Favorable report of the Committee on Appropriations.

THE PRESIDENT:

Senator Schneller.

SENATOR SCHNELLER: (20th)

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

THE PRESIDENT:

Will you remark?

SENATOR SCHNELLER:

Yes, Mr. President. This bill requires the commissioner of environmental protection to study environmental problems

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the session, and please come quickly so that we can do our business and then go on home.

THE PRESIDENT:

Thank you, Senator. Any other announcements at this time prior to the vote on the Consent Calendar. Hearing none, the machine is open. The machine is closed and the Clerk will take a tally.

The vote is 34 Yea - 0 Nay. THE CONSENT CALENDAR

IS ADOPTED, PASSED. SB 245, HB 5773, HB 5576, HB 5769, HB 5845, HB 5138, HB 5194, HB 5722, HB 5731, HB 5748, HB 5035, HB 5641,

Senator Lieberman. HB 5870, HB 5907, HB 6008, HB 5123, HB 5151, HB 5425, HB 5638, HB 5686, HB 5908, HB 5109,

SENATOR LIEBERMAN: (10th) HB 5317, HB 5322, HB 5419, HB 5422, HB 5827, HB 5974, HB 5931, HB 5574, HB 5740, SB 311,

Mr. President, I move for ~~SB 669, SB 577~~ suspension of the rules

to allow for immediate transmittal to the House of those items that should go to the House.

THE PRESIDENT:

Without objection, the rules are suspended and the items needing further House action shall be immediately transmitted.

SENATOR LIEBERMAN:

Mr. President, I ask that the Senate stand in recess pending the arrival of bills from the House which could be read in to our, ah, and tabled for the Calendar tonight.

THE PRESIDENT:

Those in favor indicate by saying Aye. Those in

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House of Representatives

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immediate consideration of a bill, Calendar 4, House Bill No. 5194, File 14.

SPEAKER ABATE:

The question is on a suspension of the rules for immediate consideration of House Bill No. 5194 on today's Calendar as Calendar No. 4, File No. 14.

Is there objection to a suspension of the rules for immediate consideration? Is there objection? Hearing none, it is so ordered.

Will the Clerk please call House Bill No. 5194.

CLERK:

Raised Committee Bill No. 5194, AN ACT CONCERNING CATCHMENT

AREA COUNCILS.

REP. GROPPA: (63rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Groppo.

REP. GROPPA: (63rd)

Mr. Speaker, there's a possible fiscal impact on this bill and I request that it be referred to the Committee on Appropriations.

SPEAKER ABATE:

Is there objection? Is there objection? Hearing none, it is so ordered.



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House of Representatives

Tuesday, April 22, 1980

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properly recorded. Machine will be locked. Clerk will take the tally.

Clerk please announce the tally.

CLERK:

House Bill No. 6022 as amended by House Amendment Schedules "A", "B" and "C".

Total Number Voting	139
Necessary for Passage	70
Those voting Yea	139
Those voting Nay	0
Those absent and not Voting	12

SPEAKER ABATE:

The bill as amended passes.

CLERK:

Calendar Page 9, Calendar No. 4, File Nos. 14, 643, House Bill No. 5194, AN ACT CONCERNING CATCHMENT AREA COUNCILS.

Favorable Report of the Committee on Appropriations.

REP. WRIGHT: (77th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Gardner Wright.

REP. WRIGHT: (77th)

Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER ABATE:

Question is on acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, Sir?

REP. WRIGHT: (77th)

Yes, Mr. Speaker. This bill was referred to the Appropriations Committee from the floor. It provides that members of Catchment Area Councils can be reimbursed for their necessary expenses. This is already being done in some areas, and there is money in the budget for it. There is over \$5,000 in the budget. The cost of this is expected to be far less than that, so that I anticipate no problems and I think it's recognized as one of the important priorities of the Public Health Committee, and I would urge its passage.

SPEAKER ABATE:

Will you remark further on this bill? Rep. Neal Hanlon.

REP. HANLON: (70th)

Mr. Speaker. Mr. Speaker, through you a question to Rep. Wright, if I may.

SPEAKER ABATE:

State your question please, Sir?

REP. HANLON: (70th)

Through you, Sir. I note in the fiscal note that the attorney general's office has questioned the authority for payments which have been made in the past, and I was wondering

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if Mr. Wright could address himself to that question, and exactly what authority that the department did have to make these payments prior to the effective date of this act.

SPEAKER ABATE:

Rep. Wright, will you respond, Sir?

REP. WRIGHT: (77th)

Mr. Speaker, I believe that there was the question of whether they had the authority. There was nothing saying that they could not be compensated for their necessary expenses. I think that was, I believe that was what raised the question originally, and the purpose of this bill was to clarify that they could be compensated for their necessary expenses.

REP. HANLON: (70th)

Thank you, Mr. Wright. I would just like to comment that I think it's an interesting commentary on the process that we go through here in Hartford. We enact laws and sometimes department heads or departments go beyond the scope of their authority, and we find ourselves in this situation today of basically validating an act of a department head or department which may not have been authorized under the statutes.

Since it is a practice that was taken up, and apparently it involves a minimal cost, I don't dispute it, but I think it's something that we should be aware of and perhaps watch a little closer in the future.

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SPEAKER ABATE:

Will you remark further? Will you remark further on this bill? If not, would all the members please be seated. Staff and guests to the well of the House, please. Machine will be opened.

The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately?

Have all the members voted? Will the members please check the roll call machine? Machine will be locked. Clerk will take the tally.

REP. BENVENUTO: (151st)

Mr. Speaker. In the affirmative, please.

SPEAKER ABATE:

The Journal please note that Rep. Benvenuto has cast his vote in the affirmative.

REP. NIEDERMEIER: (134th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Niedermeier.

REP. NIEDERMEIER: (134th)

Thank you, Mr. Speaker. In the affirmative, please.

SPEAKER ABATE:

The Journal will so note, Rep. Niedermeier has cast her vote in the affirmative.

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REP. GILES: (4th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Abraham Giles.

REP. GILES: (4th)

Thank you, Mr. Speaker, in the affirmative, please.

SPEAKER ABATE:

The Journal will so note, Sir.

Clerk please announce the tally.

CLERK:

House Bill No. 5194.

Total Number Voting 135

Necessary for Passage 68

Those voting Yea 119

Those voting Nay 16

Those absent and not Voting 16

SPEAKER ABATE:

The bill passes.

CLERK:

" Calendar Page 10, Calendar No. 141, File No. 167,644,  
House Bill No. 5313, AN ACT TO STUDY POLLUTION AND SILTATION  
 IN COASTAL WATERS. Favorable Report of the Committee on  
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: What bill was this again, please? 97?

REP. LA ROSA: 97. You also want to testify on Senate Bill 154?

MS. FARBER: Yes.

REP. LA ROSA: Go right ahead.

MS. FARBER: This is a bill that the Attorney General's office asked us to submit and it would authorize us to contract with any nonprofit organizations for the operation of a community based residential program to be conducted on either private or state premises, providing such program is operated under supervision of the Department of Mental Retardation, and it would work both ways. If we had some property that we wanted to let a community based program use, we would let them use our property and vice versa, and to contract services.

REP. LA ROSA: Any questions from any members of the committee? Thank you very much. Ernest Engelbrecht?

MR. ERNEST ENGELBRECHT: Thank you, Mr. Chairman, members of the Committee. I'm Ernest Engelbrecht, Chief of Liaison and Communications for the Department of Mental Health, and I'm here this morning to testify on two bills before you: Raised Committee Bill 5194, and that concerning Catchment Area Councils and Raised Committee Bill 5195, an act concerning the Dubois Day Treatment Center Advisory Board.

Bill Number 5194, the only amendment that we're putting into this particular piece of legislation, is in line 51 through 53, which says that members of Catchment Area Councils shall receive no compensation for services but may be reimbursed by the Department of Mental Health for necessary expenses incurred in the performance of their duties. These people are voluntary citizens of the State who serve on these Catchment Area Councils because of their interest in mental health and the mental health services available in their particular community. Now in order to get a broadbased spectrum of representation on these Catchment Area Councils, the Department felt that we had to reimburse some of these people, specifically, lower income people for necessary expenses, and in this regard, the Department drew up -- I have a sample contract here between the Department and the North Central Regional Mental Health Board, which is the region of Hartford and area around that. The contractor agrees to provide reimbursement for necessary expenses incurred in the performance of duties from funds made available under the



MR. ENGELBRECHT: (Continued)

contract. Reimbursement for travel, from these funds, shall be limited to travel within the State of Connecticut, consistent with the reimbursements specified in the standard State regulations.

This contract was drawn up in 1979. Subsequent to that -- of course, we started paying people for necessary expenses at that point -- subsequent to that, Assistant Attorney General Ernest Halstead told us that there is no statutory authority to provide these expense monies and this is the reason we're trying to legalize something we've been doing in essence, illegally.

The contract specifies that for the period of April 1, 1979 to June 30, 1979, up to \$1250.00 per region was allocated. Beginning July 1 of last year, and the current fiscal year, each region was allocated \$5000.00. I might also mention that to date, in the current fiscal year, the Department has expended \$564.30 out of the total for all the particular regions. Now this does not say -- the Commissioner wanted me to stress that this is not a way to say that the rich people are going to get paid for services. The regulations that he is going to promulgate if this legislation passes, more than likely will include an income cutoff above which nobody service on a CAC would be paid for expenses. Now, we're talking mainly of mileage, we're talking possibly of some telephone calls, although these have been very minimal, and perhaps babysitting fees where CAC's meet in the afternoon and a member might not be able to attend unless he or she was able to have someone take care of their kids for a couple of hours. These are minimal fees that we are asking to reimburse these people for, but up to now we have been doing it, and this, in essence, legitimizes what we've been doing illegitimately. It is permissive legislation. It does not say we shall reimburse them. The legislation, you know, says may.

REP. LA ROSA: Any questions? Representative Connolly?

REPRESENTATIVE VIRGINIA CONNOLLY: Commission, would this money come out of the money that's allocated to the various Mental Health regions? Is that where it's been coming from now or will this require additional....?

MR. ENGELBRECHT: It requires no additional appropriation, Representative Connolly. We're already doing it -- we've already earmarked money set aside for this.

REP. CONNOLLY: All right. Does that come out of what is allocated to the region?

MR. ENGELBRECHT: It is allocated to the Department, the general funds.

REP. CONNOLLY: Oh, all right, good. Thank you very much.

REP. LA ROSA: Representative Anastasia, you have a question?

REP. LAWRENCE ANASTASIA: Thank you, Mr. Chairman. Well, you partially answered one of my problems to Representative Connolly. How much money are we talking about? It's already budgeted, am I correct? I might have missed all this.

MR. ENGELBRECHT: Right, in the current fiscal year, the Department has set aside \$25,000.00. \$5,000.00 per region.

REP. ANASTASIA: Oh, I see.

MR. ENGELBRECHT: Up to now, we're what -- we're in the third quarter of the current fiscal year. As I indicated, from our people, we've spent a little over \$500.00, so we're probably not going to spend anywhere near....

REP. ANASTASIA: So, you're on target more or less?

MR. ENGELBRECHT: We're way ahead, if we have any target at all. Some people serve and don't put in any claims for reimbursement and some people do.

REP. LA ROSA: Can you tell me what the Department spent last year for reimbursement for the Catchment Area?

MR. ENGELBRECHT: No, I did not dig that figure out. If you'd like me to dig that figure out I'd be more than happy to get it.

REP. LA ROSA: Well, that would give us an indication of what we can expect, because where at this point is \$500 and some odd dollars, then we review it next year, we would find out that it's maybe \$24,950.00 -- you know....

MR. ENGELBRECHT: But bear in mind, that during the first period of the contract which ran from April 1, 1979 to the end of the fiscal year, we budgeted only \$1250.00 per region, so the likelihood is that we didn't spend anywhere near that, but I'll dig that out for you.

REP. LA ROSA: Anyone else have any questions? Representative Connolly.

REP. CONNOLLY: You mentioned a certain income level who would be eligible for this. Do you have those figures for this committee.

MR. ENGELBRECHT: I don't believe the Commissioner has set that yet because obviously we are not ready to promulgate regulations until we get the authorization through this legislation to do that. He may have some idea on what he wants do have as a cut-off point, but he hasn't indicated that to me yet.

REP. CONNOLLY: But, if you could get that figure to us when it is prepared, it would be helpful for this Committee.

MR. ENGELBRECHT: Of course, I think your point is well taken.

REP. CONNOLLY: I would remind you that possibly if we received that information before we go into executive session in order so that when we act on it, we will have all the pertinent information pertaining to that particular legislation.

MR. ENGELBRECHT: Very good. Raised Committee Bill 5195 concerns the Dubois Day Treatment Center Advisory Board. Each of the facilities of the Department of Mental Health under Section 17-213a of the General Statutes is required to have a fifteen member advisory board. This applies pretty well. There are only two exceptions. One at present that is. One is the Connecticut Mental Health Center in New Haven and the other is the Whiting Forensic Institute. These were statutorily exempted because the Connecticut Mental Health Center is operated under a contract with Yale University and therefore needs a special advisory board. The Whiting Forensic Institute is a security facility for the mentally ill offenders and its advisory board was separately established by a statute to have a few more professional people on such an advisory board then maybe a citizen group to say Norwich Hospital or Fairfield Hills. Now Dubois is a Day Treatment Center, the smallest department facility that is located in Stamford. It serves a seven town area in there and they have had a great deal of difficulty in recruiting fifteen members for their advisory board and they asked if it would be possible to reduce the number of the advisory board