

Legislative History for Connecticut Act

HB 5141	PA 63	1983
House 773-774, 1814-1820		(9)
Senate 1435-1437, 1465-1466		(5)
Public Health 112-116		(5)

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GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1983

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PART 3
764-1226

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House of Representatives

Thursday, March 17, 1983

REP. GROppo: (63rd)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Groppo.

REP. GROppo: (63rd)

Mr. Speaker, may this item be passed, retaining its place on the Calendar.

SPEAKER STOLBERG:

Is there objection? Seeing no objection, this item will be passed, retaining its place on the Calendar. Would the Clerk please proceed with the call of the Calendar. The Clerk might skip the next two proposed consents until we have agreement on the Consent Calendar, and move to item No. 45.

CLERK:

Calendar Page 2, Calendar No. 45, Substitute for House Bill No. 5141, AN ACT CONCERNING RECERTIFICATION OF OPERATORS OF DIRECT THREAT TO ALCOHOL ANALYSTS INSTRUMENTS, Favorable Report of the Committee on Public Health.

REP. GROppo: (63rd)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Groppo.

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House of Representatives

Thursday, March 17, 1983

REP. GROPPA: (63rd)

Mr. Speaker, may this item be referred to the
Committee on Judiciary.

SPEAKER STOLBERG:

Is there objection? Is there objection? Seeing
no objection, House Bill 5141 is referred to the Committee
on Judiciary. Will the Clerk please proceed to Calendar
No. 48.

CLERK:

Calendar No. 48, House Bill No. 5167, AN ACT EXTENDING
THE MORATORIUM ON NEW GAMBLING FACILITIES AND PARI-MUTUEL
LICENSES, Favorable Report of the Committee on Public
Safety.

REP. SWIESZKOWSKI: (26th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Swieszkowski.

REP. SWIESZKOWSKI: (26th)

Thank you, Mr. Speaker. Mr. Speaker, I move
acceptance of the committee's Favorable Report and passage
of the bill.

SPEAKER STOLBERG:

Will you remark?

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for the purpose of moving reconsideration. Would the Clerk please return to the call of the Calendar.

CLERK:

Calendar Page 3, Calendar No. 45, File No. 27, Substitute for House Bill 5141, AN ACT CONCERNING RECERTIFICATION OF OPERATORS OF DIRECT BREATH ALCOHOL ANALYSIS INSTRUMENTS, Favorable Report of the Committee on Judiciary.

REP. KEMLER: (18th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Joan Kemler.

REP. KEMLER: (18th)

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

SPEAKER STOLBERG:

Will you remark?

REP. KEMLER: (18th)

Yes, Mr. Speaker. The Clerk has an amendment, LCO No. 5436. Would the Clerk please call and read the amendment?

SPEAKER STOLBERG:

The Clerk has an amendment, LCO No. 5436, which will be designated House Amendment Schedule "A". Will

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the Clerk please call and read?

CLERK:

LCO No. 5436, designated House Amendment Schedule "A", offered by Rep. Kemler of the 18th District.

After line 61, insert a new section as follows:

"Sec. 3. This act shall take effect from its passage."

SPEAKER STOLBERG:

Rep. Kemler.

REP. KEMLER: (18th)

Thank you, Mr. Speaker. The amendment is self-explanatory. The purpose is to expedite regulations and I move passage.

SPEAKER STOLBERG:

Rep. Kemler moves adoption of the amendment. Will you remark further on the amendment? Will you remark further? If not, all those in favor of the amendment please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary. The amendment is adopted and ruled technical. Will you remark further on the bill as amended?

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REP. KEMLER: (18th)

Thank you, Mr. Speaker. It's really a very simple bill. It has a two-fold purpose. One, to place a realistic burden on the state Department of Health Services. And the other to prevent the towns from loss of costly service time in recertifying intoxometer operators.

Currently, instructors in intoxometers are trained and certified yearly by the Department of Health Services. This bill does not alter this procedure. The instructors then train the operators of the intoxometers in their towns. The operators then go to the state Department of Health Services to be certified. This bill allows for the annual recertification of operators by instructors in the field rather than having to go to Hartford for recertification.

As I said initially, this will relieve the state Department of Health Services of an unworkable burden. And, it will preclude the loss of valuable service time at the local level. I would hope we'd have unanimous support for the bill.

SPEAKER STOLBERG:

Will you remark further on the bill?

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REP. BARONIAN: (20th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Maureen Baronian.

REP. BARONIAN: (20th)

Thank you, Mr. Speaker. I rise in support of this bill and just want to say that Joan Kemler well explained the intent of this bill. It would, indeed, save the towns cost in personnel over time and travel and basically it is simply a good government bill and I urge its support and passage. Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further on the bill?

REP. BELDEN: (113th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Richard Belden.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. The Clerk has an amendment, LCO No. 4157. Could he please call and read?

SPEAKER STOLBERG:

The Clerk has an amendment, LCO No. 4157, which will be designated House Amendment Schedule "B". Will the Clerk please call and read?

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CLERK:

LCO No. 4157, designated House Amendment Schedule "B", offered by Rep. Belden of the 113th District.

In line 13, after the word "mailed" insert "OR PERSONALLY DELIVERED"

In line 14, after the word "hours" insert the following: "OR BY THE CLOSE OF THE NEXT REGULAR BUSINESS DAY"

In line 15, after the word "known" and before the semicolon insert ", WHICHEVER IS LATER"

REP. BELDEN: (113th)

Mr. Speaker, I move adoption.

SPEAKER STOLBERG:

Have you moved adoption on the amendment, Rep. Belden?

REP. BELDEN: (113th)

Yes, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark on the amendment?

REP. BELDEN: (113th)

Yes, Mr. Speaker. This is a very simple amendment. And, I think because our police department may not have a lot of administrative people available on the weekends that it gives them the option to one, personally present

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the analysis of the test or to mail it on the next business day following the testing. I think it's a reasonable amendment, Mr. Speaker. It might help out some of our police departments. Thank you.

SPEAKER STOLBERG:

Will you remark further on House Amendment Schedule "B"?

REP. KEMLER: (18th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Kemler.

REP. KEMLER: (18th)

Thank you, Mr. Speaker. I would concur with Rep. Belden. This would just smooth out a few of the rough edges. Thank you.

SPEAKER STOLBERG:

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

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay. The amendment is adopted and ruled technical. Will you remark further

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on the bill? Will you remark further? If not, will all members please take their seats? Will staff and guests please come to the well of the House? And the machine will be opened.

The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately. The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately.

Have all the members voted? If all the members have voted, the machine will be locked and the Clerk will take a tally. Will the Clerk please announce the tally?

CLERK:

House Bill No. 5141, as amended by House Amendment Schedules "A" and "B".

Total number Voting	146
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not Voting	5

SPEAKER STOLBERG:

The bill is passed. The Chair will now entertain motions for reconsideration of any items passed by the

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the same facility serving the same children. The bill would prohibit the issuance of a second license to an already licensed facility. If there are no objections, Mr. President, I move adoption of the bill and placement on the consent calendar.

THE CHAIR:

Motion's to place on the consent calendar. Without objection, so ordered.

SENATOR MATTHEWS:

Thank you, Mr. President.

THE CLERK:

On page 15, Calendar No. 269, File No. 27 and 376. Substitute for House Bill No. 5141. An Act Concerning Recertification Of Operators' Of Direct Breath Alcohol Analysis Instruments. (As amended by House Amendment Schedules "A" and "B"). Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Move acceptance of the joint committee's favorable report and passage of this bill. I'd move adoption of the amendment and waive its reading.

THE CHAIR:

You may proceed. House Amendment "A".

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SENATOR OWENS:

Yes. They're technical in nature. I'd ask that they be adopted.

THE CHAIR:

All those in favor of the amendment which is technical signify by saying aye. Those opposed, nay. The ayes have it. The amendment's adopted. House "B".

SENATOR OWENS:

Same thing. It's technical also. It provides for annually. No change in substance. Move its adoption.

THE CHAIR:

All those in favor of House Amendment "B" signify by saying aye. Those opposed, nay. The ayes have it. The amendment is adopted.

Senator Owens.

SENATOR OWENS:

Under this law, the Commissioner of Health is required to adopt regulations governing the training and certification of operators of devices used for chemical testing blood, health and urine. This bill would require that the regulations be adopted concerning the annual recertification of such operators and would permit recertification by the Department of Health Services by persons certified as instructors. I'd ask, if there's no objection, that this matter be placed on consent.

THE CHAIR:

Hearing no objection... excuse me. Senator Streeter.

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SENATOR STREETER:

I just want to say that this is a West Hartford bill and it is because we have a department with 160 policemen who would otherwise have to come to the State Capitol to be certified when we have instructors right on board.

THE CHAIR:

Hearing no objection, do you wish to place it on the consent calendar? Hearing none, it will be placed on the consent calendar.

THE CLERK:

Calendar No. 270, File Nos. 94 and 373. Substitute for House Bill No. 6983. An Act Concerning A Conservator Of The Estate. (As amended by House Amendment Schedules "A" and "B"). Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

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

THE CHAIR:

Will you remark on House Amendment "A"?

SENATOR OWENS:

Yes. Again, technical in nature. Notice to the Commissioner of Administrative Services added to it. Move its adoption.

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THE CHAIR:

It's removed from the consent calendar and therefore it requires a roll call vote as a separate item. Clerk, please make an announcement for an immediate roll call.

THE CLERK:

An immediate roll call has been called for in the Senate.

Will all Senators please take their seats. An immediate roll call has been called for in the Senate. Will all Senators please be seated.

THE CHAIR:

The item is Calendar No. 79, Senate Bill 880, File No. 43 and 368. This item was placed on the consent calendar. It has been removed from the consent calendar requiring a roll call vote. Question before the Chamber is a motion to adopt Substitute for Senate Bill No. 880, Files No. 43 and 368, Calendar No. 79. The machine is open. Please record your vote. Senator Matthews. Cynthia Matthews. Senator Santaniello. Has everyone voted? Machine is closed. Clerk, please tally the vote. Result of the vote, 32 yea, 1 nay. The bill is adopted. We're ready now to call off those items that are on the consent calendar. Please give your attention to the Clerk so that you can make necessary changes if necessary.

THE CLERK:

The following are those items on the consent calendar. On SB955, HB6845, SB973, SB824 page 1, calendar 106, 116, 137. Page 2, none. Page 3, calendar 176. Page 4, none. Page 5, none. Excuse me.

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THE CHAIR:

May I have some order please and please give your attention to the Clerk.

THE CLERK:

On page 5, calendar No. 210. On page 6, calendar nos. 215, 216, 219. Page 7, calendar No. 222, 225, 226. On page 8, calendar Nos. 230, 231, 233. On page 9, calendar No. 236, 238. On page 10, calendar No. 243 and 245. Page 11, No. 246, 247, 249, 251. Page 12, No. 254, No. 256. Page 13, No. 257, 262 and 263. Page 14, calendar No. 268. Page 15, calendar No. 269, 271, excuse me. On page 15 that was calendar Nos. 269, 270 and 271. On page 19, calendar Nos. 77 and 101. On page 20, calendar No. 127 and 259. That completes the consent calendar.

SB791, SB270,
SB874, SB243,
SB808, SB316,
SB1060, SB191,
SB185, SB998,
SB132, SB918,
SB13, SB786,
SB1016,
HB6986,
HB5194
HB5146
HB6671
HB6814
HB6988
HB7033
HB7205
HB5572
HB5141
HB6983
HB6910
SB108, SB917

THE CHAIR:

Are there any changes, corrections? The question is now the adoption of the consent calendar. The machine is open. Please record your vote. Senator Santaniello. Senator Matthews. John Matthews. Has everyone voted? Machine is closed. Clerk, please tally the vote. Result of the vote, 33 yea, zero nay. The consent calendar is adopted.

SENATOR ROBERTSON:

Mr. President.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

Thank you, Mr. President. Mr. President, if I might make

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STANDING
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PUBLIC HEALTH

February 14, 1983

REP. COHEN: I just have a very brief comment. There is a statute on the books called, E1432 which deals with your line of concern as it relates to special education and that in financial implications for . . . I am sure that there are some places where we cannot make a parallel but I know the concept of which you speak has been addressed for several years by the Education Committee.

I would suggest
very sincere

REP. GIONFRIDDO: Thank you. Any other questions. I thank you. Don Ingalls, who will be followed by James Noonan and Dick Schreiber and that will conclude the hearing.

DON INGALLS: Thank you, Representative Gionfriddo, Senator Smith and members of the Committee. I am Don Ingalls, I am the Planner and Government Liaison for Connecticut Health Plan, a health maintenance organization serving Bridgeport area. In the interest of time, I will leave my written comments here but I am here to support Bill, Proposed Bill No. 287, An Act Concerning Reinstatement of Certificate of Need Exemption for Health Maintenance Organizations.

And I would just like to emphasize that the bill would exempt ambulatory facilities and services only of HMOs from review. But I'll leave my statement. If there are any questions now or later, I'd be glad to answer them.

REP. GIONFRIDDO: Are there any questions at this time. Thank you. James Noonan.

JAMES NOONAN: Good afternoon, Senator Smith, Representative Gionfriddo. I am here representing the police department in West Hartford and primarily on Bill No. 5141, I'm going to speak about this afternoon.

The bill as introduced will eliminate great substantial costs to all the communities of Connecticut in the retesting of police officers of the recertification if you would of police officers in the use of an intoximeter machine. The State of Connecticut already takes great expense in training what we call in-house instructors, for each department throughout the state. These instructors went to a two-day school to learn all about the machine and

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MR. NOONAN: (continued)

become what we can classify in court as experts. They bring back to the departments this knowledge and test or train all the personnel of our departments in the use of the machine and in its requirements by law in the courts.

Once this is done, each police officer is sent down to the State of Connecticut Health Department and is tested by Dr. Stahlman's staff. Once they are tested and graded or passed or flunked whatever the case may be, they are sent back to their departments.

The issue at hand is very simply this. It costs our departments a great deal of money and it costs the citizens, taxpayers, etc., a great deal of money as well as service loss of these men when they are being tested in this regard.

Number one, we either must send them off duty, which requires by most contracts time and a half, or we have to send them while they are working, which depletes an already burdened work force.

This bill, as it stands now, allowing in-house instructors to recertify our own personnel and these instructors are very capable of doing that, will eliminate all these additional costs. West Hartford's costs are minimal compared to many communities because we are adjoining Hartford where the State Health Department is.

But the outlying towns that must send them in here have a greater cost than us. Dr. Stahlman has already indicated in his reports that the testing and recertification, etc. is a great expense to the State of Connecticut and a heavy burden on his personnel.

Again, the only thing I wish to really re-emphasize is that we have already taken and undergone the instruction of very competent people within the department and see no need to go down merely for recertification tests and would like to hold that it be done in our department.

REP. GIONFRIDDO: Thank you, Senator Smith.

SEN. SMITH: Does recertification occur on a yearly basis, every year.

MR. NOONAN: It's an annual, every year basis, yes.

REP. GIONFRIDDO: Are there further questions. Representative Prague.

REP. PRAGUE: Because I am so interested in the drunk driving legislation, would there be any possible chance of any questioning of the ability of officers who are certified by somebody within the department -- you know we're saying here that we allow recertification of persons who operate breath analyzing instruments by a certified instructor rather than requiring recertification to be performed by the Department of Health Services.

Now I signed this because I agree with it. But my question is could there ever be any question about the capabilities of --

MR. NOONAN: There can always be questions in our legal system. No matter what law you pass, you know they are going to attack something. The attack here, though, doesn't seem to substantiate because as long as the testing of the machine is in order and as long as we can certify that the person involved has already gone through a state test and is merely being recertified for an already past performance, I don't see any difficulty in the courts accepting that.

The attack usually comes on the authenticity of the machine or the testing procedure or something that happened in the line of the testing procedure. So I see no difficulty.

REP. PRAGUE: Thank you.

REP. GIONFRIDDO: Representative Kemler.

REP. KEMLER: Yes, Officer Noonan, you're saying then that your initial certification should be done at the Department of Health.

MR. NOONAN: Absolutely.

REP. KEMLER: But from then on in order to meet requirement for yearly recertification, that everyone shouldn't have to come back to Hartford to be recertified, that certified instructors should be able to do this testing at the point -- in the location where the officers are.

MR. NOONAN: Yes, let me -- let me clarify one thing on that. These instructors already trained the officers totally in the operations and functioning of the machine. The only thing required of them is to come to Hartford and take a written test and then a physical test on the machine. All the training already is done anyway at the department. The only thing that the Health Department is now certifying is that they did a good job. Once the initial one is done, aren't we just as safe saying that they can recertify them that they have done a safe job a second time.

REP. KEMLER: Would the instructors -- do the instructors have to be recertified every year.

MR. NOONAN: No, they don't, not at this time.

REP. KEMLER: Do you think, this isn't a fair question really because it's not within your power to do anything about it, but is it your opinion that the Health Department has the capability to recertify every operator in the state every year.

MR. NOONAN: When West Hartford first got into this program and became highly interested, as you probably know they are one of the towns around here that have come very strongly in the drunken driving area, when we first got into this we looked for all kinds of different things that would help us in all the areas of drunken driving and its -- correcting it.

When we looked into this we had conversations with Dr. Stahlman and if it were not that we were the first town, or one of the very first towns to get down to the State Health Department, he indicated to us that we would have probably not got through all the personnel in our department that we did get through. So from those indications I can only conclude that that's what he is telling us and I can say he told me that directly. If he's telling us then chances are what he is saying is that he

MR. NOONAN: (continued)
couldn't certify the entire state should they wish to
certify every police officer.

REP. KEMLER: So it does have to certify and recertify.

MR. NOONAN: And recertify, yes.

REP. KEMLER: Thank you, officer, thank you for coming.

MR. NOONAN: Thank you for your time.

REP. GIONFRIDDO: Any additional questions. Thank you very
much. Our final speaker is Richard Schreiber.

RICHARD SCHREIBER: Senator Smith, Representative Gionfriddo,
I am Richard B. Schreiber, I am Deputy Director of the
State Commission on the Deaf and Hearing Impaired. My
statement will be brief, I'm double parked, and I promised
the police officer I'd be down there in about 12 minutes.

We are offering a strong statement of support on behalf
of Senate Bill, Proposed Bill No. 138, An Act Establishing
a Mental Treatment Services Program for Deaf Children
with Emotional Problems. We beg the Committee, however,
to add to this bill two additional provisions.

Number one, that the program be supported by funds
appropriated by the State Legislature. We feel that at
least \$50,000 would be needed to launch this program in
the coming program year.

Furthermore, we urge that the cite of this program be
placed within the Department of Children and Human
Services. State policy is clear that -- it's there, it's
okay. Right, well, fine, we support that.

The Commission on the Deaf has made similar statements.
Including some statistical information about population
at risk, also some background information of sources of
information to support the need or to identify the need
for this program. In December 1981 we spoke to the State
Board of Education, begging them to consider establishing
this program at the then phasing out Mystic Oral School
cite. And then last year we spoke equally strongly in